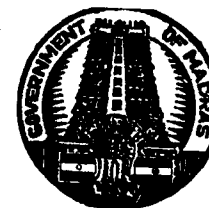


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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

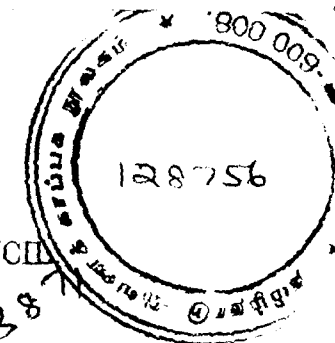
THURSDAY, 18TH JANUARY 1951

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THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 18th January 1951. 38

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

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

CONDOLENCE RESOLUTION ON THE DEATH OF SARDAR VALLABHBHAI PATEL.

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

That this Council places on record its deep sense of sorrow at the demise of Sardar Vallabhbhai Patel, Deputy Prime Minister of India.”

Sir, there is no necessity for anybody to express the greatness of Sardar Vallabhbhai Patel. All of us know what he had been to us. The Sardar of Bardoli became the Sardar of India and we all know that it was the Sardar who executed whatever Gandhiji directed. After the attainment of independence, Sardar was as much an adept to work for the stabilization of that independence as he was to attain it. His achievement in respect of internal administration of law and order is a matter of admiration and gratitude for all of us. The integration of the States is a miracle and nobody expected a unified India even after independence and it was the hand of the Sardar that made it possible for us to see a better and greater map of India. At a time when his wise guidance and strength are required, we have lost him. He was called ‘The Iron Man’ but those of us who had occasion to know him intimately know that behind the iron exterior there was such a soft heart and such a wealth of sympathy as would command the affection of all and instil courage in everybody who came across him. Sir, we in South India must particularly feel the loss of Sardar Patel. Nobody in North India has understood the problems of South India and sympathized with us in the solution of those problems as much as Sardar Patel has done. Let us record our sense of sorrow; let us pray for peace for his soul; let us try to get inspiration from his memory for good work hereafter.”

JANAB ABDUL LATIF FAROOKHI :—“ Mr. Chairman, Sir, on behalf of the Opposition, I associate myself with the feeling of sorrow that has been expressed by the Hon. the Education Minister. Sir, Sardar Vallabhbhai Patel was a great leader and in his demise India has lost a great man who would have served India at a time when the international situation is very critical. He was a sympathizer with minorities; he was a fighter and peace-lover. It was he who brought peace to India after the attainment of independence. The integration of States was a miracle. That which was not performed for centuries together, Sardar Patel performed in a few years. He was a great strength behind the

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[Janab Abdul Latif Farookhi] [18th January 1951]

Services. He was a great statesman and the manner in which he carried on the administration will be recorded in history as a great achievement. For our part we feel that Sardar Patel's loss is a loss not only to India but a loss to the world because at this time when the whole world is in a state of turmoil, the wise guidance of Sardar Patel would have been an asset to the statesmen of the world. Therefore it is that there can be no second saying with regard to this that his loss is a great loss. I associate myself and the Opposition with the sentiment of sorrow expressed by the Hon. the Education Minister."

SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, my Leader has associated the Party with the resolution. Students of politics and of Indian politics in particular cannot but feel the loss of Sardar Vallabhbhai Patel at a time like this. His achievements, as the Hon. Minister for Education said, in integrating the States has been so remarkable that all over the world he has been acclaimed as greater than even Bismarck. He not only stood for integration but stood against all disintegrating forces; and but for him, as soon as he accomplished integration, the disintegrating elements would have again cropped up and there would have been again a process of disintegration. We are very grateful to him for all that he has done. I wish he had remained with us for some years more and fought with these disintegrating forces which now and then make their appearance and try to break the unity of the country. If he had remained for a few years more, our unity could have been consolidated and firmly rooted so that no disintegrating force could have any chance of disturbing it."

"As regards the part played by Sardar Patel in the political field, people who had been closely associated with him are more competent to say much about that. But any student of politics cannot but admire the great part he played in bringing together so many discordant and disintegrating elements and unifying them. And the work of unification unfortunately is not yet complete. I wish he were here for some more years to complete the task. I hope those who follow him will never allow any disintegrating force to crop up in this country and will follow in his footsteps to do everything possible for integration."

* MRS. M. HENSMAN:—"Mr. Chairman, Sir, much has been said already and there is not much need for me to add on the subject of this morning's consideration. I wish to add, however, my tribute to what has been already spoken, especially as our countryman Sardar Vallabhbhai Patel was always a champion of the women's cause. We realize that he gave us our place in politics and he gave us even more than our place in national affairs, because he felt that the best traditions of our country walk on the feet of the children that women tend, and educate, and that we need encouragement, and he was eager that we should stand for the new elections on equal terms with men in the new independent India. Sir, at this time when he has gone from us and we mourn his loss, we remember more in detail than ever before the

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things that he said and the things that he did which have helped us. He was like a Roman so strict and disciplined in his living and thinking. If he had lived in Roman times, he would have been a Caesar; but like Mark Antony we do not come to make funeral speeches to-day. The good that men do very often is allowed to die with them, and the evil that men do lives after them. We trust that in the future, it will be otherwise with our leader, and that we will remember the good he did and follow in his footsteps.

"Sir, to few men are given the power and the opportunity to sacrifice and to suffer as Sardar Patel did and yet to have a serene mind, a mind not embittered with feelings of malice, envy or jealousy. Sardar Patel was a giant in his generation and although we mourn his loss to-day, we rejoice that he was born in this country and that it was given to us to have a leader like him who worked among us and died in the country he loved. We pray that we may be worthy of that new India which he has helped to bring into being, and worthy of what he tried to do. We honour him as a champion of all that is good and sane in our tradition."

* JANAB K. T. M. AHAMED IBRAHIM:—"Mr. Chairman, Sir, it is with a heavy heart that I associate myself on behalf of the Muslim League Party and of myself, with the sentiments expressed on this most unhappy occasion about the loss which the country has sustained in the demise of one of the greatest architects of India, Sardar Vallabhbhai Patel. We know how Sardar Patel worked for the freedom of the country during the freedom struggle. He was an intimate and loyal disciple of Mahatmaji and he worked out his scheme to the fullest measure, always complying with the principles laid down by Mahatmaji when he began the new Satyagraha movement in India. We cannot forget how admirably he led the Non-co-operation movement at Kaira and the 'No tax campaign' of Bardoli, and won the appellation of 'Sardar'. It is no exaggeration to say that he was one of the architects of free India and after India attained freedom, he was also responsible to a great extent for the building up of new India.

"Those of us who had been in Delhi will surely realize how 11-15
he was helping Sri Jawaharlal Nehru in running the administra- a.m.
tion and what sort of 'Iron man' he was. The greatest achievement of his—I would even call it a miracle—is the integration of the 600 and odd small States in the country. That was a miracle which nobody could easily be expected to achieve. He was able to achieve that miracle in a very short time and it was his iron will, foresight and determination that were responsible for the working out of that miracle. If not for anything else, at least for that, the whole nation will remember him throughout its history. Having achieved freedom, he was very much concerned with the maintenance and preservation of that freedom. Mahatmaji had been saying from the beginning that the struggle for freedom was

[Janab K. T. M. Ahamed Ibrahim] [18th January 1951]

not difficult one and even to achieve that freedom was not difficult, but when once it was achieved, it was very difficult to maintain and preserve it. Sardarji kept this in mind and had been working night and day even without caring for his health to preserve that freedom intact. His main object after the winning of freedom was to preserve that freedom which had been attained after so much struggle. In that attempt, it is quite possible that differences might have arisen between him and others and these differences should be looked at only from that standpoint. Whatever he did was actuated by the desire to preserve that freedom. It might be that at times, he had not seen eye to eye with certain communities, especially with the Muslims. But I would say that was because he was so much intent on preserving the freedom and he was anxious to sweep away everything that was in the way of preserving that freedom. I associate myself again with the sentiments that have been expressed on the great loss which this country has sustained. The loss is really irreparable."

MR. CHAIRMAN :—" Hon. Members of the House, this is the first time we are meeting after this great loss to the nation and it is but right that this House should express its feeling of sorrow at the stupendous loss which the country has sustained. As the President of the Union said, the loss is to us and not to him. Even when he was alive, he never cared for any praise for his work. - He just did his duty and nothing more. He was one of the greatest of the patriots which this country could boast of. He did his duty to the best of his ability and we are here to enjoy the fruits of his labour. Praise or no praise is a matter of no concern to him, especially at this time when he is not amongst us. If we grieve to-day it is not for him, but for us. It is a loss which we are bound to bear as best as we can and we can ill-afford it at such a juncture as this. Yet, it is our duty and business to bear this loss with fortitude and see that this gap in the nation's leadership is not left void. At such a moment as this, it is just necessary that all of us, who in one way or other, are associated with the welfare of this country should ruminate and think of the future. All the old guards of the country are disappearing one by one. The first greatest loss is that of the Father of the Nation. Next in succession is that of Sardar Vallabhbhai Patel. No one is immortal. Who are the persons to take charge of the interests of the country after these great leaders is the question that all of us should ruminate upon. What is it that made these leaders so great and why are we so grieved at their loss is also a matter which we should consider. We should try to emulate their principles. If we follow their example and produce leaders of that calibre, I am sure the safety and welfare of our country will be assured. This is one of the aspects of the matter which all of us should bear in mind. Now that the occasion has arisen, I hope the country will produce leaders of just that eminence so that our country may not lack the right type of leadership at the proper time. With great

18th January 1951] [Mr. Chairman]

sorrow in my heart, I associate myself with the sentiments expressed by the House. I hope all the hon. Members will rise in their places and pass this resolution unanimously."

The resolution was then passed *nem con*, the whole House standing.

MR. CHAIRMAN :—" The resolution will be communicated to the son and daughter of Sardar Patel."

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. CHAIRMAN :—" The questions to be answered by the Hon. Sri Gopala Reddi will be taken up first. Question No. 82."

Re-registration of taxis.

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

(a) whether the Government have received representations that in the City recently a number of taxis have been condemned and re-registration refused though they are road-worthy on the ground they have been on the road for a considerable period of time;

(b) if the answer to clause (a) is in the affirmative, whether such refusal has resulted in considerable reduction of taxis plying in the City;

(c) whether refusal for re-registration has been given even in regard to vehicles which possess automobile engineer's certificate from reputed firms; and

(d) whether the Government propose to issue instructions to lessen the rigour of tests consistent with safety?

THE HON. SRI B. GOPALA REDDI :—" (a) Yes. A representation was received in March last alleging refusal to renew the fitness certificates of certain taxis on the ground that they were old model vehicles. But no vehicle has been condemned when it is road-worthy, on the ground that it has been on the road for a considerable period of time.

" (b) No. Vehicles not found road-worthy have been replaced by other vehicles.

" (c) Automobile Engineer's certificates are not valid under the Motor Vehicles Act.

" (d) No."

SRI R. SURYANARAYANA RAO :—" If the Automobile Engineer's certificate is not valid, may I know whose certificate is valid under the Motor Vehicles Act? Is the Police Officer's certificate valid?"

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THE HON. SRI B. GOPALA REDDI :—" The Motor Vehicles Inspector is looking after these vehicles and his certificate is valid."

DR. SYED TAJUDDIN :—" May I know whether the Automobile Engineers are not competent to issue such certificates? "

THE HON. SRI B. GOPALA REDDI :—" I do not know who they are and what their equipment is."

DR. SYED TAJUDDIN :—" May I know whether there are no qualified Engineers in Automobile firms for that purpose? "

THE HON. SRI B. GOPALA REDDI :—" I do not know who they are. I must rely upon my Inspector's report."

SRI R. SURYANARAYANA RAO :—" If they are reputed firms who deal with motor vehicles, will the Hon. Minister explain why he should have any hesitation in accepting their certificates? "

THE HON. SRI B. GOPALA REDDI :—" They may be very competent. I do not doubt their competence at all. But under the rules, once in six months the owners must pay Rs. 25 and get their vehicles tested by the Motor Vehicle Inspector and get a certificate from him, which is the only certificate that is valid."

DR. SYED TAJUDDIN :—" When medical certificates issued by private medical practitioners are found to be valid, may I know why on the same analogy the certificates issued by private Automobile Engineers should not also be accepted? "

THE HON. SRI B. GOPALA REDDI :—" We all know what difficulties are created when we accept private medical practitioners' certificates. That apart, who will pay this Rs. 25 if some certificate issued by some engineer is found valid? After all, we require that this Rs. 25 should be paid."

SRI R. SURYANARAYANA RAO :—" Is it a question of payment of Rs. 25 or is it a question of the vehicle being road-worthy? "

THE HON. SRI B. GOPALA REDDI :—" Obviously both, Sir." (Laughter.)

SRI S. B. ADITYAN :—" May I know whether auto-rickshaws which are now plying on the roads are also included under the category of taxis? "

THE HON. SRI B. GOPALA REDDI :—" As they are also using the road, they must also pay once in six months the fee and get the certificate."

JANAB ABDUL LATIF FAROOKHI :—" May I know how many vehicles have gone out of the road on account of this rigour? "

THE HON. SRI B. GOPALA REDDI :—" I think about 14 or 18, which were older than ten years and which were registered prior to 1939 were found not road-worthy."

[18th January 1951]

Extension of service to Government officials.

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

(a) whether there has been any change in the policy of the Government regarding extension of service or re-employment of superannuated officers;

(b) whether the directions regarding extension of service or re-employment of superannuated officers are being strictly enforced or whether the Heads of Departments enjoy certain amount of latitude;

(c) whether it is a fact that such extension of service or re-employment is in vogue more in services other than technical services; and

(d) whether the Government will lay on the table of the House a list of officers enjoying either extension of service or re-employment and the period for which such extension or re-employment has been sanctioned in each case?

THE HON. SRI B. GOPALA REDDI :—" (a) There has been no change in the policy of the Government regarding extension of service, or re-employment of superannuated officers; except that with a view to improving the standard of efficiency in the maintenance of accounts, the Government have recently permitted the re-employment of non-gazetted subordinates with accounts experience in Government treasuries and other offices temporarily up to 30th June 1953, by which time sufficient number of persons trained in accounts work are expected to become available.

" (b) Proposals for re-employment or extension of service are considered by the Government on their merits, and on the recommendations of Heads of Departments and not on individual representation from the officer concerned. Heads of Departments do not enjoy any latitude in the matter.

" (c) No.

Re-employment is ordinarily sanctioned only in respect of technical services and posts, while extensions of service are not usually granted at all. In the case of services other than technical, re-employment is sanctioned only in very exceptional cases where experienced persons are required in view of the urgency and importance of the work involved, e.g., for work in Food Production offices.

" (d) A list of re-employed officers is placed on the table of the House."

SRI R. SURYANARAYANA RAO :—" May I know whether any medical certificate is insisted upon, or whether the Government contemplate insisting upon any medical certificate before extension or re-employment is granted? "

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THE HON. SRI B. GOPALA REDDI :—" We do not insist on any medical certificate; but usually, the Heads of Departments know them and they certify that they are fit to be re-employed."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government have fixed any period beyond which no officer should get extension or re-employment? "

THE HON. SRI B. GOPALA REDDI :—" No, Sir, we do not have any general rule like that. But we are very loath to re-employ them generally."

Application forms for bus routes.

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

(a) whether there are more kinds of forms than one for applying for bus routes and if so, what they are;

(b) if so, the necessity for so many forms;

(c) whether it is not the duty of the Regional Transport Authority to inform immediately that an application is made in a wrong form;

(d) whether the contents of the forms are substantially the same;

(e) if the answer to (d) above is in the affirmative, why an application made in any form should not be made valid; and

(f) whether the Government were sanctioning the plying of more than one bus at any one time on a route?

THE HON. SRI B. GOPALA REDDI :—" (a) Yes. They are those prescribed in the appendix to the Madras Motor Vehicles Rules, viz., forms PSPA, PSSA, PTA, PEA, and PRA.

" (b) The particulars to be filled by the applicant in each form differ materially from another according to the kind and nature of the permit required. The same form cannot be adopted for different kinds of permits.

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

" (e) Does not arise.

" (f) It is not clear whether the member wants information as to whether identical timings are fixed for two or more buses on a route or whether two or more permits were sanctioned on a route at any one time. If the former, the answer is in the negative and if it is the latter, the answer is in the affirmative."

SRI R. SURYANARAYANA RAO :—" May I know whether the applicant is informed at least when he applies in a wrong form, that it is not the correct form and that he should apply in the correct form; or whether the form is returned to him, or whether his case is lost on account of the fact that he used a wrong form? "

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THE HON. SRI B. GOPALA REDDI :—" After all, when it is applied in a wrong form, it is not entertained. Whether it is sent back or considered is immaterial. But I may say that it is not considered."

SRI R. SURYANARAYANA RAO :—" Will the Hon. Minister consider the desirability of issuing instructions to the Regional Transport Authorities that if, on account of some ignorance—as we are ignorant of the various forms just now read by the Hon. Minister—the applicants applied in wrong form, they should inform the applicants that the form in which they have applied is not the correct one and that they should apply in the correct form, which the authorities may send to the applicants concerned or they may be asked to obtain from the office? "

THE HON. SRI B. GOPALA REDDI :—" I think that an ignorant man need not have preference over a man with some knowledge about these things."

Appeals against the orders of the Central Road Traffic Board.

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

(a) the number of appeals made to the Government district-war, against the orders of the Central Road Traffic Board;

(b) how many appeals have been disposed of;

(c) in how many cases, the orders of the Central Road Traffic Board have been cancelled or set aside;

(d) the number that is pending disposal, districtwar;

(e) whether any guiding instructions have been given to the Regional Transport Authorities or Central Road Traffic Board for sanctioning bus routes; and

(f) the basis on which the appeals to Government are disposed of?

THE HON. SRI B. GOPALA REDDI :—" (a) It is presumed that the hon. Member wants information regarding not only appeals made to Government against the original orders of the Central Road Traffic Board but also of revision petitions against its appellate orders. A statement ^a furnishing the information for the period from 1st August 1950 to 31st October 1950 is placed on the table of the House.

" (b) Forty-eight revision petitions have been disposed of.

" (c) In seven cases the Central Road Traffic Board's orders were set aside.

" (d) The statement ^b placed on the table of the House gives the information.

" (e) Yes.

" (f) Each case is disposed of on its merits."

^a Printed as Appendix II—Part I on page 93 infra.

^b Printed as Appendix II—Part II on page 93 infra.

[18th January 1951]

11-30 a.m. SRI R. SURYANARAYANA RAO :—" Do the Government generally encourage such review petitions from the Central Road Traffic Board, simply because an Act has been amended by which they have taken the power to entertain review petitions? "

THE HON. SRI B. GOPALA REDDI :—" We do not encourage them. We have prescribed a heavy fee of Rs. 50 which operates as a deterrent. We want to discourage such petitions."

SRI R. SURYANARAYANA RAO :—" Is a fee of Rs. 50 sufficiently deterrent? "

THE HON. SRI B. GOPALA REDDI :—" If we put it at anything more, hon. Members will say that the Finance Minister is unnecessarily taxing the petitioners."

Travelling allowance drawn by Ministers.

* 90 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to—

(a) place on the table of the House particulars of tours undertaken by the Hon. Ministers, the districts visited, and the amount of Travelling Allowance drawn (railway fare and mileage separately) since April 1950; and

(b) state whether the Hon. Ministers are exempt from rules governing ordinary travelling allowances and if so, in what respects?

THE HON. SRI B. GOPALA REDDI :—" (a) A statement^a is laid on the table.

" (b) The travelling allowance of the Hon. Ministers is regulated by a special set of rules, but they are not exempt from the ordinary travelling allowance rules unless they are inconsistent with the special rules. The more important of the restrictions in the ordinary rules which do not apply to the Hon. Ministers are—

(i) Mileage for a journey by road or canal should not be drawn except where it is necessary to make a march of more than 20 miles in a day [Rule 22 (a) of ordinary travelling allowance rules];

(ii) No journey is reckoned as a journey on tour that does not reach a point outside a radius of more than five miles from headquarters (Rule 57 of the ordinary travelling allowance rules);

(iii) Journeys from headquarters to a hill station and *vice versa* should not ordinarily be combined with inspection tours (Note to Rule 81 of the ordinary travelling allowance rules).

The concession of higher rate of mileage and daily allowance allowed to ordinary Government servants under rule 41 of the travelling allowance rules is not admissible to Hon. Ministers."

^a Printed as Appendix III on pages 94-98 *infra*.

[18th January 1951]

Retrenchment Scheme.

* 91 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to place a statement on the table of the House showing—

(a) the retrenchment in expenditure effected under the various heads since 1947;

(b) the increased expenditure also under various heads; and

(c) the overall net retrenchment effected since 1947?

THE HON. SRI B. GOPALA REDDI :—" (a) A statement^a showing the retrenchment effected is placed on the table of the House. The saving anticipated is Rs. 1.43 crores per annum.

" (b) & (c) A statement^b showing the actual expenditure incurred under the various heads of account in the years 1947-48, 1948-49 and 1949-50 is placed on the table of the House. The expenditure in 1949-50 is larger than that in 1947-48 practically under all the heads, in spite of the retrenchment of nearly Rs. 1½ crores effected by the Government. The increase is mainly due to the expansion of the activities of the various departments due to the sanction of new schemes in nation-building departments and to the undertaking of measures to make the State self-sufficient in food. The expenditure would have been larger, if the Government had not effected retrenchment to the extent possible."

SRI R. SURYANARAYANA RAO :—" What about clause (c)—the overall net retrenchment effected since 1947? "

THE HON. SRI B. GOPALA REDDI :—" I gave the answers to clauses (b) and (c) together. It amounts to a saving of one and a half crores of rupees nearly."

Admission into Professional Colleges.

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

(a) whether the Madras High Court has ruled that the admission of pupils into Professional Colleges on communal basis is against the Constitution of India;

(b) whether the Government of Madras have filed an appeal in the Supreme Court against the decision;

(c) whether any enquiry or communication has been received from the Government of India on this matter after the judgment of the High Court; and

(d) what the nature of the communication referred to in clause (c) is, and what reply, if any, has been sent by this Government?

^a Printed as Appendix IV on pages 99-151 *infra*

^b Printed as Appendix V on pages 152-153 *infra*.

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THE HON. SRI K. MADHAVA MENON :—“(a) The High Court's order related only to the application of the two petitioners for admission into the Medical and the Engineering Colleges respectively and was to the effect that they should be considered without any discrimination being made against them on the ground of religion, race or caste.

“(b) Necessary steps have been taken to file an appeal against the High Court's decision in the matter.

“(c) No.

“(d) The question does not arise.”

SRI R. SURYANARAYANA RAO :—“May I know whether the High Court's decision did not relate to the general ban on admission on communal grounds and is it only in respect of those two candidates who appealed?”

THE HON. SRI K. MADHAVA MENON :—“The orders of the High Court related to the two petitions presented by the candidates in question. But in the course of their judgment, Their Lordships said that the order of the Government went against the Constitution.”

SRI R. SURYANARAYANA RAO :—“May I take it, Sir, that it is a general order of the High Court in regard to admission on communal grounds and that, therefore, the Government have appealed to the Supreme Court?”

THE HON. SRI K. MADHAVA MENON :—“There is no general order by the High Court. But the effect of the judgment is that we should be bound by the principle underlying it in the case of other applications also. That is why we have preferred an appeal.”

Hindu Religious Endowments Board.

* 79 Q.—JANAB ABDUL LATIF FAROOKHI (on behalf of Sri D. Manjappa Hegde) : Will the Hon. the Minister for Health be pleased to state—

(a) whether any extensions of service have been granted to the present Commissioners and the President of the Hindu Religious Endowments Board;

(b) if so, how many extensions have been granted and to whom; and

(c) the reasons for granting such extensions?

THE HON. SRI K. MADHAVA MENON (on behalf of the Minister for Health) :—“(a) The President and one of the Commissioners of the Hindu Religious Endowments Board were reappointed on the expiry of their previous terms.

“(b) Sri T. M. Chinnaiya Pillai was reappointed on the expiry of his first term from 15th November 1949. Sri A. S. Manjappa Nair was granted two extensions and was reappointed on the expiry of his second term from 25th May 1950.

“(c) The reappointments were made in the exigencies of public service.”

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Teaching of physically handicapped children.

* 80 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state what provisions exist for the teaching of deaf, dumb, blind and other physically handicapped children in the State and what was being done to ensure that there are enough properly qualified teachers for this purpose?

THE HON. SRI K. MADHAVA MENON :—“There are at present twelve recognized schools for the education of the blind, deaf and dumb children in the State, out of which four are run by the Government, two by Municipal Councils and six by private managements.

“Under rule 64, Madras Educational Rules, teachers of these schools should possess the Government certificate of competency to teach defective children in addition to (i) Collegiate or Secondary grade trained teachers certificate in the case of headmasters and (ii) higher elementary grade trained teachers certificate in the case of assistants. Orders have been issued by Government for the training of a number of teachers qualified in the teaching of defective children. As a result, there are at present forty-four specially trained teachers in these twelve schools intended for the physically defective children, besides the three teachers employed in the Government schools for the Blind at Salem and Cuddapah who have undergone the special training but have not yet obtained the Government certificate of competency to teach defective children. Four teachers are now undergoing training in 1950-51 in the Government School for the Blind, Poonamallee. Such of the unqualified teachers employed in the aided schools as have trained teachers certificates only may also be considered to be undergoing ‘in-service’ training as they can appear for the competency certificate examination after putting in a service of two years.

“There are no schools for other physically handicapped children in this State, unless the four schools for children suffering from leprosy under private managements can be called ‘schools for physically handicapped children’.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether these teachers are specially trained for work among the defective children and whether such training is given in the Government School for the Blind?”

THE HON. SRI K. MADHAVA MENON :—“In the case of teachers for the School for the Blind, they are trained in the Government School for the Blind at Poonamallee.”

SRI R. SURYANARAYANA RAO :—“Is there provision made for training teachers in that school or is it an ordinary school for the teaching of blind children?”

THE HON. SRI K. MADHAVA MENON :—“There are trained people there who train teachers also.”

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SRI R. SURYANARAYANA RAO :—" Is there any proposal before the Government to depute some teachers interested in this sort of work abroad to enable them to get the necessary training so that they may be very competent to train these teachers required for teaching defective children? "

THE HON. SRI K. MADHAVA MENON :—" The Director of Public Instruction has made such a proposal and it is under examination."

SRI R. SURYANARAYANA RAO :—" Will the Government consider the desirability, in view of the importance of this subject, of having a kind of standing advisory committee of those who are competent to advise them on the subject so that it may watch the progress of work done in this field? "

THE HON. SRI K. MADHAVA MENON :—" The suggestion will be considered."

Schemes investigated on certain rivers.

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

(a) whether the investigation of the possibilities of utilizing the waters of all rivers flowing from west to east has been completed;

(b) whether there are still water resources whose investigation has yet to be carried out;

(c) what steps, if any, are contemplated for the purpose; and

(d) what the results of the investigation already completed are?

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

" (b) Yes.

" (c) & (d) The possibilities of utilizing the waters of the rivers have been and are being investigated and exploited by investigating the several individual schemes on them or on tributaries, branches or other waterways connected with them according to the technical feasibility and the urgency of the schemes themselves, having regard to the needs of several localities to be served, the availability of staff, materials, finance, etc. Several minor schemes thus investigated and found feasible have already been executed under the Grow More Food campaign. As regards the major schemes on these rivers and tributaries a statement^a showing some of the schemes of which investigation has been completed since this Government assumed charge and the results of such investigation is placed on the table of the House. Schemes which are still under investigation have not been included in the statement."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Government have at any time considered the

^a Printed as Appendix VI on page 154-155 infra.

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desirability of constituting what is called Water Resources Investigation Board for the State so that that body may constantly carry out investigations of all water resources in the State and bring them to the notice of the Government whenever possibilities for using the resources exist? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Government have not considered it necessary to constitute a Board for this work which is being done by the Government themselves."

SRI R. SURYANARAYANA RAO :—" In view of the importance that the question of examining all water resources as well as power supply is assuming, will the Government consider the desirability of having such a Board which exists in some of the countries of the world? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Public Works Department has already been investigating all available resources and, therefore, the Government do not consider it necessary to constitute a Board as suggested by the hon. Member."

People's Education Society.

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

(a) whether a fresh or supplementary notification has been issued in respect of the People's Education Society under section 6 (1) (i) of Madras Act XI of 1950;

(b) whether all the members who formed the Society are under detention;

(c) whether the grounds on which the society was declared unlawful have been notified to all its members or its office-bearers;

(d) whether the Government have constituted the Advisory Board contemplated under Act XI of 1950; and

(e) whether the affected parties, even if they are under detention, will be enabled to make representations to the Advisory Board and, if so, what steps the Government propose to take to achieve this purpose?

THE HON. SRI K. MADHAVA MENON :—" (a) Yes, but the notification has since been cancelled in view of the decision of the High Court holding the provisions of the Act *ultra vires*.

" (b) No. Only two of the members of the Governing Body of the Society are under detention.

" (c) The grounds on which the Society was declared unlawful were communicated to two of the members of the Governing Body.

" (d) Yes.

" (e) Presumably, the hon. Member refers to the representations referred to in section 16 (1) (b) of the Act as amended.

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Those representations have to be addressed to the State Government who are required to place them before the Advisory Board. A detenu will also be allowed to make representations under the Act, if he so wishes. This question does not, however, arise now in view of the High Court decision referred to in the answer to clause (a)."

SRI R. SURYANARAYANA RAO :—" May I know whether the High Court's decision was announced after the Government issued the notification on the 28th of August 1950? I think it was issued in pursuance of the High Court's decision."

THE HON. SRI K. MADHAVA MENON :—" The notification was issued in pursuance of Act XI of 1950."

Temples in the West Coast.

* 85 Q.—JANAB ABDUL LATIF FAROOKHI (on behalf of Sri D. Manjappa Hegde): Will the Hon. the Minister for Health be pleased to state—

(a) whether there are any temples in the West Coast declared as private temples by the Hindu Religious Endowments Board since 1945, and if so, what those temples are; and

(b) whether the Board consulted the Government before declaring them as private temples?

THE HON. SRI K. MADHAVA MENON (on behalf of the Minister for Health) :—" (a) No temple has been declared as private by the Hindu Religious Endowments Board since 1945.

" (b) Does not arise."

Progress of Basic Education.

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

(a) whether any report on the progress of basic education in the State has been prepared;

(b) if the answer to clause (a) is in the affirmative whether the Government will place it on the table of the House;

(c) whether any other crafts besides spinning have been introduced in schools;

(d) whether the children are required to provide themselves with implements required for spinning including the raw material cotton;

(e) whether the Government will place on the table of the House a statement (yearwar) since 1946 of the expenditure incurred on craft instruction in schools and the income derived from the sale of articles made; and

(f) whether the Government still pursue the ideal of making basic education pay for the cost of maintenance of schools?

THE HON. SRI K. MADHAVA MENON :—" (a) & (b) Yes. Copies of the reports have been placed in the Library of the Legislature for reference.

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" (c) Besides spinning, gardening is being taught as main craft in basic schools. In some schools mat-weaving, bee-keeping, paper mache work, laundrying, homecraft, tailoring, clay modelling, etc., have been introduced as subsidiary crafts.

" (d) No:

" (e) *Basic Training Schools.*

Year.	Expenditure on raw materials.	Income derived.
	RS.	RS.
1946 and 1947	Nil.	Nil.
1948	6,048	9,751
1949	26,536	30,506

Basic Schools.

Year.	Recurring expenditure on raw materials.	Income derived.
	RS.	RS.
1946 and 1947	Nil.	Nil.
1948	1,179	2,101
1949	5,771	8,244

" (f) It has never been the policy of Government to make basic education pay for the cost of maintenance of basic schools."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Hon. the Minister for Education at any time made a statement that he hoped that in course of time the income from basic education would enable him to meet the cost of elementary education? "

THE HON. SRI K. MADHAVA MENON :—" I have never said like that. I have said that the income may help us in relieving the strain on elementary education."

SRI R. SURYANARAYANA RAO :—" Is the Hon. the Minister for Education aware that the Basic Education Officer emphasises, in such reports as are issued by him, the self-sufficiency aspect of the scheme and if so, may I know whether this principle has at any time been governing the spread of basic education? "

THE HON. SRI K. MADHAVA MENON :—" Self-sufficiency might be possible in the case of basic training schools where we are dealing comparatively with adults. In the case of little children in elementary schools, there is a limit for the application of the principle of self-sufficiency and we cannot strain it too much. The result is not to be reckoned in terms of rupees, annas, pies. The method of teaching and education and the nature of children turned out will make better criteria to assess the result than the money aspect of it."

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11-45 a.m. SRI R. SURYANARAYANA RAO :—“ In answer to clause (c) the Hon. Minister gave a number of crafts other than spinning that are taught in these schools. Are not the Government aware that these were taught even before they were called basic schools? ”

THE HON. SRI K. MADHAVA MENON :—“ Not in elementary schools, Sir.”

SRI R. SURYANARAYANA RAO :—“ I think they were being taught in the elementary schools. There is nothing basic in them. I would like the Hon. Minister to tell me in reply to this question how the teaching now given through these crafts differs from the teaching that was given before? ”

THE HON. SRI K. MADHAVA MENON :—“ It might be that the crafts might have been taught there but in basic education the education itself is through crafts, by correlation of crafts to education.”

Lease of fishing rights in rivers, etc.

* 87 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what the policy of the Government is in regard to granting of lease for fishing in the tanks, rivers and backwaters in the State;

(b) whether preference is given to Fishermen Co-operative Societies in granting fishing rights;

(c) whether the right is auctioned and it is granted to the highest bidder;

(d) who the authority competent to confirm the bid is;

(e) whether the right of fishing was conferred as a result of auction by the Collector of Anantapur on the Anantapur Fishermen Co-operative Society;

(f) whether the Government set aside the order of the Collector and directed him to confer the right on an individual; and

(g) if the answer to clause (f) is in the affirmative, what the circumstances are which necessitated this interference with the discretion of the Collector?

THE HON. SRI H. SITARAMA REDDI :—“ The answer a is placed on the table of the House.”

DR. SYED TAJUDDIN :—“ Sir, I wish to elicit a piece of information. Many hon. Members and even some of the Hon. Ministers desire . . . ”

MR. CHAIRMAN :—“ I know what the hon. Member is referring to. I have some announcements to make. Then I will allow the hon. Member to make his suggestion.”

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

III.—(1) MESSAGE FROM THE ASSEMBLY.

* MR. CHAIRMAN :—“ I have to announce to the House that I have received messages from the Hon. Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly :—

‘ (1) On thirteenth December 1950—The Madras Estates Land (Reduction of Rent) Amendment Bill, 1950. (L.A. Bill No. 38 of 1950)

‘ (2) On eighteenth December 1950—The Madras Hindu Religious and Charitable Endowments Bill, 1949 (L.A. Bill No. 10 of 1949) ’

and signed by him for the concurrence of the Council.

(2) MESSAGE FROM THE GOVERNOR.

“ I have also to announce that I have received the following message, dated the 10th October 1950, from His Excellency the Governor of Madras :—

‘ In pursuance of Article 207, clause (3), of the Constitution of India, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Tungabhadra Project (Prevention of Speculation in Land) (Amendment) Bill, 1950.’

(3) APPOINTMENT OF LEADER OF THE HOUSE.

“ I have also to announce to the House that the Hon. Dr. T. S. S. Raian, the Leader of the House, is not able to be present here and will not be able to be present here for some time to come due to ill-health as he wants to take rest. I am sure all of us feel sorry not to have him here with us, and we all wish that he be restored to normal health soon and be enabled to be here with us soon. Meanwhile the Hon. Sri K. Madhava Menon has been appointed the Leader of the House.

(4) DR. RAMA RAO'S RETURN.

“ The House will also be glad to see Dr. Rama Rao here. He has been absent for some time.—I see he has left the House again. He is the oldest Member of this House and for some time adorned the Chair also. I hope all of us are glad to see him here and wish that he will sit with us for many more years.”

IV.—SITTINGS OF THE HOUSE.

DR. SYED TAJUDDIN :—“ We all know that the ‘ Test Match ’ is going on. (An hon. Member : ‘ Not yet begun ’). It will be begun tomorrow. Most of us are anxious, including Hon. Ministers, to attend the match. One Hon. Minister told me that he never missed a match of this kind. So, I would request you, Sir, to see that the House is adjourned till Monday. I may say here that we are likely to meet at 8 o'clock tomorrow which will be very inconvenient for many of us. That is why I have placed this suggestion before you, Sir, for your consideration.”

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* **THE HON. SRI K. MADHAVA MENON** :—" Sir, if we are active enough we will finish the work in a day and then we can all attend the match. It will be advantageous to all of us to proceed with the work and get through with it as quickly as possible and then attend the cricket match—particularly those who want to attend may attend the match. It won't be possible to adjourn the House till Monday."

DR. SYED TAJUDDIN :—" Even High Court Judges take a holiday on these occasions."

MR. CHAIRMAN :—" We need not drag in the High Court here. I agree, it may not look well that we should adjourn and allow the work to be disturbed because of the match. I have a suggestion to make. We will sit tomorrow as usual. The day after tomorrow happens to be a holiday, being a third Saturday. We usually extend our sittings to third Saturdays also. But taking the sense of the House, we will now decide not to sit on Saturday but sit on Monday. I suppose this would be agreeable to the Hon. Members."

V.—ADJOURNMENT MOTION *RE* ABOLITION OF RURAL RATIONING.

MR. CHAIRMAN :—" I have also received notice of an adjournment Motion from the Leader of the Opposition in these terms—

' I seek your kind permission to move a motion for the adjournment of the business of the House to discuss a matter of definite, urgent, public importance, namely, the grave food situation created by the abolition of rural rationing in the State and the failure of the Government to mitigate the hardship and distress caused thereby to the public.

' Hope you will be pleased to grant the permission sought for. '

" Have the Government to say anything in the matter before I give my ruling? "

* **THE HON. SRI K. MADHAVA MENON** :—" I do not think, Sir, the food situation is urgent because it has been very bad, sufficiently bad for a long time. The abolition of the rural rationing has not created any more situations than we have now. There is no particular urgency about it at all in this regard. We had such a large number of discussions in the Assembly just before the Assembly was closing its last session. We will, however, consider whether we can allow some time for the discussion of this subject after the work on hand is finished. If in between there should arise an urgency, we shall certainly consider the matter."

MR. CHAIRMAN :—" Has the Leader of the Opposition to say anything as to how this is urgent and what it is that he wants to discuss? "

JANAB ABDUL LATIF FAROOKHI :—" It is urgent, Sir, because the Government themselves recently held a conference of Collectors. I think if there is nothing new in the food situation as

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the Hon. the Leader of the House pointed out, there would have been no necessity for a Collectors' Conference. This is not indicative of improvement, but it is indicative of deterioration in the situation. This has made the Government anxious and bring together all the Collectors to find out what the situation is like. There is definite deterioration. Of course, there are different view points on this.

" The Hon. Minister for Food himself has admitted, after going to Chingleput and seeing for himself, that rice was being sold at one rupee and eight annas, one rupee and four annas, one rupee and two annas a measure, whereas in the past people were purchasing for ten or eleven annas. This is according to the statement attributed to the Hon. the Food Minister. Therefore, the food situation is already grave. By reading the newspapers one finds that the food situation as a whole is bad. On account of derationing in rural parts, the situation has become worse. Therefore, Sir, it is necessary that this House should consider this matter and give its opinion. I do not think this is any censure Motion against the Government. It is intended only to clarify the position and to find out what ways and means could be adopted to ease the situation. It is nothing more. This, Sir, is not merely a matter of definite importance but a matter of public importance. This is definite, urgent and public. Therefore it satisfies the rules and conditions for moving the adjournment of the House. I, therefore, think that this is an important and a necessary motion."

MR. CHAIRMAN :—" The Motion mentions only ' grave situation created by the abolition of rural rationing '."

SRI MOTHEY NARAYANA RAO :—" I would suggest that we may have a general discussion on the food situation because it is grave. "

MR. CHAIRMAN :—" The Motion seeks to discuss the situation arising out of the abolition of the rural rationing which, it describes, as bad. Opinion in this regard does not seem to be uniform all through the State—regarding the results of abolition of rural rationing. If the Government agree, I suggest that after the business on the agenda is over, they may allow some time for hon. Members to tell the House what they think of the action taken by the Government."

THE HON. SRI K. MADHAVA MENON :—" The rural derationing has just been effected. Before the House adjourns, the Hon. the Food Minister hopes to place a statement before the House on the food situation and the results of rural derationing containing information that he gets till then."

SRI R. SURYANARAYANA RAO :—" Will the House be allowed to have a debate on the statement to be placed before the House by the Hon. the Minister for Food? "

JANAB ABDUL LATIF FAROOKHI :—" I am satisfied. But I want that at the close of the meeting of this House, after the Hon. the Minister for Food makes his statement, we should be

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allowed an opportunity to discuss the matter. The Hon. Minister for Food, I believe, will be pleased to give us a day or two or at least some time to discuss the statement."

THE HON. SRI K. MADHAVA MENON :—"The hon. the Leader of the Opposition wanted an adjournment which will be only for about two hours and generally with the comparatively small number of Members here, two hours cannot be considered as too short a period. The Hon. the Food Minister will submit a statement sufficiently early and we may take one or two hours, if necessary, to consider the statement and after that we may discuss it."

MR. CHAIRMAN :—"That is what I hoped would be done, and what the hon. the Leader of the Opposition wanted. The Leader of the Opposition wants some time to discuss. I hope we will have sufficient time to discuss."

VI.—GOVERNMENT BILLS.

(1) THE MADRAS WAREHOUSES BILL * 1949

(L.A. BILL NO. 11 OF 1949).

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

'The Madras Warehouses Bill, 1949 (L.A. Bill No. 11 of 1949), as passed by the Assembly, be taken into consideration.'

"Sir, I have great pleasure in moving that the Madras Warehouses Bill, 1948, as passed by the Assembly, be taken into consideration. The Madras Warehouses Bill was introduced in the Assembly on 11th February 1949 and immediately referred to a Select Committee.

"Under modern economic conditions warehouses are an integral part of production and trade. Unless facilities are created for storage of agricultural produce and for their movement to appropriate markets, trade will continue to be paralysed. In respect of foodgrains it is well known that the present storage conditions are responsible for much of the avoidable loss. Licensed warehouses are also intended to increase the credit facilities available to agriculturists. Provision has been made that receipts issued by licensed warehousemen will be negotiable by transfer. This would enable the agriculturist to obtain loans and negotiate for appropriate prices for his produce.

"The Bill as introduced in the Assembly was meant to be a compulsory measure, every person maintaining a warehouse for the storage of goods deposited by others being bound to obtain a licence from the Government. An exception was made in the case of bankers who in the course of their business maintain warehouses for the goods tendered by customers as security for loans. The

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Select Committee, however, decided that the Bill should be only an enabling measure on the lines of the Bombay Warehouses Act, 1947. The Bill has been accordingly redrafted.

"Copies of the Bill as passed by the Assembly have been circulated to all hon. Members. Under the Bill as passed by the Assembly, a person who operates a warehouse for the storage of goods deposited by others may take a licence at his option. If he obtains a licence for his warehouse, he is authorized to issue receipts which will be negotiable, an advantage of growing importance which may effectively bring all warehouses under this Act. The Bill also provides against the victimization of a 'warehouseman' by the fraudulent representations of others who have not obtained licences.

"The Bill lays down certain duties on the licensees in the interests of the depositors. It is only when these interests are served that warehouses will become popular and an integral part of the economic organization of the State.

"Coffee, drugs and narcotics have been deleted from the Schedule to the Bill, since these commodities are not likely to be offered for storage by agriculturists under the present conditions. Coffee is governed by the provisions of the Indian Coffee Market Expansion Act, and the Indian Coffee Board is responsible for the storage of coffee. Tobacco has also been omitted from the Schedule. Tobacco is liable to payment of excise duty and the Central Excise Rules provide for the licensing of warehouses and the storage of excisable goods in them. The warrants issued by the warehouseman licensed under the Central Excise Rules are fully negotiable, and can be transferred by endorsement any number of times. It was therefore considered that there was no advantage in retaining tobacco in the Schedule to the Bill as this will only result in administrative difficulty to the Central and State Governments and inconvenience to the trade.

"According to the original Bill, every person connected with the management of a warehouse was to be deemed guilty of any offence committed under the Act, unless he proved his non-complicity. The Select Committee has amended this provisions, so as to make the person principally managing the affairs of the warehouse responsible for the offence. This amendment is similar to section 15 of the Madras Sugar Factories Control Act, 1949.

"Notice of amendments to certain provisions of the Bill has been received. Most of these were already considered either at the time of introducing the Bill in the Legislative Assembly or in the Select Committee stage. In fact, some of the amendments proposed now only seek to restore the original provisions in the Bill before it was redrafted by the Select Committee. The Bill also provides for the regulation and licensing of warehouses in the State of Madras.

"I now move that the Madras Warehouses Bill, 1949 (L.A. Bill No. 11 of 1949), as passed by the Assembly, be taken into consideration."

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noon.

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* SRI R. SURYANARAYANA RAO :—“ Mr. Chairman, Sir, I am one of those who, along with the Hon. the Minister for Land Revenue, have been agitating for a number of years for the Warehouses Bill. The Bill of the kind that has been introduced here, Sir, is, as I will presently show, bound to be a dead letter. The Government may have the satisfaction of having placed on the Statute Book a Warehouses Bill with no warehouses at all for the agriculturist to make use of them. Sir, we, in this House, are in a great difficulty. The Hon. the Minister referred to the original Bill as it was introduced in the Assembly and the changes made in the Select Committee stage and the Bill as passed by the Assembly. But, what we have been supplied in this House is only a copy of the Bill as passed by the Assembly. It would have been a great advantage, Sir, if the Government had supplied to the hon. Members of this House not only the original Bill as published, which they may say was published in the Gazette, but at least the Select Committee Report or the Bill as adopted by the Select Committee. Then, Sir, the remarks of the Hon. the Minister for Land Revenue would have been appropriate when he said that the amendments of which notice has been given in this House, have been already dealt with by the Select Committee. We are quite ignorant of what happened in the Select Committee or what the Select Committee Report is. The report and the altered Bill might differ from the Bill as passed by the Assembly. Sir, I wish you lay down a rule that when any Bill introduced in the other House is referred to a Select Committee, a copy of the Select Committee's Report also should be given to the Members of this House when the Bill as passed by the Assembly is sent to us for consideration. That would avoid, perhaps, repetition of much of the work that has been already done either in the Select Committee stage or in the Assembly itself. That is my submission, Sir.

“ Sir, I wonder, anxious as I have been that the agriculturists get assistance in the way of warehouses, where they could keep their goods, obtain the receipt and raise the necessary funds required to enable them to meet first of all the kist and then the other commitments which the agriculturists may have and find sale for their products when better prices prevail and thereby secure some advantage. That was our idea, Sir. If we go through the provisions of this Bill, we can see that provision is made that the receipt given by the Licensee's warehouseman is negotiable. But warehouses must come into existence before the ryot can place the goods, obtain the receipt and negotiate. What is the inducement, Sir, which the Government propose to give for persons to build warehouses? There is nothing, Sir. There is nothing in this Bill to make the ryot feel that, as a result of the passing of this Bill, warehouses will come into existence all over the country-side wherein he can keep his goods, secure the receipt which would be negotiable and which would enable him to raise the necessary funds required for his immediate purpose. That is why, Sir, I said that this Bill will be a dead letter. That is my first criticism, Sir.

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“ Let us see at least in respect of the Co-operative Loan and Sale Societies, what the Government have been doing? Sir, from the latest report of the Registrar, i.e., the report that is available to us, it is seen that a grant of Rs. 5 lakhs was provided for the purpose of giving loans and grants for construction of warehouses by the Co-operative Loan and Sale Societies. What is Rs. 5 lakhs in a big State like Madras? Why not the Government show their earnestness at least in respect of the Co-operative Loan and Sale Societies which are supervised and controlled by them, and provide that the Registrar under the Co-operative Societies Act can give them more assistance to build more warehouses? Sir, unless the warehouses are built in large numbers in all the producing areas and unless facilities are afforded to the ryot to place his produce in these warehouses and wait for better prices to sell his produce, all talk of improving the condition of ryots is mere bunkum. It is all lip-sympathy we are paying. We don't want to increase even the procurement price. We don't want to do anything to the ryot. What is the use of our saying that the interests of ryots must be safeguarded? I must say Sir, I am thoroughly disappointed with this Bill. The Bill as a Bill is all right. It will be on the Statute Book; but nothing tangible will result from the passing of this Bill. This is my main criticism of the Bill, Sir.

“ Such amendments as I have given notice of, are only with reference to such warehouses that may come into existence because my amendments, whether they are accepted or not, are not going to be effective, but they are just meant to prevent certain things which I propose to explain when I move my amendments. But the main purpose of this Warehouses Bill will not be achieved unless the Government come forward and define their policy as to how they propose to assist those who wish to build warehouses. Impose any conditions you like; but assist them. You must assist them in the same manner as you propose to assist industries, because as far as the agriculturist is concerned, the warehouses are as important to him as we feel the development of industries is important in other places. Of course, I do not oppose the consideration of the Bill. I only want to bring this to the notice of the Government so that this aspect may be borne in mind in making provision in the coming budget for agricultural loans on easy terms, to assist those who come forward to build warehouses for the benefit of agriculturists. As the budget time is coming near, I would like the Hon. Ministers who generally come from the countryside, to do something tangible so that this Bill when it becomes an Act may really benefit the agriculturists for whose benefit this has been brought forward.”

* THE HON. SRI H. SITARAMA REDDI :—“ Sir, I am glad for the support that has been given by the hon. Member though he also said that the Bill is going to be a dead letter. Evidently he wanted that the Bill should be of a compulsory nature. That Bill as originally circulated made licensing of warehouses compulsory. At the time the Bill was examined by the Select Committee, it

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was felt that, if this Bill was made compulsory, the existing facilities for storage and credit to the rural people will be very much curtailed, because it would be necessary that these transactions of storage and obtaining of the receipt should be only with people who have taken licences. It was suggested that for the benefit of the agriculturists themselves, it was necessary that the Bill should not be of a compulsory nature, but it should be such as would enable and encourage people to build warehouses and take advantage of its provisions. Sir, the question was asked: What has been done in this Bill to make people build warehouses? What is the provision that the Government have made? What is the allotment that the Government have already given? And what do the Government propose to do in the future? Sir, the fact that the Government have been anxious to bring forward a Bill of this nature is a clear proof—and the hon. Member knows that the Reserve Bank of India is anxious—that every State in this country should pass this Bill, and as he rightly remarked, it was one of those Bills which he and I discussed and in fact I was partly responsible for this Bill being considered. When the present Chief Minister was the Minister in charge of Agriculture and when I was a Member of the Assembly, I did write to him to see that this Bill was placed on the Statute Book. Sir, it is true that it is one of those Bills in which the hon. Member and I have had something to do long ago.

"I have considered the aspect of the matter that has been placed before this House by the hon. Member and it is after considerable thought and discussion and taking the views of traders and other people, it was felt that this kind of Bill, which is on the lines of the Bombay Bill, is necessary. We had consulted the Bombay Government about the nature of the Bill and how it has helped to improve the credit of agriculturists and we got the opinions of various States even when the Bill was under discussion in the Select Committee. This Bill is an outcome of mature consideration and we have given weight to the point of view that was expressed by the hon. Member and so, Sir, this Bill has been amended and changed from a compulsory one into an enabling one.

12-15 P.M. "The hon. Member is aware that the Government are partly already financing those that are willing to construct warehouses for the storage of foodgrains. This is done with a view to help to preserve foodgrains in the various parts of the State and incidentally help those godowns that are going to construct godowns according to the specifications and standards prescribed by the Civil Supplies authorities. Co-operative societies and even private parties can take advantage of the Government's offer and construct godowns and take out licences under this Bill. That will extend the facilities available for the agriculturists. The receipt issued by the warehouse man is made negotiable and the Reserve Bank is prepared to give special facilities such as advances at a low rate of interest on such receipts. The goods deposited with the warehouses are allowed this advantage by the Reserve Bank. This should induce people to start building new warehouses where they

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can store goods and charge rent. I hope once the Bill becomes an Act, intelligent and farseeing investors will build warehouses and take out licences. The Government will give them all the assistance they can by way of subsidy or loan."

SRI S. JAYARAM REDDI :—" May I know, Sir, the amount that will be allotted for making grants or subsidies to people who want to construct these warehouses? "

THE HON. SRI H. SITARAMA REDDI :—" The Civil Supplies Department, I think, grant about 50 per cent of the value of these godowns provided they are constructed according to the specifications given by them."

SRI S. JAYARAM REDDI :—" Does the Reserve Bank extend the banking facilities by the Hon. Minister to villagers who build warehouses? "

THE HON. SRI H. SITARAMA REDDI :—" That is the provision in the Act."

MR. CHAIRMAN :—" The question is—

'That the Madras Warehouses Bill, 1949 (L.A. Bill No. 11 of 1949), as passed by the Assembly, be taken into consideration.'

The motion was carried and the Bill was taken into consideration.

Clause 2.

Sub-clause (1).

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'Omit the words "or deemed to be registered" in line 2.'

I am not a lawyer, but as a layman I can appreciate clarity in drafting. I can understand a 'co-operative society' being defined as a 'society registered under the Madras Co-operative Societies Act, 1932'. What I cannot understand is the addition here of the words in the definition 'or deemed to be registered'. This addition makes me suspect that the intention is to treat any society, which may not have been registered, as a registered society for the purpose of this Act. I think it is unnecessary to have the words or deemed to be registered. To me it seems that the definition reads better without these words."

DR. SYED TAJUDDIN :—" I second the amendment."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, it is true that Sri Suryanarayana Rao is not a lawyer. I happen to be a lawyer.

"As regards the amendment moved by him, I may say that under section 62 (1) of the Madras Co-operative Societies Act, 1932,

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'every society now existing, which has been registered under the Co-operative Credit Societies Act of 1904 or under the Co-operative Societies Act of 1912' shall be deemed to be registered under the Co-operative Societies Act and its by-laws. Therefore, in so far as they are not inconsistent with the provisions of that Act and as long as it continues in force, those societies will be deemed to be registered under the Act. It seems therefore necessary that the words 'or deemed to be registered' should be retained to give full legal significance to the Bill proposed so that it may be effective when it becomes an Act. I therefore oppose the amendment."

MR. CHAIRMAN :—" In essence it means 'deemed' by the Act of 1932 and by nothing else."

* SRI R. SURYANARAYANA RAO :—" There the word 'deemed' was used because they were referring to the societies registered under the provisions of the Act of 1904 or the Act of 1912. But here all those societies have already been recognized by that Act as co-operative societies."

MR. CHAIRMAN :—" Because they were deemed to be registered under that Act."

SRI R. SURYANARAYANA RAO :—" They are all now registered co-operative societies."

MR. CHAIRMAN :—" By omitting the words 'deemed to be registered' here, you will be restricting the scope of the definition. You need not press the amendment."

SRI R. SURYANARAYANA RAO :—" I do not press my amendment, Sir."

The amendment was, by leave, withdrawn.

Sub-clause (2).

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'Omit the words "on behalf of depositors" in line 3.
Sir, the definition of 'warehouse' is—

'Any building, structure or other roofed enclosure which is or may be used for the purpose of storing any goods on behalf of depositors but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers, and the like.'

Now, by retaining the words 'on behalf of depositors' you will be limiting this facility to certain people only. How can a wise man build a warehouse on behalf of X, Y or Z only? I do not know why these words have been considered necessary and put in here."

The amendment was duly seconded.

MR. CHAIRMAN :—" I do not think this Bill applies to the ordinary godowns. But if you take away the words 'on behalf of the depositors' it will apply to all godowns."

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SRI R. SURYANARAYANA RAO :—" But no godown is built 'on behalf of depositors.'"

MR. CHAIRMAN :—" My point is that if the words 'on behalf of the depositors' are omitted, godowns used by the owner for his own purposes may also come in."

SRI R. SURYANARAYANA RAO :—" But a godown will be licensed only if it satisfies the conditions laid down in the Act."

MR. CHAIRMAN :—" The idea is perhaps to apply the Act in the case of godowns built solely for use as warehouses."

* THE HON. SRI H. SITARAMA REDDI :—" I will explain the position. The words 'on behalf of the depositors' did not find a place in the Bill as introduced. In the Select Committee, the Madras Chamber of Commerce suggested that, in order to include places built by banks as warehouses, the definition of 'warehouses' should be such as would be in conformity with the definition found in the Warehouses Act. The Legal Department examined the suggestion and agreed that there was some force in it, though they anticipated no difficulty. So, in order to remove all doubts in the matter, we agreed to the inclusion of the words 'on behalf of the depositors' after the words 'storing any goods' in the definition of 'warehouses.' It was done more for clarification than for any thing else."

* SRI R. SURYANARAYANA RAO :—" I am not convinced that the retention of these words is absolutely necessary. I feel that we are now restricting the purpose of the warehouses. I want that more warehouses should come into existence and that the owners should take out licences. Whoever wants to deposit goods must be enabled to do so and obtain banking facilities. I feel these words are unnecessary. I press my amendment."

The amendment was put and lost.

Clause 2 was put and carried and allowed to stand part of the Bill.

Clause 3.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'For the words "only to a licensed warehouse" substitute the words "to him in respect of such licensed warehouse".'

"My suggestion is more concerned with grammatical accuracy than anything else. The clause says: 'Any person may, subject to the provisions of this Act, obtain a licence in respect of his warehouse; and the provisions of Chapters III, IV and V of this Act, except the Explanation to section 17, shall apply only to a licensed warehouse.' The provisions should apply to any person and not to a warehouse. Therefore my amendment is necessary as it will make the clause read better. I would like you to examine the suggestion."

DR. SYED TAJUDDIN :—" I second the amendment."

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* THE HON. SRI H. SITARAMA REDDI :—" Sir, this amendment has been examined by the Legal Department. I find that if it is accepted, it is likely to be harmful in the working of this Act, because the intention is to make it clear that the provisions of Chapters III to V except the Explanation to Section 17 shall apply not only to licensed warehouses but also to other persons for example, licensed weighers, samplers and graders for whom the prescribed authority may issue licences under section 20. This amendment will restrict the application of these provisions to warehousemen alone. It is intended to apply them to others also. So, it is necessary that the clause should stand as it is, because if the amendment for adding the words 'to him' is accepted, the purpose will not be served. The question has been examined by the Legal Department and we have been advised that this amendment is not only unnecessary but harmful also."

SRI R. SURYANARAYANA RAO :—" Sir, the Explanation to the clause supports my contention"

MR. CHAIRMAN :—" Unless the hon. Member wants to raise any important point, I do not like to allow him to have a right of reply."

SRI R. SURYANARAYANA RAO :—" Has not the mover of an amendment a right of reply, Sir? "

MR. CHAIRMAN :—" The mover of an amendment has no right of reply."

SRI R. SURYANARAYANA RAO :—" I have been listening to such replies in the other House, Sir"

MR. CHAIRMAN :—" The hon. Member has been listening to such replies in this House also, but unless there is some important point which he wants to raise, I do not want to make it a rule of allowing movers of amendments having a right of reply."

THE HON. SRI K. MADHAVA MENON :—" It has been definitely raised and you have given a ruling, Sir."

SRI R. SURYANARAYANA RAO :—" I am sorry, Sir. I was under the impression that the mover of an amendment just like the mover of a resolution has got a right of reply."

MR. CHAIRMAN :—" Only the mover of a substantive motion has got a right of reply. Rule 63 says—

' 63 (1) A member who has moved a substantive motion may speak again by way of reply, and the mover of an adjournment motion under Rule 41 shall have a right of reply'

An amendment is not a substantive motion and the mover of an amendment has not got a right of reply."

SRI R. SURYANARAYANA RAO :—" The amendment may be put to vote, Sir."

The amendment was put and lost.

Clause 3 was put and carried and allowed to stand part of the Bill.

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Clause 4.

New Sub-clause 5.

MR. CHAIRMAN :—" Hereafter the hon. Member may mention all his points even in the beginning."

* SRI R. SURYANARAYANA RAO :—" I shall finish all I have got to say even in my speech on moving the amendment, Sir. I move the following amendment :—

' At the end of clause 4, add the following new sub-clause :—

" (5) The party aggrieved in the case of refusal to grant or renew a licence may appeal to such authority and within such time as may be prescribed and on such appeal the authority authorised to hear the appeal [may after holding such inquiry as may be prescribed, grant] or renew the licence as the case may be."

" Sir, my attention may be drawn to clause 23 which says that the Government or the prescribed authority shall appoint a Board or Boards of Arbitrators for deciding appeals, etc. It is the ' Prescribed authority ' that gives the licence or refuses the licence and that authority is empowered under clause 23 to appoint a Board of Arbitrators. When that clause comes before the House, I am going to move for the omission of the words ' or the prescribed authority.' I am giving power to the Government to say which prescribed authority can grant a licence or refuse a licence and hear appeals against the orders of such prescribed authority. My point in moving this amendment here is, I want to make this clause complete. When a licence is refused, to whom should the party aggrieved appeal? There is nothing redundant here. In all the Bills the Hon. Minister for Law has been piloting in this House, provision has been made for such things in the very clause. The clause relates to the granting or refusing of licences. When a licence is refused, the appellate authority to whom the party aggrieved may go and appeal should also be provided in the clause. Sir, I am a layman, but I feel that this Bill has not been drafted properly. In all these matters the Bill must be complete as far as it affects the parties. Therefore the insertion of this additional sub-clause is in no way against the intentions of the Government. Clause 23 gives the power to the Government to appoint the appellate authority who will hear appeals against the refusal of the ' prescribed authority ' to grant a licence. Nowhere is it stated who the prescribed authority is. It may be a tahsildar or a deputy collector or a revenue inspector. My purpose is to make this clause complete by providing for what should be done by an aggrieved party who has been refused a licence. It is in no way inconsistent with the principles of the Bill. It only makes the clause complete. I request the Government to accept it."

DR. SYED TAJUDDIN :—" I second the amendment."

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* THE HON. SRI H. SITARAMA REDDI :—" Sir, the hon. Mover of the amendment has already referred to clause 23 of the Bill which provides for the appointment of a Board or Boards of Arbitrators for deciding, *inter alia* appeals against any order refusing to grant or renew a licence in respect of a warehouse. There is also another clause, Clause 27 (2) (m) under which power has been taken by the Government to make rules providing for the procedure to be followed in proceedings before Boards of Arbitrators and the mode of executing their decisions. There is thus provision for appeals against the decision of the licensing authority. Therefore there is absolutely no need for this amendment. There are already necessary provisions in the Bill, in Clauses 23 and 27 (2) (m). I oppose the amendment. It is unnecessary. What is wanted is already there."

MR. CHAIRMAN :—" Is the hon. Member pressing his amendment? "

SRI R. SURYANARAYANA RAO :—" Yes, Sir. I am pressing my amendment."

MR. CHAIRMAN :—" In future, as soon as the Hon. Minister has finished his reply, it is better that the hon. Member concerned says whether he presses his amendment or not."

The amendment was put and lost.

Clause 4 was put and carried and allowed to stand part of the Bill.

Clause 5.

* SRI R. SURYANARAYANA RAO :—" Sir, I move the following amendment :—

At the end of clause 5, add the following new sub-clause :—

" 5. Within such time as may be prescribed, the party aggrieved may appeal to such authority as may be prescribed and that authority may after holding such inquiry as may be prescribed, confirm, modify or cancel the order of the prescribed authority."

Sir, this amendment is similar to the one which has just been voted down. My argument is this. In clause 23 provision is made as to who should hear appeals. There is no provision either in clause 4 which has been passed or in clause 5 saying the aggrieved party has got a right of appeal. I am giving the aggrieved party the right to appeal. This provision is absolutely necessary. Otherwise the provision in Clause 23 will be of no consequence. You may provide for an appellate authority, but the person aggrieved will have no right of appeal as against the decision of the prescribed authority. Therefore I move that this new sub-clause should be added."

DR. SYED TAJUDDIN :—" I second the amendment, Sir."

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* THE HON. SRI H. SITARAMA REDDI :—" Sir, I have already replied to the amendment which was moved to clause 4. What I said there applies to this also. Clause 23 provides for what the hon. Member has been seeking to provide by his amendment and so I oppose this amendment."

SRI R. SURYANARAYANA RAO :—" I press the amendment, Sir."

The amendment was put and lost.

Clause 5 was put and carried and allowed to stand part of the Bill.

Clauses 6, 7, 8 and 9.

Clauses 6, 7, 8 and 9 were put and carried and allowed to stand part of the Bill.

Clause 10.

* JANAB K. T. M. AHAMED IBRAHIM :—" Mr. Chairman, I am afraid that the proviso to clause 10 will work a hardship on the depositors. Of course there are the qualifying words 'subject to any agreement' and the effect of the proviso can be nullified by any agreement entered into between the warehouseman and the depositor. But if no such agreement to the contrary is entered into, this clause will work a great hardship on the depositors because it says that standardized and graded goods can be mingled together. These goods are subject to shrinkage and dryage. When they are to be delivered to the depositors how is the weight or quantity to be ascertained? The entire goods are subject to shrinkage and dryage while the receipt will mention only the weight of the goods deposited by any particular depositor. All the goods are mingled together. Further even with regard to standardized goods there may be some difference between the goods of one depositor and those of another. Therefore the depositors may not like to have their goods mingled together. If the goods are to be weighed at the time of delivery according to the details given in the receipt, how will it be possible to account for shrinkage and dryage? The depositor who takes delivery of the goods at the end will have to bear the entire deficit. Is that the idea of the Government? It is certain. Therefore that there will be some difficulty in working this proviso."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, it is stated here 'subject to any agreement between the warehouseman and any depositor' standardised goods of several depositors may be mingled together. Suppose there are four depositors and one depositor alone agrees to this. Are the other three depositors bound by that agreement? Is that the idea of the Government? "

MR. CHAIRMAN :—" It is not a question of agreement among the depositors. It is a question of agreement between the warehouseman and the depositor."

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SRI B. NARAYANASWAMI NAYUDU :—" It says here 'any depositor'."

MR. CHAIRMAN :—" The hon. Member knows that the singular includes the plural also."

SRI B. NARAYANASWAMI NAYUDU :—" I know some law, Sir, but I can't say that 'any depositor' means 'all depositors'."

MR. CHAIRMAN :—" If four people come and deposit some goods under a single receipt, all the four must be taken to be a depositor."

SRI B. NARAYANASWAMI NAYUDU :—" If a question is raised in a Court of law, can it be answered in that manner, Sir? Will a judge say that 'any depositor' means 'all the depositors' put together? Is it the idea of the Government that any depositor means all depositors? What is the idea of the Government? "

MR. CHAIRMAN :—" Before the hon. Member asks the Government for their views, let us know what his view is. Does he think there will be any real difficulty in working this proviso? "

SRI B. NARAYANASWAMI NAYUDU :—" The depositors need not come together at all. They may come and deposit under separate receipts and go away. But their graded goods may all be mixed up."

12-45 P.M. MR. CHAIRMAN :—" What is the difficulty, I do not understand."

SRI B. NARAYANASWAMI NAYUDU :—" It is a matter of first impression to me. I think there is some difficulty here."

MR. CHAIRMAN :—" Let me make myself clear to you. Suppose there are four brothers in a family and all of them come and say it is joint family property that they want to deposit, that, I suppose, cannot cause any difficulty? "

SRI B. NARAYANASWAMI NAYUDU :—" There may be so many joint families wishing to make deposit."

MR. CHAIRMAN :—" But for every depositor, the article may be different."

SRI B. NARAYANASWAMI NAYUDU :—" But the proviso says that the articles can be mixed up. That is where the difficulty comes."

JANAB K. T. M. AHAMED IBRAHIM :—" That is the difficulty I am also pointing out."

SRI B. NARAYANASWAMI NAYUDU :—" As and when a depositor comes, there will be an agreement between him and the warehouseman, and in that agreement it can be provided as to whether his article may be mixed up with the other articles or

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not. If any one of the depositors bringing articles to the warehouseman says that his article shall not be mixed up with the other articles, it is only then that there will be such an agreement with the warehouseman. 'Subject to any agreement between the warehouseman and any depositor' is the expression used in the proviso."

MR. CHAIRMAN :—" I understand what Mr. Nayudu says is this: If four people deposit the same kind of goods, one man's goods may be mixed up with the goods of the others."

JANAB K. T. M. AHAMED IBRAHIM :—" If the depositor does not stipulate that his goods should not be mixed up, then it will be mixed up; and it will be so mixed up only if there is no agreement to the contrary."

MR. CHAIRMAN :—" The Government may reply."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, this is one of those clauses in regard to which I thought there won't be any difficulty. The object of this clause is to preserve the identity of the goods, and that object has got to be achieved. The substantive clause says that the goods of one depositor shall be kept separate from the goods of other depositors. The proviso says that in the case of goods which are graded and standardized, they can be mixed up and that only 'subject to any agreement'. I may submit that goods which are standardized and graded must naturally be of the same type and there should not be any difficulty at all in regard to mixing up. If, however, the standard varies one from another, then they cannot be mixed up. What is proposed or allowed to be mixed up is that class of goods which are standardized and graded and recognized as such. Take for instance, wheat or paddy. If there is a standardized variety of a particular class like class 2, class 3, etc., then we can take it that they are all of the same type. My hon. Friend Mr. Nayudu knows that we cannot treat an old thing in much the same way as we treat a new thing; they do differ in grade and also in standard. The hon. Member forgets that there is already a clause protecting such of the depositors as do not want their goods to be mixed up. There is nothing to prevent them from keeping their goods separate. We have already stated that if a particular person feels that his goods should not be mixed up with the other goods, then his feeling is respected, and that is why we say 'subject to any agreement between the warehouseman and any depositor'. It is open to any depositor to say to the warehouseman 'please do not mix up my goods with the others'. So, there is no hardship caused to anybody. This provision is there only with a view to help storage. If each depositor brings goods which are standardized and graded, and if they are all to be kept separate, then the warehouseman will have to charge more. So, it will be cheaper in such cases, to the depositor to allow his goods to be mixed up with goods of the same type and to be charged less. It is only with a view to facilitate easy storage of goods that this proviso has been put in. With a view to satisfy people

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who want that their goods should be stored separately, there is the necessary provision here. Therefore, Sir, I submit there is no need to fear that any difficulty will arise or any harm will be caused to anybody by this provision in the clause."

JANAB K. T. M. AHAMED IBRAHIM:—"What about shrinkage?"

* THE HON. SRI K. MADHAVA MENON:—"With the permission of the Hon. Revenue Minister, I may say a word, Sir. The general rule is that mixing is possible, and where a particular depositor says that his goods should not be mixed, there is a provision made here. Mr. Nayudu asked a question as to what will be the result if a depositor is not one person but three or four persons join together and deposit an article. If there are three or four depositors, it may be they belong to the same family or they may form a partnership. His question seems to be this: suppose one of them wants the goods to be mixed up and the others do not want it to be mixed up,—I think that was the question he asked."

MR. CHAIRMAN:—"As I understood him, I think he asked: if a number of people deposit the same article and if one does not want his article to be mixed up, what is to happen?"

THE HON. SRI K. MADHAVA MENON:—"In that case, there is provision here to the effect that if a particular depositor says that his goods should not be mixed up, then it cannot be mixed up."

MR. CHAIRMAN:—"I now put clause 10 to the vote of the House."

Clause 10 was put and carried and allowed to stand part of the Bill.

Clause 11.

Sub-clause 1.

* JANAB K. T. M. AHAMED IBRAHIM:—"Sir, I move—

'That in clause 11, sub-clause (1), the words "from causes beyond the control of the warehouseman" be deleted.'

"Sir, clause 11 makes provision for the sale of the goods deposited by any depositor when the goods 'begin, or are about, to deteriorate from causes beyond the control of the warehouseman'. The difficulty comes when we come to clause 12 (3) regarding payment of compensation; and in order to obviate that difficulty, I have given notice of this amendment. Further, this clause 11 deals only with deterioration from causes 'beyond the control of the warehouseman', but there is no provision anywhere in the Bill in respect of cases where goods begin to deteriorate or are about to deteriorate on account of causes not beyond the control of the warehouseman. Is he to keep such goods and allow

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them to deteriorate and to be lost to the depositor? Secondly, Sir, when the goods begin to deteriorate on account of causes beyond his control, he gives notice to the depositor to take them away; and when he refuses to take them away, he has the power to sell them by public auction, under clause 11 (2). Clause 12 (3) provides that when the goods have been sold on account of refusal of the depositor to take delivery of the goods which have begun to deteriorate on account of causes beyond his control, 'the warehouseman shall be liable to pay compensation to the depositor for any loss sustained by him by reason of the goods having lost weight or bulk beyond the prescribed limits'. The goods are sold by auction only in cases of deterioration on account of causes beyond the control of the warehouseman; and in such cases, he is not responsible for the loss or damage caused. Yet, clause 12 (3) provides that he must pay compensation for the loss incurred. Therefore, Sir, my amendment provides that in any event, the warehouseman must ask the depositor to take delivery of the goods, and if he does not do so, he may sell them by auction. It is only afterwards that clause 12 (3) will come into play and if my amendment is accepted he will be liable to pay compensation if the loss or damage has been occasioned by causes beyond the control of the warehouseman. I therefore move that the words 'from causes beyond the control of the warehouseman in clause 11 (1), be deleted.'

SRI B. NARAYANASWAMI NAYUDU:—"I second it."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, may I draw the attention of the House to clause 8 of the Bill? It says—

'Every warehouseman shall take as much care of the goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.'

There is a duty imposed on the warehouseman that he should take special care of the goods. The provision in clause 11 is that 'whenever goods deposited in a warehouse begin, or are about, to deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice'. So, in spite of his taking as much care as he ought to under clause 8, if certain goods begin to deteriorate on account of causes 'beyond his control', then naturally it is to the interest of both the depositor and the warehouseman to have this provision 'from causes beyond the control of the warehouseman'. Otherwise, it would not be to the advantage of the depositor. If we delete the words as suggested in the amendment, then the provision will read like this—

'Whenever goods deposited in a warehouse begin, or are about, to deteriorate . . . he shall forthwith give notice of the fact by registered post to the depositor, requiring him to take delivery of the goods immediately.'

The result will be that even for the slightest shrinkage, he will have to give notice to the depositor. By retaining these words here, there is a certain duty cast on the warehouseman to prove that the deterioration is due to reasons beyond his control. Thus, it is to the advantage of the depositor that these words should be there. Otherwise, it will mean that the warehouseman can go

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on giving notice whenever it suits him, even when there is the slightest deterioration, and he can ask the depositor to take back the goods, even in cases where he can be held responsible. That is why the deterioration has to be qualified in this manner. So, Sir, in the interests of the depositor, these words should be there and I oppose the amendment."

MR. CHAIRMAN:—"If the Hon. Minister reads clause 12 (3), he will find it looks as if the warehouseman is bound to pay compensation in all cases; but if the loss is due, not to his negligence, but to causes beyond his control, why should he pay compensation?"

* THE HON. SRI H. SITARAMA REDDI:—"Clause 12 (3) specifically says that—

'When goods are delivered wholly or in part under sub-section (1) or sub-section (2), or when they are disposed of under section 11, sub-section (2), the warehouseman shall be liable to pay compensation to the depositor for any loss sustained by him by reason of the goods having lost weight or bulk, in excess of the prescribed limits'

So, for each class of goods the question will be examined and the limits will be prescribed"

MR. CHAIRMAN:—"But the question may be examined further in respect of cases where the deterioration is due to causes beyond his control."

* THE HON. SRI H. SITARAMA REDDI:—"Certain classes of goods do by nature shrink when in storage; and it is quite possible that certain classes of goods when stored in the rainy season may absorb moisture; but that is no reason for the warehouseman to allow the goods to get wetted and thereby deteriorate. He will be held responsible if there is deterioration beyond the 'prescribed limits'. That is what clause 12 seeks to provide for."

1 p.m. * MR. CHAIRMAN:—"Of course, under clause 11, deterioration due to causes beyond the control of the warehouseman, is exempted, but according to clause 12, it looks as if the warehouseman has to make compensation for deterioration above certain shrinkage whether it is due to his negligence or for causes beyond his control. Of course, the limit is there and we are not concerned with it. But, suppose there is deterioration beyond the limit prescribed by the rules. Is the warehouseman to pay compensation whether that loss is caused by his negligence or for causes beyond his control?"

* THE HON. SRI H. SITARAMA REDDI:—"Under another clause, the Government have got the right to prescribe the rules up to which deterioration can be allowed. It varies from one type of goods to another and from place to place and season to season. Clause 12 refers to compensation only in cases of deterioration or loss of weight, etc., in excess of the prescribed

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limits. I may also submit that these clauses are on the lines of the Acts that have been already in operation for some years in other States."

MR. CHAIRMAN:—"There is no question about that at all, but to me it looks that clause 12 may require some reconsideration."

"Is the hon. Member, Mr. Ibrahim pressing his amendment."

JANAB K. T. M. AHAMED IBRAHIM:—"Yes, Sir."

SRI M. NARAYANA MENON:—"Sir, as against the amendment, may I submit that clauses 8, 11 and 12 taken together will show that there is no such difficulty as apprehended in the amendment? Under clause 8, every warehouseman is bound to take precautions as a man of ordinary prudence and in clause 12, it is stated 'in excess of the prescribed limits, owing to shrinkage or dryage, or by reason of deterioration in the quality of the goods owing to their having gained weight or bulk, or in excess of the prescribed limits, by the absorption of moisture'. All that is meant here is in excess of the prescribed limits"

MR. CHAIRMAN:—"May I point out that there is no difficulty about clauses 8 and 11 so far as I am concerned. In clause 11, the words 'from causes beyond the control of the warehouseman' are there. Clause 11 is all right. But what I am thinking of is clause 12, as it stands, it means, the warehouseman is bound to pay compensation to the depositor over and above the limit prescribed, whether that loss is caused by his negligence or for causes beyond his control, because no exception is made there. No doubt, under clause 8, the warehouseman is bound to take due care of the goods. But, suppose, he has taken due care, but for some causes beyond his control there is more shrinkage or more absorption. My point is, according to the words as they stand, there is no enquiry as to why the excess loss is caused. Again, I doubt what 'the prescribed limits' means. For instance, in the case of paddy the Government say, for one kalam of paddy, so much shrinkage or dryage is allowed, and if over and above that there is loss caused, is the warehouseman bound to compensate for that loss? I would therefore ask the hon. Member, Mr. Narayana Menon, to go through clause 12 more carefully and meanwhile we will dispose of clause 11."

* SRI R. SURYANARAYANA RAO:—"Sir, I move the following amendment—

'In the Explanation to clause 11 (1), omit the words "if the loss or gain exceeds such limits, if any, as may be prescribed".'

Sir, the explanation reads as follows—

'Losing weight or bulk by shrinkage or dryage or gaining weight or bulk by absorption of moisture shall be deemed to amount to deterioration within the meaning of this sub-section, if the loss or gain exceeds such limits, if any, as may be prescribed.'

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So, Sir, if any of these things happens, it amounts to deterioration."

MR. CHAIRMAN :—" Yes, anything. Deterioration up to a limit is allowed, but it is not called deterioration."

* SRI R. SURYANARAYANA RAO :—" My difficulty is, if the words ' if the loss or gain exceeds such limits, if any, as may be prescribed ' , are there, even for a mere loss of weight or loss of bulk, the warehouseman will inform the depositor to remove the goods. I gave notice of the amendment because of the wording of clause 12 (3)—for which also I have given notice of an amendment. My amendment is intended to protect the warehouseman so that he may ask the depositor to remove his goods immediately he notices there is shrinkage or loss of weight and so on."

MR. CHAIRMAN :—" The Hon. Minister has told us that it is not in any case that the depositor will be asked to take away his goods. For instance, in the case of paddy, if for one kalam a certain quantity is allowed as shrinkage, it is not open to the warehouseman to ask the depositor to take away his goods, but only in case it is more than the prescribed limit, he gives notice to the depositor to remove the goods. That is the idea."

* SRI R. SURYANARAYANA RAO :—" Power is not given to the warehouseman to weigh each bag and find out how much shrinkage there is. If the warehouseman feels there is shrinkage, or loss of weight or gain in weight by absorption of moisture, he gives notice and it is for the depositor to take away his goods. It is very difficult for any warehouseman to say whether there is more shrinkage or less shrinkage, or it is within limits or above limits. So, Sir, for the same reasons as you have stated, I have moved for the omission of the words, as suggested in my amendment, because it is a duty devolving upon the warehouseman which he will not be able to fulfil and it is almost impossible for him to fulfil. That means, the warehouseman will not come into existence if all such restrictions are put in. All that he can do is, he sees bags of rice up to the top of the roof and if he finds some space less, he will tell the depositor ' there is some shrinkage, please, therefore, remove your goods, because you will hold me responsible for compensation under clause 12 (3) ' .

" Then, Sir, it is very difficult to prescribe the limits. Unfortunately, the Hon. Minister for Food is not here and he knows what shrinkage and dryage mean in respect of foodgrains. Then there are innumerable difficulties in accounting. In some places shrinkage may be large and in some places it depends upon the kind of grain. As the Hon. Minister for Land Revenue thinks there will not be standardization immediately and in spite of *agmark* there might not be standardization except where commitments are concerned to the military or the Government. There are many things without *agmark* and standardization will take a lot of time. Meanwhile, warehouses are absolutely necessary for the ryot and in order therefore to enable the warehousemen to

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come into existence, do not think of putting in all such restrictions. As I said, Sir, if the wording of the clause is allowed to remain, as soon as the warehouseman feels there is some shrinkage, he will immediately inform the depositor to take away his goods. Then, in regard to the prescribed limit, I think it is difficult for the Government to prescribe it. In this connexion, I may point out, that the Civil Supplies Department will be able to enlighten us in this matter with their experience of the difficulties they are encountering. In fact, the Government have to write off whenever shrinking or dryage is shown, 8 per cent in some cases and 15 per cent in others. I am mentioning the Civil Supplies Department, because there are cases of drying and shrinkage in their stores. I am on a Committee called the State Trading Committee in which these matters come up. So, Sir, it is difficult to say what the shrinkage could be and you cannot prescribe the limit, because it depends upon the nature of the grain, where it is grown, etc."

MR. CHAIRMAN :—" It depends on the rats also that infest them."

* SRI R. SURYANARAYANA RAO :—" It is in the interests of both the warehouseman and the depositor that they should not be allowed to go to a court of law. My anxiety is to place as few restrictions as possible so that the warehouseman may come into existence. Of course, reasonable restrictions may be imposed. We have given him power to tell the depositor to remove the goods if he finds some shrinkage or else to sell the goods. With these words, I move for the deletion of the words suggested in my amendment, so that option may be given to the warehouseman to inform the depositor."

The amendment was duly seconded.

* THE HON. SRI H. SITARAMA REDDI :—" Sir, if the suggestion of the hon. Member is accepted, what will happen is, the depositor will be at the mercy of the warehouseman, which I am sure the hon. Member cannot contemplate with equanimity. The whole object with which the Bill has been brought forward is to enable the agriculturists to deposit their goods and take receipts, so that they may be able to sell their goods at a reasonable price and they have the necessary staying power. That is the whole object of the Bill that has been brought forward. Certain rules will be prescribed under the Act as to the nature and construction of the warehouses that have to take the goods. There are certain responsibilities involved on the warehousemen. Now, clause 11 is intended, as it is shown by the heading, ' Goods deteriorating in warehouse and their disposal ' . This clause is a clause which will come into play, not normally, but only in extraordinary circumstances, that is, in circumstances which are not normally provided. When it is found that the goods are deteriorating, naturally to protect the interests of both the warehouseman and the depositor, this clause comes into operation, so that the warehouseman may give notice to the depositor saying that the goods are deteriorating

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and that he might take them away. It is also prescribed that the depositor should not be asked to take away the goods unless the damage or deterioration is of a nature which is above the prescribed limit. So, if the words 'if the loss or gain exceeds limits, if any, as may be prescribed' are omitted, it will mean that if the warehouseman is dissatisfied with the depositor, he may ask him to remove his goods. That will lead to difficulty so far as the depositor is concerned. Of course, the limits are going to be prescribed under the rules. It is, however, possible there may be some difficulties in the initial stages, but I am sure they will disappear. There may be the possibility of a depositor who has deposited his goods only two days back being told to take away the goods. But, what happens to his credit? So, the whole object with which we have brought in this legislation is likely to be frustrated or defeated if we do not have those words in the clause. Therefore, Sir, I press for the retention of the words in the clause."

1-16 Mr. CHAIRMAN :—" I will now put the amendments to the
vote of the House. The question is—

'In clause 11, sub-clause (1), the words "from causes beyond the control of the warehouseman" be deleted.' "

The amendment was lost.

Mr. CHAIRMAN :—" The question is—

'In the Explanation to clause 11 (1), omit the words "if the loss or gain exceeds such limits, if any, as may be prescribed".' "

The amendment was lost.

Clause 11 was put and carried and allowed to stand part of the Bill.

Clause 12.

Sub-clause 3.

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I beg to move—

'Omit sub-clause (3) of clause 12.'

You have so well summarized the objection to this provision, namely, that the poor warehouseman is made liable to pay compensation even when losses occur under circumstances beyond his control and also within his control. It is for that purpose, Sir, that I have suggested the amendment. Some goods may be such that they may not be standardized or graded and they may lose in bulk or weight and it will be unfair to say that whatever may be the reason, whether it occurred for reasons beyond his control or within his control, the warehouseman will be responsible. I do not know, Sir, whether the Government will feel inclined to accept your point of view. We have no objection; otherwise, I think, Sir, the sub-clause must go."

The motion was duly seconded.

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* JANAB K. T. M. AHAMED IBRAHIM :—" Mr. Chairman, Sir, I move—

'Insert the following at the end of sub-clause (3) of clause 12 :—

"Provided such loss is not caused by factors or circumstances beyond the control of the warehouseman." "

There is a small mistake in typing and I have made good the omission and have suggested the amendment in the following form :—

'Provided such loss is not caused by factors . . . ' The object is that the warehouseman should not be made liable for all kinds of losses, that is, even for losses beyond his control. True, Sir, clause 8 defines his responsibilities; just like an ordinary bailee under the common law or under the law of contract, he must use the ordinary prudence which he would do in respect of goods which are his own; if, in spite of that, loss is caused, is the warehouseman to pay for it? That is the question, Sir. And now, Sir, as the clause stands, he has to pay and make good the loss incurred by the depositor beyond the prescribed limits. I can understand if he is held liable for losses caused by his mistake but where the loss occurs on account of reasons beyond the control of the warehouseman, he must not be held liable to pay compensation. Then, Sir, according to clause 11, goods are sold only when they begin to deteriorate from causes beyond the control of the warehouseman and when such goods are sold, this clause comes into operation and this clause enacts that in respect of the loss sustained by the depositor by reason of the goods having lost weight or bulk beyond the prescribed limits, the warehouseman should pay compensation. I do not know what kind of justice it gives to the warehouseman. Goods are sold because they deteriorate on account of causes beyond his control and he is held responsible for the loss and what then is the point in prescribing limits? "

SRI B. NARAYANASWAMI NAYUDU :—" I second the amendment, Sir."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Chairman, Sir, you also raised the question as to what is the position if the goods are destroyed and the depositor sustains a loss for reasons beyond the control of the warehouseman. The warehouseman keeps the goods and collects the rents and he is not so poor as the hon. Member Sri Suryanarayana Rao suggested. Let me tell the House, Sir, that sub-clause (3) contemplates certain definite things, and does not refer to a loss or wastage due to acts of God. They are—

'Loss by reason of the goods having lost weight or bulk in excess of the prescribed limits, owing to shrinkage or dryage, or by reason of deterioration in the quality of the goods owing to their having gained weight or bulk, in excess of the prescribed limits, by the absorption of moisture.'

These are conditions which the warehouseman and the party concerned have to anticipate a little beforehand. The very words

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find a place in clause 11. If it falls within a certain limit, there is no liability but if it goes beyond, it is a matter of risk that the warehouseman has to take. If for reasons beyond his control the loss goes beyond what they have anticipated, it is a risk. If it is a complete loss for reasons beyond his control, because the warehouseman is bound to insure the thing, the insurance company will pay for it. For other things, it is a risk which has to be anticipated beforehand."

* THE HON. SRI H. SITARAMA REDDI :—" Mr. Chairman, Sir, I want the hon. Member to read clauses 11 and 12 together; they will have to be read together and interpreted together. As I observed, Sir, clause 11 enables the warehouseman to give notice to the depositor and ask him to take away his goods and if he does not take his goods away, certain procedure is prescribed. While clause 11 deals with the question of goods deteriorating in the warehouses and their disposal, clause 12 relates to the delivery of the goods which have been deposited. What this clause says is that when a depositor deposited 100 bags of grains and he wants them to be delivered to him, the warehouseman may give 99 bags if one bag is allowed for shrinkage under the rules prescribed, because it is a class of goods which naturally will shrink and the depositor must be prepared to take it. There is another kind of goods which, during the rainy seasons, are likely to absorb moisture and what is hundred may become hundred and one and though he may deliver 101, it will be calculated as 100 for purposes of delivery to the depositor, because there is a prescribed limit to which the goods are likely to absorb moisture or expand in bulk or weight. Hence the depositor is protected to the extent prescribed and the warehouseman is also protected. Exception has been taken to sub-clause (3) of this clause. But if there is something that has happened owing to causes beyond the control of the warehouseman, protection is given under clause 11 and he can give notice to the depositor and even arrange for the sale of the goods under certain circumstances. I may add, Sir, that we have got powers under this Act to make rules . . ."

MR. CHAIRMAN :—" But the Government cannot make rules inconsistent with the main Act. Supposing there is deterioration in the goods deposited and the deterioration is for reasons beyond the control of the warehouseman; according to this provision, there is no question of enquiry if it is due to his negligence but it has to be applied by itself. You cannot say the words 'from causes beyond the control of the warehouseman' appearing in clause 11 will qualify clause 12 also. The Hon. Minister knows what we lawyers will say. I want to know if there is some basis for re-consideration of this clause and that is why I am asking for the considered opinion of our lawyer Members."

SRI M. NARAYANA MENON :—" Mr. Chairman, Sir, there is an Explanation under clause 11 which defines what shall constitute deterioration."

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MR. CHAIRMAN :—" But the Explanation does not mention causes beyond the control of the warehouseman. These have not been defined. In that, upper limits will be prescribed for purposes of dryage or shrinkage or for increase in bulk; it may be said deterioration is defined. But 'deterioration due to reasons beyond the control of the warehouseman or caused by his own negligence' has not been defined."

DR. P. S. SRINIVASAN :—" A certain procedure has been prescribed for disposal of goods deteriorating for reasons beyond the control of the warehouseman and the Government will certainly take note of the circumstances under which loss is caused in the matter of grant of compensation to the depositor."

SRI M. NARAYANA MENON :—" There is a prescribed limit within which there may be dryage or shrinkage or loss of weight and so on and if it is found to be beyond the prescribed limit, that is deterioration which is contemplated under this clause."

MR. CHAIRMAN :—" I am afraid the hon. Member is not correct. If the loss or gain exceeds the limits, whatever the reasons may be, if it exceeds the limits, it is deterioration. But sub-clause (1) says that if the deterioration is due to causes beyond the control of the warehouseman, he is bound to give notice. Deterioration is there but the question is the liability of the warehouseman for compensation even in cases of losses beyond his control. That has to be made clear here. Anyhow, it seems to be a case fit for clarification."

SRI M. NARAYANA MENON :—" My submission is that the Explanation to clause 11 defines what deterioration is." 1-30 p.m.

MR. CHAIRMAN :—" Anyhow it seems to me that it is not without some difficulty."

SRI M. NARAYANA MENON :—" Deterioration is defined as losing weight or bulk by shrinkage or dryage or gaining weight or bulk by absorption of moisture, if the loss or gain exceeds such limits, if any, as may be prescribed."

MR. CHAIRMAN :—" What does Mr. Natarajan think of it?"

SRI K. NATARAJAN :—" Sir, two things must be kept separate in view. One is deterioration beyond certain limits and the other thing is deterioration within certain limits allowed. Deterioration beyond the control of the warehouseman may be due to causes beyond the control of the warehouseman; so he cannot be held responsible for the deterioration. That is already provided in the Bill. But what about the deterioration caused by causes within the control of the warehouseman. I think that kind of cases should be kept separate and be provided for. Therefore I think there is some force in the amendment of Mr. Ibrahim."

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There must be some provision for claiming compensation from warehouseman where deterioration has resulted from causes not beyond his control."

SRI R. SURYANARAYANA RAO :—" Sir, we would like the Hon. Minister to consider this question and come back after lunch hour."

MR. CHAIRMAN :—" It is now 1-30, and if the Hon. Minister wants to take time to consider, I have no objection."

THE HON. SRI H. SITARAMA REDDI :—" I would like to consider this matter, Sir."

MR. CHAIRMAN :—" The House will now adjourn for lunch and meet again at 2-30 p.m."

The House then rose for lunch.

(After lunch—2-30 p.m.)

DR. U. RAMA RAO :—" Mr. Chairman, with your permission, may I say a few words, Sir? "

MR. CHAIRMAN :—" Yes."

DR. U. RAMA RAO :—" Sir, early in the forenoon, when I was not here, you were pleased to make a reference to my health. Of course, I am still a patient; for I am not yet quite all right."

MR. CHAIRMAN :—" So, from a doctor, you have become a patient now!" (Laughter.)

* DR. U. RAMA RAO :—" Sir, it was very kind of you to have referred to my health and to have commented about my capacity for work. For the last seven months I was undergoing treatment of the eye. One eye after the other got infected and had to be treated. I had to get opinions of doctors from Calcutta for treatment. And now by the grace of God and by the goodwill of the Members of this House my eyes have been restored, and I am now able to see things at a distance as well as read books. For the last 28 years I have been a member of the Legislature and I do not think I have ever failed to attend its meetings on grounds of ill-health. Nor do I think I have ever fallen ill at any time. Perhaps the present illness is due to my old age; because I am now 77 years old, a period of life when people are liable to fall ill. But, Sir, being once again restored to health, I hope to serve the country; and I once again thank you and the Members of this Council for their good wishes."

THE HON. SRI K. MADHAVA MENON :—" May I just correct the hon. Member? For, he said we commented about him. Let me tell him that we only expressed our joy to see him back here restored to his health."

DR. U. RAMA RAO :—" I was absent when the reference was made and so I do not know what was said here."

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VI. GOVERNMENT BILLS—cont.

(1) THE MADRAS WAREHOUSES BILL, 1949 (L.A. BILL NO 11 of 1949)—cont.

* THE HON. SRI H. SITARAMA REDDI :—" Sir, I have discussed with my legal advisers the point raised by hon. Members of this House, and I find that if clause 12 (3) is read with clause 11 (1) and (2), the difficulty expressed before the House would not arise. For, the warehouseman will be sufficiently protected. Clause 11 (1) puts him on his guard. Under it, as soon as he finds signs of deterioration, forthwith he is asked to issue notice, and thus he is protected against any loss. So far as clause 12 is concerned, it relates only to a normal thing. It relates to mere delivery. When anything abnormal happens, he is given certain rights as to what he should do under clause 11. So, if both the clauses are read together, no difficulty would be experienced. And I would also add this thing: if in working this enactment, it is found that this clause does cause hardship, or if there is any difficulty felt, Government would then think of bringing forward a suitable amendment. I have told the House what the opinion of our legal advisers is, and so Government consider that there will be no difficulty felt in working the clause as it stands at present both by the depositor and the warehouseman."

JANAB K. T. M. AHAMED IBRAHIM :—" May I point out, Sir, that clause 12 does not confine itself to the normal delivery of goods? "

MR. CHAIRMAN :—" I leave it to the Government to accept the amendment or not. I still feel that the idea underlying clause 12 refers only to normal things and not to things contemplated under clause 11."

THE HON. SRI H. SITARAMA REDDI :—" May I submit further, Sir, if there is any abnormal thing happening, there is already protection under clause 11. No property would be taken charge of by the warehouseman unless it is insured. So there is no loss sustained; and the warehouseman is also protected thereby."

MR. CHAIRMAN :—" Not against damage. The question of insurance does not come in here. Insurance covers only cases which are beyond the control of the warehouseman."

THE HON. SRI H. SITARAMA REDDI :—" For cases of deterioration or loss beyond the control of the warehouseman, the procedure is already prescribed in clause 11."

MR. CHAIRMAN :—" The procedure prescribed is that the warehouseman should give notice to the depositor to take delivery of the goods immediately. But suppose the depositor finds, in spite of this the goods have deteriorated? "

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THE HON. SRI H. SITARAMA REDDI:—"No, such a contingency would not arise. For what does clause 11 say? It says—

'Whenever goods deposited in a warehouse begin or are about to deteriorate . . .'
So there can be no loss, since as soon as he finds signs of deterioration he gives notice to the depositor to take delivery of the goods."

MR. CHAIRMAN:—"I am sure the Hon. Minister knows well when the warehouseman gives notice!"

THE HON. SRI H. SITARAMA REDDI:—"Under clause 11 (1) he has to give notice as soon as he finds signs of deterioration, so that even before anything by way of deterioration could happen, the depositor may take delivery of the goods. So there would be no loss."

MR. CHAIRMAN:—"Let us not discuss this matter further. If Government are satisfied I have no objection."

THE HON. SRI H. SITARAMA REDDI:—"As I submitted earlier, we have discussed this point at great length with our legal advisers; if we find any difficulty in actually working this clause, then Government would think of bringing in a suitable amendment."

MR. CHAIRMAN:—"The idea is to impress upon you if it is not necessary even now. (Laughter.) After all, is there any great urgency about this legislation now. Cannot you accept this amendment and bring this Bill again before the Assembly on the 5th February next? If there is any great urgency for this Bill at present I can understand Government not accepting this amendment."

THE HON. SRI H. SITARAMA REDDI:—"We are satisfied that the clause as it stands now is adequate for the present. It has been compared with similar Acts in other States and it is found that this clause falls in line with those Acts."

MR. CHAIRMAN:—"All right."

The question is—

The amendment of Sri R. Suryanarayana Rao was put to vote and lost.

The amendment of Janab K. T. M. Ahamed Ibrahim was put to vote and lost.

Clause 12 was put and carried and allowed to stand part of the Bill.

Clause 13.

* SRI R. SURYANARAYANA RAO:—"Sir, I move—

'In clause 13, add the following sub-clause—

"(2) The depositor is liable to pay to the warehouseman charges in respect of insurance under sub-section (1) in addition to the charges levied for services rendered."

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"The Hon. Minister said just now that clause 13 protected the warehouseman against loss or damage arising from causes beyond his control like fire, rain, floods, theft, etc. In business, insurance charges are paid by the man who deposits his goods. Freight and insurance charges are added when goods are moved from place to place. In this clause it looks as if the Government want to make the warehouseman liable for paying the insurance charges. It is not quite clear as to who should pay the insurance charges. In clause 27 (2) (d) relating to rules, it is said that the rules to be framed by the Government may provide for the charges to be levied by warehousemen for their services. I do not think that insurance will be deemed to be a service for which a warehouseman can levy a charge. Therefore I want to add a sub-clause making it specific and clear that the depositor is liable to pay to the warehouseman charges in respect of insurance under sub-clause (1) in addition to the charges levied for services rendered. The amendment clarifies the liabilities of the depositor and the warehouseman and it is a reasonable amendment."

The amendment was duly seconded.

THE HON. SRI H. SITARAMA REDDI:—"Sir, as has been pointed out, the Government have got the power to make rules regarding the charges to be levied by warehousemen for their services under clause 27 (2) (d). Insurance charge will be one of the charges to be levied by the warehouseman. When the Government insist upon insuring the goods, naturally the warehouseman must be reimbursed for the insurance charges that he incurs. The Government will certainly take note of what the hon. Member said and in the rules to be framed include the cost of insurance among the charges to be levied by a warehouseman. So there is no need for this amendment."

MR. CHAIRMAN:—"Is it the idea that the warehouseman should pay in the first instance and then recover?"

THE HON. SRI H. SITARAMA REDDI:—"Yes. There is no need for a warehouseman to insure the goods of each depositor. Goods will be coming in and flowing out and so he will make a bulk insurance. The rules that will be framed will take care of this aspect."

SRI R. SURYANARAYANA RAO:—"I beg leave of the House to withdraw my amendment."

The amendment was by leave withdrawn.

Clause 13 was put and carried and allowed to stand part of the Bill.

Clause 14.

JANAB K. T. M. AHAMED IBRAHIM:—"Sir, I move—
'Clause 14 be deleted.'

"My opposition to this clause is based on the fundamental right of any businessman to select his own customers or clients."

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MR. CHAIRMAN :—" What about the fundamental right of the depositor? "

* JANAB K. T. M. AHAMED IBRAHIM :—" A depositor can select any warehouseman he likes. A person who wants to deposit his goods may be cantankerous and the warehouseman may not like to take him as his client. By this clause, a warehouseman is compelled to accept the goods of any depositor even though he may not like to take him as his customer because of his unsatisfactory conduct in the past. A warehouseman must have the right to select his client and it is a fundamental right of any businessman to select his client. This provision will very often lead to quarrels and other difficulties and will not be conducive to harmony in the conduct of business."

The amendment was duly seconded.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'Omit the proviso to clause 14.'

What right have the Government to ask a warehouseman to discriminate in favour of co-operative societies by showing preference and charging concessional rates? If the Government give any grant for the construction of the warehouse, they will be perfectly justified in imposing any conditions. I am a co-operator myself. But I do not want to be unjust to the person who builds a warehouse. It is unfair to compel a warehouseman to show preference to co-operative societies and allow them concessional rates."

MR. CHAIRMAN :—" We are already having such preference."

SRI R. SURYANARAYANA RAO :—" Here it is a question of a private party building a warehouse."

MR. CHAIRMAN :—" I thought the idea was to give a grant to the warehouse."

SRI R. SURYANARAYANA RAO :—" If the Government give a grant, then they are entitled to impose any conditions."

" I suggest that the proviso may be deleted."

The amendment was duly seconded.

* THE HON. SRI H. SITARAMA REDDI :—" Sir, as regards the amendment moved by Janab K. T. M. Ahamed Ibrahim, I may say that there is nothing new in this provision. I may draw his attention to the fact that there is a similar provision in the Warehouse Acts of the North-West Frontier Province, Bombay and Madhya Pradesh. The draft of this Bill was circulated to the various State Governments by the Reserve Bank of India. Some of the States have incorporated the provisions of this Bill in their Acts and those Acts have been in operation without giving room for any difficulty. It is not a question of any fundamental right at all; it is purely a question of whether a depositor should

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have the privilege of his goods being not rejected when there is storage space. For instance, if I am a depositor, a warehouseman should not refuse to take my goods when there are facilities, if I am prepared to pay the necessary charges. Refusal to accept goods will certainly cause hardship to the depositor. A licensed warehouseman is given certain assistance by the Government and they have a right to say that he should not discriminate between one depositor and another. As I said, a similar provision exists in the Acts of the North-West Frontier Province, Bombay and Madhya Pradesh and it has not given rise to any trouble. So I cannot accept the amendment. I oppose it.

" So far as the amendment of Sri R. Suryanarayana Rao is concerned, I may say for his information that the Select Committee suggested that some concessions should be shown to co-operative organizations. We accepted the suggestion and added the proviso which the hon. Member wants to be deleted. In clause 15 of this Bill, a certain concession is shown to co-operative societies. They are recognized as institutions wherein a large number of people combine not for profit but for mutual help. So it was thought that some concession should be given to co-operative organizations and the proviso was added. I oppose the amendment."

The amendment of Janab K. T. M. Ahamed Ibrahim was put and lost.

The amendment of Sri R. Suryanarayana Rao was put and lost.

Clause 14 was put and carried and allowed to stand part of the Bill.

MR. CHAIRMAN :—" In reply to Sri R. Suryanarayana Rao, the Hon. Minister said that the suggestion for adding the proviso was made by the Select Committee. The Select Committee Report was given to the other House. It was not supplied to this House and the members of this House do not know what happened at the Select Committee stage and what reasons prompted the Select Committee to make the changes. This matter was discussed at the conference of Presiding Officers. It was the unanimous opinion of the Presiding Officers that whatever papers were given to the members of one House should be given to the members of the other House also so that they also might know what happened in the Select Committee. If they do not know what happened in the Select Committee, they may worry the Government by moving the same or similar amendments and adducing the same kind of arguments. But if they know what happened in the Select Committee, work will be simplified. If the Bill comes before this House in a different shape from what was published, the members ought to know why the changes have been made. The Select Committee Report will contain the reasons for the changes. All these things were considered and the Presiding Officers were of the unanimous opinion that the Select Committee Report and the other papers given to the members of one House might be given to the

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members of the other House also. I bring this to the notice of the Government and request that they may consider the desirability of accepting and following the procedure."

Clauses 15, 16 and 17 were put and carried and allowed to stand part of the Bill.

Clause 18.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'In clause 18, omit the words " On such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose ".'

I do not know why the words ' on such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose ' are inserted. I can understand the Government saying that the warehouseman shall issue a duplicate receipt on such conditions as are prescribed in the rules for the purpose. But why should the warehouseman be given the power to waive some of the conditions laid down in the rules? I do not think it is necessary. In clause 7, provision is made for the issue of a duplicate licence on application and payment of the prescribed fee. In the same manner, the warehouseman must be asked to issue a duplicate receipt. ' On such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose '—why is this involved language employed? If the Government want to make the receipt a negotiable instrument, the procedure adopted for the issue of a duplicate share certificate, namely, notifying in the gazette or newspapers, inviting and considering objections to the issue of a duplicate share certificate and then issuing the certificate may be adopted. I take objection to the warehouseman being given the power to waive any of the conditions prescribed in the rules. So I have moved the amendment."

The amendment was duly seconded.

3 p.m. * THE HON. SRI H. SITARAMA REDDI :—" Mr. Chairman, Sir, as I have said already, the receipt is a very important document and it was suggested in the Select Committee that the warehouseman should be protected from fraud and that he should be indemnified against misuse of the receipt and it was therefore felt necessary that the warehouseman should have the right to insist upon such indemnity bond as is necessary and that the Government should make rules for that purpose. So the words ' on such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose ' were inserted in the relevant clause, so that he cannot go beyond the rules prescribed by the Government. The conditions that he can impose should only be within the four corners of the rules to be prescribed by the Government, the primary intention of the Government being to see that the warehouseman is indemnified against any action being taken before the duplicate receipt is issued and so Sir, it was at the suggestion of

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the Select Committee that these words were introduced and after due examination by the Government, they were adopted in the Bill and passed by the other House."

* SRI R. SURYANARAYANA RAO :—" Sir, since the Government are going to prescribe the conditions for the purpose in the rules to be made by them under this Act, why not they at least delete the words ' on such conditions as he may think fit to impose ' and why should they want to give the warehouseman the power, to impose such conditions as he may think fit? "

* THE HON. SRI H. SITARAMA REDDI :—" I have already said, Sir, that this is only intended to give him an additional protection against any fraud being committed. This is only an option given to him as a matter of safeguard, and I do not think there will be any difficulty in this matter, because he cannot go beyond the rules prescribed by the Government for the purpose and so my hon. Friend need not fear that we are giving him too much power. I therefore think, Sir, that the amendment is unnecessary."

MR. CHAIRMAN :—" The question is—

' In clause 18, omit the words " on such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose ".'

The amendment was lost.

Clause 18 was put and carried and allowed to stand part of the Bill.

Clause 19 was put and carried and allowed to stand part of the Bill.

Clause 20.

New sub-clause (4).

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I move that—

' After sub-clause (3) of clause 20, add the following new sub-clause :—

" (4) No certificate issued by a person not licensed under this section shall be binding on the warehouseman or the depositor."

" Sir, sub-clause (3) of this clause says that ' No person who is not licensed under this section shall act, or hold himself out, as a weigher, sampler or grader '. If such a person issues a certificate, it should not be binding on the warehouseman or the depositor. This is a simple thing which we all know. But why I am raising this point is, that while under clause 26, whoever acts or holds himself out, as a licensed warehouseman without having obtained a licence under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine or with both, a person who acts or holds himself out as a weigher, sampler or grader, without a licence is not punishable under this Bill. So at least I want to have this provision, that a certificate issued by such

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a person shall not be binding upon the warehouseman or the depositor, so that the warehouseman may not be taken to task for not binding himself to act on a certificate issued by such unlicensed weigher, sampler or grader. That is the purpose of my amendment, Sir. I would even like to have a penal clause under clause 26 to the effect that whoever acts as a weigher, sampler or grader without a licence shall be punishable under this Bill. I do not know how it has escaped the attention of the Government and why these people are left without any punishment, if they act as such without a licence. The least that we can do under the present circumstances is to protect the warehouseman and the depositor by inserting this provision that no certificate issued by a person not licensed under this section as a weigher, sampler or grader, shall be binding on the warehouseman or the depositor. I am not introducing any provision to punish the person who poses himself as a weigher, sampler or grader without obtaining a licence, for which there ought to be a provision under clause 26."

MR. CHAIRMAN :—"What is the point of the hon. Member? Does he think that any person would act or hold himself out as a weigher, sampler or grader without actually obtaining a licence?"

* SRI R. SURYANARAYANA RAO :—"Perhaps it might not happen, but suppose a person who is not licensed under this Act, acts or poses himself as a weigher, sampler or grader, certainly the warehouseman is not bound to accept the certificate issued by such a person. My object is only to protect the warehouseman, because while a warehouseman is punishable under clause 26 if he acts or holds himself out as a licensed warehouseman without having obtained a licence under this Act, a weigher, sampler or grader is not so punishable, if he does not obtain a licence. I do not know how it has escaped the attention of the Government. They have simply stated in clause 26 (b) that whoever knowingly contravenes or fails to comply with any of the provisions or requirements of this Act or the rules, shall be punishable. This is more or less an omnibus clause and they have singled out only the poor warehouseman for the purpose of punishment and not the person who poses himself as a weigher, sampler or grader without a proper licence, because nothing is said about these people. Perhaps it may be a lacuna in this Bill, which the Government or the draughtsman of this Bill or the Select Committee have not noticed. There is no provision for punishing such people. That is why I want to protect the warehouseman from being punished, if he did not act on the certificate of such unlicensed weigher, sampler or grader."

MR. CHAIRMAN :—"Sub-clause (2) of this clause says that 'any certificate so issued shall, subject to the provisions of section 23, be binding on the warehouseman and the depositor as to the weight, bulk, quality or grade of the goods so certified.' Even now it is not binding on the warehouseman to act on the certificate issued by an unlicensed weigher, sampler or grader, because the wording here is 'any certificate so issued'. That is to say, that if the certificate is issued by a person who is not a licensed weigher,

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sampler or grader, it is certainly not binding on the warehouseman or the depositor. Then, what is the difficulty of the hon. Member?"

* SRI R. SURYANARAYANA RAO :—"Perhaps it may be implicit in that sub-clause, but it has not been expressly stated and that is why I have moved this amendment. Moreover, Sir, I must point out that there is no provision in this Bill for punishing an unlicensed person acting as weigher, sampler or grader. However, Sir, I do not want to press this amendment, in view of the present sub-clause (2), in which this idea is implied."

The amendment was, by leave, withdrawn.

Clause 20 was put and carried and allowed to stand part of the Bill.

Clause 21.

* SRI R. SURYANARAYANA RAO :—"Sir, I move that—
'After sub-clause (3) of clause 21, add the following new sub-clause :—

"(4) Within such time as may be prescribed an appeal shall lie to such authority as may be prescribed against an order suspending or cancelling the licence by a prescribed authority."

"Sir, here in this new sub-clause, I am only providing an appeal against the order of the prescribed authority, suspending or cancelling the licence. Every clause generally says that if so and so does not do this, he shall not get a licence or that his licence shall be cancelled or suspended. In such a case, it is but just that the licensee should have a right of appeal to the higher authority. However, Sir, only this morning I moved an amendment similar to this under another clause, but the Hon. Minister was not in a mood to accept it. Unless the Hon. Minister himself realizes how badly these clauses are worded and how unjust it would be if no right of appeal is provided in such cases, there is no use in pressing my amendment. But I am sure he would realize it later on, when he actually puts this measure into operation. However, Sir, I do not want to press my amendment at this stage."

The amendment was, by leave, withdrawn.

Clause 21 was put and carried and allowed to stand part of the Bill.

Clause 22.

* SRI R. SURYANARAYANA RAO :—"Sir, I move that—
'In clause 22, insert the words 'as far as possible' between 'shall' and 'provide'."

"Sir, I want to insert these words 'as far as possible' between the words 'shall' and 'provide' in this clause as a measure of abundant caution, because we are all aware that there are at present no satisfactory arrangements for grading or standardizing or sampling any goods deposited in the warehouse. Therefore let us be plain

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about this matter. We have not got anywhere any perfect arrangements for sampling, for grading or for weighing goods nor even in any of the other departments dealing with offences contravening such provisions. That is why I want to insert the words 'as far as possible'. Here in this clause, we have said that every warehouseman shall provide facilities for weighing, sampling and grading of any goods deposited in his warehouse. That is to say he must provide himself with so many apparatus and things which are necessary for satisfying the provisions of this clause, the moment he has built a warehouse and obtained a licence therefor under this Bill. Otherwise he is liable for the punishments laid down under clause 26. That is certainly not practicable. Even the Government have not got all such facilities for weighing, grading and sampling in their Civil Supplies department, which deals with things like that. Even in the Police Act there are so many sections laying down penalties and punishments for offences like overloading or drawing heavy-laden vehicles. But persons are seen on the road daily, panting for breath, drawing such heavy-laden carts and vehicles and they are not prosecuted by the Police, because there is no place for them to take these carts and weigh them in order to find out what is actually the weight of the load that these people are carrying. We are working under conditions which are not possible of complete fulfilment. That being the case in every other department of Government, I do not want that the poor warehouseman should be hauled up under this Bill, because he has not provided himself with all facilities for grading, sampling, etc. Even in the case of fruit consignments, we have not got anywhere a perfect machinery for grading and so, Sir, I have suggested the insertion of the words 'as far as possible' in this clause and I hope that at least this amendment of mine will be accepted by the Hon. Minister."

The amendment was duly seconded.

THE HON. SRI H. SITARAMA REDDI:—"Sir, I am sorry, I cannot accept the amendment, because it goes against the whole object of the Bill."

MR. CHAIRMAN:—"The question is—

'In clause 22, insert the words "as far as possible" between "shall" and "provide".'

The amendment was lost.

Clause 22 was put and carried and allowed to stand part of the Bill.

Clause 23.

* SRI R. SURYANARAYANA RAO:—"Sir, I move—

'That in clause 23, omit the words "or the prescribed authority" in line 1 and also for the words "a Board or Boards of arbitrators" in line 2, substitute the words "such authority, or authorities, as they deem fit".'

"Sir, here I want that the Government themselves shall appoint the appellate authority over certain matters and not the prescribed

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authority who issues licences. I want to know why should the prescribed authority be given the power to appoint the appellate authority. No doubt licences are to be issued by the prescribed authorities, but it is the Government themselves who ought to say, to which persons, appeals can go against the orders of the prescribed authorities who issue or reject the licences and not the prescribed authority itself. I am asking in my first amendment for the omission of the words 'or the prescribed authority' because it is the prescribed authority who issues or rejects the licence and it is against the orders of such an authority that an appeal should be provided and I want also that the appellate authority should be appointed by the Government themselves."

MR. CHAIRMAN:—"I do not think that is the meaning of the clause. The object is that the Government may themselves appoint a Board or Boards of Arbitrators or they may authorize somebody else to hear and decide appeals and disputes arising out of this Act."

SRI R. SURYANARAYANA RAO:—"But then, Sir, they have not defined who the prescribed authorities are, because that term occurs in so many places in this Bill."

MR. CHAIRMAN:—"There is no general prescribed authority for the whole Act, but on the other hand there is a prescribed authority for each clause of this Bill, and this will be provided in the rules."

THE HON. SRI K. MADHAVA MENON:—"Sir, in sub-clause (8) of clause 2, the term 'prescribed authority' has been defined as follows:—

"Prescribed authority" means in relation to any provision of this Act, the authority prescribed by rules made under this Act to carry out such provision."

MR. CHAIRMAN:—"The prescribed authority for this clause will be specified under the rules to be made under this Act and here the Government shall appoint a Board or Boards of Arbitrators themselves or ask the prescribed authority under this clause to do so."

* SRI R. SURYANARAYANA RAO:—"After all, what I am asking, Sir, is that because the Government have to appoint somebody to whom these appeals can go, let them make the appointments themselves."

MR. CHAIRMAN:—"They will do so both by themselves and by delegation of powers."

* SRI R. SURYANARAYANA RAO:—"I submit, Sir, that this delegation of power is not necessary. I see that in many places in this Bill, the term 'prescribed authority' is coming up and so I want to know why it is necessary to give the prescribed authority the power to appoint a Board of Arbitrators. The Government themselves can make such appointments in the interests of the warehousemen as well as of the depositors."

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MR. CHAIRMAN :—" The hon. Member knows that after all these prescribed authorities are simply the subordinates of the Government."

* SRI R. SURYANARAYANA RAO :—" But, Sir, even the best of appointments are made on the recommendation of the subordinate officers of the Government. However, Sir, I do not want to press this amendment. But all the same, I want to know from the Government, what they mean by the term ' Board of Arbitrators ', because I am not able to understand their real object. That is why, Sir, in my next amendment, I want the substitution of the words ' such authority or authorities, as they deem fit ' for the words, ' a Board or Boards of Arbitrators ' in this clause."

MR. CHAIRMAN :—" Because the State is a big one, they cannot themselves look into these things or make the appointments themselves, and therefore they want to have a number of authorities to hear and decide appeals and administer the Act."

SRI R. SURYANARAYANA RAO :—" After all, Sir, it is only a small matter and I do not know why the Government should appoint a Board of Arbitrators and incur so much expenditure on their travelling allowance and on so many establishments under the Board and things like that. It is simply multiplying appointments and all these expenses will have to be borne by the warehousemen and ultimately it is the depositors who will have to foot the bill."

MR. CHAIRMAN :—" After all even if these words are omitted from the clause, the Government will have to ask somebody else to look into these things and ultimately the warehousemen and the depositors will have to meet the expenditure."

3.15
p.m.

* THE HON. SRI H. SITARAMA REDDI :—" Sir, the Act contemplates the setting up of warehouses in due time all over the State and there is bound to be difference of opinion between the depositor and the warehouseman. It is necessary therefore that there must be somebody to arbitrate instead of taking up the matter to a court or a tribunal. To enable these things to be done expeditiously, it is necessary to have a Board of Arbitrators. When the Bill becomes law and begins to function, it is quite possible that there will be a number of warehouses all over the State, and many people, taking advantage of the warehouses, make deposits of goods. There is bound to be difference of opinion between the depositor and the warehouseman. Clause 23 (d) says that the Government or the prescribed authority shall appoint a Board or Boards of Arbitrators for deciding any appeals, disputes and complaints in such other matters as may be prescribed. This is a comprehensive clause and it is intended that we must have the power to appoint the necessary arbitrators or Boards of Arbitrators to enable the thing to be done expeditiously and advantageously."

SRI R. SURYANARAYANA RAO :—" I do not press the first part, but I press the second part of my amendment."

The amendment was duly seconded.

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MR. CHAIRMAN :—" The question is—

' In clause 23, for the words " a Board or Boards of Arbitrators " in line 2, substitute the words " such authority, or authorities, as they deem fit " ' "

The amendment was lost.

Clause 23 was put and carried and allowed to stand part of the Bill.

Clauses 24 and 25 were put and carried and allowed to stand part of the Bill.

Clause 26.

Sub-clause 2.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

' For sub-clause (2), substitute the following :—

" (2) Where a person committing an offence under subsection (1) is a company or an association or body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence."

" Sir, the amendment that I have given notice of, was there in the Bill when it was introduced. I do not know why that has been altered and a new sub-clause has been put in. Sir, the new sub-clause is copied from the Sugar Factories Act. But, I feel that under the amended clause every one will try to escape the responsibility. The amendment that I have moved was generally to be found as a clause in the various orders issued under the Defence of India Rules in war time. Suppose there is an ordinance against profiteering. I go to a shop and ask for a certain article, and the shopman, who has what I want, says that he has not got that article. The man who refuses as also the manager can be prosecuted. Only the manager must let in evidence to show that he was not there at the time, or that without his knowledge his servant had refused to part with the article required. Otherwise, they will throw the blame on their servants while big men escape responsibility. That is the main purpose of my amendment. The sub-clause that I now propose was there in the Bill originally. I do not know why that was removed."

MR. CHAIRMAN :—" What is the change that the hon. Member wants now? "

SRI R. SURYANARAYANA RAO :—" Sir, I take it for granted that he is guilty of the offence unless he proves that he is not guilty."

MR. CHAIRMAN :—" The clause, as it stands, does not give that protection. Does the hon. Member want to give that protection? "

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SRI R. SURYANARAYANA RAO :—" I want to give the protection, but he should prove his innocence."

MR. CHAIRMAN :—" In the clause there is no such protection at all."

* SRI R. SURYANARAYANA RAO :—" Why should it not be given, Sir? It is unfair to haul up every director who is far away from the place and make him responsible for what his agent does. If he proves that the offence has been committed without his knowledge or consent he goes scot-free. That is the purpose of my amendment. This provision is found in most of the orders issued under the Defence of India Rules in war time, especially when the ordinance against profiteering was enforced. I do not know what induced the Government to make it more rigorous in the new clause. It is not fair to all the persons concerned."

The amendment was duly seconded.

* THE HON. SRI H. SITARAMA REDDI :—" According to the original Bill, every person connected with the management of a warehouse was deemed to be guilty of an offence unless he proved his non-complicity. The Select Committee amended the clause so as to make it analogous to section 15 of the Sugar Factories Act. The person really responsible and principally responsible alone is to be made liable and not everybody. That is the object of the clause, Sir."

MR. CHAIRMAN :—" The question is—

'For sub-clause (2), substitute the following :—

"(2) Where a person committing an offence under sub-section (1) is a company or an association or body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence."

The amendment was lost.

Clause 26 was put and carried and allowed to stand part of the Bill.

Clause 27.

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

'In sub-clause (2), for the word "or" substitute the word "and".'

Sir, here I would like to have the assistance of the Hon. the Law Minister. I should like to know why the word 'and' is not put instead of the word 'or'. Sub-clause (2) says 'In particular and without prejudice to the generality of the foregoing power, such rules may add any article to, or omit any article from, the schedule, or provide for Sir, it should be, I think, 'and' provide for. I think 'and' is correct."

The amendment was duly seconded.

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THE HON. SRI H. SITARAMA REDDI :—" Sir, I had this point examined by the Legal Department. Sub-clause (2), as it stands, makes provision for all the purposes mentioned in that sub-clause. The substitution of the word 'and' for the word 'or' will be inappropriate."

SRI R. SURYANARAYANA RAO :—" Whether it is appropriate or not, I feel it should be 'and'. It is an addition to the schedule, or an omission from the schedule, and the Government are going to make rules for all these things."

THE HON. SRI K. MADHAVA MENON :—" The sub-clause reads—

'In particular and without prejudice to the generality of the foregoing power, such rules may add any article to, or omit any article from, the schedule, or provide for.'

Such rules may add any article to the schedule or omit any article from the schedule. Such rules may provide for all matters. There is nothing wrong in the wording, Sir."

MR. CHAIRMAN :—" 'Or' means either the one or the other. The Government must provide for all."

THE HON. SRI K. MADHAVA MENON :—" Even with the word 'or' it looks all right."

MR. CHAIRMAN :—" I do not think it will be found difficult in actual working. But as the hon. Member puts it, it may add or it may omit. It will do one or the other but not both. That is the point."

SRI R. SURYANARAYANA RAO :—" I do not press my amendment, Sir. I thought it correct to use the word 'and' instead of the word 'or'."

The amendment was, by leave, withdrawn.

Sub-clause (2) (m).

SRI R. SURYANARAYANA RAO :—" Sir, the amendment that I have given notice of is only a consequential amendment. The other amendments that I moved having been lost, it is not necessary for me to move this amendment."

Sub-clause (3).

SRI R. SURYANARAYANA RAO :—" Sir, I move—

'In sub-clause (3), substitute the word "Act" for the word "section".'

Sir, I was told in one of the committees, the Hon. the Law Minister stated that it would be correct to say 'under this Act' instead of 'under this section'."

THE HON. SRI K. MADHAVA MENON :—" There is no other clause dealing with the power to make rules, in this Bill."

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SRI R. SURYANARAYANA RAO :—" In most of the Bills it is like that. If it is a separate clause, I can understand. Of course, I do not press my amendment, but I was told that the Hon. the Law Minister stated in another connexion that it would be correct to say 'under this Act' instead of 'under this section'."

THE HON. SRI H. SITARAMA REDDI :—" Sir, so far as this point is concerned, the power to make rules is comprised within the scope of clause 27 (2) (a) which gives power to Government to provide for all matters expressly required or allowed by this Act to be prescribed. This is equivalent to the power to make rules 'under this section'. There is no need for the amendment."

The amendment was, by leave, withdrawn.

Clause 27 was put and carried.

The Schedule.

SRI R. SURYANARAYANA RAO :—" Sir, I move—

'In the schedule in item (3), add the following words "specifically notified".'

The Hon. the Minister has already explained why he has given up coffee and tobacco. I only want that the words 'specifically notified' be added after the words 'other foodgrains'. I request Government to add the words 'specifically notified'. In view of the shortage of real foodgrains, every grain is a foodgrain."

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

SRI R. SURYANARAYANA RAO :—" I want to add the words 'specifically notified' after the words 'other foodgrains'."

MR. CHAIRMAN :—" Suppose the words are not there . . . "

SRI R. SURYANARAYANA RAO :—" The Government will have to say what grain it is. (Interruption.) As one hon. Member said even soya bean will come under 'other foodgrains'."

MR. CHAIRMAN :—" Why does the hon. Member want these words to be included? "

SRI R. SURYANARAYANA RAO :—" After all we must know what is the grain."

MR. CHAIRMAN :—" The idea is to include all foodgrains. Why does the hon. Member require the specific notification of the foodgrains? "

* SRI R. SURYANARAYANA RAO :—" Sir, they have mentioned so many items, and they could have mentioned what the other foodgrains are. They have specifically stated Bengalgram, redgram and all other kinds of grams. When the question of foodgrains came, they have stated 'other foodgrains'. Evidently they do not know whether there are any other foodgrains, and so they simply left it like that."

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MR. CHAIRMAN :—" It is only by way of abundant caution."

The amendment was, by leave, withdrawn.

The Schedule was put and carried.

Clause 1 was put and carried and allowed to stand part of the Bill.

The Preamble was put and carried.

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

'That the Bill be read a third time and passed.'

8-30
p.m.

Sir, in making this motion I must express my gratitude to the House for the very constructive suggestions that have been made. Particularly with regard to clauses 11 and 12 there has been interesting and instructive discussion and as I have already said, the matter will be examined and if it is necessary, an amending Bill will be brought forward. I have discussed with the Legal Advisers of the Government and I have been advised that the clauses as they stand at present are adequate. But I keep an open mind in the matter and if it is found necessary, Government will take steps to bring forward an amendment. I thank the hon. Members for all the suggestions and help they have given me in piloting this Bill."

MR. CHAIRMAN :—" The question is—

'That the Madras Warehouses Bill, 1949 (L.A. Bill No. 11 of 1949), as passed by the Assembly be read a third time and passed.'

The motion was carried and the Bill was passed.

(2) THE TUNGABHADRA PROJECT (PREVENTION OF SPECULATION IN LAND) AMENDMENT BILL*, 1950 (L.A. BILL NO. 36 OF 1950).

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

'That the Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950 (L.A. Bill No. 36 of 1950), as passed by the Assembly, be taken into consideration.'

SRI B. NARAYANASWAMI NAYUDU :—" When is the Project going to come into existence? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, I suggest to the hon. Gentleman to make a journey to Hospet and see the dam that is being constructed. (Mrs. M. Hensman: Can we go?) There is no prohibition against anybody going there."

MR. CHAIRMAN :—" It seems the Hon. the Minister has not caught the point."

THE HON. SRI H. SITARAMA REDDI :—" I know the financial implications of that, Sir. I have caught the point."

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Mr. CHAIRMAN :—“ She wants the whole House to know that.”

Dr. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, can we not follow the procedure adopted in Parliament to send out roving commissions of members? ”

* THE HON. SRI H. SITARAMA REDDI :—“ Sir, the question has been raised and I should like to take the occasion to say, with your permission, that the work of the construction of the dam and the digging of the canals has been proceeding satisfactorily. The Hon. the Minister for Public Works and myself have had occasion recently to go to that area and we have seen for ourselves the progress made not only on our side but on the Hyderabad side also, and I can assure hon. Members of this House that the work is proceeding satisfactorily and speedily. I do expect that at the present rate of progress, we may be able to complete the project at least by 1953 if not earlier.

“ That apart, the House is aware that this amending Bill is related to the previous Act that was passed in 1947.

“ Section 3 (1) of the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947, provides that every person who owns more than fifty acres of land in the project area, purchased after the 1st October 1944, shall, on demand made by the State Government within three years from the commencement of that Act (that is from the 10th June 1948), be bound to sell to them the excess over fifty acres at the price at which the land was purchased by him. As the alignment of the main canals and distributaries under the Tungabhadra Project has not yet been finally settled and as the localization of the full ayacut of the project will take a long time to complete, it will not be possible to know before the expiry of the period of three years specified in section 3 (1) the actual extents of land which will be within the commandable area of the project. The Government therefore consider it necessary to extend the period of three years mentioned in that section to ten years. They also consider it advisable to lay down in the Act itself the method of ascertaining the purchase price and of determining the fifty acres which may be retained by the owner under section 3. The Bill inserts the necessary provisions in this behalf and further provides that any acquisition of project land in excess of the maximum specified in the permit granted under the Act will be null and void and that the State Government may acquire any land the acquisition or alienation of which is null and void under the Act.

“ The main object with which this amendment was originally undertaken was this. It was felt that if there was no amendment brought forward the provisions of this Act would lapse by June 1951 and by that time, as I have already said, the area could not have been localized and the object with which the whole Act had been conceived would be lost. So, this amendment has been

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brought forward. Though the period suggested is ten years, the work of localization will be taken up actively. The suggestion of this period does not mean that the Government are going to take ten years to complete the work. I move that the Bill be taken into consideration.”

Mr. CHAIRMAN :—“ Motion moved—

“ That the Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950 (L.A. Bill No. 36 of 1950), as passed by the Assembly, be taken into consideration.”

* SRI R. SURYANARAYANA RAO :—“ Mr. Chairman, Sir, we are deeply grateful to the Government for coming forward with this Bill. When the original Bill was brought forward in 1947 by the then Revenue Minister Sri Kala Venkata Rao, it was thought that three years was a quite enough period. But now the Government feel that it is not possible to exercise their option within the period of three years and they propose to extend it to ten years. I wish the Hon. the Minister had explained why he has proposed ten years. It is fair that the hon. Members of the House should know that. It may be that the present project with the low-level canal may be completed within two or three years. But there is a proposal now which formed part of the original project having what is called the high-level canal. The completion of the project will take some time. So, it is necessary that the Government should have enough time. Therefore, it is that a period of ten years has been provided in this Bill and that is as it should be. If it is necessary, I am sure that they will come forward with another amending Bill asking for a few years more in order to complete their task. At the time when Sri Kala Venkata Rao introduced this Bill, I complained that the provisions were not as rigorous as the Advisers' Government in their communique, dated the 7th February 1946, laid them down. It was said then that if any land was acquired in contravention of the provisions, all the excess land would be liable to be confiscated. Here we are mild; we are saying that we will take the land and give compensation. The Advisers' Government gave the warning to the people who were speculating that if they purchased more land, it was liable to be confiscated. Here we are only saying that we are going to purchase the lands at the price at which the land was purchased by them. I wish this Government also had made it known to the people who are still speculating that if they violate the provisions of the Act, the Government will not merely enforce the provisions of the Act but also confiscate all the excess land acquired by them. Unless some severe measure of that kind is promulgated, the speculators will never cease to be busy. I wish the Government had done that. However, we are very grateful to them for at least extending the period to ten years before which time they will have acquired all lands in excess of 50 acres purchased by a person after a particular date and paid compensation that might be decided by the authority prescribed.

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"Sir, the amendments of which I have given notice are not intended in any way to violate the principles of the Bill. Nor do they in any way mitigate the rigours of the Bill. I would like the provisions to be as rigorous as possible against the speculators. But I would like the Government to consider and tell us how far the provisions of the Bill enacted in 1947 have stopped speculation. What is the effect of the Act of 1947? Have there not been purchases of more lands by speculators? If there have been such purchases, why not enforce the provision of confiscation? If speculation is still ripe, to that extent, the Act of 1947 has failed to achieve the objects we had in view. Have the Government any figures to show that the Act of 1947 had a very salutary effect on transactions by speculators? If there has not been such a result, why not the Government pursue the course of confiscation announced by the Advisers' regime? Or, why not they say that such lands will not be given water at all? Some rigorous provision must be made. Otherwise, these speculators will continue to come especially from the Guntur district.

3-45 p.m. "The whole object of this project will be upset by these speculators. The object of the Government in acquiring the lands is to give them to the landless labourers and settle them there as peasants. Some such method should be adopted. I would like the Hon. Minister to tell us what the effect of the Act of 1947 has been, whether it has really stayed speculation, whether it still persists, whether the Government have information in regard to this matter and if they do not have information whether he will call for information as to whether speculation still persists in spite of the Act of 1947. If it is found that speculation still persisted, then the Government should not hesitate to take more stringent measures to stop it. I want this assurance in the interests of the successful working of the Act and also the success of the project in which all of us are interested. The mere threat of acquisition is not going to help matters. The Government may not be able to acquire and they may not have enough funds. It may be that the speculators who have come into possession of the lands may continue to enjoy those lands; but the main purpose of the Act is not that. If such a state of affairs is permitted, then I am afraid it will nullify the very object with which the Act has been enacted. Therefore, I would like the Hon. Minister to tell us if he has information on these points; if he has no information, let him obtain the necessary information and assure us that if necessary, more stringent provisions will be introduced to stop further speculation."

MR. CHAIRMAN :—"This seems to be a matter between the Hon. Minister for Revenue and the hon. Member, Sri Suryanarayana Rao, as they both come from Bellary." (Laughter.)

* THE HON. SRI H. SITARAMA REDDI :—"Sir, I wish there were more people. The hon. Member, Sri Suryanarayana Rao,

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was referring to the notification of 1946 about threat of confiscation of lands if the speculation went on. He wanted to know what the effect of the Act of 1947 has been and if no information was available, he wanted that information might be called for in this regard. I do not really have with me exact figures relating to speculation and acquisition of large pieces of land after the Act has been passed. But as one coming from that district, I can say that the Act that was passed in 1947 has had a very salutary effect and I can say that, though not with all the details, that the hon. Members have asked for, that Act had a very good and salutary effect upon those people who used to come and buy lands merely for the purpose of speculation taking advantage of the poverty and ignorance of the poor people. That is one of the reasons why I have come forward with this amending Bill asking that the Government should have the power for another period of ten years so that what was intended may be effectively carried out. That is the object with which this Bill has been brought forward. I shall call for the information that the hon. Member has asked for about the result of the Act of 1947 and also as to how many cases have been there in which speculators have still been purchasing lands in spite of the Act. I don't think it will be many. Anyway, I shall call for the information. Now the question of confiscation and the threat of confiscation has been raised. I do not know what the position of confiscation will be under the New Constitution. That is a point that will have to be borne in mind by the Government. I would, however, like to inform this Honourable House that the provisions of the Act, as they are to-day, are sufficiently deterrent and they will not involve any additional burden or extra burden on the Government. Because, the excess over 50 acres will be taken by the Government at a price which is reasonable. That was one of the clauses of this amending Bill. It gives power to the Government to determine the reasonable price to be paid on taking over from the speculator the excess over 50 acres if he has got any excess land. It also prescribes the procedure to be followed in that matter and also authorizes the Government to ascertain the market rate in those days when the land was bought and so, it may not be a very heavy amount. It will be possible to get from these speculators the land that they have bought in excess and use it for Government purposes. It may be for settling the landless labourers or other landless people so that they may be able to develop the area. The object with which this Act has been passed and is sought to be continued is to see that the money that is spent by the State to provide irrigation facilities to relieve famine in that area, is put to the best use and not taken advantage of by a few rich people. That is the object with which this Bill was originally passed and is sought to be extended. I have nothing more to say except to assure the hon. Member that the Government are fully aware of the need for exercising vigilance in this matter and that we have been doing that."

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MR. CHAIRMAN :—" The question is—

' That the Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950 (L.A. Bill No. 36 of 1950), as passed by the Assembly be taken into consideration.' "

The motion was carried.

Clause 2.

SRI R. SURYANARAYANA RAO :—" Sir, I am not moving my amendments to this clause."

Clause 2 was put and carried and allowed to stand part of the Bill.

Clauses 3, 4, 5 and 6 were then separately put and carried and allowed to stand part of the Bill.

Clause 7.

SRI R. SURYANARAYANA RAO :—" Sir, I wish to move all the amendments to this clause standing in my name as they form part of one clause. I beg to move the following amendments :—

(i) *In sub-clause (1) of clause 7, insert the word " In ", before the words " Section 11 of the said Act ".*

(ii) *In sub-clause (1) of clause 7, omit the following words :—*

" shall be renumbered as sub-section (4) of that section and "

(iii) *In clause 7, omit sub-clause (2) as also the existing section 11 of the present Act which is to form part of sub-clause (2).'*

Section 11 of the Act says—

" Any person aggrieved by any order passed and proceedings taken under this Act by the District Collector or any authority prescribed or appointed under this Act may within the prescribed time appeal to the Board of Revenue and the Board, after giving the parties an opportunity of being heard, pass such orders on the appeal as it may think fit."

Under the present Bill, this section is sought to be amended by the addition of the words ' Except as aforesaid, any person '. Therefore, the intention of the Government is to retain this section 11 along with the addition of these words. My point is this. We have provided an appeal to the court against the decision of the authority. I feel that this reference to the Board of Revenue is unnecessary, especially when we have given the courts jurisdiction to deal with compensation matters. Why the original section 11 and the proposed amendment should be retained I am not able to understand. We have provided that as soon as a demand is made on any owner, he may appeal to the court. He is given the right to appeal to the court straightaway. Why should this process of going through the Board of Revenue,

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which is not final, should still be retained? When we have given the right to the aggrieved man to go to a court of law on the decision of the authority, then naturally he goes to the court. Why should there be an intermediate reference to the Board of Revenue? Is it the idea of the Government that the applicant will be satisfied with the orders passed by the Board of Revenue? In any case, if an aggrieved person feels that he has not been dealt with properly by the authority, then he is sure to go to a court of law. Therefore, I feel that the retention of section 11 with the proposed amendment is unnecessary."

THE HON. SRI H. SITARAMA REDDI :—" Is it the intention of the hon. Member that there should be no appeal to the Board of Revenue at all? "

SRI R. SURYANARAYANA RAO :—" That is my point. When we are giving the aggrieved person the right to appeal to courts straightaway, why should we have another body to go through? "

THE HON. SRI K. MADHAVA MENON :—" If he is satisfied with the decision of the Board of Revenue, he may not go to court."

* SRI R. SURYANARAYANA RAO :—" Sir, I wish that the words ' if he is not satisfied with the decision of the Board, he may go to court ' were there. But here we have given him the right to go to court straightaway, without waiting for the decision of the Board of Revenue. The Hon. Minister for Law said that another forum, that is, the Board of Revenue, may be provided where the party can try his case and it may be that the party may be satisfied with the Board's decision. But, they have given the party the right to go to court straightaway. After all, decisions on land acquisition proceedings are finally taken by the Government though the Board submits proposals. Now they have given these powers to the authority. That authority settles the demand. If the party is not satisfied with the demand, he is allowed to go to court. I would have preferred no reference to courts at all; but we cannot go against the Central Act."

MR. CHAIRMAN :—" What is it that the Board will do except the issue of demand? "

SRI R. SURYANARAYANA RAO :—" The Board will have the power to review the demand."

MR. CHAIRMAN :—" Who issues the demand then? "

* SRI R. SURYANARAYANA RAO :—" The authority that is prescribed under the new sub-section issues the demand. My point is that it is unnecessary to have the Board of Revenue. It means lot of litigation and waste of money on both sides. Instead, the party can straightaway go to the court. Even now, under the Land Acquisition Act, the Board of Revenue is no appellate authority at all."

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MR. CHAIRMAN :—" What is the point of the hon. Member regarding the Board of Revenue? "

* SRI R. SURYANARAYANA RAO :—" Sir, my point is that the Board of Revenue is unnecessary and need not be there. No doubt it is there in the original Act and I have already read the relevant section. This reference to the Board of Revenue is superfluous and the party may be allowed to go to the court of law straightaway. They want to retain this and so I only suggest, as they have added the new clause, this is unnecessary. That is all what I want to say."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, so far as reference to a court is concerned, it is only in respect of the adequacy of the price offered when a demand is made under section 3 (i) or 10-A of the Act as we do in the case of land acquisition proceedings. In respect of other matters, an appeal is provided to the Board of Revenue by retaining the existing provisions of the Act. Cases where lands to the extent of more than fifty acres are taken are to be referred to a court whenever there is a dispute about the price offered for such lands so that the citizen may not be deprived of his right to go to a court. It is for this purpose that this provision is incorporated in the Bill. So far as the other provisions of the Bill are concerned, there is no need to go to a court. There is the Board of Revenue and it would be much easier for any one aggrieved to move the Board than to proceed to a court. In fact, it will be helpful to the citizen if such a provision is retained. I hope I have explained the matter sufficiently well and I also believe that the hon. Member will not press his amendment."

SRI R. SURYANARAYANA RAO :—" If the Government want to have a superfluous reference, then I do not mind it, Sir. If they want to protect the interests of the citizen, I have nothing to say in the matter. I do not press my amendment."

The amendment was, by leave, withdrawn.

Clause 7 was put to the House and carried and allowed to stand part of the Bill.

Clause 1 was put to the House and carried and allowed to stand part of the Bill.

The Preamble was put to the House and carried and allowed to stand part of the Bill.

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

'That the Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950, be read a third time and passed.'"

SRI B. NARAYANASWAMI NAYUDU :—" Mr. Chairman, Sir, I just want to know from the Hon. the Revenue Minister when this project is going to materialize. There has been a good deal of talk about it but the real question is when it will come

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into existence. We started the scheme in 1947 and said that in 1950 we would have it. And the project lands like ducks have been taken away. What has become of the project in 1950, now? The Government want ten more years and my Hon. Friend has been talking of this dam and that. What is this kind of advertisement, I want to know. A film producer, if he is not going into production, will not advertise his picture. Here is a dam which was promised for 1950 and it is yet to come into existence. Of course, the Government say, 'it is progressing very nicely'. The dam is there, but there is no water and water will not come. The Ceded districts are in this position. The Government say so many things. They say houses will be built and dams will be constructed. But what happens now? My hon. Friend, Sri Suryanarayana Rao, said that people from Guntur would go there and speculate. But one can shoot ducks only when there is water. Where is the project? When are we going to have the dam? I want to know what it is, whether it is dam or damn. (Laughter.) I do not understand why all this sort of restriction should be there on buying lands. What is this kind of business, I want to know. Is it going to be proceeded with or not? I also want to know what has happened to similar projects in the South, the Lower Bhavani Project, the Malabar Project—I do not know the name, for it never gets into my mouth (An hon. Member: Malam-puzha) (laughter), the Krishna-Pennar Project and others. When will they spring up? When will this Tungabhadra Project come into existence? The Hon. the Minister for Revenue belongs to the same place where the project is to be constructed. He must be having wide knowledge of things in that place. He must be knowing the timings when action should be taken. With all these, I am sorry that nothing has turned up so far. Added to the failure to bring into existence the project in 1950, this Bill has been brought forward affecting the lands in Kurnool and Bellary. I submit there must be some limit to this kind of advertisement."

MR. CHAIRMAN :—" The question is—

'That the Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950, be read a third time and passed.'"

The motion was carried and the Bill was passed.

(3) THE MADRAS ESTATES LAND (REDUCTION OF RENT) AMENDMENT BILL*, 1950 (L.A. BILL NO. 38 OF 1950).

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

'That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1950 (L.A. Bill No. 38 of 1950), as passed by the Assembly, be taken into consideration.'

* Published in the Fort St. George Gazette, dated 31st October 1950, and printed as Appendix X on pages 170-171 infra.

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You are no doubt aware, Sir, that the Madras Estates Land (Reduction of Rent) Act, 1947, which became law on 7th January 1948 purports to reduce the rents obtaining in the estates approximately to the level of the assessments obtaining in the adjoining ryotwari areas. Under this Act, the Government have determined and notified reduced rents in respect of almost all the villages in the State. Recently, however, some doubts have been raised in regard to some of the provisions of the Act particularly those relating to collection of rent by the Government, etc. During the course of the working of the Act, we have also come across certain administrative difficulties. It is with a view to removing these doubts and administrative difficulties that I have now come up to you with this Amending Bill.

"The purpose of this Bill is, firstly, to make it clear that the Government alone are entitled to collect reduced rents at the rates notified under the Act, secondly, that the Act applies to all estates governed by the Estates Land Act, whether or not the Madras Estates (Abolition and Conversion into Ryotwari) Act applies to them, thirdly, to provide for collection by the Government of interest on rents which have fallen in arrears and, fourthly, for adopting in an estate village the same kistbandi as that obtains in the neighbouring ryotwari area in the district. The other amendments proposed in the Bill are merely consequential.

"I shall now explain to the House briefly as to how and why the several clauses of the Bill are necessary.

"Section 3 (4) of the Reduction of Rent Act enables the Government to recover as arrears of land revenue the rent due for fasli 1357 and subsequent faslis until the fasli year in which the estates is finally taken over by them. As some of the hon. Members might remember, this provision was introduced at the Select Committee stage at the suggestion of Sri A. Vaidyanatha Ayyar which had the support of Sri N. S. Varadachari. Their idea was that the Government should help the landholders in the matter of collection of rents from their ryots and for this purpose the Government should take upon themselves the work of collecting rents at the reduced rates notified under the Act. It was also felt that Governmental agency would work out the reduced rents more accurately than the landholders' agents and that the ryots would have more confidence in Government's collection work. This suggestion was accepted by the Select Committee and the Legislature. But, in the interpretation of the section, certain doubts have been raised on this point and, therefore, it has become necessary to place the matter beyond all doubt. Now subsection (7) of section 3 inserted by clause 3 and clause 2 of the Bill accordingly make it clear that the Government alone are entitled to collect the reduced rents and not the landholders.

"Next, on the strength of the words 'the fasli year in which the estate may be finally taken over by the State Government', occurring in section 3 (4) of the Act, it has been contended that the section will apply only to such estates as are to be finally

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taken over by the Government—under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 and not to other estates. This clearly was not the intention. The intention was that the Reduction of Rent Act should be applied—and the Act has in fact been applied—to all estates governed by the Estates Land Act. The fact that certain estates which are governed by the 1936 Amendment Act came to be excluded from the Abolition Act for considerations which I need not go into just now, does not make any difference in the application of the Reduction of Rent Act to these estates. As, however, some doubts have been raised in this regard with reference to the wording of the section, it is proposed by clause 3 of the Bill to add an explanation under section 3 (4) of the Act, and to place the matter beyond all doubt.

"Under the provisions of the Estates Land Act, the landholder is entitled to collect interest on the arrears of rent due to him. It is not the intention of the Government to deprive him of this right. But there is at present no provision in the Reduction of Rent Act enabling the Government to collect interest on arrears of rent. Thus the position is that the arrears of rent are collected by the Government, while interest on such arrears to which the landholder is entitled, has to be collected by the landholder. This position is anomalous and works as a hardship to the landholder whose collection accounts are all with the Government and who does not know when a certain rent fell in arrears because the necessary accounts are with the Government. The Government have, therefore, decided to vest themselves with the necessary power to enable them to collect also the interest on arrears of rent which have fallen due. There are, however, certain practical difficulties if the Government are to collect interest in accordance with the provisions of the Estates Land Act. They have, therefore, decided to collect interest on arrears of rent due in the estates in the same way as in the ryotwari areas. New subsection (6) of section 3 proposed to be inserted by clause 3 is for this purpose.

"The rents in the estates are payable in instalments according to agreement or in the absence of agreement according to established usage. These instalments are different for the different estates in the same district and are also different from the kistbandi fixed by the Government for the adjoining ryotwari areas. There are practical difficulties in the way of Government recovering rents in the estates according to the kistbandi prevalent in the estate and collection work cannot go on smoothly unless the kistbandi in estates is the same as that of the ryotwari areas in the district. New sub-sections (5) and (7) of section 3 proposed to be inserted by clause 3 are intended to give effect to this proposal.

"It will be apparent that it is quite necessary to give retrospective effect to the above proposals if the action so far taken by the Government under the Reduction of Rent Act is not to be questioned. Clause 1 (2) of the Bill accordingly provides for this.

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" Clause 4 of the Bill provides also for the dismissal of pending proceedings instituted by a landholder and modification of decrees and orders already passed by courts to the extent to which they are inconsistent with the provisions of the Bill. As I have already pointed out in the other House the provision in this clause is nothing novel. It simply follows similar provisions in other enactments.

" I am sure the hon. Members of this House will give their kind co-operation and valuable support to this simple piece of legislation."

MR. CHAIRMAN :—" The motion is—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1950 (L.A. Bill No. 38 of 1950), as passed by the Assembly, be taken into consideration.' "

[Nobody rose to speak.]

MR. CHAIRMAN :—" Nobody is willing to speak? "

4-15 p.m. * SRI R. SURYANARAYANA RAO :—" I thought, Sir, as my hon. Friend Sri Narayanaswami Nayudu is well acquainted with the zamin area, he would enlighten us. I want to have some information from the Hon. Minister for Land Revenue. Why does the Hon. Minister want to give retrospective effect to sections 2 and 3 from 7th January 1948? What is the necessity for amending the preamble? Under section 3 (4) as I read it, the Government have already the power to collect rents. What made the Government issue a communiqué on 6th May 1949, which is published by the Department of Information and Publicity, in which they exhort the tenants and urge upon the ryots to pay the rents for fasli 1357 immediately in accordance with some terms they announced in March 1948? Another thing is, the Government have exhorted the landlords also to declare and make known to the ryots that the above terms apply also to the payment of rents due to fasli 1358 and thereafter till such time as the reduced rents are fixed and the estates are taken over under the Abolition Act. That means that the Government themselves were of the opinion that the landholders could collect the rents. As I read section 3 (4) of the Act, I think the Government have the power to collect rents. I would like to know what made the Government think they had no power.

" Then, Sir, an explanation has been introduced by clause 3 which says: ' The provision of this sub-section shall apply to an estate, whether the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, applies to it or not '. Had the Government any doubt when they passed the Rent Reduction Act in 1947? Were they not aware that it would apply to all estates coming under section 3 (2) of the Estates Land Act, 1908? If so, what is the necessity for this explanation? Does not section 3 (2) of the Estates Land Act of 1908 to which the Rent Reduction Act applied cover all the estates? If so, why is this explanation necessary now? The Hon. Sri Madhava Menon who

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introduced the Bill in 1947 in the absence of Sri Kala Venkata Rao said that it applied to all estates. He said: ' In the Select Committee and elsewhere the main talk on this Bill as on the connected measures has been over the decision to include within its scope all estates as defined in section 3 (2) of the Estates Land Act, which as you, Sir, are aware, means also whole inam villages '. This is what the Hon. Sri Madhava Menon said then in the absence of Sri Kala Venkata Rao. What is the doubt now? Simply because a few landholders have instituted suits questioning the competency of this Government to collect rent, why should the Government, before the suits are disposed of, before decisions are announced by the courts, hurry to forestall the decisions of the courts? This is my point and I am asking the Government, why this hurry.

" Again, Sir, there is a great deal of inequality in regard to reduction of rent. In the year 1937 a Committee called the Land Revenue Enquiry Committee presided over by Mr. Marjoribanks was appointed. In 1934, resettlements were stopped in all the districts. Where the resettlements took place before 1934 higher rents are prevailing in the ryotwari areas. Naturally when the rents in the zamin areas have to be in consonance with the rents prevailing in the ryotwari areas, the rents there will be higher than in the districts which were not resettled by them for the ryotwari areas and zamin areas. This aspect the Government should consider. It so happened that some of the estates in Chittoor district were resettled as in Chandragiri. What happens is the ryots in the zamin villages in districts where resettlement did not take place even afterwards will be paying lower rents than those ryots in areas where resettlement took place before 1934. What have the Government done in this regard? Apart from the fact of giving relief to the ryots in the ryotwari areas of these districts, what have the Government done to look into the aspect when they resettled the rents in the estates in these areas. They must have gone by the increased rates prevailing in the ryotwari area. That means the zamin ryots there are paying more than those in the districts where resettlement did not take place. These anomalies have cropped up; in the hurry to reduce rents, rents in certain areas are higher than in other areas.

" Sir, I have given notice of certain amendments. I shall deal with them when we reach that stage. I want to know, Sir, did not the landholders possess the right to collect interest for rents overdue? If the Government take over the place of the landholder in these estates, do not the Government succeed to all the incidences of the ryots and the responsibilities of the landlord? What makes the Government think that they cannot collect the interest? The landholder is entitled to collect interest under the Madras Estates Land Act, in respect of overdue rents.

" Then, Sir, comes the question of grain rent. When I moved an amendment last time, the Hon. Sri Kala Venkata Rao who was present on that occasion in his usual way tried to satisfy me

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with promises and said: 'This Bill is very important and very urgent. It must be passed. While I appreciate the spirit of the amendment, I have anticipated what the hon. Member would say in reply to the debate. If the Legal Department is in favour of it we can consider it. But if this is to be accepted now, the Bill will have to go back to the Assembly, which means the Bill will not become law for the next one and a half months.' He did not object to the principle of grain rents for which I moved. He said that if it was accepted the Bill would be delayed. What have the Government done to rectify the defects? Recently when the Hon. Minister for Land Revenue was in Chittoor district, number of representations were made to him. They pointed out instances where cash rents were prevailing, the ryot was paying Rs. 7 while the neighbouring ryot was paying a grain rent of more than Rs. 150 per acre. All that the Hon. Minister could say in reply to the representations was: 'The Government ought to have been apprised of the disparity before the Rent Reduction Act was enacted.' Evidently the Hon. Minister had not read the proceedings on the subject and the speech of the Hon. Sri Kala Venkata Rao. As I pointed out from the speech of Hon. Sri Kala Venkata Rao, the Government were apprised of it. But they have not moved in the matter. Sri Kala Venkata Rao as usual—he has a manner of satisfying people for the moment—(Laughter) managed the situation and said something and made me withdraw my amendment then. That was in 1947. Now we are in 1950, and still people are complaining about grain rents. The Hon. Minister for Land Revenue evidently has not acquainted himself with the proceedings of this Council and has told the people who complained about these grain rents that they ought to have apprised the Government about the anomalies when the Act was passed. As I have pointed out already, the Government were apprised of these facts. But the Government were in a hurry, and they are always in a hurry to hustle through legislation without caring for those affected by the legislation. When this Bill was being considered in the Assembly, I thought there was a clause in the Bill in regard to this matter. I attended the session of the Assembly. But I find there is no reference to the grain rent at all. I was surprised to learn that the disparity between the grain rent and the cash rent was so great. The burden is unbearable for the ryots. I have already quoted instances to show how great the disparity is between the rents. In non-settled areas after 1934 the zamin ryots are paying less cash rent compared to the cash rents paid by those in districts where resettlement had taken place in 1934. This is one anomaly. Another is this grain rent business. Why have the Government not taken steps to rectify these anomalies? Some method must be found if relief is to be given to the ryots. It should be equitable and just and be applicable to all ryots, whatever may be the area in which they are. The Hon. Sri Madhava Menon at that time conceded that in Ramanathapuram and Chittoor districts these grain rents prevailed and they ought to be tackled. What is it that they have done?

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They have introduced a proviso, a very round-about proviso which has resulted in payment of cash rent of Rs. 7 in cash rent areas and Rs. 150 in grain rent areas. This is the result, because they do not want to face the facts and give relief to the ryots. There is lot of heart-burning in the areas where grain rents are prevailing. May I ask the Government when they have taken over the collection of rents, why not take grain rents where the grain rents were being paid? Don't commute it into cash. (An hon. Member: 'There is no grain to pay now.') I know it, Sir. Let there be remission if there is no grain."

MR. CHAIRMAN:—"This question of grain rents comes into operation for fasli years 1356 to 1359. All the grain would have been eaten up or sold away. There is no grain left. There is much less cash available for collection."

* SRI R. SURIYANARAYANA RAO:—"I wish the Government had taken advantage of this instead of worrying themselves about so many things in the Bill. Most of the provisions in the Bill, I think, from my point of view are unnecessary. They have the power already. If they had no power to collect interest, they could have come with that clause alone."

"Apart from that, the main point is about the inequity of grain rent. The Government have not tackled that problem. I feel, Sir, that when such inequities exist, this occasion should have been utilized to remove those inequities. The inequities have not been removed; they are perpetuated. When are those ryots to get any salvation if this grain rent is not tackled even before fasli 1360? Government do not take the whole picture into their view. Some influential sections of the population press them to do a certain thing and immediately a Bill is prepared and introduced. If the section that is pressing is not sufficiently influential, Government leave it to its fate. That is not the attitude that Government should take. Their concern should be equally for all, whether they are poor or rich, whether they are influential or not influential." 4-30 p.m.

"The Hon. Minister is reported to have said that many more such amending measures may have to be introduced for the Zamindari Abolition Act and the Rent Reduction Act. But, he should have some concern to those poor people who are being squeezed out. There is another difficulty, Sir. It is the Government that is to collect the rent in future. Till now the landlord was unpopular. In future when the Government have to collect the rent, they are going to be more unpopular for no reason at all, for not setting right the inequities. I know, Sir, it is not for the love of money that the Government have undertaken the work of collection. But there is not that desire to reform a thing for which reformation was promised by Sri Kala Venkata Rao in 1947. He simply put me aside, as you know, Sir, that the Assembly was not sitting and that this Bill must

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be passed. He said he would ask Legal Department to go into that. The Legal Department has taken three years to examine this and it has come to no conclusion. As soon as the session is over, the whole thing is forgotten and the Government do not pursue matters even in which they give assurances. The Legal Department is looking into so many Bills and they have not been able to examine this. That is my main objection, Sir, to the Bill as it has been introduced. Instead of rectifying the defects, the amending Bill still leaves the defects which are really substantial and the removal of which will confer benefit to the people who deserve that benefit.

"Then, Sir, as regards grain rent, you will be surprised to know that on the 6th May 1949, the Government have issued a communiqué—

'In respect of lands which are tank-fed, the ryot should pay one-third waram where the existing rent is one-half waram; one-fourth where the existing rent is one-third; in case water is both different or no water for irrigation of the lands, the ryots will pay one-fourth or one-sixth according as the existing rent is one-half or one-third . . .

'The rates will apply to the crops harvested in fasli 1357, for both first and second crops . . .

These are the instructions given in the communiqué issued by the Government then, Sir. For what purpose they were issued, I do not know. This is the position with regard to grain rent. The Government themselves realized, Sir, that the waram that they were collecting was high and they themselves suggested a sliding scale. But, on what basis that sliding scale was suggested, I am unable to understand. Let the Hon. the Minister for Land Revenue also give me an assurance as Sri Kala Venkata Rao did last time . . ."

MR. CHAIRMAN :—"In the same manner!"

SRI R. SURYANARAYANA RAO :—"But, we don't leave him this time; because Sri Kala Venkata Rao escaped, we don't allow him to escape till an amending measure is brought forward in order to set right those defects. This is a very serious matter. I understand on the 5th January the Hon. the Minister for Land Revenue was in Chittoor district and many representations were made. He ought to know what the grain rent ryot should have felt when he told them, 'Oh, you didn't bring all these before the Bill was brought forward.' Sir, I beg of the Hon. the Minister for Land Revenue to redeem that solemn promise given by his predecessor and that as early as possible. I understand the Assembly is sitting on the 5th February and the Hon. Minister may bring forward another Bill to give effect to this reform. It may be, Sir, that sometimes the people may not get all the relief they need. It does not matter. But, the rent should be based on equity and justice. With these few words, Sir, I will once again appeal to the Hon. the Minister for Land Revenue to take up this matter very seriously and do something for the ryots paying grain rent."

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SRI B. NARAYANASWAMI NAYUDU :—"Mr. Chairman, Sir, I would like to say a few words with regard to estates. Apart from the zamindaris, there are certain other villages, single villages or aghaharams or entire villages. Therefore the question came up with regard to other villages and the fortune or misfortune of those villages depended on the personnel of the Ministry. When the Raja of Bobbili was the Chief Minister, he said that these villages must come under the category of estates. From the decision given by the Inam Commissioner whether those villages are estates or not, they are not estates at all. Secondly, they are estates in the 1936 Act, i.e., the Bobbili Act. Now, the Abolition Act applies only with regard to the 1908 Act and it does not apply with regard to the 1936 estates. When Sri Kala Venkata Rao became the Revenue Minister, just as the Raja of Bobbili wanted to include the aghaharam villages in the Act, I don't know his idea, but surely he must be able to know what has happened to those village . . . (Interruption.) What did Sri Kala Venkata Rao say and what did my hon. Friend Sri R. Suryanarayana Rao say at that time? Are those villages to be estates? Are those villages to be estates to be covered by the Abolition Act or are they not to be covered by the Abolition Act? Just as the tussle between France and Germany in regard to certain frontier lands, these villages are changed between a Brahman Ministry and a Non-Brahman Ministry. A Non-Brahman Ministry makes them estates and a Brahman Ministry takes them out. What happens to those villages? What is this *Bangadolu* legislation?"

MR. CHAIRMAN :—"What is it? I don't catch it."

SRI B. NARAYANASWAMI NAYUDU :—"The Government cannot take possession of these villages, because they do not come under the Abolition Act. They continue to be estates under the Estates Land Act. They cannot be taken over by the Government and I want to know from the Hon. the Minister for Land Revenue whether the Government can collect the rents from those villages. They cannot . . ."

THE HON. SRI H. SITARAMA REDDI :—"They can."

SRI B. NARAYANASWAMI NAYUDU :—"They can! I am not at all sorry for it. I only want them to collect the rent. They are still estates under the 1936 Act. They are not abolished. What happens to those estates? Their rents must be reduced! They cannot be taken over and the Government would pay no compensation. The Hon. Minister says that he can collect the rent. He will collect the rents and pay the zamindars. But, what happens to the Bunder lands, the revenue and the water course? Who is responsible for this Bill? Did the Hon. Minister make it or did Sri Kala Venkata Rao make it? The difficulty is that Government cannot abolish those estates. Then what is the fun of saying, 'You can reduce the rents'? This Bill has

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been brought in order to obviate certain difficulties with regard to these estates. There should be a clear legislation for taking them over. Or abolish them altogether. Either follow the Raja of Bobbili's attitude or follow the attitude of Sri Kala Venkata Rao. Don't leave them in *Trisanku swargam*. The Government must make up their mind. I would like to know why they cannot take them under the Abolition Act itself. Why do you want the rents to be diminished and at the same time refuse to abolish those estates and give the relief to the tenant? I would like to know how the Hon. the Minister for Land Revenue now, acting in the shoes of the former Revenue Minister who temporised with regard to those estates, temporises with regard to such estates. The Government must make up their mind. Either the Government should bring them under the Abolition Act or they should include them also in the 1936 estates. It is the only honest course open to the Government.

"Then, Sir, there is so much with regard to legislation, but nothing with regard to production. The estates have been taken over. The understanding was that irrigation will be better done. Sri O. P. Ramaswami Reddiyar said . . ."

THE HON. SRI K. MADHAVA MENON :—"What did Sri O. P. Ramaswami Reddiyar say?"

SRI B. NARAYANASWAMI NAYUDU :—"Sri O. P. Ramaswami Reddiyar said: 'We are going to make them flow with milk and honey'. There is neither milk nor honey. There is no water even. I think that about Rs. 60 lakhs was provided for minor irrigation works. I want to know from the Hon. the Minister for Land Revenue how many tanks were repaired for irrigation in Chittoor district. How many?"

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

SRI B. NARAYANASWAMI NAYUDU :—"Many! How many please? Many! In 1947, Tungabhadra Project and in 1950 commandable area is not yet settled. I will sit down and give the Hon. Minister 5 minutes or 10 minutes. How many tanks were repaired for irrigation in Chittoor district, I am asking. What is the amount you have spent? What is the use of reducing grain rent to one-fourth or three-fourths leaving water go off through the bridges."

THE HON. SRI H. SITARAMA REDDI :—"There is no water."

SRI B. NARAYANASWAMI NAYUDU :—"What? No water! There is water. There are people and they are not so duffs as you imagine. There has been water now-a-days."

SRI S. JAYARAM REDDI :—"Sir, there is no water. I too visited the place. What is the use of repairing the tanks when there is no water."

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SRI B. NARAYANASWAMI NAYUDU :—"What? I come from a village in Chittoor district. I was there 20 days ago and to-day I am going there. I can understand if an hon. Member coming from Chittoor district says that, but not a Member coming from another district. I had been there several times. The tanks were empty, not for one month or two months when there was no sufficient rain. It was not that there is no rain at all. There is rain and there is water. I want to know from the Hon. the Minister for Land Revenue how many tanks have been repaired in Chittoor district."

MR. CHAIRMAN :—"Since there is no rain tanks should not be repaired. Is that the point?"

SRI B. NARAYANASWAMI NAYUDU :—"Tanks have not been repaired. The Hon. Minister says that tanks have been repaired. How many tanks have been repaired? There are tanks, but there is no repair at all. There is no tank, but there are what are called spring channels. The springs are there, but not the channels." 4-45 p.m.

THE HON. SRI H. SITARAMA REDDI :—"Sir, I think it will be convenient if I deal first with the remarks made by the last speaker. He asked, what has been done to improve the irrigation sources in the districts, particularly in the Chittoor district, after the passing of the Abolition Act. Though this matter is not, strictly speaking, connected with the Bill we are now discussing, it is my duty to tell the House that large sums have been spent on the improvement of the irrigation sources. The hon. Member is an old parliamentarian and so, I need not perhaps point out to him that the best way of eliciting information on this matter is to put a short notice question. Had he done so I would have furnished the information required by him and satisfied him."

SRI B. NARAYANASWAMI NAYUDU :—"Notice of a question has already been given and it is pending."

MR. CHAIRMAN :—"I do not . . ."

SRI B. NARAYANASWAMI NAYUDU :—"I have already asked a question for information as to the number of tanks that have breached, the number repaired and so on."

MR. CHAIRMAN :—"That has been disposed of."

SRI B. NARAYANASWAMI NAYUDU :—"How? Without answering? I thought it was pending. If it has been disposed of, I do not know how."

THE HON. SRI H. SITARAMA REDDI :—"If it has been disposed of, the information would be there. That apart . . ."

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MR. CHAIRMAN :—“ When was that question put? ”

SRI B. NARAYANASWAMI NAYUDU :—“ I think about a month ago.”

MR. CHAIRMAN :—“ If the answer has not been received, you may put a short notice question, as suggested by the Hon. Minister.”

* THE HON. SRI H. SITARAMA REDDI :—“ Sir, I can only tell the House that the Government have been taking every possible step to see that these irrigation sources are repaired and strengthened. A lot of good work has been done in the Chittoor, Nellore and Chingleput districts. In taking up the irrigation work for repairs, we have treated it as an item in the Grow More Food campaign. This has been done not only in the estates taken over but in other estates as well. We did a lot of work in this direction last year. Though it is not possible for me at the moment to remember how many rupees, annas and pies have been spent on this work, or the number of irrigation sources repaired, I would take this opportunity to tell the House that we are quite alive to our responsibility and are doing our very best. As one hon. Member said, our difficulty is that we have had no rains to fill the tanks.

“ Then the hon. Member raised the question of the 1936 inams not being abolished and said that the Government must take a decision in the matter. I agree that a decision must be taken. As the House is aware, in the original Bill which later became an Act there was provision to include all the estates. It was only at a later stage that these 1936 inams were taken out of the purview of the Abolition Bill. At that time it was expected that the Government would bring forward a separate Bill for the abolition of the 1936 inams and for the payment of compensation. Under sections 9 and 10 of the Act, it is the duty of the miscellaneous settlement officers previously called inam settlement officers, to ascertain what are the estates that come under the 1936 Act and what are those that do not come under it. That work is going on and we expect it to be completed by March this year. With this data, we can draft legislation and come forward with the appropriate Bill and furnish hon. Members all the information required. We expect to introduce this legislation in good time, carrying out whatever assurance has been given to this House or the other House so far as the 1936 inams are concerned.

“ Sir, I was asked about the application of the Rent Reduction Act to certain estates. I say that it applies to all estates that come under the Madras Estates Land Act of 1908. Even the Preamble of the Act of 1947, which is now sought to be amended, and its Long and Short Titles all say that all estates come under the Act. It is there. But, as I said, there have been certain doubts created by the wording of another section which I quoted at length. Our attempt now is to clear those

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doubts and vest in the Government the right to collect the reduced rent under the Rent Reduction Act. That is why this legislation has been brought forward.

“ My hon. Friend Sri Suryanarayana Rao said that the Government have already got this power and that therefore there is no need for this legislation. Sir, our legal adviser thinks, however, that it is necessary that we should make clear what is implicit. They think that otherwise this is likely to cause unnecessary loss of money and time by people going to court. I would like to inform the House that there are already some suits filed by landowners questioning the right of the Government to collect the reduced rent. They say that they have this right. As I said earlier, this right of collection was taken by the Government at the instance of hon. Members who suggested the inclusion of an appropriate provision in the Bill in the Select Committee stage. The reason was that it was felt that even after the reduction of rent, if the work of collection was left to the landowners there might be a few landowners who would collect not merely the reduced rent, but more. Therefore, in order to protect the interests of the tenants it was suggested in both Houses that this power should be vested in the Government. Certain doubts have now been raised about it and the matter has been taken to the court. This legislation is therefore an attempt to clarify the position and save unnecessary litigation. If the Government have power to issue executive instructions and save trouble and anxiety to the tenants, I would not have troubled hon. Members with all this information and this legislation.

“ Another important matter that vitally concerns the ryots was referred to by Sri Suryanarayana Rao, viz., the disparity in the burden of taxation payable in cash and in kind. This has been agitating the minds of the tenants, and the Government have received several representations in the matter. We are having these examined. I do not want to go into details about what could have been done by the ryots long ago. Perhaps at that time it was advantageous to them to pay rent in kind rather than in cash. There was a time when to do so was cheaper and more convenient to the tenants. But now that the price of foodgrains has shot up a level which could not have been dreamt of at that time, those unfortunate cultivators who did not in those days take advantage of the opportunity for conversion from kind into cash find themselves in trouble now. But it must be borne in mind that the Rent Reduction Act was a measure meant for the reduction of rent and not for effecting a change in the system of revenue payment. That is why those officers engaged in this work have given a proportionate reduction in the grain rent payable by the tenant to the landlord. Hence the disparity between the rent payable in kind and in cash. The commuted value of land revenue is much more than the cash rent that was being paid. This disparity is there and therefore the consequent trouble.

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"I may in this connexion state that, after the Government takes over an estate, they have the right to collect the reduced rent, whether in cash or in kind, till such time as all the estates are surveyed and settlement is effected. It is only thereafter that the tenant would be getting relief. But, as a result of representation received by the Government about the hardship involved in this procedure, they have passed an order to the effect that even though they have the right to collect the cash value of the reduced grain rent, they would only collect the highest water-rate in the district in the matter of wet lands and the highest dry rates in the district in the matter of dry lands. This concession was given by the Government at the cost of a large slice of their income from land revenue. The Government acted in this manner because they felt that they owe a duty to the tenants. But, the grievances of the people in Chittoor and other places referred to are not in respect of this matter. Their grievances are in respect of the arrears of land revenue due, in some cases, from 1356-1359 and in some others for earlier periods. The position with regard to this is that by paying up the arrears for two years, the tenant can get the other arrears wiped out."

MR. CHAIRMAN :—"Only the previous arrears."

THE HON. SRI H. SITARAMA REDDI :—"Yes, he cannot escape payment in future."

MR. CHAIRMAN :—"So, that question does not arise, because the remission is from 1356 onwards."

* THE HON. SRI H. SITARAMA REDDI :—"So, the value of the arrears of rent is payable to the landlord and not to the Government. There are, however, certain difficulties in regard to properties belonging to the landholders. I can only tell the House that this question has been examined, and whatever the Government can do to relieve the distress of tenants will be done consistent with the constitutional and legal rights of the landholders who are entitled to those moneys that are in arrears."

5 p.m. "Sir, I hope I have met most of the points that have been raised by hon. Members and I expect that the Bill will be expeditiously passed into law."

The question that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1950 as passed by the Assembly be taken into consideration was put to the House and agreed to.

MR. CHAIRMAN :—"The Bill will be taken clause by clause to-morrow. The House will now adjourn and meet again at 11 a.m. to-morrow."

The House then adjourned to meet again at 11 a.m. on Friday, the 19th January 1951.

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

* 1. Notification to G.O. No. 1949, L.A., dated 5th October 1950, regarding the confirmation of area excluded from the limits of the Karaikudi Municipality.

* 2. Balance-sheets as at 31st December 1949 of the Radio and Electricals, Limited, and the Fertilisers and Chemicals, Travancore, Limited, Alwaye, in which the Government have taken shares.

* 3. Notification to G.O. No. 1797, L.A., dated 11th September 1950, regarding area excluded from the limits of the Bellary District Board.

* 4. G.O. No. 2238, L.A., dated 23rd November 1950, regarding directions for publication of list of valid nominations for election to Salur, Arikithota and Makkuvu circles of the Srikakulam district.

5. Bills passed by the Assembly and received therefrom in the Council—

^a (i) The Madras Warehouses Bill, 1949.

* (ii) The Tungabhadra Project (Prevention of Speculation in Land) Amendment Bill, 1950.

^c (iii) The Madras Estates Land (Reduction of Rent) Amendment Bill, 1950.

^g (iv) The Madras Hindu Religious and Charitable Endowments Bill, 1949.

6. Notification appended to G.O. Ms. No. 4524, Hom^o, dated 17th October 1950, regarding amendment to Motor Vehicles Rules.

^a Circulated on 11th December 1950.

^b Circulated on 21st December 1950.

^c Circulated on 26th December 1950.

^d Circulated on 17th October 1950.

^e Circulated on 14th November 1950.

^f Circulated on 14th December 1950.

^g Circulated on 5th January 1951.

APPENDIX I.

[Vide answer to starred question No. 84 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 7 supra.]

List of officers enjoying re-employment or extension of service.

Number and name.	Post held by him on the date of retirement.	Whether granted extension of service or re-employed.	Post to be held by him during the period of service or re-employment.	Period of extension of service or re-employment.
(1)	(2)	(3)	(4)	(5)
Health Department.				
1 Dr. M. R. Guruswami Mudaliyar, B.A., M.D.	First Physician, General Hospital, Madras (Civil Surgeon) and Professor of Therapeutics, Medical College, Madras.	Re-employed	Honorary Director of Indigeneous Medicine (without Honorarium).	Three years from 27th June 1949 forenoon.
2 Dr. M. Perumel Raju.	Permanent Health Officer, Class II, officiating as Health Officer, Class I.	Do.	Health Officer, Class II.	One year.
3 Dr. K. Rameshchandra Rao.	Permanent Health Officer, Class I.	Do.	Do.	Do.
4 Sri R. D. N. Simham.	Joint Director of Town Planning.	Do.	Joint Director of Town Planning.	Do.
5 Dr. D. Neryana Rao, M.B., B.S., M.Sc.	Additional Professor of Bio-Chemistry, Andhra Medical College, Visakhapatnam.	Do.	Professor of Bio-Chemistry, Andhra Medical College, Visakhapatnam.	Re-employed since 5th March 1948. Present term of re-employment is for one year from 1st January 1950 or till a suitable candidate becomes available which ever is earlier.

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6 Dr. R. V. Rajam, M.A., M.B.O.P. (Eng.).	Principal and Professor of Venereal Diseases, Medical College and Venereal Specialist, Government General Hospital, Madras, up to 22nd January 1950 and Dean, Government General Hospital and Medical College, Madras from 23rd January 1950.	Do.	Principal and Professor of Venereal Diseases, Medical College and Venereal Specialist, Government General Hospital, Madras, from 23rd January 1950.	Re-employed since 9th February 1949. Present term of re-employment is for one year from 9th January 1950.
7 Dr. D. Sivasubramaniam, M.B.O.S. (Eng.), L.R.C.P. (Lond.)	Vice-Principal and Additional Professor of Anatomy, Medical College, Madras.	Do.	Vice-Principal and Additional Professor of Anatomy, Medical College, Madras, from the date of re-employment to 30th June 1950 and Vice-Principal and Professor of Anatomy, Medical College, Madras, from 1st July 1950.	Re-employed since 2nd April 1949. Present term of re-employment is for one year from 2nd April 1950.
8 Dr. V. (?) Sadasiva Ayyar, M.B.B.S.	Civil Assistant Surgeon, Class I, Town General Hospital, Pudukkottai, Tiruchirappalli district.	Granted extension of service and re-employment.	Civil Assistant Surgeon, Class I, Town General Hospital, Pudukkottai, Tiruchirappalli district.	Prior to merger of Pudukkottai State, Dr. Sadasiva Ayyar was Registered Medical Officer, Town General Hospital, Pudukkottai. He attained age of superannuation on 16th June 1949. From this date he was granted an extension of service for one year. He was re-employed as Civil Assistant Surgeon, Class I, in Government General Hospital, Pudukkottai, for a period of three months from 16th June 1950.
9 Dr. K. V. Mahadevan.	Civil Assistant Surgeon, Class II.	Re-employed	Civil Assistant Surgeon, Class II, Government Hospital, Lalgudi, Tiruchirappalli district.	One year from the date of re-employment, i.e., 23rd April 1950.

Number and name. (1) Post held by him on the date of retirement. (2) Whether granted extension of service or re-employed. (3) Post to be held by him during the period of service or re-employment. (4) Period of extension of service or re-employment. (5)

Health Department—cont.

10 Dr. (Mrs.) A. Thomas .. Woman Assistant Surgeon, Re-employed .. Woman Assistant Surgeon, Class II, Government Hospital, Arkonam, North Arcot district. One year from date of re-employment, i.e., 16th December 1949.

Home Department.

11 Sri K. N. Ganapathi .. Registrar, High Court .. Registrar, High Court .. Up to 14th November 1950 for the present.

Public Works Department.

12 Sri B. Satyanarayana .. Divisional Engineer (Highways). .. Divisional Engineer (Highways). .. One year from 11th January 1950.

13 Sri U. Narasinga Rao .. Assistant Engineer (Highways). .. Assistant Engineer (Highways). .. One year from 1st July 1950.

14 Sri G. B. Sankaran .. Assistant Engineer (Highways). .. Do. .. One year from 3rd July 1950.

15 Sri P. Natesa Ayyar .. Executive Engineer (Civil). .. Re-employed from 7th July 1947. .. Special Officer, Hydro-Metric Surveys (in the rank of Superintending Engineer). .. From 7th July 1947 to 6th October 1950.

16 Sri K. Duraiswamy Ayyangar. .. Construction Accounts Officer. .. Re-employed .. Construction Accounts Officer. .. From 12th September 1950 to 31st March 1951.

17 Sri A. R. Venkata Acharya. .. Chief Engineer .. Re-employment on contract. .. Chief Engineer .. One year from 21st June 1950.

18 Sri K. Gopala Iyengar. .. General Superintendent, Public Works Workshops. .. Do. .. Superintending Engineer, Machinery Circle (Tungabhadra Project). .. Three years from 25th May 1948.

19 Sri S. V. Srinivasa Rao. .. Executive Engineer .. Re-employment .. Executive Engineer .. One year from 2nd April 1950.

20 Sri T. Taya Rao .. Assistant Engineer .. Do. .. Assistant Engineer .. One year from 15th November 1949.

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21 Sri V. Audinarayana Chetty. .. Do. .. Do. .. Do. .. One year from 29th March 1950.

22 Sri R. Ramamoorthy .. Do. .. Do. .. Do. .. Do.

23 Sri N. E. Jambulinga Nayakar. .. Joint Consulting Architect .. Do. .. Joint Consulting Architect .. One year from 1st April 1950.

Public Department.

24 Sri M. A. Kuttalalingam Pillai. .. Secretary to Government Food and Agriculture Department. .. Secretary to Government Food and Agriculture Department. .. From 1st July 1950 to 31st March 1951.

25 Sri P. V. Narasimha Raja. .. Member, Madras Public Service Commission. .. Member, Madras Public Service Commission. .. From 14th February 1949 to 18th April 1953.

26 Sri T. A. Subbiah Pillai. .. District and Sessions Judge. .. Do. .. Chairman, Tribunal and Disciplinary Proceedings. .. One year from 1st January 1950.

27 Sri M. Ramachandra Naidu. .. Do. .. Do. .. Member, Tribunal and Disciplinary Proceedings. .. Do.

28 Sri P. R. Iswariah .. Subordinate Judge .. Do. .. Additional Rent Controller, Madras. .. From 20th October 1947 to 30th September 1950.

Development Department.

29 Sri A. Chathu .. Assistant Engineer, Public Works Department. .. Re-employed .. Head of Section, Kerala Polytechnic, Kozhikode. .. From 3rd September 1948. In G.O. No. Ms. 291, Finance, dated 13th March 1950, Government sanctioned the continuance of his re-employment till the closure of the institution for summer in 1951 or till a regular appointment is made to the post whichever is earlier. Three months.

30 Sri K. S. Nayar .. Principal, Madras Veterinary College (permanent) and Joint Director of Animal Husbandry, Madras (temporary). .. Extension of service from 15th July to 14th October 1949 by grant of leave under Fundamental Rule 86 (b). .. Principal, Madras Veterinary College, Madras (substantive).

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(1) Number and name.	(2) Post held by him on the date of retirement.	(3) Whether granted extension of service or re-employed.	(4) Post to be held by him during the period of service or re-employment.	(5) Period of extension of service or re-employment.
Development Department—cont.				
31 Sri S. V. Mudaliar	Principal, Madras Veterinary College (permanent).	Extension of service from 15th June to 14th September 1950 by grant of leave under Fundamental Rule 56 (b).	Principal, Madras Veterinary College, Madras.	Three months.
32 Sri G. R. Viswanathan.	Superintendent, Veterinary Biological and Research Institute, Ranipet (permanent).	Re-employed as Superintendent Veterinary Biological and Research Institute, Ranipet, from 10th October 1949 to 31st March 1950.	Superintendent, Veterinary Biological and Research Institute, Ranipet.	Five months and twenty-two days.
33 Sri A. Krishnaswamy	Permanent District Veterinary Officer and temporary Research Officer, Indian Veterinary Research Scheme, Medical College, Madras.	Re-employed from 1st June 1949 (still continued).	Research officer for the scheme of collecting and collating all available information regarding indigenous drugs used in Veterinary medicine from old Sanskrit manuscripts under the I.C.A.R. Schemes.	Re-employed for one year in the first instance. Continuance of re-employment for six months from 1st June 1950 sanctioned.
34 Sri P. Markandeyulu	Principal Judge, City Civil Court, Madras.	Re-employed	Industrial Tribunal, Madras, I.	26th September 1947 to 25th September 1950.
35 Sri T. D. Ramaiya Pantulu.	District and Sessions Judge.	Do.	Industrial Tribunal, Madras, II.	5th March 1948 to 3rd March 1951.
36 Sri C. Bhaktavatsalu Naidu.	Do.	Do.	Industrial Tribunal Madurai.	15th May 1948 to 31st March 1951.

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37 Sri P. V. Krishnaswami.	Do.	Do.	Industrial Tribunal, Coimbatore.	27th May 1950 to 26th May 1952.
38 Janab Abdus Satter	Do.	Do.	Industrial Tribunal, Vijayavada at Guntur.	One year and six months from 6th July 1950.
39 C. P. Fernandez.	Acting Deputy Chief Inspector of Factories.	Do.	Gazetted Assistant to the Commissioner of Labour.	Three months from 24th July 1950.
Education Department.				
40 Sri R. Janardhanan Naidu.	Librarian, Connemara Public Library and Special Officer for Libraries.	Re-employed	Librarian, Connemara Public Library and Special Officer for Libraries.	One year from 23rd September 1949 to 22nd September 1950 (G.O. No. 962, Finance (Pension), dated 3rd September 1949.
41 Sri V. R. Ranganathan.	Deputy Director of Public Instruction.	Extension of service for one year and re-employment for two years.	Deputy Commissioner for Government Examinations.	Extension of service for one year from 10th November 1947. Re-employed for periods of one year each time from 10th November 1948 and from 10th November 1949.
42 Sri D. Ramayya	Divisional Inspector of Schools, Godavari Division.	Re-employment	Divisional Inspector of Schools, Godavari Division.	Re-employment for one year from 15th July 1949 and continuance of re-employment for another year from 15th July 1950.
43 Sri A. Padmanabha Reddi.	Divisional Inspector of Schools, Anantapur Division.	Do.	Deputy Director of Public Instruction (Elementary Education), Madras.	Re-employment for one year from 9th July 1949 and continuance of re-employment for another year from 9th July 1950.
44 Sri K. Sankaran Unni Nair.	Principal, Government Victoria College, Palghat.	Do.	Principal, Government Victoria College, Palghat.	Re-employment for one year from 27th May 1950
45 Sri A. Ramanatha Pillai.	Principal, Government Arts College, Coimbatore.	Do.	Principal, Government Arts College, Coimbatore.	Re-employment for one year from 18th August 1950.
46 Smt. Gowri Sankunni.	Principal, Government College for Women, Guntur.	Do.	Principal, Government College for Women, Guntur.	From 5th August 1950 to 31st March 1951.

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Number and name.	Post held by him on the date of retirement.	Whether granted extension of service or re-employed.	Post to be held by him during the period of service or re-employment.	Period of extension of service or re-employment.
(1)	(2)	(3)	(4)	(5)
Food and Agriculture (Food Production) Department.				
47 Sri S. V. Srinivasa Rao.	Executive Engineer, Central Food Production Division, Madras.	Re-employment	Executive Engineer, Central Food Production Division, Madras (same post).	From 16th February 1950 to 31st March 1951 or till a qualified person becomes available whichever is earlier.
Revenue Department.				
48 Sri S. Virupaksha Chetty.	Deputy Commissioner of Civil Supplies.	Re-employment	Manager, Vizianagaram Estate.	From 7th September 1949 till he completes his 57th year.
49 Sri U. Kumarayya	Deputy Secretary, Food and Agriculture Department.	Do.	Manager, Venkatagiri Estate.	One year from 17th August 1950.
50 Sri E. Virabhadra Pillai.	Provincial Controller of Food Rationing.	Do.	Manager, Sivaganga Estate.	From 17th September 1949 till he completes 57th year.
51 Sri B. Appaswami Chetty.	Deputy Collector	Re-employed	Manager, Bobbili Estate	One year from the date of appointment.
52 Sri M. Royappa Reddi	Deputy Commissioner of Commercial Taxes.	Do.	Manager, Ramanathapuram Estate.	From 7th September 1950 till he completes his 57th year.
53 Sri N. Gangiah Naidu	Deputy Collector	Do.	Special First-Class Magistrate for trial of Hanuman Bank fraud case.	From 1st July 1949 up to 31st December 1950.
54 Sri T. S. Doraiswami Ayyar.	Assistant Director of Survey and Land Records.	Do.	Assistant Director of Survey and Land Records.	From 1st September 1949 till 11th August 1950 and continuance of re-employment for six months from 12th August 1950.
55 Sri P. S. Narayana Ayyar	Do.	Do.	Do.	One year from 1st September 1950 (continuance of re-employment).
56 Sri K. Padmanabha Ayyar	Do.	Do.	Do.	One year from 10th September 1950 (continuance of re-employment).
Rural Welfare Department.				
57 Sri V. Bashyam Ayyangar.	Retired Judge, High Court, Madras.	Re-employed	Honorary Director of Harijan Welfare.	For a period of three years from 1st April 1949.

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APPENDIX II.

[Vide answer to starred question No. 89, asked by Sri N. Sankara Reddi at the meeting of the Legislative Council held on the 18th January 1951, page 9 supra.]

Part I.

Number of appeals and revision petitions made to the Government districtwar, against the orders of the Central Road Traffic Board from 1st August to 31st October 1950.

Appeals—			Revision petitions—cont.		
Salem	1	Godavari (East) ..	5		
Revision petitions—			Godavari (West) ..	8	
Anantapur	3	Kurnool	3		
Arcot (North) ..	1	Krishna	6		
Arcot (South) ..	3	Madras	1		
Bellary	1	Madurai	1		
Chingleput	1	Nellore	1		
Coimbatore	6	Salem	2		
Chittoor	3	Tiruchirappalli ..	11		
Cuddapah	7	Visakhapatnam ..	12		
Guntur	3				

Part II.

Number of appeals and revision petitions districtwar, pending final disposal.

Appeals—			Revision petitions—cont.		
Salem	1	Godavari (West) ..	3		
Revision petitions—			Krishna	3	
Anantapur	1	Kurnool	2		
Arcot (South) ..	2	Madras	1		
Chingleput	1	Salem	1		
Cuddapah	3	Tiruchirappalli ..	3		
Guntur	2	Visakhapatnam ..	6		
Godavari (East) ..	2				

APPENDIX III.

[Vide answer to starred question No. 90, asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 10 supra.]

Statement showing the amount of travelling allowance (railway fare and mileage shown separately) drawn by each of the Hon'ble Ministers during the period from 1st April to 31st October 1950.

	April.			May.			June.			July.		
	Dist. visited.	Railway fare.	Mileage.	Dist. visited.	Railway fare.	Mileage.	Dist. visited.	Railway fare.	Mileage.	Dist. visited.	Railway fare.	Mileage.
Hon'ble the Chief Minister.	(1) Nellore, Guntur, Krishna, West Godavari, Visakhapatnam, Jeypore (Orissa) and Delhi.	RS. 110 (2)	RS. 1,124 (3)	(4) Malabar, Coimbatore, Madurai, Ramanatha-puram, the Nilgiris and Tiruchirappalli.	RS. 96 (5)	RS. 871 (6)	(7) Madurai, Ramanathapuram, Coimbatore and Tiruchirappalli.	RS. 122 (8)	RS. 395 (9)	(10) Tiruchirappalli, Tirunelveli, Ramanathapuram and Chingleput.	RS. 202 (11)	RS. 384 (12)
Hon'ble Minister (Finance).	West Nellore, Godavari, East Godavari, Visakhapatnam, Salem and Coimbatore.	RS. 93 (2)	RS. 514 (3)	Madurai, Ramanathapuram, Tiruchirappalli, North Arcot and the Nilgiris.	RS. 190 (5)	RS. 600 (6)	Burma (travelling allowance met by Government of India).	..	..	Krishna Nellore, Guntur and Madurai.	RS. 206 (11)	RS. 349 (12)
Hon'ble Minister (Land Revenue).	Tirunelveli and Bellary.	RS. 324 (2)	RS. 175 (3)	Nilgiris, Malabar and Mysore.	RS. 76 (5)	RS. 559 (6)	Tirunelveli and Ramanathapuram.	RS. 194 (8)	RS. 118 (9)	Tanjore, Nacpur, Visakhapatnam and Bellary.	RS. 503 (11)	RS. 460 (12)

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Hon'ble Minister (Education and Law).	South Arcot, Chittoor, Orissa, Malabar and Delhi.	RS. 376 (2)	RS. 1,275 (3)	Malabar, Chittoor, Ramanathapuram, South Kanar., the Nilgiris and Mysore.	RS. 199 (5)	RS. 707 (6)	Salem, Tirunelveli South Arcot and Madurai.	RS. 89 (8)	RS. 908 (9)	Salem, Chingleput, South Kanar., Malabar, Tirunelveli and Trivandrum.	RS. 303 (11)	RS. 503 (12)
Hon'ble Minister (Public Works).	Bellary, Chingleput, Madurai, Malabar and South Kanara.	RS. 373 (2)	RS. 433 (3)	Tanjore, Tiruchirappalli, Coimbatore, Tirunelveli, Chittoor, Madurai and Bangalore.	RS. 317 (5)	RS. 332 (6)	Tanjore, Chingleput and Anantapur.	RS. 81 (8)	RS. 144 (9)	Anantapur, Chingleput, South Arcot, Coimbatore, Salem, Tirunelveli and Madurai.	RS. 210 (11)	RS. 436 (12)
Hon'ble Minister (Prohibition).	Anantapur, Visakhapatnam, East Godavari, Ramanathapuram and Tiruchirappalli.	RS. 318 (2)	RS. 508 (3)	Anantapur, Kur-nool, Nellore and the Nilgiris.	RS. 137 (5)	RS. 485 (6)	Chittoor, Bellary, Anantapur and Coimbatore.	RS. 219 (8)	RS. 643 (9)	East Godavari, West Godavari, Chingleput, Nellore and Chittoor.	RS. 155 (11)	RS. 453 (12)
Hon'ble Minister (Public Health).	Chittoor, Chingleput and Tiruchirappalli.	RS. 105 (2)	RS. 322 (3)	Tiruchirappalli, Madurai and the Nilgiris.	RS. 141 (5)	RS. 610 (6)	Madurai, Tirunelveli and Tiruchirappalli.	RS. 82 (8)	RS. 423 (9)	Chingleput, Tiruchirappalli, North Arcot and Chittoor.	RS. 183 (11)	RS. 345 (12)
Hon'ble Minister (Agriculture).	Madurai, Guntur, Chingleput and South Arcot.	RS. 264 (2)	RS. 298 (3)	Nellore, Chittoor and the Nilgiris.	..	RS. 630 (6)	South Arcot and Coimbatore.	RS. 62 (8)	RS. 189 (9)	West Godavari, South Kanara, and Coimbatore.	RS. 291 (11)	RS. 283 (12)
Hon'ble Minister (Rural Development).	The Nilgiris and Chingleput.	RS. 122 (2)	RS. 203 (3)	Chittoor, Tiruchirappalli, Madurai, Salem and Bangalore.	RS. 191 (5)	RS. 372 (6)	Madurai, Tirunelveli and Chingleput.	RS. 187 (8)	RS. 336 (9)	Chittoor, Bangalore, Chingleput and North Arcot.	RS. 56 (11)	RS. 330 (12)
Hon'ble Minister (Industries).	Nil	..	..	Nellore and the Nilgiris.	..	RS. 541 (6)	North Arcot and Chittoor.	..	RS. 204 (9)	Tirunelveli, Trivandrum, Ramanathapuram and South Arcot.	RS. 97 (11)	RS. 556 (12)

APPENDIX

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	August.			September.			October.			Total.
	Districts visited.	Railway fare.	Mileage.	Districts visited.	Railway fare.	Mileage.	Districts visited.	Railway fare.	Mileage.	
	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Hon'ble Minister (Food and Fisheries).	Chingleput, North Arc & Delhi, East Godavari, West Godavari and Krishna.	160	743	Chingleput, Nellore, South Arcot, North Arcot, Pondicherry and Malabar.	150	812	Mathurai, Tirunelveli, South Kanara, Coorg, Mysore and Coimbatore.	403	366	6,053
Hon'ble Minister, (Local Administration).	Chingleput and Guntur.	36	36	Mathurai, Cuddapah and Guntur.	727	266	Mathurai ..	201	2	4,283

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APPENDIX IV.

[Vide answer to started question No. 91 (a) asked by Sri R Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 11 supra.]

GOVERNMENT OF MADRAS.

FINANCE DEPARTMENT.

(As on 1st December 1950.)

Statement showing the anticipated savings or additional revenue per annum in respect of the recommendations of the Retrenchment and Reorganization Committee so far accepted by the Government.

Head of account.								RS.
Additional Revenue.								
XI. Registration	..	..	..	..	..	..	..	12,800
Total								12,800
Savings.								
8. Excise	..	..	..	..	..	..	..	30,500
10. Forest	..	..	..	..	..	..	..	1,96,500
25. General Administration	..	..	..	..	..	..	..	11,64,800
27. Administration of Justice	..	..	..	..	..	..	..	8,25,200
29. Police	..	..	..	..	..	..	..	84,600
37. Education	..	..	..	..	..	..	..	21,200
38. Medical	..	..	..	..	..	..	..	32,900
39. Public Health	..	..	..	..	..	..	..	37,800
41. Veterinary	..	..	..	..	..	..	..	600
42. Co-operation	..	..	..	..	..	..	..	25,200
43. Industries	..	..	..	..	..	..	..	50,300
47. Miscellaneous	..	..	..	..	..	..	..	67,300
50. Civil Works	..	..	..	..	..	..	..	60,400
85-A. Capital Outlay on Provincial Schemes of State Trading	..	..	..	..	..	..	..	1,72,000
General	..	..	..	..	..	..	..	1,15,42,000
Total								1,43,11,300

NOTE.—The amount of additional revenue or saving anticipated has been rounded to the nearest hundred in each case.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of additional revenue per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)

XI. REGISTRATION.

1 The concession of granting encumbrance certificates, free of charge in respect of applications for loans from Land Mortgage Banks not exceeding Rs. 2,000 may continue.	Page 215	.. Accepted ..	.. G.O. No. 1007, Development, dated 28th February 1949.	..	...
2 Concessions granted to Scheduled Caste societies in the matter of registration fees may be made permanent.	Do.	.. Ordered to be reviewed from time to time.	Do.	..	....
3 All concessions in the matter of fees payable under the law of registration enjoyed by members of co-operative societies may be withdrawn in respect of documents of value over Rs. 5,000.	Do.	.. Accepted ..	.. G.Os. No. 1007, Development, dated 28th February 1949, and No. 2519, Development, dated 12th May 1949.	12,800	

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XIII. OTHER TAXES AND DUTIES.

1 Levy of sales tax on agricultural produce. Pages 6-7 .. It was originally G.O. No. 468, Revenue, dated 2nd March 1948.

Agrarian Reforms Committee might be awaited. The matter is now under the consideration of the Land Revenue Reforms Committee which was constituted in May 1950.

Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)

8. EXCISE.

1 Prohibition to be enforced by the Police Department in all districts.	Pages 24 and 32.	Orders issued in respect of the districts of North Arcot, Chittoor, Salem, Coimbatore, Guntur, Nellore, Tanjore, Tiruchirappalli and Mathurai.	G.Os. Nos. 2589, 2590 and 2591, dated 3rd June 1950 and No. 2592, Home, dated 5th June 1950.	30,500	Seventeen districts are still under the Excise Department.
2 Prohibition—Transfer of ameliorative work to a Director of Cottage Industries.	Page 59	Government have ordered the transfer of ameliorative work to the Registrar of Co-operative Societies from 15th October 1948 and have retrenched some posts.	G.Os. Ms. No. 2319, Revenue, dated 25th September 1948 and Ms. No. 2339, Revenue, dated 27th September 1948.	(Not worked out.)	....

Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Rem rks. (6)
3 Separate department for cottage industries to be formed with a Cottage Industries Board. The staff now employed under the Director of Industries and Commerce and the Registrar of Co-operative Societies and the ameliorative staff employed in Board of Revenue (Excise) to attend to work relating to cottage industries must be transferred to the new department.	Pages 47-48	8. EXCISE— <i>cont.</i> Accepted with modification. The formation of a Cottage Industries Board is under separate consideration.	G.O. No. 811, Firka Development, dated 29th August 1949.	..	....
1 Reduction in the number of posts of Conservators. (Intermediary officers.)	Page 25	10. FOREST. <i>Status quo</i> to be maintained.	G.O. No. 4325, Development, dated 24th August 1949.	..	....
2 Abolition of the Forest College.	Do.	Accepted	G.O. No. 3383, Development, dated 23rd June 1948.	1,82,700	The Madras Forest College has been taken over by the Government of India.

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3 Abolition of the post of Forest Engineer and subordinate staff.	Do.	Dropped	G.O. No. 2708, Development, dated 20th May 1949.	..	
4 Hagari Scheme—Abolition of the post of District Forest Officer.	Do.	Accepted (Post abolished with effect from 16th June 1948).	Lodged No. 12905-C-I/49, Development, dated 18th July 1949.	13,800	....
5 General reduction in the temporary staff in the Forest Department created since 1938.	Do.	....	....	..	Under consideration.
1 Inspector of Registration Offices —Further continuance of the post.	Page 26	11. REGISTRATION. Permanent retention of the post sanctioned by the Government.	G.O. No. 3000, Revenue, dated 15th December 1948.	..	....
2 Amalgamation of Registration districts of Anantapur and Bellary into one and also the districts of Chittoor and Cuddapah into one.	Do.	Dropped	G.O. No. 2314, Revenue, dated 3rd September 1949.	..	....

25. GENERAL ADMINISTRATION.

1 Reorganization of the village panchayats and abolition of the Inspectorate.	Page 17			..	Under consideration.
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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
25. GENERAL ADMINISTRATION— <i>cont.</i>					
2 Mufassal staff for Firka Development may be reduced to two officers per firka. Number of peons also is very large. Rural Recreation Officers and ballad singers for Firka and Village Development work might be retrenched.	Page 59	Accepted with modification. (Two hundred and four posts of peons, nine posts of Rural Recreation Officers and ballad singers were abolished.)	G.Os. Ms. No. 174, dated 25th March 1948, and No. 664, Revenue, dated 23rd March 1948.	1,07,300 Rs.	....
3 No need for a Special Officer for Broadcasting. If necessary an additional Assistant Director of the grade Rs. 240—400 might be sufficient.	Page 23	Accepted. The sanction to the post of Special Officer expired on 31st December. Post not continued beyond that date.	G.O. No. 4212, P.W., dated 27th October 1948.	13,400	....
4 The post of artist in the Department of Information and Publicity may be abolished in view of existence of two photographers.	Do.	Accepted	G.O. No. 4733, P.W. (I. & P.), dated 6th December 1948.	1,700	....
5 The posts of two out of three upper division clerks in the Department of Information and Publicity may be converted into lower division clerks.	Do.	Not accepted	Do.	..	

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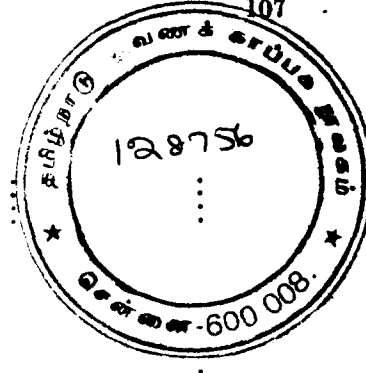
6 Conversion of the post of Editor and Assistant Editor to <i>Dakhini Hind</i> into post of Journalist and Hindustani Translator.	Do.	Do.	G.O. No. 4734, P.W., dated 6th December 1948.	..	
7 Reorganization of village administration.	Pages 7-9	Do.	G.O. No. 2245, Revenue, dated 20th September 1948.	..	....
8 Retention of Personal Assistants to Collectors of some districts and abolition of the post in other districts.	Pages 14-15	Accepted with certain modifications.	G.O. No. 1278, Revenue, dated 27th May 1948.	36,000	....
9 Reorganization of the method of work in the Revenue Department.	Page 15	Accepted in part	G.O. No. 1846, Revenue, dated 12th July 1949.	..	....
10 Village officers to be summoned from villages very sparingly.	Page 16	Accepted	G.O. Ms. No. 414, Revenue, dated 21st February 1949.	..	....
11 Minor irrigation works should be placed under the control of Public Works Department.	Pages 91 and 118.			..	Held in abeyance in view of the experimental scheme sanctioned in G.O. No. 2692, P.W., dated 26th July 1948.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
25. GENERAL ADMINISTRATION—cont.					
12 Notification under sections 4 (1) and 17 of Land Acquisition Act and declarations under section 6 of the Act to go to Government direct from Collectors.	Page 172	.. Partly accepted.	G.O. Ms. No. 1225, Revenue, dated 7th May 1949.	..	....
13 Abolition of a separate district charge for the Nilgiris.	Pages 174, 225 and 226.	Dropped for the present.	G.O. Ms. No. 465, Revenue, dated 26th February 1949.	..	....
14 Tahsildars to be relieved of Treasury work.	Page 174	.. Deferred	G.O. Ms. No. 9, Revenue, dated 3rd January 1950.	..	....
15 Jamabandi—Time-limit to be fixed for each district.	Page 175	.. Not accepted	G.O. Ms. No. 356, Revenue, dated 14th February 1949.	..	....
16 Revenue Divisional Officers to inspect only sub-treasuries and collecting depots not inspected by Treasury Deputy Collectors, except in special cases under Collector's orders.	Page 172	.. Accepted with modification.	G.O. Ms. No. 1062, Revenue, dated 24th June 1949.	..	

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17 Transfer of resettlement work from the Director of Resettlement and Employment to the Registrar of Co-operative Societies and retrenchment of staff.	Page 61	.. Accepted	G.O. Ms. No. 39, Public (Resettlement), dated 7th January 1948.	2,67,400	
18 Transfer of land colonies and co-operative workshops from the Director of Resettlement and Employment to the Registrar of Co-operative Societies and retrenchment of provincial staff.	Do.	.. Do.	G.O. No. 2125, Development, dated 27th April 1949.	1,13,000	....
19 Abolition of the post of Special Officer for Departmental Enquiries and his staff of one clerk and two peons.	Page 17	.. Do.	Memorandum No. 3928-47/5, Public (Services), dated 11th February 1948, G.O. No. 112, Public (Services), dated 17th January 1948.	10,000	The savings under this item are practically nullified by the appointment of members of the Tribunal for disciplinary proceedings.
20 Unnecessary references to the Public (Services) and Legal Departments to be avoided.	Page 18	.. Do.	U.O. Notes No. 2604/48-1, Public (Services), dated 10th November 1948 and No. 9234/48-1, Legal, dated 27th July 1948.	..	....
21 Secretariat staff to be pooled together and treated as one unit for purposes of promotion to the extent possible.	Do.	.. Not accepted	G.O. No. 2366, Public, dated 22nd September 1948.	..	



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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
25. GENERAL ADMINISTRATION—cont.					
22 Reorganization of the Legislature Secretariat.	Page 20	Accepted	G.O. No. 3545, Public (Elections), dated 25th August 1950.	..	....
23 Installation of an automatic switchboard in Secretariat Telephone Exchange and consequent reduction in the number of telephone operators.	Do.	Do.	G.O. No. 3016, Public, dated 5th September 1949.	..	....
24 Separation of Judiciary from the Executive.	Pages 15, 16 and 27.	....	....	..	The scheme is being given effect to by stages.
25 Abolition of the scheme of training clerks.	Page 61	Accepted	G.O. No. 789, Public, dated 27th March 1948.	3,16,000	....
26 Abolition of His Excellency the Governor's Body Guard.	Page 96	Do.	G.O. No. 312, Public, dated 10th February 1948.	2,50,000	....
27 Abolition of His Excellency the Governor's Band.	Do.	Do.	G.O. No. 539, Public, dated 5th March 1948.	50,000	....
28 Statistical staff in the offices of the Board of Revenue and of the Director of Industries and Commerce to be retrenched.	Page 149, paragraph 6.	Not accepted.	Memo. No. 3534/48, Public (E. & S.), dated 12th June 1948.	...	

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29 Appointment of District Administration officers and abolition or reduction in the number of Regional Officers.	Pages 13-14	Do.	G.O. No. 2336, Public (Special), dated 10th September 1948.	..	
27. ADMINISTRATION OF JUSTICE.					
1 Establishment of a court of original jurisdiction for the City with one or two senior District Judges for disposing of all original cases of higher denomination, the number of Judges in the High Court being reduced.	Pages 27-29	....	....	..	As constitution and organization of High Courts is a Union subject under the Constitution, the Government of India have been addressed to undertake the necessary legislation. Their decision in the matter is awaited.
2 Raising of the limit of jurisdiction of all the Munsifs and Subordinate Judges in view of the rise in prices of movable and immovable properties.	Do.	....	....	..	Under consideration.
3 Examination of the receipts for service of summons and other processes and for execution work in all the Courts to be made so that wherever the receipts are far below the cost incurred in the maintenance of the establishment of process-servers and the amins and the office staff, necessary retrenchment may be effected and that the service of process through parties may be relied upon to a larger extent.	Do.	High Court's proposal approved.	G.O. Ms. No. 1860, Home, dated 10th May 1949.	8,20,000	....

27. ADMINISTRATION OF JUSTICE—*cont.*

4 In respect of criminal courts, one common system may be adopted, viz., that the ordinary Police staff should serve processes.

Page 180 .. Accepted in principle. G.O. Ms. No. 2958, Home, dated 19th July 1946.

It was decided that the question of adequacy or otherwise of the staff now employed for the purpose and the adoption of a uniform scale for the provision of men for processeservicing work might be examined as and when proposals were received from the Inspector-General of Police in respect of individual stations.

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5 Giving of more work to Official Receivers who, in many districts, do not have sufficient work.

Pages 28 and 180. Accepted .. G.O. Ms. No. 1890, Home, dated 12th May 1949.

6 Suggestions for economies in expenditure in the Judicial department.

Under consideration.

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7 Reduction of establishment in the office of the Official Assignee, High Court, Madras.

8 Abolition of the shorthand special pay and another special pay of Rs. 9 per month given to a clerk of the Official Assignee.

9 Reorganization of Processervicing establishment in Revenue Courts so as to ensure that the cost of the establishment is covered by the fees levied. The establishment the cost of which is not so covered should be retrenched.

Page 96
Do. .. Accepted .. G.O. Ms. No. 3587, 5th September 1949.
Page 129 .. Do. .. G.O. Ms. No. 2394, Home, dated 18th June 1947.
Pages 28-29

No retrenchment found possible.

28. JAILS AND CONVICT SETTLEMENTS.

1 Children's Act—Certified schools
—Reductions in the number of schools and other suggestions.

2 Children's Act—Private institutions connected with juvenile reformation—The Roman Catholic Girls' Higher Elementary Training Schools, Vellore, and Sacred Heart's Poor Home, Pallurthi—Grants—Discontinuance.

Page 30 .. Not accepted .. G.O. Ms. No. 3955, Home, dated 26th October 1948.
Page 75 .. Do. .. G.O. Ms. No. 658, Home, dated 17th February 1949.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
28. JAILS AND CONVICT SETTLEMENTS— <i>cont.</i>					
3 Shifting of the Penitentiary to some place outside the municipal limits where suitable buildings can be found or constructed and where there is a plentiful supply of water.	Page 30	....	....	..	Under consideration.
4 Industries that may be introduced in jails to be investigated and steps taken to bring production in the jails to up-to-date lines.	Do.	.. Not accepted	.. G.O. Ms. No. 1057, Home, dated 11th March 1950.	..	....
5 Prisoners in the Rajahmundry Jail to be asked to work in the Andhra Paper Mills, and even in other jails, paper-making to be introduced as an industry.	Do.	.. Do.	.. Do.	..	....
6 Deputy Jailors and warders to be given some training in Psychology and Jailors and Sub-Inspectors of Police to be trained together, if possible, for their respective work.	Do.	.. Deferred	.. G.O. Ms. No. 2448, Home, dated 26th May 1950.	..	....
7 Assistant Inspector-General of Prisons to be vested with responsible work and utilized for development schemes.	Do.	.. Not accepted	.. G.O. No. 4557, Home, dated 9th December 1948.	..	....

8 Continuance of the present arrangement under which there is a whole-time medical officer for the Central Jail and Women's Jail, Vellore.	Page 139	.. Accepted	.. G.O. No. 564, Home, dated 13th February 1948.	..	....
1 In the districts in which brass badges and lathis are not supplied to taluvaris, supply may be made for the sake of uniformity.	Page 10	.. Not accepted	.. G.O. Ms. No. 3157, Home, dated 17th August 1948.	..	....
2 Imparting of instruction in Psychology to Sub-Inspectors of Police under training.	Page 30	.. Deferred	.. G.O. Ms. No. 2448, Home, dated 26th May 1950.	..	....
3 The present system of abstraction and consolidation of pay bills of District Police Force on a district basis should be dispensed with and the pay bills should be passed separately for each police station after the necessary check and correction with debit balance account and returned to the station for encashment at the nearest sub-treasury.	Pages 32-33	.. Not accepted	.. G.O. Ms. No. 3634, Home, dated 29th September 1948.	..	....

The system of fixed travelling allowance may be introduced for the Police Subordinates as this will result in a considerable saving in work.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
29. POLICE—cont.					
4 Replacement of District Intelligence Bureau Inspectors by Sub-Inspectors.	Page 96-97	Accepted	G.O. No. 4242, Home, dated 17th November 1948.	63,000	....
5 Reduction of two sergeants in the Nilgiri district.	Page 97	Do.	G.O. Ms. No. 1078, Home, dated 23rd March 1948.	8,000	....
6 Abolition of posts of Personal Assistants to District Superintendents of Police, North Arcot and Tirunelveli.	Page 32	Do.	G.O. Ms. No. 2953, Home, dated 2nd August 1948.	13,600	....
7 Abolition of the Nilgiris Police district and constitution into a Deputy Superintendent of Police's or Assistant Superintendent of Police's sub-division.	Page 151	Not accepted	G.O. Ms. No. 2047, Home, dated 23rd May 1949.	..	....
8 Transfer of the headquarters of the Deputy Inspector General, North Range to Vijayavada, and that of the Deputy Inspector-General, Western Range to Coimbatore.	Do.			..	Under consideration.

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Do.	Not accepted ..	G.O. R. No. 2681, Home, dated 27th October 1948, and G.O. R. No. 2750, Home, dated 3rd November 1948.	Under consideration
9 Abolition of the posts of Personal Assistants to the District Superintendents of Police, Ramana-thapuram and East Godavari districts.	..	..	..
11 Amalgamation of the Connemara Public Library, Madras, and the Library of the Registrar of Books, Madras.	..	..	..
11 There should be a Director and a Joint Director, one of whom should be in charge of University Education and the other in charge of all other Education.	..	..	..
2 There is no need for a separate Woman Officer in the Director of Public Instruction's Office to look after girls' education but it is desirable to have a woman as one of the Deputy Directors.	..	..	..

Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
37. EDUCATION—cont.					
3 Posts of four Divisional Inspectors to be abolished.	Page 35	.. Not accepted	.. Memo. No. 1155-A-18/48, Education, dated 22nd February 1950.	..	..
4 Inspectors for boys' and girls' elementary schools to be amalgamated.	Page 36	.. Accepted	.. G.O. No. 747, Education, dated 2nd April 1948.	13,000	..
5 Four posts of clerks attached to four Regional Physical Directors to be abolished.	Page 35	.. Not accepted	.. Memo. No. 1155-A-16/48-A, dated 5th December 1949.	..	..
6 Engineering Colleges to be placed under Chief Engineer.	Page 36	.. Status quo retained	.. G.O. No. 1900, P.W., dated 30th June 1947.	..	..
7 Introduction of universal compulsory elementary education in ten years—Specific allotment to be made for the purpose every year.	Pages 36 and 74.	.. Principle accepted	..	..	..
8 Any additional resources available to be earmarked for elementary education.	Page 36	..	..	..	No specific action is called for.
9 'Teaching' to be made one of the optional subjects for S.S.L.C. and those who take this optional course may be appointed as teachers after they practice teaching for one year.	Do.	.. Accepted	.. G.O. Ma. No. 2153, Education, dated 31st July 1950.	..	..

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10 Employment of larger number of women teachers in elementary schools.	Do.	..	..	..	The recommendation is in keeping with the present policy of the Government.
11 Abolition of 'one-teacher' and 'two-teacher' schools.	Do.	..	..	..	The Director of Public Instruction has issued instructions in the matter.
12 No separate elementary schools for boys or girls or Muslims or fishermen, etc.	Do.	..	..	..	The Director of Public Instruction has issued instructions abolishing the distinction between boys' and girls' elementary schools.
13 Closure of uneconomic secondary schools— (a) Government schools	Do.	.. Accepted in respect of certain classes or forms of certain schools and the decision given effect to so far in respect of the following three schools— (i) Government Secondary Training School for Muslim Women, Ballary.	.. G.O. No. 1364, Education, dated 28th May 1948.	5,600	..

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
37. EDUCATION—cont.					
13 Closure of uneconomic secondary schools—cont.	Page 36				
(a) Government schools—cont.		(ii) Government High School for Girls, Little Kancheepuram.	G.O. No. 1770, Education, dated 17th July 1948.	1,500	....
		(iii) Government Ismail Secondary School for Girls, Abiraman.	G.O. No. 2346, Education, dated 16th September 1948.	1,100	....
(b) Local body and private schools.	Do.	.. Deferred for the present.	G.O. No. 1072, Education, dated 1st April 1950.	..	....
14 Transfer of Government Secondary schools to the management of local bodies or private agencies.	Do.	.. Not accepted	G.O. No. 1967, Education, dated 17th June 1949.	..	....
15 Abolition of special institutions for particular communities.	Page 37	.. Not accepted for the present in respect of schools for muslims. Accepted in respect of Reclamation Schools for Kallars, Kuravars, etc.	G.O. No. 266, Education, dated 7th February 1948. G.O. No. 4200, Home, dated 15th November 1948.	..	....
		.. Not accepted in respect of Labour (now Harijan Welfare) Schools.	G.O. No. 505, Fikra Development, dated 30th May 1949.	..	

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16 Compulsory elementary education to be introduced in all urban areas immediately.	Page 74	.. Principle accepted	..	..	
17 Modifications of conditions for grant of educational concessions to children and dependants of soldiers.	Do.	.. Accepted with certain modifications.	G.O. No. 873, Education, dated 25th March 1949.	..	....
18 Revision of the system of grants-in-aid to local bodies for secondary education.	Page 73	.. Accepted	G.O.s. Nos. 1715, Education, dated 25th May 1949, and 2669 and 2670, Education, dated 23rd August 1949.	..	....
19 Scholarships to cadets in the Prince of Wales Royal Indian Military College, Dehra Dun, King George Royal Indian Military Colleges, Bangalore and Belgaum, and the Royal Indian Navy to be met by the Union Government.	Page 81	.. Do.	G.O.s. Nos. 1849, Education, dated 6th June 1949 and 3311, Education, dated 29th October 1949.	..	....
20 The anomaly in the grant of scholarships, fee concessions and boarding grants to backward classes and others should be set right.	Pages 81 and 83.	Orders issued in part.	G.O.s. Nos. 836, Education, dated 24th March 1949 and 619, Development, dated 9th February 1949.	..	....
21 European and Anglo-Indian scholarships and stipends—Abolition of differentiation.	Page 83	..		..	Under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
38. MEDICAL.					
1 Opening of two more first-class hospitals in Madras City.	Pages 37-38	Deferred for the present.	G.O. No. 3861, P.H., dated 15th November 1948.	..	....
2 Extension of the system of appointment of Honorary Medical officers. (In all Government Hospitals the number of Honorary Medical officers to paid officers should be in the ratio of 3:1 and the essential duty posts should always be filled by paid officers.)	Page 37	Accepted in principle.	G.O. No. 4517, P.H., dated 23rd December 1949.	..	No immediate savings is anticipated.
3 Appointment of Deputy Collectors as Lay Secretaries and Treasurers.	Page 38	Decided that no change need be made in the existing rules.	G.O. No. 725, P.H., dated 10th March 1948.	..	....
4 Paying wards in hospitals—Gradation of wards and charges to serve the different classes of people.	Do.	Do.	G.O. No. 4136, P.H., dated 7th December 1948.	..	....
5 Increased accommodation in the paying wards of Madras City Hospitals.	Do.	Deferred till completion of Nurses' quarters.	Memorandum No. 80943-D-2/49-4, dated 1st April 1949.	..	

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6 The present system of rural medical relief which has not been a success may be abolished and the amount spent in granting subsidies and stipends to Rural Medical Practitioners and Local Bodies may be utilized for implementing the taluk and primary health centre scheme.	Do.	Not accepted	G.O. No. 2436, P.H., dated 7th July 1949.	..	
7 Appointment of a small Committee or a Special Officer to examine and to make suggestions for the improvement of the existing system of supply of diet articles, drugs, equipment, etc., to Government hospitals.	Do.	Accepted	G.O. No. 149, P.H., dated 18th January 1949.	..	....
8 Reduction of expenditure for opening of combined Primary and Group Health Centres.	Do.	Accepted with modification.	G.O. No. 2390, P.H., dated 12th July 1948.	25,700	....
9 Reduction in the number of posts of ward sisters employed in Government hospitals.	Page 39	Not accepted	G.O. No. 509, P.H., dated 20th February 1948.	..	....
10 The post of the Special Officer for the Reorganization of the Department of Indian Medicine is not necessary.	Do.	Accepted	G.Os. Nos. 2208, P.H., dated 29th June 1948, and 2261, P.H., dated 22nd June 1949.	7,200	Post abolished with effect from 1st July 1949.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) RS.	Remarks. (6)
38. MEDICAL—cont.					
11 Grants to Tuberculosis Sanatoria and the Victoria Hospital for Women and Children, Visakhapatnam, should be given on the basis of aid given to poor patients and the number of non-paying beds.	Pages 39 and 74.	(1) Accepted with modification in the case of Tuberculosis Sanatoria.	G.O. No. 3340, P.H., dated 20th September 1949.	..	....
12 <i>Capitation grants to Leprosy Asylum.</i> —The existing practice may continue.	Page 74	.. Accepted	Do.	..	....
13 <i>Grants to private missionary medical institutions.</i> —Grants should be paid on the number of non-paying beds where it is absolutely necessary, so that the existing grant is not exceeded.	Do.	.. Not accepted	Do.	..	....
(2) Victoria Hospital for Women and Children, Visakhapatnam, provincialized with effect from 1st December 1949.					

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14 The existing system of grants to the Maternity Hospital, Gadivada, Women and Children's Hospital, Kandramanickam, Free Ayurvedic Dispensary, Mukkamula, Mission Dispensary, Kollimalais, and Ramakrishna Vidyalaya, Perianayakanpalayam, Coimbatore, may continue.	Page 75	.. Accepted	Do.	..	
15 Grants to Missionary Medical College, Vellore, to be restricted in future.	Do.	.. Do.	Do.	..	....
39. PUBLIC HEALTH.					
1 Retrenchment of the four posts of Engineering Supervisors attached to the four Regional Malaria Organizations.	Page 39	.. Accepted	G.O. No. 1837, P.H., dated 2nd June 1948.	9,800	....
2 Abolition of the post of a Second-class Health Officer sanctioned for the Poonamallee Health Unit.	Do.	.. Do.	G.O. No. 240, P.H., dated 27th January 1949.	2,100	....
3 Abolition of a post of Assistant Director of Public Health and the staff under him.	Do.	.. Do.	Do.	14,100	....
4 Keeping in abeyance the post of Research Health Officer, Madras, and the staff under him.	Do.	.. Do.		11,800	

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
39. PUBLIC HEALTH— <i>cont.</i>					
5 Consideration of the possibility of transferring the Nutrition Officers in the Food Department to the Public Health Department and the limitation of staff for investigation and survey in the Nutrition Department.	Page 39	Transfer of Nutrition Officer not accepted. Nutrition Bureau reorganized with effect from 1st April 1950.	G.O. No. 844, Health, dated 7th March 1950.	Nil.	....
6 Maternity and Child-Welfare Centres to be more widely distributed, and one more Assistant Directress of Public Health to be appointed.	Do.	Not accepted	G.O. No. 2275, P.H., dated 6th July 1948.	..	....
7 The suggestion of the Water-supply and Drainage Committee for pooling of the taxes levied by all municipalities into a Common Fund is not supported. Government will be justified in being more generous in the case of municipalities or other urban areas which are too poor to pay their share of capital expenditure.	Pages 88 and 89.	Agreed	G.O. No. 1488, P.H., dated 25th April 1949.	..	....

The recommendation of the Water-supply and Drainage Committee for the formation of a separate Public Health Engineering Service is supported.

Until the Public Health Engineering Service is formed the execution of Rural Water-supply Schemes may be under the control of the Collector.

8 *Water-supply schemes of local bodies.*—If the funds at the disposal of Government for financing water-supply schemes are not sufficient, Government will be justified in raising a loan for the purpose and spreading repayment over a long term of years, a sinking fund being provided. If the resources of local bodies are not sufficient, the repayment of loans to be given to them may be spread over a longer period.

9 Retrenchment in King Institute, Guindy, including reduction in the number of stenographers.

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The recommendation of the Water-supply and Drainage Committee for the formation of a separate Public Health Engineering Service is supported.	Do.	Do.	G.O. No. 2616, P.H., dated 21st July 1949.	..	
Until the Public Health Engineering Service is formed the execution of Rural Water-supply Schemes may be under the control of the Collector.	Do.	Do.	G.O. No. 1029, P.H., dated 25th March 1949.	..	....
8 <i>Water-supply schemes of local bodies.</i> —If the funds at the disposal of Government for financing water-supply schemes are not sufficient, Government will be justified in raising a loan for the purpose and spreading repayment over a long term of years, a sinking fund being provided. If the resources of local bodies are not sufficient, the repayment of loans to be given to them may be spread over a longer period.	Page 89	Accepted with modification.	G.O. No. 1488, P.H., dated 25th April 1949.	..	....
9 Retrenchment in King Institute, Guindy, including reduction in the number of stenographers.	Page 96		G.O. No. 1806, P.H., dated 17th May 1949.	..	Not accepted in respect of Government Analyst's section. Other proposals under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
40. AGRICULTURE.					
1 It is necessary to continue the Marketing Officers and the four Assistants with necessary subordinate staff for conducting market surveys, working cost, gathering of marketing information, etc. The Agricultural Department should be reorganized so as to cover all these services and serve as an Intelligence Bureau for Agricultural Marketing.	Paragraph 6 on page 41 of the report.	The Government approved the proposals of the Director of Agriculture for the reorganization of the marketing section on a regional basis and these proposals were in consonance with the recommendation of the Retrenchment Committee.	G.O. No. 1645, Development, dated 5th April 1948.	..	This involves an increase in expenditure of about Rs. 48,100 per annum.
2 Eight posts of Deputy Directors of Agriculture may be abolished.	Pages 41-42	Not accepted	G.O. No. 2048, Development, dated 14th April 1949.	..	....

3 (a) Audit of transactions in the Agricultural Department should be entrusted to trained audit staff under the control of Examiner of Local Fund Accounts or any other competent authority.

Page 41 .. (a) Rejected .. (b) Deferred .. { G.O. No. 1813, Development, dated 4th April 1949.

(b) An experienced officer should be posted to assist the Director of Agriculture in framing budgets and in dealing with financial matters.

4 The work relating to the supervision, erection, operation and hiring of pumps, boring sets, tractors, bull-dozers, etc., which is at present done by the different departments such as Agricultural, Industries, Electricity and other departments individually should in future be done by the Agricultural Department.

Do. .. Not accepted .. G.O. No. 769, Development, dated 17th February 1949.

5 Personal Assistants to the District Agricultural Officers to be retained even after the trading schemes are taken away from the Agricultural Department.

Do. .. Not accepted. The continuance of the posts up to 31st December 1950 has, however, been sanctioned. The G.O. No. 3034, Development, dated 4th June 1949.

6 A survey should be made by some competent person or persons and advice taken as to the organization, teaching and field work of the Agricultural Department.

Do. .. Accepted with modification. G.O. No. 4956, Development, dated 5th October 1948.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5)	Remarks. (6)
40. AGRICULTURE—cont.					
7 Results of research should be popularized and demonstration should be done on ryots' lands by asking the ryots themselves to carry out the improvement to guarantee them against loss, if any.	Page 41	Accepted with modification.	G.O. No. 4115, Development, dated 6th August 1948.	RS.	....
8 The existing arrangement for the lending of money to agriculturists for the purchase of seeds and manure through the Agricultural Department may be continued.	Do.	Accepted	Lodged No. 38836-N/48, Development, dated 10th August 1948.	..	....
9 There should be a large recruitment of agricultural graduates in the Revenue Department so that when the Revenue Officers go to rural parts, they may be able to advise the ryots in matters relating to agriculture.	Do.	....	....	..	Under consideration.
10 Levy of a cess on commercial crops.	Page 159	Deferred	G.O. Ms. No. 1558, Development, dated 24th March 1949.	..	....
11 Discontinuance of grants to students' clubs of the Agricultural Colleges.	Page 76	Not accepted	G.O. Ms. No. 1443, Development, dated 19th March 1949.	..	

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41. VETERINARY.					
1 District Veterinary Officers to work in District Veterinary Hospital, while at headquarters.	Page 42	.. Principle accepted	G.O. No. 1742, Development, dated 31st March 1949.	..	
2 Officers of Livestock Section should be qualified men with education and experience.	Do.	.. Do.	Do.	..	....
3 Abolition of either the post of Joint Director of Animal Husbandry or Livestock Development Officer.	Do.	.. Not accepted	Do.	..	....
4 Reduction of scholarships granted in the Madras Veterinary College.	Page 81	.. Accepted (reduced from 30 to 25).	G.O. Ms. No. 2584, Development, dated 14th May 1949.	600	....
42. CO-OPERATION.					
1 The post of Joint Registrar for Resettlement should be abolished when separate Boards are set up for Cottage Industries and Housing.	Page 44	..	....	..	Ordered to lie over till a decision is reached on the formation of a separate department for Cottage Industries with a Cottages Industries Board.—See item 3 on page 102 above.
2 Audit may be separated from administration and the audit of the co-operative functions may be transferred to the control of the Examiner of Local Fund Accounts.	Pages 44-45	.. Accepted in part	G.O. Ms. No. 2656, Development, dated 28th May 1949.	..	

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
42. CO-OPERATION— <i>cont.</i>					
3 Constitution of a Housing Board to deal with problems connected with housing and the appointment of a Housing Committee.	Pages 83-84	.. It has been decided that there is no need for the 'Housing Board' but that a 'Housing Advisory Committee' may be constituted.	G.O. Ms. No. 4579, Development, dated 10th September 1949.	..	....
4 Egg Marketing Societies—Abolition of posts of Junior Inspectors and recovery of 50 per cent of the cost of clerks and egg collectors from societies.	Page 213	.. Scheme discontinued.	G.O. No. 2868, Development, dated 28th May 1949.	25,200	....
43. INDUSTRIES AND SUPPLIES.					
1 The industrial and chemical laboratory located in the Government Textile Institute should be developed and properly equipped so as to serve as an analytical research and testing laboratory for all industries.	Page 46	.. Accepted	G.O. No. 2603, Development, dated 16th May 1949.	..	....
2 Post of Director of Industries and Commerce—Appointment of a businessman.	Page 45	.. Not accepted	G.O. No. 5364, Development, dated 29th October 1948.	..	

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					Under consideration.
3 Abolition of the posts of District Industries Officers and retention of Assistant Industrial Engineers at Madras.	Page 46			..	..
4 Abolition of the Manufacturing section of the Industrial Engineering Workshops, Madras.	Pages 46-47 of the report.	Not accepted	.. Memo. No. 10968-D-II/48-4, dated 23rd January 1949.	..	....
5 Information Bureau Section in the Office of the Director of Industries and Commerce should be a fully equipped institution containing all the information necessary to help industrialists. The institution should be in charge of a capable officer with technical knowledge and recognized on efficient lines with a library attached to it.	Page 47	.. Accepted	G.O. No. 5364, Development, dated 29th October 1948.	..	....
6 Pumping and Boring section in the Industries department—Transfer to Agricultural department.	Do.	.. Not accepted	G.O. No. 769, Development, dated 17th February 1949.	..	....
7 Reorganization of the Fisheries department.	Pages 48-49	.. Accepted	G.O. No. 1711, Development, dated 29th March 1949.	28,900	

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) Rs.	Remarks. (6)
43. INDUSTRIES AND SUPPLIES—<i>cont.</i>					
8 One of the Public Works Department supervisors working in the Anamalais should be retrenched.	Page 51	.. Abolished with effect from 30th March 1950.	G.O. No. 2083, Development, dated 24th April 1950.	3,000	..
9 The post of Breeding Assistant in the Propagation section of the Anamalai Plantations may be retrenched.	Do.	.. Accepted	G.O. No. 6437, Development, dated 30th December 1948.	4,300	....
10 The posts of one Assistant Chemist and one Factory Overseer attached to the Government Quinine Factory, Naduvattam, should be retrenched from that factory after the incumbents of the posts are transferred to the Modern Quinine Factory on the Anamalais.	Do.	.. Do.	Do.	4,100	The construction of the Modern Quinine Factory has not yet been completed.
11 One of the posts of seven Assistant Superintendents, Government Cinchona Plantations, may be retrenched.	Pages 51 and 97	Do.	G.O. Ms. No. 2728, Development, dated 27th May 1948.	3,200	....
12 The number of Head Overseers in the Plantations may be reduced by 4 or 5, keeping those that are necessary.	Page 51	.. Not accepted	G.O. No. 6437, Development, dated 30th December 1948.	..	

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13 Five or at the most six upper division clerks against the existing strength of eight upper division clerks in the office of Director, Cinchona Department, are sufficient and the remaining may be of the lower grade.	Do.	.. Accepted with modification (2 posts of upper clerks since abolished).	Do.	3,500	
14 The check-measuring overseer in the office of the Director should be relieved of office work and a separate draughtsman should be appointed in the office.	Do.	.. Accepted	Do.	..	Extra cost involved is Rs. 1,700 per annum.
15 Intensive Khadi Scheme—Centres and Sub-Centres—Reduction in the strength of officers and staff.	Page 58	.. Not accepted	G.O. No. 780, Firka Development, dated 16th November 1948.	..	....
16 Constitution of an Advisory Board for the Cinchona department.	Page 83	.. Do.	G.O. No. 6027, Development, dated 7th December 1948.	..	....
17 Constitution of a statutory advisory body (like the Railway Board) to help the administrative and technical staff with advice and also to help Government in the administration and management of the Commercial undertakings.	Pages 83 and 232 of the report.	Accepted in regard to Kerala Soap Institute. Deferred for the present in respect of the Government Silk Filatures, Kollegal.	G.O. No. 1597, Development, dated 26th March 1949. G.O. Ms. No. 798, Development, dated 28th February 1950.	..	

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)

43. INDUSTRIES AND SUPPLIES—*cont.*

18 Retrenchment of <i>one post of peon</i> in the office of the Manufacturing Chemist, Government Quinine Factory, Nativattam, <i>two posts of peons</i> in the office of the Propagation Superintendent, Government Cinchona Plantations, Anamalais, and <i>one post of peon</i> in the office of the Assistant Engineer, Government Cinchona department.	Page 77	.. Accepted	.. G.O. Ms. No. 466, Development, dated 2nd February 1948.	1,700	....
19 Retrenchment of one post of Foreman in the Government Quinine Factory, Nativattam.	Do.	.. Do.	.. G.O. Ms. No. 2728, Development, dated 27th May 1948.	900	....
20 Abolition of one of the three posts of Assistant Chemists in the Government Quinine Factory, Nativattam, and appointment of a laboratory Assistant instead.	Do.	.. Do.	.. Do.	700	....

- 21 Two posts of Overseers on Rs. 65-4-85 sanctioned for employment in the Government Cinchona Plantations, Anamalais, in connexion with 1948 planting to be held in abeyance.
- 22 Statistical staff in the offices of the Board of Revenue and of the Director of Industries and Commerce to be retrenched.

The posts were subsequently revived in G.O. Ms. No. 4814, Development, dated 24th September 1948.

Do.	..	Do.	..	Do.	..
Page 149, paragraph 6.	Not accepted	..	Public (E. and S.) Memo. No. 3534/48, dated 12th June 1948.	..	....

47. MISCELLANEOUS DEPARTMENTS.

RECLAMATION OF BACKWARD TRIBES.

1 Handing over the Kallar Reclamation work to the Education or Co-operative department.	Page 97	..	The entire reclamation work has been transferred to the Department of Harijan Welfare and the Police staff has been entirely relieved of this work.	Accepted	..
2 (i) Giving full fee concessions to the children of notified tribes in all stages of education.	Pages 162-163	Do.	Do.	Do.	G.O. Ms. No. 3915, Home, dated 28th September 1949.
(ii) Extending the existing rates of scholarships given to Harijan children to children of Kallar and other similarly situated communities.					

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
47. MISCELLANEOUS DEPARTMENTS—cont.					
RECLAMATION OF BACKWARD TRIBES—cont.					
(iii) Revising the existing rates of non-residential scholarships granted to Kallar, etc., communities.	Pages 162-163	Not accepted	..	..	....
(iv) The industrial and midwifery scholarships and boarding grants given to the children of notified tribes should be made uniform.	Do.	It was decided that the rates of industrial scholarships given to the pupils of the so-called Criminal Tribes should be enhanced so as to include boarding grants now given to such pupils. As regards midwifery scholarships and boarding grants, the recommendations of the Committee were accepted.	G.O. Ms. No. 3915, Home, dated 28th September 1949.	..	....
3 Abolition of the boarding grants given to Korava pupils in the Tiruchirappalli district.	Page 213	Accepted	G.O. Ms. No. 1762, Home, dated 5th May 1949.	1,000	

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
4 Special grants—					
The Labour department should not give grants at their discretion to institutions which provide education to Harijans among others. Any grant that is given should be of the nature of a capitation grant based on the number of Harijan pupils studying in the institution.	Page 75	The Government approved the proposals of the Commissioner of Labour for the sanction of lump-sum boarding grants to various hostels instead of granting individual boarding grants to pupils belonging to eligible communities.	G.O. Ms. No. 3361, Development, dated 21st June 1948.	..	....
5 Amalgamation of boilers and factory inspectorates—Complete merger of the two sections under one Chief Inspector and reduction in the number of Inspectors of Boilers.					
Boiler Inspectors should be on the same scale of pay as Inspector of Factorites and form one cadre.	Pages 52-53, item 17.	Not accepted	..	..	Under consideration.
Conversion of the post of Assistant Commissioner of Labour into that of Deputy Commissioner of Labour.	Page 53, item 17.	Not accepted	G.O. Ms. No. 4082, P.W., dated 3rd November 1949.	..	....
Transfer of Employment Exchanges to the Labour department.	Do.	Not accepted	G.O. Ms. No. 844, Development, dated 4th March 1950.	..	

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Summary of recommendation.	References to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
47. MISCELLANEOUS DEPARTMENTS—cont.					
9 Reorganization of welfare work among women.	Page 62	.. Not accepted	.. G.O. No. 1580, Public (Political), dated 27th May 1949.	..	....
10 Amalgamation of the Madras Fire Service with the Police department.	Page 133	.. Accepted	.. G.O. No. 1458, Public (Fire Services), dated 18th May 1948.	66,300	....
50. CIVIL WORKS.					
1 Centage charges levied for water-supply and drainage schemes may be considerably reduced.	Page 75	.. Recorded	.. G.O. No. 3490, P.H., dated 5th October 1949.	..	....
2 Amalgamation of P.W.D. and Highways is not desirable; these two departments should be kept separate.	Page 54, item 19, paragraph iii (a).	....	..	..	Under consideration.
3 Reduction of the number of Superintending Engineers in the Highways Department.	Pages 54-56	.. Ballary Circle abolished.	.. G.O. No. 4627, P.W., dated 30th November 1948.	60,400	....
		Further reduction is not possible.	.. G.O. No. 503, P.W., dated 9th February 1950.	..	....
4 Investigation and preparation of estimates for major irrigation schemes should be expedited.	Pages 55-56	.. Accepted	.. G.O. Ms. No. 3712, P.W., dated 6th October 1949.	..	..

52-A. OTHER REVENUE EXPENDITURE CONNECTED WITH ELECTRICITY SCHEMES.

1 Abolition of the post of Consulting Engineer (Electricity) to Government.	Page 56, item 19.	Not accepted	.. G.O. No. 1052, P.W., dated 22nd March 1949.	..	....
2 Constitution of a Statutory Board for the administration and management of Government commercial undertakings—Electricity department.	Page 83, item 9.	Recorded	.. G.O. No. 4468, P.W., dated 18th November 1948.	..	....

56. STATIONERY AND PRINTING.

1 Retrenchment of one post of Deputy Superintendent, Government Press, if another branch press is not constituted, as required by the Superintendent, Government Press.	Pages 56-57	.. Dropped	.. G.O. No. 2465, Education, dated 1st August 1949.	..	....
2 Reduction in the number of forms printed for every department.	Do.	..	....	..	A special enquiry is in progress (G.O. No. 3311, Education, dated 28th December 1948).
3 Amalgamation of the Stationery Office with the Government Press.	Do.	.. Dropped	.. G.O. No. 2465, Education, dated 1st August 1949.	..	....
4 No printing should be done at private presses as far as possible.	Do.	.. Printing at private presses has to be continued in special cases.	.. G.O. No. 2465, Education, dated 1st August 1949.	..	

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5)	Remarks. (6)
XLVI.A. RECEIPTS FROM ROAD TRANSPORT SCHEMES—WORKING EXPENSES.					
Government Bus Vice— (1) A Statutory Board should be set up and business experience associated with it.	Page 3, section (9).	....	....	..	The question of formation of a Statutory Road Transport Board for the State is awaiting the enactment of Central Legislation (Road Transport Corporation Bill) contemplated by the Government of India.
(2) The method of maintaining accounts and auditing should be similar to those in private commercial concerns.	Do.	Already in force	G.O. No. 2159, Home, dated 7th June 1948.	..	....

63. EXTRAORDINARY CHARGES.

1 To amalgamate the offices of the Provincial Motor Transport Controller and Petrol Rationing Officer and thus effect a reduction in staff.

Paragraph 2, Offices wound up due to de-rationing. dated 20th September 1950.

2 To amalgamate the posts of Assistant Rationing Officers and Regional Transport Officers and also the offices under them.

Do. Accepted .. G.O. Ms. No. 1516, Home, dated 10th April 1950. Nil

3 Proposal to amalgamate offices of the Food Department (Secretariat) and the Board of Revenue (Civil Supplies) and the posts of Secretary to Government, Food Department, and the Commissioner of Civil Supplies.

Item 3 (c) on Not accepted .. G.O. No. 1110, Food, dated 8th December 1948.

4 Retrenchment of staff in the Civil Supplies department by reorganization of the procurement and rationing staff.

Item 6, pages 143, 227 and 228. Do. (i) G.O. No. 516, Food, dated 8th June 1948.

(ii) Memorandum No. 2378-E/48-10, Food, dated 27th July 1948.

(iii) G.O. No. 1012, Food, dated 10th November 1948.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings per annum.	Remarks.
(1)	(2)	(3)	(4)	(5) Rs.	(6)
85-A. CAPITAL OUTLAY ON SCHEMES OF STATE TRADING.					
1 The work of distribution of groundnut cake, seeds and chemical manures should be taken away from the Agricultural department and handed over to co-operative societies.	Pages 40-41 ..	(1) Groundnut cake—Accepted <i>in toto</i> . (2) Seeds—Accepted with modifications. (3) Chemical manures—Accepted. (4) Distribution of iron and steel agricultural implements—Accepted.	G.Os. Ms. No. 4074, Development, dated 28th October 1948, Ms. No. 4276, Development, dated 17th August 1948, No. 6250, Development, dated 17th December 1948, No. 131, Food and Agriculture, dated 20th January 1950, and No. 34, Food and Agriculture (F.P.), dated 14th July 1950.	1,72,000	....
2 The Government Malt Factory—To be handed over to the Industries department to avert a loss in its working. The question of transferring it to a private agency should also be examined.	Do. ..	Not accepted	G.O. No. 4945, Development, dated 4th October 1948.	..	....

3 Government Silk Filatures, Kollegal—Installation of silk twisting and throwing plant.

G.Os. Nos. 3819, Development, dated 19th July 1948, 5364, Development, dated 29th October 1948, and 6437, Development, dated 30th December 1948.

4 Abolition of Government Milk Factory, Madras.

Item 2 on pages 229-230. Decided to continue the Factory till 31st March 1951 and to review the position thereafter.

5 Appointment of Statutory Advisory Boards to help the Government to run their business undertakings efficiently and profitably—

(i) (1) Government Milk Factory, Madras, (2) Civil Supplies Transport Units and (3) schemes for the purchase and sale of foodgrains.

(ii) Government Malt Factory ..

Page 83, section 9.

Accepted

G.O. Ms. No. 9, Food, dated 4th January 1949.

Do.

Not accepted

G.O. No. 2428, Development, dated 7th May 1949.

GENERAL.

1 Preference should be given to retrenched personnel for being absorbed in future vacancies.

Page 4, paragraph 5. Accepted

G.O. No. 108, Public, dated 10th January 1949.

2 Frequent transfers to be avoided.

Do.

G.O. Ms. No. 2787, Public, dated 10th November 1948.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) RS.	Remarks. (6)
3 Supplies to officers in camps to be stopped.	Page 22	Accepted	G.O. No. 2982, Public, dated 2nd December 1948.	..	Covered by orders issued on a similar recommendation by the Corruption Enquiry Committee.
4 Permanent retention of temporary sections in Government offices which have been in existence for more than five years and are required for normal work.	Page 70	Do.	U.O. Note No. 825/49-8, Public (Services), dated 28th June 1949 and G.O. No. 780, Finance, dated 19th July 1949.	..	..
5 Economy in contingent expenditure.	Page 79 and paragraph 14 on page 160.	Do.	G.Os. Nos. 857, Finance, dated 31st August 1948, 97, Finance, dated 31st January 1949 and 424, Finance, dated 29th April 1949.	90,00,000 (approximate).	A Special Officer was appointed to suggest ways and means for effecting economy in contingent expenditure. His recommendations were examined by the departments concerned and orders passed.

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6 Holidays—Penultimate days—Abolition.	Satur- Page 80	Not accepted	Public U.O. Note No. 2441/47-1, dated 29th January 1948.	..	
7 No need for an Organization and Methods branch to promote efficiency in Government offices.	Pages 80-81	Agreed	G.O. No. 3591, Public, dated 13th December 1947.	..	....
8 All rural development works distributed over several departments to be brought under a single department and under a single Minister (Minister for Rural Development).	Page 134	Not accepted	G.O. R. No. 99, Public, dated 26th February 1949.	..	....
9 Disciplinary action—Rules relating to procedure—Simplification.	Pages 142-143	Do.	G.O. No. 1337, Public (Services), dated 12th May 1949.	..	....
10 Grouping of allied subjects so as to be under a single Minister.	Page 227	Do.	G.Os. R. No. 99, Public, dated 26th February 1949 and No. 1202, Public (Special), dated 3rd May 1949.	..	....
11 Classification of Grade V Officers under class IV with reference to rule 25 (B) of the Madras Travelling Allowance Rules to be avoided, where an officer is not required to keep a car.	Page 22	Accepted	G.O. No. 837, Finance, dated 11th August 1949.	..	....
12 Classes I and II special pays may be abolished in several cases.	Pages 65-66	..	..	..	Under consideration.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5)	Remarks. (6)
		GENERAL—cont.		RS.	
13 For each office or department in which more than two officers are working, a pool of short-hand-writers might be set up, its strength being fixed at about 50 per cent of the number of officers.	Page 66 ..	....	....		Under consideration.
14 A periodical review of the rates of special pays in unhealthy localities may be undertaken on the advice of the Director of Public Health with a view to seeing whether the localities have become less unhealthy and if so, whether they can be abolished altogether.	Do. ..	Reviewed. No reduction or abolition considered necessary.	...		....
15 Reorganization of the Pension system into one of Pension cum Provident Fund cum Insurance.	Pages 63-70 ..	Accepted subject to certain modifications.	G.O. No. 365, Finance, dated 28th March 1950.		No immediate saving is anticipated.
16 Motor car allowance given to officers in Madras City may be reduced to Rs. 75 in cases where it is at present higher than Rs. 75 per mensem.	Pages 66-67 ..	Accepted with modifications. (It has been decided that the limitation on conveyance allowance will apply only to new posts.)	G.O. No. 753, Finance, dated 6th August 1948.		

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17 Increasing the age of retirement from 55 to 58 (as recommended by the Central Pay Commission) not recommended by the Committee.	Pages 67-70 ..	Committee's view accepted and existing age of superannuation, viz., 55 retained.	Finance Memo. No. 60854 P-15, dated 4th September 1948.		
18 Adoption of standard scale of pensions for all offices and officers so as to reduce the strength to the minimum.	Pages 77-78 ..	Accepted with modification.	G.Os. No. 326, Finance, dated 5th April 1948 and amended in No. 689, Finance, dated 15th July 1948, No. 3199, Home, dated 6th August 1949 and Memo. No. 43686/48-2, P.H., dated 7th July 1948 and G.Os. No. 3141, Public, dated 13th December 1948 and No. 887, Public, dated 19th March 1949.	2,500	....
19 A districtwar statement of receipts and expenditure by major heads may be prepared if the cost is not likely to exceed Rs. 1,000 per annum; it is not worthwhile to prepare such statement, if the cost will exceed the above limit	Page 49 ..	Decided that no action need be taken as the cost of compilation would exceed Rs. 1,000.	G.O. No. 321, Finance, dated 1st April 1948.		

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) RS.	Remarks. (6)
GENERAL—cont.					
20 Exhibiting office contingent expenditure separately from other items of contingent expenditure in the Provincial Budget Estimates.	Page 159	Accepted	G.O. No. 1177, Finance, dated 13th December 1948.	....	....
21 Raising the limits for reference of cases to the Standing Finance Committee.	Page 221	Do.	U.O. Note No. 41910-B.G.-2, Finance, dated 30th June 1949.	....	....
22 Location of the Secretariat and the offices of the Heads of Departments in the same building or near each other.	Page 227	....	....	....	This will be given effect to, wherever possible.
23 Retrenchment in staff (including superior officers) in the Secretariat, offices of the Heads of Departments and other offices up to the extent of 12½ per cent.	Pages 227-228.	Accepted to the extent feasible.	G.Os. Nos. 628, Public, dated 13th March 1948, 789, Public, dated 27th March 1948, 3154, Public, dated 14th December 1948, 991, P.H., dated 22nd March 1949, 872, Public, dated 28th March 1949, U.O. Note No. 2903, Public, dated 20th June 1949, G.Os. Nos. 1711, Development, dated 29th March 1949, 572, Development, dated 7th February 1949, 1206, Development, dated 9th March 1949, 485, Development, dated 1st February 1949, 486, Development, dated 1st February 1949, 1964, Development, dated 9th April 1949, 3210, Development, dated 15th June 1949, 1513, Education and Public Health, dated 27th July 1949, 991, P.H., dated 22nd August 1949, 1802, Revenue, dated 18th July 1949, 2358, Public, dated 20th July 1949, 3199, Home, dated 6th August 1949, 2477, Revenue, dated 13th September 1950 and 2612, Revenue, dated 28th September 1950.	25,35,400	

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					Under considera- tion.
24 Unification of audit under a common agency. Transfer of co-operative audit work to the Examiner of Local Fund Accounts.	Page 231, paragraph 4.				
25 Levy of audit fees by Local Fund Audit departments from Local Boards.	Page 231	Not accepted	G.O. No. 37, Finance, dated 17th January 1949.	....	....
26 Appointment of Heads of Departments as Secretaries or Joint Secretaries to Government.	Pages 20-21	Not considered practicable generally.	....	....	The Commissioner of Food Production has been appointed as a Secretary to the Government to speed up work.
27 Retrenchment in Secretariat staff to be effected by requiring Heads of Departments to submit direct to Hon'ble Ministers, proposals which do not require noting in the Secretariat.	Page 21	Do.	....	....	....
28 Unification of conditions of service of Local Board servants —Provincialization.	Page 71	....	....	....	Under consideration.
29 Method of selection of higher officers like Collectors, Executive Engineers, etc., from a list of persons to be obtained from the Federal Public Services Commission.	Page 16	Not accepted	G.O. No. 1875, Public, dated 23rd November 1948.		

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings per annum. (5) RS.	Remarks. (6)
GENERAL—cont.					
30 Inter-changeability of officers from the Secretariat to the Executive and vice versa.	Page 18	.. Not accepted ..	.. G.O. No. 2903, Public, dated 25th November 1948.	..	....
31 Person in possession of statistical information to submit it direct to Government or officers requiring it without observing formalities to avoid delay.	Do.	.. Accepted	.. G.O. No. 3131, Public, dated 13th December 1948.	..	....
32 Petitions, etc., received by Hon'ble Ministers to be sent for disposal to subordinate officers concerned to the extent possible.	Do.	.. Do.	.. Do.	....	....
33 Personal consultations with departments to be resorted to widely.	Do.	.. Do.	.. Do.	....	....
34 Standard outturn of work in the Secretariat per clerk per day.	Pages 19-20	.. Do.	.. G.O. No. 1676, Public (Services), dated 3rd June 1949.		

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35 Withdrawal of telephones in the residences of Government officers.	Pages 78-79	.. Do.		4,100	The figure in column (5) represents savings on account of residential telephones which have so far been ordered to be disconnected.
36 Delegation of powers by Government to Heads of Departments and by Heads of Departments to district and other officers in respect of financial and other matters.	Pages 76 and 184-211.	..	..	..	The recommendation has been given effect to wherever possible. No immediate saving is anticipated.
37 Formation of District Councils to consider matters of a local or general character.	Page 86	..		..	Under consideration.

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APPENDIX V.

[Vide answer to starred question No. 91 (b) and (c) asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 11 supra.]

Statement showing the actual expenditure incurred under the various heads of account in the year 1947-8, 1948-9 and 1949-50.

Major head.	Accounts, 1947-48.	Accounts, 1948-49.	Accounts, 1949-50 (as now available).
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.
7. Land revenue	28.98	27.45	40.42
8. Provincial excise	59.44	69.04	77.24
9. Stamps	21.04	21.16	23.05
10. Forest	86.29	79.10	79.26
11. Registration	18.62	51.86	50.83
12. Charges on account of Motor Vehicles—			
Payments to local bodies	90.81	95.56	90.27
Collection charges	5.66	6.11	6.59
	96.47	1,01.67	96.86
13. Other Taxes and Duties—			
Payments to local bodies	57.80	83.79	97.72
Collection charges	29.23	35.68	43.03
	87.03	1,19.47	1,40.75
17. Interest on works for which capital accounts are kept.	94.65	1,04.15	1,19.05
18. Other revenue expenditure financed from ordinary revenues.	-1,09.29	-1,43.57	1,49.87
19. Construction of Irrigation, Navigation, Embankment and Drainage Works	2.59	4.07	5.81
22. Interest on debt and other obligations ..	81.96	1,00.04	..
Deduct—Interest transferred to Commercial Departments, etc.	1,46.78	-1,73.58	..
Net amount met out of Ordinary revenues.	64.82	-73.54	-1,08.68
23. Appropriation for reduction or avoidance of debt.	1,42.78	69.68	75.47
25. General administration	5,60.39	5,82.05	6,26.32
27. Administration of Justice	1,45.64	1,50.03	1,58.34
28. Jails and convict settlements	79.63	1,10.22	1,16.52
29. Police	4,64.81	5,51.97	6,80.89
30B. Ports and pilotage	..	..	..
36. Scientific departments	1.37	1.52	1.58
37. Education	7,03.70	8,85.93	9,58.41
38. Medical	2,38.49	2,76.54	2,96.12
39. Public health	(a) 1,90.51	90.54	(b) 1,09.28

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Major head.	Accounts, 1947-48.	Accounts, 1948-49.	Accounts, 1949-50 (as now available).
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.
40. Agriculture	1,16.93	1,26.74	1,82.74
41. Veterinary	31.81	40.58	49.67
42. Co-operation	42.69	53.41	73.64
43. Industries and supplies	1,12.75	1,20.30	1,29.00
43A. Capital outlay on Industrial Development.	.02	.06	.32
44. Aviation	..	..	.59
47. Miscellaneous departments—			
Labour Including Factories and Harijan Uplift.	60.91	73.22	1,31.99
Other items	58.90	42.33	
Total ..	1,19.81	1,15.55	1,31.99
50. Civil works—			
Public works and Highways Departments.	4,41.36	5,39.19	7,28.72
Grants-in-aid	22.65	49.65	
Total ..	4,64.01	5,88.84	7,28.72
52. Interest on capital outlay on Electricity Schemes.	49.94	66.92	87.40
52A. Other revenue expenditure connected with electricity schemes.	2.91	.11	—43
54. Famine	3.80	4.75	25.08
55. Superannuation allowances and pensions ..	1,57.65	1,56.36	1,65.49
55A. Commutation of pensions financed from ordinary revenues.	1.83	4.37	8.13
56. Stationery and Printing	49.42	71.98	94.51
57. Miscellaneous—			
Expenditure on Bus Service	12.44	90.31	..*
Other items	1,06.86	1,33.24	43.98
Total ..	1,19.30	2,23.55	43.98
63. Extraordinary charges—			
Net outlay on State Trading schemes ..	-16.04	2,03.63	..†
Other items	1,84.54	78.61	1,13.42
Total ..	1,68.50	2,82.24	1,13.42
64A. Transfer to revenue reserve fund	5,10.00	..	..
64B. Civil defence	20.29	1.17	.72
Grand total—Expenditure on revenue account.	50,68.56	53,33.42	55,48.02

(a) Includes Rs. 100 lakhs representing contribution to the Rural Water-Supply Fund.

(b) Includes Rs. 10 lakhs representing contribution to the Rural Water-Supply Fund.

* Working Expenses of the Madras City Bus Service are taken in deduction of the receipts from 1949-50.

† Net outlay on State Trading schemes was not transferred to the Revenue Account in 1949-50, but retained in the capital account.

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APPENDIX V.

[Vide answer to starred question No. 91 (b) and (c) asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 11 supra.]

Statement showing the actual expenditure incurred under the various heads of account in the year 1947-8, 1948-9 and 1949-50.

Major head.	Accounts, 1947-48.	Accounts, 1948-49.	Accounts, 1949-50 (as now available.)
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.
7. Land revenue	28.98	37.45	40.42
8. Provincial exoise	59.44	69.04	77.24
9. Stamps	21.04	21.16	23.05
10. Forest	86.29	79.10	79.26
11. Registration	48.62	51.86	50.83
12. Charges on account of Motor Vehicles Acts—			
Payments to local bodies	90.81	95.56	90.27
Collection charges	5.66	6.11	6.59
	96.47	1,01.67	96.86
13. Other Taxes and Duties—			
Payments to local bodies	57.80	83.79	97.72
Collection charges	29.23	35.68	43.03
	87.03	1,19.47	1,40.75
17. Interest on works for which capital accounts are kept.	94.65	1,04.15	1,19.05
18. Other revenue expenditure financed from ordinary revenues.	1,09.29	1,43.57	1,49.87
19. Construction of Irrigation, Navigation, Embankment and Drainage Works	2.59	4.07	5.81
22. Interest on debt and other obligations ..	81.96	1,06.04	..
Deduct—Interest transferred to Commercial Departments, etc.	1,46.78	1,73.58	..
Net amount met out of Ordinary revenues.	64.82	73.54	1,03.68
23. Appropriation for reduction or avoidance of debt.	1,42.78	69.68	75.47
25. General administration	5,60.39	5,82.05	6,26.32
27. Administration of Justice	1,45.64	1,50.03	1,58.34
28. Jails and convict settlements	79.63	1,10.22	1,18.52
29. Police	4,64.81	6,51.97	6,89.89
30B. Ports and pilotage	..	..	..
36. Scientific departments	1.37	1.52	1.58
37. Education	7,03.70	8,85.93	9,58.41
38. Medical	2,38.49	2,76.54	2,96.12
39. Public health	(a) 1,90.51	90.54	(b) 1,09.38

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Major head.	Accounts, 1947-48.	Accounts, 1948-49.	Accounts, 1949-50 (as now available).
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.
40. Agriculture	1,16.93	1,26.74	1,82.74
41. Veterinary	31.81	40.58	49.67
42. Co-operation	42.69	53.41	73.64
43. Industries and supplies	1,12.75	1,20.30	1,29.00
43A. Capital outlay on Industrial Develop- ment.	.02	.06	.32
44. Aviation	..	..	59
47. Miscellaneous departments—			
Labour Including Factories and Harijan Upl.ft.	60.91	73.22	1,31.99
Other items	58.90	42.33	
Total ..	1,19.81	1,15.55	1,31.99
50. Civil works—			
Public works and Highways Depart- ments.	4,41.36	5,39.19	7,28.72
Grants-in-aid	22.65	49.65	
Total ..	4,64.01	5,88.84	7,28.72
52. Interest on capital outlay on Electricity Schemes.	49.94	66.92	87.40
52A. Other revenue expenditure connected with electricity schemes.	2.91	.11	—43
54. Famine	3.80	4.75	25.08
55. Superannuation allowances and pensions ..	1,57.65	1,56.36	1,65.49
55A. Commutation of pensions financed from ordinary revenues.	1.83	4.37	8.13
56. Stationery and Printing	49.42	71.98	94.51
57. Miscellaneous—			
Expenditure on Bus Service	12.44	90.31	..*
Other items	1,06.86	1,33.24	43.98
Total ..	1,19.30	2,23.55	43.98
63. Extraordinary charges—			
Net outlay on State Trading schemes ..	—16.04	2,03.63	..†
Other items	1,84.54	78.61	1,13.42
Total ..	1,68.50	2,82.24	1,13.42
64A. Transfer to revenue reserve fund	5,10.00	..	..
64B. Civil defence	20.29	1.17	.72
Grand total—Expenditure on revenue account.	50,68.56	53,33.42	55,48.02

(a) Includes Rs. 100 lakhs representing contribution to the Rural Water-Supply Fund.

(b) Includes Rs. 10 lakhs representing contribution to the Rural Water-Supply Fund.

* Working Expenses of the Madras City Bus Service are taken in deduction of the receipts from 1949-50.

† Net outlay on State Trading schemes was not transferred to the Revenue Account in 1949-50, but retained in the capital account.

APPENDIX VI.

[Vide answer to starred question No. 81 (c) and (d) asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 14 supra.]

List of schemes recently investigated on important rivers flowing from west to east and the results of the investigation.

Serial number and name of river.	Names of authorities of the main river.		Names of the schemes investigated.		Results of the investigation.
	(1)	(2)	(3)	(4)	
1 Godavari	..		Rameswaram Project	..	Found technically feasible but involving use of materials and expenditure of money to a magnitude which render it impossible for this Government to undertake it except with substantial help from the Centre.
2 Tungabhadra ..	..		Bhairavathippa Project	..	Found feasible. The scheme is about to be sanctioned.
3 Pennar	..		Upper Pennar Project ..	..	Found feasible. The scheme has recently been sanctioned.
.. ..	..		Gandikota Project ..	..	Found feasible. Plans and estimates are awaited from the Chief Engineer (Irrigation).
4 Mannaru	..		Rallapad Reservoir and Reddicalva Aicut Scheme.	..	The scheme has been found feasible and sanctioned for execution in two stages; the aicut scheme, a Grow More Food Scheme as stage I and the Reservoir Scheme, a Post-war Development Scheme as stage II. The two works are under execution.
5 Atteru	..		Atteru Project ..	..	Found feasible, but estimate is under revision.
6 Arani	..		Arani Project ..	..	Found feasible technically. Results of detailed revenue investigation are awaited.
7 Ponnai	..		Reservoir on the Ponnai about 2 miles west 163/4 Madras-Kozhikode Trunk road.	..	Found feasible. Plans and estimates are under scrutiny in Chief Engineer's (Irrigation) office.
.. ..	..		Sathanur Reservoir Project ..	..	Feasible. Plans and estimates are under scrutiny in Chief Engineer's (Irrigation) office.
8 Varahanadhi ..	..		Reservoir on the Varahanadhi.	..	Found feasible, but deferred till the quantity of water that can be impounded has been determined.

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9 Vellar	..	Manimuthanadhi	..	Manimuthanadhi Reservoir ..	..	Feasible. Plans and estimates are under scrutiny in Chief Engineer's (Irrigation) office.
10 Cauvery	..	Gomukhi Neddi	..	A reservoir on the Gomukhi ..	..	Feasible. Plans and estimates are awaited.
.. ..	..	Amaravathi	..	Amaravathi Reservoir Project.	..	Found feasible. Plans and estimates are under scrutiny in Chief Engineer's (Irrigation) office.
.. ..	..	Bhavani	..	Lower Bhavani Project ..	..	Found feasible. The scheme is under execution.
.. ..	..	Thoppiar	..	Reservoir on the Thoppiar ..	..	Technically feasible. Plans and estimates are under scrutiny in Chief Engineer's (Irrigation) office.
.. ..	..	Chinnar	..	Reservoir on the Chinnar ..	..	Technically feasible. Plans and estimates are awaited.
11 Vellar	..	Chinnar ..	..	Chinnar Reservoir Project in Thuchirai palai district.	..	Found feasible. Plans and estimates are awaited from the Chief Engineer (Irrigation).
12 Vaigai .. ..	..	....	..	Vaigai Reservoir Scheme ..	..	Feasible. Plans and estimates received. The scheme is under consideration of Government.
13 Thambaparni ..	..	Manimuthar	..	Manimuthar Reservoir Project.	..	Feasible. The project has been sanctioned.

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APPENDIX VII.

[Vide answer to starred question No. 87 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 18th January 1951, page 18 supra.]

(a), (b) & (c) According to the orders issued by Government in January 1950, co-operative societies composed of fishermen or of Harijans engaged in fishing should be given the first opportunity of taking the fishery on lease for a reasonable rental and if the co-operative society is not willing to take the fishery lease, the panchayat board working in the area should be given an opportunity to take the lease. If neither the co-operative society nor the panchayat board is willing to take the lease, the fishery should be disposed of by public auction. In such an auction, the co-operative society and the panchayat board of the locality should be specifically invited to bid along with other individuals. In such cases, the sale is confirmed in favour of the highest bidder.

(d) The sale should be conducted by the Revenue Inspector, except where the average lease amount during the three previous years has been Rs. 250 or more; in these excepted cases, it should be conducted by an officer not lower in rank than a Deputy Tahsildar. The sale should be confirmed by the Tahsildar or the Deputy Tahsildar in cases where the lease amount does not exceed Rs. 25 and by the Revenue Divisional Officer in all other cases; provided that if the average of the lease amounts for the three previous years is more than Rs. 25, the sale should be confirmed by the Revenue Divisional Officer irrespective of the lease amount obtained at the sale.

(e), (f) & (g) Presumably the hon. Member refers to the sale of right of fishing in the Chikkavadayar tank, otherwise known as Anantapur tank or Bukkarayasamudram tank, in Anantapur taluk, Anantapur district. The sale of fisheries in question was conducted by the Tahsildar, Anantapur, on 14th November 1949, and it was knocked down in favour of one Gouse Miah Sahib for Rs. 1,205. Before the confirmation of the sales, the President, Fishermen Co-operative Society, represented to the Collector of Anantapur that he was prepared to pay the lease amount in advance and requested him to reconsider the orders already passed. The Collector granted the right of fishing in the tank to the Anantapur Fishermen Co-operative Society. The auction purchaser, Gouse Miah Sahib, petitioned to Government on 20th March 1950 that the lease of the fisheries in question was sold in auction by the Tahsildar on 14th November 1949 and that, as he was the highest bidder, the sale was knocked down in his favour for Rs. 1,205. He also stated that, before the confirmation of the sale in his favour, the Collector of Anantapur called on the Fishermen Co-operative Society to deposit the money for granting the lease to the society, that there was no such society in existence except in name and on paper, that he would be put to heavy loss if the lease was not granted to him and that he had already spent a sum of more than Rs. 100 by way of watching charges. The President, Panchayat Board, Bukkarayasamudram, also submitted

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a petition to Government requesting that the lease should either be sold in public auction to the highest bidder or that it should be given to the panchayat board and stated that the Fishermen Co-operative Society was not competent to take up the lease. The Collector of Anantapur was asked to enquire into the allegations contained in the petitions of Gouse Miah Sahib and the President, Bukkarayasamudram Panchayat Board, and to submit a report to the Government very urgently in the matter together with the connected records. The Collector's report in the matter was not received from the Board till 25th April 1950. Meanwhile on 20th April 1950 it was represented to Government that, unless orders were issued immediately, the water in the tank would get dried up and the fish destroyed. The Government, therefore, passed orders that the sale of fishery rights in the tank should be confirmed in favour of the highest bidder in the auction which was held on 14th November 1949.

APPENDIX VIII.

[Vide item VI (1) on page 22 supra.]

L.A. BILL No. 11 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the regulation and licensing of warehouses in the State of Madras.

WHEREAS it is expedient to encourage the establishment of warehouses and provide for their proper supervision and control; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Madras Warehouses Act, 1950. Short title, extent and commencement.
- (2) It extends to the whole of the State of Madras.
- (3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Government may by notification appoint.

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

Madras Act
VI of 1952.

(1) "co-operative society" means a society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932;

(2) "depositor" means a person who has deposited goods with a warehouseman, and includes any lawful holder of the receipt issued by the warehouseman in respect of the goods;

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(3) "goods" means any of the articles specified in the Schedule to this Act.

Provided that the Government may, by rules made under this Act, add any article to, or omit any article from, the Schedule;

(4) "Government" means the State Government;

(5) "licensed warehouse" means a warehouse licensed under this Act;

(6) "notification" means a notification published in the *Fort St. George Gazette*;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "prescribed authority" means in relation to any provision of this Act, the authority prescribed by rules made under this Act to carry out such provision;

(9) "receipt" means a receipt in the prescribed form issued by a warehouseman to a person depositing goods in the warehouse;

(10) "rules" means rules made by the Government under this Act;

(11) "warehouse" means any building, structure or other roofed enclosure which is or may be used for the purpose of storing any goods on behalf of depositors but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers, and the like;

(12) "warehouseman" means a person who has obtained a licence under this Act in respect of his warehouse.

CHAPTER II.

Licensing of Warehouses.

Certain provisions of the Act to apply only to licensed warehouses.

3. Any person may, subject to the provisions of this Act, obtain a licence in respect of his warehouse; and the provisions of Chapters III, IV and V of this Act except the Explanation to section 17, shall apply only to a licensed warehouse.

Explanation.—Where a person has more than one warehouse, whether in the same town or village or not, he shall obtain a separate licence for each warehouse in respect of which he desires a licence under this Act.

Application for, and grant and renewal of, licence.

4. (1) Every application for a licence under section 3 shall be made to the prescribed authority and shall be in the prescribed form.

(2) If the prescribed authority is satisfied—

(a) that the warehouse is suitable for the proper storage of the class or classes of goods in respect of which the licence has been applied for;

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(b) that the applicant is competent to conduct such a warehouse;

(c) that he fulfils any other condition notified by the Government in this behalf;

(d) that the applicant has paid the fee prescribed for the licence and has also furnished the prescribed security, if any,

such authority may grant a licence to the applicant for the conduct of business in respect of his warehouse in accordance with the terms of the licence and the provisions of this Act and the rules.

(3) Every licence granted under this section shall be valid for the prescribed period and may, on application and payment of the prescribed fee, be renewed, from time to time, by the prescribed authority and for the prescribed period, provided the other conditions in sub-section (2) continue to be fulfilled.

(4) If the prescribed authority refuses to grant or renew a licence under this section, it shall record its reasons for such refusal in writing and communicate a copy of its order to the applicant.

5. (1) The prescribed authority may suspend or cancel any licence granted or renewed under section 4—

(i) if the licensee has applied to be adjudicated, or been adjudicated, an insolvent, or

(ii) if he has parted, in whole or in part, with his control over the warehouse, or

(iii) if he has ceased to conduct such warehouse, or

(iv) if he has made unreasonable charges for the services rendered by him, or

(v) if he has become incompetent to conduct such warehouse, or

(vi) if he has contravened, or failed to comply with, any of the terms of the licence or any of the provisions of this Act or the rules, or

(vii) on any other prescribed ground.

(2) Before passing an order under sub-section (1), the prescribed authority shall intimate to the licensee the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against it.

(3) The prescribed authority may suspend the licence of a warehouseman pending the passing of a final order in respect thereof under sub-section (1).

(4) A copy of every order passed under sub-section (1) or sub-section (3) shall be communicated to the licensee.

6. On the expiry of his licence or on the receipt of an order suspending or cancelling it, the rights conferred, and

Return of licence.

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the duties imposed, on a warehouseman by or under this Act, shall cease and determine and he shall return the licence to the prescribed authority :

Provided that the prescribed authority may, after such expiration, suspension or cancellation, give such reasonable time as it thinks fit to the warehouseman to enable him to wind up the business of conducting the warehouse as a licensed warehouse; and during such time, the warehouseman shall be entitled to the rights and be bound by the duties aforesaid.

7. If a licence granted to a warehouseman is lost, destroyed or damaged, the prescribed authority shall, on application and payment of the prescribed fee, issue a duplicate licence.

CHAPTER III.

Duties of a Warehouseman.

Warehouseman to take reasonable care of goods. 8. Every warehouseman shall take as much care of the goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.

Precautions against damage or injury to goods. 9. (1) Every warehouseman shall keep his warehouse clean and free from damp, take all necessary precautions against rats and other pests, and fulfil such other conditions as may be prescribed.

(2) No warehouseman shall accept goods for deposit which are likely to cause damage to other goods which are or may be deposited in the warehouse.

Preservation of identity of goods. 10. Every warehouseman shall keep the goods of one depositor separate from the goods of other depositors and from other goods of the same depositor for which a separate receipt has been issued, in such a manner as to permit at all times of the identification and delivery of the goods deposited.

Provided that where standardized and graded goods are deposited in a warehouse, then, subject to any agreement between the warehouseman and any depositor, the same variety of goods belonging to different depositors may be mingled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt.

Goods deteriorating in warehouse and their disposal. 11. (1) Whenever goods deposited in a warehouse begin, or are about, to deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice of the fact by registered post to the depositor, requiring him to take delivery of the goods immediately, after surrendering the receipt duly discharged and paying all charges due to the warehouseman.

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Explanation.—Losing weight or bulk by shrinkage or dryage or gaining weight or bulk by absorption of moisture shall be deemed to amount to deterioration within the meaning of this sub-section, if the loss or gain exceeds such limits, if any, as may be prescribed.

(2) If the depositor does not, within a reasonable time, comply with a notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and sold by public auction at the cost and risk of the depositor.

(3) Any person having an interest in any goods deposited in a warehouse or in the receipt for such goods may inform the warehouseman in writing of the fact and nature of his interest and the warehouseman shall keep a record thereof; and if such person requests in writing that intimation be given to him regarding the condition of the goods and agrees to pay the charges for giving such intimation, the warehouseman shall give him intimation accordingly.

12. (1) Every warehouseman, in the absence of reasonable excuse, shall, without unnecessary delay, deliver the goods deposited in his warehouse to the depositor on demand made by him and surrender of the receipt duly discharged and payment of all charges due to the warehouseman.

(2) Subject to any agreement between the warehouseman and the depositor, the depositor may take partial delivery of the goods deposited in a warehouse.

(3) When goods are delivered wholly or in part under sub-section (1) or sub-section (2), or when they are disposed of under section 11, sub-section (2), the warehouseman shall be liable to pay compensation to the depositor for any loss sustained by him by reason of the goods having lost weight or bulk, in excess of the prescribed limits, owing to shrinkage or dryage, or by reason of deterioration in the quality of the goods owing to their having gained weight or bulk, in excess of the prescribed limits, by the absorption of moisture.

13. Every warehouseman shall insure against loss or damage by fire, rain, floods, theft, riot or civil commotion, or any other prescribed event, such classes of the goods deposited in his warehouse as may be prescribed.

14. No warehouseman shall, in the conduct of his business, discriminate between persons desiring to avail themselves of the facilities of his warehouse :

Provided that the warehouseman shall show such preference to co-operative societies in the State and allow them such concessional rates as the Government may from time to time direct.

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warehouse-
man not to
deal in or
lend against
goods in
warehouse.

15. Notwithstanding anything contained in any other law, no warehouseman other than a co-operative society shall, either on his own account or that of others, deal in, or lend money on, goods received by him for deposit in his warehouse.

CHAPTER IV.

Warehouse Receipts.

Receipt to
be issued.

16. For the goods deposited in his warehouse by each depositor, the warehouseman shall issue a receipt which shall contain full particulars of the goods and be in the prescribed form.

Receipts
for deposits
in ware-
houses.

17. (1) The receipt issued by a warehouseman shall, unless it is otherwise specified thereon, be transferable by endorsement and shall entitle the lawful holder thereof to receive the goods specified in it on the same terms and conditions as the original depositor.

Explanation.—The provisions of this sub-section shall not apply to any receipt issued by a person who has not obtained a licence under this Act in respect of his warehouse.

(2) Any receipt issued by a person who has not obtained a licence under this Act in respect of his warehouse shall expressly state (i) that he has not obtained a licence under this Act and (ii) that the receipt is not transferable by endorsement.

Duplicate
receipt.

18. If a receipt is lost, destroyed or damaged, the warehouseman shall, on application by the depositor and payment by him of the prescribed fee, issue a duplicate receipt on such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose.

CHAPTER V.

Inspection and Grading of Goods.

Inspection.

19. The prescribed authority may, at any time during business hours, inspect or examine or cause to be inspected or examined, any licensed warehouse, its machinery and equipment, goods deposited therein, and the account books and records relating thereto, for the purpose of satisfying itself that the requirements of this Act and the rules are being complied with.

Weighers,
samplers
and graders,
to obtain
licences.

20. (1) The prescribed authority may, on application made in the prescribed manner and on payment of the prescribed fee, issue licences to persons possessing the prescribed qualifications, entitling them to act as weighers, samplers, and graders of any goods deposited or to be deposited in a licensed warehouse, and to issue certificates as to the weight, bulk, quality or grade of the goods which they have examined.

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(2) Any certificate so issued shall, subject to the provisions of section 23, be binding on the warehouseman and the depositor as to the weight, bulk, quality or grade of the goods so certified.

(3) No person who is not licensed under this section shall act, or hold himself out, as a weigher, sampler or grader.

21. (1) Every licence granted to a weigher, sampler, or grader under section 20 shall be valid for the prescribed period and may, on application and payment of the prescribed fee, be renewed from time to time for the prescribed period by the prescribed authority. Provisions regarding such licences.

(2) The prescribed authority may suspend or cancel any such licence, after communicating to the licensee the grounds on which it is proposed to take action and giving him a reasonable opportunity of showing cause against it.

(3) The holder of any such licence shall, on the expiry thereof or the receipt of an order suspending or cancelling it, return the licence to the prescribed authority.

22. Every warehouseman shall provide facilities for weighing, sampling and grading any goods deposited in his warehouse. Facilities to be given for weighing goods, etc.

CHAPTER VI.

Decision of Appeals, Disputes and Complaints.

23. The Government or the prescribed authority shall appoint a Board or Boards of Arbitrators for deciding— Decision of appeals, disputes and complaints.

(a) appeals against any order refusing to grant or renew a licence in respect of a warehouse or to a weigher, sampler or grader, or suspending or cancelling any such licence;

(b) disputes arising between a warehouseman and a depositor regarding any matter, including the weight, bulk, quality or grade of the goods deposited or the compensation payable under section 12, sub-section (3);

(c) complaints made by a warehouseman or depositor against any weigher, sampler, or grader; or by a weigher, sampler or grader against any warehouseman or depositor;

(d) any appeals, disputes and complaints in such other matters as may be prescribed.

Explanation.—In this section, "depositor" includes a person who has tendered goods to a warehouseman for deposit in his warehouse.

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CHAPTER VII.

Miscellaneous.

No compensation for suspension or cancellation of licences.

24. Where any licence is suspended or cancelled under this Act, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to the refund of any fee paid by him for the licence.

Contracts and agreements inconsistent with Act to be void.

25. Every contract or agreement which is inconsistent with the provisions of this Act, or the rules, shall, to the extent of such inconsistency, be void.

Penalty and procedure.

26. (1) Whoever—

(a) acts, or holds himself out, as a licensed warehouseman without having obtained a licence under this Act, or

(b) knowingly, contravenes or fails to comply with any of the provisions or requirements of this Act or the rules, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Where a person committing an offence under subsection (1) is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer, managing the affairs of such company, association or body, shall be deemed to be guilty of such offence.

Rules.

27. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may add any article to, or omit any article from, the schedule, or provide for—

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

(b) the conditions to be inserted in licences to be granted to warehousemen and the form of such licences;

(c) the publication of the grant, suspension or cancellation of licences to warehousemen and of consolidated lists of warehousemen and licensed warehouses;

(d) the charges to be levied by warehousemen for their services;

(e) the books, accounts and records to be maintained by warehousemen;

(f) the conduct of public auctions for the sale of goods deteriorating or about to deteriorate in licensed warehouses and the manner in which the proceeds of such sales shall be accounted for;

(g) the scales of losses and gains of weight or bulk which may be sustained by goods owing to shrinkage or dryage in the one case and owing to absorption of moisture in the other;

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(h) the disinfection of licensed warehouses and the disinfestation of goods stored therein;

(i) the circumstances in which any security or bond furnished by a warehouseman may be forfeited, and the manner in which any sum falling due as a result of such forfeiture may be recovered;

(j) the efficient conduct generally of the business of warehousemen;

(k) the qualifications to be possessed by persons applying for the grant of licences as weighers, samplers or graders; the conditions to be inserted in their licences; the form of the certificates to be issued by them; and the grounds for which the licences may be suspended or cancelled;

(l) the standard weights, measures, and gradations of goods to be used in licensed warehouses;

(m) the procedure to be followed in proceedings before Boards of Arbitrators, and the mode of executing their decisions;

(n) the manner of giving notices under this Act.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

THE SCHEDULE.

[See section 2 (3).]

Goods to which the Act applies.

- 1 (a) Paddy and rice;
- (b) Wheat and wheat flour;
- (c) Cholam, cumbu and ragi;
- (d) Bengalgram, redgram and blackgram; and pulses of these grams;
- (e) Other foodgrains.
- 2 (a) Oil seeds, including groundnut, gingelly, castor and copra;
- (b) Coconuts.
- 3 Fibres including cotton kapas or lint, palm fibres, sunn-hemp and Bombay-hemp.
- 4 Spices and tea.
- 5 Arecanuts.
- 6 (a) Jaggery (sugarcane and palmyra);
- (b) Sugar.
- 7 Spices and condiments including pepper, cardamoms, ginger, chillies, turmeric, coriander, onions, garlic and tamarind.
- 8 Potatoes.

[18th January 1951]

APPENDIX IX.

[Vide item VI (2) on page 63 supra.]

L.A. BILL No. 36 OF 1950.

(As passed by the Assembly.)

A Bill to amend the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947.

WHEREAS it is expedient to amend the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Tungabhadra Project (Prevention of Speculation in Land) Amendment Act, 1950.

Insertion of new section 2-A in Madras Act XIII of 1947.

2. After section 2 of the Tungabhadra Project (Prevention of Speculation in Land) Act, 1947 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

Appointment of Local Officer.

" 2-A. (1) The State Government may, by notification in the Fort St. George Gazette, appoint any person either by name or by virtue of his office to be a Local Officer for all or any of the purposes of this Act.

(2) Every person so appointed shall, subject to the control of the State Government, and of any officer or authority appointed by them in this behalf, exercise the powers and perform the duties of a Local Officer within such local limits and for such periods as the State Government may direct.

(3) The State Government may delegate their powers under sub-sections (1) and (2) to any officer or authority."

Amendment of section 3, Madras Act XIII of 1947.

3. In section 3 of the said Act—

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

" (1) If at the commencement of this Act, any person owns more than fifty acres of project land purchased by him after the 1st October 1944, he shall, on demand made by the Local Officer in writing within ten years from the commencement of this Act, be bound to sell to the State Government the excess over fifty acres, at the price or prices mentioned in such demand."

(ii) in sub-section (2), for the words "three years", the words "ten years" shall be substituted.

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4. After section 3 of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 3-A to 3-C in Madras Act XIII of 1947.

" 3-A. Before making the demand under section 3, sub-section (1), the Local Officer shall, by notice in writing, require the owner to intimate to him in writing and before a specified date, the extent, boundaries and such other details as may be specified in the notice, of all project land purchased by the owner after the 1st October 1944, the price at which each such land was purchased, and the boundaries and such other details as may be specified in the notice, of the fifty acres of such project land which the owner desires to retain for himself.

3-B. (1) If, before the date specified in such notice, the owner intimates to the Local Officer which fifty acres of the project land he desires to retain for himself, the owner shall be permitted to retain those fifty acres, and the demand under section 3, sub-section (1), shall relate only to the rest of the project land:

Provided that the Local Officer may include in such demand the whole or any portion of the fifty acres aforesaid and allow the owner to retain, in lieu thereof, an equal extent of other project land purchased by him after the 1st October 1944, if the Local Officer is satisfied that it is necessary so to do, having regard to the convenient cultivation both of the land which is to be retained by the owner and of the land which is to be sold by him.

(2) If no such intimation is given to the Local Officer before the date specified in the notice aforesaid, the Local Officer shall decide which fifty acres of the project land purchased by the owner after the 1st October 1944, he shall be permitted to retain for himself and shall make the demand under section 3, sub-section (1), only in respect of the rest of the project land.

3-C. (1) If the Local Officer is satisfied that the price intimated to him in respect of any land by the owner in pursuance of the notice under section 3-A is the price at which the land was purchased by him and that such price is not unreasonable, the Local Officer shall accept the price and specify it in the demand under section 3, sub-section (1).

(2) If the Local Officer is not so satisfied or if the owner refuses or fails to intimate the price of the land, the Local Officer shall himself determine its market price on the date of its purchase by the owner and specify the price so determined in the demand under section 3, sub-section (1).

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Substitution of new section for section 10, Madras Act XIII of 1947.

5. For section 10 of the said Act, the following section shall be substituted, namely:—

Certain acquisitions or project land to be null and void.

“ 10. The following acquisitions of project land shall be null and void:—

(1) Any acquisition of such land made by a person without obtaining a permit, where one is required under this Act.

(2) Any acquisition of such land made by a person who has obtained a permit under this Act, where the extent acquired, together with the extent acquired under previous transactions, if any, in pursuance of the permit, exceeds the maximum specified therein.”

Insertion of new sections 10-A and 10-B in Madras Act XIII of 1947.

6. After section 10 of the said Act, the following sections shall be inserted, namely:—

Right of State Government to acquire land the alienation or acquisition of which is null and void

“ 10-A. (1) Where the alienation or acquisition of any land is null and void under section 9 or 10, the person who alienated such land or from whom it was acquired (hereinafter in this section referred to as the owner) shall be bound, on demand made by the Local Officer in writing, to sell such land to the State Government at the price mentioned in such demand.

(2) Before making the demand under sub-section (1), the Local Officer shall, by notice in writing, require the owner to intimate to him in writing and before a specified date the price at which the land was purchased by such person.

(3) (a) If the Local Officer is satisfied that the price intimated to him in respect of the land by the owner in pursuance of the notice under sub-section (2) is the price at which the land was purchased by him and that such price is not unreasonable, the Local Officer shall accept the price and specify it in the demand under sub-section (1).

(b) If the Local Officer is not so satisfied or if the owner refuses or fails to intimate the price of the land, the Local Officer shall himself determine its market price on the date of its purchase by the owner and specify the price so determined in the demand under sub-section (1).

Power of Local Officer to take possession of land if owner refuses to sell.

10-B. (1) If the land to which the demand under section 3, sub-section (1) or section 10-A, sub-section (1), relates is not sold to the State Government in accordance with the terms of such demand, the Local Officer may tender to the owner the price mentioned in the demand or deposit the same in Court and take possession of the land on behalf of the State Government.

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(2) If the Local Officer is opposed or impeded in taking possession of any land under sub-section (1), he shall, if he is a Magistrate, enforce the surrender of the land to himself, and if he is not a Magistrate, apply to any Magistrate having jurisdiction over the land, and such Magistrate shall enforce the surrender of the land to the Local Officer.”

Amendment of section 11, Madras Act XIII of 1947.

7. (1) Section 11 of the said Act shall be renumbered as sub-section (4) of that section, and the following shall be inserted as sub-sections (1), (2) and (3), namely:—

Central Act of 1894.

(1) Any owner on whom a demand is made under section 3, sub-section (1), or section 10-A, sub-section (1), may, within such time as may be prescribed, appeal to the Court which would have jurisdiction to entertain a reference in respect of the land if it had been acquired under the Land Acquisition Act, 1894, on the ground that any price mentioned in the demand is inadequate.

(2) Where an appeal is filed under sub-section (1), the Court shall determine the price at which the land in question was purchased by the owner and if it considers that that price was not unreasonable, declare it to be the price payable to him. If the Court is not able to determine such price or considers that it was unreasonable, it shall determine the market price of the land at the time of its purchase by the owner and declare it to be the price payable to him.

(3) If the price declared by the Court under sub-section (2) exceeds that specified by the Local Officer in the demand under section 3, sub-section (1), or section 10-A, sub-section (1), as the case may be, the owner shall be entitled to recover the excess from the State Government.”

(2) In the said section as so renumbered, for the words “ Any person ”, the words “ Except as aforesaid, any person ” shall be substituted.

[18th January 1951]

APPENDIX X.

[Vide item VI (3) on page 71 supra.]

L.A. BILL No. 88 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras Estates Land (Reduction of Rent) Act, 1947.

WHEREAS it is expedient further to amend the Madras Estates Land (Reduction of Rent) Act, 1947, for the purposes herein-after appearing; It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Madras Estates Land (Reduction of Rent) Amendment Act, 1950.

(2) Sections 2 and 3 shall be deemed to have come into force on the 7th January 1948.

Amendment
of long title
and pream-
ble, Madras
Act XXX of
1947.

2. In the Madras Estates Land (Reduction of Rent) Act, 1947 (hereinafter referred to as the said Act), in the long title and in the second paragraph of the preamble, the following words shall be added at the end, namely :—

“ and for the collection of such rents exclusively by the State Government.”

Amendment
of Section 3,
Madras Act
XXX of
1947.

3. In section 3 of the said Act—

(i) in sub-section (4), after the words “ finally taken over by the State Government”, the words, brackets and figure “ and any interest payable on such rents under sub-section (6)” and after the words “ as if such rents”, the words “ and interest” shall be inserted;

(ii) to the same sub-section, the following Explanation shall be added, namely :—

“ Explanation.—The provisions of this sub-section shall apply to an estate, whether the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, applies to it or not.”;

(iii) after sub-section (4), the following sub-sections shall be added, namely :—

“ (5) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall be payable in instalments in that fasli year, according to the kistbandi fixed for the collection of land revenue in the ryotwari areas in the district in which the estate or portion of the estate is situated.

(6) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall, until they are paid, bear simple interest at the rate of six per cent per annum from the commencement of the succeeding fasli year or of

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Madras Act
I of 1908.

the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; and notwithstanding anything contained in the Madras Estates Land Act, 1908, no interest shall be payable in respect of any period before such commencement.

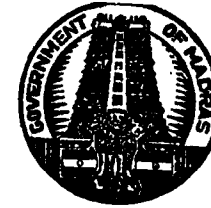
Madras Act
I of 1908.

(7) The landholder shall not be entitled to collect, and the provisions of Chapters V and VI of the Madras Estates Land Act, 1908, shall cease to apply to, any rents or interest recoverable by the State Government under sub-section (4).”

Madras Act
I of 1908.

4. (1) All suits and proceedings pending at the commencement of this Act in which a landholder seeks to establish against the State Government his right to collect, or to recover from a ryot, the rents to which the provisions of section 3, sub-section (4), of the said Act apply, or the interest on such rents as well as any suit or proceeding instituted by a landholder under any of the provisions of Chapters V and VI of the Madras Estates Land Act, 1908, in respect of such rents or interest, pending at such commencement shall be dismissed by the Court or other authority concerned.

(2) If before the commencement of this Act, any decree or order has been passed in any such suit or proceeding, which is inconsistent with the provisions of section 3, sub-sections (4), (5) and (6), of the said Act as amended by this Act, the Court or other authority concerned shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order and pass a fresh decree or order which shall be in conformity with the provisions aforesaid.



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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

FRIDAY, 19TH JANUARY 1951

VOLUME (II)—No. 2

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 19th January 1951.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Tribunal for Disciplinary Proceedings.

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

(a) the nature of cases referred to the Tribunal set up by the Government to enquire into the conduct of the officers of the Government;

(b) whether the Tribunal's findings are only recommendatory;

(c) whether the Madras Public Service Commission is consulted on the findings of the Tribunal before final orders are passed;

(d) whether the reference to the Madras Public Service Commission is obligatory or optional;

(e) whether the appellant can claim reference to the Madras Public Service Commission before final orders are passed;

(f) whether there have been cases in which orders have been passed without reference to the Service Commission;

(g) whether the Government have examined if the composition and powers of the Tribunal are consistent with the Articles of the Constitution of India;

(h) whether there are any proposals before the Government to alter the rules governing trial by the Tribunal; and

(i) whether the Government will place on the table of the House a copy of the rules and regulations governing trial by the Tribunal?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) & (i) A copy^a of the Madras Civil Services (Disciplinary Proceedings Tribunal) Rules, 1948, with subsequent amendments is placed on the table of the House. The attention of the hon. Member is invited to rule 4 of those rules which specifies the nature of cases referred to the Tribunal.

“(b) The answer is in the affirmative.

“(c) The answer is in the negative.

“(d) to (f) The question does not arise.

^a Printed as Appendix I on pages 238-241 infra.

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"(g) Yes. The Government do not think that the rules relating to the composition and powers of the Tribunal are inconsistent with the provisions of the Constitution.

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

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the officer put up before the Tribunal has got the privilege of being represented by a counsel? "

THE HON. SRI K. MADHAVA MENON :—" If the hon. Member had read the rules which have been placed on the table of the House he would have found that an officer can be represented by a lawyer under rule 5 (f). But, for particular reasons, the Tribunal can suspend any of these rules."

Lino operators in the Government Press.

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

(a) the scales of pay of the different grades of Lino operators in the Government Press, Madras;

(b) whether any representations have been made regarding their insufficiency, especially when compared to the scales prevailing elsewhere for similar technical workers;

(c) whether it is a fact that a large number of permanent Lino operators of the Government Press with long service have resigned in recent years and left for good elsewhere, attracted by higher salaries;

(d) whether there are any proposals under the consideration of the Government for suitably revising the scales of pay of the said Lino operators;

(e) whether a large number of costly Lino machines have remained idle for want of operators;

(f) whether any temporary Lino operators have been recently recruited on salaries higher than the maximum of the existing scales and with lower outturn; and

(g) what the necessity is for the recruitment of new operators on higher salaries with lower outturn?

THE HON. SRI K. MADHAVA MENON :—" (a) The scale of pay of Lino operators is Rs. 50—3—80 (E.B.)—3—110.

"(b) Yes.

"(c) Yes. Some are reported to have left to take up service in Bombay.

"(d) Yes.

"(e) The Superintendent, Government Press, reported in June 1949 that some Lino machines were remaining idle for want of suitable Lino operators.

"(f) & (g) Four persons have been recruited on a pay of Rs. 125 per mensem on a temporary basis. As none of them was able to give the stipulated outturn of 5,000 corrected

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ens per hour and in order to avoid keeping the machines idle, the Superintendent, Government Press, has been permitted to employ persons who are willing to accept a pay in proportion to the outturn fixed. A higher outturn has been stipulated for the holders of the posts."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, why the Government have thought it necessary to recruit temporary persons on Rs. 125 a month while the scale of pay of the permanent Lino operators is much lower than that? Could not they have raised the salaries of the existing Lino-operators, Sir? "

THE HON. SRI K. MADHAVA MENON :—" For persons who have been temporarily recruited, a higher outturn has been fixed. They have been temporarily recruited because some machines were idle. The other question is under consideration."

SRI R. SURYANARAYANA RAO :—" Sir, in view of the fact that many Lino operators are leaving the press and seeking employment elsewhere and the Government are losing the experience gained by them, may I know whether they will suitably revise the scales of salaries of these Lino operators so that we may have them here to operate these machines? "

THE HON. SRI K. MADHAVA MENON :—" We have received the report of the Special Officer appointed to go into this question. It is under consideration."

Reserved posts in Government service.

* 94 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Chief Minister be pleased to state with reference to the answer to question No. 35 given on the 9th October 1950—

(a) whether in view of the answer to clause (h) that some of the posts of heads of departments now included in the reserved posts can be filled by promotion of Provincial Service Officers of the corresponding services, what the administrative considerations were which made the Government decide that even these posts should be reserved for I.C.S. or I.A.S. officers;

(b) whether at least in respect of posts for which Service Rules have been framed and published, the Government propose to de-reserve such posts;

(c) whether it is a fact that the prospect of occupying at some time the highest posts in the services was conducive to efficiency and integrity of services concerned;

(d) what were the administrative considerations which did not exist in 1948 in creating reserved posts but came to be taken into consideration in 1950; and

(e) whether it is a fact that the latest list of reserved posts includes posts which were till then being filled up by the officers of those services?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister) :—" (a) Government consider that

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now-a-days the work of certain important heads of departments is not really technical in nature but is becoming more and more administrative in character. It is for this reason that for the posts of heads of departments, in important departments, an administrative officer, i.e., an I.C.S., or I.A.S. officer or a listed post holder with sufficient administrative experience is appointed. Such wide and varied experience cannot be had in the case of departmental men.

(b) No. It is open to Government to fill a Provincial post by an All-India Service officer under rule 36 (b) of the General Rules for the Madras Provincial and Subordinate Services.

(c) The Government do not think so.

(d) The considerations, apart from what is stated in answer to clause (a), were

(i) that stagnation might be avoided in the incumbency of the posts of heads of departments since an I.C.S. or I.A.S. officer, or a listed post holder, is usually posted only for the tenure period of three years, and since such an officer if found to be not of much credit to the department could be replaced easily by another officer of that group without giving the officer concerned any cause for grievance, the change being regarded as a mere transfer.

(ii) that as the Indian Civil Administrative cadre is large, it could provide for a wider field of selection than one or two senior officers of the department.

(e) Yes. The State Service officers were appointed temporarily as there was a shortage of I.C.S. officers due to retirements on account of transfer of power."

SRI R. SURYANARAYANA RAO :—" May I know whether it is the contention of the Government, Sir, that for heads of departments especially of the technical services, mere administrative experience is enough without a knowledge of the technique of the department concerned? "

THE HON. SRI K. MADHAVA MENON :—" I have said in answer to clause (a) of the question that the work of certain important heads of departments is more administrative than technical. In doing their work, they will be assisted by technical assistants."

SRI R. SURYANARAYANA RAO :—" In answer to clause (c), the Government have stated that they do not think that the prospect of occupying at some time the highest posts in the service is conducive to efficiency and integrity, of the service. Is it not a general rule, Sir, that the hope of occupying the highest post in the service at some time is likely to be conducive to the efficiency of an officer who enters the service? "

THE HON. SRI K. MADHAVA MENON :—" There is no such general rule at all. On the other hand, most of these

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posts, in fact all these posts were reserved for I.C.S. officers and the persons entering these services could not have expected to occupy those posts."

SRI R. SURYANARAYANA RAO :—" Then why were these posts de-reserved in 1948, Sir? "

THE HON. SRI K. MADHAVA MENON :—" I cannot now imagine the conditions which existed in 1948 and give a reply. But on a reconsideration of the question, it has been decided that for posts of heads of departments, officers with presidency-wide experience will be much better in the matter of administration."

SRI R. SURYANARAYANA RAO :—" Are the Government not aware, Sir, that if an officer in service is not promoted to occupy the highest post to which he can aspire, but is made to work under an outside officer, his efficiency and integrity are bound to suffer? "

THE HON. SRI K. MADHAVA MENON :—" Not at all, Sir. If an officer thinks of his pay and not the work, it is not right. Our officers are not like that, Sir."

SRI R. SURYANARAYANA RAO :—" Does the Hon. Minister think that pay is no consideration with regard to service? "

THE HON. SRI K. MADHAVA MENON :—" Certainly Sir, pay is a consideration. But our officers are not going to say that they will do only such work as their pay demands."

SRI R. SURYANARAYANA RAO :—" With regard to the recent inclusion of the posts of heads of departments in the reserved posts, will the Government reconsider the matter, Sir? I am telling them seriously that it has serious repercussions on the efficiency of the service. Will they at least reconsider the matter and see how far they can go back to the 1948 list? "

THE HON. SRI K. MADHAVA MENON :—" No occasion and no necessity has arisen for reconsidering this matter. It is working perfectly alright."

Munsif-Magistrates.

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

(a) the districts in which Munsif-Magistrates are administering justice both civil and criminal;

(b) whether the Government have received any representations regarding the inconvenience caused to the public by the combination of the two functions;

(c) whether the Government have received any reports about the delay that is caused in the disposal of the cases, civil and criminal by the combination of such functions; and

(d) whether the Government have come to any decision with regard to the separation of the dual functions, and if so, to what effect?

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THE HON. SRI K. MADHAVA MENON :—“(a) Anantapur, Bellary, Cuddapah, Kurnool and the taluks of Srivilliputhur and Sattur in Ramanathapuram district.

“(b) The Bellary Bar Association of which the hon. Member is a member has made such a representation.

“(c) No.

“(d) Government consider that there is no case at present for taking any action in the matter.”

SRI B. BHIMA RAO :—“May I know, Sir, whether the Bar Associations of Anantapur, Cuddapah and other places have made a similar representation that this combination of the two functions is causing much inconvenience to the public?”

THE HON. SRI K. MADHAVA MENON :—“I have serious doubts whether it causes any inconvenience to the public. But whether it causes inconvenience to the Bar, I cannot say. At the time this question was taken up, I do not remember to have received any complaint from Anantapur, Cuddapah or Kurnool. We have only recently received a representation from the Bellary Bar Association.”

SRI R. SURYANARAYANA RAO :—“In view of the fact that the civil and criminal functions are discharged by one and the same officer, will not that be conducive to the convenience of the members of the Bar as they need not run from one court to another.”

SRI B. BHIMA RAO :—“It is not so much the convenience of the members of the Bar. I am only representing about the inconvenience to the public in this matter. Will not the public feel it inconvenient if very large numbers of civil and criminal cases are posted every day and cannot be disposed of even to the extent of one-fourth of the number of cases posted?”

THE HON. SRI K. MADHAVA MENON :—“The complaint has not come from the public; it has come only from the Bar Association. If my hon. Friend's contention is that the Association represents the public, then he may say that the complaints have come from the public.”

SRI B. BHIMA RAO :—“Have the Government consulted the District Judges and the officers concerned about the inconvenience that is being caused to the litigants?”

THE HON. SRI K. MADHAVA MENON :—“There is no necessity for the Government to consult them. If the Judges concerned find any difficulty, they will report the matter to the High Court and the High Court will give necessary instructions.”

SRI R. SURYANARAYANA RAO :—“Have the Government received any representations that because District Judges are discharging both civil and criminal functions, there is inconvenience caused to the public or the Bar?”

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THE HON. SRI K. MADHAVA MENON :—“Not only District Judges, but Sub-Judges and Assistant Sessions Judges also do the same. The request is that every Sub-Judge should be invested with powers of an Assistant Sessions Judge.”

SRI B. BHIMA RAO :—“Are the Government aware that Sessions Judges do sessions work on some days on which they do not do any civil work at all and they do civil work on some other days on which they do not do any sessions work?”

THE HON. SRI K. MADHAVA MENON :—“It may be possible for the subordinate courts also to do the same thing under instructions from the High Court if that will conduce to better working.”

SRI B. BHIMA RAO :—“Are the Government aware that the Munsif-Magistrates also were doing civil work on the first three days of the week and criminal work on the remaining days? Why has that system been abrogated now and they are asked to do both civil and criminal work every day?”

THE HON. SRI K. MADHAVA MENON :—“It is quite possible that the High Court might have given such instructions if in their opinion it is conducive to good work. I am not aware of any particular instructions issued by the High Court in the matter.”

SRI R. SURYANARAYANA RAO :—“When the Hon. Minister for Law toured those districts, did he receive any representation from the public of Bellary on the lines of the representation made by the Bellary Bar Association?”

THE HON. SRI K. MADHAVA MENON :—“My tour was not exactly in connection with the working of the courts, but in the course of my tour, only the Bar Association told me that they were feeling it difficult in some cases because the functions were combined in the same person.”

JANAB K. T. M. AHAMED IBRAHIM :—“May I know, Sir, whether it is not the duty of the Government to look to the convenience of the members of the Bar also, so that they may help in the administration of justice? As the Hon. Law Minister himself is aware, members of the Bar also form part of the machinery of judicial administration in the State?” 11-15 a.m.

THE HON. SRI K. MADHAVA MENON :—“The convenience of the members of the Bar should be given a very high priority and consideration, and that is one of the main considerations that will be taken into account; but at the same time, that should not be the only consideration; the convenience of the other party, viz., the public and the clients, will also have to be considered.”

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Estates taken over under the Zamindari Abolition Act.

* 96 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of estates taken over under the Zamindari Abolition Act;

(b) the amount of compensation assessed in respect of such estates;

(c) the amount of compensation so far deposited with the Tribunals;

(d) whether the prior consent of the Government of India is necessary to take over estates;

(e) whether the pace of progress is somewhat slowed down on account of objections raised by the Government of India; and

(f) what exactly the position of the Government of India is *vis-a-vis* in respect of the Zamindari Abolition Act?

THE HON. SRI H. SITARAMA REDDI:—“(a) Six hundred and seventy-three estates and 1,175 under-tenure estates.

“(b) About Rs. 4½ crores.

“(c) Rs. 1,12,85,676.

“(d) & (f) The Madras Estates (Abolition and Conversion into Ryotwari) Act does not require that the Madras Government should obtain the prior consent of the Government of India for taking over estates under it. But, for paying the advance compensation referred to in section 54-A of the Act in respect of the estates taken over, the Madras Government have either to utilize their reserves which are in the form of securities and which, if sold in the market in large blocks will adversely affect security prices, or to float a loan in the open market and for doing either of these they have to consult the Government of India.

“(e) Yes, on account of the correspondence and discussions which took place between the two Governments on the question of Ways and Means to pay the advance compensation.”

SRI B. BHIMA RAO:—“May I know if the Government of India have taken any objection to the taking over of these estates without payment of any compensation or the prospect of such payment of compensation to any of the landholders?”

THE HON. SRI H. SITARAMA REDDI:—“No.”

Diversion of works from the Government workshops to private companies.

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

(a) whether it is a fact that certain works relating to the Hydrogenation Factory, received for execution in the Public Works Department Workshops, Madras, were not accepted, but diverted to a private company called Chittram company;

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(b) whether the Public Works Department Workshops are not equipped to undertake them or whether it is incapable of doing them;

(c) the person responsible for this diversion and the circumstances under which it was done and whether such diversion is in the interests of the Workshops and the Government in general;

(d) what other Government works have been similarly rejected by the workshops and diverted to private companies during 1949 and 1950 and whether such diversion has been for good and valid reasons and in the interest of the workshops and the economical execution of the work;

(e) whether discretion vests in the officer-in-charge of the workshops in the matter of such rejection and diversion or whether this officer has been delegated by the higher authorities with powers to decide what works are to be accepted and what rejected or diverted; and

(f) whether the Government have any definite plan in regard to the execution of Government works in the Government Workshops?

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

“(b) The Public Works Department Workshops, Madras, is equipped to undertake them.

“(c) The Joint Director of Industries and Commerce cancelled a portion of the order as the Workshops could not give quick delivery as required by him. The diversion in the present case was in the interests of the Workshops and the Government, as works for the projects have to be expedited, without dissipation of the available capacity.

“(d) No work was rejected in 1949 and 1950.

“(e) The Superintendent in charge of every Workshops has normally discretion to decide whether any specific work ordered is within the capacity of the Workshops and could be taken up without detriment to the works on hand and those that have to be given high priority in the matter of execution. He makes a reference to a higher authority only when there is any special reason to do so.

“(f) The works of the Department will be given high priority and only the surplus capacity, if any, will be made available for the needs of other departments. Certain preferences could however be given to works needed by other departments which they could not get done elsewhere and can only be done in Public Works Workshops.”

Scales of pay of Government Press employees.

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

(a) when the scales of salaries of the employees in the Government Press, Madras, were last revised;

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(b) whether the scales of salaries of compositors were also revised at the time, and if so, what the original and revised scales are;

(c) whether representations have been received by Government from compositors asking for increased scales, in view of the inadequacy of the revised scales; and

(d) the number of temporary lino operators who have been recruited in recent years since 1948?

THE HON. SRI K. MADHAVA MENON :—“(a) The scale of salaries of the employees in the Government Press was revised with effect from 1st January 1947.

“(b) Yes. The original and the revised scales are as follows :—

Hand compositors' original scale.

Revised scale.

I Grade Rs. 45—3/2—60	} Rs. 40—2—80 E.B.—3—75 plus bonus at 0—3—0 per 1,000 lines in excess of normal outturn.
II Grade Rs. 38—3/2—50	
III Grade Rs. 28—2/2—38	
IV Grade Rs. 20—2/2—28	

“(c) No such representation has been received by the Government.

“(d) Only five temporary Lino-type Operators were recruited since 1948.”

Government Tuberculosis institutions.

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

(a) whether the posts of the Superintendents of the Tambaram Sanatorium, the Tuberculosis Hospital, Madras, and the Tuberculosis Institute, Egmore, were all held at one time by one Medical Officer;

(b) what were the allowances paid to the Medical Officer for holding this combined post;

(c) whether subsequently the posts have been split up into two, and if so, how the work has been distributed between the two officers and what the additional cost involved is;

(d) what the necessity was for creating two posts in the place of one post; and

(e) whether the officers appointed have specialized in Tuberculosis including surgery as part of treatment in certain cases?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Minister for Health) :—“(a) The answer is in the affirmative.

“(b) The Medical Officer was allowed pay in the scale of Rs. 500—75/2—800 and a conveyance allowance of Rs. 75 per mensem.

“(c) The answer is in the affirmative to the first part. On the creation of a new post of Superintendent, Tuberculosis

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Sanatorium, Tambaram, one officer has been made the Director of the Tuberculosis Institute, Egmore and Tuberculosis Clinics, Madras, and Professor of Tuberculosis, Medical College, Madras, and another officer has been appointed as Superintendent, Tuberculosis Sanatorium, Tambaram, and Professor of Tuberculosis, Stanley Medical College. The extra cost involved in the creation of a new post is Rs. 9,600 per annum approximately.

“(d) The bed strength of the Tuberculosis Sanatorium, Tambaram, has been increased from 107 to 380 and is expected to be further increased to 500 before long. It is essential to have a whole-time Medical Officer as Superintendent of the enlarged Sanatorium. Moreover, the Government and the Corporation of Madras are now jointly operating four new Tuberculosis clinics in the city and the supervision of these clinics along with the previous two has had to be arranged for, in addition to his general control and supervision of all Tuberculosis institutions in the State, which are growing in numbers and size. It will be impossible for one officer to supervise generally and advise all Tuberculosis Sanatoria and clinics in the State, and at the same time be in full charge of the large Tambaram Sanatorium.

“(e) The officers appointed to the two posts have specialized in Tuberculosis; but they have not specialized in surgery. The surgery involved in Tuberculosis work is of a high order and very specialized, and must be done by a surgeon specially trained for the work.”

DR. SYED TAJUDDIN :—“May I know the total number of beds in all these hospitals?”

THE HON. SRI K. MADHAVA MENON :—“I want notice.”

DR. SYED TAJUDDIN :—“Will the Government see their way to create one more post and bring the total to three, as the number of beds is growing from year to year?”

THE HON. SRI K. MADHAVA MENON :—“From the trend of the question, I was under the impression that it was considered that the creation of even the two posts was too much; but I am now glad to hear that the hon. Member suggests that there should be one more post.”

SRI R. SURYANARAYANA RAO :—“May I know whether the Superintendent of the Tuberculosis Sanatorium, Tambaram, is working under the Director of the Tuberculosis Institute, Egmore, or whether there are two independent officers?”

THE HON. SRI K. MADHAVA MENON :—“I want notice of the question. From the answer here, I think they are two independent officers; but I am not quite sure.”

SRI R. SURYANARAYANA RAO :—“May I know, in view of the fact that there are many cases involving surgery, whether the

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Government have made arrangements either to post the Superintendent of the Tuberculosis Sanatorium, who is specialized in surgery, to attend to surgical cases, or whether they have made arrangements to get someone trained for the purpose and then appoint him, so that surgical cases may be attended to in the Tuberculosis Sanatorium instead of in the other hospitals? "

THE HON. SRI K. MADHAV MENON :—" Trained surgeons are now attending whenever there is necessity. Government have sent a person to America for specialized training in tuberculosis surgery, and as soon as he returns, he will be posted there."

DR. SYED TAJUDDIN :—" Will the Government think of sending one or two more men to America for undergoing training there for the purpose? "

THE HON. SRI K. MADHAV MENON :—" Let us first get back the person whom we have already sent to America for training."

DR. SYED TAJUDDIN :—" Is a single person enough for a big State like Madras? "

THE HON. SRI K. MADHAV MENON :—" It is quite possible that he will be able, when he comes back, to train others here; and he may perhaps create as good a training ground here as perhaps in America."

SRI R. SURYANARAYANA RAO :—" May I assure the Hon. Minister that when the question was put, it was not put for questioning the creation of one more post? We want more posts and because there is no surgeon there, we are told the surgical cases are being sent to some other hospitals. Cannot we appoint one with surgical experience? We want more surgeons, more specialists and more physicians to be appointed."

SRI B. BHIMA RAO :—" Is it not a fact that even in the Tuberculosis Sanatorium in the mufassal, a special medical officer was in charge before but now that post is combined with the post of District Medical Officer and he has to look after the sanatorium? "

THE HON. SRI K. MADHAV MENON :—" I am not aware of any tuberculosis sanatorium in the mufassal. There was a proposal to have tuberculosis sanatorium in the mufassal, but I do not know how far that has materialized, except the main sanatoria at Perundurai and at Madanapalle."

SRI B. BHIMA RAO :—" The Minister may remember he visited the Wellesley Sanatorium in Bellary which has 200 beds—which is the highest strength so far as mufassal hospitals are concerned. That has got no special officer now, and the District Medical Officer has to look after it also. Will the Government consider the necessity of having a special officer for that institution, as was the case before? "

THE HON. SRI K. MADHAV MENON :—" I am aware of that sanatorium very well. It was a hospital for convicts suffering from tuberculosis. The jail department handed it

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over to the Medical department some years ago, and I know that the District Medical Officer has been in charge of it and that no other Specialist has been in charge."

SRI R. SURYANARAYANA RAO :—" May I repeat the request of the hon. Member Mr. Bhima Rao, whether the Government will consider the desirability of appointing a whole-time Superintendent for the Wellesley Sanatorium at Bellary in view of the fact that there are more than 200 beds in that hospital? "

THE HON. SRI K. MADHAV MENON :—" We shall consult the Surgeon-General about it and examine the question."

Rationing of electrical energy.

* 100 Q.—SRI C. VEERABHADRA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government have issued a Government Order to ration electric energy for household consumption in some districts of Andhra Desa;

(b) if so, the names of such districts and the reasons for introducing the rationing system; and

(c) whether the electrical energy supplied to cinemas also in these districts is rationed?

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

" (b) Krishna, West Godavari, East Godavari, Guntur and Kurnool districts. Rationing was introduced in these areas to meet the difficult situation arising out of shortage of coal and oil and has been continued due to shortage of power comparatively with the demand.

" (c) Yes."

DR. SYED TAJUDDIN :—" Since fuel has become expensive and since household consumption of electric energy is a necessity, will the Government think of dropping this rationing? "

THE HON. SRI K. MADHAV MENON :—" This step has been made necessary on account of the shortage of coal and oil."

Tambaram Tuberculosis Sanatorium.

* 101 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Health be pleased to state what the rules governing admission into the Tambaram Sanatorium are and whether they are also applicable in regard to admission into the Sanatoria run by other agencies?

THE HON. SRI K. MADHAV MENON (on behalf of the Hon. Minister for Health) :—" A copy^a of the rules governing admission of patients into the Government Tuberculosis institutions in the State (including Tambadam Sanatorium) is placed on the Table of the House. These rules are not applicable to sanatoria run by other agencies."

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JANAB ABDUL LATIF FAROOKHI :—" Are the Government aware that there is a general complaint that admission into the Tuberculosis Sanatorium at Tambaram is very difficult, and particularly the poor people cannot get admission there? "

THE HON. SRI K. MADHAVA MENON :—" It is very difficult to verify a general complaint; but if any special instances are brought to the notice of the Government, we will certainly inquire. I may add that there may be difficulty in getting admission because the number of patients who apply is very much more than the space available there. It is not a question of poor or rich; certain priority has to be given on account of the nature of the case and some other considerations which the rules provide for."

JANAB ABDUL LATIF FAROOKHI :—" Is there any fees fixed for getting admission? "

THE HON. SRI K. MADHAVA MENON :—" I do not think there is any fee fixed for admission into the Tambaram institution, except perhaps what is ordinarily collected in the other hospitals having due regard to the status and income of the persons who are admitted."

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS ESTATES LAND (REDUCTION OF RENT) AMENDMENT BILL, 1950 (L.A. BILL NO. 38 OF 1950).

MR. CHAIRMAN :—" The Madras Estates Land (Reduction of Rent) Amendment Bill, 1950, will now be taken up clause by clause."

Clause 2.

* SRI R. SURYANARAYANA RAO :—" I move, Sir—

11-30
a.m.

'Omit proposed clause 2 and renumber the other clauses.'

Sir, clause 1 depends on the disposal of clause 2. I do not know why the Government want to add the words 'and for the collection of such rents exclusively by the State Government' in the Preamble, especially when in section 3 (4) of the Act the Government have already got the power to collect the rents. Section 3 (4) of Madras Act XXX of 1947 runs—

'After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year 1357 as well as the rents which have fallen or may fall due in respect of such lands for any fasli subsequent to fasli 1357 until the commencement of the fasli year in which the estate may be finally taken over by the Provincial Government shall be recovered by the Provincial Government'

So, Sir, the Government already possess the power and why again these words should find a place in the Preamble, I am not able to understand, because such a clause is not generally found in the Preamble to any Bill. The intention of clause 2 is to add

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the words 'and for the collection of such rents exclusively by the State Government'. If they want the words for the sake of clarification, I say, it is already there in section 3 (4) of the Act, according to which the Provincial Government shall collect rents from fasli 1357. So, I am not at all able to understand the necessity for these words here. I think the Preamble will become clumsy by the addition of these words. The wording of the Act is quite clear and there is already the provision that the Provincial Government have power to collect the rents. So, what is the fear behind this move of the Government to come forward even to interfere with the Preamble? It is not for making anything clear, because it is sufficiently clear in the section of the Statute itself. It looks as though the Government is in a state of panic that the courts will upset whatever they do and so want to fortify themselves by the addition of these words. Sir, if the courts want to upset, they can do that in spite of the Preamble if the Government have no right to collect. The point is, as the Hon. Minister said in the other House, the Government are quite clear they have power to collect rents and it is so under section 3 (4) of the Act. So, I feel this addition is unnecessary and uncalled for. Then, Sir, the addition of these words to the Preamble makes it look awkward. I therefore suggest that it is unnecessary to add these words to the Preamble. With these words, I move that this clause may be omitted altogether from the Bill."

DR. SYED TAJUDDIN :—" I second the amendment, Sir."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, the wording of the section in the Act gives the right to the Government to collect the rents but that has been questioned on the ground that it does not preclude the landowner from collecting the rents and, on the basis of that, certain people have gone to the court and they have been claiming that they have a right to collect. The Government have already collected quite a large sum of money in various estates and are continuing to do so. The Government have also issued instructions that they alone are entitled to collect the rents. So, when the Act is being amended, they wanted to make it quite clear so that there may be no further doubt in the matter and that is the object with which those words have been added. The hon. Member says, his objection is not to the idea but that the words are likely to be redundant. But, Sir, the Government felt and the Legal officers of the Government also felt that it would be advantageous to make the position clear that there might be no suits filed to clear this doubt, these words have been added and that is why the Government have come forward with this amending Bill. I therefore oppose the amendment of the hon. Member Mr. Suryanarayana Rao."

MR. CHAIRMAN :—" Is the hon. Member pressing his amendment? "

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SRI R. SURYANARAYANA RAO :—“ Yes, Sir.”

The amendment was put and lost.

Clause 2 was put to the House and carried and allowed to stand part of the Bill.

Clause 3.

* SRI R. SURYANARAYANA RAO :—“ Sir, I have given notice of two amendments and one is an alternative to the other. On this subject of grain rents I have said enough yesterday in the course of my remarks when the Bill was introduced in this House. I do not think I need repeat them, but still I would like to draw the attention of the Hon. Minister for Revenue to what his predecessor-in-office said at the time, and also to the remarks of the Hon. Mr. Madhava Menon who introduced the Bill. For example, the original proposal was to do away entirely with grain rents wherever they prevailed as in some estates in Ramanathapuram and Chittoor districts, but as it was found that commutation to cash rents would take far too long a time, they reluctantly came to the decision that, pending the regular ryotwari settlement, grain rent, in those areas, should continue and that they should be reduced practically in the same ratio as cash rents. Then the hon. Sri Kala Venkata Rao who appeared the next day on the scene said—

‘ I must confess that the original idea of converting them into cash rent and reducing them to the same level could not be carried out because of the need for speed in this matter. Otherwise, we ought to have converted them into cash and applied the reduced rental. But, it would take months before a regular settlement will start and therefore it has to be eliminated for the present. But another concession has been given. The reduction will be the same percentage as the cash rent. Where cash rent is ascertainable’

“ This is most important. Then it goes on—

‘ Where cash rent is ascertainable from the registers of the zamindaris books it will be dealt with by means of executive instructions in the light of legal opinion and in the light of our experience as we go into the question. I shall be thankful to members when we work this Bill to bring to the notice of Government any lacuna with reference to the idea of reducing of rental to a uniform level and we shall be very glad to adopt any suggestion that will go to help us in this matter.’

“ Sir, our purpose is to assist the Government in this matter. We have pointed out the inequity and we want to know whether any executive instructions were issued to the Special Officer who was engaged in rent reduction in the manner suggested by the hon. Sri Kala Venkata Rao when he gave that assurance. What were the executive instructions that were issued and have they been carried out? Evidently they have not been issued and not carried out. That is why such high rentals that I quoted yesterday are found in the Chittoor district. I therefore, feel that the Government will be pleased to accept this humble suggestion with which they, including the Hon. Minister for Law who moved this Bill, as well as the hon. Mr. Kala Venkata Rao who spoke the next day on this Bill and gave his reply to the amendment I moved

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seem to sympathize. Even the present Minister for Land Revenue, is very sympathetic. But, Sir, nothing has resulted from the sympathy for the last three years and mere words of sympathy do not console a man when he has to pay down much more than what he feels he is bound to give to the landholder or to the Government, whoever collects the rent. Therefore, Sir, I am suggesting that these grain rents should be converted into cash rents and that reduced cash rents must be collected. Of course, the Government may say : ‘ we have already notified what the rent should be under the Rent Reduction Act.’ It is true. But, in many cases after notification, as the Government are aware, reduction has not been as substantial as it is in cases where cash rent prevails and that there has been a great deal of agitation over it.

“ Sir, in the course of his speech in the other House, the Hon. the Minister for Revenue said, he is forced to bring forward this Bill because he has been receiving telegrams after telegrams from all parts of the State. But, Sir, has he not received telegrams and memoranda from those people who have been paying grain rents? And what has been done for them? It seems to me that telegrams from certain areas only seem to have effect on the Government and not from areas where the poor people are not sufficiently vocal and influential. Sir, I want the Government to redeem the promise they gave. Sir, it may be that my amendment is faulty, or it does not go to the extent that I wish, as the circumstances demand, but I want to know from the Government whether they have at any time any idea to deal with this question of grain rent in the near future, once for all and remove the discontent that is prevailing or whether they will go on postponing a decision as they have been doing from 1947. In order that we may be satisfied that the assurance so profusely given by Sri Kala Venkata Rao on the last occasion would be given effect to, we want a definite assurance from the Government that within the course of three months they will give relief to the poor people who are paying grain rent. I am not anxious to press this amendment of mine if the Government will give that assurance and tell us that they have got a scheme by which they will give the needed relief to these poor people. I am only anxious that this should be done within the course of the next three months.

“ Sir, if the Government want to do it, they can do it in a day. They are not like us non-officials who have no secretariat. Therefore, I would like them to give us the assurance that they would tackle this question immediately and see that relief is granted. I am sure the Hon. Minister for Land Revenue received a large number of memoranda when he toured your district, the Chittoor district, but he did not give any assurance that he would tackle the question. He says ‘ I will consider it ’. What is the consideration, Sir? Especially when it has been already accepted that there is inequity and that there is injustice, he should have given them an assurance that he would remove the injustice in the best way possible.

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" Now, coming to the question of Articles of the Constitution, in fact, to contest every legislation we pass in this House or in the other House there are people who will go to the court. But, on that ground are we keeping quiet without passing any legislation? Even the Preventive Detention Act was declared *ultra vires* of the Constitution. At that time the Government were aware that such objections might be raised, but did we keep quiet? Did not we assist the Government in passing that Bill? So, what the Government think right, let them do as far as possible taking care to see that they do not violate the Articles of the Constitution. But, if they have to be violated in certain cases, they should be violated and the Articles may have to be altered if they are going to result in injustice to a large class of persons. So, Sir, I believe that kind of reasoning will not do. Even in regard to this Bill, clause 4 has been introduced for taking away the jurisdiction of the courts. It may be considered violating the Articles of the Constitution because it restricts the discretion of the courts. If we go on at that rate, no legislation can be passed. So, let not the Hon. Minister give me that excuse for escaping his responsibility of setting right this thing. I beg of him to give us an assurance that he will tackle the problem and come before this House and the other House as soon as possible, say within three months, with an amendment and give the much-needed relief and that in giving such relief, let him also assure us that he will give retrospective effect.

11-45 a.m. " That is very important. The Government are adepts in giving retrospective effect to many pieces of legislation and I ask, Sir, why not retrospective effect be given to this innocent piece of legislation? With these few words, Sir, I move the alternative section because I feel the other cannot be moved under clause 3. I move, Sir,—

In clause 3 (iii) add the following sub-clause as sub-clause (5) and renumber the proposed sub-sections as (6), (7) and (8):—

" (5) Where any rents recoverable by the State Government under sub-section (4) for any fasli year are in the shape of grain and they were usually converted into cash and collected as such, they shall be suitably reduced as if such rents are cash rents and such reduced cash rents only shall be recoverable subject to the proviso to sub-section (2) of this section "

DR. SYED TAJUDDIN:—" Mr. Chairman, Sir, I second the amendment."

* THE HON. SRI H. SITARAMA REDDI:—" Mr. Chairman, Sir, this question of grain rent was also discussed yesterday. I wish to draw the attention of the hon. Mover and the House to the fact that what is sought to be achieved by means of an amendment to clause 3 does not seem to be quite proper. Section 3 of the Act as it stands relates to the power of the Provincial Government to reduce the rates of rent after considering the

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recommendation of the Special Officer. It is only section 2 which governs the procedure for determining the reduction of rents. Therefore, the amendment, if at all, can only be to section 2 and since the Government have not got any amendment to section 2, the hon. Member seems to try to use section 3 for this purpose and Sir, I do not think this can be done. I may read for the information of the House, Section 3—

" After completing his work in any estate, the Special Officer shall submit his recommendations to the State Government through the Board of Revenue, specifying—

(i) the extent, if any, to which the rent for each class of ryoti land in each village or group of villages in the estate, should, in his opinion, be reduced, and

(ii) the rate of rent payable for each such class after such reduction

Under section 2 of the Act as it now stands the Special Officer has got the power to do what is sought to be done by the amendment of Sri Suryanarayana Rao.

" That apart, Sir, I should like to explain the position of the Government so far as this matter is concerned. The Rent Reduction Act purports only to reduce the rates of rent in the estates and it does not seek to alter the system of payment of rent. Its object is to afford interim relief to the ryots in the estates who are paying exorbitant rates of rent as compared to the ryots in adjoining ryotwari areas. While the Act purports to give interim relief to the ryots within the framework of the Estates Land Act, it does not seek to alter the system of payment of rent under that Act. If in any estate, the ryots are paying rent in kind, the rates of rent are proportionately reduced and the rents so fixed are fixed in kind; if the system was payment in cash, the rents as reduced are payable in cash. The scheme for reduction of rent as embodied in the Rent Reduction Act does not affect the system of payment of rent and that is how to-day the difficulty has arisen. Now, Sir, it has not been contended by the hon. Member that there has not been any reduction in the quantum of grain rent; the proportion of reduction whether it is cash or grain rent has been the same; but the difficulty arises when the grain rent, according to the present market price is commuted into cash value and that works to a very much higher figure, the tenants in those areas where it is still payable in kind, complain of great hardship and as I said, yesterday, Sir it is only in respect of arrears of rent. So far as the amount of rent due to the Government in estates taken over by the Government from fasli 1360 is concerned, the Government have by a Government Order agreed to partly forego the commuted value of grain and agreed to collect only that much that would be paid by any tenant in the district whether it is the wet rate or the dry rate. As I pointed out yesterday, Sir, so far as the future is concerned, most of the estates have been taken over and this difficulty of the grain rent will not be there because the Government themselves by means of an executive order have already given relief.

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"Now, Sir, the hon. Member wants that we should apply it to arrears of rent. I should like, however, to bring to the notice of the House once again that the Government have a right under the Zamindari Abolition Act to demand from the tenants the higher rate in the sense that when the value of the grain rent is computed on the basis of the present market rates, it will be higher than what is payable by a tenant who has been allowed to pay and has been paying in cash only. But the difficulty pointed out by the hon. Member is not there so far as fasli 1360 and other faslis are concerned in respect of estates vested in the Government and which are being administered by the Government. If any assurance is wanted from the Government in respect of arrears of rent due in those estates, I wish to bring to the notice of this House that House has passed the provision in the Zamindari Abolition Act which says that if a tenant pays the arrears due in respect of faslis 1356 and 1357, the previous arrears are all wiped out. So, it is not as if the Government have not done enough to afford relief to the tenants in those areas. The hon. Member must also know that the effect of the rent reduction in the entire presidency is to the extent of Rs. 140 lakhs and to that extent the zamindari tenant pays less and the entire collection is reduced to the extent of nearly 40 per cent on an average and that fact has already been made known to the public. So, Sir, rent reduction has given considerable relief to the zamindari tenants. But this particular difficulty has been pointed out and, as I said, it is not as though, it is not known to the Government; we have been thinking about it.

"There are certain landholders who have filed suits contending that the Rent Reduction Act is *ultra vires* of the powers of the Government in that the Act does not provide for compensation for the loss of property which, they contend, has resulted from the operations of the Rent Reduction Act and they also contend that the provisions of the Act are opposed to the Fundamental Rights assured by the Constitution of India. These are all matters which require very deep consideration and examination and I do not think that we can at this stage lay down a new basis for working out reduced rates of rent for estate villages in respect of arrears of rent. My assurance, therefore, can only be that consistent with the provisions of the Constitution and other legal aspects of the matter, and consistent with the law of the land, whether it is the State law or the Union law, the Government are examining and will examine the matter, fully aware of the difficulties of the tenants. They do want to do their best. That is the only assurance that I can give and I oppose the amendment which I hope the hon. Member will withdraw."

* MR. CHAIRMAN :—"I would like to tell the Hon. Minister one thing—this is not about the amendment because from my own point of view, it does not really meet the difficulty in regard to grain rents. The difficulty is not so much regarding the

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proportion of reduction and it is not as though the reduction has not been made. But the difficulty has been this: the system has all along been that the grain rent has always been converted into cash according to the existing market rates and the ryots have been paying in cash and not in kind in some estates. The rent is of course mentioned in kind but that it always converted into cash rent on the basis of prevailing prices. The trouble now arises on account of the extraordinary rise in prices. Somehow the tenants have been induced not to pay and we need not go into the reasons why it has happened. Even after the reduction, if we take the present market price and work it out, it comes nearly from Rs. 40 to Rs. 150 per acre in some areas and the ryots have to pay at that rate not for one year but for four years from fasli 1356 to fasli 1359. The Hon. Minister explained that if arrears of rent had been paid in respect of faslis 1356 and 1357, the arrears that may be due from them will be wiped out. The fact is there are no prior arrears and the zamindars have seen to it that there are no arrears. That being so, the proposition that the prior dues will be wiped out is not there and the ryots have to pay, as I remarked, for four faslis, 1356 to 1359, on the basis of the grain rents as reduced and most of them to-day have to pay Rs. 300 per acre in one lump sum. It is not the zamindar to whom they will have to pay and whom they can evade but it is the Government sitting down on them. That is a serious difficulty, so far as I could see and the only thing that the Government can do is to adopt a fair price for purposes of conversion without upsetting the framework of the Rent Reduction Act and not the present exorbitant rates which nobody dreamt of at any time and for that purpose they may consider taking up a fair average on the ruling prices of the four or five years before 1939 when the prices were normal. They can take that into account for purposes of conversion and apply the same thing and they need not undo whatever has been done in reducing the grain rents which have been reduced according to the provisions of the Act. That is the only way in which, I think, Government can help the people. So, if to that position of affairs, Government will pay attention and do the needful, I am sure the ryots of these areas will be benefited; because the amendment, as it stands at present, does not touch the problem. So, if that is the way in which Government approach the problem, I think, it would not affect anybody, because I do not think any zamindar or any proprietor ever expected to get Rs. 100 or Rs. 200 per acre. So if Government would adopt what I suggested it would be agreeable to both the parties."

* THE HON. SRI H. SITARAMA REDDI :—"Government are indeed grateful to the Chair for the helpful suggestion that has been made now. I can assure the House that the suggestion will be examined and if it is possible Government will be only too glad to adopt it. I wish to tell the House also, that personally,

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I have examined this question and heard representations from the people. It is really a very great hardship to them and I feel that we ought to do something to help these people. In fact in one place in Chittoor, I saw, if a particular ryot was asked to pay the entire arrears of rent, it would work out to a sum much more than the value of his land. It is true that has been represented to me, and certain facts and figures have been furnished to me also. I have given it to the Secretariat to have it examined. It is not as if Government lack sympathy in this matter. It is a question which has to be examined from legal and constitutional points of view. Unfortunately some of the landholders seem to think that they must insist upon their pound of flesh. May I take this occasion to tell them that they are not reading the signs of the times. They have been, if I may say so, too anxious to insist upon their pound of flesh. It is not good for them to do so; because the times have changed. Various suits are being filed in court; because every citizen has got a right to establish his case in a Court of law. I say those landholders are not reading the signs of the times. I do not wish to say much about it here, except that it is not equitable for the zamindars to expect to get much more. As I said before, it is not proper for me to go further into that subject at this stage. But I can assure the House on behalf of the Government that if Government can find a way to help these unfortunate ryots, they will only be too glad to help them."

MR. CHAIRMAN:—"I am very glad to hear the statement of the Hon. Minister for Revenue and I only hope that very soon his sympathy will be translated into action."

* SRI R. SURYANARAYANA RAO:—"Sir, I gave notice of my amendment to clause 2 in order to bring to the notice of the Government that the promise they have given in 1947 has not yet been redeemed. I am glad to hear the assurance given by the Hon. Minister, and I hope he will see that the promise which his predecessor in office gave, will be carried out as soon as possible. I do not press my amendment."

The amendment was, by leave, withdrawn.

MR. CHAIRMAN:—"There is another amendment given notice by the hon. Member."

* SRI R. SURYANARAYANA RAO:—"I move—
Omit sub-clause (ii) of clause 3."

For the same reason as for the present amendment I gave notice of the other amendment also. Here, I would like to draw the attention of the hon. Members of this House to the fact that when the Rent Reduction Act was passed in 1947, the Zamindari Abolition Bill had not become an Act. So the question of excluding the 1936 inams was not at all a live issue at that time. It was clearly laid down that that Act shall apply to all estates that

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fall under section 3 (2) of the Estates Land Act. So, now, where is the necessity for making clear that the Rent Reduction Act applies to all estates whether they come under the Zamindari Abolition Act or not? When the Rent Reduction Act was passed, it was intended to apply to all estates. The question of excluding 1936 inams was not in the air. That was raised only later. The Hon. Minister in charge of this Bill has stated in the other House that he examined this point and that he has satisfied himself that the Rent Reduction Act applies to all estates including 1936 inams. Now, by making the present amendment we are making the courts feel that Government are not clear about their intention. If we pass this explanation, Government will only be exposing their weakness to courts. Therefore I feel this explanation is unnecessary. It only shows a sign of weakness, which we should not show to the courts. For, what will they feel? They will feel that Government are themselves nervous because somebody has filed a suit regarding the applicability of this Act to 1936 inams. Sir, there will be any number of suits filed hereafter for, there are a large number of Articles under the Constitution Act; and under some pretext or other there will be a number of suits. What the result of those suits will be, God alone knows."

MR. CHAIRMAN:—"What is the amendment on which you are now speaking?"

* SRI R. SURYANARAYANA RAO:—"On my amendment to omit sub-clause (ii) in clause 3. So, Sir, I feel it is unnecessary that we should show to the outside world that we ourselves are doubtful about the applicability of the Rent Reduction Act to the 1936 inams. The Hon. Minister himself has said that the Legal Department are quite satisfied that the question of 1936 inams was never a live issue at the time when the Rent Reduction Act was passed and so that Act should apply to all estates. That being so, I feel it is quite unnecessary to have the sub-clause (ii)."

DR. SYED TAJUDDIN:—"I second the amendment."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I wish to draw the attention of hon. Members of the House to the original Act. Section 3, clause 4 of the original Act says—

"After such an order has taken effect in respect of an estate or portion of an estate the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of fasli 1357 as well as the rents which have fallen or may fall due in respect of such lands for any fasli subsequent to fasli 1357 and until the commencement of the fasli year in which the estate may be finally taken over by the Provincial Government

Now, Sir, the words, 'in which the estate may be finally taken over by the Provincial Government' have given rise to certain doubts and on this basis, they have been taken before the High Court. Sir, they contend that these 1936 inams, Government did not intend to take over, and so the Rent Reduction Act does not apply to those inams. Now, to clear that doubt it has been

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specifically stated in this amending Bill that it was the intention of the Government to take over even those 1936 inams. So, it is not a question of Government being weak. Government represent only the people; and as long as the people are not weak, the Government will not be weak; and if they are strong, then, the Government too will be strong. So, Sir, I feel the present clause is necessary and I oppose the amendment."

* SRI B. BHIMA RAO :—" Sir, it is true the Hon. Minister has the last word on any motion; but if you permit me, I wish to say a few words on the present motion."

MR. CHAIRMAN :—" Yes; and if necessary, the Hon. Minister may be allowed to reply also."

* SRI B. BHIMA RAO :—" Sir, I am one of those who was under the bona fide impression that the Rent Reduction Act (Act XXX of 1947) does not apply to, what is called, 1936 estates. My friend, Mr. Narayana Menon, who is also a brilliant lawyer coming from Kerala, supports me in that impression, that is, the Rent Reduction Act does not apply to 1936 inams."

MR. CHAIRMAN :—" That is whose idea, you said? "

* SRI B. BHIMA RAO :—" I said that is the idea of some of us here. I, in good faith, felt on account of the long delay of eight months in introducing this legislation in this House after it was first introduced in the Assembly, that Government had come to an agreement in this affair. I do not know who the parties are; but anyhow, there has been an undue delay of eight months before this was brought before this House. No doubt Act XXX of 1947 was passed before the Act XXVI of 1948. Now, the present Bill was passed eight months back in the Assembly, and it comes before this House only now. During these eight months several deputations waited on Government, and the popular impression was that necessary amendment to Act XXX of 1947 would also be passed. If I remember right, Sir, you put several questions on the floor of this House to the then Minister for Revenue, Mr. Kala Venkata Rao, assuming that this Act XXX of 1947 would not apply to 1936 inams. These questions and answers are in the proceedings of this House. I have noted the pages, but I forgot to bring a copy of those proceedings, and I had no time to get them from the library here."

MR. CHAIRMAN :—" Whatever my impression might be and whatever your impression might be, the Act is there."

12.15 p.m. * SRI B. BHIMA RAO :—" Unfortunately there is a lacuna in Act XXX of 1947 which has emboldened the Government to introduce this piece of legislation. My objection to this Bill is that it brings within the ambit of the Act the 1936 estates also without providing for any compensation to the unfortunate holders of those estates."

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MR. CHAIRMAN :—" There is no compensation for zamin estates."

SRI B. BHIMA RAO :—" In the case of zamindari estates, some compensation is provided for."

MR. CHAIRMAN :—" No compensation for rent reduction."

* SRI B. BHIMA RAO :—" Is it not contrary to the principles of the Constitution to appropriate the 1936 estates without compensation? "

MR. CHAIRMAN :—" Before the hon. Member proceeds further, I would like to know what the point is that he is trying to make out. I am not anxious to shut out the hon. Member from speaking. The hon. Member is going into the scheme of the Government in excluding the 1936 inams from the Rent Reduction Act. Does the hon. Member think that all this is relevant to the amendment to clause 3 with which we are now dealing? That is the only point that is worrying me. Otherwise I will allow him to go on speaking. All this is absolutely irrelevant to the question under discussion."

* SRI B. BHIMA RAO :—" My point is that taking possession of estates and appointing receivers without giving any compensation whatsoever to the holders of the estates is repugnant to the principles of the Constitution."

* MR. CHAIRMAN :—" I do not quite follow. What is it that the hon. Member says is repugnant to the Constitution? "

SRI B. BHIMA RAO :—" Clause 3 of this Bill proposes to add the following Explanation to sub-section (4) of the Rent Reduction Act :—

"The provisions of this sub-section shall apply to an estate, whether the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, applies to it or not."

The Estates Abolition Act of 1948 applies to estates other than the 1936 inams. But this provision makes the Act expressly applicable to the 1936 inams also without providing for payment of compensation."

* MR. CHAIRMAN :—" If the hon. Member agrees that the Rent Reduction Act of 1947 includes within its scope the 1936 inams also, the proposed explanation is absolutely redundant as Sri R. Suryanarayana Rao pointed out. The explanation is proposed to be added only as a matter of caution. Why does the hon. Member say that it is against the Constitution? "

* SRI B. BHIMA RAO :—" Because there is a loophole in the Rent Reduction Act, suits have been filed by several landlords contesting the right of the Government to collect rents in the 1936 inams which are outside the scope of the Estates Abolition Act and proceedings are pending. The Hon. Revenue Minister

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wants to make the position clear by the addition of the proposed Explanation, and says in clause 4 that all pending suits and proceedings shall be dismissed."

* MR. CHAIRMAN :—" The hon. Member seems to think that the 1936 inams are not already included in the Rent Reduction Act."

* SRI B. BHIMA RAO :—" Justice Mahajan has said that we, especially lawyer-legislators, must be the watch-dogs and that we should not allow any legislation to be passed which will be subject to considerable criticism by the courts. The High Court may set at nought clause 4 of this Bill and say that it is not bound by what the Legislature says and go on with the proceedings. As *amicus curiae* I want to bring this to the notice of the Hon. Revenue Minister. No doubt he has taken legal advice. But *bona fide* I feel that expropriation of any kind of property without compensation is repugnant to the principles of the Constitution."

* THE HON. SRI H. SITARAMA REDDI :—" The hon. Member's speech only supports my argument about the need for clarity. Sri R. Suryanarayana Rao might feel that there is no need for the amendment. But the Government feel that it is necessary. The speech of Sri B. Bhima Rao only confirms the need for the retention of this provision."

"The amendment was put and lost."

* SRI R. SURYANARAYANA RAO :—" Sir, I move—

In the proposed sub-section (6) of clause (3) (iii), omit the words "of the succeeding fasli year or " and the words "whichever is later" in line 7.

If my amendment is accepted, the sub-section will read like this—

Any rents recoverable by the State Government under sub-section (4) for any fasli year shall, until they are paid, bear simple interest at the rate of six per cent per annum from the commencement of the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate . . .

My difficulty is in understanding the meaning of the words 'from the commencement of the succeeding fasli year'. There are two succeeding fasli years in the sub-section. The first is the succeeding fasli year and the second is the fasli year succeeding that in which the order under sub-section (2) is made. I understand the latter, but I cannot understand the former. What is it which the first-mentioned fasli year succeeds? Incidentally I may say that the words 'from the commencement of the succeeding fasli year' may give room for the landlords to interpret the provision in any way they like. If the Government do not accept my amendment, they must make clear what they have in view when they say 'from the commencement of the succeeding fasli year'. The provision as it is worded will give scope for unnecessary

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litigation between the landlords and tenants wherein the Government also will be a party. My amendment makes it clear that the arrears of rent shall bear interest from the commencement of the fasli year succeeding that in which the order under sub-section (2) is made."

JANAB ABDUL LATIF FAROOKHI :—" I second the amendment."

DR. SYED TAJUDDIN :—" Sir, I rise to oppose the amendment. According to the amendment, if the rates for an estate are notified in fasli 1359, interest on arrears of rent for the faslis 1357 and 1358 will accrue from the beginning of fasli 1360 and it looks as if the interest for future faslis also will fall due from the beginning of fasli 1360. I do not think the amendment should be accepted."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, I am glad that the anomaly has been pointed out by the hon. Member Dr. Syed Tajuddin. If the amendment is accepted, it will certainly lead to this anomaly that the Government will have to collect interest for rent which is going to fall due. I take it that the object of the amendment is to lay down that for arrears of rent, interest shall be recoverable from the commencement of the fasli year succeeding that in which the order under sub-section (2) about rent reduction is issued. I will illustrate the anomaly. Let us take the case of an estate for which the order under sub-section (2) is issued in fasli 1358. According to the amendment, interest on the rent for fasli 1359 and the succeeding faslis also will become due from the commencement of fasli 1359. In other words, even before the rent falls into arrears, interest will become due. There is no reason why a tenant should pay interest for rent which has not fallen into arrears. Now that the anomaly has been pointed out, I am sure the hon. Member will withdraw his amendment."

MR. CHAIRMAN :—" I think the idea is to cover interest on rent for future faslis also."

"It is said that the rent shall bear interest from the fasli year succeeding that in which it fell due. The rent for fasli year 1357, if it has not been paid, will bear interest from the beginning of fasli 1358 irrespective of the order about rent reduction. That is the ordinary procedure. The rent reduction comes in only for arrears. If the order was made in a particular fasli, only from the subsequent fasli interest will become payable."

SRI R. SURYANARAYANA RAO :—" If the order is passed in fasli 1359, the landlord will be entitled to interest from the previous fasli. I see the point. To that extent my amendment gives relief to the tenant."

THE HON. SRI H. SITARAMA REDDI :—" May I just clarify? The words 'succeeding fasli year' will have to be read with 'any fasli year' occurring in line 2."

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MR. CHAIRMAN :—" Yes, that will cover succeeding faslis also."

SRI R. SURYANARAYANA RAO :—" I beg leave of the House to withdraw the amendment."

The amendment was, by leave, withdrawn.

12-30 P.M. * JANAB K. T. M. AHAMED IBRAHIM :—" Mr. Chairman, Sir, I move—

In the proposed sub-section (6) to section 3, omit the words—

" or of the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; "

" Sir, my object in moving this amendment is only to remedy the inequality that will otherwise be caused in the collection of rent from the ryots of estates in respect of which rates are notified by the Government. Now, Sir, according to this section, interest is to be calculated not from the date on which the rent falls due, but from the date of notification of the rate by the Government. The date of notification may vary according to the discretion of the Government. Now I want that the interest should be calculated from the date on which the rent falls due. It should have reference only to the due date and not to the arbitrary date fixed by the Government, so that there may be equity and justice among all the estates. As the section stands, with regard to the arrears that have fallen due in a particular fasli, the Government will be collecting interest for one year in certain estates, and with regard to some other estates for two years, and in respect of some estates no interest at all. To avoid this inequity, I have moved this amendment. Otherwise certain landholders will get interest for only one year, while some others will get interest for two years. It all depends upon the arbitrary act of the Government. If the Government choose to notify the rates, as soon as the reduced rent falls due, then interest will be calculated from the succeeding fasli, but if they choose to notify the rates only in the succeeding fasli, then the interest will be calculated only from the next fasli. There is thus a certain amount of discrimination shown between one landholder and another and it is only to avoid this discriminatory treatment, that I have moved this amendment, Sir."

DR. SYED TAJUDDIN :—" I second the amendment, Sir."

* THE HON. SRI H. SITARAMA REDDI :—" Mr. Chairman, Sir, I regret I cannot accept this amendment. The hon. Member said that it all depends on the arbitrariness of the Government. It is not the arbitrariness of anybody, Sir. The Rent Reduction Act has been passed and certain procedure will have to be followed to carry out the intention of that Act. The Government of Madras do claim that the work of rent reduction has been carried out in the most expeditious manner possible and we have notified all the

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estates. It is quite possible that a few landholders may get less amount by way of interest, but, Sir, it is only incidental in the administration of a big and far-reaching legislation like this. But I should like to point out to hon. Members of this House that it has been represented to the Government by Members of this House as well as by the Members of the other House, that several zamindars and land-holders have not been collecting any interest at all. In fact, they have been foregoing the interest. They would be very much satisfied, if they could get merely the rent alone. Now, it is asked why should the Government undertake the responsibility of collecting the interest? It has also been suggested by certain hon. Members that this clause may be omitted altogether. But the Government felt that when they are going to take power exclusively to collect the rent, equity demanded that they should also take the responsibility of collecting the interest. But at the same time, they wanted that this method of collection should be brought into line with the system that is prevailing in the ryotwari areas. Hon. Members know that according to the Madras Estates Land Act, interest accrues even from the date of default, while according to the ryotwari system of land tenure, interest accrues from the beginning of the fasli, though the default might be a few days or a few months earlier. All that we are doing by means of this legislation is, we want to see that the calculation of interest is brought into line with the practice prevailing in ryotwari areas and incidentally, in that process, it is quite probable that some of the landholders may have to lose a little of the interest due to them. I am not prepared to deny it. But at the same time, this position which the Government have taken up, is the best *via media* between the various claims put forward by the landholders and the tenants—landholders who did not collect interest and tenants who do not want to pay interest. I hope, Sir, that in view of this explanation, the hon. Member would not press his amendment."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, I must confess that I have not been able to feel myself convinced by the reply of my hon. Friend the Minister for Revenue, when he referred to a compromise. What is the compromise that he is referring to? As I understand it, the position is that the Government are prepared to collect the arrears of rent which are due to them. The Government also say that the rent must be paid with interest which is calculated at a certain percentage for the period for which the arrears are due. Now these two facts are accepted. That being the case, I do not see where the compromise comes in. I can understand the Hon. Minister if he said that no interest need be charged from anybody, in which case, everybody will be treated alike and no injustice will be done to anybody. But to say that certain persons would have the interest given to them while other persons would be denied the interest, simply because the notification was issued at different dates by the Secretariat, does not seem to me to warrant any justification whatsoever. All this morning, we have been hearing

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of justice being done to everybody, justice to the tenant, justice to the zamindar, justice to the ryotwari landholder and justice to all. But is this the kind of justice that is being meted out to everybody, whether he is a tenant or whether he is a wretched landholder who is being hounded out, quartered and court-martialed in every sort of way in season and out of season? If the Government feel that the State is entitled to certain arrears of rent due to it by the tenant, then what justification is there for the Government to say to him, 'You need not pay interest for two years because we have not notified your estate, but pay interest only for one year', while in another case where an estate has been notified, to say, 'You shall have to pay every pie of your due with all interest', thus adopting the Shvlockian principle? It seems to me, Sir, that there should be some method in madness, even if it be in regard to the application of the principle of the Rent Reduction Act. I am simply surprised, Sir, that the Hon. Minister has not been able to give us any clear and convincing arguments in regard to the necessity for a discriminatory treatment in a matter like this. As matters stand, there is no question about this Bill being passed into law as so many other things are being passed and will be passed, but some of us feel very uncomfortable why we should be parties to this discriminatory piece of legislation, which has become the order of the day."

MR. CHAIRMAN :—" The amendment is—

'In the proposed sub-section (6) to section 3, omit the words—

" or of the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; " "

The amendment was lost.

Clause 3 was put to the House and carried and allowed to stand part of the Bill.

Clause 4.

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I move—

'That sub-clause (2) of clause 4 be omitted.'

" Sir, my objection to this sub-clause is this. You may apply the provisions of this Bill in respect of all suits and proceedings pending at the commencement of this Act, but to allow the courts to reopen decisions already given is not fair. The sub-clause reads as follows :—

'If before the commencement of this Act, any decree or order has been passed in any such suit or proceeding, which is inconsistent with the provisions of section 3, sub-sections (4), (5) and 6 of the said Act as amended by this Act, the court or other authority concerned shall, on the application of any person affected by such decree or order, whether or not he was a party thereto vacate the decree or order and pass a fresh decree or order which shall be in conformity with the provisions aforesaid.'

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" Sir, I am against any order of a court being enabled to be reopened on application by any person affected by such decree or order, whether or not he was a party thereto. Perhaps there may be no such decrees or decisions at all till now, but all the same, a provision like this in this Bill, seems to me to be very unfair. As regards pending suits and proceedings perhaps you may apply the provisions of this Clause and ask the courts to reopen the proceedings on an application made by any person, and the court may pass a fresh decree or order which shall be in conformity with the provisions of the Act, but I think, it would be most unfair, not only for the courts, but also for the parties concerned, to interfere with decrees already passed in such cases. I feel, Sir, that this is an unnecessary interference on the part of the Government with the orders passed by a duly constituted court. At that rate, the Government may, if they so make up their mind to-day, pass any legislation like this asking the courts to reopen all previous suits and proceedings and to pass fresh orders thereon. I think such a procedure is certainly improper and wrong in principle. I can even understand a provision to the effect that suits or proceedings on which orders have been passed from the date of the publication of the Bill might be reopened on application by any person aggrieved by such orders, as we are proposing to do in the case of the Malabar Tenancy Bill, which is to come up before this House shortly, wherein we have said that from a certain date, orders or decrees passed might be reopened and fresh orders passed to be in conformity with the provisions of the new legislation. But here we are providing for the reopening of a very large number of cases on which orders or decrees had been passed, one or two or even three years ago. I feel, Sir, it is not fair to the courts as well as to the parties concerned to reopen these cases. With these words, Sir, I move my amendment."

* SRI B. BHIMA RAO :—" Mr. Chairman, Sir, in seconding the amendment proposed by my hon. Friend Sri R. Suryanarayana Rao, may I say a few words before the Hon. Minister makes his reply? I feel, Sir, that the principle contained in sub-clause (2) of clause 4 is against the spirit of the Constitution. Of course, this Bill will be passed, as my hon. Friend Dr. A. Lakshmanaswami Mudaliyar has said, as so many other Bills have been passed by this House, but what I ask is, whether the High Court will be bound by this sub-clause. I know that opposition to this clause would have evidently been voiced by Dr. John, if he had been here now, but he has left the House. Supposing there is a case which involves a principle which is opposed to the Articles of the Constitution arising out of a legislation like this, would the High Court say, "No, this Act has been passed by the Legislature and hence we refrain from proceeding with this matter? Certainly not; on the other hand, I am sure the High Court will say, 'This provision is ultra vires of the Constitution and we are not bound by the provisions of this Act'. I therefore suggest, Sir, as an *amicus curiae* that such a provision need not

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be introduced in this Bill, because it is likely to go against the spirit of the Constitution and defeat the principles enshrined therein."

MR. CHAIRMAN :—" Why does the hon. Member say, 'as an amicus curiae'? It is the duty of hon. Members of the House to offer their remarks on the Bill, and as a member of the House, he is at perfect liberty to say what he feels about this provision of the Bill."

* SRI B. BHIMA RAO :—" I am satisfying my conscience in this matter, Sir, when I say that I feel that this provision goes against the principles of the Constitution and is against the interests of the common man. I am therefore pleading for the common man, who is likely to be injured by a provision like this."

" You know, Sir, as a lawyer yourself, that if a person has got a case or suit under this Act, he can seek his remedies by going to the highest court in the State and the High Court and the Supreme Court are the best judges in the matter. They are the greatest authorities to interpret the Constitution and the various Articles contained in it. Can this Legislature prevent or restrain the High Court or the Supreme Court from exercising their jurisdiction in regard to this matter? Even in some of the mufassal courts, there are certain members of the judiciary who are quite independent and who freely express their opinions against some of the legislations that we pass in this House. I know several instances myself. I have put in several interpellations about the validity of collecting sales-tax from commission agents, and in spite of the fact that we have inserted a clause to that effect in the Sales-Tax Act at the instance of the Hon. Finance Minister, who, I am sorry, is not here to-day, and even before the High Court had pronounced its judgment against such a provision, several cases which came up before mufassal courts had been decided and the parties concerned acquitted, because such a provision was considered invalid by the mufassal judiciary. I may say, to the credit of the mufassal judiciary, that in spite of the fact that such a section was sought to be introduced providing commission agents liable for sales-tax, the moment the High Court held that such a provision was *ultra vires*, and even before that, I know several cases had been decided and the parties concerned acquitted in Bellary and Adoni in my own district. That being the case, the High Court is certainly not bound by a provision of this sort being found in the Act, because it is against the principle of the Constitution. Several applications for a writ of *certiorari* are being made in the High Court against a provision of this sort, and in North India, several cases of this sort have been held *ultra vires* of the Constitution, and such being the case, why should we give an injunction to the High Court by means of this provision to dismiss such proceedings or reopen cases already decreed? I think Sir, we are not to lay down such a provision in this Bill."

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* THE HON. SRI H. SITARAMA REDDI :—" Sir, you may remember that just a few minutes ago, the hon. Member Mr. Suryanarayana Rao said that, Constitution or no Constitution, things must be done to see that the people's rights are protected. It is not as though matters are not taken up to the High Court. In respect of many matters the Bills that have been passed by the Central Legislature and the State Legislature are taken by the people before the High Court and the Supreme Court. It is their duty, and the Legislatures and the Government also have to do their duty. The duty of this House, as has just now been pointed out by the hon. Member Mr. Bhima Rao, is to see that justice is done to the people. In respect of this matter, as I have said already, we are seeking to clarify and to re-affirm that this Rent Reduction Act is one in which the Government have got the exclusive right to collect. On this point, several civil miscellaneous petitions have been filed in the High Court and in the mufassal courts. They say that they have the right to collect rents at the reduced rate. In many cases, the High Court has issued writs restraining the Government from collecting the rents. What is sought to be done is to see that the principle, which was already implicit and which is now made explicit, is applied to these matters which are pending and to which effect has been given. As I said on the floor of the other House, this clause is similar to the one that we have in other Acts. It is nothing new to the Legislature. A clause like this has been previously passed, and it has in no way been found to affect the interests of justice or the people. So, Sir, I hope it would not be questioned, because similar legislation is already there which has not been questioned. I would add that because legislation of a similar nature is already there on the Statute book, the High Court may not question it. I would take this view, and so, Sir, I beg to oppose the amendment."

MR. CHAIRMAN :—" The question is—

' Omit sub-clause (2) of clause 4 ' "

The amendment was put and lost.

Clause 4 was put and carried, and allowed to stand part of the Bill.

Clause 1 was put and carried, and allowed to stand part of the Bill.

The Preamble was put and carried and allowed to stand part of the Bill.

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

' That the Bill be read a third time and passed. ' "

MR. CHAIRMAN :—" The question is—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1950 (L.A. Bill No. 38 of 1950), as passed by the Assembly, be read a third time and passed. ' "

The motion was carried and the Bill was passed.

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(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL,* 1949 (L.A. BILL NO. 10 OF 1949).

* THE HON. SRI K. MADHAVA MENON :— Mr. Chairman, Sir, in the absence of the Hon. Dr. T. S. S. Rajan, Health Minister, who is in charge of this portfolio, and who, as you are aware, has so ably and admirably piloted this Bill in all its main stages, in the Joint Select Committee and in the other House, I have been asked by him to move that the Madras Hindu Religious and Charitable Endowments Bill, 1949 (L.A. Bill No. 10 of 1949), as passed by the Assembly, be taken into consideration. In doing so I should like briefly to mention, at the outset, a few relevant facts which will help in a proper understanding and appreciation of the Bill in its correct perspective.

" Dr. Rajan my Hon. Colleague has taken upon himself this task, more as a labour of love and for over 18 days attended to all the details of its passage in the other House. But the flesh proved weaker than the spirit and the arduous task was too much for him. He has been ordered to take rest for sometime. But I am glad to be able to tell you that I expect him to be here with us again before we close our discussion of the Bill in this House. Let us hope and pray that he will return to us refreshed by the rest he has taken, to guide us aright at the end, as he has done at the beginning. He has unique qualifications for this task, to which I do not pretend to lay any claim, except that I have imbibed some of his spirit and enthusiasm during the period I have had the privilege of working along with him on this Bill, for the last two years. He was born and bred up in an orthodox Hindu Brahman family in the holy town of Srirangam under the very shadow of the great temple of Sri Ranganatha, the Lord of the Universe. Providence in the Infinitude of Its Wisdom and Grace has so ordained that such a person should be the Minister in charge of the subject in the first truly National Government that administered the affairs of this State. With his quick grasp of any material placed before him, my Hon. Colleague soon perceived that the present Hindu Religious Endowments Act was defective and inadequate in several respects to achieve the goal aimed at by that great statesman of South India, the late Rajah of Panagal, who introduced for the first time in India a comprehensive legislation on the Hindu Religious Endowments. Under the directions of Dr. Rajan a Bill was first prepared by the then President of the Hindu Religious Endowments Board, Sri A. Kondappa, and it was revised thoroughly by Dr. Rajan himself in 1939. The World War, and the resignation of the Congress Ministries throughout India shortly thereafter, unfortunately prevented this extremely necessary and urgent piece of legislation from being placed on the Statute Book for over a decade.

" As soon as the new Congress Ministry was formed, no time was lost in taking up the question again and the Draft Bill, based mainly on the original Bill of 1939, was published in the latter half

* Published in the Fort St. George Gazette, dated 14th January 1949 and also printed as Appendix III on pages 243-304 infra.

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of 1947. Our preoccupation with that great ameliorative measure for the masses, the first of its kind in India again, the Estates Abolition Act and the Rent Reduction Act and other important measures that could not brook any delay prevented us from proceeding with this Bill forthwith. But my distinguished friend, the Hon. Sri O. P. Ramaswamy Reddiar, did not allow the grass to grow under his feet. With his characteristic zeal and enthusiasm bordering on religious fervour and by dint of his unremitting labours, he succeeded in placing this Bill again before the Legislature, as soon as the urgent measures referred to above were finished. The intervening time had been utilized by the Secretariat, under his directions, in improving upon several features of the Bill, in the light of the criticisms offered by various individuals and associations interested in religious institutions.

" The second draft, which is a great improvement, in several respects, upon the original Bill of 1947, was published in January 1949 and presented to both Houses of the Legislature. We felt, however, that even then the public were not sufficiently consulted on a matter of such vital importance concerning our spiritual as well as material welfare. Consequently, on introducing the Bill in the Legislature, both the Houses decided to set up a Joint Select Committee and it invited not only memoranda on all aspects of the Bill from everyone interested in it, but also to take oral evidence as well, of individuals having special knowledge and opportunities for study and thought on the subject. This took a considerable time. As Hon'ble Members who were on the Joint Select Committee are aware, several important clauses have been altered, as a result of their deliberations, in the light of the evidence tendered before them.

" Let me here and now pay my tribute and express on behalf of the Government their deep sense of gratitude to the Members of the Joint Select Committee for the conspicuous ability and industry with which they worked on the Bill and improved it. I think I will be discharging this duty best, if I read the relevant portion of the speech of my Hon. Colleague who paid a very handsome complement to the Joint Select Committee in the Legislative Assembly, when presenting that Committee's Report and moving for the Second Reading of the Bill. He said—

" Let me express my grateful appreciation of the manner in which the Members of this House and those of the Upper House who constituted the Joint Select Committee carried out the task entrusted to them. Voluminous written memoranda covering about 550 pages of printed matter were presented to the Committee by various associations and individuals interested in religious institutions. In addition, a number of persons representing many schools of thought and important religious institutions including maths gave oral evidence before the Joint Select Committee. The material thus gathered was then arranged and sifted, and further subjected to a detailed examination by the Committee. Some 50 issues were framed and the Committee discussed these issues at some considerable length and settled the principles on which the Bill should be amended. In the light of the decisions of the Committee on the several issues framed for its consideration, the Bill was redrafted. The Committee then took up a detailed examination of the Bill clause by clause, as a result of which they suggested various amendments. These amendments were again duly incorporated in the Bill, and a second revised draft was printed and put up to the Committee

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for its consideration. For a second time the Joint Select Committee scrutinized the provisions of the Bill, clause by clause, and then suggested a few alterations which have been finally incorporated into the Bill as republished in the present form in February 1950. The House will thus see that the Joint Select Committee took great pains to examine every one of the clauses in the Bill with reference to the criticisms and suggestions for amendments made in the oral and documentary evidence before it. As a result of their labours the Bill has been amended and improved in various respects.

"In his speech of 11th September 1950 in the Legislative Assembly from which I have just now quoted, the Hon. Dr. T. S. S. Rajan dwelt at length on the salient features of the Bill which the Government claim to be wholesome and substantial improvements of a far-reaching character over the existing Act, and has also not only referred to the outstanding contributions made by the Joint Select Committee, in improving the scheme and structure of the Bill and moulding it into its present shape, but has also reviewed in retrospect what had already been done in the direction of improving the administration and conserving the resources of the religious institutions in this State during the past 25 years of the administration of the Hindu Religious Endowments Act. It is not, therefore, necessary for me to traverse the same ground over again here and weary you with all the details. You will have all followed the discussion of this Bill in the other House and will have known the final shape of the important clauses of the Bill.

"I will therefore on this occasion content myself with a brief reference to two or three of the most vital features under each one of the above two main categories, namely,

(1) improvements over the existing Act which the Government claim to have made in the Bill and which have survived the minute and critical scrutiny of the Joint Select Committee, and

(2) the contributions made by the Joint Select Committee during its deliberations as a result of the suggestions made in the memoranda presented to, and the oral evidence tendered before it."

MR. CHAIRMAN :—"The House will now rise for lunch and re-assemble at 3 p.m."

The House then adjourned for lunch.

(After lunch—3 p.m.)

* THE HON. SRI K. MADHAVA MENON :—"As the Statement of Objects and Reasons appended to the Bill first published in 1947 would clearly show, the main and perhaps the most fundamental change effected by the Bill is the provincialization of the Hindu Religious Endowments Board's officers and staff into a Department of Government. The Board has been pressing for this for quite a long time. The first Congress Ministry, presided over by our revered Rajaji who is still happily serving the interests of the country in a higher sphere after relinquishing an even more exalted office, accepted this in principle in the first draft of

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the Bill prepared in 1939 referred to by me earlier. And the provisions relating to this provincialization have continued to form an integral part of the present Bill in all its stages from 1947 onwards. The main opposition to this came curiously enough from an unexpected quarter. It is said that these provisions offend the fundamental rights guaranteed by the Constitution of India. The whole question has therefore been fully examined by two eminent lawyers who have held with distinction the high office of Advocate-General of this State successively, in the course of the passage of this Bill. Sir, you will permit me incidentally to pay the meed of praise so richly deserved by the two Legal Advisers of the State for the great patience with which they have examined the Bill in detail and the profound learning they brought to bear on the subject. Both of them came to the conclusion that there is nothing repugnant or opposed to the Constitution in the provisions regarding provincialization of the Board's officers and servants. But let us examine whether, apart from the narrow technicality of the law, there is any real substance in the objection. Madras State has not only an overwhelmingly preponderating Hindu population but also the largest number of Hindu Religious Institutions in India; and though we are a secular State, I ask what is wrong in such a State taking steps for safeguarding the proper administration of the Hindu religious and charitable institutions, most of which were richly endowed by the ancient rulers of this land. It is not denied that in the neighbouring States of Mysore and Travancore-Cochin, the State has been exercising for centuries a higher degree of control in various aspects than has been ever contemplated by us. While the law may look to these technicalities and possibilities, you, as administrators and statesmen, have to look to realities and you will easily discover how baseless is this opposition to the supervision of the administration of Hindu religious and Charitable institutions by the State.

"Another important improvement in the Bill over the existing Act is the addition of the word 'Charitable' to its title. This itself is meant to signify that, while the existing Act applied only to religious institutions, an express provision is made in the Bill for its extension to charitable endowments as well. This has been a crying need all along. Maladministration and misapplication of public funds have been as rampant in the case of charitable endowments in this State as in respect of temples and maths. The present law relating to charitable endowments is not sufficient to prevent mismanagement. Under Regulation VII of 1817, the control of charities is vested in the Board of Revenue. Owing to the multifarious duties which the Board of Revenue has to perform and owing to the very large number of charitable endowments scattered all over the State, the Board has not been able to exercise any effective supervision over the administration of charitable endowments. No doubt, there is the remedy open to the public in cases of misappropriation or misapplication of trust funds relating to charitable endowments by filing suits under Section 92 of the Civil Procedure Code,

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with the Advocate-General's consent. But the filing of a suit generally means great expense and trouble and so, in practice, this provision has been rarely availed of by the general public. Charitable endowments are public trusts just in the same way as religious endowments are, and there is no reason why adequate arrangements should not be made for their supervision with a view to prevent maladministration and misappropriation of funds. In England, the jurisdiction of the Charity Commissioners extends to secular as well as religious charities.

"The third improvement is the restriction of the scope for litigation and the consequent wastage of the funds of religious institutions. Here I crave the permission of the House to quote again from the speech of my Hon. Colleague, Dr. T. S. S. Rajan, made on 11th September 1950 in the Legislative Assembly, as it forcibly brings home the importance and magnitude of this improvement in the Bill over the existing Act.

"One of the unfortunate results of Act II of 1927 was the abundant crop of litigation that sprang up in regard to every conceivable matter dealt with by the Board. While the Board of Commissioners were vested with original jurisdiction in respect of all matters pertaining to religious institutions, the Act allowed parties, fancying themselves to be aggrieved by its orders, to appeal to law courts and to question the correctness of the Board's orders in almost every matter. The trustees of temples, taking advantage of the fact that they are in possession of temple funds, indulged in endless litigation. Some of them revelled in it. I need not take up the time of the House now with a catalogue of the numerous instances in which this right of appeal to law courts or to file suits before them, has been abused. In my speech while introducing the Bill in this House on the 4th February 1949, I have described in some detail the ridiculous straits to which litigation was reduced, particularly in matters of ritual, some of which do not, in my opinion, affect in the least the fundamentals of religion. I have no doubt this House will agree with me that as a result of such reckless and cantankerous litigation, there has been enormous wastage of public funds, and there was also great and unconscionable delay in several matters in giving effect to the decisions of the Board."

"Turning now to the outstanding contributions made by the Joint Select Committee I would mention first and foremost the new provisions made by it for the constitution of the Area Committees, which we have finally decided to form throughout the State, in order to associate the public more closely with the administration of the new department. These are, so to speak, the lineal descendants, the legal heirs and successors of the old Temple Committees, which were constituted, when the East India Company wanted to be relieved of the responsibility of looking after the Hindu Temples and Mutts at the instance of Christian missionaries and which continued to exist in some form or other, till they were abolished altogether by the amending Act of 1944 passed during the Advisers' regime. The Temple Committees were, no doubt, the cause of many a headache to Dr. T. S. S. Rajan, during his first term of office in 1937-39, as well as to his predecessors. They had to be abolished owing to the factious spirit displayed by them, combined with a deplorable lack of interest in their work and their anxiety to abuse their patronage, oblivious of the welfare of the institutions committed to their charge. The provision for the constitution of Area Committees did not find a place in the draft as published in 1947, or even in that published in 1949. But we, as a popular Government

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deriving authority from the will and support of the people and seeking their co-operation to the fullest possible extent in all directions, have accepted the suggestion of some hon. Friends in the Select Committee to revive them, though in an altered form. They will be presided over by the Assistant Commissioners, who have been trained to discipline and integrity and who may therefore be trusted to guide them aright and see that the ugly features which disfigured the work of the earlier committees do not raise up their heads again, after their revival. We do sincerely wish and hope that the experiment will succeed with the active help and co-operation of hon. Members.

"Another important contribution made by the Joint Select Committee is the addition of a set of special provisions relating to institutions getting an annual income of Rs. 20,000 and more. A great English thinker has said that 'Just as mercy is twice blessed, patronage is twice cursed. It curseth him that gives as well as him that takes.' It is this abuse of patronage that has been the besetting sin and snare of all democratic administrations all over the world. Therefore, when we decided to revive the Temple Committees, we decided also to take out of their purview institutions getting an income of over twenty thousand rupees. These will be administered by a Board of Trustees consisting of not less than 3 and not more than 5 members appointed by the Commissioner. We have taken the additional precaution of not allowing the Commissioner to delegate this power to even the Deputy Commissioner, as he might delegate other powers, in order to ensure that this power is exercised in the best interests of the institutions by the highest authority under the Government. More we cannot do by legislation and we hope that this special provision will result in smooth and harmonious administration of the bigger institutions and will be beneficial to the public and the institutions alike.

"The Joint Select Committee has also enlarged the jurisdiction of the Civil Courts, by providing for the right to file suits in respect of matters decided by the Deputy Commissioner in the first instance and by the Commissioner on appeal. In the Bill, against the orders of the Commissioner only an appeal to the High Court was originally provided. The Joint Select Committee, however, decided that it would be better to provide a right to file a suit in the first instance instead of an appeal straightway to the High Court. Consequently, a provision has been made that against the decision of a Commissioner in certain cases a suit may be filed in the Court of Original Civil Jurisdiction in the mufassal and in the City Civil Court in the Presidency town, and that against the decree of the said Courts appeals may be filed in the High Court. Though a suit has been provided for from the orders of the Commissioner, the powers of the court have been restricted, so as not to stay the Commissioner's orders pending the disposal of the suit.

"Having dealt with a few of the prominent features of the Bill which constitute distinct improvements over the existing Act and a few of the more important contributions made by the Joint Select

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Committee, I will now pass on to the amendments either moved by the Government themselves, or accepted by them during the Second Reading of the Bill in the Assembly. Here, again, I will not burden the House with all the minor details, but will confine myself to a brief reference to the more important among them. As hon. Members are aware, my Hon. Colleague moved for the Second Reading of the Bill in the Legislative Assembly on 11th September 1950. All the details of the Bill were fully and completely thrashed out, clause by clause, during the 17 days that the discussion of the measure in the Second Reading occupied in that house. The number of amendments tabled reached a record figure of over 400 and the majority of them were moved and discussed. I may here prominently bring to the notice of this House that even after the Second Reading of the Bill in the Assembly commenced, we had very carefully re-examined the whole Bill with the assistance of the Advocate-General, in the light of the general criticism offered in the other House and the amendments given notice of by some of my hon. Friends. As a result, a good number of their amendments had, in substance, been taken up by us as Government Amendments and have now been embodied in the Bill, as it has emerged from the Second Reading. For instance, original clause 7, conferring on the Government general powers of superintendence over all religious institutions, has been taken away altogether, mainly in deference to public criticism. The provision relating to the utilization of surplus funds originally embodied in clause 64 of the Bill has now been removed from it and, after considerable modification, has been shaped into the present clause 31 as passed by the Assembly in the Second Reading.

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p.m.

"The main change made in respect of this provision is that while the original clause 64 empowered the Deputy Commissioner, *inter alia*, to direct the appropriation of surplus income of religious institutions for any purpose specified in that clause, that power has now been transferred to the trustee himself. On the advice of the Advocate-General that the original clause 64, may lend itself to possible objection that it might be construed as offending Article 26 (d) of the Constitution, which entitles every religious denomination, or section thereof, to administer its property according to law, it has been provided in the new clause 31, that when the trustee of an institution considers that the surplus should be spent on any of the purposes specified in old clause 64 (present clause 59), he should himself take the initiative and spend it for such purposes, after obtaining the Deputy Commissioner's sanction. The element of compulsion has thus been removed and the trustee has been invested with a substantial measure of discretion and autonomy. Likewise, in the original clause 56 (present clause 51), amendments have been made giving greater autonomy to the trustees and reducing the scope for interference by the Deputy Commissioner. Clause 67 of the Bill as presented to the Assembly (present clause 62 before the House) has been substantially modified by providing for filing of suits in Civil Courts in all matters dealt with under original

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clause 62 (present clause 57). In other words, the right to file suits in Courts has now been extended to the following matters also:—

- (1) Whether the trustee holds, or held, office as a hereditary trustee; and
- (2) whether any person is entitled, by custom, or otherwise, to any honour, emolument, or perquisite in any religious institution; and what the established usage of a religious institution is in regard to any other matter.

We have accepted the principle that wherever a question of right or title to property arises, the final decision should be with the Courts.

"Another very vital amendment which the Government themselves moved is the deletion of clause 40 which empowered the appointment of non-hereditary trustees even in cases where there were only hereditary trustees, and which provided for the compulsory appointment of an executive officer for each institution having an annual income of over Rs. 20,000. The Government have also modified the whole series of clauses dealing with such institutions.

"The Government also moved for the deletion of clause 86 of the Bill providing for the constitution of an Advisory Council consisting of the representatives of the jiyengars, the archakas, the acharyapurushas and other mirasdars of the Tirumalai-Tirupathi Devasthanams, in order to avoid any argument that the Bill interferes with the religious affairs in contravention of Article 26 (b) of the Constitution. Finally, the Government themselves moved for the addition of the new clause 92 which expressly provides that nothing in this Bill shall be deemed to violate the provisions of Article 26 of the Constitution.

"Indeed, it is very doubtful whether any Government Bill, which had already been considered for such a long period as three years, had such a huge list of further amendments covering over ten pages of printed matter, to be moved by the Government themselves in the Second Reading of the Bill in the Assembly. As Dr. Rajan has pointed out in the other House, "all these will clearly show that far from trying to thrust our own views on the public with the aid of a well-drilled majority, we have been most responsive to public opinion in the matter, and have tried our best to satisfy public sentiment on the subject to the greatest possible extent, compatible with the preservation and proper utilization of the resources of these institutions," for the purposes for which they are intended.

"And now the Bill comes before you, recast and greatly improved in the course of this long process of study and discussion. The task of the hon. Members of this House is, if I may say so, in one sense, an easier and in another, a difficult one, than that of the other House. It is easier, because all the preliminary spade work has been done already in the matter of clarification of various points and the modification of clauses of doubtful importance. It is difficult in the sense that hon. Members have to focus their energies all the more to the task of scrutinising the Bill as a reviewing House of elders, by bringing to bear on its essentials the great weight of the ripe experience and mature wisdom associated with

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the Members of the Upper House in all Legislatures. Notice of as many as 55 amendments, have been already received by us, and we shall be presently discussing them. While it is open to us again to study every feature of the Bill, I would earnestly appeal to all hon. Members not to stress upon points already discussed threadbare elsewhere and get lost in a maze of petty details, but to concentrate on essentials, on new matters, which would improve the Bill in its more important and essential features, and thus promote the end we all have in view, namely, the purification of the administration of the institution dedicated to the service of God and Man.

"I have finished all that I have to say before commending, this Bill to your consideration. Mr. Chairman, Sir, I move—

'That the Madras Hindu Religious and Charitable Endowments Bill, 1949 (L.A. Bill No. 10 of 1949), as passed by the Assembly be taken into consideration.'"

3-30 P.M. MR. CHAIRMAN:—"I suppose the Select Committee Report has been circulated to the hon. Members."

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir, it was a Joint Select Committee, and its report has already been circulated."

MR. CHAIRMAN:—"The question is—

'That the Madras Hindu Religious and Charitable Endowments Bill, 1949 (L.A. Bill No. 10 of 1949), as passed by the Assembly be taken into consideration.'"

SRI D. MANJAYA HEGDE:—"Mr. Chairman, Sir, I am constrained to say that I am opposing this Bill. In spite of the many changes just now stated by the Hon. Minister, the Bill is still faulty. It is against law and justice. The present Government is said to be a secular Government. But according to the present Bill, the Government seems to be more communal and sectarian. Under clause 59, sub-clause (1), the Deputy Commissioner may make arrangements for the propagation of Hindu religion and can open schools for the study of Hindu sastras. Is it not against the principles of Fundamental Rights of the present Indian Constitution? I say it is, Sir. If the Government want to do justice to all religious institutions, they should frame such a Bill that would be made applicable to all religious institutions including Mohamedan and Christian institutions. But they have selected only Hindu religious institutions, leaving the other religious institutions to their fate. Is it because they are not mismanaged and that there is no mal-administration among those other religious institutions? If they were well-managed, then there is no reason why hon. Janab Farookhi should have forward his own Bill to reform his own religious institutions. So I say this is more communal and sectarian in its very outlook. Therefore I oppose it.

Again, the Government have ignored public opinion. In the Select Committee many prominent people were invited to give

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evidence, but many suggestions made by them were ignored. They stated that a Tribunal must be appointed as an appellate authority, but it was not taken into consideration. They said that curtailment of the powers of the Court should be avoided. But it is not done as far as I know. Clauses 78 and 79 and the sub-clauses go to show that the Fundamental Rights are in danger. No freedom is given to expression of views. The only justice that one can get is from the Courts, but the Government want to curtail that right to make their power more despotic and make the Commissioner a despotic ruler. Therefore we do not want to tolerate such things and I oppose this Bill."

* SRI B. BHIMA RAO:—"Mr. Chairman, Sir, I regret that I also am obliged to sound a note of dissent with regard to the passage of this measure. This is a most inopportune time to bring forward a highly controversial measure of this kind at the fag end of the tenure of this House. This is a very highly controversial measure. Protests have been lodged not only by the humblest personages, but also, by the noblest individuals of the South. They interviewed the then Premier Sri O. P. Ramaswamy Reddiar and lodged their protests. It was two years ago, i.e., on the 18th, 19th and 20th January 1949 they sought an interview with the then Premier and they presented a Memorandum to him to exempt the maths from the operation of this legislative enactment. The gentleman who waited on deputation to the then Premier are Sri S. Varadachari, ex-Judge of the Federal Court; Sri N. Chandrasekara Iyer, at present one of the Judges of the Supreme Court; Sri Alladi Krishnaswami Iyer who was the then Advocate-General and one of the leading Advocates of not only Madras, but the whole of India, as well as Mr. T. R. Venkatarama Sastriar, the doyen of the Bar and President of the Indian Liberal Federation and also Sri K. Balasubramania Iyer. Not only these people, but representatives of various maths also presented Memoranda and pleaded that the provisions with regard to the maths are at variance and contrary to the principles of the Constitution and that this State which professes to be a secular State ought not to legislate for these maths which are largely of a religious nature. That was their plea and I need not read any excerpts from the printed representations made by the various gentlemen of the whole of Madras State to the then Premier. They contain this remark and you can judge therefrom that an important body of people are opposed tooth and nail to the passage of this measure. In their Memorandum submitted on behalf of maths situated in the Madras State, it is said—

"The Government which, from time to time, will be established under a party system is particularly unsuited to control these religious foundations which have to be kept free from the caprices and political changes of parties in the country. If parties whose creed is anti-religion and anti-God and against religious foundations come into power, then there is every risk of these Mutts being injuriously affected. There is no safeguard provided in the Bill to prevent such a calamity to the Mutts. Moreover, the Bill seeks by clause (12) to include even personal gifts or offerings to heads of Mutts within the control of the Government. It enables, in clause (16) the officers of Government to enter the sacred precincts of the mutt and hence interfere directly with the Acharya's personal freedom."

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"That clause (16) is now converted into clause 21. The Bill gives power to the Commissioner even to control rituals, ceremonies and religious observances in the math which are entirely within the jurisdiction of the head of the math as he is the sole spiritual authority. These are very highly objectionable and this kind of control which seeks to deprive the heads of maths of their autonomy and integrity should be dropped. Their apprehensions have turned out to be true because some of the provisions contained in this measure which they opposed have still been retained. As they say, Sir, the spirit of irreligion and iconoclasm is abroad at the present day. I think it is quite obvious as we see in the report in newspapers about the incidents in the south as well as in Kerala where that beautiful temple of Sabari on the Sabarimalai (Sabari Hills) was desecrated. So the spirit of iconoclasm is abroad and this time is not the opportune for the introduction of a revolutionary measure of this kind. After all the maths are engaged—have long been engaged—in inculcating spiritual culture to its disciples. I cannot accept the claim of the Central Government as well as our Government that this is a secular State when the enforcement of certain provisions of the Bill is definitely likely to result in an infringement of our right to worship freely and independently. I am sure they come within the clutches of the Articles of the Constitution.

"Now, Sir, I shall read only one or two clauses of the Bill to emphasise my objection to this measure. Clause 21, which most representatives have referred to, entitles any officer of the Government to enter the premises of a math. The words used there are 'religious institution' which include a math also. The clause reads—

'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.'

Sub-clause (2) says—

'If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.'

And sub-clause (3) provides that nothing in this clause shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in it. Sir, of course, I have got the greatest regard for the members of the Harijan community and especially for Sri Muniswami Pillay who was a Minister during Rajaji's administration. Even he is against this provision and he has given expression to it both on the floor of the other House as well as in other places. I want the House to know what the Father of the Nation had said. Gandhiji pleaded for equality of treatment for the Harijans. I request you, Sir, to think for a while that there is an orthodox Brahman community. The Sri Vaishnavas and the Madhwas are reputed to be the most orthodox

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amongst the members of the Brahman community. Sir, we have one or two Madhwa maths in our State, the chief of which is Uttradhi Mutt. There are two sacred images of Sri Ramachandra and Sita in the Mutt. There is a tradition attaching to the two images. There were certain Brahmans during the days of Sri Ramachandra who would not take their breakfast unless they saw Sri Ramachandra. This practice is still continuing—although in a different way—in certain parts of Northern India—in Agra and Delhi. They are called Darsani Brahmans. Even during the days of Akbar they would not take their breakfast unless they saw the emperor who used to appear in the Jasmine Tower in the Fort at Agra. That has been the tradition. Once it appears a member of the Brahman community was not permitted for some reason or other to see Sri Ramachandra. He immediately fell down and prayed: 'You are giving audience to so many and why not you permit me to see you?'. Then Sri Ramachandra is said to have handed these two images to him asking him to see them whenever he felt like seeing him but could not come to the palace owing to ailment or indisposition. These are said to have come into the possession of the Uttradi Mutt in the following manner. I request I may be given five or ten minutes more, Sir."

MR. CHAIRMAN:—"The hon. Member may go on."

* SRI B. BHIMA RAO :—"It is the tradition. One may scoff at this idea. These images had been preserved in Orissa and brought to Vijayanagar when the Muhammadan Kings destroyed Vizianagar Empire later—during the troublous days of the Muslim rule—and immersed in a tank in a village called Narayanadevarekeri which will be submerged now by the construction of the Tungabhadra Dam. In the Bellary district this tradition is universally known. In course of time the two images came into the possession of the Uttradi Math studded with diamonds, gems and emeralds of beauty and lustre. They may be worth one lakh or two lakhs of rupees. I am not an expert in valuing such precious stones. But if a Harijan gentleman is appointed as Commissioner or Assistant Commissioner under the Act he can enter the institution at any time for purposes of inspection and evaluation. Sir, often these images are taken out only during the time of worship. At the end of it, they put them in a receptacle which is kept there and afterwards they do not touch them till the next day. What I want to point out is that the person who is to evaluate under the subsidiary provisions of the Bill can say: 'They are valuable and must be in proper custody. You cannot keep them in this manner. You should take away the diamonds. They are worth nearly two lakhs of rupees. Why should these images be studded with such costly gems?' Sir, in Bellary, nearly 3,000 people come to worship each day when the Swamiji of Uttradhi Mutt camps there. It may be that now there is not such a big congregation owing to food regulations. What would be the feelings of those who assemble there every day? Ladies congregate in larger numbers than the rest who are not so religious as they. What would be the feelings of the ladies on such occasions

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if such a procedure is adopted and enforced? If anyone, for instance, causes disturbance at a Muslim congregation for prayer, then he becomes punishable under Section 295 of the Indian Penal Code. I know if anyone makes such a disturbance he will not return home alive. I do not want to go into further details. Now what happens if access to the institution is refused? If there is resistance, a case will be registered and the person concerned will be sentenced to six months' imprisonment and fine and so forth.

"Then, Sir, clause 100 empowers the Government to frame rules, among others, for the proper collection of the income of, and the incurring of expenditure by religious institutions. Now the Government may say, 'you must spend only so much, say one hundred rupees only and nothing more'. Sir, this is not fair. The Swami cannot tell his disciples, 'you go out, you cannot remain here since the expenditure has been ordered to be curtailed.' That is quite uncouth, uncivil and unconventional from any point of view. Then, Sir, the Government can make rules for the custody of the moneys of religious institutions, their deposit in, and withdrawal from banks and the investment of such moneys. Now the Swami will be totally left in the lurch in that the Commissioner may order everything to be deposited in a bank. Then comes the case of jewels and other valuables and documents of religious institutions. The images of Ramachandra and Sita in the case of the Uttaradi Math may be termed a jewel inasmuch as they are studded with diamonds and they may be ordered to be kept in a bank. That means, we destroy religion altogether and the regular performance of the worship. Later comes the inspection and supervision of the properties and buildings of religious institutions. I say the Government are interfering with the free performance of worship of these Swamiyars in inspecting the properties in their charge, in the manner laid down in the Bill.

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"Then, Sir, there is clause 87 which is a miscellaneous clause applicable to all religious institutions; religious institutions include a math according to the definition, and to all functions of the trustee of the religious institution in accordance with the provisions of this Bill. Sir, a Swamiji may be a trustee as well as a spiritual adviser. With regard to the main acts of management, the Swamiji gives instructions and with regard to minor details he leaves them to the subordinates in the math or the Dewan. Primarily he is also the trustee of the math and the definition itself for trustee, clearly shows that this also is included, that is the act of management my him is also contemplated. Sub-clause (19) of clause 6 defines a trustee as—

"Trustee" means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested, and includes any person or body who or which is liable as if such person or body were a trustee.

Sir, as I said with regard to the main acts of management, he gives instructions and smaller details are left to the Dewan to carry out the instructions. So the Swamiyar is not only the religious head but also a trustee in a sense.

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"Then, Sir, clause 87 says—

"Where a person has been appointed—

- (a) as trustee or executive officer of a religious institution, or
- (b) to discharge the functions of a trustee of a religious institution in accordance with the provisions of this Act, or
- (c) as manager under section 56 or in any scheme framed by the Board before the commencement of this Act, and such person is resisted in, or prevented from obtaining accounts and properties thereof, by a trustee, office-holder or servant of the religious institution who has been dismissed or suspended from his office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee, office-holder or servant, not being a person claiming in good faith to be in possession on his own account or on account of some person not being such trustee, office-holder or servant, any Magistrate of the first class in whose jurisdiction such institution or property is situated shall, on application by the person so appointed, and on the production of the order of appointment, and where the application is for possession of property, of a certificate by the Commissioner in the prescribed form setting forth that the property in question belongs to the religious institution, direct delivery to the person appointed as aforesaid of the possession of such religious institution, or the records, accounts and properties thereof, as the case may be: . . .

This affects the maths also.

"Sir, I do not want to labour the point any further.

"With regard to the essentials of a secular State, a memorandum has been prepared by an able constitutional lawyer. He quotes from Mr. Thomas Jefferson's speech and says: 'I will conclude with the reply which Thomas Jefferson who played such a notable part in laying the foundations of a Secular State in America, gave to an address presented to him by the Danbury Baptist Association on January 1, 1802.' The following is the quotation from Mr. Thomas Jefferson's speech. I want to emphasize this for the attention of the House—

"Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship that the Legislative powers of Government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion, or prohibiting the free exercise thereof', thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural rights in opposition to his social duties."

This is an extract, Sir, from a famous speech of one of the Presidents of America, made a century and a half ago. If a State claims to be a secular State this is one of the principles that that State should follow.

"I am sure, Sir, I have quoted the various provisions of the Bill to indicate that the right of free worship by members of the Brahman community is in danger. Of course I stress this because, the Brahman community apprehend that their religion is in danger from this enactment and I am voicing their feelings in saying that this measure is designed to destroy their religion and their tradition and their right to worship.

"I regret, Sir, that the name of Hon. Sri Rajagopalachari and those of others were brought forward in this connexion. It was said that this Bill was prepared in the year 1939. Whatever one may

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say about Sri Rajagopalachari, he is a very conservative gentleman. You might remember, Sir, he introduced a Bill in the Central Legislature saying that every member of the Harijan community shall have free entry to every temple. But when he introduced here in this House a Bill of that nature he confined it only to the Malabar district because it was very much advanced and at that time there was the Guruvayur Satyagraha led by Mr. Kelappan. He knew that that measure would be successful in the Malabar district. At that time there was a lot of criticism about that Bill being confined only to the district of Malabar. So also with regard to Prohibition. Of course there were other ardent gentlemen besides Sri Rajagopalachari, with regard to the introduction of prohibition throughout the State of Madras. When it came to practical application, in which district did he introduce it first? He introduced and confined that measure to his own district of Salem . . .

* THE HON. SRI K. MADHAVA MENON :—" The first temple entry was in Madura and not in Malabar district. (An hon. Member: 'That was an Ordinance.') Whatever it may be, it was first introduced in Madura."

MR. CHAIRMAN :—" Let us not discuss about Sri Rajagopalachari here. He is not here to defend himself."

SRI B. BHIMA RAO :—" It is said, Sir, that he did not permit this measure during his regime of nearly two years and three months: our friends took up office on the 10th July 1937 and tendered their resignation on the 23rd October 1939, the period was barely two years and three months. Sir, he thought this was too violent a measure."

MR. CHAIRMAN :—" It is not right to discuss what his opinions were in the matter. By doing so we may be doing injustice to him."

* SRI B. BHIMA RAO :—" I only say, Sir, that he was a cautious and a conservative gentleman. I want to give him credit for it. But they want to take the privilege of saying that it was during his time that this Bill was prepared. Why was it kept back for such a long time?

" Then, Sir, coming to the introduction of this measure—the original Bill was first given to us, in September 1947,—we have travelled a long way from September 1947. I have got all these facts with me, but I do not want to trouble the House with them and create a feeling of disgust in the House by making a lengthy speech. Sir, you know the Select Committee, took the leave of this House to sit in the Hill Station and I was watching the proceedings of the Committee in the Hill Station as reported in the newspapers. Every one of the witnesses who went to Ooty and gave evidence objected to the provisions of this Bill in regard to maths."

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* SRI R. SURYANARAYANA RAO :—" The proceedings of the Committee were not open to the Press."

* SRI B. BHIMA RAO :—" But, Sir, it was reported in the Press and I do not know how they got the reports. There was no objection raised to these reports."

MR. CHAIRMAN :—" Was it only the witnesses that went to Ooty that objected? Has the climate anything to do with it?"

* SRI B. BHIMA RAO :—" They went there and invited witnesses; several respectable people went there and gave evidence."

MR. CHAIRMAN :—" The hon. Member should have objected then."

* SRI B. BHIMA RAO :—" At that time I raised an objection. The Select Committee I believe is constituted to hear evidence and to consider with respect the views given by the witnesses. Sir, ninety-nine per cent of the witnesses examined said that the inclusion of the maths under the Bill was an abnoxious thing which ought to be removed. That is the impression I got from the evidence given before the Select Committee. But what is it that they have done? They paid scant courtesy to the evidence of the witnesses who appeared before them. If really they had made up their mind to reject the views expressed by the witnesses why should they give them the trouble, why should they be asked to go there at considerable expense to make representations and give evidence? Absolutely no consideration was shown to their feelings. I do not want to take more time of the House. I say, Sir, at this sag-end of their tenure of office, the Government ought not to have introduced this Bill. I do not find anything in the election manifesto of the party about this for the Government to introduce this Bill. Of course, if in the manifesto the Congress has stated that they will do this and that, such as the abolition of the zamindari and so on, there is justification for them to do that. But, there is nothing in the manifesto with regard to a violent measure of this kind which outrages the feelings of a considerable section of the Hindu community. Have the Government taken a vote or a plebiscite on this issue to indicate that a measure of this sort is necessary? They have not done that. I am really sorry that the Ministry should have been led away by the clamour of a clique who want to have a measure of this kind enacted. I say, Sir, the Government should not have introduced a measure of this kind at this time."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, my task in speaking about this Bill has been rendered much more difficult by some of the remarks that have been made by the previous speakers. But I hope I shall present what I consider a factual, unprejudiced view of the measure that has been introduced into this House which I am sure will be passed dotting the i's and crossing the t's as we have been accustomed to

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with several such other measures. There are certain features in this Bill which are common to all Bills that are introduced in this House. The supreme faith that they have in the Government as the one and only method of conducting the affairs of the State in a manner that will not be prejudicial to the interest of anybody would be pathetic if it were not misplaced. The other feature of the Bill is that they believe while they don't want patronage and while they feel, as my Hon. Friend Sri Madhava Menon said, that patronage is twice cursed, it is best that the Government exercises patronage rather than anybody else. The third feature of the Bill is, and it is common feature with all their legislatoins, that so far as possible the established courts of the land should have little or nothing to do with measures introduced in the Legislature. On the ground of delay, on the ground of costs and on many other grounds, perhaps it may be wise to see that in most of these enactments, the courts do not have to play a great part. The Hon. the Finance Minister came in and went away before I could fix my eye on him. I wish to refer here that, in every Bill that has been introduced, the financial aspects of the measure are never taken into consideration or if they are taken into consideration, the House is never taken into confidence as to what would be the financial commitments of any such measure."

MR. CHAIRMAN :—" The Hon. the Finance Minister has come."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am glad, Sir, that I will have the opportunity of touching on those aspects when the Hon. the Finance Minister is present."

" Now, Sir, I concede, and I make no secret of the fact, that our Hindu religious institutions are not being managed in the manner they should be managed. But, one has the right to manage and I entirely agree with the Government, the hon. Members on the Treasury Bench, that every one of us should try and see whether it will not be possible for us to introduce such changes as may be necessary and as may be fruitful to bring home to those in charge of these institutions certain fundamental ideas of how to run the Hindu religious institutions. I may state, Sir, that I have visited many Hindu temples all over India, Prayag, Benares, Gaya, Kali temple at Calcutta, the temples in Bombay, Nasik and Narbada, and various other temples in smaller places, and dipped myself into most of the sacred rivers of India and have seen many of the largest temples of South India, and I therefore cannot be considered as one who has not got any idea of how the Hindu religious institutions are being managed. On the other hand, Sir, I hope I shall not be presumptuous when I say that I am not exaggerating in these matters and I hope everybody will agree with me if, in spite of so many trips to western countries, I become more and more convinced that our Hindu religious institutions have been in need of a great deal of improvement. I state the bare facts, may I, in this connexion, say how regrettable it is that

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those who have the opportunity, those who have the weight behind them and those who are largely responsible for running these institutions, and those who have counselled, guided and otherwise controlled the people who are responsible for these institutions, have unfortunately not fulfilled the task that was expected of them? Here is no communal bogey, Sir, and let me make that perfectly clear and in the course of my speech, I shall make it clear why it is that I am opposed to some of the provisions contained in this Bill.

" Sir, first of all, this Bill refers to the Madras Hindu Religious and Charitable Endowments. The Hon. Sri K. Madhava Menon said that charitable endowments have been included because there was a great deal of abuse. Nobody denies this, Sir. On the other hand, if a Bill were to be introduced for charitable endowments, and such a Bill was introduced in the Central Legislature it and is now sought to be repealed,—it should apply to charitable endowments of all descriptions and not to Hindu charitable endowments alone. And when you include Hindu charitable endowments and define 'charitable endowment' as it has been defined on page 3 of the Bill, you will find that it is a very discriminatory piece of legislation that is sought to be utilized. I am not speaking of the constitutional aspect and I think it is futile to speak of the Constitution Act for two reasons. Whatever our opinions are, people who do not believe that it is in consonance with the Constitution Act will refer to authorities that have been provided under the Constitution and that those who believe that it is within the Constitution Act are not going to convince those who do not so believe. I therefore, for a moment leave aside altogether the constitutional aspect."

'Charitable endowment' means all property given or endowed for the benefit of, used as of right by, the Hindu or the Jain community or any section thereof, for the support or maintenance of objects of utility to the said community or section, such as rest-houses, choultries, patasalas, schools and colleges,

I want to put before the House a practical illustration. A particular Hindu gentleman endowed large sums of money to found a college and the college was founded, and a non-Hindu is contributing to its endowments, and may I know whether that will become a Hindu charitable endowment? On the other hand, Sir, we have been told and very rightly, that although a Hindu might have given a charitable endowment and founded a college, this Government must insist on that college being open to all sections of the State. A battle-royal has been going on for many years and I myself was responsible when I was President of the Trust Board of the Pachaiyappas, to introduce a measure to admit all sections of the community, but unfortunately my colleagues the majority of whom, were members of the legal profession, so frightened me that I could not proceed with that measure with that particular insistence. Is it the intention of the Government to petrify these differences by insisting upon Hindu charitable endowments for founding colleges being limited for Hindus or is it their intention

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that those Hindu charitable endowments when diluted with non-Hindu charity does not become a Hindu charitable endowment? Sir, there must be some clarification and I hope the Hon. the Minister for Law will give me a correct interpretation of the definition of the words 'charitable endowment' as it is contained in the Bill.

"Now, Sir, I think it has been rightly contended that a secular Government of this nature should not take such entire responsibility for the administration of Hindu religious institutions and that it must not, in the words of the Hon. the Minister for Law as he put it, departmentalize the Hindu religious institutions and try to control them through the machinery of Government. The Hon. Minister referred to certain practices that obtained and obtain in States like Mysore, Travancore and Cochin, or the present Travancore-Cochin State. The Devaswom Department there although treated as a Government department was directly under the administrative control of the Maha Rajah and it was not a Government department that could be interfered with by any other member of the Government and that was the practice before the days of democracy. It was the ruler of the State of Mysore or of Travancore or of Cochin that had the entire control of the department. I know that because only three years ago before this merger came and before democracy swept those States, to the eternal benefit of the people of those States I hope, though the people seem to have grave doubts at present

AN HON. MEMBER :—"Not the people!"

* DR. A. LAKSHMANASWAMI MUDALIYAR :—"If you see the Malayalee papers, you won't say that.

"At any rate, I know very well that, from out of the Devaswom department, a sum of Rs. 5 lakhs was given to start a college and it was under the authority of the ruler of the State that it was possible to do so. So, to compare the Devaswom departments of those States as they existed then with the provisions of this Bill which seek to departmentalize the whole of the religious institutions under the control of the Government, does not seem to me quite appropriate.

"Sir, I do not wish to draw a red-herring across the track. I want to say this; when you departmentalize these and take over under the control of the Government and that this Government shall have control over the Hindu religious institutions, the Hon. Minister if I understand him rightly, implied that as Hindus will be in a majority, there will be no need to worry. There is no reason for us to suppose that in a system of democratic form of Government when people do not think of the candidate as a Hindu or Muslim or Christian, as the Hon. the Finance Minister has also said, it is just possible that the Hindu community may be in a minority. Again, Sir, as my hon. Friend, Sri Bhima Rao, rightly said that in a democratic form of Government you must expect a

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change of ideologies to sweep in at one time or other and in the sweeping in of such changes in ideologies you must expect a transformation if not a transfiguration of those occupying the Treasury Bench. Are you so sure that the people that will succeed you will have the same consideration as I am sure you have at present for the proper conduct of the measure that you seek to enact. This measure is not for this year or for that year. I hope, and it is not realized, that this is a measure which is being placed permanently on the Statute Book. Is it right or fair that under such circumstances, when the changes are not very remote in the personnel of the Treasury Bench in a manner that may not always be pleasant to us and which is inevitable in a system of democratic form of Government, we should allow a measure with so much of control by the Government, so much of guidance and so much of power to direct, in what may prove to me the wrong channels.

"Sir, I have said that the whole of these institutions are to be a department of the Government. The Hon. the Law Minister in the course of his introductory remarks said that the Hindu Religious Endowments Board was pressing for provincializing the whole scheme. Those who are employed in local bodies are pressing for provincialization and those whom we appoint to panchayats are pressing for provincialization. The whole thing is mixed up with the idea of bread and butter and if the Hindu Religious Endowments Board wanted to provincialize the whole thing, I have no doubt that they had very good reasons for this provincialization. If the Hon. the Law Minister had told me what other reasons they had advanced, I could have understood it. But, knowing as I do, having been for nearly 40 years a servant of the Government, that we ask for provincialization in spite of the very bad treatment that we get occasionally from the hands of the Government. It is a question of not throwing ourselves from the frying pan into the fire.

"Sir, it gratified me very much, indeed I felt elated when in this House complimentary references were made to a great leader, one of the greatest leaders, who had become a great leader through bad and good reports, the late Raja of Panagal. You know very well, Sir, it was my great good fortune as a young man for twenty years to have sat at his feet and listened to his discourses on many of these matters. He had a great and grand idea. At the time when he introduced this Bill, although actually so many curses were passed on him, he had this fundamental idea to reform and purify the administration of the Hindu Religious Endowments. What did he do? He could have taken the power just as this Government is trying to take power and he had a party behind him. If I may use a simile that was applied to me in a humorous journal, I hope you will not put me to order, Sir. I was supposed once, sitting in the Senate as a senator, driving off a mosquito by raising my hand and the other members seeing this, simultaneously raised their hands thinking that a proposition was being put to

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vote. That power the Treasury Bench has got to-day, and he the late Raja of Panagal had that power then and that, I can assure the Hon. Minister and you know that, Sir, he never used that power. There was a real spirit and he could have got that power. He could have done what the Hon. the Law Minister wants to do to-day. That was 25 or 26 years ago. This Bill was passed in 1923 and it was on account of that Bill more than any other Bill that he came into the House again in somewhat attenuated numbers. I can tell you that also, Sir. But, he never asked for that power.

“He constituted an appropriate Board and defined their powers. Give them the opportunity to face the public criticism and still the Government have the whip hand if they go wrong. What do this Government propose to do? First of all, they are going to appoint a Commissioner. I think the idea of a Commissioner has come into vogue after the second world war. Sir, it is somewhat extraordinary that we believe in single individuals controlling everything. So much so, the Central Government began with Director-Generals, Superior-Generals, Controller-Generals and all sorts of Generals and these people really thought that they were Generals except that they do not wear the uniform. This gentleman, who is known as the Commissioner, will be a super-Matadhipati under this Bill. I do not think there will be anybody in the wide world, short of Stalin, who has such extraordinary powers invested in him as these which the many provisions of this Bill propose to confer on the Commissioner. I am not trying to make a debating point of it. He has got the power to control, to direct and to supervise the Deputy Commissioner, the Assistant Commissioner, the Area Committees, the Hereditary Trustees, the Ordinary Trustees, the Board of Trustees, etc. He has got the extraordinary power to listen to everybody and pass final orders. There is no appeal from the Commissioner's final orders in the majority of instances. This Bill is bound to be passed into law whatever may be the criticisms offered on the floor of the House. I hope I shall have the honour of seeing this Commissioner when he is seated on the throne of grace, administering the religious institutions.

“I say, this is fundamentally wrong. It is good to give to a board such powers, but it is bad to give the same to an individual. I have stated, and I will repeat, that power corrupts man. Great power greatly corrupts and there is no man who is not susceptible to such corruption when power is given to him in an unlimited measure.

“While, therefore, I appreciate the point that there should be a certain amount of control, I cannot possibly agree to a policy or measure which seeks to give such vast control to an individual, the Commissioner. The lower rungs of the heir-archy consist of the Deputy Commissioner, the Assistant Commissioner, etc., and the area committees which are to be nominated by the Government. It is an irony of fate that, when we are going in for adult franchise on the one hand and when we are going to have the land flowing

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with milk and honey by the institution of panchayats in all our villages, we should have these area committees nominated by the Government without the right to have their own chairmen. The Deputy Commissioner or the Assistant Commissioner must go and preside over their meetings. These deputies and assistants are the only people who can train the members of the area committees from naughty boys into well-disciplined school boys! I dare not say that from the position I occupy, because the students will be up in arms against me and I will not be able to visit any institution of that kind. It seems to me that, if we want the area committees to discharge their responsibilities properly, there should be a greater amount of trust placed in them and there should be the least interference on the part of the bureaucratic elements present therein. The provision is that an assistant commissioner should be the chairman of an area committee and, only if he is not able to preside, should the committee elect its own chairman. And the curious fact is that such a chairman will have no vote. He can only take part in the proceedings. This is a fundamentally new conception of what a meeting is and how it is to be conducted. It may be that the idea is that the elected chairman should not unduly influence the voting, by raising his hand in the manner I am supposed to have done at a meeting I mentioned a few minutes ago. Sir, in the old days, at the meetings of the district boards when the collectors used to preside, it is said that the members were always expected to say: ‘I agree’ to whatever the collector said. The only thing they were expected to say was a Telugu expression ‘kankara devara’ (కంకరా దేవరా) meaning, ‘I concur, Sir.’ They did not know that they were using English words which meant, ‘I agree’. They simply said ‘kankara devara’. It seems to me that the area committee members are expected to say ‘kankara devara’ at meetings when the assistant commissioner presides.

“In another respect, I am sorry to have to say, this measure is going to petrify some of the things that are not to be petrified. Here is a Government which is giving a certain amount of benediction to certain things that, I consider, require radical change. Let me refer to two of them. The question of hereditary trusteeship is one that has been puzzling the minds of many Hindus for a good length of time. In my humble opinion, the term ‘hereditary trustee’ is self-contradictory. You cannot expect the son of a trustee to acquire from his father the sense of responsibility of his father hereditarily. The word implies that he is capable of managing the trust according to the well-known canons of a trust. How can a man become capable, by hereditary, to manage a trust? To think that this capacity will descend as a hereditary trait from generation to generation is wrong and is against all modern scientific knowledge of hereditary traits. I can say without fear of contradiction—and, Sir, your vast experience will bear testimony to what I say—that the only things that one hereditarily gets are the bad traits of his forefathers. If they were drunkards, their successors

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will be drunkards. Fortunately for us, prohibition will compulsorily prevent us from becoming drunkards. But there is one well-known scientific phenomenon and that is, the things that are transmitted from generation to generation are nothing good, but only evil traits. I must say, therefore, that the one fundamental thing to do in regard to these religious institutions is the abolition of the hereditary trusteeship.

"I find that much eloquence was spent in the other House where there was more heat than light generated during the 18 days' discussion of this Bill; but to my surprise the majority of the speeches were all for petrifying some of the ancient traditions and customs which are condemned under modern conditions. Similarly, I fail to see how there can be a hereditary line of archakas. They are priests who repeat a large number of slokas or stothras and Sahasranamams. You and I have visited many temples. Now let me tell you, having listened to their chanting of the ashtotharam, that it does not seem that they knew what it is and, in any case, they finished the business more quickly than we anticipated. Sahasranamam, even when it is repeated with the rapidity of a cataract with which they were pronouncing the thousand names, could certainly not be finished within the time they do it. It is this practice that brings the Hindu religion into discredit. This is why people say something awkward about the Hindu religion. This is the root cause of the anti-Hindu feeling generated by a set of people who do not realise the unfortunate nature of their propaganda. Let us face the facts. I for one will have no hesitation in saying that there should be a very good test—moral, intellectual and physical—for those who take on this great responsibility of inculcating into the minds of the heterogenous people something of the spirit of the revitalised Hinduism.

"My hon. Friend, the Deputy Chairman, is the President of the Tirumalai-Tirupati Devasthanam. I am glad to see him functioning there, introducing useful schemes. He has a scheme for the establishment of a college or school for giving proper training for this thing. It is true that there is no religion in the world except ours where those who enter the priesthood have necessarily to be limited to a certain lineage by birth. Christianity throws its doors wide open to anybody who seeks to get ordained as priest. Islam has its own laws by which the Moslems create their priests. Buddhism has its own methods of creating its monks and Judaism and Zoroastrianism too have their own methods for robing their priests. We have, however, accepted this principle that the priesthood must be limited by birth to a particular class. I am not quarrelling with that; but, having limited our choice in that manner, if Hinduism is to be revived, it can only be made possible if those who have power and influence set their face against this bad practice and create a college of divinity—an institution where there will be good training given. I know that in some places such training is being given; but

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let me not be misunderstood when I say that there should be greater learning and training to control the habits and a disciplined method of life for those who enter upon the greatest profession of spiritual preceptors to the vast masses of people. This Bill tries to petrify those old antiquated customs which under modern conditions, with the ever-increasing flow of new thoughts and methods of life and impact of other religions, will not stand the strain unless we provide these requirements as quickly as possible.

"We know all of us that with regard to these customs there must be a certain amount of elasticity. Those who are interested in the Hindu faith should set an example themselves by making such changes as may be necessary from time to time. It has been laid down in the Hindu texts themselves that one of the fundamentals of the Hindu religion is its adaptability to changing conditions of the world, consistently with the eternal principles one should follow.

"Sir, next let me turn to some of the other things which, as far as I am concerned, require some enlightenment. Let us take clause (34) (1) which refers to the privileges or the conditions under which certain emoluments are to be made available to Devadasis in temples. Now, I have a faint recollection that, somewhere in 1947, the Legislature passed a Bill for the abolition of Devadasis. I know that in that Act it is laid down that section 44-A of the Endowments Act, so far as it applies to them, should continue to apply to Devadasis. I would like to know what the implication of introducing this new clause is. Is it suggested that the Devadasi system should be revived in our temples, because under clause 8 it is said: 'For the purpose of this section "devadasi" shall mean any Hindu unmarried female who is dedicated to a temple . . .'. It would appear that the present tense is used with some significance. Is it the view of the Hon. the Minister for Law that this custom should be revived so as to make our religion the grand old thing it was? I would not have taken this seriously but for certain statements that appeared in the Press. Actually a certain gentleman suggested, at one of the great conferences which we have the privilege of holding in our city during what we may call the festive Christmas season, that we must revive this practice of having 'girl dancers'. Sir, some 45 years ago, when I was quite a moustacheless lad, I joined some people who thought very lowly of the custom of having nautch parties at the marriages and we resolved vow that we would not attend any marriage at which such a nautch party was held."

MR. CHAIRMAN:—"Except to see whether such a party was going on or not." (Laughter.) 4-30 p.m.

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"We had spies in those days. We had peculiar ideas and fears. We thought that it was perhaps wrong. We did not realise, as people

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now seem to realise that the two things were different, that the nautch itself was one of those very highly civilized forms of entertainment—at any rate they say so—whereas the person concerned might be different. I shall not say more about it. But I do want some enlightenment as to what exactly is the place the Devadasi is going to have in this scheme of things, whether it is merely rendering unto her those privileges in the shape of lands and other things which she used to have or whether she should still continue to render service because she has got the lands."

* THE HON. SRI K. MADHAVA MENON :—" Clause 34 definitely says that the service of the Devadasis will be stopped and that lands will remain with them and that instead of doing the service they should pay quit-rent for the lands. The clause definitely says that the lands shall be enfranchised from the condition of service by the imposition of quit-rent. I do not know exactly what more clarification the hon. Member wants."

MR. CHAIRMAN :—" The hon. Member refers to the definition of 'Devadasi' in sub-clause (8) of clause 34."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" If, as the Hon. Minister says, it is merely a change to payment of quit-rent instead of rendering service, I shall not quarrel with it. It is not my object that those who have been in the enjoyment of these lands should be deprived of them."

MR. CHAIRMAN :—" Perhaps the confusion is due to the use of the word 'is' instead of the word 'was' in the clause, 'who is dedicated to a temple'."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" My mind is a little confused, Sir. I am glad that some amount of clarification is forthcoming."

* THE HON. SRI K. MADHAVA MENON :—" Under the Board's Rules, where there is a service inam, if the service is not performed, the inam can be resumed. The party will lose the land. We do not want the service of the Devadasis here. We say that the land shall not be resumed, that it shall be given to the family concerned and that instead of the service, quit-rent should be paid."

MR. CHAIRMAN :—" The definition in sub-clause (8) of clause 34 says—

'(4) For the purpose of this section, "Devadasi" shall mean any Hindu unmarried female, who is dedicated to a temple.'

So it refers to future dedication also."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" If the word had been 'was' instead of 'is' it would have been different. In view of the new ideas that are creeping in, I thought probably there was a demand for this."

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* THE HON. SRI K. MADHAVA MENON :—" There is already an Act passed by this Legislature preventing the dedication of girls to temples."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" That is why I said that this would be inconsistent with that Act."

MR. CHAIRMAN :—" My impression is that the Devadasis Act prevented only future dedication. What about those who are already dedicated? Does that Act provide for discontinuance of the service by these people? "

THE HON. SRI K. MADHAVA MENON :—" They need not do service hereafter . . ."

MR. CHAIRMAN :—" I think those who are there continue to be there."

THE HON. SRI K. MADHAVA MENON :—" They need not do service hereafter."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" I hope so."

" I now come to Chapter IV—Maths, which has naturally exercised the minds of many people. It is not quite fair for the hon. Member to say that this chapter affects only particular communities. Let me assure the hon. Member that there are many Saivite Maths and the heads of these maths have a very large number of disciples who look upon the matadhipathis with a great deal of reverence."

MR. CHAIRMAN :—" May I say a few words by way of clarification of this point? I have heard arguments that there is discrimination in taking up Hindu temples and charitable endowments alone for consideration here. Now what is wrong in a measure which does not take up all kinds of charitable endowments but takes up only one kind of charitable endowments? If it is admitted that these charitable institutions require some amount of supervision and control over their management, what is wrong in restricting a measure like this only to those institutions? I can understand a matadhipathi or somebody else who is opposed tooth and nail to this measure advancing such an argument. I wish to know what is wrong in such a measure by itself, what is intrinsically wrong about it."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" By saying 'Hindu charitable endowments' you are restricting the charitable endowments by making them applicable only to Hindus, while the time has come to diffuse a more cosmopolitan spirit in the people and see that even these charitable endowments are open to everybody—Hindus and non-Hindus alike."

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MR. CHAIRMAN:—"That is a different point. If the Pachaiyappa's College for instance admits only Hindu students, then and then only it will come under the definition of Hindu charitable endowments."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"The definition of a 'charitable endowment' restricts it only to the Hindu community. My objection is that in the matter of collegiate or school education at any rate, restriction of admission to particular communities will defeat the very purpose of a secular State."

MR. CHAIRMAN:—"I agree. In such cases, it would not come under this Act as an endowment which is used by the Hindu or the Jain community. If any college or any charitable institution can be used by all communities, then it would not come under this Act."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Is it desirable by an Act of this nature to countenance such use of educational institutions?"

MR. CHAIRMAN:—"That is a different point. I can understand a person like Sri Manjaya Hegde saying that he does not want this Bill under any conditions."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"In the Madras University Act it is laid down that no sort of restriction on account of caste or creed shall be imposed on anybody seeking admission to any educational institution under the University."

MR. CHAIRMAN:—"But it would not come under this Act."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"If it does not, so much the better."

"I now come to maths. Maths belong to Brahmans and Non-Brahmans. I do not think it is justifiable to say that the inclusion of maths adversely affects any particular community only. I do feel that much greater thought and consideration ought to have been bestowed on the matter before they decided to include maths in this legislation. The very definition of 'math' is different from what it was in the 1926 Act. I do not know who was responsible for it. It is laid down here—

"'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 . . .

In the old Act it was only, 'Whose duty it is to render spiritual service'. As they have now added 'imparting religious instruction' our Commissioner may say that the head of the math must take eight hours' classes a week just as the Government impose the restriction that schoolmasters should have 25 periods a week. Or else he may say that the matadhipathi is not complying with

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this definition. That is not the spirit in which you should treat the spiritual head of a great religious institution. I do not know who was responsible for introducing this very questionable clause 'whose duty it is to engage himself in imparting religious instruction' in this Bill. The matadhipathi knows his duty. If you had stopped with saying, 'whose duty it is to render spiritual service' there would have been some dignity. The whole chapter, if I may say so respectfully, is couched in terms which must necessarily produce a certain amount of depression in the people who believe that in spite of all that has been said about the wickedness of certain matadhipathis, there is something reminiscent of good there, and it can be improved provided the devotees and the disciples and others connected with it rise to the occasion. The matadhipathis are what their disciples make of them, though the disciples undoubtedly receive inspiration from the matadhipathis. I do not plead for those who transgress the moral law. Let them be brought under the clutches of the law as they richly deserve. But I do plead that when you are thinking of the spiritual heads of these institutions there must be a certain amount of composure and a spirit of humility even in the Government in approaching such personages. I will take one or two things which, I felt, are not consistent with this spirit. You have definitely stated that the matadhipathi will be the trustee of the math. Then in clause 55 (1) it is stated—

'(1) 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.'

Very good. The thing is given as personal gift. The giver knows and the receiver knows it and no question arises as to the purpose for which it is given. Having given the matadhipathi permission to spend it according to his own ideas of how it should be spent, the next sub-clause says—

'(2) 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 authorized by him in this behalf, whenever so required.'

If the Commissioner asks a Lower Division clerk to go to the matadhipathi, then the matadhipathi must produce the accounts to him. Is that the way in which you want to treat a matadhipathi? I was almost afraid that a provision like this would cause high blood pressure to my hon. Friend Mr. Bhima Rao, but I am phlegmatic and so not worried. Is there any necessity, any reason for this? Is it not absurd for you to enact this condition? Are there not other methods of achieving the object? Should the *pathakanika* be subject to the scrutiny of the super-matadhipathi, the Commissioner? You say that it is a personal gift. Are we not receiving personal gifts? Except that we have to keep our accounts regarding our pay to the satisfaction of the Income-tax officers, none of us can afford to reveal all the methods by which we spend all the monies we receive. Therefore let not the matadhipathi be the only exception to the rule. I hope that hon. Members on calm consideration will feel that my criticisms are not merely

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humorous but are made in the humblest spirit so as to convince them that this is not the right approach. Then Sir, if you wanted that the properties of the maths, the secular aspect of the maths should be under some supervision—and I concede the need for it—you could have differentiated between the spiritual and the secular affairs. You could have asked the matadhipathi to nominate a trustee for the secular affairs and then have had a strangle-hold over the trustee. The matadhipathi is the spiritual head and he ought to resign himself to that. So far as the properties are concerned, if you say that the trustee shall be the matadhipathi, it brings him in direct subordination to the person who has no claim to be any sort of religious head, except such claim as the Government may give him by virtue of his office.

4-45 p.m. "Then Sir, there is another point and I feel strongly on this although I owe no sort of allegiance to any math whatsoever. A math, if it is situated elsewhere than in this State, if it has properties in this State, the matadhipathi has got to come here and show his accounts and pay his obeisance to the Commissioner sahib. It seems to me that in all these respects you are fundamentally offending something which a Hindu who is associated with the math has a right to feel offended about. Sir, under the Act, anybody who professes to be a Hindu is eligible for any of the appointments. I looked into the dictionary for the meaning of the word 'profess', and I cannot tell you all that is given in the dictionary; but I shall be . . ."

Mr. CHAIRMAN :—"I think you were a Professor yourself."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—"But I do not profess anything, Sir. This language of course is copied from the 1926 Act. But I ask, would a Hindu who marries a European, if he professes to be a Hindu, be eligible for all these privileges? Would his wife, if she is a non-Hindu, but professes to be a Hindu, be eligible for all these privileges? Would the children who are the offsprings of mixed marriages, be eligible for these privileges? I am only putting these questions because you have a series of lucrative appointments created under this departmentalised administration; and after all, even the best of these jobs are not such as to be entirely out of the scope of the ambition of anybody who is a citizen of India. Will you admit all people who are citizens of India to these privileges? I only want an answer. Personally, I do not feel strongly either way, because I know some of them are even better Hindus, better than any of us. If, for instance, Dr. Annie Besant wanted to be a Commissioner under the Hindu Religious Endowments Act of 1951, I for one would have welcomed that grand opportunity. But that apart, Sir, let us know what it is we are now committing ourselves to when we say 'anybody who professes to be a Hindu'? In the old Act, the privileges were very much limited and people did not therefore take note of it. That Act was passed in 1926; much water has flown under the bridge since then. Within the last 25 years,

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the contour and configuration of Delhi has changed and has changed in such a manner that the situation is very different to-day. And if you go there, you will know what sort of people profess to be Hindus and how many of them are really Hindus.

"I now come to the Chapter which I think is a very important chapter, the chapter with regard to budget-framing. This is a very difficult thing for a religious institution. One of the clauses here says—

"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 contribution under section 76 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 . . ."

So, this is to be provided for every year. You know the condition of most of the temples. Renovation of temples is certainly a very important thing; but the renovation when it is started, involves so many other complicated processes which in their turn require a very large amount of money. If this is provided for—and the trustee has under the provisions of the Act, to provide for it—the funds will be wasted every year on so-called renovations. The Commissioner of course has got the power to look into it. But on the other hand, if you have a building fund into which this particular amount is deposited from year to year, and if the fund is accumulated so that it may be utilized whenever necessary, then there will be a much better opportunity for the amount to be utilized properly.

"I come, Sir, lastly to the provisions regarding Finance. Here there is a fundamental change. I am not going to take the institutional aspect of it whatsoever. Apart from the fact that there is an increase in the contribution that is demanded from these religious institutions from 1½ per cent to 5 per cent, the Government undertake full responsibility to pay the salaries, allowances, pension and other beneficial remuneration, of the Commissioner, the Deputy Commissioners, Assistant Commissioners and such other officers and servants as are mentioned, and also the cost of audit. Now, Sir, under the old Act, it was necessary for the Hindu Religious Endowments Board to meet the expenditure out of its income. It was necessary for the religious institutions concerned to meet the cost of the audit fees. Now, however, the Government say that they will take a certain percentage and they will out of the general revenues of the tax-payer, meet all these costs. It seems to me that unless this provision applies to all religious institutions, there is certainly some thing fundamentally objectionable in the general tax-payer's money being utilized—whether it will be really utilized is not the point—but it is certainly fundamentally objectionable, for being utilized for a religious institution of a particular denomination. I am not raising the constitutional point, but it seems to me it is a very clear case that has got to be examined. All this trouble would not

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have arisen at all if the Government had kept aloof and allowed the machinery to be operated upon by quite a different set of people altogether. Now, I should like to know whether it would not have been possible for the Government to set up a machinery like the Public Service Commission—I do not say the present Public Service Commission—but a Service Commission for the determination of the pay, the emoluments, the qualifications, etc., and for the selection of the personnel. Is it right that a secular Government composed of a democratic Legislature with all the beneficial influences that democracy can exercise over that Government, should have this privilege of selecting the personnel, fixing their salaries and giving them their terms and conditions of office? Sir, it was the late Raja of Panagal on a famous occasion when the no confidence motion was moved against his ministry in the year 1924 by Dr. C. R. Reddi, who said—and his words have been ringing always in my ears—in a very pathetic tone almost at the conclusion of his reply: ‘Sir, for every appointment that is made, I make a doubtful friend, but 99 certain enemies’. The surest way for any democratic Government to dig a grave for themselves is to exercise this patronage. Can any Government free themselves from all the imputations that may be made not only by those who have no opportunity to secure these offices, but by members of other religious persuasions, all the imputations which will certainly appear in the Press? And it will certainly be very difficult for them to explain them away every time. I therefore ask them whether it may not be possible to have a statutory body to exercise these functions and control these people and punish and dismiss them. The Hon. Minister for Law is not in a position to dismiss even a peon in his office,—let him contradict me if he can—much less can he dismiss a lower division clerk; they have a right of appeal. Here however the Commissioner has got an absolute power of dismissal of a large number of people. Is it right, Sir? Would it conduce to efficiency of administration? From the little knowledge I have, I am afraid it will not.

“Lastly, Sir,—I am sorry I have taken so much of your time and time of the House—I come to clause 100. Clause 100 is extremely interesting. Members are doubtless aware that whenever the Government pass a measure, they give us a glimpse into the main objects of the Bill and say that the rest of it all is covered by the rules. You will be surprised to know that in clause 100, the rule-making purposes are so many that after having exhausted all the letters of the English alphabet, they have come to double letters (aa). Sir, I do protest against so many provisions being made under the rules. My friend has referred to the preservation of the images of temples. I do not know what rules can be made for the preservation of images in the temples. When I was in Palni some time ago, I found, having visited that place some 42 years ago in 1909, that the image of Palani Andavar was getting thinner and thinner. Some of the Ministers here may say in a jocular mood ‘it is because of food rationing’. It will shock me to hear all that, but that is because of a certain jest. What is

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this ‘preservation of images in temples’? It may be that they want to see that the images are not lost. But such things are not exactly for being brought under the rule-making powers of the Government.

“Then again, Sir, if the rules are to be made by the Government, one of the functions of the degenerate past Government was that those rules should be placed before the Legislature, not merely for their information but also for their ratification. Under the Act of 1926 there is a provision to say that the different schedules that are there may be modified, but before doing so, they must be published; and the rules made thereunder must be placed before both the Chambers of the Legislature and must be approved by both of them. I do not want to dilate on that point any further.

“One other thing I would say is with reference to clause 106. Clause 106 says—

‘If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.’

You will realise, Sir, they may do anything and at any time. It is a thing that will go on for years and years; while in the corresponding section of the previous Act, it is definitely laid down that what the Government can do is to remove such difficulties as may arise only at the time of the inauguration of the Act and for that time only. Similar provisions are found to exist everywhere. When the Madras University Act of 1923 was passed, it was laid down that the Government might do all such things as might be necessary at the initial stages to implement the provisions of the Act and remove any difficulties that might arise. I say, Sir, seriously that it is too wide a power to be given to the Government.

“I must now apologise to the House for having taken so much of its time. My only object is not to say that the Hindu Religious Endowments should not be well administered, not to suggest that they must not be controlled, but only to plead for a more intelligent, if I may use the word without offence, method and for a spirit of religious tolerance and humility in perpetuating the measures that are necessary. The hand of the Government is always mighty and powerful as of any Government and the more the powers that are vested in the Government, the greater is the danger. To have such power is good, but to wield it is folly. It is only in that spirit that I would appeal to the Government to review this Bill and see that at least in the methods in which they are going to implement it, they do incorporate some of the suggestions that I have ventured to make just now.”

MR. CHAIRMAN :—“We will continue the discussion on Monday. The House will now adjourn and meet again at 2-30 p.m. on Monday next.”

The House then adjourned to meet again at 2-30 p.m. on Monday, the 22nd January 1951.

[19th January 1951]

APPENDIX 1.

[Vide answer to starred question No. 92 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 19th January 1951, page 173 supra.]

Disciplinary proceedings tribunal rules.

In exercise of the powers conferred by section 241 (1) (b) and (2) (b) of the Government of India Act, 1935, and of all other powers hereunto enabling, His Excellency the Governor of Madras hereby makes the following rules:—

Rules.

1. (a) These rules may be called the Madras Civil Services (Disciplinary Proceedings Tribunal) Rules, 1948.

(b) They shall come into force on the 1st January 1949.

(c) They shall apply to all officers under the rule-making control of the Provincial Government, other than those referred to in section 247 of the Government of India Act, 1935.

2. In these rules—

(a) 'Corruption' shall have the same meaning as "criminal misconduct in the discharge of official duties" under section 5 (1) of the Prevention of Bribery and Corruption Act (Act II of 1947);

(b) 'Government' means the Provincial Government;

(c) 'Tribunal' means the Tribunal for Disciplinary Proceedings.

3. (a) The Tribunal shall consist of two judicial officers of the status of District and Sessions Judge.

(b) Appointment to the Tribunal shall be made by the Government.

(c) The Government shall nominate one of the two members of the Tribunal to be its Chairman.

(d) The Chairman and the other member of the Tribunal may sit together or singly as may be decided by the Chairman, having regard to the importance of the case and the status of the accused officers.

(e) The Chairman of the Tribunal shall be competent to distribute the work of the Tribunal between himself and the other member and to decide who should record the evidence of witnesses when they both sit together.

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4. The Government may, subject to the provisions of rule 5, refer to the Tribunal—

(a) cases relating to Government servants on a monthly salary of Rs. 150 and above, in respect of matters involving corruption on the part of such Government servants in the discharge of their official duties;

(b) all appeals or petitions to the Government against orders passed on charges of corruption and all disciplinary cases in which the Government propose to revise the original orders passed on such charges:

Provided that it shall not be necessary to consult the Tribunal in any case in which the Tribunal has, at any previous stage, given advice in regard to the order to be passed and no fresh question has thereafter arisen for determination.

(c) any other case or class of cases which, the Government consider, should be dealt with by the Tribunal:

Provided that cases arising in the Judicial Department and against Government servants in the subordinate ranks of the Police forces of the rank of Sub-Inspector and below shall not be referred to the Tribunal.

5. (a) In every case referred to in clauses (a) and (c) of rule 4, on completion of investigation, the Special Branch of the C.I.D. or other departmental authority concerned, shall forward to the Government all the records of the case.

(b) The Government shall, after examining such records and after consulting the Head of the Department concerned, if necessary, decide whether the case shall be tried in a Court of Law or by the Tribunal.

(c) If the Government decide that the case shall be tried by the Tribunal, they shall send the records to the Tribunal.

(d) In any case where the Head of the Department is not consulted, he shall be informed of the action that is being taken.

(e) When the Tribunal is seized of the case, the staff of the Police and concerned departments shall help the Tribunal in securing the necessary documents, in the production of witnesses and in such other ways as the Tribunal may desire.

(f) There shall be a Director of Prosecutions to conduct enquiries on behalf of the Government in disciplinary cases before the Tribunal and the accused officer concerned shall be allowed to be represented by counsel.

6. (a) The Tribunal may in its discretion co-opt an assessor to assist it. The assessor shall be an officer of the department to which the Government servant charged belongs, having a rank higher than that of the Government servant charged. In no case shall the rank of an assessor be below that of a gazetted officer or of a district head of the department concerned.

(b) For the purposes of sub-rule (a), in any case where more than one Government servant is charged, the assessor shall be an officer above the rank of the highest Government servant charged.

[19th January 1951]

7. (a) The Tribunal may sit at such places as it may determine with due regard to the convenience of the parties concerned and expenses involved.

(b) The proceedings of the Tribunal shall be *in camera*.

8. (a) Notwithstanding anything contained in rule 15 of the Madras Civil Services (Classification, Control and Appeal) Rules, the following procedure shall be adopted by the Tribunal in conducting enquiries in cases of corruption:—

As soon as the records relating to allegations of corruption against a Government servant are received, the Tribunal shall frame appropriate charges, communicate them to the Government servant concerned together with information as to the date of enquiry into the charges and a list of witnesses likely to be examined in respect of each of the charges. Copies of statements taken by the Special Branch of the C.I.D. in the course of the investigation shall not be communicated to the Government servant but they shall be furnished to him at the commencement of the enquiry in order to enable him, if necessary, to cross-examine the witnesses. At the enquiry, oral evidence shall be heard and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the Tribunal may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. After the enquiry has been completed, the person charged shall be entitled to put in, if he so desires, a written statement of his defence and argue the case orally. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

(b) After the enquiry has been completed, the Tribunal shall send its findings and recommendations to the Government together with its opinion, in cases in which acquittal is recommended, whether the acquittal is an "honourable acquittal" for purposes of Fundamental Rule 54 (a). Where the Tribunal does not express any such opinion it shall be presumed by the Government that the acquittal was not an honourable one. After the Government have arrived at provisional conclusions in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the Tribunal and be called upon to show cause within a reasonable time, not ordinarily exceeding one month, against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration by the Government before final orders are passed.

(c) Where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him or where he does not take part in an enquiry, the enquiry shall still proceed.

(d) All or any of the provisions of sub-rules (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived by the tribunal where there is difficulty in observing the requirements of those sub-rules and the requirements can be waived without injustice to the person charged.

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(e) The provisions of the Madras Civil Services (Classification, Control and Appeal) Rules shall apply—

(i) in regard to the procedure to be followed in cases other than those of corruption; and

(ii) in regarding to any other matter for which no specific provision has been made in these rules.

9. Notwithstanding anything contained in the Madras Civil Services (Classification, Control and Appeal) Rules, the Government shall be the authority competent to impose a penalty in cases enquired into by the Tribunal. The advice of the Tribunal will ordinarily be accepted. If the advice is to be rejected or deviated from, the reasons for such rejection or deviation shall be communicated to the Tribunal and the remarks of the Tribunal in regard thereto shall be taken into consideration before passing orders.

APPENDIX II.

[Vide answer to starred question No. 101 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 19th January 1951, page 185 supra.]

Rules governing admission of patients into Government T.B. Institutions.

In order to regulate the admission of patients into the Government tuberculosis institutions in the State the Government prescribe the following rules:—

A. GENERAL.

(1) No patient should come for admission to a hospital or sanatorium unless intimation regarding the availability of a bed is received by him from the authorities of the hospital or the sanatorium.

(2) Those who come without notice are liable to be refused admission either for want of beds, or if their cases are considered unsuitable for admission.

(3) "No case from other hospitals should be sent to the Tuberculosis Hospital or Sanatorium direct, but should be asked to attend the nearest Tuberculosis Clinic, if such a clinic is functioning within a reasonable distance".

(4) The opinion of the Director, Tuberculosis Institute, or the Superintendent of the Tuberculosis Hospital, or the Sanatorium shall be final with regard to the suitability of a case for admission.

B. RULES FOR ADMISSION TO GENERAL WARDS.

(1) A separate waiting list of all suitable cases should be maintained by each tuberculosis institution.

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(2) Cases seen at the out-patient department, namely, the Government Tuberculosis Institute, Egmore, which are found suitable for admission should be put on the waiting list.

(3) Admission should be made strictly in the order of priority of entry in the waiting list unless some emergency has occurred which requires immediate attention.

(4) Advanced cases, which have no chance of recovery, should not be put on the waiting list.

(5) Letters of recommendation received with regard to admission of patients direct to the hospital or sanatorium should not be taken into consideration but if on examination, the cases are found to be suitable, they should be included in the waiting list and should take their turn along with other cases.

(6) All Government servants (not their families), if found suitable for admission, will be admitted immediately. Police constables will be given special priority over other Government servants.

(7) Advanced cases among Government servants should not be admitted unless it be for purposes of issue of medical certificates, invalidation certificates, etc.

(8) Emergencies, which require immediate attention, such as Haemoptysis, Spontaneous pneumothorax, etc., whether they are on the waiting list or not, and whether they are early or advanced cases should be admitted immediately and kept in the hospital or sanatorium till the emergency disappears. After that, if they are found suitable for treatment, their names will be included in the waiting list, on discharge from the hospital or sanatorium and admitted when their turn comes.

(9) Patients sent by Tuberculosis Clinics and Hospitals in the mufassal for operative procedure such as Thoracoscopy, Thoracoplasty, etc., should be taken in directly and sent back to the respective place after operation.

(10) Patients sent from other hospitals for admission should also be put on the waiting list and admitted according to seniority in the waiting list.

(11) Only early cases of Tuberculosis amongst convicts should be admitted in the Tuberculosis Sanatorium at Tambaram. In the case of the Wellesley Tuberculosis Sanatorium, Bellary, first priority should be given for the admission of convict tuberculosis patients on certificates issued by the Jail Medical Officers. If, on investigation, it is found that any convict patient is suffering from tuberculosis in an advanced stage, he may be kept on in the Sanatorium so long as there is a bed available for him and later transferred to the Tuberculosis Hospital for chronic cases, to be opened at Royapet.

C. RULES FOR ADMISSION TO SPECIAL WARDS.

(1) A separate waiting list should be kept for special wards in Government tuberculosis institutions.

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(2) A registration fee of Rs. 25 should be charged for including a name in the waiting list for special wards and this amount should be remitted along with the application for admission. This amount will be adjusted towards hospital stoppages payable by the patient when admitted. If the patient does not turn up within seven days from the receipt of intimation of the vacancy of a bed, and if no extension of time is obtained from the Superintendent of the Sanatorium, the registration fee collected will be forfeited to Government and the bed will be given to the patient next in the waiting list.

(3) Patients from other States will be admitted only in the special wards.

(4) When special wards are not available, a cottage can be built by the sanatorium authorities provided the patient is prepared to pay the cost of construction of the cottage.

Note.—The Government direct that these rules be applied *mutatis mutandis*, to all Government medical institutions where there are tuberculosis wards.

APPENDIX III.

[Vide item II (2) on page 206 supra.]

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL, 1949.

(L.A. Bill No. 10 OF 1949.)

(As passed by the Assembly.)

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L.A. BILL No. 10 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the better administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Madras.

WHEREAS it is expedient to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Madras; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Madras Hindu Religious and Charitable Endowments Act, 1950.

(2) It extends to the whole of the State of Madras and applies to all Hindu public religious institutions and endowments, including the Tirumalai-Tirupati Devasthanams and the endowments thereof.

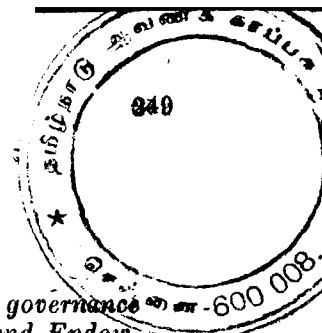
Explanation.—In this sub-section, Hindu public religious institutions and endowments do not include Jain religious institutions and endowments.

(3) It shall come into force on such date as the Government may, by notification in the *Fort St. George Gazette* appoint.

2. The Government may, by notification in the *Fort St. George Gazette*, extend to Jain public religious institutions and endowments, 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 institutions and endowments as if the expressions 'Hindu' and 'Hindus' therein included 'Jain' and 'Jains' respectively.

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 institutions and endowments concerned to show cause against the issue of the notification and consider their objections, if any.

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:



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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, specifying 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.

Exemptions. 4. The Government may, by notification in the *Fort St. George Gazette*—

(a) exempt from the operation of any of the provisions of this Act or of any rules made thereunder, any religious or charitable institution or endowment, the administration of which is for the time being vested in the Official Trustee or in the Administrator-General; or

(b) vary or cancel such exemption.

Repeals. 5. (1) The Madras Hindu Religious Endowments Act, 1926, is hereby repealed. Madras Act II of 1927.

(2) The Tirumalai-Tirupati Devasthanams Act, 1932, is hereby repealed, but the repeal shall not revive the arrangement made by the Government in 1843 for the management of the Tirumalai-Tirupati Devasthanams or the scheme settled by the Privy Council in Appeal No. 6 of 1906 or the rules framed under such scheme. Madras Act XIX of 1932.

(3) The following enactments shall cease to apply to Hindu religious institutions and endowments, namely:—

(a) The Madras Endowments and Escheats Regulation, 1817; Madras Regulation VII of 1817.

(b) the Religious Endowments Act, 1863; Central Act XX of 1863.

(c) the Charitable Endowments Act, 1890; Central Act VI of 1890.

(d) the Charitable and Religious Trusts Act, 1920; Central Act XIV of 1920.

(e) sections 92 and 93 of the Code of Civil Procedure, 1908. Central Act V of 1908.

Definitions. 6. In this Act, unless there is anything repugnant in the subject or context—

(1) "Area Committee" means, in relation to any temple or specific endowment, the Area Committee constituted under this Act and having jurisdiction over such temple or endowment;

(2) "Assistant Commissioner" means an Assistant Commissioner appointed under section 8;

(3) "Board" means the Board constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926; Madras Act II of 1927.

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(4) "charitable endowment" means all property given or endowed for the benefit of, or used as of right by, the Hindu or the Jain community or any section thereof, for the support or maintenance of objects of utility to the said community or section, such as rest-houses, choultries, patasalas, schools and colleges, houses for feeding the poor and institutions for the advancement of education, medical relief and public health or other objects of a like nature; and includes the institution concerned;

(5) "Commissioner" means the Commissioner appointed under section 8;

(6) "Court" means—

(i) in relation to a math or temple situated in the Presidency-town, the Madras City Civil Court;

(ii) in relation to a math or temple situated elsewhere, the Subordinate Judge's Court having jurisdiction over the area in which the math or temple is situated, or if there is no such Court, the District Court having such jurisdiction;

(iii) in relation to a specific endowment attached to a math or temple, the Court which would have jurisdiction as aforesaid in relation to the math or temple;

(iv) in relation to a specific endowment attached to two or more maths or temples, any Court which would have jurisdiction as aforesaid in relation to either or any of such maths or temples;

(7) "Deputy Commissioner" means a Deputy Commissioner appointed under section 8;

(8) "Government" means the State Government;

(9) "Hereditary trustee" means the trustee of a religious institution succession to whose office devolves by hereditary right or is regulated by usage or is specifically provided for by the founder, so long as such scheme of succession is in force;

(10) "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;

Explanation.—Where the headquarters of a math are outside the State but the math has properties situated within it, control shall be exercised over the math in accordance with the provisions of this Act, in so far as the properties of the math situated within the State are concerned;

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(11) "person having interest" means—

(a) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs;

(b) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts thereat;

(c) in the case of a specific endowment, a person who is entitled to attend at or is in the habit of attending the performance of the service or charity, or who is entitled to partake or is in the habit of partaking in the benefit of the charity;

(12) "prescribed" means prescribed by rules made by the Government under this Act;

(13) "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;

(14) "religious endowment" or "endowment" means all property belonging to or given or endowed for the support of maths or temples, or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity; and includes the institution concerned and also the premises thereof, but does not include gifts of property made as personal gifts to the archaka, service-holder or other employee of a religious institution.

*Explanation (1).—*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 not be deemed to be a personal gift to the archaka, service-holder or employee but shall be deemed to be a religious endowment.*Explanation (2).—*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, 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:

Provided that this Explanation shall not be deemed to apply in respect of any property which vested in any person before the commencement of this Act, by the operation of the law of limitation.

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(15) "religious institution" means a math, temple or specific endowment;

(16) "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);

(17) "temple" means a place by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of or used as of right by, the Hindu community or any section thereof, as a place of public religious worship;

(18) "Tirumalai-Tirupati Devasthanams" or "Devasthanams" mean the temples specified in Schedule II and the endowments thereof and shall include the educational institutions referred to in Schedule III;

(19) "trustee" means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested, and includes any person or body who or which is liable as if such person or body were a trustee.

CHAPTER II.

THE COMMISSIONER AND OTHER CONTROLLING AUTHORITIES.

7. There shall be the following classes of authorities under this Act, namely:—

- (a) The Commissioner;
- (b) Deputy Commissioners;
- (c) Assistant Commissioners; and
- (d) Area Committees.

8. The Government shall appoint the Commissioner and such number of Deputy and Assistant Commissioners as they think fit.

9. 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.

10. (1) The Commissioner shall, with the previous approval of the Government, specify the area within which each Deputy Commissioner, if there is more than one, shall exercise the powers and discharge the duties assigned by or under this Act to a Deputy Commissioner as such.

(2) The Commissioner may delegate any of the powers conferred or duties imposed on him by or under this Act [including the powers and duties of an Assistant Commissioner which may be exercised by the Commissioner under

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the proviso to section 11, sub-section (2), but not including the powers and duties of the Commissioner under section 18, 19, 38, 39, 52, 56, 61, 64 or 76 (2)] in respect of any area or of any class or group of institutions in the State or any area therein to a Deputy Commissioner subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

Territorial jurisdiction and powers and duties of Assistant Commissioners.

11. (1) The Commissioner shall, with the previous approval of the Government, divide the State into divisions, each of which shall be in the charge of an Assistant Commissioner.

(2) An Assistant Commissioner shall exercise such powers and discharge such duties as are assigned to him by or under this Act in respect of his division:

Provided that the Commissioner may, by order in writing, declare that the exercise and discharge of all or any of such powers and duties shall be subject to such exceptions, limitations and conditions as may be specified in the order, and may himself exercise or discharge any power or duty so excepted.

(3) The Commissioner may delegate to an Assistant Commissioner any of the powers conferred or duties imposed on the Commissioner by or under this Act [other than the powers and duties referred to in section 18, 19, 38, 39, 52, 56, 61, 64 or 76 (2)] in respect of the division of the Assistant Commissioner or of any institutions or any class or group of institutions in that division, subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

Area Committees.

12. (1) The Government—

(a) shall, as soon as may be after the commencement of this Act, by notification in the *Fort St. George Gazette*, constitute an Area Committee for all temples situated in an Assistant Commissioner's division or part thereof other than temples included in the list published under section 38; and

(b) may likewise abolish any Area Committee constituted under clause (a), provided that before doing so, a reasonable opportunity shall be given to the Committee to show cause against its abolition.

(2) An Area Committee shall have jurisdiction over specific endowments attached to the temples for which it is constituted, other than specific endowments included in the list published under section 38:

Provided that where a specific endowment is attached to two or more temples comprised within the jurisdiction of

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two or more Area Committees, the Commissioner shall decide as to which of the Area Committees shall have jurisdiction over the specific endowment:

Provided further that where a specific endowment is attached partly to one or more temples included in the list published under section 38 and partly to one or more temples not so included, only the Commissioner shall have jurisdiction over the specific endowment and no Area Committee shall have such jurisdiction.

13. (1) 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.

Strength of Area Committees and term of office and disqualifications of members.

(2) Save as otherwise expressly provided in this section, a member of an Area Committee shall be entitled to hold office for three years from the date on which his appointment is notified in the *Fort St. George Gazette*.

(3) A person shall be disqualified for being appointed as, or for being, a member of an Area Committee—

(a) if he does not profess the Hindu religion;

(b) if he has applied or applies to be, or has been, or is, adjudicated an insolvent;

(c) if he is of unsound mind, a deaf-mute or suffering from contagious leprosy;

(d) if he is a trustee of, or an office-holder or a servant attached to, or a person in receipt of any emolument or perquisite from, any temple or specific endowment over which the Area Committee has jurisdiction, or if he belongs to a joint Hindu family a member of which is such a trustee, office-holder or servant or a person in receipt of any such emolument or perquisite;

(e) if he has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months, for any offence other than an offence not involving moral turpitude, 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.

(4) A person shall also be disqualified for being appointed as a member of an Area Committee if he is already a member of some other Area Committee.

(5) A member of an Area Committee shall also cease to hold office—

(a) if he absents himself from three consecutive meetings of the Committee:

Provided that when a person who ceased to be a member by reason of such absence, applies for restoration within one month from the date of the last of the three meetings, the Committee may, at the meeting next after the

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receipt of such application, restore him to his office of member but a member shall not be so restored more than twice during his term of office, or

(b) if he resigns his office by giving notice in writing to the Government.

Chairman
of Area
Committee.

14. (1) The Assistant Commissioner of the division for which or part of which an Area Committee is constituted shall be its Chairman and shall be entitled to preside over its meetings and take part in its proceedings, but shall not be entitled to vote.

(2) He shall forward to the Commissioner a copy of the minutes of the proceedings at every meeting of the Area Committee within a week from the date of the meeting.

Power of
Government
to make
rules.

15. The Government may make rules regarding the convening of meeting of Area Committees, the quorum for, and the conduct of business at, such meetings, and all matters relating to the transaction of their business.

Act of Area
Committee
not to be in-
validated by
informality.

16. No act of an Area Committee shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that the Chairman or any member thereof was disqualified for, or had ceased to hold, his office, or by reason of such act having been done during the period of any vacancy in the office of the Chairman or any member of such Committee.

Performance
of functions
of Area
Committee
on abolition.

17. Where an Area Committee has been abolished under clause (b) of sub-section (1) of section 12, a new Area Committee shall be constituted within six months of its abolition and till then its powers and duties shall be exercised and discharged by the Assistant Commissioner concerned.

Power of
Commissioner
to call
for records
and pass
orders.

18. (1) The Commissioner may call for and examine the record of any Deputy or Assistant Commissioner, of any Area Committee, or of any trustee not being the trustee of a math or of a specific endowment attached to a math, in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If any such decision or order has been passed by any Deputy or Assistant Commissioner, or by the trustee of any religious institution other than one included in the list published under section 38, and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) (a) If any such decision or order has been passed by any Area Committee or by the trustee of any religious institution included in the list published under section 38, the

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Commissioner may, if he thinks fit, remit the matter together with his observations in regard thereto, to the Committee or trustee for reconsideration of the decision or order and report to the Commissioner within a time to be specified by him in this behalf.

(b) On receipt of, and after considering, such report, it shall be open to the Commissioner to modify, annul or reverse the decision or order, or the decision or order as revised after such reconsideration, as the case may be.

(c) If the report is not received by the Commissioner within the time specified or such further time as may be granted by him, the Commissioner may modify, annul or reverse the decision or order of the Area Committee or trustee, as the case may be.

(4) The Commissioner shall not pass any order prejudicial to any party under sub-section (2) or clause (b) or clause (c) of sub-section (3), without hearing him or giving him a reasonable opportunity of being heard.

(5) The Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1), pending the exercise of his powers under sub-section (2) or sub-section (3) in respect thereof.

19. (1) The Commissioner shall have power at any stage—

(a) to transfer any proceeding pending before a Deputy or an Assistant Commissioner to his own file and dispose of it himself, or

(b) to transfer it to another Deputy or Assistant Commissioner for disposal.

(2) If the Commissioner is satisfied that a Deputy or an Assistant Commissioner has failed to exercise any power or discharge any duty which he ought to have exercised or discharged, the Commissioner may himself exercise such power or discharge such duty.

(3) If the Commissioner is satisfied that an Area Committee—

(a) has failed to exercise any power or discharge any duty which it ought to have exercised or discharged, or

(b) is unable for any reason to exercise any power or discharge any duty,

the Commissioner may himself exercise such power or discharge such duty or authorize the Assistant Commissioner to do so:

Provided that in cases falling under clause (a), the Commissioner shall first fix a period for the exercise of the power or the performance of the duty by the Area Committee and shall exercise the right conferred on him by this sub-section only if the power is not exercised or the duty is not performed by the Area Committee within the period so fixed.

Other powers
of Commis-
sioner in
relation to
Deputy and
Assistant
Commis-
sioner and
Area
Committees.

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(4) Notwithstanding anything contained in this Act, where the office of a Deputy or an Assistant Commissioner is vacant, the Commissioner may, until the vacancy is filled—

(a) himself exercise the powers and discharge the duties assigned by or under this Act to the Deputy or Assistant Commissioner, or

(b) authorize another Deputy or Assistant Commissioner to exercise the said powers and discharge the said duties.

(5) Any party aggrieved by an order of the Commissioner under sub-section (1) (a), (2), (3) or (4) (a), not being an order against which a suit or an appeal to a Court is provided in this Act, may appeal to the Government within three months from the date of the receipt of the order by him :

Provided that the Government shall not pass any order prejudicial to any party without hearing him or giving him a reasonable opportunity of being heard.

CHAPTER III.

RELIGIOUS INSTITUTIONS.

General Provisions.

Powers and duties of the Commissioner in respect of religious endowments.

20. 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.

Power to enter religious institutions.

21. (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.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(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.

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22. No person may succeed or be appointed to, or hold, the office of the trustee of a religious institution—

(a) unless he professes the Hindu religion, and

(b) except in the case of a hereditary trustee, unless he is not less than twenty-five and not more than seventy years of age.

Trustees to be Hindus and within certain limits of age.

23. The trustee of a religious institution shall be bound to obey all lawful orders issued under the provisions of this Act by the Government, the Commissioner, the Deputy Commissioner, the Area Committee or the Assistant Commissioner.

Trustee bound to obey orders issued under Act.

Madras Act V of 1947.

24. (1) Subject to the provisions of the Madras Temple Entry Authorization Act, 1947, the trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties if they were his own.

Care required of trustees and his powers.

(2) A trustee shall, subject to the provisions of this Act, be entitled to exercise all powers incidental to the provident and beneficial administration of the religious institution and to do all things necessary for the due performance of the duties imposed on him.

(3) A trustee shall not be entitled to spend the funds of the religious institution for meeting any costs, charges or expenses incurred by him in any suit, appeal or application or other proceeding for, or incidental to, his removal from office or the taking of any disciplinary action against him :

Provided that the trustee may reimburse himself in respect of such costs, charges or expenses if he is specifically permitted to do so by an order passed under section 88.

25. (1) For every religious institution, there shall be prepared and maintained a register showing—

Preparation of register for all institutions.

(a) the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of trustee;

(b) particulars of the scheme of administration and of the *dittam* or scale of expenditure;

(c) 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;

(d) the jewels, gold, silver, precious stones, vessels and utensils, and other movables belonging to the institution, with their estimated value;

(e) particulars of all other endowments of the institution and of all title-deeds and other documents;

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(f) particulars of the idols and other images in or connected with the institution, whether intended for worship or for being carried in processions;

(g) such other particulars as may be required by the Commissioner.

(2) The register shall be prepared, signed and verified by the trustee of the institution concerned or by his authorized agent and submitted by him to the Commissioner, directly in the case of a math, through the Area Committee, in case the institution is subject to the jurisdiction of an Area Committee, and through the Assistant Commissioner in other cases, within three months from the commencement of this Act or from the founding of the institution, as the case may be, or within such further period as may be allowed by the Commissioner, the Area Committee or the Assistant Commissioner:

Provided that this sub-section shall not apply where a register so signed and verified has been submitted to the Board before the commencement of this Act.

(3) The Area Committee or the Assistant Commissioner, if the register is submitted through it or him, may, after such inquiry as it or he may consider necessary, recommend such alterations, omissions or additions in the register as it or he may think fit.

(4) The Commissioner may, after receiving the register and the recommendations of the Area Committee or of the Assistant Commissioner with respect thereto and making such further inquiry as he may consider necessary, direct the trustee to make such alterations, omissions or additions in the register as the Commissioner may deem fit.

(5) The trustee shall carry out the orders of the Commissioner and then submit three copies of the register as corrected to the Commissioner for approval.

(6) 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.

Annual verification of the register.

26. The trustee or his authorized agent shall scrutinize the entries in the register every year and submit to the Commissioner for his approval, directly or through the Area Committee or through the Assistant Commissioner, as the case may require, a verified statement showing the alterations, omissions or additions required in the register; and the provisions of sub-sections (3) to (6) of section 25 shall apply in relation to such statement as they apply in relation to a register.

Trustee to furnish accounts, returns, etc.

27. (1) The trustee of every religious institution shall furnish to the Commissioner such accounts, returns, reports or other information relating to the administration of the institution, its funds, property or income, or moneys connected

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therewith, or the appropriation thereof, as the Commissioner may require and at such time and in such form as he may direct.

(2) The powers conferred by sub-section (1) may also be exercised by the Assistant Commissioner in the case of religious institutions other than maths, and by the Area Committee in the case of institutions subject to its jurisdiction.

28. (1) The Commissioner or any officer or other person Inspection of property and documents, deputed by the Commissioner in this behalf may inspect all movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to, any religious institution.

(2) The powers conferred by sub-section (1) may also be exercised, in the case of religious institutions other than maths, by the Assistant Commissioner, and in the case of institutions over which an Area Committee has jurisdiction, by any member of the Committee authorized by it in this behalf.

(3) It shall be the duty of the trustee of the institution concerned and all officers and servants working under him, his agent and any person having concern in the administration of the institution, to afford all such assistance and facilities as may be necessary or reasonably required in regard to any inspection made in pursuance of sub-section (1) or sub-section (2), and also to produce for inspection any movable property or document referred to in sub-section (1) if so required.

29. (1) 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: Alienation of immovable trust property.

Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed, inviting objections and suggestions with respect thereto; and all objections and suggestions received from the trustee or other persons having interest shall be duly considered by the Commissioner.

(2) When according such sanction, the Commissioner may impose such conditions and give such direction as he may deem necessary regarding the utilization of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(3) 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.

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(4) The trustee may within three months from the date of his receipt of a copy of the order, and any person having interest may within three months from the date of the publication of the order, appeal to the Government to modify the order or set it aside.

(5) Nothing contained in this section shall apply to the inams referred to in section 35.

Authority of trustee to incur expenditure for securing the health, etc., of pilgrims and worshippers and for the training of archakas, etc.

30. (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 70, 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, veda-parayanikas 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.

Utilization of surplus funds.

31. (1) If after making adequate provision for the purposes referred to in section 70, sub-section (2), and also for the arrangements and the training referred to in section 30, 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 59, 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).

Enforcement of service or charity in certain cases.

32. (1) Where a specific endowment attached to a math or temple consists merely of a charge on property and there is failure in the due performance of the service or charity, 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

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otherwise. In default of such person making payment as required, the Deputy Commissioner may, on the application of the trustee and after giving the person in possession a reasonable opportunity of stating his objections in regard thereto, by order, determine the amount payable to the trustee.

(2) Where the person in possession of the property on which the endowment is a charge is not the person responsible in law for the performance of the service or charity and any amount is paid by or recovered from the person in possession, the Deputy Commissioner may, on the application of the person in possession and after giving the person responsible in law a reasonable opportunity of stating his objections in regard thereto, by order, require the person responsible in law to pay to the person in possession the amount so paid or recovered.

(3) Against an order of the Deputy Commissioner under sub-section (1) or sub-section (2), the trustee or the person affected may, within two months from the date of the receipt of the order by him, appeal to the Commissioner.

(4) On application by the trustee to the Collector of the district in which the property referred to in sub-section (1) is situated, or on application by the person in possession to the Collector of a district in which is situated any property of the person responsible in law, as the case may be, the Collector shall recover from the person in possession or the person responsible in law, as the case may be, the amount specified in the order of the Deputy Commissioner as modified by the order of the Commissioner, if any, and the expenses of such recovery, as if they were arrears of land revenue and pay to the trustee or, as the case may be, to the person in possession, the amount due to him.

33. The trustee of a specific endowment made for the performance of any service or charity connected with a math or temple shall perform such service or charity subject to the general superintendence of the trustee of the math or temple and shall obey all lawful orders issued by him.

34. (1) (a) (i) Where the remuneration for any service to be performed by a devadasi in a temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the Government shall enfranchise the said lands from the condition of service, by the imposition of quit-rent.

(ii) Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the Government shall enfranchise such assignment of revenue from the condition of service:

Provided that where, at the time when proceedings are taken under this sub-clause, the devadasi is herself the

Power of trustee of math or temple over trustees of specific endowments. Enfranchisement or freeing of lands, etc., held by a devadasi on condition of service in a temple.

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owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i).

(iii) Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause (i) and of the assignment of the land revenue in the manner laid down in sub-clause (ii).

Explanation.—For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), the owner of the lands in question.

(b) Enfranchisement under clause (a) shall be effected in accordance with such rules as the Government may make in this behalf and shall take effect as and from such date as they may fix.

(2) Where the remuneration for such service consists, in whole or in part, of lands or of produce of lands not falling under sub-section (1), the Government shall direct the Collector to determine the amount of rent payable on the lands or the produce in question. The Collector shall thereupon, after giving notice to the party concerned and holding such enquiry as may be prescribed by the Government, by an order, determine the amount of rent, and in doing so, he shall have due regard to—

(a) the rent payable by the tenant for lands of a similar description and with similar advantages in the same village or neighbouring villages; and

(b) the improvements, if any, effected by the devadasi in respect of the lands.

Such order shall be communicated to the parties concerned and also published in the manner prescribed.

(3) The amount of rent fixed by the Collector under sub-section (2) may be questioned by petition presented to the Board of Revenue within three months of the date of the publication of the order under the said sub-section but subject to the result of such petition, the order of the Collector fixing the amount of rent under sub-section (2) shall be final and shall not be liable to be questioned in any court of law:

Provided, however, that the Board of Revenue shall have power on sufficient grounds to entertain a petition presented after expiration of the period of three months.

(4) While determining the rent under sub-section (2), the Collector shall fix a date from which the order shall take effect and such lands or produce shall be deemed to have been freed from the condition of service on and from the date so fixed.

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(5) No obligation to render any service relating to any temple to which any devadasi may be subject by reason of any grant of land or assignment of land revenue or produce derived from land, shall be enforceable when such land, assignment or produce is enfranchised or freed, as the case may be, in the manner hereinbefore provided.

(6) No order passed under sub-section (1), (2) or (3) shall operate as a bar to the trial of any suit or issue relating to the right to enjoy the land, or assignment of land revenue or produce derived from land, as the case may be.

(7) (a) The quit-rent imposed under sub-section (1) shall be payable to the temple concerned.

(b) The assignment of land revenue enfranchised under sub-section (1), or the rent fixed under sub-sections (2) and (3), as the case may be, shall be payable to the devadasi concerned during her lifetime and after her death to the temple concerned.

(8) For the purpose of this section, "devadasi" shall mean any Hindu unmarried female, who is dedicated to a temple.

(9) Where any inam is granted for a service which is auxiliary to the service to be performed by a devadasi in a temple, such inam shall be enfranchised or freed from the condition of service, as if it were a devadasi inam: and the provisions of sub-sections (1) to (8) shall apply accordingly.

35. (1) Any exchange, gift, sale or mortgage and any lease for a term exceeding five years, of the whole or any portion of any inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity and made, confirmed or recognized by the Government shall be null and void:

Provided that any transaction of the nature aforesaid (not being a gift) may be sanctioned by the Government as being necessary or beneficial to the institution.

Explanation.—Nothing contained in this sub-section shall affect or derogate from the rights and obligations of the landholder and tenant in respect of any land which is ryoti land as defined in the Madras Estates Land Act, 1908.

(2) (a) The Collector may, on his own motion, or on the application of the trustee of the religious institution or of the Commissioner or of any person having interest in the institution who has obtained the consent of such trustee or the Commissioner, by order, resume the whole or any part of any such inam, on one or more of the following grounds, namely:—

(i) that except in the case referred to in the proviso to sub-section (1), the holder of such inam or part or the

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I of 1908.

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trustee of the institution has made an exchange, gift, sale or mortgage of such inam or part or any portion thereof or has granted a lease of the same or any portion thereof for a term exceeding five years, or

(ii) that the religious institution has ceased to exist or the charity or service in question has in any way become impossible of performance, or

(iii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of the institution, the charity or service for performing which the inam had been made, confirmed or recognized as aforesaid, or any part of the said charity or service, as the case may be.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part, as the case may be, is a grant of both the melvaram and the kudivaram or only of the melvaram.

Provided that in the absence of evidence to the contrary, the Collector shall presume that any minor inam is a grant of both the melvaram and the kudivaram.

(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the Commissioner, to the inamdar concerned, to the person in possession of the inam where he is not the inamdar and to the alienee, if any, of the inam; the Collector shall also publish a copy of such notice in such manner as may be prescribed and such publication shall be deemed to be sufficient notice to every other person likely to be affected by such order; and the Collector shall hear the objections, if any, of the persons to whom such notice is given or deemed to be given and hold such inquiry as may be prescribed.

Explanation.—Where only a part of the inam is affected, notice shall be given under this clause to the holder of such part as well as to the holder or holders of the other part or parts, to the person in possession of every such part where he is not the holder thereof, and to the alienee, if any, of every such part; and the objections of all such persons shall be heard by the Collector.

(c) A copy of every order passed under clause (a) shall be communicated to each of the persons mentioned in clause (b), and shall also be published in the manner prescribed.

(d) (i) Any party aggrieved by an order of the Collector under clause (a) may appeal to the District Collector within such time as may be prescribed, and on such appeal the District Collector may, after giving notice to the Commissioner and each of the persons mentioned in clause (b) and after holding such inquiry as may be prescribed, pass an order confirming, modifying or cancelling the order of the Collector.

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(ii) The order of the District Collector on such appeal, or the order of the Collector under clause (a) where no appeal is preferred under sub-clause (i) to the District Collector within the time prescribed, shall be final:

Provided that where there has been an appeal under sub-clause (i) and it has been decided by the District Collector or where there has been no appeal to the District Collector and the time for preferring an appeal has expired, any party aggrieved by the final order of the District Collector or the Collector, as the case may be, may file a suit in a civil court for determining whether the inam comprises both the melvaram and the kudivaram or only the melvaram. Such a suit shall be instituted within six months from the date of the order of the District Collector on appeal where there has been an appeal under sub-clause (i), or from the date of the expiry of the period prescribed under sub-clause (i) for an appeal to the District Collector where there has been no such appeal.

(e) Except as otherwise provided in clause (d), an order of resumption passed under this section shall not be liable to be questioned in any court of law.

(f) Where any inam or part of any inam is resumed under this section, the Collector or the District Collector, as the case may be, shall, by order, re-grant such inam or part—

(i) as an endowment to the religious institution concerned, or

(ii) in case of resumption on the ground that the religious institution has ceased to exist or that the charity or service in question has in any way become impossible of performance, as an endowment for such religious, educational or charitable institution as the Commissioner may recommend.

(g) The order of re-grant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.

(h) Nothing in this section shall affect the operation of section 34.

36. Notwithstanding anything contained in any scheme Office-holders settled or deemed to be settled under this Act or in any decree and servants of religious institutions or order of a court, or any custom or usage to the contrary, no office-holder or servant of a religious institution shall have not 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.

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Religious institutions other than maths or specific endowments attached thereto.

Sections 38 to 51 not to apply to maths or specific endowments attached to maths.

Sections 38 to 51 not to apply to maths or specific endowments attached to maths.

Commissioner to publish list of certain institutions.

38. The Commissioner shall publish in the prescribed manner a list of the religious institutions whose annual income as calculated for the purposes of the levy of contribution under section 76 is not less than twenty thousand rupees, and may from time to time modify such list in the prescribed manner:

Provided that the Commissioner shall not be bound to remove any institution from such list unless its annual income calculated as aforesaid has fallen below twenty thousand rupees for three consecutive years.

Trustees and their number and term of office.

39. (1) Where a religious institution included in the list published under section 38 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.

Chairman.

40. (1) In the case of a religious institution for which a Board of Trustees is constituted under section 39, 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) or sub-section (2) shall hold office for such period as may be prescribed.

Power of Area Committee to appoint trustees.

41. (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 39.

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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 39, sub-section (3), and section 40, 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.

42. The power to appoint trustees under section 39 or section 41 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.

Power under sections 39 and 41 to be exercisable notwithstanding provision in scheme.

43. In making appointments of trustees under section 39 or 41, 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.

Claims of certain persons to be trustees.

44. Every non-hereditary trustee lawfully holding office at the commencement of this Act, shall be deemed to have been duly appointed trustee under this Act for the residue of his term of office at such commencement.

Non-hereditary trustees holding office at commencement of the Act. Power to suspend, remove or dismiss trustees.

45. (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—

(a) for persistent default in the submission of budgets, accounts, reports or returns, or

(b) for wilful disobedience of any lawful order issued under the provisions of this Act by the Government, the Commissioner or Deputy Commissioner, the Area Committee or the Assistant Commissioner, or

(c) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the trust, or

(d) for any misappropriation of, or improper dealing with, the properties of the institution, or

(e) for unsoundness of mind or other mental or physical defect or infirmity which unfits him for discharging the functions of the trustee.

(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:

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Provided that the Deputy Commissioner shall also consult the Area Committee before passing the final order under sub-section (1).

(3) Pending the disposal of the charges framed against the trustee, the Commissioner or the Deputy Commissioner may place the trustee under suspension and appoint a fit person to discharge the functions of the trustee.

(4) It shall be open to an Assistant Commissioner to move the Deputy Commissioner to take action under sub-section (1) in respect of any trustee of an institution over which an Area Committee has jurisdiction, and to place the trustee under suspension pending the orders of the Deputy Commissioner under sub-section (3).

(5) A trustee who is suspended, removed or dismissed under sub-section (1), may, within one month from the date of the receipt of the order of suspension, removal or dismissal, appeal against the order to the Commissioner if it was passed by a Deputy Commissioner and to the Government if it was passed by the Commissioner.

Disqualifications of trustees.

46. (1) A non-hereditary trustee shall cease to hold his office if he—

(a) 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, 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; or

(b) applies to be adjudicated or is adjudicated an insolvent.

(2) In cases of doubt or dispute, the Deputy Commissioner shall determine whether a trustee is disqualified under sub-section (1) or not.

(3) If a hereditary trustee becomes subject to any of the disqualifications described in sub-section (1), the Deputy Commissioner may supersede the trustee.

(4) Any person affected by an order of the Deputy Commissioner under sub-section (2) or sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Commissioner.

Filling up of vacancies in the office of hereditary trustee. 47. (1) When a permanent vacancy occurs in the office of the hereditary trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of the hereditary trustee under

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section 45, sub-section (1), or by reason of his supersession under section 46, sub-section (3), the next in the line of succession shall be entitled to succeed and discharge the functions of the trustee until his disability ceases.

(3) When a permanent or temporary vacancy occurs in such an office and there is a dispute respecting the right of succession to the office, or

when such vacancy cannot be filled up immediately, or when a hereditary trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

when a hereditary trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unfit for discharging the functions of the trustee,

the Deputy Commissioner may appoint a fit person to discharge the functions of the trustee of the institution until the disability of the hereditary trustee ceases or another hereditary trustee succeeds to the office or for such shorter term as the Deputy Commissioner may direct.

Explanation.—In making any appointment under this sub-section, the Deputy Commissioner shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person affected by an order of the Deputy Commissioner under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Commissioner.

(5) Nothing in this section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902.

Madras Act I of 1902.

48. (1) Vacancies, whether permanent or temporary, amongst the office-holders or servants of a religious institution shall be filled up by the trustee in cases where the office or service is not hereditary.

Appointment of office-holders and servants in religious institutions.

(2) In cases where the office or service is hereditary, the next in the line of succession shall be entitled to succeed.

(3) Where, however, there is a dispute respecting the right of succession, or

where such vacancy cannot be filled up immediately, or 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

where the hereditary office-holder or servant is suspended from his office under section 49, sub-section (1), the trustee may appoint a fit person to discharge the functions of the office or perform the service, until the disability of the office-holder or servant ceases or another person succeeds to the office or service, as the case may be.

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Explanation.—In making any appointment under this sub-section, the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person affected by an order of the trustee under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

Punishment of office-holders and servants in religious institutions.

49. (1) 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.

(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

(3) A hereditary office-holder or servant may, within one month from the date of the receipt by him of the order of the Deputy Commissioner under sub-section (2), prefer an appeal to the Commissioner against such order.

Power to fix fees for archanas and determine their apportionment.

50. 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.

Fixing of standard scales of expenditure.

51. (1) The trustee of a religious institution may, from time to time, submit to the Area Committee if the institution is subject to the jurisdiction of such a Committee, and to the Commissioner in other cases, proposals for fixing the *dittam* or scale of expenditure in the institution; and the amounts which should be allotted to the various objects connected with such institution or the proportions in which the income or other property of the institution may be applied to such objects.

(2) The trustee shall publish such proposals at the premises of the institution and in such other manner as may be required by the Area Committee or the Commissioner, as the case may be, together with a notice stating that, within one month from the date of such publication, any person having interest may submit his objections or suggestions to the Area Committee or the Commissioner.

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(3) After the expiry of the said period, the Area Committee or the Commissioner shall, after considering any objections and suggestions received, pass such order as it or he may think fit on such proposals, having regard to the established usage of the institution and its financial position; and a copy of the order shall be communicated to the trustee.

(4) Against an order made by the Area Committee under sub-section (3), the trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Deputy Commissioner.

(5) The *dittam* or scale of expenditure for the time being in force in an institution shall not be altered by the trustee except in accordance with the procedure laid down in this section.

CHAPTER IV.

MATHS.

52. (1) 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:—

Suit for the removal of trustee of math or specific endowment attached thereto.

(a) the trustee being of unsound mind;

(b) his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee;

(c) his having ceased to profess the Hindu religion or the tenets of the math;

(d) his conviction for any offence involving moral turpitude;

(e) breach by him of any trust created in respect of any of the properties of the religious institution;

(f) persistent and wilful default by him in discharging his duties or functions under this Act or any other law.

(2) Where the Commissioner refuses to give consent under sub-section (1), the party aggrieved may, within three months from the date of the receipt of the order by him, appeal to the Government who may, after making such inquiry as they may consider necessary, confirm the order of the Commissioner or direct the Commissioner to give his consent in writing.

53. (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.

Filling of vacancies.

When such vacancy cannot be filled up immediately, or

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when the trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as 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,

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.

(2) Upon the receipt of such report, if 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 arrangement as he thinks fit until the disability of the trustee ceases or another trustee succeeds to the office, as the case may be.

(3) In making any such arrangement, the Commissioner shall have due regard to the claims of the disciples of the math, if any.

(4) Nothing in this section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902. Madras Act I of 1902.

Fixing of standard scales of expenditure.

54. (1) 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* or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with the institution or the proportions in which the income or other property of the institution may be applied to such objects.

(2) The trustee shall publish such proposals at the premises of the math and in such other manner as the Commissioner may direct together with a notice stating that within one month from the date of such publication, any person having interest may submit suggestions to the Commissioner.

(3) If on a 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, or is not justified by its financial position, 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 case to the Government who shall pass orders thereon, and such orders shall be final.

Power to spend 'pathakanika'.

55. (1) 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.

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(2) 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 authorized by him in this behalf, whenever so required.

56. (1) 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 and report the name of the person so appointed, to the Commissioner; and in default of such appointment, the Commissioner may himself make the appointment. Appoint-ment of manager of secular affairs of math.

(2) The manager appointed under sub-section (1) 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, and also for the performance of other statutory duties imposed upon the trustee by or under this Act.

CHAPTER V.

INQUIRIES.

57. 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:— Deputy Commissioner to decide certain 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;

(e) whether any person is entitled, by custom or otherwise, to any honour, emolument or perquisite in any religious institution; and what the established usage of a religious institution is in regard to any other matter;

(f) whether any institution or endowment is wholly or partly of a religious or secular character; and whether any property or money has been given wholly or partly for religious or secular uses; and

(g) where any property or money has been given for the support of an institution which is partly of a religious and partly of a secular character, or the performance of any service or charity connected with such an institution or the performance of a charity which is partly of a religious and partly of

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a secular character or where any property or money given is appropriated partly to religious and partly to secular uses, as to what portion of such property or money shall be allocated to religious uses.

Power of
Deputy
Commissioner to
frame
schemes.

58. (1) When the Deputy Commissioner has reason to believe that in the interests of the proper administration of a religious institution, a scheme should be settled for the institution, or when not less than five persons having interest make an application in writing, stating that in the interests of the proper administration of a religious institution a scheme should be settled for it, the Deputy Commissioner shall consult in the prescribed manner the trustee and the persons having interest and the Area Committee, if any, having jurisdiction over the institution; and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall, by order, frame a scheme of administration for the institution.

(2) A scheme settled under sub-section (1) for a temple or for a specific endowment other than one attached to a math may contain provision for—

(a) removing any existing trustee, whether hereditary or non-hereditary :

Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the appointment as trustee of the person next in succession who is qualified ;

(b) appointing a new trustee or trustees in the place of or in addition to any existing trustee or trustees ;

(c) defining the powers and duties of the trustee or trustees ;

(d) appointing, or directing the appointment of, a paid executive officer, who shall be a person professing the Hindu religion, on such salary and allowances as may be fixed, to be paid out of the funds of the institution ; and defining the powers and duties of such officer :

Provided that in making any provision of the nature specified in clause (b) due regard shall be had to the claims of persons belonging to the religious denomination for whose benefit the institution is chiefly maintained.

(3) A scheme settled under sub-section (1) for a math or for a specific endowment attached to a math may contain provision for—

(a) associating one or more persons with the trustee or constituting a separate body for the purpose of participating or assisting in the whole or any part of the administration of the endowments of such math or of the specific endowment ;

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provided that such person or persons or the members of such body shall be chosen from persons having interest in such math or endowment ;

(b) appointing or directing the appointment of a paid executive officer, who shall be a person professing the Hindu religion, on such salary and allowances as may be fixed by the Deputy Commissioner, to be paid out of the trust funds, and defining the powers and duties of such officer ;

(c) defining the powers and duties of the trustee.

(4) The Deputy Commissioner may determine what the properties of the religious institution are and append to the scheme a schedule containing a list of such properties :

Provided that such determination shall not affect the rights of persons who are in hostile possession of any of the said properties.

(5) Pending the framing of a scheme for a temple or for a specific endowment other than one attached to a math, the Deputy Commissioner may appoint a fit person to discharge all or any of the functions of the trustee thereof and define his powers and duties.

(6) The Deputy Commissioner may, at any time, after consulting the trustee and the persons having interest and the Area Committee, if any, having jurisdiction over the institution, by order, modify or cancel any scheme settled under sub-section (1) or a scheme settled by the Board under the Madras Hindu Religious Endowments Act, 1926.

Madras Act
II of 1927.

(7) Every order of the Deputy Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of sections 61 and 62, be binding on the trustee, the executive officer and all persons having interest.

(8) The powers conferred by this section shall, in respect of maths, be exercised by the Commissioner or by a Deputy Commissioner to whom powers in this behalf have been delegated by the Commissioner under section 10, sub-section (2).

59. (1) 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, by order, direct that the endowments of the institution be appropriated to all or any of the following purposes, namely :—

(a) the propagation of the religious tenets of the institution ;

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(b) the establishment and maintenance of a university or college or other institution in which special provision is made for the study of Hindu religion, philosophy or sastras or for imparting instruction in Hindu temple architecture;

(c) the establishment and maintenance of educational institutions where instruction in the Hindu religion is also imparted to Hindu students thereof;

(d) promoting the study of Indian languages including Sanskrit;

(e) promotion of the cultivation of Indian arts and architecture;

(f) the establishment and maintenance of orphanages for Hindu children;

(g) the establishment and maintenance of asylums for Hindus suffering from leprosy;

(h) the establishment and maintenance of poor homes for destitute Hindus who are physically disabled and helpless;

(i) the establishment and maintenance of hospitals and dispensaries for the benefit of Hindus; and

(j) the grant of aid to any other religious institution which is poor or in needy circumstances:

Provided 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 above.

(2) The Deputy Commissioner may at any time by order modify or cancel any order passed under sub-section (1).

(3) The order of the Deputy Commissioner under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of section 61, be binding on the trustee, the executive officer and all persons having interest.

Determina-
tion and
application
of properties
and funds
of defunct
religious
institutions.

60. (1) The Deputy Commissioner may, on being satisfied that a religious institution has, whether before or after the commencement of this Act, ceased to exist, hold an inquiry in the prescribed manner to ascertain its properties and funds; and after doing so, shall pass an order—

(a) specifying the properties and funds of the institution;

(b) appointing a trustee therefor;

(c) directing the recovery of any such property or funds from any person who may be in possession thereof; and

(d) laying down that the properties and funds so specified shall be applied or utilized for renovating the

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institution or if such renovation is not possible, be appropriated to any one or more of the purposes specified in section 59, sub-section (1).

(2) The Deputy Commissioner may, on being satisfied after holding an inquiry in the prescribed manner, that any building or other place which was being used for religious worship or instruction has, whether before or after the commencement of this Act, ceased to be used for that purpose, pass an order—

(a) directing the recovery of such building or place from any person who may be in possession thereof; and

(b) laying down that it shall be used for religious worship or instruction as before, or if such use is not possible, be utilized for any one or more of the purposes specified in section 59, sub-section (1).

(3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to authorize the Deputy Commissioner to pass an order in respect of any property or funds which vested in any person before the commencement of this Act by the operation of the law of limitation.

(4) Every order of the Deputy Commissioner under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

61. (1) Any person aggrieved by any order passed by the Deputy Commissioner under any of the foregoing provisions of this Chapter may, within one month from the date of the publication of the order or of the receipt thereof by the party concerned, as the case may be, appeal to the Commissioner. Appeal to the Commissioner.

(2) Any order passed by the Commissioner on such appeal against which no suit lies to the Court under the next succeeding section, or in which no suit has been instituted in the Court within the time specified in section 62, sub-section (1), may be modified or cancelled by the Commissioner if the order has settled or modified a scheme for the administration of a religious institution or relates to any of the matters specified in section 59.

62. (1) Any party aggrieved by an order passed by the Commissioner— Suits and appeals.

(i) under section 61, sub-section (1) or sub-section (2), and relating to any of the matters specified in section 57, section 58 or section 60; or

(ii) under section 57, section 58 or section 60 read with sub-section (1) (a) (2) or 4 (a) of section 19 or with sub-section (3) or (4) of section 80;

may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order;

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and the Court may modify or cancel such order, but it shall have no power to stay the Commissioner's order pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1) may, within ninety days from the date of the decree, appeal to the High Court.

(3) (a) Any scheme for the administration of a religious institution settled or modified by the Court in a suit under sub-section (1) or on an appeal under sub-section (2) or any scheme deemed under section 103, clause (d), to have been settled or modified by the Court may, at any time, be modified or cancelled by the Court on an application made to it by the Commissioner, the trustee or any person having interest.

(b) Any party aggrieved by an order of the Court under clause (a) may, within ninety days from the date of the order, appeal to the High Court.

CHAPTER VI.

NOTIFIED RELIGIOUS INSTITUTIONS.

Issue of notice to show cause why institution should not be notified.

63. (1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and is satisfied that in the interests of its administration, it is necessary to take proceedings under this Chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of the notice, for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

Consideration of objections, if any, and notification of institution.

64. (1) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification published in the *Fort St. George Gazette*, declare the religious institution to be subject to the provisions of this Chapter.

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(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed, and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the Government who may thereupon, by notification published in the *Fort St. George Gazette*, declare the religious institution to be subject to the provisions of this Chapter.

(4) Every notification published under this section shall remain in force for a period of five years from the date of its publication; but the Government may, at any time, on an application made to them, cancel the notification.

65. On the publication of the notification, the scheme of administration, if any, settled for the religious institution, whether before or after the commencement of this Act, and all rules, if any, framed under such scheme shall cease to apply to the institution; and such scheme and rules shall not be deemed to be revived by reason of the cancellation of the notification or by reason of its having ceased to be in force by efflux of time.

Scheme to lapse on notification.

66. (1) For every institution notified under this Chapter, the Commissioner shall as soon as may be appoint a salaried executive officer, who shall be a person professing the Hindu religion.

Appointment of salaried executive officer.

(2) The salary and allowances of the executive officer, as determined by the Commissioner, shall be paid from the funds of the religious institution.

67. (1) The executive officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner:

Term of office and duties of executive officer.

Provided that only such powers and duties as appertain to the administration of the endowments of the religious institution shall be assigned to the executive officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the religious institution.

(3) The executive officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act XVI of 1860.

68. The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

Removal of executive officer.

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Section 58 not to apply to notified institutions. 69. Section 58 shall not apply to, and no Area Committee shall have jurisdiction over, any religious institution notified under this Chapter or under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926, so long as the notification remains in force. Madras Act II of 1927.

CHAPTER VII.

BUDGETS, ACCOUNTS AND AUDIT.

Budgets of religious institutions.

70. (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 contribution under section 76 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.

(3) The Area Committee or the Commissioner, as the case may be, may, after giving notice to the trustee in the prescribed manner and after considering his representations, if any, make such alterations, omissions or additions in the budget as the Area Committee or the Commissioner may deem fit.

(4) Against an order made by the Area Committee under sub-section (3), a trustee may, within one month from the date of the receipt by him of the order, appeal to the Deputy Commissioner.

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71. (1) The trustee of every religious institution shall keep regular accounts of all receipts and disbursements. Accounts and audit.

(2) The accounts of every religious institution, the annual income of which as calculated for the purposes of section 76 for the fasli year immediately preceding is not less than sixty thousand rupees, shall be subject to concurrent audit, that is to say, the audit shall take place as and when expenditure is incurred.

(3) The accounts of every other religious institution shall be audited annually, or if the Commissioner so directs in any case or class of cases, at shorter intervals.

(4) The audit shall be made—

(a) in the case of a religious institution the annual income of which calculated as aforesaid for the fasli year immediately preceding is not less than one thousand rupees, by auditors appointed in the prescribed manner, who shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code;

(b) in the case of any other religious institution, by an officer or servant subordinate to the Commissioner and deputed by him for the purpose.

72. After completing the audit for any year or shorter period, or for any transaction or series of transactions, as the case may be, the auditor shall send a report— Authority to whom audit report is to be submitted.

(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.

73. (1) The auditor shall specify in his report all cases of irregular, illegal or improper expenditure, or of failure to recover moneys or other property due to the religious institution, or of loss or waste of money or other property thereof, caused by neglect or misconduct. Contents of audit report.

(2) The auditor shall also report on such other matter relating to the accounts as may be prescribed, or on which the Commissioner or the Area Committee concerned, as the case may be, may require him to report.

74. (1) The Area Committee or the Commissioner, as the case may be, shall send a copy of every audit report relating to the accounts of a religious institution to the trustee thereof, and it shall be the duty of such trustee to remedy any defects or irregularities pointed out by the auditor and report the same to the Area Committee or the Commissioner, as the case may be. Rectification of defects disclosed in audit and order of surcharge against trustee, etc.

(2) The Area Committee shall forward to the Commissioner a copy of every audit report received by it under

Central Act XLV of 1860.

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clause (a) of section 72 and the report, if any, of the trustee made under sub-section (1), together with such remarks as the Area Committee may wish to make thereon.

(3) If, on a consideration of the report of the auditor along with the report, if any, of the trustee, and the remarks, if any, of the Area Committee, the Commissioner thinks that the trustee or any other person was guilty of misappropriation or wilful waste of the funds of the institution or of gross neglect resulting in a loss to the institution, the Commissioner may, after giving notice to the trustee or such person to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order, certify the amount so lost and direct the trustee or such person to pay within a specified time such amount personally and not from the funds of the religious institution :

Provided that if, in respect of any expenditure or dealing with trust property, the trustee or such person had obtained the directions of the Area Committee or of the Commissioner and had acted in accordance with such directions, he shall not be held responsible.

(4) The Commissioner shall forward a copy of the order under sub-section (3) with the reasons for the same, by registered post to the trustee or person concerned.

(5) The trustee or other person aggrieved by such order may, within thirty days of the receipt by him of the order, either—

(a) apply to the Court to modify or set aside the order and the Court, after taking such evidence as is necessary, may confirm, modify or remit the surcharge with such orders as to costs as it may think appropriate in the circumstances, or

(b) in lieu of such application may appeal to the Government who shall pass such orders as they think fit.

(6) Neither the Court nor the Government to which or to whom an application or appeal is made under sub-section (5) shall have power to stay the operation of the order pending the disposal of the application or appeal.

(7) An order of surcharge under this section against a trustee shall not bar a suit for accounts against him except in respect of the matter finally dealt with by such order.

(8) The Collector of the district in which is situated any property of the trustee or other person from whom an amount is recoverable by way of surcharge shall, on a requisition made by the Commissioner, recover such amount as if it were an arrear of land revenue and pay the same to the religious institution concerned.

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75. The provisions of this Chapter shall apply to every religious institution, notwithstanding anything to the contrary contained in any scheme settled or deemed to be settled under this Act.

Chapter to apply notwithstanding provision in scheme.

CHAPTER VIII.

FINANCE.

76. (1) In respect of the services rendered by the Government and their officers, every religious institution shall, from the income derived by it, pay to the Government annually such contribution not exceeding five per centum of its income as may be prescribed.

Religious institutions to pay an annual contribution to the Government.

(2) Every religious institution, the annual income of which, for the fasli year immediately preceding as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the Government annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.

(3) The annual payments referred to in sub-sections (1) and (2) shall be made, notwithstanding anything to the contrary contained in any scheme settled or deemed to be settled under this Act for the religious institution concerned.

(4) The Government shall pay the salaries, allowances, pensions and other beneficial remuneration of the Commissioner, Deputy Commissioners, Assistant Commissioners and other officers and servants (other than executive officers of religious institutions) employed for the purposes of this Act and the other expenses incurred for such purposes, including the expenses of Area Committees and the cost of auditing the accounts of religious institutions.

77. All costs, charges and expenses incurred by the Government, the Commissioner, a Deputy Commissioner, an Area Committee, or an Assistant Commissioner as a party to, or in connexion with, any legal proceeding in respect of any religious institution shall be payable out of the funds of such institution, except in cases where a liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

Recovery of costs and expenses incurred on legal proceedings.

78. (1) The contributions, costs and expenses payable under sections 76 and 77 shall be assessed on and notified to the trustee of the religious institution concerned in the prescribed manner.

Assessment and recovery of contributions and costs and expenses.

(2) (a) Such trustee may, within fifteen days from the date of the receipt of such notice or within such further time as may be granted by the Commissioner, prefer his objection

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thereto, if any, to the Commissioner in writing. Such objection may relate either to his liability to pay or to the amount specified in the notice. The Commissioner shall consider such objection and give his decision confirming, withdrawing or modifying his original notice.

(b) Within one month from the date of receipt of the notice of assessment, or when objection has been preferred, within one month from the date of the decision of the Commissioner, or within such further time as may be granted by him, such trustee shall pay the amount specified in the original notice or the amount as fixed by the Commissioner on objection.

(3) If the trustee fails to pay the amount aforesaid within the time allowed, the Collector of the district in which any property of the religious institution is situated shall, on requisition made to him in the prescribed manner by the Commissioner and subject to the provisions of this section, recover such amount as if it were an arrear of land revenue.

(4) (a) On receipt of a requisition under sub-section (3), the Collector shall issue a notice to the trustee concerned—

(i) requiring him, within fifteen days from the service thereof, to pay the amount mentioned in the requisition and specified in the notice; and

(ii) stating that on default, such amount will be recovered as if it were an arrear of land revenue.

(b) If, within the period of fifteen days aforesaid, the amount demanded is not paid, the Collector shall proceed to recover the amount specified in the notice (with the charges of collection) as if it were on arrear of land revenue.

(5) The Collector shall, on receipt of a requisition under sub-section (3), withhold the amount mentioned therein out of the tasdik or any other allowance payable by the Government to the religious institution concerned, but where the tasdik or other allowance is insufficient for the purpose, the Collector shall withhold the amount available, and recover the balance as if it were an arrear of land revenue.

(6) Places of worship, including temples and tanks and places where utsavams are performed, idols, vahanams, jewels and such vessels and other articles of the religious institution as may be necessary in accordance with the usage of the institution for purposes of worship or processions shall not be liable to be proceeded against in pursuance of sub-sections (3), (4) and (5).

(7) Instead of selling the property after attachment thereof under the provisions of the Madras Revenue Recovery Act, 1864, it shall be open to the Collector at the instance of the Commissioner to appoint a Receiver to take possession

Madras Act
II of 1864.

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of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be recovered is realized. The remuneration, if any, paid to the Receiver, and the other expenses incurred by him shall be paid out of the income of the institution concerned.

(8) No suit, prosecution or other legal proceeding shall be entertained in any court of law against the Government or any officer or servant of the Government for anything done or intended to be done in good faith in pursuance of this section.

79. (1) It shall not be competent for the Commissioner to levy any contribution for more than three faslis immediately preceding the fasli in which a notice of assessment is issued under section 78.

Contribution not to be levied for more than three faslis immediately preceding the fasli in which a notice of assessment is issued.

(2) Nothing in this section shall affect any levy of contribution made or moneys collected by the Board before the commencement of the Madras Hindu Religious Endowments (Amendment) Act, 1946.

Madras Act
X of 1946.

CHAPTER IX.

THE TIRUMALAI-TIRUPATI DEVASTHANAMS.

80. (1) The provisions of this Chapter shall apply to the Tirumalai-Tirupati Devasthanams.

(2) Sections 58 and 63 to 69 of this Act shall not apply to the Devasthanams.

Application of Act to Tirumalai-Tirupati Devasthanams.

(3) The other provisions of this Act shall apply to the Devasthanams as if they constituted a single religious institution included in the list published under section 38 and subject to the following modifications, namely :—

(a) There shall be a Board of Trustees constituted for the Devasthanams consisting of five persons appointed by the Government; and any person so appointed shall hold office for a term of five years unless in the meanwhile he is removed or his resignation is accepted by the Government or he otherwise ceases to be a trustee.

(b) The Government shall also appoint a salaried executive officer for the Devasthanams, and shall have power to suspend, remove or dismiss him from office.

(c) All powers and duties assigned by the provisions aforesaid to a Deputy or an Assistant Commissioner shall be deemed to have been assigned to the Commissioner instead.

(4) The provisions of this Act shall apply to every specific endowment attached either to the Devasthanams as a whole or to any temple or institution thereof as if all powers and duties assigned therein to a Deputy or an Assistant Commissioner had been assigned to the Commissioner instead.

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Qualification
of executive
officer and
payment of
salary,
allowances,
etc.

81. (1) The executive officer shall be a person professing the Hindu religion.

(2) If the executive officer is an officer in the service of the Government, the Devasthanams shall pay his salary, allowances and such contributions towards his pension, provident fund and leave allowances as may be required under the rules prescribed by the Government in this behalf.

Powers and
duties of
executive
officer.

82. Subject to such reservations as may be laid down by the Government and to the general control of the Board of Trustees, the executive officer—

(a) shall have power to manage the properties and affairs of the Devasthanams;

(b) shall be responsible for the proper custody of all the records and of all the jewels, valuables, moneys, funds and other properties of the Devasthanams;

(c) shall arrange for the proper collection of the income and for the incurring of expenditure; and

(d) may, in cases of emergency, direct the execution of any work or the doing of any act which is not provided for in the budget for the year and the immediate execution or the doing of which is, in his opinion, necessary for the preservation of the properties of the Devasthanams or for the service or safety of the pilgrims resorting thereto; and may direct that the expenses of executing such work or the doing of such act shall be paid from the funds of the Devasthanams.

The executive officer shall report forthwith to the Board of Trustees any action taken by him under clause (d) and the reasons therefor.

Appoint-
ment and
punishment
of office-
holders and
servants by
executive
officer in
certain
cases.

83. (1) The powers of appointment and punishment conferred on a trustee by sections 48 and 49 shall, in respect of the office-holders and servants of the Devasthanams, be exercised by the executive officer subject to such restrictions and conditions, if any, as may be laid down by the Government.

(2) Any person affected by an order of the executive officer acting in pursuance of the powers conferred on him by sub-section (1) may, within one month from the date of the receipt of the order by him, appeal to the Board of Trustees.

(3) Within one month from the date of the receipt by him of the order of the Board of Trustees, the office-holder or servant may appeal to the Commissioner.

Application
of Madras
Village
Panchayats
Act and
other enact-
ments to
Tirumalai
Hills area.

84. (1) The Government may, by notification in the *Fort St. George Gazette*, declare that any of the provisions of the Madras Village Panchayats Act, 1950, or of the Madras Public Health Act, 1939, or of any rules made under those Acts, shall be extended to, and be in force in, the Tirumalai Hills area as notified by the Government in the *Fort St. George Gazette* from time to time.

Madras Act
X of 1950.
Madras Act
III of 1939.

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(2) The provisions so notified shall be construed with such modifications not affecting the substance as may be necessary or proper for the purpose of adapting them to the Tirumalai Hills area.

(3) Without prejudice to the generality of the foregoing provision—

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Madras Act
X of 1950.
Madras Act
III of 1939.

(i) the Tirumalai Hills area shall be deemed to be a village for the purposes of the Madras Village Panchayats Act, 1950, and a local area for the purposes of the Madras Public Health Act, 1939;

Madras Act
X of 1950.

Madras Act
III of 1939.

(ii) all references to a panchayat or the president, executive officer or executive authority thereof in the Madras Village Panchayats Act, 1950, and all references to a local authority, executive authority or executive officer in the Madras Public Health Act, 1939, shall, subject to the provisions of clauses (iii) and (iv), be construed as references to the executive officer, in the Tirumalai Hills area;

Madras Act
X of 1950.

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Madras Act
III of 1939.

(iii) any appeal provided for by or under the Madras Village Panchayats Act, 1950, from an order or decision of the president, executive authority or executive officer of a panchayat to the panchayat shall lie instead to the Inspector of Municipal Councils and Local Boards;

(iv) any appeal provided for by or under the Madras Public Health Act, 1939, from an order or decision of the executive authority or executive officer of a local authority to the local authority shall lie instead to the Director of Public Health.

(4) (a) The Government may, by notification in the *Fort St. George Gazette*, authorize the executive officer, to levy tolls, in the prescribed manner in respect of any road, including the ghat road leading to Tirumalai from Tirupati which has been or shall hereafter be constructed entirely from the funds of the Devasthanams and situated within the Tirumalai Hills area as notified under sub-section (1), at such rates and for such period as may be specified in the notification.

(b) The executive officer may—

(i) place the collection of such tolls under the management of such persons as may appear to him proper, or

(ii) farm out such collection on such terms and conditions as he may think fit.

Central Act
VIII of
1851.

(c) The provisions of sections 3 to 7 of the Indian Tolls Act, 1851, as in force for the time being in the State of Madras, shall apply to the collection of such tolls and the persons under whose management the collection of such tolls

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may be placed, as well as the persons to whom such collections may be farmed out and their agents and servants shall be deemed to be persons appointed to collect tolls within the meaning of that Act.

Purposes for which Devasthanam funds may be used.

85. The funds of the Devasthanams may be utilized for any purpose permitted by any other provision of this Act and also for all or any of the following purposes :—

(i) the maintenance, management and administration of the Devasthanams;

(ii) the maintenance of the educational institutions referred to in Schedule III;

(iii) the foundation and maintenance of hospitals and dispensaries for the relief of the pilgrims and worshippers visiting the temples;

(iv) the construction and maintenance of choultries and rest-houses for the use and accommodation of all classes of pilgrims;

(v) the provision of water-supply and other sanitary arrangements to the pilgrims;

(vi) the establishment and maintenance of a veterinary hospital for the animals of the Devasthanams;

(vii) the acquisition of any land or other immovable property for the purposes of the Devasthanams provided the acquisition is authorized by the Government;

(viii) the construction and maintenance of roads and communications and the lighting thereof for the convenience of the pilgrims and worshippers;

(ix) the training of archakas to perform the religious worship and ceremonies in the Devasthanams, and the training of adhyapakas and vedaparayanikas; and

(x) any work or undertaking for the purposes of the Devasthanams, authorized by the Government, so long as such authorization subsists.

CHAPTER X.

MISCELLANEOUS.

Public Officers to furnish copies of or extracts from certain documents.

86. All public officers having custody of any record, register, report or other document relating to a religious institution or any movable or immovable property thereof shall furnish such copies of or extracts from the same as may be required by the Commissioner, a Deputy Commissioner, an Area Committee, or an Assistant Commissioner.

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87. Where a person has been appointed—

(a) as trustee or executive officer of a religious institution, or

(b) to discharge the functions of a trustee of a religious institution in accordance with the provisions of this Act, or

(c) as manager under section 56 or in any scheme framed by the Board before the commencement of this Act, and such person is resisted in, or prevented from obtaining possession of, the religious institution or of the records, accounts and properties thereof, by a trustee, office-holder or servant of the religious institution who has been dismissed or suspended from his office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee, office-holder or servant, not being a person claiming in good faith to be in possession on his own account or on account of some person not being such trustee, office holder or servant, any Magistrate of the first class in whose jurisdiction such institution or property is situated shall, on application by the person so appointed, and on the production of the order of appointment, and where the application is for possession of property, of a certificate by the Commissioner in the prescribed form setting forth that the property in question belongs to the religious institution, direct delivery to the person appointed as aforesaid of the possession of such religious institution, or the records, accounts and properties thereof, as the case may be :

Provided however that before issuing any such certificate in respect of any property, the Commissioner shall give notice to the trustee, office-holder or servant of the religious institution, as the case may be, of his intention to issue the certificate and consider the objections, if any, of such trustee, office-holder or servant :

Provided also that for the purpose of proceedings under this section, the certificate aforesaid shall be conclusive evidence that the properties to which it relates belong to the religious institution :

Provided further that nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order under this section for establishing his title to the said property.

Explanation.—A person claiming under an alienation contrary to the provisions of section 29 or 35 shall not be regarded as a person claiming in good faith within the meaning of this section.

88. (1) The costs, charges and expenses of and incidental to any suit, appeal or application to a Court under this Act shall be in the discretion of the Court, which may, subject to the provisions of section 77, direct the whole or any part

Putting trustee or executive officer in possession.

Cost of proceedings, etc.

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of such costs, charges and expenses to be met from the property or income of the religious institution or endowment concerned or to be borne and paid in such manner and by such persons as it thinks fit.

(2) The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Commissioner or a Deputy Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what funds and to what extent such costs, charges and expenses are to be paid; and the order passed in this regard may be transferred for execution to the Court and shall be executed by the Court as if the order had been passed by itself if and in so far as the Court considers the order to be a reasonable one.

Penalty for refusal by trustee to comply with provisions of Act. 89. (1) If any trustee [including the executive officer or other person in whom the administration of a religious institution is vested] or any agent of, or person working under, the trustee—

(a) refuses, neglects or fails to comply with the provisions of section 25 or section 26, or

(b) refuses, neglects or fails to furnish such accounts, returns, reports or other information relating to the administration of the religious institution or its funds, property or income or the application thereof, at such time and in such manner as the Commissioner, Deputy Commissioner, Area Committee or Assistant Commissioner may require, or

(c) refuse to permit, or cause obstruction to, inspection by the Commissioner, a Deputy Commissioner, a member of an Area Committee duly authorized in this behalf or an Assistant Commissioner, of any movable or immovable property belonging to, or of any records, correspondence, plans, accounts and other documents relating to, the religious institution, or neglects or fails to produce them for inspection.

The trustee, or where there is more than one trustee, each of the trustees shall be punishable with fine which may extend to two hundred rupees; and in case the act or default complained of continues for more than one month with a further fine which may extend to one hundred rupees for every week or part thereof during which the act or default so continues.

(2) No Court shall take cognizance of an offence punishable under sub-section (1) except on the complaint in writing of the Commissioner.

(3) No offence punishable under sub-section (1) shall be inquired into or tried by any Court inferior to that of a Magistrate of the first class.

(4) The Commissioner may accept from any trustee who has committed or is reasonably suspected of having

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committed any of the offences referred to in sub-section (1), by way of composition of such offence, a sum of money not exceeding one thousand rupees.

(5) Any fine imposed under sub-section (1) or any money payable by way of composition under sub-section (4) shall be paid by the trustee from his own funds and not from the funds of the religious institution concerned.

Central Act VII of 1870. 90. Notwithstanding anything contained in the First or the Second Schedule to the Court-fees Act, 1870, the proper fees for the documents described in columns (1) and (2) of Schedule I shall be the fees indicated in column (3) thereof. **Court-fees to be paid as prescribed by Schedule I.**

91. Nothing contained in this Act shall—

Saving.

(a) save as otherwise expressly provided in or under this Act, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any religious institution, or its established usage in regard to any other matter; or

(b) authorize any interference with the religious and spiritual functions of the head of a math including those relating to the imparting of religious instruction or the rendering of spiritual service.

92. 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. **Act not to affect rights under Article 26, clauses (a) to (c) of the Constitution.**

93. No suit or other legal proceeding in respect of the administration or management of a religious institution or 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. **Bar of suits in respect of administration or management of religious institutions, etc.**

94. Nothing contained in any law of limitation for the time being in force shall be deemed to vest in any person the property or funds of any religious institution which had not vested in such person or his predecessor-in-title before the commencement of this Act. **Property of religious institutions not to vest under the law of limitation after commencement of this Act.**

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Procedure and powers at inquiries under Chapters V and VI.

95. (1) Where a Commissioner or a Deputy Commissioner makes an inquiry or hears an appeal under Chapter V or Chapter VI, the inquiry shall be made and the appeal shall be heard, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits or the hearing of appeals, as the case may be.

Central Act
V of 1908.

(2) The provisions of the Indian Evidence Act, 1872, and the Indian Oaths Act, 1873, shall apply to such inquiries and appeals.

Central Act
I of 1872.
Central Act
X of 1873.

(3) The Commissioner or a Deputy Commissioner holding such an inquiry or hearing such an appeal shall be deemed to be a person acting judicially within the meaning of the Judicial Officers Protection Act, 1850.

Central Act
XVIII of
1850.

Notifications, orders, etc., under Act not to be questioned in Court of law.

96. Save as otherwise expressly provided in this Act, no notification or certificate issued, order passed, decision made, proceedings or action taken, scheme settled, or other thing done under the provisions of this Act by the Government, the Commissioner or a Deputy Commissioner, an Area Committee, or an Assistant Commissioner, shall be liable to be questioned in any Court of law.

Budget, audit report, etc., to be submitted to Area Committee through Assistant Commissioner.

97. Any budget, audit report, accounts, returns, reports or other documents and any information required to be submitted to, or called for by, an Area Committee in respect of an institution subject to its jurisdiction, and all communications intended for an Area Committee shall be sent to the Assistant Commissioner concerned and shall be placed by him before the Committee at its next meeting, together with his remarks or recommendations thereon, if any.

Power of Assistant Commissioner to act for Area Committee in an emergency.

98. The Assistant Commissioner may, in cases of emergency, direct the doing of any act which would ordinarily have to be done by the Area Committee, if the immediate doing of such act is, in his opinion, necessary in the interests of a religious institution:

Provided that the Assistant Commissioner shall not act under this section in contravention of any order of the Area Committee prohibiting the doing of any particular act:

Provided further that he shall report the action taken under this section and the reasons therefor to the Committee at its next meeting; and the Committee may annul, modify or reverse the order passed by the Assistant Commissioner.

Power of Government to call for records and pass orders.

99. (1) The Government may call for and examine the record of the Commissioner or any Deputy or Assistant Commissioner, of any Area Committee or of any trustee in respect of any proceeding, not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act, to satisfy

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themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

(2) The Government may stay the execution of any such decision or order, pending the exercise of their powers under sub-section (1) in respect thereof.

100. (1) The Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to the following matters:—

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

(b) the form and manner in which applications and appeals should be submitted to the Government, the Commissioner, or a Deputy or an Assistant Commissioner;

(c) the powers of the Government, the Commissioner, or a Deputy or an Assistant Commissioner to hold inquiries, to summon and examine witnesses and to compel the production of documents;

(d) the inspection of documents and the fees to be levied for such inspection;

(e) the fees to be levied for the issue and service of processes and notices;

(f) the grant of certified copies and the fees to be levied therefor;

(g) the budgets, reports, accounts, returns or other information to be submitted by trustees;

(h) the convening of meetings of trustees and the quorum for, and the conduct of business at, such meetings;

(i) the manner in which the opinions of trustees shall be ascertained otherwise than at meetings;

(j) the proper collection of the income of, and the incurring of expenditure by religious institutions;

(k) the custody of the moneys of religious institutions, their deposit in, and withdrawal from, banks, and the investment of such moneys;

(l) the custody of jewels and other valuables and documents of religious institutions;

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(m) the manner in which and the period for which leases of properties of religious institutions shall be made;

(n) the manner in which the accounts of religious institutions shall be audited and published, the time and place of audit and the form and contents of the auditor's report;

(o) the method of calculating the income of a religious institution for the purpose of levying contribution and the rate at which it shall be levied;

(p) the security, if any, to be furnished by officers and servants employed for the purposes of this Act;

(q) the preservation, maintenance, management and improvement of the properties and buildings of religious institutions;

(r) the inspection and supervision of the properties and buildings of religious institutions, the reports to be submitted by persons making such inspection and supervision and the fees leviable for such inspection, supervision and report;

(s) the preservation of the images in temples;

(t) the grant of travelling and halting allowances to the members of the Area Committees or to the trustees;

(u) the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in religious institutions including the Tirumalai-Tirupati Devasthanams;

(v) the levy of tolls on roads constructed entirely from the funds of the Tirumalai-Tirupati Devasthanams and situated within the Tirumalai Hills area and the collection thereof;

(w) the delegation by the executive officer of the Tirumalai-Tirupati Devasthanams of his powers, functions and duties to any officer or servant of the Devasthanams and the restrictions, limitations and conditions subject to which such delegation shall be made;

(x) the qualifications, method of recruitment, pay, grant of leave, leave allowance and travelling allowance, personal conduct and punishment, of—

(i) officers and servants constituting the establishment of the Tirumalai-Tirupati Devasthanams;

(ii) executive officers appointed for religious institutions under any provision of this Act or in pursuance of any scheme settled or deemed to be settled thereunder;

(y) the qualifications to be possessed by the officers and servants for appointment to non-hereditary officers in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants;

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(z) the grant of pensions or gratuities to officers and servants of the Board who retired before the commencement of this Act; and

(aa) the grant of gratuities to the heirs of deceased officers and servants of the Board including those who had retired before the commencement of this Act.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

CHAPTER XI.

TRANSITIONAL.

101. On and from the date on which this Act comes into force, the Board shall cease to exist, and all its assets and liabilities shall devolve on the Government.

Abolition of Board and devolution of its assets and liabilities.

102. Any reference to the Board or its President or a Commissioner thereof contained in any enactment in force in the State of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the State, shall, on and from the commencement of this Act, be construed as a reference to the Commissioner appointed under this Act.

Construction of references to the Board, President or Commissioner.

Madras Act II of 1927.

103. Notwithstanding the repeal of the Madras Hindu Religious Endowments Act, 1926 (hereinafter in this section referred to as the said Act)—

Effect of repeal of the Madras Hindu Religious Endowments Act, 1926.

(a) all rules made, notifications or certificates issued, orders passed, decisions made, proceedings or action taken, schemes settled and things done by the Government, the Board or its President or by an Assistant Commissioner under the said Act, shall, in so far as they are not inconsistent with this Act, be deemed to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of this Act and shall, subject to the provisions of clause (b), have effect accordingly;

Explanation.—Certificates issued by the Board under section 78 of the said Act shall be deemed to have been validly issued under that section, notwithstanding that the certificates were issued before the making of rules prescribing the manner of their issue.

(b) if the Government are satisfied that any such rule, notification, certificate, order, decision, proceeding, action, scheme or thing, although not inconsistent with this Act would not have been made, issued, passed, taken, settled or done, or would not have been made, issued, passed, taken, settled or done in the form adopted, if this Act has been in force at the time, they shall have power, by order made at any time within

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one year from the commencement of this Act, to cancel or to modify in such manner as may be specified in the order, the said rule, notification, certificate, order, decision, proceeding, action, scheme or thing, and thereupon, the same shall stand cancelled or modified as directed in the said order, with effect from the date on which it was made or from such later date as may be specified therein:

Provided that before making any such order, 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 the publication of the notice for the persons affected by the order to show cause against the making thereof and consider their representations, if any;

(c) a notification published in respect of any religious institution under section 65-A, sub-section (3) or sub-section (5), of the said Act and in force immediately before the commencement of this Act shall be deemed to be a notification published under section 64 of this Act and shall be in force for five years from the date of commencement of this Act;

Explanation.—The scheme of administration, if any, settled for the religious institution and the rules, if any, framed under such scheme which ceased to apply to the institution under section 65-B of the said Act shall not be deemed to be revived by reason of the cancellation of the notification under section 64, sub-section (4), or by reason of its having ceased to be in force by efflux of time.

(d) all schemes settled or modified by a Court of Law under the said Act or under section 92 of the Code of Civil Procedure, 1908, shall be deemed to have been settled or modified by the Court under this Act and shall have effect accordingly; Central Act V of 1908.

(e) in any scheme settled or deemed to have been settled under the said Act (including a scheme settled under section 92 of the Code of Civil Procedure, 1908) and in force immediately before the commencement of this Act— Central Act V of 1908.

(i) all powers conferred and all duties imposed by such scheme on one or more trustees, whether hereditary or non-hereditary, shall be exercised, subject to the restrictions and conditions, if any, specified in the scheme by the trustee or trustees appointed for the religious institution under this Act;

(ii) all powers conferred and all duties imposed by such scheme on any Court or Judge or any other person or body of persons not being a trustee or trustees or a paid or an honorary officer or servant of the religious institution, shall be deemed to have been conferred or imposed on the Area Committee if the institution is subject to the jurisdiction of such a Committee and on the Commissioner, in other cases; and the Area Committee or the Commissioner, as the case may be,

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shall exercise such powers and discharge such duties in accordance with the provisions of the scheme subject to such restrictions and conditions, if any, specified in the scheme;

(f) all orders made under section 67 of the said Act shall, notwithstanding that they are inconsistent with this Act, continue in force, but any such order may at any time be modified or cancelled by the Deputy Commissioner if it is an order made under sub-section (1) or sub-section (3) of that section and by the Commissioner if it is an order made under sub-section (4) or sub-section (5) of that section; and any person aggrieved by any modification or cancellation made by the Deputy Commissioner may appeal to the Commissioner within such time as may be prescribed;

(g) all by-laws made by the Board under the said Act shall, in so far as they are not inconsistent with this Act, be deemed to be orders issued by the Commissioner under this Act;

(h) all proceedings pending before the Government or the Board or its President or an Assistant Commissioner under the provisions of the said Act at the commencement of this Act, may, in so far as they are not inconsistent with the provisions of this Act, be continued by the appropriate authority under this Act;

(i) all costs, expenses, charges, penalties, and contributions payable to the Board under the said Act immediately before the commencement of this Act, shall be payable to the Government instead; and any assessment, levy or demand of such sums made before the commencement of this Act shall be deemed to be valid and may be continued and shall be enforceable under this Act;

(j) all suits, applications or proceedings taken by, or on behalf of, or against, the Board under the provisions of the said Act and pending at the commencement of this Act, may be continued, by or on behalf of, or against, the Commissioner subject to the provisions of, and in so far as they are not inconsistent with, this Act;

Explanation.—All suits and applications instituted under the said Act in the High Court in respect of religious institutions situated within the Presidency-town and pending on the date of commencement of this Act, which would have been instituted in the Madras City Civil Court if this Act had been in force at the time when such suits or applications were instituted shall be continued in, and disposed of by, the High Court.

(k) any remedy by way of application, suit, or appeal which is provided by this Act shall be available in respect of proceedings under the said Act pending at the commencement of this Act as if the proceedings in respect of which the remedy is sought had been instituted under this Act.

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Position of the President, Commissioners, etc., of Board after commencement of this Act.

104. (1) On the coming into force of this Act, such members of the Board including the President and such of its subordinates as the Government may consider suitable, may be appointed by the Government in their discretion to any offices provided for in this Act to which they may be deemed qualified; and the services of the rest shall be deemed to have been terminated.

(2) The conditions of service of persons so appointed shall be regulated by rules made by the Government from time to time as if they had entered the service of the Government on the date of their first entertainment as a member of the Board or as its subordinate, as the case may be.

(3) To those not so appointed, the Government may accord such relief by way of pension, gratuity, provident fund or leave with allowances as they may in their discretion deem fit.

(4) No Court shall entertain any suit or application for damages or compensation by any member of the Board or any of its subordinates affected by sub-section (1) or for the variation of the relief, if any, granted under sub-section (3).

Effect of repeal of Tirumalai-Tirupati Devasthanams Act, 1932.

105. (1) Notwithstanding the repeal of the Tirumalai-Tirupati Devasthanams Act, 1932 (hereinafter referred to as the **Madras Act XIX of 1933.**)—

(a) all rules or by-laws made, notifications issued, orders passed, decisions made, proceedings or action taken and things done by the Government, the Board or the Committee constituted under Chapter II of the Devasthanams Act or the Commissioner appointed under section 18 of that Act or by any of the Advisory Councils appointed under that Act, shall, in so far as they are not inconsistent with this Act be deemed to have been made, issued, passed, taken or done by the appropriate authority under the corresponding provisions of this Act and shall have effect accordingly;

(b) all proceedings pending before the Government, the Board, the Committee or the Commissioner under the provisions of the Devasthanams Act at the commencement of this Act may, in so far as they are not inconsistent with the provisions of this Act, be continued by the appropriate authority under this Act;

(c) all suits, applications or proceedings taken by, or on behalf of, or against, the Committee or the Commissioner under the provisions of the Devasthanams Act may be continued by, or on behalf of, or against, the Board of Trustees or the executive officer, as the case may be, of the Devasthanams, subject to the provisions of, and in so far as they are not inconsistent with this Act;

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(d) any remedy by way of application or appeal which is provided by this Act shall be available in respect of proceedings under the Devasthanams Act pending at the commencement of this Act as if the proceedings in respect of which the remedy is sought had been instituted under this Act.

(2) Any reference to the Committee constituted under the Devasthanams Act or the Commissioner appointed under that Act, in any enactment in force in the State of Madras or in any notification, order, rule, form or by-law made under any such enactment and in force in the State, shall, on and from the commencement of this Act, be construed as a reference to the Board of Trustees or the executive officer of the Devasthanams under this Act.

(3) The undertaking by the Tirumalai-Tirupati Devasthanams Committee constituted under the Devasthanams Act, of the functions of a licensee under the Tirumalai-Tirupati Devasthanams Electrical Licence, 1932, shall be deemed to have been authorized by the Government within the meaning of clause (x) of section 85 of this Act and all expenditure incurred from the funds of the devasthanams before the commencement of this Act for the performance of such functions is hereby validated.

106. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty. **Power to remove difficulties.**

SCHEDULE I.

(See section 90.)

Court-fees payable for documents.

Section.	Description of document.	Proper fee.
(1)	(2)	(3)
		RS.
	I. Suits.	
52	Suit for removal of trustee of math or specific endowment attached to math.	50
62	Suit against order of the Commissioner ..	50
	II. Applications to Court.	
62 (3) (a)	Application to Court to modify or cancel a scheme settled or modified or deemed to have been settled or modified by the Court.	50
74 (5)	Application to Court against order of surcharge.	20

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Section.	Description of document.	Proper fee.
(1)	(2)	(3) RS.
	<i>II. Applications to Court—cont.</i>	
87	Application for delivery of possession ..	2
	<i>III. Appeals to Court.</i>	
62 (2) } 62 (3) (b) }	Appeal to High Court	50
	<i>IV. Applications to Government, Commissioner or Deputy Commissioner.</i>	
18	Application to Commissioner for revision	10
32 (1)	Application by trustee for recovery from person in possession of property of specific endowment.	2
32 (2)	Application by person in such possession for recovery from person responsible in law for performance of service or charity.	2
52 (1)	Application to Commissioner for consent to suit for removal of trustee of math or specific endowment attached to math.	10
57	Application for decision of dispute or matter under the section.	15
58 (1)	Application for settlement of scheme ..	50
58 (6)	Application to modify or cancel scheme settled under section 58 (1) or deemed to have been so settled.	25
59 (1)	Application for order under the section ..	25
59 (2)	Application to modify or cancel order passed under section 59 (1) or deemed to have been so passed.	25
61 (2)	Application to Commissioner to modify or cancel order passed under section 61 (1) or deemed to have been so passed.	25
64 (4)	Application to Government to modify or cancel notification of religious institution under Chapter VI.	25
99	Application to Government for revision ..	25
103 (f)	Application for modification or cancellation of order under section 67 of the Madras Hindu Religious Endowments Act, 1926.	25
	<i>V. Appeals to Government, Commissioner, Deputy Commissioner or trustee.</i>	
19 (5)	Appeal to Government against order of Commissioner.	20

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Section.	Description of document.	Proper fee.
(1)	(2)	(3) RS.
	<i>V. Appeals to Government, Commissioner, Deputy Commissioner or trustee—cont.</i>	
29 (4)	Appeal to Government against order of Commissioner regarding alienation of property.	15
31 (2)	Appeal to Commissioner under the section ..	25
32 (3)	Appeal to Commissioner against order of Deputy Commissioner directing recovery under section 32 (1) or (2).	5
45 (5)	Appeal to Commissioner by trustee against order of punishment passed by Deputy Commissioner.	25
	Appeal to Government against order of punishment passed by Commissioner.	25
46 (4)	Appeal to Commissioner against order of Deputy Commissioner under section 46 (2) or 46 (3).	25
47 (4)	Appeal to Commissioner against order of Deputy Commissioner appointing temporary successor to hereditary trustee.	25
48 (4)	Appeal to Deputy Commissioner against order of trustee under section 48 (3).	2
49 (2)	Appeal to Deputy Commissioner by office-holder or servant against order of punishment passed by a trustee.	2
49 (3)	Appeal to Commissioner by hereditary office-holder or servant against appellate order of Deputy Commissioner.	2
51 (4)	Appeal to Deputy Commissioner against order of Area Committee regarding <i>dittam</i> .	20
52 (2)	Appeal to Government against Commissioner's refusal to give consent.	20
61 (1)	Appeal to Commissioner against order of Deputy Commissioner under Chapter V.	25
70 (4)	Appeal to Deputy Commissioner against order of Area Committee regarding budget.	10
74 (5)	Appeal to Government against order of surcharge.	20
83 (2)	Appeal to the Board of Trustees by office-holder or servant against order of punishment by executive officer.	2
83 (3)	Appeal to Commissioner by office-holder or servant against appellate order of the Board of Trustees.	2
103 (f)	Appeal to Commissioner under the section ..	25

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SCHEDULE II.

[See section 6 (18).]

List of Tirumalai-Tirupati Devasthanams.

I. The temple of Sri Venkateswaraswami on Tirumalai Hill with the sub-temples of—

- | | |
|---|--|
| (1) Sri Varahaswami, | (4) Sri Kshetrapalaka, |
| (2) „ Bhashyakarlu No. I (within the pagoda), | (5) „ Dova Bhashyakarlu, and |
| (3) „ Bedi-Hanumantharayaswami, | (6) „ Anjaneyaswami (in front of Sri Varahaswami). |

II. The temple of Sri Govindarajaswami at Tirupati with the sub-temples of—

- | | |
|--|-----------------------------|
| (1) Sri Saley Nacharamma, | (8) Sri Manavala Mahamuni, |
| (2) „ Choodikodutta Nacharamma, | (9) „ Nammalwar, |
| (3) „ Modal Alwar, | (10) „ Vedanta Desikulu, |
| (4) „ Ohakrath Alwar, | (11) „ Woolu Alwar, |
| (5) „ Madhurakavi Alwar, | (12) „ Tirumala Nambi, |
| (6) „ Anjaneyaswami (near Dhvajasthambam), | (13) „ Tirumanga Alwar, |
| (7) „ Anjaneyaswami (near Pedda Bugga), | (14) „ Bhashyakarlu No. II, |
| | (15) „ Kurath Alwar, and |
| | (16) „ Sanjeevaroyaswami. |

III. The temple of Sri Kothandaramaswami at Tirupati.

IV. The temple of Sri Kapileeswaraswami at Tirupati.

V. Sri Padmavathi's temple at Tiruchanur with the sub-temples of—

- (1) Sri Krishnaswami,
- (2) „ Suryanarayanawami, and
- (3) „ Sundararajaswami.

VI. Any other minor temple attached to any of the above temples and not specifically mentioned above.

SCHEDULE III.

[See section 6 (18).]

List of educational institutions maintained from the funds of the Tirumalai-Tirupati Devasthanams.

- (1) Devasthanam Hindu High School, Tirupati.
- (2) Sri Mahant Devasthanam Hindu High School, Vellore.
- (3) „ Venkateswara Vedapatasala, Tirupati.
- (4) „ Venkateswara Ayurvedic College, Tirupati.
- (5) „ Venkateswara Sanskrit College, Tirupati.
- (6) „ Venkateswara Arts College, Tirupati.
- (7) „ The Oriental Institute, Tirupati.

