

Monday, the 26th February 1951. 391⁸

The House met in the Council Chamber, Fort St. George, at 2-30 p.m., 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.]

L.—CONDOLENCE RESOLUTION ON THE DEATH OF
DR. C. RAMALINGA REDDI.

* THE HON. SRI K. MADHAVA MENON :—“ Mr. Chairman, Sir, before we begin our proceedings to-day, I pray your permission to move the following resolution :—

That this House places on record its deep sense of sorrow at the demise of Dr. C. Ramalinga Reddi, a former distinguished member of this Council, and conveys its sense of sympathy to the members of his bereaved family.

Sir, I need not inform the House what a loss it is to our country at this critical hour when the mature wisdom of a person like Dr. C. Ramalinga Reddi is lost to us. Dr. Reddi was a member of the old Madras Legislative Council and also of the first Legislative Council of 1937 after the Government of India Act, 1935, was passed. As an educationist, I do not think, Sir, our country can boast of many greater than Dr. C. Ramalinga Reddi. As Vice-Chancellor of the Andhra University, every one of us know that he made it what it is to-day. He was the Pro-Chancellor of the Mysore University at the time of his sad demise. As a politician, as I said elsewhere, Sir, he was one of those who did not care for dogmas; he was always for a rational view of things irrespective of personalities or other considerations. To me, Sir, it is a very great personal loss. He was very kind and helped me. Sir, in the Legislative Council of 1937, it was Dr. Ramalinga Reddi who encouraged people like us who were comparatively youngsters. I remember, Sir, on the first day when I had occasion to speak in the Legislative Council on some subject, soon after I spoke Dr. Reddi got up and warmly congratulated me and also said that it was unfortunate that talents which I showed that day were not being fully utilized. Perhaps that encouragement from him stood me in good stead and I am very grateful to him. It might be said that he was 71 years old. But children do not feel nonetheless for the loss of their father even if he was old, nor is the mother to be consoled by the feeling that her person was very old when he died. That is the feeling of the country and some of us. He was a former distinguished member of this House and it is our duty to place on record our deep sense of sorrow and also to express our debt of gratitude for the work he had done in this Council in particular and for the country in general.”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. Chairman, Sir, may I be permitted to associate myself with the sentiments that have been expressed by the Leader of the House. It was a great shock to all of us to hear rather suddenly of the demise of Dr. Ramalinga Reddi. I have had the great privilege of

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having followed his career and having known him somewhat intimately for over 40 years ever since he returned in 1908 after a most distinguished academic career at the Cambridge University. A versatile genius and conversationalist the like of whom it would be impossible for the country to have more than half a dozen. He was a distinguished politician, and not merely a distinguished politician, but he brought to bear on his duties the rarest gift of trying to understand other people's points of view and holding a cosmopolitan outlook on many activities of life. I do not think there are many, Sir, who have combined in themselves a rare gift of lucid expression in a foreign language, and more than that a rarer gift of lucid expression in their own mother tongue. Dr. Ramalinga Reddi was a great scholar in Telugu and he had to his credit some of the most distinguished works about which people who are in a position to offer an opinion have said that they are the rarest indeed. As a matter of fact, Sir, just two weeks before his demise, he was telling some of us of the great works that he was preparing on Ramayana and Mahabharata, the great epics. Of Dr. Reddi's part in the political life of this country, I shall not speak; but of his work in the University and in the sphere of higher education, I can probably speak with a greater amount of personal knowledge than many of those who are assembled here. In the Inter-University Board, he held a unique position and was accepted on all hands as a leader in regard to any sphere of academic activity. His beautiful mellifluous voice, his rare gift of analytical thinking and the rarest of all, the manner in which he was bringing home truths to all of us by a pithy phrase coined on the occasion like 'Blazewada' for Bezwada, will always stand out as prominent in men's memories as long as they are prepared to read many of his works. In many spheres Dr. Reddi was perfectly at home and would have been a great force had he continued. It is true, Sir, that he had just passed the Biblical span of life. But one can say that he was in the prime of life so far as his noble gifts were concerned. Nobody could imagine—and I could not imagine as I saw that mournful scene on the last day that one had the privilege to see, and it was a thrilling fact,—that he died in the full plenitude of wisdom and at a time when we in this country could ill-afford to lose such a gigantic intellectual personality. I therefore beg to associate myself with the sentiments given expression to by the Leader of the House."

* JANAB ABDUL LATIF FAROOKHI:—"Mr. Chairman, Sir, on behalf of the Opposition I feel it a melancholy privilege to associate myself with the sentiments that have been expressed about the great loss that we sustained in the death of Dr. Ramalinga Reddi. Sir, few people in public life will feel that they have not sustained a personal loss. I was proud of Dr. Reddi's friendship. He helped me to a great extent while he was in the Legislative Council. When my stipend was discontinued by the British Government for my active participation in the non-co-operation movement and when the people were afraid to criticise the Government, it was Dr. Reddi who was one of those who very strongly criticized Government on the floor of the Legislative Council for their action against me. He, in fact, raised the

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banner of independence in our State. His rare gifts of eloquence, his genial temperament and above all his sympathetic consideration of matters that came before him endeared him to one and all. In his death, our country has lost a great leader. As a politician he thought of political matters in a very independent and clear thinking manner. I feel, Sir, that at a time when we stand in need of experienced leaders, the death of Dr. Ramalinga Reddi was an irreparable loss to the country, and on account of that loss the country has become much poorer and it will be very difficult to fill the gap. I therefore beg to associate myself with the sentiments of sorrow that have been expressed on the floor of the House."

JANAB K. UPPI:—"Mr. Chairman, Sir, I will be failing in my duty if I do not express my feelings on this occasion. I had the good luck of being a soldier under him from 1923 to 1926. I can remember even now and I will be remembering it for all time, how he encouraged and supported me in the Legislative Council wherein I was a new-comer. When the Mappillas of Malabar were suffering and when thousands of them were shut up in jails without anybody to sponsor their cause, it was Dr. Ramalinga Reddi, my revered leader, who took up their cause and fought on the floor of the House and outside."

THE HON. SRI B. GOPALA REDDI:—"He went to 2-45
Malabar." p.m.

JANAB K. UPPI:—"Yes, Sir, he went to Malabar and made special enquiries. He has fought for them. Not only that. He always took up the cause of the Mappillas. When the resolution to release the Mappilla prisoners was brought before the House, he delivered a masterful speech. Hon. Members will remember his pleadings for the Mappillas. Even to-day I remember—and the whole Mappilla community remembers—how C. R. Reddi espoused their cause. When the resolution to remit the sentences on Mappillas was moved in this House, he put up a fight with the then Home Member, Sir Arthur Knapp. Not only that. He encouraged and pleaded for Mappilla education and stressed the necessity for the spread of education among the Mappillas. These are things which the late C. R. Reddi has done for my community and myself, and so, Sir, we will always remember him. It is a great loss, particularly to my community and to the whole country. Sir, I need not dilate upon the greatness of C. R. Reddi. Even while we were students, we were hearing of C. R. Reddi and of the innovations he was bringing in in the examinations. He was trying to introduce innovations in the examination papers. He was asking the examiners to put straight questions to the students in the examination papers and not dilatory questions or questions which the students would not be able to understand. We all know what innovations he was trying to bring in in the Examination Boards. Such was the man. Not only he had made innovations in the educational sphere, but he had done a great service to the nation and he had achieved great things in all these matters. I therefore

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heartily associate and most sincerely associate on this occasion with the sentiments expressed by the Leader of the House as well as the Leader of the Opposition."

* MRS. MONA HENSMAN :—" Mr. Chairman, Sir, we can say little about things we most feel deeply. But, I feel it is my duty here to pay my tribute to the memory of C. R. Reddi and to add my tribute to what has already been said. From 1937, when many of us came fresh into political life, it was men like Sir C. R. Reddi and Sir K. V. Reddi who helped us with their light and wisdom and their experience of the background of political thought, and they it was who guided us and encouraged us as other hon. members have said. Sir, it was not only in politics that Dr. Reddi encouraged us. Perhaps he made the greatest contribution to society in the field of education. There never was a man like him in a discussion and there never was a meeting that was dull if he were there. Even in the All-India Radio, where very often a dialogue or a monologue is carried on by those who are in authority, Sir C. R. Reddi when he took the chair, he made the whole agenda seem full of life and freshness. He would bring into the programme snatches of verses from Shakuntala, or he would bring in translations of the Shashtras that were much to the point and put a view which other people had not seen. His whole mind was so much alive was so refreshing. He was like a cool breeze which blew upon the heat of the argument or discussion or dissertation of other men. He never made anybody angry. Yet, he could say whatever he liked. He spoke the truth and very often, truth in life and truth in season. It was this refreshing, encouraging and student-like side of his nature that appealed to us at all times. We women have often asked him why he had no home and why there was no woman who had the privilege to walk by his side through life. To that he used to answer that if he had married, he would have been limited in his scope of usefulness, by the law. When we said that was how the world was made and that it was a man-made world and man-made law, he said that we had to abide by these things but he took every student and all youth to his heart. He had a greater heart, and his passing away is a loss to every student, man and woman and every person who wishes to learn and to all those who have heard him in his greatness including all of us here. It is a personal loss not only to this House, but it is a loss to the whole of South India, to all India, and to the world. We are proud we have known him as a person, not only through books and through newspapers but as a living soul who (has) brought light to our lives."

MR. CHAIRMAN :—" Hon. Members, it has pleased Providence to deal another blow on this young Democracy. It is not very necessary to describe the great talents of the genius whom we have just now lost. His life has been an open book for the whole country for the past nearly half a century and on an occasion like this, it is not necessary that we should go through his whole life and describe the points which go to show his greatness. Suffice it to say that it is a loss which the country can ill-afford at this time and a loss, the greatness of which it is not easily possible to

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measure just at present. It is all the more poignant because the whole thing came upon us so suddenly. None of us had any inkling or indication that he was about to leave us so soon. The Hon. Dr. Lakshmanaswami Mudaliyar told us that he was in the full prime of his intellectual capacities and we fondly hoped that he would be spared to us to place his high gifts of head and heart at the service of the motherland. We all did sincerely expect that very soon, in the coming future, he would come forward as a mighty pillar of strength in this young Democracy. Such a person has left us all of a sudden to the universal sorrow of the whole country and I cannot but say that Chittoor district where he was born and which felt so proud to own him is the chief mourner on this occasion. Still more, I am proud to say—and I am privileged to say—that I can claim to be the most affected of all because his family and my family have been so closely associated together since that time of his highly respected father, C. Subramania Reddi, a name to be conjured within the legal world of Chittoor. He was a great scholar himself and I know how my own grandfather cherished the works which Subramania Reddi was able to produce in Bharatham and Bhagavatham. Still to this day, we have these books which bear the name of Subramania Reddi. Even since I came to know C. R. Reddi, he always showered sympathy, kindness and affection on all those who belonged to Karvetnagar and I can never forget the kindly interest and fatherly affection he bestowed upon all those who belonged to that district. It is therefore with great grief that I express how sincerely we feel this great loss to the country, to my district and to myself. Perhaps I will be right when I say that his contribution to the politics of the land has become such a matter of daily occurrence that we have forgotten who is the author of this contribution to the political literature, so to say. I think he was the man who originated the no-confidence motion because nobody knew about this no-confidence motion before. It has become part and parcel of our legislation ever since that time. We also know how great a part 'no-confidence' has played in the political life of the country. The part he played in this House has already been highly commented upon by hon. Members who happened to be his colleagues at that time. Therefore, it is my grievous duty to associate myself with this motion and I request all the members to rise and pass this resolution."

The resolution was passed *nem con* all the members standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Scales of pay of University staff.

* 140 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state with reference to the answer to question No. 28 given on 7th October 1950—

(a) what the scales of salaries of University teachers are in Madras, Andhra and Annamalai Universities;

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(b) whether the scales of salaries have undergone any revision towards which special grants are being paid to the Andhra and the Annamalai Universities and if so, what the revised scales are in 1945-46 and in 1949-50;

(c) whether no grant is paid to the Madras University for the revision of salaries and whether there has been revision in the scales of salaries in the Madras University;

(d) whether the Government have examined the financial position of each University before making grants, recurring or non-recurring, for any of the purposes for which grants are made;

(e) whether the Government have noticed any anomalies especially in regard to recurring grants; and

(f) whether the Government have considered that the creation of a University Grants Committee would avoid or at least mitigate the apparent anomalies in regard to grants?

THE HON. SRI K. MADHAVA MENON :—“(a) & (b) The scales of pay of the Universities' staff are prescribed by the University authorities. The Government have no up-to-date information. The grants sanctioned to the two Universities referred to were block grants and no conditions were attached to them. The Government understand that the scales of pay of the staff have been revised by these two Universities.

“(c) No grant is paid to the Madras University for the purpose. There is no information whether there has been a revision.

“(d) Yes.

“(e) The Government do not consider that there has been any anomaly.

“(f) The Government have decided that a University Grants Committee is unnecessary.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, when the Government made block grants for the purpose of increasing the salaries of the staff employed in the Universities, whether they did not get information as to what the existing salaries were and how far they proposed to increase them.”

THE HON. SRI K. MADHAVA MENON :—“Sir, it is true that the grant was made but the Government had no idea of interfering with the way in which they used the money. As I said, the pay has been recently revised by both the Universities.”

Food situation in Visakhapatnam district.

* 141 Q.—SRI C. VEERABHADRA RAO: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received any resolution from the Visakhapatnam District Food Conference held at Uratla regarding the present situation of food in the Visakhapatnam district; and

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

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

“(b) In view of the subsequent decision of the Government to abolish rural rationing and give up procurement in the Visakhapatnam district, no action is called for on the resolutions.”

Complaint by a Madras detenu against Vellore jail officials.

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

(a) whether a Madras detenu in Vellore jail was taken to New Delhi to argue his *habeas corpus* petition;

(b) whether the detenu complained to the Hon'ble the Chief Justice of the Supreme Court, of torture by the jail authorities to obtain from him an undertaking to dissociate himself from the Communist Party;

(c) whether the Hon'ble the Chief Justice remarked that though the 'grave allegations' had not been proved, they could not entirely be based 'on imagination';

(d) whether the Hon'ble the Chief Justice expressed a desire that the detenu should be sent directly from Delhi to some other jail in the State;

(e) whether the Advocate-General of the State who was present agreed to do the needful in the matter and if so, whether the desire of the Hon'ble the Chief Justice has been given effect to;

(f) whether the Government have held or propose to hold an enquiry against the jail officials on the 'grave allegations' made by the detenu;

(g) whether the enquiry will be conducted by a judicial officer;

(h) if the enquiry has already been held, who the enquiry officer was and what his findings are; and

(i) whether the Government have taken action against the jail officials concerned?

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

“(b) Yes.

“(c) The Chief Justice remarked that the grave allegations made might not be true but they could not be based entirely on imagination; there might be a substratum of truth.

“(d) The Chief Justice asked the Advocate-General, Madras State, who appeared in the case on behalf of the Government whether there was any objection for the Madras Government to detain the detenu in some other jail and the Advocate-General replied that the Government were not particular in keeping him in Vellore jail. The Chief Justice then remarked that in view of the grave allegations made against the Jail Superintendent, it might be desirable to send the detenu to some other jail.

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"(e) The Advocate-General agreed on behalf of the State Government to send the detenu to some other jail. He informed the Government about this. Upon the orders of Government, the detenu was taken to and confined in the Penitentiary, Madras, directly from Delhi.

"(f) The Government have gone into the matter and are satisfied that the allegations made by the detenu are baseless.

"(g) to (i) Do not arise."

3 p.m. SRI R. SURYANARAYANA RAO :—" May I know, Sir, who enquired into these grave allegations? "

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

Price of groundnut cake.

* 143 Q.—SRI MOTHEY NARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the present market rate of groundnut cake;

(b) the market rate prevailing at the time of decontrol; and

(c) whether the conditions of decontrol have been fulfilled?

THE HON. SRI A. B. SHETTY :—" (a) & (b) The control over the price and procurement of groundnut cake enforced by this Government was revoked with effect from 15th January 1949. A statement * showing the market rates of groundnut cake at important centres prevailing at the time of decontrol and for the week ended 16th October 1950 is appended.

"(c) At the time of decontrol, the South India Oil Mill Owners' Association (now the Madras Oil and Seeds Association) gave an assurance that the millers would not sell groundnut cake at rates, exceeding Rs. 200 per ton loose ex-mill or Rs. 216-8-0 per ton including cost of gunnies. The Government also informed the trade that the control over groundnut cake would be reimposed, if at any time it was found that the millers were not abiding by their assurance to restrict the price of groundnut cake to Rs. 200 per ton ex-mill.

"The price of kernel which was ranging from Rs. 140 to Rs. 142 per candy at the time of decontrol has risen up to Rs. 220 to Rs. 240 per candy about the end of August 1950 and consequently it has not been possible for the millers in certain areas to adhere to the assurance they had given earlier. The Government also considered the question of arresting the increase in the prices of groundnut cake. But inasmuch as the price of groundnut cake cannot be fixed without reference to the prevailing prices of kernel and oil and as the Government of India, as a matter of policy, have not agreed to permit this Government to regulate

* Printed as Appendix I on page 82 infra.

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exports of kernel, this Government have not considered it necessary to fix any statutory prices only for groundnut cakes."

SRI MOTHEY NARAYANA RAO :—" May I know, Sir, what is the reason for this abnormal price of groundnut cake? "

THE HON. SRI A. B. SHETTY :—" The prices of many things have risen, and it may be also due to the fact that on account of continuous drought, there has been less production of groundnut. There is also export of groundnut to other States and places abroad."

SRI MOTHEY NARAYANA RAO :—" May I know what is the percentage of export to countries outside India? "

THE HON. SRI A. B. SHETTY :—" A separate question may be asked, Sir."

SRI MOTHEY NARAYANA RAO :—" May I know, Sir, whether it is a fact that due to the export of large quantities of groundnut, the prices have gone up so high? "

THE HON. SRI A. B. SHETTY :—" Groundnut kernel, as I said, is going out."

SRI MOTHEY NARAYANA RAO :—" May I know whether it is a fact that the Central Government have recently prohibited the export of groundnuts from this State to places outside India? "

THE HON. SRI A. B. SHETTY :—" No, Sir."

SRI MOTHEY NARAYANA RAO :—" Recently, Sir, I think, I read a statement in the newspapers that the Central Government have imposed a ban on its export. I want to know whether this Government know anything about that ban? "

THE HON. SRI A. B. SHETTY :—" I am not aware of it, Sir."

SRI MOTHEY NARAYANA RAO :—" Will the Government take steps to see that the export of groundnut from this State is prohibited? "

THE HON. SRI A. B. SHETTY :—" Representations have been made over and over again to the Government of India, but the Government of India have not yet consented to put a ban on the export of kernel."

SRI R. SURYANARAYANA RAO :—" In view of the fact that groundnut cake is very important in our grow more food campaign, have this Government represented to the Government of India that at least from this State groundnut kernel should not be allowed to be exported? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir; I have already said that repeated representations have been made to the Government of India; but we are told that as a matter of policy they do not want to put a ban on exports or even on inter-State movements."

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Prohibition Committees.

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

(a) whether the Government have constituted what are called District Prohibition Committees, Taluk Prohibition Committees, Firka Prohibition Committees and the Village Prohibition Committees;

(b) what the composition and functions of these committees are;

(c) whether the members appointed to these committees are required to make a declaration that they abstain from the use of alcohol in any form and that they believe in the efficacy of prohibition;

(d) whether the Government have perused the judgment of the Madras High Court which contains the observation of the Hon'ble Judge of the Court in an appeal from North Malabar; and

(e) what steps the Government propose to take note of the evidence to which the Hon'ble Judge drew the attention of the Government?

THE HON. SRI N. SANJEEVA REDDI:—"The answer ^a is placed on the table of the House."

SRI R. SURYANARAYANA RAO:—"Sir, with reference to the answer to clause (e) of the question, may I know, if the Sub-Inspector of Police could not substantiate his statement before the Court, what was the necessity for the Government to remove the accused in the case from the membership of the Prohibition Committee?"

THE HON. SRI N. SANJEEVA REDDI:—"It may not be correct, Sir. After all, there may be some suspicion already, and it may not be correct to say that he was removed on the allegation made by the Sub-Inspector which cannot be proved."

SRI MOTHEY NARAYANA RAO:—"May I know if there are many instances where members of prohibition committees were removed on the ground that they were addicted to alcoholic drinks?"

THE HON. SRI N. SANJEEVA REDDI:—"Wherever such a thing was brought to the notice of the Government, we have removed them."

SRI S. B. ADITYAN:—"May I know, Sir, whether ex-tappers have been given any representation on these committees?"

THE HON. SRI N. SANJEEVA REDDI:—"Some of them might have got in, I think."

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SRI MOTHEY NARAYANA RAO:—"May I know how many instances have been brought to the notice of the Government?"

THE HON. SRI N. SANJEEVA REDDI:—"I cannot say off-hand; but if a separate question is put, I will be able to answer it. I think there were only two or three instances."

SRI R. SURYANARAYANA RAO:—"May I know, Sir, whether these members are nominated to these committees on the recommendations of the Collectors of the districts?"

THE HON. SRI N. SANJEEVA REDDI:—"Yes, Sir; in fact, it is given in the printed answer here; there are some specific rules under which they are appointed to the committees; they generally consist of the District Prohibition Officer or the District Superintendent of Police, the District Forest Officer, the M.L.As. and M.L.Cs. in the district, the President and Secretary of the Congress Committee and of the Muslim League Committee, etc."

SRI R. SURYANARAYANA RAO:—"May I know if the attention of the Collectors of all districts has been drawn to the instructions given to the Collector of Malabar in regard to the nomination of members to these committees from among those who are not addicts to drink?"

THE HON. SRI N. SANJEEVA REDDI:—"That is the general belief. In these prohibition committees, we expect only those people to be nominated who are not addicted to drink."

III.—REPLY TO THE RESOLUTION OF CONDOLENCE ON THE DEATH OF SARDAR VALLABHBHAI PATEL.

MR. CHAIRMAN:—"I have to inform the House that I have received the following letter from Shrimathi Maniben Patel in reply to the resolution passed by this House:—

'Dear Shri President,

Thank you for your very kind letter of the 18th January and the copy of the resolution of condolence of the Madras Legislative Council which you were good enough to enclose with it. Kindly convey to the Council my sincere thanks for the same.'

IV.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN:—"I have to announce to the House that I have received the following messages from the Hon. the Speaker of the Madras Legislative Assembly:—

'I transmit a copy of the Madras General Sales Tax (Amendment) Bill, 1950 (L.A. Bill No. 39 of 1950), as passed by the Assembly on the 14th February 1951, and signed by me for the recommendations of the Council.

'I certify that this is a Money Bill within the meaning of Article 199 of the Constitution of India.'

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V.—MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN :—“ I have also to announce to the House the following message received from His Excellency the Governor :—

‘ In pursuance of Article 207, clause (3) of the Constitution of India, I, Krishna Kumarasinhji Bhavasinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of Madras General Sales Tax (Amendment) Bill, 1950.’ ”

IV.—MESSAGE FROM THE ASSEMBLY—cont.

MR. CHAIRMAN :—“ I have also received messages from the Hon. Speaker transmitting copies of the following Bills as passed by the Assembly and signed by him for the concurrence of the Council :—

(1) The Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), passed on 7th February 1951.

(2) The Malabar Tenancy (Amendment) Bill, 1950 (L.A. Bill No. 30 of 1950), passed on 10th February 1951.

(3) The Madras Merged Territories (Nomination to District Boards) Bill, 1951 (L.A. Bill No. 1 of 1951), passed on 14th February 1951.

(4) The Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951), passed on 14th February 1951.’ ”

VI.—BUSINESS OF THE HOUSE.

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, may I raise one point now with regard to the agenda that is placed before the House? It is very difficult for members to know what exactly will be the Bills that will be introduced and what Bills passed by the Assembly are coming up before us in this sitting. Especially because these Bills are very important Bills, it will be appreciated very much by members if some definite indication is given as to what Bills are likely to be taken up on any particular day and when we will have to meet next. Some of the hon. Members who come from the mufassal have expressed the opinion that it will be more convenient for them to adjust their business and come here for the next meeting. Although they may not be able to stay here for all the days of the meeting, it will be greatly appreciated if the Government can give us an indication, and if you, Sir, after consultation with the Hon. Leader of the House, can give us the specific items of business which we will be called upon to transact every day and when we are likely to meet next. It seems that this House can meet only on occasions when some little time is made available for it to meet. It is very good in one sense in that we can adjust ourselves to conditions which may not be entirely suitable to us; but as many of us have got other duties also to perform and as some of us have also to be out of the station

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occasionally, I would like to appeal to you and to the Hon. Leader of the House to give some indication as to the manner in which the business will be brought forward before this House and when notice of important items will be given to the members.”

MR. CHAIRMAN :—“ I may inform the hon. Member and the other members that I am responsible for the agenda as it is to-day. The reason is this: now all members know that to-day is set apart for the introduction of the Budget. A number of Bills have been passed by the other House and it is not known—and even the Government are not in a position to say exactly when they are prepared to take them up and on which day they are prepared to take up each Bill. So, I thought the best thing was, as the hon. Member himself put it, to put down all the items on the agenda. Since members from the mufassal would like to have notice of these Bills and to know when the Bills are likely to come up in this session for consideration, I thought of putting them down on the Order Paper to-day; otherwise, the question of giving three or four days' notice would arise. That is why I adopted the method of putting down all the Bills here, so that we may even now discuss the whole thing and come to some agreement as to when we should meet and what Bills are likely to be taken up. It was my intention even before the hon. Member raised the point to put this matter before the House and decide the programme. After the Hon. Finance Minister's Budget speech, I myself wanted to put it to the House. This is a matter which I wanted to leave it to the House for discussion with the Government and for settlement. Now that the matter has come up before us, I would like to know the idea of the Government. I thought if we finished our general discussion of the Budget on the 8th March and if it was also possible to finish all these Bills within that time, then hon. Members from the mufassal need not wait any further. That was the intention with which I put down these Bills here. I think the Hon. Leader of the House will remember that when last time we adjourned, a caution was given to the House that we might have to meet some time after the 26th February for consideration of these Bills. So, I would like to have the matter discussed by both sides as to when next we are sitting, and whether we are sitting tomorrow and the day after.”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, it was our idea to have simultaneous sittings of both Houses so that the Bills that have been passed by the other House may be passed by this House also, since it was known that members of this House would be coming here for the Budget session. That suggestion was made on the last occasion itself when you directed that all the Bills ready for consideration might be put down in the agenda. As to the particular agenda for to-day, the first legislative item is the General Sales Tax Bill. That item may be taken up to-day itself after the Budget speech is over; and so far as the other Bills are concerned, if members have no objection. I think we can sit tomorrow after 12 o'clock and take them up after question time in the other House since most of us are not likely to be engaged in the other House. The Finance Minister will himself be present there; our presence

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may not be necessary there after 12. Our idea is to sit here after 12 o'clock tomorrow and continue to transact the business left over, without causing much inconvenience to the members. We have to stay on anyway for the general discussion of the Budget from the 3rd to the 8th March; and so, if we do not finish the business tomorrow itself, we may have to sit on the 9th March onwards to finish the remaining business."

MR. CHAIRMAN :—" I thought that perhaps the members would like to finish all the Bills before that date. It was with that idea that I wanted to have an indication as to the Bills which would come up before me."

* THE HON. SRI K. MADHAVA MENON :—" After the 8th March, we will be having a long spell before the supplementary grants are to come up before the House. So, I thought this business could be finished within those three or four days."

MR. CHAIRMAN :—" I do not think hon. Members will want any notice to be given, because they know what is all the business that is likely to come up. This General Sales Tax Bill is the first thing; and as soon as the members are already to go on with the other items of business . . ."

THE HON. SRI K. MADHAVA MENON :—" They are mostly non-controversial items . . ."

MR. CHAIRMAN :—" Whether they are controversial or not I cannot say now. The very first thing on the agenda is the General Sales Tax Bill."

* THE HON. SRI K. MADHAVA MENON :—" That Bill is for the appointment of a Tribunal, Sir, which both the Houses have been clamouring for a long time now. We are now only acceding to the wishes of the House in regard to that Act."

MR. CHAIRMAN :—" So may I take it that we are inclined to sit tomorrow? "

3-15 p.m. * JANAB ABDUL LATIF FAROOKHI :—" Sir, I feel that the usual convention has been that we do not take up any other business after the presentation of the Budget and the time that is given to us between the presentation of the Budget and the general discussion is intended for hon. Members to study the Budget. If, therefore, during these days we are asked to take up Bills and discuss them, I think, we will not be in a position to make any useful contribution to the discussion of the Budget. Therefore, Sir, I think the time that is set apart for hon. Members to make a detailed study of the Budget should not be snatched away like that."

MR. CHAIRMAN :—" Nobody is snatching away the time; we have to decide now."

* JANAB ABDUL LATIF FAROOKHI :—" What I say is that the object in giving interval after the presentation of the Budget is to enable hon. Members to study the Budget and then come prepared for discussion."

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THE HON. SRI B. GOPALA REDDI :—" I do not think the time given for the Council is intended for that. As a matter of fact, the Assembly is not given any time and they are meeting tomorrow and starting the general discussion of the Budget. So, when no time is given to the Assembly, Council also cannot ask for any more time than what is given to the Assembly."

* SRI R. SURYANARAYANA RAO :—" I may remind the Hon. Finance Minister that the Assembly has got another occasion to discuss the Budget during the voting of demands, whereas we have only one occasion."

MR. CHAIRMAN :—" The interval we get is not for the set purpose of giving us time for studying the Budget. According to the old dispensation, we were meeting only on different dates for general discussion and not simultaneously, and when the other House was discussing the Budget, we could not meet here. That is, the first opportunity was given to the Assembly and as long as the discussion was going on in the other House, we could not sit, because then the simultaneous sitting was not permitted or was not possible. Now, simultaneous sittings are possible. It may be in the coming years we may sit simultaneously and discuss the Budget also, provided it is convenient for the Finance Minister. Otherwise, even simultaneous discussion of the Budget also can go on and there is no rule that we must go on with the general discussion of the Budget after the other House has finished it. Of course, I am not forcing any decision upon hon. Members and if it is the general opinion that some time should be given for a study of the Budget before taking up the Bills, I would not personally stand in the way and I am perfectly willing to leave it to the sense of the House."

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I quite appreciate what you said, but the question is, as pointed out by Mr. Suryanarayana Rao, there is another opportunity, after a long interval for the members of the other House to discuss every detailed item of the Budget, but such an opportunity is not given to us. Therefore, we can utilize only whatever time that is given to us for the study of the Budget. We cannot give considered opinion on the Budget unless some time is given to us. If immediately tomorrow we are asked to take up Bills and go on discussing them for three or four days and then we are asked to take up the Budget, I think it will hardly be possible for hon. Members to do justice to the Budget discussion."

MR. CHAIRMAN :—" The point is clear. May I know whether there are amendments to the Sales Tax Bill? "

SRI R. SURYANARAYANA RAO :—" Yes, Sir, I have given notice of some amendments."

MR. CHAIRMAN :—" I think the Malabar Tenancy Bill may take much more time. Can we not finish the Sales Tax Bill and the Buildings (Lease and Rent Control) Bill, straightaway? "

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* SRI R. SURYANARAYANA RAO :—" I have given notice of a large number of amendments to the Buildings (Lease and Rent Control) Bill and they have yet to be cyclostyled."

MR. CHAIRMAN :—" I think we can go on with the Sales Tax Bill."

* SRI R. SURYANARAYANA RAO :—" If the House is willing to sit after 5 p.m. to-day, but I think they have a party meeting about that time."

THE HON. SRI B. GOPALA REDDI :—" We can sit till five and finish the Sales Tax Bill to-day and from tomorrow I may not be available."

MR. CHAIRMAN :—" Then we will finish the Sales Tax Bill to-day."

* THE HON. SRI K. MADHAVA MENON :—" I did not anticipate my hon. Friend to stand on technicalities. It is only a matter of convenience to hon. Members and particularly members coming from the mufassal may prefer to sit tomorrow and hon. Members who are in the town may prefer to sit at any time. That is the position and we have to get through the work. We may sit either tomorrow or even the day after, if necessary; or sit after the 9th until the whole work is finished. But, I think, it is definitely inconvenient for mufassal members to stay for a longer time."

MR. CHAIRMAN :—" What about the holidays on the 28th February and 1st March? "

THE HON. SRI B. GOPALA REDDI :—" No holidays, Sir. The Legislature Secretariat is not employed in census work and so there is no holiday for them."

MR. CHAIRMAN :—" But members would like to have the holidays."

THE HON. SRI K. MADHAVA MENON :—" I leave it to the convenience of the House, as I suggested."

SRI MOTHEY NARAYANA RAO :—" We would like to sit and finish the work before the 8th and go after the 8th March."

* SRI R. SURYANARAYANA RAO :—" Sir, we have to move the amendments of which notices have been given and we have to give our attention to those amendments and also to the Budget and so there is some difficulty so far as we are concerned."

3-30 P.M. MR. CHAIRMAN :—" I take it that the general opinion seems to be that we should finish the work before the 8th March and so, we go on with the General Sales Tax Bill to-day after the presentation of the Budget and we meet again tomorrow at 2-30 p.m. and go on with the other items of work."

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VII.—BUDGET FOR 1951-52.

THE HON. SRI B. GOPALA REDDI :—" Sir, I ^{Introduce} rise to present to the House the Revised Estimate for the current year 1950-51 and the Budget Estimate for the next year 1951-52. This is the fourth Budget that I have had the honour to present to the House. The Legislature has almost served its normal term, and I expect that the next Budget will be presented to new and enlarged House."

2. We have just lived out the first half of the present century. The 50 years that have gone by, constitute a very momentous period in the history of the human race. I, for one, find it difficult to visualize that 50 years ago, there was no aeroplane, wireless transmission, broadcasting, or cinematography. The atom, which we thought was indivisible, has succumbed to the impact of human ingenuity and a new triumph has been recorded by man over matter. There have been great revolutions in the political and social spheres as well, effacing familiar land-marks. Sceptre and Crown have tumbled down, and the faces of nations have changed. The one outstanding feature in the political kaleidoscope, is the emergence of Asia, as a force to reckon with in the Councils of the World—a fact that the West finds difficult to comprehend.

Europe's tentacles over Asia began to retract with the defeat of Russia at the hands of Japan in the first decade of this century. Though the rising Sun of Japan has now suffered an eclipse, China has arisen. India, Burma, Ceylon and Indonesia have all shaken themselves free of the fetters which had bound them down for two centuries, and colonialism as a form of Government, stands discredited throughout Asia.

But then, are the people anywhere, free from fear and frustration today? They recall how the first World War, waged to end war for all time, led only to the economic depression of the Thirties and to the still more frightful holocaust of World War II. The aftermath of inflation and scarcity is still on the people and yet they are in daily dread of a *Maha Pralaya*

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bursting forth anew. Never until now, has man's knowledge so outrun his wisdom and rendered him incapable of adjusting himself to his environment. He seems to have plucked the forbidden fruit, before it had ripened in the fulness of time and he is intent on making a fatal use of it. The danger is much greater than a breakdown of civilization—civilizations have grown, faded and vanished before. The danger now is of the disintegration of the human personality. A creative pause is necessary—a period in which man can regain his lost sense of origin, rhythm and continuity. This is the lesson that the great Men of our Age—Shri Aurobindo and Mahatma Gandhi—have endeavoured to teach us. The Life Force tries to assert itself through the voices of these great men, but as ever, the brute in Man is out to crucify the active apostles of peace and goodwill amongst men, and to stone their followers.

Today, India tries to follow the footsteps of the Father in the path of peace, though her friends would seem to misunderstand her. She believes, that man can still be made to realize the wisdom of beating out swords into ploughshares and so pursues her plans for the peaceful development of her sons and daughters. And the Madras State too put its faith in the people and hopes to push on steadily with the implementation of various measures for their well-being, despite difficulties.

Law and
Order.

3. The maintenance of Law and Order has been our chief problem since the attainment of independence. You may remember how just across our borders in Hyderabad, a militant clique was conspiring to plunge this country into a civil war and did, for a while, spread panic and fear in our border districts. Encouraged by these unsettled conditions, the Communists came out in almost open rebellion, threatening life and property in those areas. The doctrines of hatred preached by members of that party, were imbibed by misguided agricultural labourers of Tanjore and Malabar districts, which too caused us grave concern. Industrial labour too was restive and as much as 2 million man-days were lost in strikes and lock-outs, in each of the years, 1947 and 1948.

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Under the indomitable leadership of the Sardar, whose loss we bemoaned only recently, we braced ourselves up to meet these threats to our existence as a civilized nation. Hon'ble Members are no doubt familiar with the history of the police action and the steps we had taken to meet the Communist menace, but they have a special relevance in the present context. The police budget which stood at Rs. 3 crores in 1945-46, is now nearly Rs. 7 crores. A portion of this increase, is accounted for by the unavoidable enhancement in the dearness and other allowances, but we had also to strengthen the forces and equip them with modern arms. Even during the current year, we had to recruit six more companies of Special Armed Police, to raise the effective strength of that force to 24 companies. The housing conditions of our district police were none too satisfactory, and the discontent caused thereby amongst the subordinate ranks, was threatened to be exploited by subversive elements. In order to redress this grievance, we had sanctioned a housing programme costing over Rs. 64 lakhs, spread over four years in the last Budget. Another three-year programme costing Rs. 24 lakhs has been included as a Part II Scheme in this Budget.

4. No doubt we are paying a heavy price, but we should keep in mind that the people of this country had been used to autocratic rule all through the modern ages, and we have for the first time launched our ship of State in democratic waters. This form of Government can thrive, only if complete freedom of thought and expression is maintained, and in a land of many faiths, castes and racial stocks, this requires considerable experimenting and adaptation. However, we may note with pardonable pride, that during these early days of our independence, we had allowed absolute freedom of worship, thought and mode of life and are in a position to rely on robust public opinion, to stifle the antics of certain individuals by the process of sheer ridicule. No doubt, we have enacted a few special laws, but they are in operation only against those who claim the right of inciting people to arson, loot and sabotage. If today our Prime Minister's voice is heard with respect in the councils of nations, and if the great American

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Republic is proposing to give us material assistance in food and money for the development of our country, it is largely because we have been able to establish a stable Government on full democratic lines and, therefore, we should not mind some little extra expenditure on the maintenance of our security services. I am confident that the House will join with me when I take this opportunity to record my appreciation of the arduous work turned out by our police forces in safeguarding our freedom against subversive elements.

Seasonal conditions.

5. Dame Nature too seems to be offended with us and has shown her angry visage through flood, drought and quake. We in Madras have been denied her grace for the fourth year in succession. The north-east monsoon failed in a majority of districts mostly in Tamil Nad during the year 1950. Excepting the four districts of Bellary, Nellore, South Kanara and Malabar, the total rainfall in the year has been much below the normal. For the past two or three years, conditions bordering on famine have prevailed in districts like North Arcot, Salem, Coimbatore and Ramanathapuram, South Arcot and Chittoor have also now come into the list. The failure of crops has therefore been on a large scale. The only relieving feature in this gloomy picture is that paddy crops in deltaic areas have survived.

Food position.

6. The food position in 1951 is therefore expected to be very difficult. The situation can be met only by large imports of foodgrains and the Government of India are trying their best to assist us. But under the present unsettled world conditions, we cannot be certain of foreign imports, and so, the Government of India have asked all State Governments to cut down the ration to a total of 9 ounces per adult per day, and we have fallen in line. It is needless to say, that the Government are anxious to raise the total ration or at least the rice content of it, at the earliest moment possible. Meanwhile, it is the duty of every one of us to put up with the present austere conditions and avoid waste.

The Government of India have so far allotted to this State only a total quota of 5 lakhs tons of

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imported foodgrains for the year 1951, of which not more than 1 lakh tons may be in the shape of rice. The Madras Government, supported by the unanimous voice of this House, are pressing for a larger quota, and let us hope that assistance of a substantial nature will reach us in time.

7. The extent to which both the Government of India and this Government have been subsidizing food supply, is not generally recognized. During the seven years from 1943-44 to 1949-50, the total trading loss on grain supply schemes has amounted to over Rs. 17½ crores. Establishment and overhead charges have resulted in a further expenditure of about Rs. 5½ crores. The amount of procurement bonus paid to ryots is about Rs. 8 crores, of which a sum of about Rs. 5½ crores only, has been recovered from consumers. Thus, the total food subsidy during these years has worked out to Rs. 25½ crores, of which the Government of India's share has been about Rs. 11 crores, made up of Rs. 8 crores by way of subsidy on overseas imports and Rs. 3 crores as procurement bonus, mostly earmarked for expenditure on intensive cultivation schemes. In other words, the Madras Government have been incurring an expenditure on the average, of more than Rs. 2 crores a year, by way of supplying food to the people, and they can hardly afford to add to this commitment.

The Government of India have recently announced some material changes in their food policy, which will affect our revenues very adversely. Imported rice from overseas was being supplied to us by that Government at the pooled average price of Rs. 22 per imperial maund during 1950, and the cost per maund including incidentals worked out to about Rs. 22-8-0. The average wholesale issue price of rice in the State during that year was about Rs. 15-5-0 a maund. Thus the loss per maund on account of the subsidized sale of rice in the State worked out to about Rs. 7-3-0 per maund or nearly Rs. 196 a ton, and this loss had been shared by the Government of India and the Madras Government in the ratio of 3 : 1. The Government of India have now decided to subsidize only a limited quantity of foodgrains from the 1st of

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January 1951. For the present, they have intimated that they will subsidize only 50,000 tons of rice and 125,000 tons of wheat. This means that this Government will have to find about Rs. 2 crores more, if they should sell foodgrains at the present retail prices. With a view to reduce this additional loss, the issue price of rice has been raised throughout the State by eight annas a maund or roughly 4 pies on a Madras measure.

Since 1948-49, the Government of India have been giving a bonus at the rate of 8 annas per maund on foodgrains procured by this Government, which worked out to about Rs. 2 crores a year. The only condition attached to this grant was, that it should be made use of on approved Grow More Food Schemes and we have been making full use of this bounty. According to their revised policy, this Government will be able to earn a bonus, only if imports are kept below 4 lakhs of tons, and even so, the grant will be only of the order of Rs. 27 lakhs. This State has no option but to press for the maximum imports to feed the people even at the present starvation level and therefore, for all practical purposes, we cannot hope to lay claim to the bonus and the sum of about Rs. 2 crores hitherto derived by us, is now lost to us. No doubt, the Government of India have their own financial difficulties, but as a Member of the State Government, I cannot but feel, that these changes in policy are hitting us hard at a time of special difficulty.

Procurement
of food-
grains.

8. Hon'ble Members are aware that this Government have, in deference to the views generally expressed in this House, recently changed their procurement policy. Intensive procurement of paddy is now confined only to the delta areas of the surplus districts of East Godavari, West Godavari, Krishna, Guntur, Nellore and to the whole of Tanjore district. In Malabar and the Nilgiris, which are highly deficit districts, intensive procurement of paddy and millets is continued as before. Procurement of paddy under an easy system of levy has been ordered to be adopted in parts of South Arcot, Tiruchirappalli, Madurai and Srikakulam districts and in the entire district of South Kanara. Rural rationing has been abolished in all districts except in Malabar and the Nilgiris and

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in the Hosdrug sub-taluk of South Kanara district. Grain shops will be opened in industrial centres, and fair price shops in other areas from where distress is reported. Millets will be allowed to circulate freely within each district, but transport from one district to another will be controlled by permits, on a zonal scheme. Some little retrenchment in the procurement staff seems possible, and this will be effected as soon as the new scheme gets stabilized.

9. Rationing and controls are but temporary expedients to meet the food problem. The real remedy is to increase production and to endeavour to make the country self-sufficient. A three-year plan (1949-52) has been in operation in this State, with the assistance of the Government of India, on the basis generally of a half-grant on the unproductive portions of the outlay.

The most important item in this programme is the renovation of our existing irrigation tanks, which have all lost a good portion of their capacity by centuries of neglect and silting. We have about 25,000 of them in this State and we are now taking on hand about 7,000 for repairs. Seven Food Production Executive divisions have been organized for this purpose and they have commenced operations very largely in the zamindari areas, which we have recently taken over. An amount of Rs. 90 lakhs is being spent on them during this year and a provision of Rs. 150 lakhs is being made for the ensuing year. This work is intended largely to stabilize the existing precarious irrigation under the tanks and therefore, there is no net return to the exchequer, except where small extents are brought newly under irrigation, wherever that is possible without prejudice to registered ayacuts.

Side by side with this measure, the Public Works Department has also taken up the construction of about 300 small irrigation schemes spread throughout the State. A good many of them are in our deltas, where with comparatively small outlay in the form of extensions to an existing channel, the digging of a new channel or the widening of a drainage course,

Food
Production
Schemes.Tank resto-
ration.Grow More
Food irriga-
tion works.

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large areas can be brought under wet crops. Appreciable headway has been made in this direction, with an outlay of Rs. 60 lakhs in the current year and it is proposed to spend Rs. 70 lakhs more in the ensuing year.

Well-subsidy scheme.

Hon'ble Members are already familiar with our Well-subsidy Scheme. So far, we have granted subsidy loans to the extent of Rs. 731 lakhs for the construction of 166,000 new wells and for the repair of 31,300 old wells. The current year's programme consists of 12,200 new wells for a subsidy loan amount of Rs. 94 lakhs, and we hope to continue this in the next year with a programme of 7,600 wells costing Rs. 38 lakhs as loan subsidy. Considerable criticism has been levelled on the success or otherwise of this scheme; but the Government feel that on the whole, the scheme has conferred appreciable benefits on the people, the full effects of which can be gauged only in a year of normal rainfall, which we have not had for a long time now. However, the scope of the scheme is being restricted in the coming year to only a few selected areas which, according to our experts, are more favourably situated for this kind of development.

Tube wells.

Another important scheme sanctioned in the course of the year at a total cost of Rs. 9 lakhs is the sinking of 101 artesian wells in the South Arcot district, each well capable of irrigating 50 acres. There may be fair prospects of irrigation development under this scheme, but we have yet to gather the necessary data by an underground survey of water resources, and this is being taken up. The danger in proceeding headlong in this direction is that artesian wells have a tendency to dry up in the course of about 10 years and therefore, unless the annual return from the outlay is substantial, there might be wastage in the long run. The Industries Department has taken up this experimental work and we have provided Rs. 19 lakhs in the current year and Rs. 11 lakhs in the ensuing year, for the purchase of up-to-date boring sets.

Pump sets.

Lift irrigation is becoming increasingly popular amongst agriculturists, especially since the seasons have been disappointing us in consecutive years. The Agricultural department have set a target of supplying about 4,400 oil engines with pump sets before the end

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of 1951-52 at a cost of Rs. 159 lakhs. During the current year we are importing 1,350 oil engines costing Rs. 58 lakhs, and we are providing for a supply of 1,200 oil engines in the ensuing year. Our Electricity department is also busy with a similar programme on a long range basis for our rural areas. About 15,000 electric pumpsets are now in use for lifting water from irrigation wells and that department has set a target of connecting up 3,000 new pumpsets each year at an approximate cost of Rs. 50 lakhs per annum. I am glad to inform the House, that in this form of rural electrification, we have stolen a long march over other States.

In dealing with unreclaimed virgin land, we have noticed that tractor-ploughing can yield good results. The development of this mechanical device is being impeded by their expensive maintenance and upkeep. We are gradually training up enough technicians to handle these costly machines, of which we will have 278 by the end of this year. Provision is being made in the next year's budget to buy 53 machines, making up a total of 326. Tractor-ploughing has become so popular that the Government have decided with effect from this year, that hire charges need no longer be on a subsidized basis.

We have also been taking measures to enhance the yield on lands by improved methods of cultivation, the most important of which is the supply of chemical manures. It was feared that ryots were averse to the extensive use of chemical manures, since that might impair the fertility of the soil in the long run. But our experts seem to think, that the injurious effect could be kept under check, if ammonium sulphate is mixed with phosphates and accordingly a drive was launched in our deltas to popularize the use of chemical manures with considerable success. Interest-free loans were granted at Rs. 25 per acre, subject to a maximum of Rs. 200 per ryot and the ryots in the deltas took advantage of this concession to the extent of Rs. 64 lakhs to the end of December. The scheme has also been extended to the second crop paddy in the East and West Godavari districts, and a sum of Rs. 12 lakhs has been sanctioned for distribution as

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takkavi loans. It is too soon to judge the results; but if it is found successful, the experiment would be repeated in the coming years.

In the matter of these intensive cultivation schemes, we are entirely at the mercy of the monsoons. Human toil and sweat can only improvise the instruments for gathering up Nature's bounty; but if that is denied to us to the extent we deserve, all that we can do is not to lose ourselves in despair. Banking on a favourable season, we had imported this year about 150,000 tons of chemical fertilizers at a cost of nearly Rs. 5 crores. Two-fifths of this eagerly sought-for commodity, is now lying locked up in our godowns, because the ryots are unable to use it in the absence of timely rains. Quite apart from the frustration thereby caused on the food-front, about Rs. 2 crores of our slender resources are now lying idle, causing us considerable embarrassment on the ways and means side. If our intensive cultivation schemes have not yielded spectacular results, it cannot all be attributed to the lack of effort on the part of the Government and their officers. Let us hope that these schemes will bear fruit in abundance in the next year with plentiful and timely rains.

10. Forestry must go side by side with agriculture in the preservation of our rural economy. Owing to the heavy demand for timber and charcoal during the war period, our forests were over-exploited. Disafforestation was also going on at a reckless pace in the search for more land to grow food. These tendencies, which seemed to ruin our forest resources, have been checked and the Government are now bestowing their special attention to the development and conservation of our forests. The working plans circle has been revived so that the exploitation of forest lands is made on a planned basis, allowing those lands time to recuperate. Special attention is being paid to casuarina plantation to supplement our fuel resources. A scheme for the plantation of wattle has been organized on the Nilgiris. The forest areas recently taken over from the zamindars and pan-chayats, are being organized into a separate circle for

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their proper conservation. It is hoped that by these and other measures, our forests would soon be enabled to recover from the war damage.

11. In our desperate need for augmenting food ^{Fisheries.} supplies, we are now paying growing attention to our fisheries, both inland and deep sea. This department which had been functioning somewhat indifferently as a part of the Industries Department, has now been reorganized under a full-time Director. A Seed Collection and Distribution Scheme at a cost of Rs. 2.5 lakhs non-recurring and Rs. 6 lakhs recurring has been sanctioned recently. This aims at stocking our vast inland waters with fingerlings of quick growing species in the beginning of the season. Provision has been made for stocking 50,000 acres which are expected to yield about 10,000 tons of fish valued at a crore of rupees in about six months' time. The Mettur Reservoir which has an area of 40,000 acres and an average depth of 50 feet, contains very rich fisheries which have been developed by careful conservation and stocking during the last ten years. A pilot scheme costing about Rs. 32,000 for exploiting a small fraction of the fisheries has been sanctioned by the Government and about 1,500 lbs. of fish are taken out every day. As fish is an item of food which goes bad quickly, the Government have arranged for quick transport facilities. Fifteen motor vans with seating accommodation for 24 persons and their catch, are run under departmental supervision. Only a nominal fee is charged for the use of the vans. Fishermen are also taken back to their villages, after they finish their work in the markets. As an encouragement to fishermen to resort to hygienic curing, the Government have reduced the issue price of salt in the fish-curing yards from about Rs. 2-9-0 to Re. 1-4-0 per maund, and this is being well appreciated by the poor fisher folk. A scheme for exploring the possibilities of fishing with power craft has also been sanctioned. Provision has been made for constructing six boats at Rs. 3,000 each and installing diesel engines in them costing Rs. 3,500 each. Such boats are within the capacity of some of the richer fishermen, and to enable others to resort to this method, co-operative societies of fishermen are being organized. The catches by this method are expected

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to be six times those obtained by ordinary catamarans. The programme for the development of fisheries aims at providing over 80,000 tons of fish in each of the years 1950-51 and 1951-52 as against a production of only about 6,000 tons in 1949-50.

Animal
husbandry.

12. The Government have also paid due attention to the improvement of livestock, which forms the back-bone of Indian agriculture. Prior to 1946-47, this State had only two livestock farms, one at Lam near Guntur and the other at Hosur in the Salem district. The accepted policy of the Government is to open a cattle farm for each district or at least for a group of districts. In pursuance of this policy, new farms have been opened in Visakhapatnam and Bellary districts, and arrangements are being made for opening a farm in Malabar and South Kanara districts. In addition, the farm at Chintaladevi (Nellore district) has been taken over by the Government to serve as a feeder farm to the Livestock Research Station, Lam. Provision has been made in the Budget for next year for the starting of a district livestock farm at Pudukkottai. The number of pure-bred bulls in the different breeds issued from the farms, increased from 54 in 1945-46 to 107 in 1949-50. During 1949-50, the dairy attached to the farm at Visakhapatnam produced 5 lakhs pounds of milk, of which 3.6 lakhs pounds were sold as fluid milk. This dairy is equipped with the latest machinery for pasteurization, processing and storage of milk. The scheme for the salvage of milch cows in Madras City introduced in 1944-45, has become popular. The number admitted under this scheme has increased from 80 in 1945-46 to 226 in 1949-50. In order to extend the usefulness of good bulls, which are in short supply, a centre for the artificial insemination of cows was opened at the Madras Veterinary College during 1948-49. Two more centres at Coimbatore and Guntur were opened at the end of 1949-50 and provision is being made to open new centres at Ootacamund and the Anamalais in the ensuing budget. Seven hundred and six cows and she-buffaloes were served by the Madras centre alone in 1949-50. The Government Milk Factory at Madras has also continued to develop, and the production of milk from powder in 1951 is estimated at over 33 lakhs of pounds.

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13. The intensive cultivation schemes, so far mentioned, will, no doubt, help us to face our immediate food deficits; but we shall be nowhere near our goal of self-sufficiency, unless we are able to put to productive use, the vast resources of our river systems, now running to waste into the sea. Unfortunately for us the execution of major irrigation works costs a good deal of money under present conditions, and we do not have the means to go all the way we desire. Even so, we have initiated a modest programme during the life of the present House, and that programme is making rapid progress. It consists of the Tungabhadra multi-purpose project, expected to bring under irrigation about 3 lakhs of acres in Rayalaseema, the Bhavani project covering about 2 lakhs of acres in Coimbatore, the Malampuzha project protecting about 40,000 acres in Malabar, and a few other medium-sized projects in other parts of the State. The Upper Pennar project in Anantapur and the Manimuttar project in Tirunelveli are the ones sanctioned during the course of the current year. Materials, machinery and man-power have all been organized at various work-spots and at the present rate of progress, this programme may be completed by 1952-53, when we would have brought newly under irrigation about 1 million acres or roughly about 10 per cent of the existing irrigated extent. This programme is estimated to cost about Rs. 40 crores of which we have so far invested about Rs. 20 crores including the outlay of Rs. 8 crores during the current year. A provision of Rs. 9.4 crores is being made for this programme in our estimates for the next year.

14. Though Agricultural development leading to increased food production, is the first requisite for this State, industrial development also has to go hand in hand, in order to raise the general standard of life of the people. In laying down policies in this field, the State Government has only a subordinate role to play, because under the Constitution, decisions affecting important matters such as overseas trade, import control, tariff regulations and capital formation, are taken by the Central Government. It is, however, the duty of this Government to watch

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and aid the development of industries in the State with particular reference to the needs and claims of the people of this State. Barring a few public utilities like electricity or transport, it has not been the policy of this Government to acquire private industries or start new factories in competition with existing ones. This Government have been of the view, that the resources of the State are hardly adequate for being invested in fields such as irrigation and electricity, where private enterprise cannot be expected to enter and therefore, there is no need at all for the Government for a long time to come, to step into the domains of private enterprise. This Government have therefore restricted themselves to the task of assisting existing industries and regulating the promotion of new ones.

State Aid to Industries.

The State Aid to Industries Act is an old one, but very little use had been made of the provisions of the Act till recently, as could be seen from the fact that only a sum of Rs. 8,000 was granted as aid under this Act in 1947. We have now overhauled this machinery and a sum of Rs. 27 lakhs was disbursed as aid in 1949-50 and a sum of Rs. 45 lakhs is expected to be disbursed in the current year. A large provision is being made for the ensuing year also.

Industrial Investment Corporation.

Under this Act, aid should normally be restricted to the building up of new and nascent industries. But old and established industries are also in need of help, and accommodation is also required by industrialists towards working capital. With a view to liberalise the scope of assistance to industrialists, this Government have recently sponsored an Industrial Investment Corporation with a share capital of Rs. 2 crores, the Government themselves taking up 51 per cent of the shares. This Corporation has just commenced functioning and it is now possible for any industry to seek and obtain aid from the Corporation at about 5½ per cent, provided of course, the industry is able to satisfy the Corporation about its essential soundness. It was the hope of the Government, that the financing agencies of this State would willingly take up their allotted 49 per cent of the shares of this Corporation, especially since the Government have guaranteed a 3 per cent return on their shares. The

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response has, however, been inadequate and I take this opportunity to appeal to the various Banks, Insurance companies and co-operative institutions of this State, to play the part expected of them in this experiment in co-operative financing. There is some little overlapping between the functions of the Corporation and the State Aid to Industries Act, but this is being reviewed and will be set right almost immediately.

Under the post-war plan for the development of ^{Textiles.} the textile industry, 352,000 spindles were allocated to this State. So far, six new textile mills, two in Coimbatore, two in Malabar, one each in Guntur and Bellary districts have been started with a total spindlage of 68,500. Four existing mills have expanded their capacities by about 15,000 spindles. About 50,000 spindles ordered by certain existing and new mills have been received at the respective mill sites and are in the course of erection. It will thus be seen that about a third of this State's quota has been effectively utilized, and it is hoped that the balance will be utilized without undue delay.

We have made appreciable headway in the field ^{Cement.} of cement. The total production capacity of the cement industry in this State is over 10 lakhs of tons per annum. The total actual annual production of cement in this State during 1949-50 was 4.7 lakhs of tons, while the demand was less than 4 lakhs of tons. All the factories have increased their output and a new factory has commenced production in the Tirunelveli district. The question of starting another new cement factory in Rayalaseema, with a capacity of 1 lakh of tons, is also under active consideration, and if this one too materializes, we shall have no cement scarcity in any part of the State. Even now there is some excess production in the Southern districts, which is being exported to other States and countries.

There are at present 13 sugar factories in this ^{Sugar.} State, producing in all about 52,000 tons of sugar. Under the expansion programme of the sugar industry, five of the existing sugar factories have been permitted to expand their crushing capacity and ten new factories have been permitted to be established. The

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production of sugar in the State is expected to increase by about 90,000 tons per annum on the completion of the expansion programme.

Power
Alcohol.

In order to utilize the molasses, which are mostly wasted at present, and to find an alternative motor-fuel, this Government have, with the previous approval of the Government of India, sanctioned the establishment of four distilleries to produce about 14½ lakhs gallons of power alcohol per annum.

Vanaspathi.

Under the Government of India's programme for expanding the Vanaspathi industry, ten new factories have been permitted to be set up in this State to manufacture about 45,000 tons. Five factories, one each in Tondiarpet (Madras), Tiruchirappalli, Kurnool, Guntur and Chittoor have already started production, while the rest will start production shortly.

Heavy
Industries.

In respect of certain basic industries of All-India importance like Iron and Steel, Magnesium products, Aluminium, Ammonium phosphate, electrical power plant, etc., this Government have been urging the Government of India on the need to establish these industries in this State. So far, nothing tangible has been achieved, but let us hope that the Government of India will in due course be impressed with the advantage of locating an Aluminium industry in this State, taking advantage of cheap hydro-electric power from the Grid and the plentiful supply of good bauxite ore in the Salem district.

The Government are running factories of their own on a small scale for the production of coir, soap, shark liver oil, silk, paper and ceramic wares. These are intended primarily to serve as model units and for training the technical personnel needed by private enterprise.

Electricity.

15. Madras cannot hope to base her economy on heavy industries, however hard she may try, in the absence of coal or oil for motive power. Lignite has recently been located in South Arcot district, but unfortunately, the deposits are wedged in between two layers of artesian springs. Experiments on dewatering the strata are now being carried on by the State, and we would have spent over Rs. 20 lakhs by

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the end of this year on lignite investigation, but it remains to be seen, whether the commercial exploitation of this resource, would be feasible or economic. The little industrial development that has been achieved, especially in the fields of textiles and cement, was rendered possible by the initiative of the State, in harnessing her hydro-electric resources. The Pykara, Papanasam and Mettur hydro-electric stations of the South, were developed by the State and are inter-connected in one Transmission Grid, covering the Southern districts. The thermal plant of Madras City, was recently acquired by the State and connected to the Grid which is now having a total installed capacity of about 175,000 k.w.s. 69 per cent of the power developed in the Grid, is consumed in industries and about 11 per cent in agriculture, mainly for lifting water from wells. Rural electrification has received increasing attention in recent years, and to-day, we have over 1,600 villages electrified. The resources so far harnessed, have been put to full use and further progress is possible only, if generating capacity is enhanced. With this object, this Government launched a five-year plan, immediately after the war, as on the irrigation model. Execution is now in full swing on two new hydro-electric stations at Machkund and Moyar and the capacity of all the existing hydro and thermal stations is being augmented. In spite of shortages and delayed deliveries of plant, the smaller items of this programme are now coming into fruition, and when the programme is completed by 1952-53, another 180,000 k.w.s. of generating capacity would have been added to the Grid, thereby doubling the production of power in the State.

The cost of this programme is Rs. 40 crores, as in the case of the Irrigation programme, of which we have so far invested about Rs. 20 crores including the outlay for the current year. The completion of the programme in the next two years is dependent upon adequate capital being available, on which I shall dwell a little later.

16. Ours is a land of distances and therefore, we have to devote special attention to the improvement of communications in order to promote agricultural Communications.

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and industrial advancement. A Five-year Programme of Road Development, costing about Rs. 12 crores, has been drawn up and is now under implementation. This programme aims at the construction of about 10,000 miles of new village roads, besides improvements to the existing road-system such as metalling of about 3,300 miles of earthen roads, providing dustless surfacing to about 475 miles of important roads and constructing bridges at a cost of about Rs. 363 lakhs. All works in this programme have been selected in consultation with local authorities, according to the needs of each area. That portion of the programme relating to the formation of new village roads, is the responsibility of district boards, generally on a half-grant basis and in some cases on a full-grant basis, and they have, after their reconstitution, taken to the work seriously. So far, about 1,000 miles of new roads have been formed and with the measures recently taken to speed up land acquisition, this part of the programme can be expected to gather momentum. An amount of Rs. 525 lakhs has been spent on this programme including the outlay for the current year, and a provision of Rs. 195 lakhs has been made for the next year. Two big bridges one on the Coleroon at Anaikaranchatram and another on the Bharathapuzha in Malabar are now coming up under this programme.

Hon'ble Members are no doubt aware, that the upkeep and maintenance of our important arteries of communication such as the Madras-Cape Comorin, Madras-Kozhikode and Madras-Calcutta roads, are now vested in the Central Government. That Government too have a similar programme of improvements to the roads under their control and work is now in progress on the Pugalur bridge on the Cauvery, the Pennar bridge in Nellore and the bridge to span one arm of the Godavari at Alamur. The Godavari bridge is the largest of these, costing over Rs. 2 crores. The Government of India originally agreed to pay about Rs. 1.2 crores only towards the cost of this bridge, but this Government are now pressing on them to increase the amount.

Motor
Transport.

17. While on the subject of communications, I shall refer to the State Transport Department in Madras. The three units, viz., the Government Bus

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Service, the Government Automobile Workshop and the Government Coach Building Factory have all continued to function satisfactorily. The main problem to be tackled in this field, is the quick clearance of the peak-hour traffic. Increasing the number of buses will be utterly uneconomic, but something could be done by putting in buses of larger capacity in replacement of the existing ones. As a preliminary step in this direction, the Government have sanctioned the purchase of two single-decker diesel buses of larger seating capacity and of popular make. For the benefit of the workers, the Government have sanctioned the opening of a dispensary in the Bodyguard lines and proposals are under consideration for the employment of a Labour Welfare Officer. Considerable improvement has been effected in the Automobile Workshop, which has repaired and overhauled 515 buses of the Government Bus Service and 560 vehicles of other Government Departments. The Three-Man Committee constituted by the Government, made some recommendations calculated to improve the working of the Government Bus Service, which have been implemented, wherever feasible. The net revenue to end of March 1949 for the three commercial units amounted to nearly Rs. 17 lakhs. The results for the year 1949-50, were, however, not so favourable owing to the increased cost of petrol, spare-parts and accessories, and the enhancement of the motor vehicles tax, but the position is being retrieved. It is hoped that larger profits will be earned in the current and next years. I may mention here that our fares are the cheapest in India. For financial and other reasons, the Government have deferred for the present, the nationalization of motor transport on mufassal routes.

The Madras Electric Tramways Company have offered to sell their undertaking and the matter is under the consideration of the Government.

18. This Government have no direct part to play in the development of civil aviation, but they have been taking certain measures to foster air-mindedness amongst our young men. A scholarship fund was instituted by the Government for assisting poor pupils desiring to take up flying as a profession, and the first award has now been made. The Government

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increased provision made in the Andhra Medical College. When these two new colleges come into being, there will be in all, six medical colleges in this State including the private college at Vellore. In order to attract a larger number of medical graduates to Government service, the Civil Assistant Surgeons, Class II is being upgraded to Class I, in respect of graduates and provision for this purpose has been made in the Budget for the next year. The number of Maternity and Child-Welfare Centres is also being added to every year. The present number is 461, and provision has been made for increasing the number still further. The total number of dispensaries and hospitals of modern medicine which was 1,187 in 1946, has now risen to 1,332. In order to enable as many citizens as possible, to obtain free treatment in Government hospitals, the limit of income of patients for such treatment, has been increased from Rs. 50 to Rs. 100 per mensem. Special allotments of very costly modern drugs such as Streptomycin, Penicillin, etc., have been made and new drugs like Chloromycetin and Auromycin are being added to this list in the next year. In the field of Indigenous medicine also, some progress has been made. There are now 712 dispensaries as against 621 in 1946.

Sanitation
and Water-
supply.

While expanding facilities for medical relief, the Government recognize that prevention is better than cure, and are therefore laying special emphasis on the improvement of water-supply and drainage. As the House is aware, the Government appointed a special committee to report on the measures necessary for the provision of water-supply and drainage all over the State. As per the recommendations of this Committee, the Government have embarked on a Five-year plan for municipal towns (1949-54) as the first stage of a Twenty-year plan. They have accepted in respect of the Five-year plan, commitments by way of grants to the extent of Rs. 20 lakhs in the first year, Rs. 40 lakhs each, in the next two years and Rs. 80 lakhs each, in the last two years. Under the new policy, local bodies will be called on to contribute only to the extent their finances would permit, and the balance would be found by the Government. Even the portion to be contributed by the local body, could

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be advanced to it as a loan. In order to implement this programme, the Sanitary Engineering Department has been reorganized recently and five public health divisions have been constituted under the Sanitary Engineer to be in sole charge of these works.

Rural water-supply has also been given special attention and a ten-year plan is now under execution, through the agency of the Revenue staff and the minor irrigation staff. An expenditure of over Rs. 50 lakhs is being incurred every year.

The total expenditure on the medical and public health departments (excluding expenditure on buildings) has increased from Rs. 234 lakhs in 1945-46 to about Rs. 450 lakhs at present.

20. The expenditure on 'Education' which stood at about Rs. 4½ crores in 1945-46, will exceed Rs. 10 crores in the current year. The figures are—

	RS.
	CRORES.
1945-46	4.6
1946-47	5.9
1947-48	7.0
1948-49	8.9
1949-50	9.6
1950-51 (Revised Estimate) ..	10.3

It will register a further increase during the next year, the budget provision being Rs. 11.4 crores in the Revenue Account and Rs. 30 lakhs in the Capital Account. This provision does not include the outlay on buildings met from the Revenue Account, the expenditure on specialized institutions like medical and agricultural colleges and the large sums spent on the education of Harijan and backward classes. The following figures will indicate the expansion of education in recent years:—

	Strength.
Elementary Schools (boys and girls)—	
1945-46	32.4 lakhs.
1949-50	40.0 "
Secondary Schools (boys and girls)—	
1945-46	4.1 lakhs.
1949-50	6.0 "
Arts Colleges (men and women) including Oriental Colleges—	
1945-46	29,000
1949-50	43,000

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We have about 350 basic elementary schools, 50 basic training schools and 850 adult literacy schools. During the current year, 159 secondary schools (including 7 for girls) were opened—137 under local bodies and 22 under private management. Of these, 48 were high schools. It is the intention of the Government to open as many new elementary schools as possible in order to reach the target of compulsory elementary education and with this object, a lump-sum provision of Rs. 5 lakhs is being made in the next year's budget.

Four new second grade colleges, Sri Thiagaraja College, Washermanpet, Pachaiyappa's College, Kancheepuram, S.S.M. College, Narasaraopet and a college at Gudivada were started this year. Seven new training colleges for graduate teachers, two under Government management and the rest under private management, were also opened during this year. A comprehensive scheme of adult education costing about Rs. 14 lakhs is now being implemented, the cost being borne equally by this Government and the Government of India. Under this scheme, about 3,000 centres will be opened for the education of adults. Facilities for the education of defective children have also been increased from year to year.

The National Cadet Corps inaugurated in 1948-9 has been progressively strengthened. The question of forming an Air Wing of the senior division of the Corps is under consideration.

The scheme of bifurcated courses in secondary schools is progressing. Such courses are now in force in 138 schools (32 in engineering, 44 in secretarial, 21 in agriculture, 19 in domestic science, 8 in music and 19 in teaching practice). The introduction of teaching practice as one of the diversified courses of studies, is an experiment carried out in this year. Full fee remission, in addition to a stipend of Rs. 5 per mensem in Form V and Rs. 7 per mensem in Form VI, are given to students, who take up this course. The Government also intend to compensate in full, the non-Government secondary schools for the fee income foregone by them.

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The betterment of the conditions of service of elementary school teachers has received the careful attention of the Government from time to time. Recently, the Government sanctioned an increase of Rs. 2 per mensem in the scale of teaching grants for elementary school teachers, and it has been made obligatory on the part of the management to pay Rs. 3 per mensem to each teacher in addition, from their own funds. This involves an additional expenditure to the Government of over Rs. 14 lakhs per annum.

A large number of new schemes relating to education, have as usual, been provided for in the next year's budget, as detailed in the Budget Memorandum. The total provision made for new schemes is Rs. 63 lakhs, including Rs. 5 lakhs for additional grants to the three Universities.

21. The intensive rural reconstruction scheme ^{Rural welfare.} which was initiated during the last quarter of 1946, has now been in operation for about 4 years. Under this scheme, works are generally executed, only on a contributory basis, by obtaining for every grant made by the Government, a large measure of local contribution in money, kind or labour. The villagers themselves generally execute these works, thereby saving contractors' profits. Quite apart from the material benefits of these works, the joint association of villagers for these common purposes, does infuse a new spirit into them and brings about a silent revolution in their mental outlook towards the problems of life. Sri R. K. Patil, Member of the Planning Commission who visited the rural development areas during December last, has given an appreciative account of the work done in these areas. The following figures pertaining to the selected firkas will give an idea of the progress made in this direction:—

(1) Rural water-supply—

Number of wells and other drinking water sources newly constructed, improved or repaired	958
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Number under construction or repair ..	298
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(2) Village communications—

Length of roads newly formed or improved	850 miles.
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any state of suspense as mentioned by the hon. Gentleman, Sri Suryanarayana Rao. The Commercial Tax Officer must be given sufficient time to unearth any evidence that may be available by looking into other people's accounts and re-open the case *suo motu*. This is a safe provision which we have copied from the Income-tax Act and I think it may be retained."

MR. CHAIRMAN :—" The question is—

' In section 12 (4), *substitute* the words " six months " for the words " three years " and *substitute* the words " one year " for the words " four years " . ' "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment standing in my name :—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

There is already a provision in the Bill that if a man has not appealed within sixty days and if there is reason to believe that more time should be given to him, that should be allowed. I want that it should be definitely laid down that the time-limit should be ninety days instead of sixty days. This is a simple amendment and I hope the Hon. Minister will accept it."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

THE HON. SRI B. GOPALA REDDI :—" Sir, there is not much point in raising the time-limit to ninety days. The hon. Gentleman may perhaps be surprised to know that in respect of the Road Traffic Board cases, the time given is only 30 days. As this is a matter concerning sales tax, we have given sixty days' time, which, I think, is quite enough. I do not think that any party will be under handicap if the existing provision is allowed to stand. The aggrieved party will immediately make necessary arrangements for preferring an appeal within the sixty days. I feel that sixty days' time is quite sufficient and reasonable."

MR. CHAIRMAN :—" The question is—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment :—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

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The object of the amendment is this. If a person is harassed and if an appeal is preferred either by him or by the Government and if in the opinion of the appellate authority it is considered that justice is on the side of the person concerned, then the appellate authority should have power to allow costs for that man."

MR. CHAIRMAN :—" I think the rule does not prevent it. The sub-section says, ' Except as provided in the rules made under this Act . . . ' "

JANAB ABDUL LATIF FAROOKHI :—" But, we do not know what the rules are."

MR. CHAIRMAN :—" From the wording of this sub-section, it looks that some provision is going to be included in the rules in this connexion."

* JANAB ABDUL LATIF FAROOKHI :—" I want that it should be clearly mentioned in the Act itself. There should not be any doubt about these matters. If the Government give an assurance that such people will be adequately compensated for the loss that they might have sustained by way of costs, I have no objection to withdraw the amendment, Sir."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

THE HON. SRI B. GOPALA REDDI :—" Sir, the power to award costs is a double-edged weapon. If the man goes before the Tribunal and if the case goes against him, the Government will claim costs and the party will be placed under a handicap. Even in the Income-tax Act, I think, there is no provision for costs in respect of cases that go before the Tribunal. If the matter goes before the High Court on some legal point, of course, the High Court has got the discretion to award costs. I am sure that in 75 per cent of the cases that go before the Tribunal, the decision will be in favour of the Government. Usually, the party is simply encouraged by somebody to go before the Tribunal and when the case goes against him, he will have to pay costs to the Government. Therefore, in the interests of the parties themselves, I think, there should not be a provision for the award of costs."

MR. CHAIRMAN :—" The question is—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

The amendment was lost.

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

' That in the proposed section 12-B, *omit* sub-section (7) and in sub-section (8), *omit* the words " or (7) " . ' "

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has risen from 1,100 in 1946 to about 1,300 in 1950. The number of pupils has risen from about 78,000 to nearly 100,000. On the supply of midday meals to these pupils alone, the Government are now spending about Rs. 12½ lakhs a year. The number of scholarships granted to the eligible communities, has risen from 5,800 in 1945-46 to 14,000 in the last year, and it is still rising. The cost on this account is now nearly Rs. 6 lakhs a year. The number of Harijan hostels maintained by the Government was 18 in 1949-50.

The provision of healthy and suitable house-sites for relieving congestion in the Harijan cheries, is another high priority measure, taken by the Government. A special staff has been sanctioned for the acquisition of house-sites for the houseless Harijans and agricultural labourers in the Tanjore district, and a provision of Rs. 5 lakhs has been made for expenditure in the current year. Other amenities, like the provision of wells, burial grounds, approach roads and drainage facilities are also being provided on an increased scale.

The Government are also paying special attention to the uplift of the backward classes. The lumpsum allotment of Rs. 5 lakhs for their amelioration, provided in the current year's budget, has since been raised to Rs. 7½ lakhs. A similar provision is made in the budget for next year. The expenditure on Harijan uplift has been increasing from year to year, as the following figures will show:—

	RS.
	LAKHS.
1945-46	29
1946-47	35
1947-48	41
1948-49	64
1949-50	82
1950-51 (Revised Estimate) ..	106

The total expenditure on the uplift of Harijans and backward classes is expected to go up to Rs. 118 lakhs in 1951-52. I hope that all Harijan members and others interested in their welfare, will appreciate what we are doing.

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24. To relieve the prevailing distress in the villages affected by drought, the Collectors have been asked to postpone collection of kists, wherever necessary and to take steps to intensify the minor irrigation and other works, to provide employment for agricultural labourers. Remissions on a liberal scale will be granted, wherever needed. The Revised Estimate for the current year provides for a loss of Rs. 50 lakhs by way of postponement or remission of kists; but from the reports that are now coming in, this provision will be materially exceeded.

Distribution of cash doles was sanctioned to the distressed weavers in two villages in the Krishna district for a period of one month, and relief works were then started. Cash relief has since been ordered to be distributed to the weavers in some distressed areas in the districts of West Godavari, Guntur, Salem, Madurai and Ramanathapuram also. This will last till fresh supplies of yarn are received or till relief works are started.

The Government have great sympathy for the weavers in their present sad plight and they assure them that their cause is being advocated vigorously before the Government of India. Now that the Government of India have promised to allot increased quotas of yarn for this State, I hope that the position will improve ere long and that there will be no need for cash doles or relief works.

25. The abolition of Zamindaris is a reform of far-reaching consequence, initiated by the present House. The first batch of estates was taken over by the Government in September 1949, after depositing with the Tribunals a sum of Rs. 132 lakhs towards portion of the estimated compensation. A second batch was taken over in September 1950 and the last and final batch in January 1951. Arrangements have yet to be made for depositing large sums before the Tribunals, towards the compensation amount on the later batches and provision is being made in the budget for this purpose. Inams and certain estates, in respect of which Courts have issued stay orders, are still lying over and this part of the work also will be pushed through. The zamindaris have no doubt disappeared, but an enormous amount of work

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still remains, before these areas are surveyed and settled on the ryotwari basis. The work of fixing reduced rents has been completed and the ryots have begun to derive the major benefit of the reform. Survey and Settlement parties have been sanctioned and they have commenced operations. An outlay of about Rs. 10 crores, spread over a period of years, will be needed, before these operations are completed and these lands fall into the pattern of adjacent ryotwari holdings. In the meanwhile, as mentioned by me earlier, the irrigation works in these areas are being attended to as a part of the Tank Restoration Scheme. This House may very legitimately feel gratified that it has been instrumental in enacting this wise measure, and thereby enabling this Government to fulfil the long-cherished dream of vast sections of our agricultural folk.

Land
Revenue
Reform

26. The Land Revenue Reform Committee has recently submitted the preliminary report on land tenures and connected problems such as elimination of non-cultivating pattadars, conferment of occupancy rights, fixation of fair rents and ensuring fair wages for agricultural labourers. The final report of the Committee covering such questions as the assessment of land revenue, and the preparation of a Land Revenue Code, is expected to be submitted to the Government by the end of March 1951.

Tax relief in
the merged
areas.

27. I may in this connexion mention the special steps taken by the Government to ease the burden of taxation in the merged areas of Sandur and Banganapalle. In the Sandur area, the Government have reduced the assessment to the level of the neighbouring areas with effect from fasli 1359 and this will be in force till the State lands are regularly settled on a ryotwari basis.

In respect of Banganapalle area also, the Government have accepted the recommendations of the Board of Revenue for setting right the inequalities obtaining in the rates of assessment when compared with the rates obtaining in the adjoining ryotwari taluks of Kurnool district. The Government do not desire to postpone the question of giving relief, till after the supplemental survey and resettlement of the State are completed. Detailed proposals submitted

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by the Board of Revenue in this regard, are under the consideration of the Government. It is proposed to give effect to these concessions with effect from this fasli.

The reduction in the total assessment in the two areas will be about one-fourth.

28. The scheme of separation of the judiciary from the executive is being steadily extended. It was introduced in the six districts of South Arcot, Cuddapah, Kurnool, Srikakulam, Ramanathapuram and Visakhapatnam on the 15th August 1950. The further extension of the scheme to the four districts of Coimbatore, Nilgiris, Salem and Nellore has also been ordered. When this is done, the number of districts in which the scheme is in force will be 16, leaving only nine more districts to get the benefit of this important reform. Hon'ble Members are aware that recruitment to the magistracy is now being made largely from the Bar. The scale of pay we have fixed for Sub-Magistrates, is not adequate to draw out the proper men from the Bar and therefore, that scale is being revised suitably with effect from the ensuing year.

Separation
of the
Judiciary
from the
Executive.

29. The advent of freedom has given a fillip to the development of fine arts in the country. As the Hon'ble Members are aware, the Madras Government have taken various steps to give an impetus in this direction. As the latest instance of this kind, I am happy to announce, that the entertainment tax on dramatic performances will be abolished with effect from the 1st April 1951. I hope that this will lead to the revival of the ancient art which has still great potentialities for the elevation of the people and benefit the actors and the writers of plays alike. The Government will review the position after a period of two years. The recommendations of the Dramatic Revival Committee are under the consideration of the Government. The Government are aware that great importance is attached to the building of a National Theatre.

Encourage-
ment of
Fine Arts.

30. There has been an insistent demand from Government servants for some additional relief to them, with reference to the rise in the cost of living. After a careful consideration of the matter, the Government have decided to raise the rate of House Rent allowance now given to the non-gazetted Government servants.

Relief to
Government
servants.

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with effect from the 1st April 1951 and to extend the concession to new areas. This concession involves an extra cost to the Government of about Rs. 20 lakhs per annum, and I hope that the non-gazetted Government servants will appreciate it. While sympathising fully with the general condition of the non-gazetted Government officers, the Government have not found it possible to give further concessions, having regard to their present financial position.

Growth of revenue and expenditure. 31. Let me now turn to the total figures of Revenue and Expenditure of the State. The total normal revenue (excluding Excise revenue) and expenditure on Revenue Account (excluding transfers from or to the Revenue Reserve Fund) since 1945-46 have been as follows:—

Year.	Revenue (excluding Excise Revenue).	Expenditure (excluding State Trading Schemes).	Excise Revenue.
(1)	(2)	(3)	(4)
	RS.	RS.	RS.
	CRORES.	CRORES.	CRORES.
1945-46	31.2	32.3	16.8
1946-47	37.3	44.8	14.7
1947-48	40.0	46.0	10.7
1948-49	49.6	51.3	3.7
1949-50	55.3	55.5	0.6
1950-51 (Revised Estimate).	59.2	59.1	0.5

Apart from land revenue, the main sources of revenue now are, the General Sales Tax and other commercial taxes, Share of Income-tax, Stamps, Receipts under Motor Vehicles Acts and Receipts from Electricity schemes. The following figures in crores of rupees will show the growth of revenue under these heads:—

(Figures in crores of rupees.)

Year.	General Sales tax.	Other commercial taxes.	Income-tax.	Stamps.	Receipts under Motor Vehicles Acts.	Receipts from Electricity Schemes.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1945-46	5.8	1.5	4.3	3.7	1.0	0.5
1946-47	7.0	1.6	4.5	4.4	1.3	0.5
1947-48	8.3	2.0	5.4	3.4	1.7	0.6
1948-49	13.0	2.3	8.4	4.1	2.0	0.9
1949-50	15.2	2.9	8.2	4.3	3.0	1.0
1950-51 (Revised Estimate).	15.8	2.9	8.3	4.7	3.4	1.7

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We should be very careful to maintain these growing sources of revenue. But as I said in my last Budget Speech, we have to contend against certain adverse factors.

32. In regard to sales tax, against an estimated revenue of Rs. 15.75 lakhs in the current year, the budget estimate for the next year is only Rs. 15.10 lakhs. The reduction is mainly due to the ban on the levy of a tax on purchase or sale of goods in the course of Inter-State trade or commerce, as laid down in Article 286 of the Constitution. No correct estimate of the loss of revenue involved, on account of this ban, has yet been made, but it is likely to be of the order of Rs. 70 lakhs at least.

The tax reliefs that this Government have decided to give by way of the discontinuance of the levy of a sales tax on newspapers from the 1st January 1951 and the halving of the tax on sales of handloom cloth from the 15th February 1951 also tend to reduce these receipts, though only to a small extent. It is therefore quite out of the question for this State, to forego any further portion of this tax, either in respect of the tax levied on "essential goods" or in any other manner. I may in this connexion refer to the fact that the Sales Tax Tribunal will come into being shortly.

33. Regarding land revenue, the figure has stood at Rs. 8 crores, notwithstanding the extension of the area brought under cultivation from time to time, and the general increase in prices. However, there will be an addition to this revenue from this year by way of collections in the zamindari areas taken over by the Government. But the net additional revenue on this account has to be set apart, to enable payment of the balance of compensation to zamindars in due course.

34. As regards income-tax, I have explained the position fully in my last Budget Speech. Our share of the divisible pool of income-tax is only 17½ per cent from 1950-51 according to the Deshmukh Award, and we can only hope that the Finance Commission, which may be set up by the President shortly, will find itself in a position to recommend a larger allocation.

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Receipts
under the
Motor
Vehicles
Act.

35. The recommendations of the Motor Vehicles Taxation Enquiry Committee are now under the consideration of the Government of India and the State Governments. I hope that the final decision will not materially affect this important source of revenue.

Receipts
from
Electricity
schemes.

36. One relieving feature from the point of view of our revenues is that our Electricity schemes have now begun to give us increasing dividends. I hope that the Department will keep a close watch over operating costs, to keep them down to the minimum, consistent with efficiency.

Grants
from the
Government
of India
for Post-war
Develop-
ment and
Grow More
Food
schemes.

37. Another important addition to our revenues in recent years has been the grant, given by the Government of India, for Post-war Development and Grow More Food schemes, which I referred to in detail in my last Budget Speech. The total grant received by this Government from 1946-7 to 1949-50 was about Rs. 16 crores, including Rs. 3 crores of special procurement bonus. The Government of India have, however, stopped their grants for Post-war Development schemes with effect from the current year and, as I have pointed out already, they have changed their policy in respect of special procurement bonus also. It is, however, hoped that they will give increased grants for Grow More Food schemes.

Growth of
expenditure.

38. Our expenditure has also been rising from year to year on account of the expansion of our welfare services, as I have indicated already.

Accounts, 1949-50.

39. I shall now briefly review the accounts of last year (1949-50) and the Revised Estimate for the current year (1950-51), before I pass on to the figures for next year. The Revenue for 1949-50 amounted to Rs. 55,89 lakhs, while the expenditure on Revenue Account amounted to Rs. 55,54 lakhs, resulting in a surplus of Rs. 35 lakhs. It will be noticed that this surplus is only slightly less than that anticipated in the Revised Estimate for the year (Rs. 53 lakhs). The capital outlay excluding State Trading Schemes, amounted to Rs. 12,85 lakhs, showing an increase of Rs. 87 lakhs over the revised estimate, the increase occurring mainly on irrigation schemes. The actual adjustments in the year on account of State Trading

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Schemes, resulted in a large net credit of Rs. 4.50 crores, against the revised estimate anticipation of Rs. 2.50 crores. This is mainly due to some arrear adjustments made in the year and does not represent the net profit to Government on the year's trading.

Revised Estimate, 1950-51.

40. Coming to the current year, 1950-51, the revised estimate anticipates a total revenue of Rs. 59,70 lakhs, against the budget figure of Rs. 55,21 lakhs. The figures of expenditure on Revenue Account also show a rise from Rs. 55,57 lakhs to Rs. 59,07 lakhs. The variations are spread over several heads of revenue and expenditure, and these are explained in the Finance Secretary's Budget Memorandum, 1951-52. I may mention in passing, that both the figures of revenue and expenditure, are inflated by a sum of about Rs. 50 lakhs, on account of a change in classification, whereby the transactions relating to the Seed Multiplication scheme of the Agricultural Department are accounted for separately as departmental receipts and expenditure, instead of being treated as a State Trading Scheme in the Capital Account, as before. The net result is that the current year is expected to close with a surplus of Rs. 63 lakhs, as against the deficit of Rs. 36 lakhs anticipated in the budget estimate for the year. One single contributing factor to this betterment is the rise in the receipts under the Madras General Sales Tax, which is expected to be Rs. 15,75 lakhs, against the budget figure of Rs. 15,00 lakhs, as I have already mentioned. Our *Kamadhenu* has not failed us, though Nature has been disappointing.

41. The total capital expenditure outside the Revenue Account excluding State Trading Schemes, is now estimated at Rs. 18.45 crores, against the budget figure of Rs. 15.49 crores. The large increase of about Rs. 3 crores occurs mainly in respect of Irrigation and Electricity schemes. The capital outlay on Irrigation is now expected to be nearly Rs. 8 crores against the budget figure of Rs. 5.79 crores. Likewise, the expenditure on Electricity schemes is expected to rise to Rs. 7 crores, against the budget figure of Rs. 5.66 crores. I may mention in this

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connexion that the estimate for Electricity schemes includes a provision of Rs. 90 lakhs for payment of the balance of compensation due to the Madras Electric Supply Corporation.

The transactions relating to the State Trading Schemes are now expected to result in a credit of Rs. 294 lakhs, though the budget anticipated that there would be no large debit or credit. This betterment is mainly due to an anticipated recovery from the Government of India of arrears of subsidy on account of imported grains and the adjustment to this head only in the current year, of the sale proceeds realized by Collectors in previous years.

Loans and
advances
by the
Madras
Government,
1950-51.

42. The Budget for the current year took credit for recoveries amounting to Rs. 412 lakhs, and provided for advances to the extent of Rs. 516 lakhs. According to the Revised Estimate, the corresponding figures are: Rs. 448 lakhs and Rs. 647 lakhs. The increase in the advances is due to the provision made for the special loans for chemical manures and larger provision made for takkavi loans in the flood-damaged areas of the northern districts and for loans under the State Aid to Industries Act.

Borrowings,
1950-51.

43. As the House is aware, the Government raised an open market loan on the 31st July 1950 (3 per cent Development Bonds, 1960). This loan was quite a success, and the amount realized was Rs. 440 lakhs roundly, including Rs. 128 lakhs realized in respect of the Manimuttar Project in the Tirunelveli district. The Government of India have also sanctioned loans to the extent of Rs. 146 lakhs to cover the capital expenditure on specific Grow More Food schemes (purchase of agricultural machinery, unproductive irrigation schemes, etc.). The terms for the repayment of these loans have not yet been settled in full.

Debt
position.

44. A statement^a of the debt position of the Government will be found as an Annexure to the printed copy of my speech. The total outstanding balance of loans due to the Government of India on the 31st March 1951 will be Rs. 13.7 crores, and the outstanding balance of loans raised in the open

^a Printed as Appendix III on pages 85-86 infra.

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market will be Rs. 19.4 crores. It is anticipated that the ways and means advances now outstanding, would be repaid before the end of the year. The total outstanding loans will thus be Rs. 33 crores, which is only 55 per cent of the present annual revenue. As against this public debt, the loans repayable to the Government by local bodies, agriculturists, and others will be about Rs. 18 crores.

45. The year 1950-51 started with a balance of Rs. 38 crores in the shape of cash and securities including the amounts pertaining to the Revenue Reserve Fund. On the basis of the estimates now available, it will close with a balance of Rs. 31 crores. The Government will also hold separately securities belonging to the Sinking Fund, Famine Relief Fund and the Electricity Depreciation and Special Reserve Funds, of the purchase value of Rs. 5.7 crores.

Budget Estimate, 1951-52.

46. I now come to the figures of the Budget for next year. The estimates for the Revenue Account are—

	RS. LAKHS.
A. Revenue	59,63
B. Expenditure on Revenue Account .. .	60,30
C. Deficit	— 67

Hon. Members will find, as usual, details of the figures for the Revised Estimate for 1950-51 and the Budget Estimate for 1951-52, in an Appendix^a to the printed copy of my speech. As compared with the Revised Estimate for 1950-51, the budget for 1951-52 anticipates that the total revenue will be only slightly less than in the current year (Rs.— 7 lakhs), but the estimate of expenditure in the next year is greater than that for the current year by Rs. 123 lakhs, practically the whole of which occurs under 'Education'. I shall not trouble the House with detailed reasons for the variations that occur under individual heads which are explained in full in the Finance Secretary's Memorandum. I shall only draw attention to the fact that, but for the anticipated fall in the receipts from Income-tax (Rs. 51 lakhs), and

^a Printed as Appendix IV on pages 87-93 infra.

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General Sales Tax (Rs. 65 lakhs) to which I have already referred, the deficit would have been converted into a large surplus as in the current year. The estimate of Income-tax as shown in the Budget, is based on the figures furnished by the Government of India some time earlier. I have just received information that according to the latest estimates of the Government of India, our share is likely to be larger than the Budget figure by Rs. 44 lakhs. Accordingly the deficit of Rs. 67 lakhs, shown in the next year's budget, will be reduced to Rs. 23 lakhs. When this deficit is set against the surplus of Rs. 35 lakhs in 1949-50 and Rs. 63 lakhs anticipated in 1950-51, it may be treated as of no great significance and will therefore be left uncovered.

New
Schemes,
1951-52.

47. The total net cost in 1951-52 of the new schemes included in the Budget, is Rs. 194 lakhs debitable to the Revenue Account and Rs. 369 lakhs debitable to the Capital and Debt Accounts, while schemes costing Rs. 11 lakhs will be financed from the Village Reconstruction and Harijan Uplift Fund. The ultimate cost of all the schemes is Rs. 88 lakhs recurring and Rs. 615 lakhs non-recurring. I have already referred to some of these schemes, and the full list is given in Appendix I to the Budget Memorandum.

The provision for new schemes made in the Capital Account alone is Rs. 283 lakhs, including Rs. 220 lakhs for Tank Improvement and other Grow More Food schemes, Rs. 38 lakhs for the acquisition of local authority electrical undertakings and Rs. 22 lakhs for new building works. The important items of new works are—construction of buildings for Basic Education schools (Rs. 5 lakhs), Improvement of certain taluk headquarters hospitals (Rs. 5 lakhs), construction of quarters for police subordinate staff in Madras and other places (Rs. 8 lakhs), and construction of additional quarters for Government Servants at Todhunternagar, Saidapet (Rs. 4 lakhs). The number of private and local authority electrical undertakings, so far taken over by the Government, is 14 and it is expected that 36 more undertakings will be taken over in the next year.

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In the Debt Account, a provision of Rs. 86 lakhs is made mainly for the grant of loans to local bodies for various purposes.

A token provision has been made for each of the following items, pending formulation of detailed proposals or preparation of plans and estimates:—

Contribution to a poor-man's Housing Fund.

Opening of a Second Grade Arts College in Srikakulam district.

Acquisition of land and construction of buildings for Government offices and residential quarters in Srikakulam.

Increase of bed strength, employment of additional staff, purchase of equipment and structural alterations to the buildings of the General Hospital, Madras.

Acquisition of additional lands for the Government T.B. Sanatorium, Tambaram.

Acquisition of site for the Infectious Diseases Hospital, Madurai.

Opening of a medical college at Madurai.

Opening of a medical college at Guntur.

Construction of a hostel for the women employees of the Government.

Appointment of a Commercial Taxes Tribunal. I may mention in this connexion that only a token provision has been made in the budget for the contribution to the village panchayats under section 71 of the Madras Village Panchayats Act, 1950 also, pending proposals for the amendment of the Act, which will be placed before the Legislature shortly.

48. In my last Budget Speech, I drew attention to the large capital expenditure* of nearly Rs. 29 crores incurred by this Government on schemes beneficial to the people from 1946-7 to 1949-50. By the end of this year, the total expenditure would have risen to about Rs. 46 crores excluding the transactions under State Trading Schemes, and the deposits on account of payment of advance compensation to zamindars. As I have already pointed out, the expenditure has been mainly on the implementation of the programme

Capital
Expenditure,
1951-52.

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for irrigation and electricity development. For the successful completion of this programme, a sum of Rs. 40 crores more is necessary, spread over the two years 1951-52 and 1952-53. Though the necessary provision has been made in the budget for next year, the real problem is to find the money for it. We have the necessary resources in the shape of our reserve funds, but as these are invested in Government of India securities, we can realize only a portion of our requirements by selling them, having regard to the general condition of the securities market. It is therefore necessary that this Government should be able to obtain sufficient aid from the Centre by way of loans, and also to raise loans in the open-market for substantial sums. If the Government of India and the general public do not respond to our needs in time, and if consequently, these high priority works, which are in an advanced stage of construction, have to be slowed down, much waste and disappointment would be caused, apart from the adverse effects on agriculture and industry in this State. It was with considerable concentration and effort that Madras had built up the organization required for executing the present programme. Machinery and transport costing several lakhs of rupees, with workshops for their maintenance, have been set up and they have several more years of useful life. In order to meet the demand for technical man-power, four new engineering colleges including the Annamalai Engineering College and several polytechnics, had been started and trained men have just begun to come out of these institutions in large numbers. About 30 Public Works divisions, with their full complement of staff, are now engaged on these constructions. The key-personnel of this organization, have all been trained overseas at Government expense and a good few of them are men, capable of holding their own in international circles. I hope the House will permit me to take this opportunity to congratulate our Engineers on the great work they are doing. It is very much in the national interest that the present programme should be completed in time and that steps should be taken for the execution of a further programme. As a matter of fact, the Planning Commission of the Government of India is all for the development of our

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irrigation and electricity projects according to plan, but the Government of India have to assist this Government to find the necessary funds. I fervently hope that they would be able to show a way and that the public-spirited people of this State and elsewhere also will extend their hearty co-operation in this matter in due course.

As I have said before, this Government have taken 51 per cent of the shares in the Madras Industrial Investment Corporation to the value of Rs. 102 lakhs. One-half of this amount was paid in 1948-9 and the balance will be paid before the end of this year. As regards payment of advance compensation to zamindars, a sum of Rs. 132 lakhs was placed in deposit with the Tribunals last year as already mentioned. A provision of Rs. 116 lakhs in the current year and Rs. 120 lakhs in the next year has been made for further deposits (including interim payments).

49. Under loans and advances by the Madras Government, it is expected that there will be net disbursements of about Rs. 200 lakhs, as in the current year. The gross provision of Rs. 432 lakhs includes Rs. 35 lakhs for short-term loans to the Madras Co-operative Land Mortgage Bank, Rs. 130 lakhs for advances to cultivators, including Rs. 38 lakhs for well-subsidy loans, Rs. 35 lakhs for State Aid to Industries, and Rs. 104 lakhs for local bodies. The loans also include nearly Rs. 13 lakhs to the Madras City Improvement Trust for housing schemes, Rs. 80 lakhs for building societies, and Rs. 15 lakhs for housing societies in rural areas, and Rs. 4.5 lakhs to the Annamalai University for the construction of hostels.

50. As usual, no credit is taken in the budget for the proceeds of loans that may be raised in the open-market or taken from the Government of India in 1951-52, to finance capital outlay and loans and advances to local bodies, etc. The withdrawal from the invested cash balances, which is now shown in the budget, will be eventually reduced by the amount of any new loans raised.

51. The year 1951-52 is expected to start with a balance of Rs. 31 crores including cash and securities in the Revenue Reserve Fund. It is estimated to

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close with a balance of about Rs. 10 crores, without allowing for any new loans that may be raised. In addition, Government will hold separately securities belonging to the Sinking Fund, Famine Relief Fund and the Electricity Depreciation and Special Reserve Funds of the purchase value of Rs. 6 crores. Full details of the position relating to these and other special funds, will be found in Appendices III to VII of the Budget Memorandum.

Appendix II to the Budget Memorandum gives a detailed statement of the Government's liabilities and other assets of certain kinds. The liabilities on the 31st March 1951 are estimated at Rs. 108 crores and assets at Rs. 131 crores. The excess of the assets over the liabilities is thus Rs. 23 crores.

52. Sir, I have come to the end of my speech. I should take this opportunity to thank Shri B. Rama Rau, Governor of the Reserve Bank of India, and his Deputies and Shri Chintaman Deshmukh, Finance Minister to the Government of India, for the full assistance they gave in the matter of financial accommodation required by this Government in this year. Owing to the fact that no open market loan was raised and no loan was also given by the Government of India last year, our ways and means position became very difficult even from the beginning of this year. But for the help given by the Reserve Bank, with the support of the Government of India, in regard to ways and means advances and sales of securities, we would really have been hard put to meet our capital expenditure. I am sure that the Government of India and the Reserve Bank will continue to help us in the next year also.

I take this opportunity of placing on record my great appreciation of the work of the Finance Secretary, Mr. T. A. Varghese, I.C.S., who has taken charge of the post in April 1950. His experience as Secretary in a spending department like the Public Works Department, has stood him in good stead, and

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he has a complete picture of the requirements of the Government on the expenditure side. As usual, his able Assistants have put in hard work during the year and they too deserve special appreciation.

53. The Budget that I have presented contains no surprises, but it provides some little relief from existing taxation. There has been ministerial responsibility in this State for a generation, and far-reaching changes are now in the offing. The elections under the new Constitution are expected to take place next winter as scheduled, and arrangements in this regard are proceeding apace. Will it be amiss if I now take a little time to stress again that this Legislature and the popular Government have some little real achievements to their credit? The author of the *Tirukkural* holds that "freedom from sickness and want, increased production and wealth, widespread contentment and joy, and security" are the prime requisites of an ideal State. He has placed 'security' last, evidently to show that all else is unreal without it. I think that the Madras Government can well claim to have preserved Law and Order and engendered a general sense of security, without resort to Draconian measures. One can appreciate the general sense of security now prevailing in Madras and the rest of India, only if he compares it with the conditions in other Asiatic countries, which have also found their freedom recently. Security includes freedom of speech and action. The fact that some persons vehemently criticise the Government for all that they do or omit to do, is sufficient proof of the *bona fides* of the Government in this respect. The separation of the Judiciary from the Executive and the supremacy of the courts, have also contributed to the general feeling of security. We cannot possibly guarantee complete freedom from sickness and want, but I think I have said enough already, to indicate that effective steps continue to be taken by the Government, within the resources at their disposal, to improve the health of the people and to provide adequate medical relief. That this Government are now making an all-out effort

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against great odds, to increase agricultural and industrial production, should be clear from the facts that I have placed before the House in regard to the implementation of the several development schemes, particularly those in regard to Irrigation and Electricity. Then what about the spreading of contentment and joy? This should certainly begin with the more unfortunate among us. The abolition of untouchability and the throwing open of temples, have really given a new meaning to the life of the submerged section of the State. The abolition of drink is intended to enable a class of people to rediscover themselves and to set them on the road to prosperity. Again, the thousands of ryots, who have been held in age-long serfdom in the zamindari areas, will now hold their heads high, and labour for their own enjoyment and not for that of another. The spread of education and the encouragement of fine arts, added to other measures of rural welfare, including the reorientation of village panchayats, in pursuance of the recent Act of this Legislature, should certainly help to put a little more joy into the life of the common people, though, in their new-found rights, they may feel the urge to express discontent at some inconsiderable inconvenience.

I do not mean to say that all is well with this State. What I do claim is that we need not feel apologetic about what we have done. We are certainly on the road to make political freedom understandable to the common man. It is not good to be obsessed with the difficulties of the present day. The difficulties are there to be faced and overcome, and not to be brooded over. Though we may not ignore the fateful present for a distant future, yet we should have the courage and the vision to see things in their proper perspective. Other nations than ourselves have suffered grievous set-backs in recent times, but they are fast coming into their own, through hard labour and unwavering faith. They perhaps believe that "their own disasters and miseries have been only a necessary destruction, opening the way to new construction, or temporary set-backs of no greater importance to the general trend of evolution, than are the wavelets raised by a contrary breeze to the sweep of the in-coming tide". Indeed,

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we owe it to the great Titans, who have laboured for us and passed away, to have such a robust faith in ourselves and to jointly labour for the welfare of our State and the country. I conclude with a prayer to the Goddess of Prosperity, in the words of *Sarajini Devi*:—

'Hearken, O Lotus-born!

Prosper our cradles and kindred and cattle,
And cherish our hearth-fires and coffers and corn,
O watch o'er our seasons of peace and of battle,

Hearken, O Lotus-born!

Jai Bharat!"

MR. CHAIRMAN:—"General discussion of the budget will be taken up on the 3rd March."

VIII.—GOVERNMENT BILL.

THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL, 1950
(L.A. BILL NO. 39 OF 1950).

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

'That the Madras General Sales Tax (Amendment) Bill, 1950 (L.A. Bill No. 39 of 1950), as passed by the Assembly and transmitted to the Council be taken into consideration.'

"The main object of this Bill is to provide for the constitution of an independent Appellate Tribunal which will hear appeals against assessments made by departmental authorities under the Madras General Sales Tax Act, 1939.

"The Bill also makes some minor amendments and removes certain difficulties which have been experienced in the working of the Act. For instance, the terms 'Commercial Tax Officer' and 'Deputy Commissioner' are defined now, as these have not been defined in the old Act.

"Component parts of refrigerators, air-conditioning plants and radio gramophones are also made liable to the payment of sales tax.

"The State Government are empowered to collect sales tax in respect of sales of goods effected by them and provision is also made that collection of any tax so far made cannot be called in question in any court.

"Provision is also made to bar suits and other proceedings in court for the purpose of setting aside or modifying assessments passed under the Act."

MR. CHAIRMAN:—"The motion is—

'That the Madras General Sales Tax (Amendment) Bill, 1950 (L.A. Bill No. 39 of 1950), as passed by the Assembly and transmitted to the Council be taken into consideration,

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* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I am very glad that the Hon. Minister for Finance has come forward with this Bill whose main object is the constitution of an Appellate Tribunal to hear appeals against assessments made by Commercial Tax Officers. We did not have the time to read the entire Budget speech of the Hon. Finance Minister in which, I am sure, he has dealt with the subject of sales tax. We have gone through a portion of the speech from which we learn that the *Kamadhenu* of sales tax has not failed us. I think I will be in order if I raise a few points relating to sales tax, taking advantage of the Bill before the House.

"We have been told that the order promulgated by the President regarding the levy of tax on the sale or purchase of goods in the course of Inter-State trade or commerce expires on 1st April 1951."

MR. CHAIRMAN :—" May I point out to the hon. Member that we are now concerned with the Bill and not with the general policy in regard to sales tax? If he wants to say anything on the general policy, I think he can say that in the Budget discussion. I have not gone through the Bill. If there is anything relevant to the Bill, the hon. Member may say it now."

SRI R. SURYANARAYANA RAO :—" Anything relating to sales tax may be considered relevant."

MR. CHAIRMAN :—" I thought that the hon. Member was asking for information from the Hon. Minister."

* SRI R. SURYANARAYANA RAO :—" Yes, Sir. Indirectly I am asking for information on points which may not be germane to the Bill under discussion.

"An Appellate Tribunal is proposed to be constituted. I would like to know whether that Tribunal will have enough work if the changes envisaged by the Constitution are carried out. I have given notice of an amendment to increase the number of members of the Tribunal. If we continue to levy sales tax as we are doing at present and the Hon. Finance Minister, who is clever in understanding the ramifications of trade and commerce, spreads his tentacles wide and includes as many commodities as possible, it is just possible that the Tribunal may not be able to cope with the appeals that may arise.

"Another point that I want to raise is this. If the goods essential for the life of the community are exempted from sales tax, then the work of the Tribunal may not be so much as it will be if those goods continue to be taxed. If the sale or purchase of goods in the course of Inter-State trade or commerce continues to be taxed, I feel that there may be room for more than one Tribunal or there may be need for more members than the two members and a chairman as is proposed and for the Tribunal to sit for a larger number of days, because there is bound to be an appeal against every assessment and the number of appeals will be very

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large naturally. As things are and as I envisage as things will be and if the Hon. Sri Gopala Reddi continues to be the Finance Minister, I do not think any one article will be left out of the purview of the Sales Tax Act.

"I feel that these points are pertinent to the Bill in that the information furnished about them will enable me to decide whether to move or not to move the amendments of which I have given notice."

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I feel that this Amending Bill is not so simple and so harmless as the Hon. Finance Minister tries to make out. Apart from the constitution of an Appellate Tribunal, there are certain other clauses in the Bill which tend to harass people. One of them is the clause which empowers the Commercial Tax Officers to take up cases *suo motu*, call for and examine records and institute proceedings against assesseees within a time-limit of three years. A merchant might have discontinued his business in the course of the three years and he might not have preserved all the relevant records. If he is asked by the Sales Tax Officer to produce all the records relating to the past three years, I am afraid that it will be a great hardship and harassment. It is difficult to understand how people can carry on under trying circumstances like these. The anxiety of the Hon. Finance Minister seems to be, as he is reported to have expressed to a Press Reporter, that the merchant should not go away to Pondicheri. Likewise, the interest of the people is to see that they do not go away to Pondicheri on account of the burden of the sales tax. I know that there will come a time when Pondicheri will come to us. Pondicheri is going to come to us. The Hon. Finance Minister need not be afraid of the merchant going away to Pondicheri.

"There is a lurking fear in the minds of the people that the Appellate Tribunal will not be as independent as it ought to be, because its chairman and members are going to be Government nominees. We know only that the chairman will be a judicial officer not below the rank of a District Judge. We do not know what rules are going to be framed by the Government regarding the qualifications of the other two members. I would like to suggest an increase in the number of members, as Sri R. Suryanarayana Rao also wants. Whatever may be the number, it is necessary that that Tribunal should be an independent tribunal. If the Government want that an appeal against the decision of the Tribunal should be heard by two Judges of the High Court when an appeal is preferred in the High Court, then a High Court Judge or an officer qualified to be a High Court Judge should be the chairman of the Tribunal.

"Incidentally, I would like to point out another thing. Even if it is considered to be not strictly relevant to the Bill, it is a point which deserves to be placed before the Hon. Finance Minister. Sales tax is levied not only on the sales but also on the tax collected on the sales. If the turnover of a merchant is

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ten thousand rupees and the sales tax he collects is two hundred rupees, he is assessed to sales tax not only on the ten thousand rupees but also on the two hundred rupees. I do not know what explanation the Hon. Finance Minister will give with regard to this. I have read some judgments of certain courts in the mufassal declaring that it is wrong to collect sales tax on the tax collected.

"I wish to bring to the notice of the Hon. Finance Minister that sufficient time must be allowed for appeal by an aggrieved party. The Commercial Tax Officers should not be empowered to initiate proceedings unless the aggrieved party himself makes an application to the authorities to do justice to his case. If these Officers are allowed to initiate proceedings as is contemplated in the Bill, I feel, as I said in the beginning, that there will be great harassment. These are points which have to be taken into consideration by the Hon. Finance Minister."

m. THE HON. SRI B. GOPALA REDDI :—"Sir, the first point raised by the hon. Member Mr. Suryanarayana Rao is whether the contemplated three on the Tribunal will suffice or not. Under certain circumstances it may be superfluous. The Tribunal may not have enough work. Under a different set of circumstances, it may be that they are overworked and could not cope with the work. After all, nothing is final in all these matters. As and when the situation arises, we will certainly come before the Legislature and move that the number of the Tribunal be increased to 5 or 7, as the case may be. But the number cannot be reduced to less than three, because when once we say that it is a Tribunal, it is no use appointing a single judge as a Tribunal. Instead it is better to have an odd number like three on the Tribunal. Whatever may happen later, for the present, we do think that the Tribunal will have enough work and will not be overburdened. Anyway we will have to wait and see whether the Tribunal will have enough work or whether they will be actually overburdened. We do not know what the Parliament is likely to do with the essential articles necessary for the community. They have not so far taken any steps, and I do not expect they will take any step which will impair our revenues considerably, because we will be crippled in the process and our budget calculations will all be upset, and also we would not be able to carry out the capital programme we have now undertaken. It is better that the Government of India and Parliament leave things as they are, and leave them to the best judgment of this Legislature and of this Government. It remains to be seen how far they will progress, and if there is any necessity, we can certainly bring forward amendments.

"With regard to the other matter raised by the hon. the Leader of the Opposition that the new Act contemplates *suo motu* powers for the Commercial Tax Officers, I may inform this House that it is not the Act but the rules under the Act that contemplate *suo motu* powers. In the rules, no time-limit is fixed for going into the accounts of assesses, but in the new Act we are putting

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a time-limit, namely, three years within which time the officers must be able to see whether the assessments made are correct or not. There must be a finality as regards the *suo motu* powers. In the existing rules, there is no such limit, and even at the end of five years, the Commercial Tax Officer is entitled to call for the records and see whether the assessment made was proper or not.

"As regards the other point, namely, that we are collecting tax also on the sales tax collected by the merchants, hon. Members are aware that this is only a turnover tax. Whatever is collected from the customer has to be taken into account for the purpose of levying the sales tax. How much is collected as the actual price of the commodity, how much is collected as sales tax, how much is spent on the establishment, etc., is not the concern of the department. Whatever is collected from the customer, is the turnover, and on that the sales tax is levied. Therefore, the point that we are collecting tax on the sales tax collected by the merchants is not, I think, maintainable. Whatever might have been said by the lower courts in South Kanara, we are continuing this process, because this matter is also being taken before the High Court. From 1939 we are collecting tax on the turnover, which means all charges that are collected from the customers under whatever names. Therefore, it is superfluous for the merchants to show sales tax separately. Instead they can straightway demand the gross price, and take it as the turnover. Instead of saying Rs. 100 as the price of the article and Rs. 1-9-0 sales tax thereon, they can straightway collect Rs. 101-9-0 from the customer. The tax will be collected from them on the basis of this Rs. 101-9-0. It only means additional clerical work to put the price of the article and the sales tax separately. I have advised the merchants to give a consolidated bill instead of putting the two items separately. This matter is being taken before the High Court, and we shall await the High Court's decision in the matter.

"I think, Sir, I have covered all the points raised by hon. Members."

MR. CHAIRMAN :—"The motion is—

'That the Madras General Sales Tax (Amendment) Bill, 1950 (L.A. Bill No. 39 of 1950), as passed by the Assembly and transmitted to the Council be taken into consideration.'"

The motion was carried.

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

Clause 3.

MR. CHAIRMAN :—"The motion is—

'That clause 3 do stand part of the Bill.'"

* SRI R. SURYANARAYANA RAO :—"Sir, in view of the speech of the Hon. the Finance Minister, I do not propose to

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move the first amendment to this clause of which I have given notice. I suggested that the number of members on the Tribunal might be as many as the Government thought fit. As the Hon. the Minister himself said that it all depended upon the nature of the work of the Tribunal, and that if the existing Tribunal was not able to cope with the work, he would come forward and ask for an increase in the membership of the Tribunal so that the work might be expedited I do not propose to move my first amendment. The amendment which I now move is—

In the proposed section 2-A (1) for the words "a judicial officer not below the rank of District Judge", substitute the words "a person who has exercised the powers of a District Judge or who possesses such qualifications as are normally required for appointment to the post of District Judge".

My object in moving this amendment is to give greater choice to Government to appoint one who is qualified to hold the post of District Judge. He may be an officer of the Government, or he may be a lawyer who is competent to be appointed as District Judge. Or he may be fit to hold the post of the Chairman of the Tribunal. These wordings have been taken from the Income-Tax Act. Let me make it clear that in the Income-Tax Act, for the appointment of the Tribunal these words are used. The wording is—'a person who has exercised the powers of a District Judge or who possesses such qualifications as are normally required for appointment to the post of District Judge.' I do not want that the Government—though they may like to—should restrict their discretion in making the choice to 'a judicial officer not below the rank of District Judge'. I want that Government should have as much scope for choice as possible as is the case with regard to the Income-Tax Appellate Tribunal. With these words, Sir, I commend my amendment to the Government. The amendment does not in any way interfere with the scheme of things contemplated in the Bill. On the other hand, it gives greater scope for the Government to exercise their discretion and appoint a really suitable person. Even though he may not belong to the service, still he may be competent to act as the Chairman of the Tribunal."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" The hon. Member Mr. Farookhi may also move his amendment to this clause, so that both the amendments may be before the House for discussion."

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move—

In the proposed section 2-A (1) for the words "not below the rank of District Judge" substitute the words "qualified to hold the office of a High Court Judge".

As I have said in my speech, Sir, my object is that there should be great responsibility attached to the Tribunal. As I said when

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the matter goes to the High Court and when two Judges sit together to decide, I ask, Sir, why should there not be a Judge of the High Court on the Tribunal? As my hon. Friend Mr. Suryanarayana Rao pointed out, we are only giving greater scope to the Government's choice. A lawyer of outstanding ability can well be considered to be fit to occupy the seat of a High Court Judge. Such a lawyer can be an appointed by the Government. That gentleman need not be an official. It is better that we have a High Court Judge instead of a District Judge. Therefore it is I have moved the amendment to substitute the words 'qualified to hold the office of a High Court Judge' for the words 'not below the rank of District Judge.'

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendments moved—

In the proposed section 2-A (1) for the words "a judicial officer not below the rank of District Judge" substitute the words "a person who has exercised the powers of a District Judge or who possesses such qualifications as are normally required for appointment to the post of District Judge".

In the proposed section 2-A (1) for the words "not below the rank of District Judge" substitute the words "qualified to hold the office of a High Court Judge".

* DR. A. LAKSHMANASWAMI MUDALIAR :—" Sir, I rise to oppose both the amendments. I think when once the Government accept such a proposal, it will only throw open the flood-gates to all and sundry to aspire for this post. I do not think there will be any limit to the pressure that will be exercised on the Government in regard to the filling up of the post. I do not believe there is anybody who is not qualified to be a District Judge among the advocates of certain years' standing. Similarly those who are qualified for the post of High Court Judge should be considerable in number. The Government may therefore find it very embarrassing to adapt themselves to this position in getting the proper persons to man this important Tribunal. Moreover, Sir, I feel that it would be good for the Government to know from the administrative experience of the particular Judge whether he is the best person fitted for an important tribunal of this kind. That they can know only by the record of the District Judge. This is one of the salient features of this Bill. If the Income Tax Act does not have a provision like this, it is time that it is changed, and the matter dealt with by the Income Tax authorities. I do not think this House would be wise in accepting these two amendments."

THE HON. SRI B. GOPALA REDDI :—" Sir, I entirely agree with the hon. Member Dr. Lakshmanaswami Mudaliyar that it is better that we confine ourselves to a limited number instead of saying that all people who are of ten years' standing at the bar are

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eligible for the post of Chairman of the Tribunal. Every person who is of ten years' standing at the bar can be appointed as a High Court Judge."

MR. CHAIRMAN :—" Where is it laid down? "

THE HON. SRI B. GOPALA REDDI :—" It is laid down in the Constitution. Any person who is of ten years' standing at the bar, is eligible for the post of High Court Judge. That means there will be thousands of people for this particular post. I think the life of the appointing authority will become miserable if all these people are to press their claims by individual canvassing. Therefore, it is better to have somebody who is actually in service appointed to the Tribunal. Suppose we take a retired Judge. There again we will have to confine ourselves to people who are below 60 or 65 years, and we will have to make rules for all these things. It is better I think that a young and energetic officer is appointed as the Chairman instead of a retired person who held the position of District Judge some time ago. It may be that he retired some ten years ago, or five years ago, or only recently retired. It is not right that we should go on giving these attractions to Judges who have retired. The retired Judges should not look forward to any patronage from Government. Then only they will have independent judgment, and they will not give judgment in favour of the Government or others. It is better that we appoint a person who is actually holding the post of District Judge instead of going through the pension list of retired District Judges.

4-15 p.m. " With regard to the point made by the Leader of the Opposition about the position of the Tribunal, I say, Sir, even the High Court Judges will be given Rs. 3,000, and it may not be very desirable to give such a high salary for a small Tribunal like the Sales Tax Tribunal. Further, all points of law will be taken before the High Court for decision. All legal points whether it is *ultra vires* or *intra vires* of this legislature, will be taken before the High Court, and the judgment of the High Court will be final. What the Tribunal will be concerned with are actual facts and procedure. Therefore, there is no need for an eminent dignitary like a High Court Judge to be the Chairman of the Tribunal. The District Judge is already settling disputes in suits before the Court and we think that a person of the standing of District Judge will suit our purpose and we need not go in for High Court Judges."

MR. CHAIRMAN :—" Is the hon. Member Sri R. Suryanarayana Rao pressing his amendment? "

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

MR. CHAIRMAN :—" The question is—

' In the proposed section 2-A (1) for the words " a judicial officer not below the rank of District Judge " substitute the words " a person who has exercised the powers of a District Judge or who possesses such qualifications as are normally required for appointment to the post of District Judge " ' "

The amendment was lost.

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MR. CHAIRMAN :—" The question is—

' In the proposed section 2-A (1) for the words " not below the rank of District Judge " substitute the words " qualified to hold the office of a High Court Judge " ' "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment standing in my name :—

' That in section 2-A (1) add the following as proviso at the end :—

" Provided that they are not officials of the Sales Tax Department." ' "

" The Hon. the Finance Minister has already argued this point also. It has been stated that people should not look to the Government for patronage in respect of appointments to such posts. If the officials of the Sales Tax Department are appointed as members of the Tribunal, they cannot be expected to do justice to their duties. Therefore, it is better that those officials are not appointed to these offices and that attraction is not given to them."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' That in section 2-A (1) add the following as proviso at the end :—

" Provided that they are not officials of the Sales Tax Department." ' "

THE HON. SRI B. GOPALA REDDI :—" Sir, I shall take the point to its logical conclusion. To say that the officials will not be discharging their duties properly if the attraction is held out to them and that, therefore, the Tribunal should consist of non-officials is not quite correct."

JANAB ABDUL LATIF FAROOKHI :—" I mean the officials of the Sales Tax Department."

THE HON. SRI B. GOPALA REDDI :—" Yes, I am taking the point to its logical conclusion. The argument of the Hon. the Leader of the Opposition is that a Sales Tax Department official will be attracted by the post and, therefore, will not discharge his duties properly. The same argument can be advanced in the case of a Revenue Department official, Public Works Department official, Food Department official, etc. Therefore, it is not desirable that all officials should be excluded and that the Tribunal should consist of only non-officials.

" Sir, I gave the assurance to the Members of the Select Committee and also to the other House that if a Sales Tax official was appointed to this office, he would not revert to his Department.

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That assurance is there still. For example, if an official is appointed Member of the Tribunal and if he is not discharging his duties properly and if his work is found to be unsatisfactory, then he will not revert to his Department but will be allowed to retire from the Tribunal. That assurance is enough, Sir.

"Further, there is always a departmental man to see whether the correct procedure has been followed by the officers concerned. Even in the Madras Bench there is a departmental Chairman, he is not called the Chairman but is perhaps called the Senior Member of the Bench, and such a departmental official will be in a better position than others to say whether the Commercial Tax Officer or the District Commercial Tax Officer or the Assistant Commercial Tax Officer has followed the procedure correctly or not. Therefore, the hon. Gentleman need not be apprehensive of the presence of a departmental man on the Tribunal. In this connection I have given this assurance that he won't revert to his Department. I request the present provision may be retained."

The amendment was, by leave, withdrawn.

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

'That in the proposed section 2-A (2) add the following proviso, viz :—

"Provided that the Tribunal shall not be deemed to be invalidly constituted by reason of a temporary vacancy caused by the death, retirement or removal of any member."

"Sir, I propose this amendment taking into consideration a similar provision which exists in the Income-tax Act. The proposed sub-section says that any vacancy in the membership of the Appellate Tribunal shall be filled up by the State Government. But it is just possible the Tribunal is short of three Members sometimes. I move this amendment by way of abundant caution so that the validity of the decision of the Tribunal may not be questioned on the ground that it has not been properly constituted. The object of the amendment is that if for any reason there is some delay in filling up a vacancy, the validity of a decision arrived at by the Tribunal during the period when the vacancy has not been filled up, should not be questioned in a court of law."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—"I second the amendment, Sir."

MR. CHAIRMAN :—"Amendment moved—

'In the proposed section 2-A (2) add the following proviso, viz.,

"Provided that the Tribunal shall not be deemed to be invalidly constituted by reason of a temporary vacancy caused by the death, retirement or removal of any member."

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THE HON. SRI B. GOPALA REDDI :—"Sir, if the strength of the Tribunal or the number of Members constituting the Tribunal is kept in a fluid condition, then the proviso may be necessary. But here we have stated that it must consist of three members. We do not want that the Tribunal should be deemed to be properly constituted when there are only two members or one member. It is not our intention that these two members should function for the time being as the Tribunal. There must be always three members and if somebody is absent for any reason, the Tribunal is not validly constituted and shall not go into any appeals. The entire Tribunal must sit and hear the appeals. This is a straightforward course and this should be adopted."

* SRI R. SURYANARAYANA RAO :—"Sir, the proposed sub-section (3) runs as follows :—

'Subject to the previous sanction of the State Government, the Appellate Tribunal shall make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.'

I hope that in the rules and regulations framed under the above provision it will be made clear that unless the Tribunal consists of three members, it will not be validly constituted. I beg leave of the House to withdraw my amendment."

The amendment was, by leave, withdrawn.

MR. CHAIRMAN :—"The hon. Member, Sri Suryanarayana Rao may move his next amendment."

* SRI R. SURYANARAYANA RAO :—"I am not moving it, Sir. It has been made clear by the Hon. the Finance Minister that the Tribunal will not be properly constituted unless it has three members. He has given me that assurance and, therefore, my amendment becomes unnecessary."

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

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

Clause 7.

MR. CHAIRMAN :—"The motion is—

'That clause 7 do stand part of the Bill.'

* SRI R. SURYANARAYANA RAO :—"Sir, I move the following amendment which stands in my name :—

'Omit the proposed section 8-C.'

"Sir, I wish that the Hon. the Finance Minister had explained to us, while moving for the consideration of the Bill, why he felt it necessary to insert this new section. It appears to me that there was a doubt in the mind of the Government whether they could consider themselves as registered dealers and whether they

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could collect sales tax on goods sold by them although they might not take out a licence for the sale of those goods. Evidently till now the Government felt that they were not dealers in goods. They were only selling to consumers what they manufactured in their concerns. They were not registered dealers. Take, for example, the Kerala Soap Institute. Evidently they have been collecting sales tax on the goods sold by them. It is not now fair for the Government to place themselves in the same position as a registered dealer. Their work is to meet the needs of the consuming public in so far as ordinary producers, manufacturers or dealers are not able to meet them. From that point of view, some people say that the Government should not continue to manage the Kerala Soap Institute. Sir, soap industry is not an industry which requires the Government to take such an attitude towards it, because it is not a nascent industry but has become an established one and can take care of itself. Therefore, I feel the proposed section is unnecessary and even if the Legal Advisers have suggested to the Government that their position would be secure by the introduction of such a clause, I suggest that they should not charge or levy sales tax in respect of goods sold by them."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"I second the amendment, Sir."

MR. CHAIRMAN:—"Amendment moved—

'Omit the proposed section 8-C.'"

THE HON. SRI B. GOPALA REDDI:—"Sir, I remember I received certain deputations from merchants who requested that they need not be placed under a handicap on account of the fact that somebody was manufacturing soap which was not assessed to sales tax. Suppose there is another soap factory in Calicut in addition to the Government factory and the Government factory does not levy sales tax but the other private factory has to collect sales tax and deliver it to the Government. In that case the private factory will be under a great disadvantage when compared to the Government factory. Therefore, it is right that the Government collect sales tax and see that the prices are the same as the market rates.

"Besides that, we have been collecting sales tax all these years and we are only regularizing or legalizing what has been done. We do not want to take any undue advantage of our position and say that our articles are free of sales tax. On the other hand, we want to compete with the private factories on equal terms.

4-30 p.m. "Therefore it is but right that we should levy sales tax irrespective of the fact whether the articles are manufactured in the Government Soap Factory or by the Industries Department or the Agricultural Department and give it over to the Government. We do not want to place the private people under any handicap."

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* SRI R. SURYANARAYANA RAO:—"Sir, the Hon. Minister was till now saying that it was a turn-over tax and that he was surprised to hear that the merchants were adding sales tax at the end of the price which was not necessary. He suggested that instead of putting Rs. 100 plus Rs. 1-9-0, they can as well put it as Rs. 101-9-0. Now when the Government sell their articles from the Soap Factory, they will act as a dealer and put the price, say, at Rs. 101-9-0. It is the consumer who is going to pay this. So, the Government want to tax the consumer as much as possible even in respect of goods over which he has got a right to purchase from the State at the original price."

MR. CHAIRMAN:—"The hon. Member's point seems to be that if the Government charged sales tax even in respect of their articles, the Government will have to pay something more than what they collect."

THE HON. SRI B. GOPALA REDDI:—"What they pay, viz., Rs. 1-9-0 is negligible. Further, the entire turn-over of the Soap Factory will be taken into consideration and by the levy of sales tax, the production cost is put up to that extent. It is but fair, Sir."

SRI R. SURYANARAYANA RAO:—"That is an anomaly which you cannot easily erase."

MR. CHAIRMAN:—"That is a universally applied anomaly."

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

The amendment was, by leave, withdrawn.

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

Clause 8 was put and carried and allowed to stand part of the Bill.

Clause 9.

* JANAB ABDUL LATIF FAROOKHI:—"Sir, I move the following amendment standing in my name:—

"That in the proposed section 12, omit the words "suo motu" wherever they occur."

As I have stated in the beginning of my speech, this is too wide a power given to the Commercial Tax Officer. I am afraid that this power is likely to be abused at least in some cases. Such great powers should not be vested in the officials. There will be considerable harassment on the part of the officials, if this power is allowed to remain. I have, therefore, moved this amendment."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"I second the amendment, Sir."

[26th February 1951]

MR. CHAIRMAN :—“ Amendment moved—

‘ In the proposed section 12, omit the words “ *suo motu* ” wherever they occur.’ ”

THE HON. SRI B. GOPALA REDDI :—“ As I have already explained, this power exists even now and is provided in the rules, although there is no time-limit. I have now prescribed a time-limit that they should exercise the *suo motu* powers within three years. What happens is this. Sometimes, we have to do a lot of detection and cross-checking and we have also to look into other people's accounts. Therefore, this power must vest in the Commercial Tax Officer. When a party shows his turn-over and it is accepted and *prima facie* if there was no information available, then the Commercial Tax Officer will not be in a position to reopen the matter even though he may have substantial evidence that the party has not submitted true accounts. It is, therefore, necessary that the Commercial Tax Officer should be left with some discretion in these matters. Now, there is the time-limit which is a good safety against the supposed vagaries of the Commercial Tax Officer.”

JANAB ABDUL LATIF FAROOKHI :—“ Anyhow, it is too wide and great a power.”

THE HON. SRI B. GOPALA REDDI :—“ I am limiting it to three years. Further, this power was provided in the rules previously and now I am putting it in the Act. That is all.”

JANAB ABDUL LATIF FAROOKHI :—“ My submission is that three years is a very long time.”

MR. CHAIRMAN :—“ That is understood! The question is—

‘ In the proposed section 12, omit the words “ *suo motu* ” wherever they occur.’ ”

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—“ Sir, I move the following amendment standing in my name :—

‘ In section 12 (4), substitute the words “ *six months* ” for the words “ *three years* ” and substitute the words “ *one year* ” for the words “ *four years* ”.’ ”

Sir, I do not want that, during this long period of three years and four years, opportunity should be given to these officials to harass the merchants and other people. I think a much shorter period will really be sufficient. If these officials have got any case to prove that the merchant has not acted in a proper manner, they can deal with him within six months. I, therefore, request that my amendment may be accepted.”

* SRI R. SURYANARAYANA RAO :—“ Sir, I do not propose to move some of my amendments to clause 9, which are identical with those given notice of by my hon. Friend, Janab Abdul Latif Farookhi. I will second such amendments and speak on them.”

[26th February 1951] [Sri R. Suryanarayana Rao]

Now, I second the present amendment moved by him. The object of the amendment is that such a long time as three years and four years is not desirable, as it is likely to work serious hardships on the merchants. It will be very difficult for the merchants to keep the accounts for such a long period, expecting all the while when the officials will call for them. The Commercial Tax Officer can call for the accounts at any time within three years and in the case of the Deputy Commissioner, he can call for the accounts at any time within four years. So, the parties must keep all their records intact at least for a period of four years without knowing when they will be asked to produce their records before the officials concerned. Moreover, the decision arrived at already in assessing sales tax may not be final and everything will be left in a state of suspense. The sooner such matters are finally settled, it would be better for all. The period of six months suggested by the Leader of the Opposition is certainly very reasonable. This matter affects the parties. If they have any grievances, they have to move the authorities within six months and one year, as the case may be. We are told by the Hon. Minister that such a long period is provided in the Income-tax Act. We would very much wish that the Income-tax Act was copied here *in toto*. Whenever it suits them, the Government say that they have copied the provision from the Income-tax Act; but in other matters they say that they do not want to copy the Income-tax Act. We are agreed on principle. We only want to restrict the period to six months and one year. I, therefore, support the amendment moved by my Friend, Janab Latif Farookhi.”

MR. CHAIRMAN :—“ Amendment moved—

‘ In section 12 (4), substitute the words “ *six months* ” for the words “ *three years* ” and substitute the words “ *one year* ” for the words “ *four years* ”.’ ”

THE HON. SRI B. GOPALA REDDI :—“ Sir, wise men always try to profit by other people's mistakes and make improvements on what other people have done. After all, instead of gaining at our own cost, it is much better to gain at others' cost. Really, we have followed the Income-tax Act wherever it suited us and we have taken pains to improve upon it. So, we should not be penalized for having done that. That is a salutary provision which we have copied from the Income-tax Act. It is very necessary that our officers should also have the same long period as provided in the Income-tax Act to exercise their powers. Otherwise, very genuine cases of assessment will escape, only because the persons concerned were clever in manipulating accounts. Simply because a man is clever in manipulating the accounts, he should not be left scotfree, after the lapse of a short period. The period of three years is quite reasonable and the man who has really manipulated the accounts should be kept under fear that the Commercial Tax Officer may within three years call for the records and find out the real state of affairs. This will not create

[Sri B. Gopala Reddi] [26th February 1951]

any state of suspense as mentioned by the hon. Gentleman, Sri Suryanarayana Rao. The Commercial Tax Officer must be given sufficient time to unearth any evidence that may be available by looking into other people's accounts and re-open the case *suo motu*. This is a safe provision which we have copied from the Income-tax Act and I think it may be retained."

MR. CHAIRMAN :—" The question is—

' In section 12 (4), *substitute* the words " six months " for the words " three years " and *substitute* the words " one year " for the words " four years " . ' "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment standing in my name :—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

There is already a provision in the Bill that if a man has not appealed within sixty days and if there is reason to believe that more time should be given to him, that should be allowed. I want that it should be definitely laid down that the time-limit should be ninety days instead of sixty days. This is a simple amendment and I hope the Hon. Minister will accept it."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

THE HON. SRI B. GOPALA REDDI :—" Sir, there is not much point in raising the time-limit to ninety days. The hon. Gentleman may perhaps be surprised to know that in respect of the Road Traffic Board cases, the time given is only 30 days. As this is a matter concerning sales tax, we have given sixty days' time, which, I think, is quite enough. I do not think that any party will be under handicap if the existing provision is allowed to stand. The aggrieved party will immediately make necessary arrangements for preferring an appeal within the sixty days. I feel that sixty days' time is quite sufficient and reasonable."

MR. CHAIRMAN :—" The question is—

' In sections 12 (5), 12 (6), 12-B (1) and 12-C (1), *substitute* the word " ninety " wherever the word " sixty " occurs.' "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment :—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

26th February 1951] [Janab Abdul Latif Farookhi]

The object of the amendment is this. If a person is harassed and if an appeal is preferred either by him or by the Government and if in the opinion of the appellate authority it is considered that justice is on the side of the person concerned, then the appellate authority should have power to allow costs for that man."

MR. CHAIRMAN :—" I think the rule does not prevent it. The sub-section says, ' Except as provided in the rules made under this Act . . . ' "

JANAB ABDUL LATIF FAROOKHI :—" But, we do not know what the rules are."

MR. CHAIRMAN :—" From the wording of this sub-section, it looks that some provision is going to be included in the rules in this connexion."

* JANAB ABDUL LATIF FAROOKHI :—" I want that it should be clearly mentioned in the Act itself. There should not be any doubt about these matters. If the Government give an assurance that such people will be adequately compensated for the loss that they might have sustained by way of costs, I have no objection to withdraw the amendment, Sir."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

THE HON. SRI B. GOPALA REDDI :—" Sir, the power to award costs is a double-edged weapon. If the man goes before the Tribunal and if the case goes against him, the Government will claim costs and the party will be placed under a handicap. Even in the Income-tax Act, I think, there is no provision for costs in respect of cases that go before the Tribunal. If the matter goes before the High Court on some legal point, of course, the High Court has got the discretion to award costs. I am sure that in 75 per cent of the cases that go before the Tribunal, the decision will be in favour of the Government. Usually, the party is simply encouraged by somebody to go before the Tribunal and when the case goes against him, he will have to pay costs to the Government. Therefore, in the interests of the parties themselves, I think, there should not be a provision for the award of costs."

MR. CHAIRMAN :—" The question is—

' In section 12-A (7), *delete* the word " not " after the words " Appellate Tribunal shall " . ' "

The amendment was lost.

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

' That in the proposed section 12-B, omit sub-section (7) and in sub-section (8), omit the words " or (7) " . ' "

[Sri R. Suryanarayana Rao] [26th February 1951]

I wish to draw the attention of the Hon. the Minister for Finance to a little inconsistency that has crept in here. The Hon. the Minister said that the Tribunal would decide questions on the basis of facts and that the High Court would deal with questions of law. Sub-section (1) of the proposed section 12-B says that the High Court may hear appeals from either the assessee or the Deputy Commissioner under sub-sections (4) and (6) on any question of law. This being the case, I do not think it is the intention of the Government that the High Court should be troubled either by the assessee or by the Deputy Commissioner to decide questions of fact. The whole object of giving powers of revision to the High Court is that it should deal with questions of law alone. Sub-section (1) makes it clear that an appeal can lie only on the ground that the Appellate Tribunal has either decided erroneously or failed to decide any question of law. So, Sir, somehow this discrepancy has crept in here. If it is the intention of the Government that the High Court should deal with questions of fact also, then it is a different matter. But it is not their intention, as could be seen from the Hon. the Minister's speech while making the motion. As such, questions of fact can be dealt with only by the Tribunal. I consider, therefore, that sub-section (7) is unnecessary. If it goes, then the word and figure 'or (7)' occurring in sub-section (8) also go in consequence. I hope the Government will accept my amendment which does not go against the principle involved in this provision."

The amendment was duly seconded.

MR. CHAIRMAN :—" Amendment moved—

'In the proposed section 12-B, omit sub-section (7) and in sub-section (8), omit the words "or (7)".'

THE HON. SRI B. GOPALA REDDI :—" Sir, this question was considered at great length by the Select Committee. I may tell the House that this provision was introduced at the instance of the High Court itself. The High Court wanted a power like that, because there are certain cases disposed of by the Board of Revenue on which appeal to the High Court is provided for. Suppose the Board passes certain orders. The party affected by such orders may after some time prefer an appeal to the High Court. In such a case, is it just to stand in his way? After all, we cannot divorce questions of law from questions of fact and *vice versa*. A narration of the facts may enable the High Court to deal with questions of law with more speed. The High Court itself wanted it and we may, therefore, safely retain the provision."

SRI R. SURYANARAYANA RAO :—" I withdraw my amendment. I thought that there was some inconsistency in the provision."

The amendment was, by leave, withdrawn.

Clause 9 was put and carried and allowed to stand part of the Bill.

[26th February 1951] [Sri R. Suryanarayana Rao]

Clauses 10 and 11 were put and carried and allowed to stand part of the Bill.

Clause 12.

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

'In the proviso add the words "the Board of Revenue or" before the words "the Deputy Commissioner" in line 5.'

Clause 12 deals with cases 'pending before the Board of Revenue or the Deputy Commissioner'. Similarly, wherever the words 'Board of Revenue' occur, the words 'Deputy Commissioner' also follow. But in this proviso, the words 'Deputy Commissioner' alone find a place and the Board of Revenue has no place there. The proviso reads :

'Provided that if within the sixty days aforesaid the applicant intimates in writing to the Board of Revenue or the Deputy Commissioner, as the case may be, that he does not desire the application to be disposed of by the Appellate Tribunal, the application shall be disposed of by the Deputy Commissioner'

I do not know if there is any purpose that can be served by omitting the words 'Board of Revenue' here. Any party who is aggrieved must be free to choose any appellate authority he wants, either the Board of Revenue or the Deputy Commissioner, of course if he does not want to go before the Tribunal. It will, therefore, be consistent if we use the words 'Board of Revenue' also here. It will not in any way affect the idea behind the clause."

The amendment was duly seconded.

MR. CHAIRMAN :—" Amendment moved—

'In the proviso add the words "the Board of Revenue or" before the words "the Deputy Commissioner" in line 5.'

THE HON. SRI B. GOPALA REDDI :—" Sir, we are now investing the Deputy Commissioner with certain new powers. The position so far has been that the Deputy Commissioner was hearing cases in appeal—cases where assessment was made by the Assistant Commercial Tax Officers—and the Board of Revenue was taking up in appeal cases where the assessment was Rs. 20,000 and above. Under the new provision now introduced, all pending cases can be disposed of by the respective Deputy Commissioners instead of the Board of Revenue being troubled with such cases. Of course, new cases will go before the Tribunal."

SRI R. SURYANARAYANA RAO :—" Sir, I am not satisfied with the explanation of the Hon. the Minister. I press my amendment."

MR. CHAIRMAN :—" The question is—

'In the proviso add the words "the Board of Revenue or" before the words "the Deputy Commissioner" in line 5.'

The amendment was lost.

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

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Clause 13.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move—
'That clause 13 be omitted.'

The object of clause 13 is to give retrospective effect to certain provisions relating to the collection of sales tax. It is not justice, if we ask people to give what they need not give under the law as it is. The Government can collect the tax only in respect of transactions entered into after the Bill becomes law. I am sorry to note that there is no time-limit even to the extent to which this validation business can go."

* SRI R. SURYANARAYANA RAO :—" Sir, I second the amendment. Evidently, the Government have collected some tax without power and they seek to validate such acts. It is not fair to validate the collection of taxes wrongfully made. If an aggrieved party goes to a Court of Law, he must be in a position to get back the tax he has paid. The Government cannot collect tax taking advantage of the ignorance of the tax-payer and then try to validate such collection by bringing in a provision like this. I do not think that such a provision should find a place in any legislation. Then, Sir, the clause says 'collection of any tax'. It looks as though there is some tax other than the sales tax whose collection also is meant to be validated. Of course, I can understand that it refers to sales tax only. But that is not made clear. In any case, Sir, this is a provision which seeks to legalize an illegal act. Simply because the Government possess certain powers, they should not take advantage of the position, the helpless position, in which the assesses are placed and collect tax wrongfully with a view to legalizing such collection later."

MR. CHAIRMAN :—" Amendment moved—
'That clause 13 be omitted.' "

THE HON. SRI B. GOPALA REDDI :—" Sir, we have already collected certain taxes and we do not want these cases to be taken up anew and challenged in courts. There must be a finality about these things. After all the parties assessed to this tax had all agreed to pay and paid it. It is only to validate such collection that this provision is there and this, we consider, need not be challenged in a Court of Law."

MR. CHAIRMAN :—" The question is—
'That clause 13 be omitted.' "

The amendment was lost.

Clause 13 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.

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THE HON. SRI B. GOPALA REDDI :—" Sir, I move—
'That the Madras General Sales Tax (Amendment) Bill, 1950, be read a third time and passed.'

Sir, this Bill is a great improvement on the existing provisions relating to Sales Tax administration in this State. Both the Houses have been clamouring for a Tribunal for a very long time and at the end of ten years or so, we have come up with the proposal of setting up a Tribunal. It must be remembered that the Income Tax Appellate Tribunal took nearly forty or even fifty years to come into being and, therefore, in this respect also, we have done much better than what the Income-tax Department has done."

MR. CHAIRMAN :—" The question is—

'That the Madras General Sales Tax (Amendment) Bill, 1950 (L.A. Bill No. 39 of 1950), as passed by the Assembly, be read a third time and passed.' "

The motion was carried and the Bill was passed.

MR. CHAIRMAN :—" The House will now adjourn to meet again at 2-30 p.m. tomorrow."

The House then adjourned to meet again at 2-30 p.m. on Tuesday, the 27th February 1951.

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

* 1. Notification issued with G.O. No. 2331, L.A., dated 5th December 1950, regarding inclusion of the area constituting Sandur State within the Bellary district.

* 2. G.O. No. 2409, L.A., dated 13th December 1950, regarding stay of elections to Pothanur Panchayat (Salem).

* 3. G.O. No. 233, Food and Agriculture (Food Production), dated 29th November 1950, issuing orders regarding inclusion of certain officials in the District Food Production Committees.

4. The Malabar Irrigation Works (Construction and Levy of Cess) Rules, 1950, issued with G.O. No. 18, Revenue, dated 3rd January 1951.

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

^b (1) The Madras General Sales Tax (Amendment) Bill, 1950.

^b (2) The Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950.

^c (3) The Malabar Tenancy (Amendment) Bill, 1950.

^b (4) The Madras Merged Territories (Nomination to District Boards) Bill, 1951.

^b (5) The Madras Prohibition (Amendment) Bill, 1951.

^a Despatched by post on 31st January 1951.

^b Circulated on 15th February 1951.

^c Circulated on 19th February 1951.

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APPENDIX I.

[Vide answer to starred question No. 143 asked by Sri Mothey Narayana Rao at the meeting of the Legislative Council held on 26th February 1951, page 8 supra.]

Statement showing approximate market rates for groundnut cake at important centres.

Serial number and name of centres	At the time of de-control (de-controlled with effect from 15th January 1949).			At present: Week ended 16th October 1950.		
	Week ended 15th January 1949		Week ended 22nd January 1949.	Wholesale ex-mill per ton.		Retail per Imperial maund.
	Wholesale ex-mill per ton.		Wholesale ex-mill per ton.	Wholesale ex-mill per ton.		Retail per Imperial maund.
	Controlled.	Miller rate.				
(1)	(2)	(3)	(4)	(5)	(6)	
	RS.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	
1 Visakhapatnam ..	99	95 13 2	95 13 2	196 4 0	7 4 0	
2 Guntur ..	99	99 1 7	148 3 9	224 0 0	8 8 0	
3 Kurnool ..	99	123 2 0	182 10 2	238 3 0	9 2 0	
4 Salem ..	118	140 5 2	179 10 2	199 15 0	7 12 0	
				to		
				220 0 0		
5 Coimbatore ..	118	118 3 4	200 10 6	190 0 0	10 8 0	
				to		
				290 0 0		

APPENDIX II.

[Vide answer to starred question No. 144 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 26th February 1951, page 10 supra.]

(a) The Government have constituted District Advisory Councils, Taluk Prohibition Committees and Village Prohibition Committees. There are no Firka Prohibition Committees.

(b) The composition and functions of the committees are given below:—

(i) *Village Prohibition Committees.*—These Committees will ordinarily have 5 members each. Only those who are really keen and enthusiastic about Prohibition are selected. Village Officers also may serve on the Committees. The duties of these Committees will include—

(1) reporting offences or the likelihood of offences being committed, to the village munsif, to the nearest Police or Prohibition Station or to the local Taluk Prohibition Committee member with whom they should keep in close touch;

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(2) keeping a special watch on former heavy drinkers and drug addicts;

(3) keeping an eye on localities where illicit distillation or tapping might take place;

(4) arousing public opinion against drinking by means of propaganda and in other ways;

(5) providing counter attractions to drink and drugs, such as community centres, dramas, bhajanas, sports and games; and

(6) encouraging thrift in former drinkers and adopting measures calculated to enable them to improve their economic status as a result of abstaining from drinks and drugs.

(ii) *Taluk Prohibition Committee.*—Four persons selected from villages in different parts of each of the Police or the Prohibition Station limits will be recommended by a Committee formed for the purpose to the Collector for being appointed as members of the Taluk Prohibition Committees. The Collector will then appoint those who are of good character and status keenly interested in prohibition. He may also nominate one or two qualified physicians who are really keen and enthusiastic about prohibition in each of the Taluk Committees. The Deputy Prohibition Officers in the Excise Prohibition districts and Deputy Superintendents of Police in the Police Prohibition districts shall also be members in the respective Taluk Committees. The Revenue Divisional Officer and the Tahsildar shall be the Chairman and the Secretary respectively of the Committee. According to section 26 (3) of the Madras Prohibition Act, the Taluk Committee members are entitled to give information at any Police or Prohibition Station in their taluk regarding the commission or suspected commission of any offence against the Act. The other ways in which they are expected to assist the Prohibition Officers in carrying out the objects of the Act are as follows:—

(a) It is their duty to keep in touch with the Police and Prohibition Officers. They should assist officers in their work by furnishing information not only regarding the commission or suspected commission of offences, but regarding any person whom or any place which they consider, require special watching and any other information of general character which may assist the enforcement staff in their work.

(b) It is their duty to watch the work of the Village Prohibition Committees and to encourage them to take an active part in Prohibition work.

(c) The duties prescribed for the Village Committee members can also be carried out by the Taluk Committee members in their wider sphere. They can, with advantage, keep a watch on former heavy drinkers and drug addicts and keep an eye on localities where illicit distillation or tapping might take place. They can also do propaganda work.

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(d) They can play a valuable part in providing counter attraction to drink and drugs. They can be of much assistance in the thrift movement through co-operative societies by encouraging ex-addicts to take out hundi boxes.

The Committee will meet ordinarily once a month. At these meetings various questions about Prohibition, both the work done on enforcement and ameliorative sides, will be discussed and suitable ways for the effective enforcement of the Act will be suggested. The minutes of the meetings should invariably be sent to the Chairman of the concerned District Advisory Council which in turn should discuss at its meetings the work of the Taluk Committees and give suitable instructions, whenever necessary as to how best the work of the Taluk Committees can be co-ordinated.

(iii) *District Advisory Councils.*—The members of the Council are the Collector, the District Prohibition Officer in the case of an Excise Prohibition district and the District Superintendent of Police in the case of a Police Prohibition district, the Special Development Officer or Deputy Registrar of Co-operative Societies, the District Forest Officer, all members of the Legislative Assembly and Legislative Council of the district, the President and the Secretaries of the District Congress Committee and the District Muslim League Committee and the Head of the Roman Catholic Mission and of the most prominent non-Roman Catholic Mission in the district. One of the non-official members of each Taluk Prohibition Committee shall be included as a member in the District Advisory Council. The Collectors have also been permitted to nominate those Chairmen of Municipal Councils who take interest in Prohibition work. The Presidents of Districts Boards have been made ex-officio members of the Councils. The Collector will be the Chairman of the Council, while the District Superintendent of Police or the District Prohibition Officer as the case may be, will be its Secretary.

The functions of these Councils are to carry on propaganda and enlist support from the Village and Taluk Committees and the general public for prohibition work.

(c) No.

(d) Yes.

(e) The Board of Revenue (Excise) has reported that the Prohibition Sub-Inspector who gave the statement in the Court that the President and most of the members of the Ponniam Village Prohibition Committee (North Malabar) were addicted to drink could not substantiate the statement when questioned. Action is being taken against him for having made an indiscreet statement in the Court. The accused in the case, who was a member of the Ponniam Village Prohibition Committee, was removed from the Committee from 1st August 1950. The Collector of Malabar has also issued instructions to the Prohibition Officers to bring immediately to the notice of the Tahsildars concerned any violation of Prohibition Rules on the part of the members of the Prohibition Committees so that prompt action might be taken to remove such members from the Committees.

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APPENDIX III.

[Vide item VII, at page 52 supra.]

STATEMENT OF THE DEBT POSITION OF THE MADRAS GOVERNMENT.

I. OPEN-MARKET LOANS.

When issued.	Description of loan.	Total amount issued.	Amount that will be outstanding on 31st March 1951.	Remarks.
(1)	(2)	(3)	(4)	(5)
		RS. LAKHS.	RS. LAKHS.	
September 1937 and September 1940.	3% Loan, 1952 I and II issues.	2,33.54	2,18.95	
September 1938.	3% Loan, 1953.	1,51.29	1,42.08	
June 1939	3% Loan, 1959.	1,50.00	1,27.46	
September 1942.	3% Loan, 1955.	1,25.00	1,23.25	
September 1943.	3% Loan, 1956.	1,25.10	1,25.10	
August 1944	3% Loan, 1958.	1,10.00	1,06.30	
September 1945	3% Loan, 1960.	3,00.00	2,77.69	
September 1946.	2½% Loan, 1961.	4,09.30	3,84.52	
July 1950	3% Development Bonds, 1960.	4,39.75	4,39.75	
Total ..		20,43.98	19,45.10	

II. LOANS FROM THE CENTRAL GOVERNMENT.

(1) Pre-autonomy consolidated debt.	..	..	3,24.74	The Madras Government's debt to the Government of India after certain adjustments amounted to Rs. 7,56.71 lakhs on 1st April 1937. This debt was consolidated into a 4½ per cent loan and it is repayable by 1981-82 by half-yearly equated instalments.
(2) Post-autonomy debt—				
1947-48 ..	..	..	6,00.00	These are loans given by the Government of India for capital expenditure on Irrigation and Electricity Schemes when the Madras Government did not raise any market loan. Interest is payable at 2-7/8 per cent half-yearly. The principal is repayable after 15 years in each case.
1948-49 ..	..	..	3,00.00	
1950-51—				
Fisheries Programme—	..	..	1.33	Interest at 3½ per cent payable half-yearly. Principal repayable after 15 years.
For giving a Loan to the South Madras Fishermen Co-operative Society.				

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II. LOANS FROM THE CENTRAL GOVERNMENT—cont.

When issued.	Description of loan.	Total amount issued.	Amount that will be outstanding on 31st March 1951.	Remarks.
(1)	(2)	(3) RS. LAKHS.	(4) RS. LAKHS.	(5)
(2) Post-autonomy debt—cont.				
1950-51—cont.				
	Tractor Reclamation.	..	30-00	The terms of the loan are under correspondence with the Government of India.
	Oil Engines, Electric Motors, etc., Hire purchase.	..	60-00	
	P.W.D. Irrigation and Tank Improvement Scheme.	..	45-00	
	Purchase of cotton seeds from Madhya Pradesh for expansion of cotton cultivation.	..	10-00	
				The loan is free of interest and the principal is repayable before 31st March 1952.
	Total, II ..		13,71-07	
	Total, I and II ..		33,16-17	

III. SPECIAL IRREDEEMABLE LOANS.

	AMOUNT.
	RS.
(1) Four Bonds bearing interest at 8 per cent per annum issued between the years 1796 and 1807.	1,33,000
(2) Two Bonds bearing interest at 6 per cent per annum issued in the years 1795 and 1817.	10,500
(3) A deposit bearing interest at 6 per cent per annum received in 1817.	41,770
(4) A deposit bearing interest at 4 per cent per annum (now treated as an Endowment for the Stanley Hospital, Madras).	66,878
Total, III ..	2,52,148
	or
	2-52 lakhs.
	RS.
	LAKHS.
Grand total of loans that will be outstanding on the 31st March 1951 (I + II + III).	33,18-09

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APPENDIX IV.
[Vide item VII, at page 53 supra.]
REVENUE AND EXPENDITURE ON REVENUE ACCOUNT OF THE MADRAS STATE FROM 1920-21 TO 1951-52.

A. REVENUE.										
Major heads of revenue.	1920-21.	1930-31.	1940-41.	1945-6.	1946-7.	1947-8.	1948-9.	1949-50.	1950-51 (Revised (Esti- mate). (10)	1951-52 (Budget (Esti- mate). (11)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.
Taxes on income other than Corpo- ration tax.	59-85	6-75	62-40	4,31-25	4,48-05	5,35-32	8,42-22	8,23-32	8,29-00	7,78-00
Land Revenue—										
Gross receipts including portion due to irrigation.	6,88-54	7,18-11	7,35-24	7,97-33	8,53-19	8,08-42	7,68-79	8,12-09	9,00-00	10,00-00
Excise	5,39-07	5,24-28	3,39-65	16,79-50	14,67-99	10,69-18	3,66-54	58-82	50-05	36-46
Stamps	1,78-10	2,34-71	1,80-14	3,74-20	4,37-74	3,35-92	4,05-57	4,32-68	4,66-30	4,64-19
Forest	52-69	52-69	48-48	1,43-24	1,61-39	1,82-81	1,59-57	1,65-70	1,82-49	1,76-72
Registration	30-61	31-30	37-14	69-83	75-96	78-90	86-55	95-47	1,05-78	1,05-78
Receipts under Motor Vehicles Acts.	..	..	79-87	97-96	1,31-11	1,66-64	1,97-45	3,00-73	3,40-00	3,50-00
Other taxes and duties—										
General sales tax	..	..	69-54	5,82-70	6,95-90	8,31-26	13,03-01	15,24-35	15,75-00	15,10-00
Other items	..	..	60-48	1,45-33	1,49-38	1,98-52	2,29-32	2,85-54	2,93-92	2,95-96
Total	..	..	1,30-02	7,28-03	8,45-28	10,29-78	15,32-33	18,09-89	18,68-92	18,05-96

A. REVENUE—cont.

Major heads of revenue.	1920-21.	1930-31.	1940-41.	1945-6.	1946-7.	1947-8.	1948-9.	1949-50.	1950-51 (Revised Esti- mate).	1951-52 (Budget Esti- mate).
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.	RS. LAKHS.
Irrigation—										
Direct receipts ..	4.76	6.19	6.97	11.73	12.82	11.88	12.06	13.78	13.62	13.48
Interest ..	— 27.07	— 52.48	— 40.62	— 70.00	— 79.38	— 91.08	— 1,03.44	— 1,17.86	— 1,08.95	— 1,14.70
Administration of Justice ..										
Jails and Convict Settlements ..										
Police ..										
Ports and Pilotage ..										
Education ..										
Medical ..										
Public Health ..										
Agriculture ..										
Veterinary (h) ..										
Co-operation (h) ..										
Industries ..										
Net receipts ..	— 22.31	— 46.29	— 33.75	— 58.27	— 66.56	— 79.20	— 91.38	— 1,04.08	— 95.33	— 1,01.22

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	1950-51 (Revised Esti- mate).	1951-52 (Budget Esti- mate).
(12)	(10)	(11)
	RS. LAKHS.	RS. LAKHS.
Irrigation—		
Direct receipts ..	4.07	3.79
Interest ..	77.77	66.06
Administration of Justice ..	83.15	83.18
Jails and Convict Settlements ..	22.86	21.27
Police ..	25.38	17.37
Ports and Pilotage ..	..	..
Education ..	35.00	38.94
Medical ..	23.99	23.04
Public Health ..	7.42	7.27
Agriculture ..	35.30 (a) 2,26.49 (e) 2,01.14	6.45
Veterinary (h) ..	5.30	6.25
Co-operation (h) ..	18.82 (b) 25.03	23.92
Industries ..	77.82 (c) 1,44.62	150.37

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Miscellaneous departments ..	2.93	12.49	8.14	11.02	15.09	17.14	20.68	25.64	37.47	33.53
Civil Works ..	10.08	24.89	27.54	48.46	66.31	1,11.25	86.34	1,15.54	96.52	1,08.11
Receipts from Electricity Schemes (Gross).	..	..	66.41	1,17.73	1,25.14	1,83.89	2,71.22	3,21.41	3,67.45	4,13.70
Deduct—Working Expenses ..	..	..	— 28.44	— 63.88	— 72.24	— 1,21.93	— 1,86.10	— 2,20.19	— 2,00.64	— 2,25.10
Net receipts ..	..	..	37.97	53.85	52.90	61.96	85.12	1,01.22	1,66.81	1,88.60
Receipts in aid of superannuation ..	1.70	3.62	2.49	6.03	6.46	7.39	4.80	5.07	4.34	4.21
Stationery and Printing ..	1.48	3.13	6.10	12.92	13.04	13.75	13.44	33.67	27.52	13.90
Miscellaneous—										
Gross Receipts from Bus Service. (f) ..	..	..	..	..	..	23.35	95.88	..	..	..
Other items ..	3.14	13.22	26.95	41.34	87.53	93.54	92.40	1,39.22	2,29.72 (d) 1,10.77	..
Total ..	3.14	13.22	26.95	41.34	87.53	1,16.89	1,88.28	1,39.22	2,29.72 (d) 1,10.77	..
Receipts from Road Transport Schemes—Gross Receipts (g) ..	..	..	..	..	..	..	..	104.06	1,06.59	1,06.47
Working expenses (g) ..	..	..	..	..	..	..	..	..	..	..
Net receipts ..	..	..	..	..	..	..	..	— 91.87	— 95.86	— 92.79
	..	..	..	..	..	..	..	12.19	10.73	13.68

(a) Includes a sum of Rs. 58.44 lakhs as transfer from the deposit account of procurement bonus.

(b) Includes a sum of Rs. 0.95 lakh as transfer from the deposit account of procurement bonus.

(c) Includes a sum of Rs. 15.85 lakhs as transfer from the deposit account of procurement bonus.

(d) Includes a sum of Rs. 1,12.97 lakhs as transfer from the deposit account of procurement bonus.

(e) Includes a sum of Rs. 1.23 lakhs as transfer from the deposit account of procurement bonus.

(f) The receipts are shown under "Receipts from Road Transport Schemes" from 1949-50.

(g) Prior to 1949-50, the receipts were included under the revenue head "Miscellaneous" and the Working Expenses were shown under the expenditure head "Miscellaneous".

(h) Included under "Agriculture" prior to 1935-36.

A. REVENUE—cont.

Major heads of revenue.	1920-21.	1930-31.	1940-41.	1945-6.	1946-7.	1947-8.	1948-9.	1949-50.	1950-51	1951-52
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Miscellaneous adjustments between Union and States Governments.	..	..	..	..	..	..	..	..	..	..
Extraordinary Receipts ..	..	..	..	0.18	2,36.47	2,98.05	2,79.25	3,28.22	66.06	2,30.79
Transfer from Revenue Reserve Fund.	..	..	..	..	5,06.00	..	5.00	..	..	..
Civil Defence ..	..	..	..	44.62	7.22	15.45	0.47	0.40	1.34	..
Grand total ..	16,19.71	16,33.93	18,07.51	47,98.89	57,05.02	50,70.15	53,33.52	55,89.49	59,89.97	59,62.50

B. EXPENDITURE ON REVENUE ACCOUNT.

Major heads of expenditure.	1920-21.	1930-31.	1940-41.	1945-6.	1946-7.	1947-8.	1948-9.	1949-50.	1950-51	1951-52
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Taxes on income ..	1.74	29.04	22.85	26.01	27.12	28.98	37.45	40.42	48.90	67.27
Land Revenue ..	1,85.22	46.69	28.13	51.59	53.09	59.44	69.04	77.24	76.97	81.32
Excise ..	26.63	46.69	28.13	51.59	53.09	59.44	69.04	77.24	76.97	81.32
Stamps ..	4.80	5.98	5.41	13.74	18.23	21.04	21.16	23.05	22.69	22.50
Forest ..	45.30	46.85	37.52	77.00	80.15	86.29	79.10	79.26	78.22	79.37
Registration ..	20.97	29.60	28.70	38.56	43.75	48.62	51.86	50.83	52.15	54.08
Charges on account of Motor Vehicles Acts—	..	..	..	..	..	..	..	..	..	..
Payment to local bodies ..	..	..	71.52	68.19	80.67	98.47	1,01.67	90.27	90.29	90.25
Other departmental expenditure.	..	..	..	..	..	..	..	6.59	7.91	8.39

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Other taxes and duties—	..	..	..	..	..	..	..	..	..	..
Payments to local bodies ..	..	..	..	..	..	..	..	..	..	..
Other departmental expenditure.	..	..	..	..	..	..	..	..	..	..
Irrigation—Interest on works for which capital accounts are kept.	..	..	13.55	48.41	68.72	87.03	1,19.47	97.72	1,02.00	99.00
Irrigation—Other revenue expenditure financed from ordinary revenues.	..	..	88.10	89.45	91.23	95.71	1,04.15	1,19.15	1,44.83	1,75.11
Construction of irrigation, etc., works.	1.39	7.61	0.62	6.11	0.63	2.60	4.07	5.81	3.80	0.10
Interest on debt and other obligations.	35.69	61.26	68.87	65.40	78.52	81.96	1,00.04	1,09.39	1,23.73	1,29.73
Deduct—Interest transferred to Commercial Departments.	..	..	-1,14.12	-1,26.45	-1,31.53	-1,47.82	-1,73.58	-2,13.18	-2,68.79	-3,35.47
Net amount met out of ordinary revenues.	35.69	61.26	-45.25	-61.08	-53.01	-65.86	-73.54	-1,03.79	-1,45.06	-2,06.74
Appropriation for reduction or avoidance of debt.	..	29.33	20.56	55.90	57.00	1,42.78	69.68	75.47	75.68	1,01.87
General administration ..	24.21	2,83.94	2,69.29	4,27.24	6,13.86	5,60.40	5,82.05	6,28.32	6,77.45	6,90.74
Administration of Justice ..	1,18.65	1,01.25	87.48	1,28.80	1,42.42	1,45.64	1,50.03	1,58.34	1,57.35	1,63.54
Jails and convicts settlements ..	28.01	30.37	28.75	61.50	65.78	79.68	1,10.22	1,18.52	1,14.89	1,16.11
Police ..	1,76.97	1,82.35	1,69.53	2,98.08	4,05.71	4,64.81	6,51.97	6,89.39	6,60.90	6,66.85
Ports and Pilotage ..	0.52	0.29	..	5.00	4.56	..	0.01	..	..	..
Scientific Departments ..	0.93	2.78	0.95	1.53	1.21	1.37	1.52	1.58	1.75	1.61
Education ..	1,33.00	3,00.18	2,79.03	4,59.72	5,90.27	7,03.70	8,85.93	9,58.41	10,31.54	11,39.42
Medical ..	44.10	97.70	1,01.65	1,80.00	2,15.93	2,38.50	2,78.54	2,96.14	3,13.06	3,12.14
Public Health ..	23.78	35.06	35.63	54.48	87.32 (a)	1,90.55	90.54 (b)	1,14.47	1,07.68	1,31.47
Agriculture ..	21.92	45.19	20.57	74.06	1,05.74	1,16.93	1,26.74	1,82.73	3,14.42	2,89.02
Veterinary (d) ..	..	..	12.03	23.64	26.95	31.81	40.58	49.67	53.82	57.10

B. EXPENDITURE ON REVENUE ACCOUNT—cont.

Major heads of expenditure.	1920-21.	1930-31.	1940-41.	1945-6.	1946-7.	1947-8.	1948-9.	1949-50.	1950-1	1951-2
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Co-operation (d)	..	..	14-49	30-93	44-33	42-69	58-41	73-64	80-15	73-99
Industries	14-47	23-13	30-38	72-49	96-60	1,12-71	1,20-30	1,29-00	1,85-63	2,10-75
Capital outlay on Industrial development.	..	..	..	22-10	..	..	0-06	0-32	0-50	1-18
Aviation	..	..	0-10	..	..	..	..	0-59	0-77	0-75
Miscellaneous departments (e) ..	6-29	29-84	21-91	71-93	87-60	1,19-82	1,15-55	1,31-99	1,44-72	1,52-06
Civil works	1,10-90	2,36-35	1,15-93	2,81-65	3,97-72	4,66-69	5,88-84	7,30-11	7,58-47	7,38-50
Interest on capital outlay on Electricity Schemes.	..	..	25-42	35-96	38-45	49-92	66-92	87-40	1,15-81	1,51-94
Other revenue expenditure connected with Electricity Schemes.	..	..	0-54	1-13	2-32	2-92	0-11	0-41	1-99	8-08
Capital outlay on Electricity Schemes.	..	..	13-50	..	..	..	..	..	..	..
Famine	0-45	3-00	0-28	6-32	20-38	3-80	4-75	25-03	5-73	4-23
Territorial and Political Pensions.	..	..	..	..	..	..	..	..	3-07	2-45
Superannuation allowances and pensions.	38-01	69-30	1,10-10	1,38-19	1,43-30	1,57-53	1,56-36	1,65-44	1,98-11	1,75-36
Commutation of pensions	..	9-56	1-40	3-59	2-68	1-83	4-37	8-13	7-20	6-30
Stationery and Printing	24-24	24-94	29-99	43-07	51-66	49-42	71-98	94-51	77-25	66-30
Miscellaneous—	..	..	..	..	..	12-44	90-31	..	..	..
Expenditure on Bus service ..	..	..	8-91	1,52-66 (c)	5,21-98	1,06-86	1,33-24	43-58	26-69	21-85
Other items	6-44	4-40	..	..	..	..	..	..	..	..

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Extraordinary charges—

Net outlay on State Trading Schemes transferred to the Revenue Account.	..	..	..	..	1,60-35	12,20-77	16-04	2,03-63	..	..
Other items	..	..	..	..	..	..	..	..	..	..
Total	..	..	0-01	0-02	2,15-90	1,84-53	78-61	1,13-42	1,01-14	94-92
Transfer to Revenue Reserve Fund.	..	..	0-01	1,60-37	14,36-67	1,68-49	2,82-24	1,13-42	1,01-14	94-92
Civil Defence	..	..	58-50	17,31-00	..	4,90-00	..	..	..	..
Grand total	14,79-60†	17,89-68	0-76	1,62-64	38-79	20-29	1-17	0-72	0-56	..
Final Revenue Surplus (+) or Deficit (—).	+ 1,40-11	— 1,05-75	+ 52-76	+ 0-15	+ 0-37	+ 0-22	+ 0-10	+ 35-48	+ 63-03	— 67-28

(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.

(c) Includes Rs. 400 lakhs representing contribution to the Village Reconstruction and Harijan Uplift Fund.

(d) Included under "Agriculture" prior to 1935-6.

(e) Includes expenditure on "Harijan Uplift," Labour and other items. The details of expenditure under Harijan Uplift are shown below :—

	Accounts, 1945-6.	Accounts, 1946-7.	Accounts, 1947-8.	Accounts, 1948-9.	Accounts, 1949-50.	Revised Estimate, 1950-51.	Budget Estimate, 1951-52.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.
	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Gross expenditure on Harijan Welfare ..	28-84	35-29	41-38	63-75	82-44	1,06-16	1,10-47
Amount met from the Fund for Village Reconstruction and Harijan Uplift.	..	..	1-81	4-10	18-44	42-16	46-47
Net amount	28-84	35-29	39-57	59-65	64-00	64-00	64-00

* Working Expenses of the Madras City Bus Service are taken in deduction of the receipts from 1949-50.

† Includes a sum of Rs. 3,48-00 lakhs payable to the Central Government under Devolution Rule 18.

APPENDIX V.

DETAILS OF CAPITAL EXPENDITURE.

[Vide item VII, at page 55 supra.]

A. IRRIGATION, NAVIGATION, ETC., SCHEMES.

Description of schemes.	(1)	Approximate		(3)	(4)	(5)	(6)	1950-1		(8)	(9)
		estimated	cost.					(Revised	Total		
		ES.	ES.	LAKHS.	ES.	LAKHS.	LAKHS.	Estimate).	(1946-7 to	ES.	ES.
		LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	1950-1.	1946-7 to	LAKHS.	LAKHS.
Tungabhadra Project (Irrigation Side)	..	17,00-00	52-40	1,07-92	1,83-27	2,42-01	2,82-46	2,82-46	8,68-06	3,63-57	3,63-57
Lower Bhavani Project	..	8,69-00	..	1-86	29-38	1,02-05	2,41-62	2,41-62	4,34-90	2,49-25	2,49-25
Mettur Canals Scheme	..	2,86-00	..	..	..	5-07	22-68	22-68	27-75	58-84	58-84
Mettur Project	..	3,81-00	..	..	..	18-40	57-98	57-98	76-38	76-11	76-11
Rallapada Project	..	48-00	..	..	..	4-60	4-85	4-85	10-13	10-25	10-25
Manimuthar Project	..	3,69-00	..	..	..	..	..	..	..	..	..
Godavari Delta System	..	.. (c)	9-57	20-79	.. (a)	..	4-73	4-73	36-03	8-04	8-04
Krishna Delta System	..	.. (c)	1-29	14-94	.. (a)	22-49	26-30	26-30	65-02	31-50	31-50
Rompuru Drainage Scheme	..	1,01-00	2-60	..	2-17	1-26	..	..	6-70	..	..
Tank Improvement Schemes	..	..	..	..	..	..	90-33	90-33	90-33	1,50-26	1,50-26
Lump-sum provision for Irrigation Schemes having G.M.F. value.	..	..	..	..	..	..	..	..	.. (b)	70-00	70-00
Other Irrigation Schemes (Productive and Unproductive).	..	.. (c)	5-32	7-70	29-62	19-91	58-65	58-65	1,10-56	78-61	78-61
Pro-rata charges on Establishment and Tools and Plant.	..	..	1-04	3-67	3-55	1-75	8-24	8-24	18-25	6-52	6-52
Lump-sum reduction for probable savings	..	..	..	..	..	..	..	..	..	..	..
Total	..	..	61-58	1,56-88	2,48-66	4,78-48	7,98-63	7,98-63	17,44-23	9,37-16	9,37-16

(a) Included under 'Other Irrigation Schemes'.

(b) Included under other schemes.

(c) Consists of several works some of which have been completed while others are in progress. Hence no estimated cost is given.

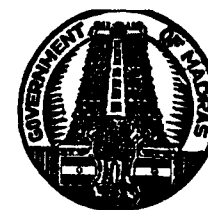
[26th February 1951]

26th February 1951]

B. CAPITAL OUTLAY ON ELECTRICITY SCHEMES.

Machkund Hydro-Electric Scheme	..	..	12,87-40	3-32	10-09	29-18	89-38	1,11-37	2,43-34	3,52-25
Moyar Hydro-Electric Scheme	..	..	4,63-50	23-68	35-67	69-96	84-68	79-13	2,73-12	50-61
Pykara Hydro-Electric Scheme	..	..	..	21-45	71-56	40-18	82-01	1,08-69	3,23-89	1,63-23
Mettur Hydro-Electric Scheme	..	..	..	20-27	60-44	68-21	65-49	83-75	2,98-16	1,09-40
Papanasani Hydro-Electric Scheme	..	..	..	17-54	..	90-83	66-09	53-65	2,27-46	94-39
Madras Thermal Electric System	..	..	6,21-00	..	1,65-67	49-16	84-40	1,57-78	4,57-01	1,44-92
Ceded Districts Scheme	..	..	75-78	..	10-26	13-83	22-97	15-04	62-65	12-16
Vizakhapetnam Thermal Scheme	..	..	..	2-46	5-54	4-04	17-09	7-25	36-38	9-00
Vijayavada Thermal Scheme	..	..	..	2-12	15-77	8-76	18-46	12-93	56-04	21-55
Kakinada Thermal Scheme	..	..	..	..	..	3-01	4-57	3-52	11-41	5-68
Vijayavada-Rajahmundry-Samalkot Extensions	..	..	1,57-74	6-88	22-76	41-49	35-46	17-44	1,24-03	29-92
Nellore Thermal Scheme	..	..	1,01-00	..	27-13	..	6-92	14-39	49-34	9-98
Kurnool Thermal Scheme	..	..	..	1-12	..	..	1-66	1-67	5-00	2-09
Tungabhadra Hydro-Electric Scheme	..	..	7,94-00	..	..	..	..	2-50	2-50	10-76
Lump-sum provision for payment of compensation for acquisition of electrical undertakings of local authorities and private companies.	..	..	3,89-00	..	..	..	..	..	..	54-00
Other Minor Schemes	..	..	..	..	..	..	..	..	..	..
Lump-sum deduction for probable savings	..	..	..	1-29	..	..	6-67	30-89	43-68	42-67
Total	..	..	..	1,00-85	4,24-76	4,24-55	5,63-85	7,00-00	22,14-01	9,37-21

Issued—3-4-1951



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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

TUESDAY, 27TH FEBRUARY 1951

VOLUME IV—No. 2

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THE MADRAS LEGISLATIVE COUNCIL.

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Tuesday, the 27th February 1951.

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

L.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Amenities for the Sembiam area.

* 145 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri P. R. K. Sarnia): Will the Hon. the Minister for Health be pleased to state—

(a) whether anything has been done to improve the health, sanitary conditions, drainage and such other amenities in the Sembiam area after its merger with the Corporation of Madras and if so, what;

(b) whether the drainage scheme has not yet been undertaken in spite of the public demands for the same;

(c) whether the residents of the Sembiam area lying within the Corporation limits have been called upon to demolish the cess-pools situated outside their houses and construct them within the premises on pain of heavy fines and prosecution;

(d) whether the threatened prosecutions were stopped last year on representations made by the Sembiam Ratepayers' Association and whether the proceedings have since been revived recently and house-owners have been called upon to construct the drainages inside the houses on pain of fines and prosecution; and whether the Government have received any representations in the matter and if so, what the Government propose to do to stop the prosecutions; and

(e) when the drainage scheme will be completed?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Health):—“(a) A statement^a showing the improvements carried out in Sembiam area is laid on the table of the House.

“(b) A drainage scheme for Sembiam area is under investigation. The area has been surveyed and proposals are under consideration for providing the place with sewerage.

“(c) Yes.

“(d) Prosecutions were dropped in the case of those who complied with the provisions of the notices served on them. In two cases, the house-owners did not comply with the provisions of the notice served on them under section 202 (5) of the Madras City Municipal Act. As the time-limit for prosecutions expired, a fresh notice has been served on them.

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"(e) It will be completed within three or four years after a start has been done."

Artesian wells.

* 146 Q.—SRI MOTHEY NARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of artesian wells sunk at Government cost in the State;

(b) the expenditure incurred on the respective wells;

(c) the number that has proved successful;

(d) the districts in which the wells were sunk;

(e) whether it is a fact that there are artesian wells in the West Godavari district; and

(f) whether new wells are proposed to be tried in the above district?

THE HON. SRI C. PERUMALSAMI REDDI:—“(a) Fifteen.

“(b) The expenditure incurred on the respective wells is indicated in the statement^a placed on the table of the House

“(c) Fourteen.

“(d) Fourteen in South Arcot and one in Kurnool.

“(e) Yes.

“(f) Yes.”

SRI MOTHEY NARAYANA RAO:—“May I know when the sinking of artesian wells in West Godavari district will be taken up?”

THE HON. SRI C. PERUMALSAMI REDDI:—“The Collector of West Godavari has been asked to submit proposals. As soon as they are received, the work will be taken up.”

SRI MOTHEY NARAYANA RAO:—“May I know whether the Government will give any subsidy to private parties for sinking such wells?”

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

JANAB ABDUL LATIF FAROOKHI:—“Have the Government tried any places in the other districts with a view to finding out their suitability for sinking artesian wells?”

THE HON. SRI C. PERUMALSAMI REDDI:—“No, Sir. In districts other than South Arcot and Godavari districts, no artesian springs are reported to exist.”

SRI R. SURYANARAYANA RAO:—“Have the Government appointed any officer to make a survey of the subterranean water resources?”

THE HON. SRI C. PERUMALSAMI REDDI:—“A Report is already there that there are artesian springs in South Arcot and Godavari districts.”

^a Printed as Appendix II on page 140 infra.

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JANAB ABDUL LATIF FAROOKHI:—“Have the Government tried such wells in other districts and experienced any difficulty?”

THE HON. SRI C. PERUMALSAMI REDDI:—“In Kurnool we tried and failed.”

SRI C. VEERABHADRA RAO:—“Did the Government try in Visakhapatnam district?”

THE HON. SRI C. PERUMALSAMI REDDI:—“Notice.”

SRI MOTHEY NARAYANA RAO:—“How many artesian wells are there in West Godavari?”

THE HON. SRI C. PERUMALSAMI REDDI:—“I think there are no artesian wells at present. There is a proposal to sink twelve wells immediately.”

SRI MOTHEY NARAYANA RAO:—“Are there no private artesian wells, as distinct from Government-constructed wells?”

THE HON. SRI C. PERUMALSAMI REDDI:—“I have no information.”

JANAB ABDUL LATIF FAROOKHI:—“Since there are artesian springs in South Arcot, do the Government think that the number of artesian wells in that district is sufficient?”

THE HON. SRI C. PERUMALSAMI REDDI:—“There is a proposal to sink one hundred more wells.”

SRI R. SURYANARAYANA RAO:—“Is the water of these artesian wells used for irrigation or drinking purposes or for both?”

THE HON. SRI C. PERUMALSAMI REDDI:—“I think it is used only for irrigation.”

Official Receiver, Bellary.

* 147 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Minister for Education be pleased to state with reference to Question No. 66-C answered on 17th October 1950—

(a) whether the Official Receiver, Bellary, is the Official Liquidator of the Company known as Bellary United Transport Service, Limited, Bellary;

(b) whether the Government have received any report about the inconvenience caused to the public by the non-appointment of a permanent incumbent to the post of Official Receiver, Bellary, for the last four months; and

(c) whether the Government have considered the matter and if so, whether they are reverting to the old system of appointing a practising lawyer to the office?

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THE HON. SRI K. MADHAVA MENON :—“(a) The answer is in the affirmative. The Sarishtadar, District Court, Bellary, who is holding additional charge of the post of Official Receiver, Bellary, is also discharging the current duties of the Official Liquidator.

“(b) The answer is in the negative.

“(c) The matter is under the active consideration of the Government.”

SRI R. SURYANARAYANA RAO :—“May I know whether the Government have appointed the previous Official Receiver as the part-time Official Receiver, Bellary, recently?”

THE HON. SRI K. MADHAVA MENON :—“Part (c) of the answer contains the answer to this question. Perhaps orders might have been issued after the answer was prepared.”

JANAB ABDUL LATIF FAROOKHI :—“Have the Government received any complaint from the public that it is inconvenient to have one person as Receiver in two places? I am not referring to reports received from officials.”

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

SRI R. SURYANARAYANA RAO :—“Did the Government examine the need for appointing a part-time Official Receiver for Bellary, when his counterparts in the other districts are whole-time officers? Can a part-time Official Receiver engage himself in his private practice?”

THE HON. SRI K. MADHAVA MENON :—“I do not think it is correct to say that there are full-time Official Receivers in all the other districts. In the case of Bellary, a full-time Official Receiver was appointed. He resigned the job. We asked the Public Service Commission or the High Court to select a candidate. Advertisements were made and applications called for. Since there was no application at all, the Sarishtadar was put in additional charge temporarily. Since the temporary charge cannot continue for long, the High Court suggested that the old practice of having part-time Official Receiver might be resumed. The position was considered with reference to Bellary and we accepted the suggestion. The person chosen is a lawyer and he can have his private practice, though he is an Official Receiver.”

SRI R. SURYANARAYANA RAO :—“Is his private practice consistent with his position as Official Receiver?”

THE HON. SRI K. MADHAVA MENON :—“That was the position till the appointment of full-time Official Receivers all over the State. Part-time Official Receivers were attending to insolvency cases in addition to their private practice, and there was nothing wrong in it.”

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Superintendents of Tuberculosis Sanatoria.

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

(a) whether any qualifications are prescribed for Medical Officers appointed as Superintendents of Tuberculosis Sanatoria and Hospitals and if so, what they are;

(b) whether proficiency in surgery as a method of treatment in certain cases is also insisted upon;

(c) whether the previous and the present Tuberculosis Specialists possess all qualifications including proficiency in surgery;

(d) whether at any time before and normally now the surgical work connected with treatment for tuberculosis was performed by a surgeon in the Stanley Hospital; and

(e) whether the performance of surgical operations of the Sanatorium patients in the Stanley Hospital was done with either the previous permission of the Surgeon-General or the Government and if so, when and why such an order was considered necessary?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Health) :—“(a) Special qualifications have been prescribed for the post of Superintendent, Government Tuberculosis Sanatorium, Tambaram. They are as follows—

(i) He must be a registered medical practitioner.

(ii) must have obtained the degree of M.D. of a University in this State; and

(iii) must have made a special study of tuberculosis for a period of not less than three years of which at least one year shall have been in India.

“(b) The answer is in the negative.”

“(c) The previous and the present Tuberculosis Specialists possess all the prescribed qualifications. A previous specialist had some knowledge of surgery also. Tuberculosis specialists are generally not surgeons as well, as surgical work in tuberculosis cases is a highly specialized field.”

“(d) The surgical work connected with the treatment of Tuberculosis in the Tuberculosis Institutions in the City and in the Sanatorium at Tambaram is being done by a Surgeon of the Stanley Hospital, Madras, from March 1950. Previously there was no need for this arrangement.

“(e) The surgical work of the Tuberculosis Sanatorium, Tambaram, is being done there itself to the extent facilities are available. In cases where special types of major operations have to be done for which facilities are not available in the Sanatorium, patients are taken for the purpose to the Stanley Hospital where such facilities are available with the permission of the Superintendents of the two

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institutions. It is a time-honoured practice to take patients in their interest from one hospital where facilities are not available for the treatment, they require, to another hospital where such facilities exist."

Subsidy for poultry farms.

* 149 Q.—SRI MOTHEY NARAYANA RAO: Will the Hon. the Minister for Agriculture be pleased to state—

- (a) the number of poultry farms in the State receiving subsidy;
- (b) the amount of subsidy paid to each of them; and
- (c) the number of birds maintained in the respective farms?

THE HON. SRI A. B. SHETTY :—“(a) Subsidy is at present paid only to the American Arcot Mission at Katpadi for the poultry development work undertaken by it at its central farm and other sub-farms totalling 16 farms in all.

“(b) Rupees 4,505 for the work undertaken at the Central farm at Katpadi and in the twelve model farms in the villages, and Rs. 3,750 for the work undertaken in the sub-farms at Arni, Burukayalakota and Muttathur.

“(c) The number of birds maintained in the above farms is—

- (i) Central Farm at Katpadi—600 birds.
- (ii) The twelve model farms in villages—25 birds each.
- (iii) The sub-farms at Arni, Burukayalakota, and Muttathur—27 birds each.”

JANAB ABDUL LATIF FAROOKHI :—“Are we to understand that these are private farms to which the Government are giving subsidy?”

THE HON. SRI A. B. SHETTY :—“Yes.”

JANAB ABDUL LATIF FAROOKHI :—“Are there any Government poultry farms?”

THE HON. SRI A. B. SHETTY :—“The Government have got poultry farms at Cuddapah, Chittoor and Cannanore and poultry units at veterinary hospitals and several of the agricultural stations.”

JANAB ABDUL LATIF FAROOKHI :—“Have the Government examined at any time whether the benefit derived from these farms is commensurate with the expenditure incurred on them?”

THE HON. SRI A. B. SHETTY :—“Undoubtedly there is a good deal of benefit in the form of improved breeds of fowls. Expenditure cannot be considered only from the point of direct return. There is the indirect benefit of improved breeds from the expenditure incurred for research, demonstration and propaganda.”

JANAB ABDUL LATIF FAROOKHI :—“Is it only a bird show just like the flower show?”

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THE HON. SRI A. B. SHETTY :—“It is not a show. Birds are kept in the farms, eggs are sold and improved breeds are made available to the people.”

JANAB ABDUL LATIF FAROOKHI :—“Has there been any return for the expenditure incurred on Government farms?”

THE HON. SRI A. B. SHETTY :—“Income is derived from the sale of eggs and cocks and there is also the return in the form of improved poultry breeds.”

Selection of District Munsifs.

* 150 Q.—JANAB ABDUL LATIF FAROOKHI: Will the Hon. the Minister for Education be pleased to state—

(a) whether the attention of the Government has been drawn to the agitation made by the Press, the Bar Associations and the District Boards of the Rayalaseema about the improper, partial and inequitable selections of the District Munsifs made by the Madras Public Service Commission; and if so, what action the Government have taken or propose to take in the matter;

(b) whether this Government accepted that there was only a single candidate in the whole of Rayalaseema qualified and fit to be selected as District Munsif;

(c) whether the co-opted Judge-member of the Public Service Commission is vested with any extraordinary veto powers in finalising the selections made by the other members;

(d) if so, in which cases he had resorted to his veto powers;

(e) whether the Government are competent to review the appointments made under such circumstances, especially when injustice is done in the case of candidates belonging to particular communities;

(f) whether candidates are required to produce certificates of character and conduct from the District Magistrates and District Heads of Police, of their respective areas, to verify their antecedents; and

(g) if not, whether the Government propose to so amend the rules and application forms as to provide for the production of such certificates in future?

THE HON. SRI K. MADHAVA MENON :—“(a) Government have noticed some agitation and as regards the future the matter is under consideration of the Government.

“(b) The Government approved the selection made by the Commission.

“(c) The answer is in the negative.

“(d) Does not arise.

“(e) It is open to Government to approve the selection made by the Commission or not.

“(f) & (g) The answer is in the negative.”

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2-45 p.m. JANAB ABDUL LATIF FAROOKHI :—“ May I know, Sir, whether in this particular case complaints have been made about the injustice done to Rayalaseema in the selection of District Munsifs? Have the Government examined the complaints and found out whether the selections made by the Public Service Commission are right? ”

THE HON. SRI K. MADHAVA MENON :—“ The selection of District Munsifs is not done on any regional basis, and the Public Service Commission did not advertise on any regional basis like Rayalaseema and other places. It was done on a linguistic basis, namely, Tamil area, Telugu area, Karnataka area and Malayalam area. It so happened that the Public Service Commission did not include more than one candidate from Rayalaseema. It was an unfortunate thing. We are trying to see how it can be remedied in the next selection. The Government thought that it was not right to interfere with the selection already made.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ May I ask Sir, whether the proceedings of the Public Service Commission are confidential, and if so, whether a co-opted member is entitled to reveal such confidential proceedings.”

THE HON. SRI K. MADHAVA MENON :—“ I know the proceedings of the Public Service Commission are confidential. But if any particular court issues summons for the production of any proceedings of the Public Service Commission, it is for that court to decide whether the proceedings are a privileged document and should be treated as confidential. My hon. Friend refers to a case which was before the High Court. Evidently the High Court must have summoned it and known it. It is the court that has to summon and decide whether it is a privileged document or not. As far as the Public Service Commission and the Government are concerned, the proceedings are confidential.”

JANAB ABDUL LATIF FAROOKHI :—“ Is it not the policy of the Government to give due representation to Andhra districts and Rayalaseema? That is what I was made to understand from certain press reports. I ask is it or is it not their policy? ”

THE HON. SRI K. MADHAVA MENON :—“ As I said, it is on linguistic basis that the selections are made, and Rayalaseema is part of Andhra.”

JANAB ABDUL LATIF FAROOKHI :—“ Sir, the Andhra Province has not yet been formed. Therefore, may I request the Hon. the Minister to let us know whether the Public Service Commission will hereafter be asked by Government, or directions will be given by Government to them, to see that due regard is paid to the claims of these people? ”

THE HON. SRI K. MADHAVA MENON :—“ I should think that it would not be quite right to give any directions except to see that justice is done by every region as far as possible.”

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SRI G. VENKATA REDDI :—“ Are the Government aware that the agitation from Rayalaseema was there even before the Government finalized the list and approved of it? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not think that the list was available to the public before the Government approved of it. The Public Service Commission had already made the selections, and we thought, on principle, it would be wrong to interfere with the selections.”

SRI R. SURYANARAYANA RAO :—“ Were the Government prevented from interfering because the Public Service Commission thought it fit to publish the list before it was approved of by the Government? ”

THE HON. SRI K. MADHAVA MENON :—“ No, Sir. It was open to the Government to accept or reject or make any modifications. But the posts were not advertised on any particular regional basis. The Public Service Commission have not gone against any rule or acted against their own advertisement.”

MR. CHAIRMAN :—“ The point of the hon. Member is I think this. The fact that the notification in the Gazette was made before the Government approved of the list did in any way interfere with Government action.”

THE HON. SRI K. MADHAVA MENON :—“ The rules require that.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether in respect of all appointments for which selections are made, this rule is being applied, or it was followed only in this particular case? ”

THE HON. SRI K. MADHAVA MENON :—“ I am not sure about it. It is a rule which must be followed in all cases.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ May I ask, Sir, whether the Public Service Commission are bound by the views of the co-opted member in making the selection? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not think they are bound. The co-opted member sits there to advise the Public Service Commission on technical matters. So, the decision is that of the Public Service Commission and not of the co-opted member.”

JANAB ABDUL LATIF FAROOKHI :—“ The Hon. the Minister just now stated that the Public Service Commission made the selection and the Government did not like to interfere. Are we to understand that when once the Public Service Commission come to a decision, the Government will be helpless to rectify any injustice? ”

THE HON. SRI K. MADHAVA MENON :—“ I did not say so, and that is not the fact. In a particular case the Public Service Commission having complied with their rules and

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their advertisement made selections; there was no irregularity in the selection; simply because one or two districts did not get anybody selected, we cannot set aside their decision."

SRI G. VENKATA REDDI :—" May I know, Sir, what is the nature of the test employed by the Public Service Commission in making the selection? "

THE HON. SRI K. MADHAVA MENON :—" They advertise the posts stating the qualifications necessary. They call for interview such of those applicants as they think fit. What questions will be put in the *viva voce* examination cannot be stated. They are trying their best. They must have been trying their best by *viva voce* examination as to who among the candidates was the best. It is after the examination that they make the selection."

SRI N. RANGA REDDI :—" May I ask, Sir, whether every person who is selected should be a good speaker? "

THE HON. SRI K. MADHAVA MENON :—" I do not know whether a judge should be a good speaker at all."

SRI N. RANGA REDDI :—" What is the time taken for the interview, Sir, between the Public Service Commission and the candidate? "

THE HON. SRI K. MADHAVA MENON :—" I cannot say that. It depends upon the merits of each case. The Commission might put questions to one candidate for about 10 minutes and dispose of the other candidates in two minutes."

SRI R. SURYANARAYANA RAO :—" Sir, may I know whether the Government have communicated to the Public Service Commission the questions that have been put in this House and the answers given by the Government? "

THE HON. SRI K. MADHAVA MENON :—" We have communicated to the Public Service Commission that if it is possible for them to rectify the absence of members from Rayalaseema at least in subsequent selections, it will be doing some sort of justice."

SRI G. VENKATA REDDI :—" Sir, in the advertisement calling for applications was there not a clause that people who had suffered in the political movement, would be given preference? "

THE HON. SRI K. MADHAVA MENON :—" I do not know it exactly. People who are political sufferers were shown some concessions in regard to age. Whether a particular preference was shown or not, I cannot say now. The information is not before me."

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

II.—GOVERNMENT BILL.

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

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

That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), as passed by the Assembly be taken into consideration.

" This Amending Bill has had a long career. This was once introduced in this House by my predecessor Dr. Gurubatham, and was referred to a select committee and then it came out of the select committee with some amendments. But then the Supreme Court and the High Court said certain things about this measure, and we had to re-enact the measure. Because of that re-enactment the report of the Select Committee became invalidated. The Bill passed through another Select Committee in which this House also was represented. This Bill was placed before the Assembly and was passed by that House. There are not many changes in the Bill except those found necessary in the actual administration of the Act. Therefore, Sir, I move that the Bill as passed by the Assembly be taken into consideration."

MR. CHAIRMAN :—" The motion is—

That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), as passed by the Assembly be taken into consideration.' "

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I wish the Government are not courting further trouble from the Supreme Court by insisting upon this amending Bill to be passed. The fact that amendment after amendment is brought forward to the Rent Control Act betrays a deplorable lack of a sense of duty on the part of this Government in solving the house problem. If the Government, during all the years they were in power, had, with a sincerity of purpose, taken up the question of solving the house problem, I think there would have been no necessity for them to come forward with this amending Bill. As a matter of fact, this amending Bill will prove a great hardship for the poor. It is going to give large powers to the Rent Controller, and priority consideration to Government servants which they do not deserve. I feel that clause 3 of this Bill, or at least portions thereof, are repugnant to the Constitution itself, because they deprive the landlord of his legitimate right of owning land and houses without giving him proper compensation. This Bill comes into conflict with Article 19 of the Constitution. It really goes against the fundamental right of a person to possess property.

" In this connexion, it should be brought home to the Government that they should not pass such piecemeal legislations but that

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they must solve the actual housing problem which is urgent now. That comes next only to the food problem. The Hon. the Minister for Housing has not made out a case for this Amending Bill. He simply said that his predecessor did something and that he was going to do some other thing on account of the fact that some trouble had arisen from a judgment of the Supreme Court. It is certainly a great reflection on some of the hon. Members of this House, if not on the whole House—because I want to give respect to this House—that we have been passing legislation after legislation which has been criticized either by the High Court of this State or by the Supreme Court. As far as possible, there should not be any loopholes in a legislation. There should be no room for people to put interpretations of a nature which will vitiate the legislation. Therefore, I would request Hon. Ministers of this Government to see that the Bills which are introduced in this House are gone through by the Legal Department not once, but several times. After the advent of independence, our Government have begun to think that they are entitled to do whatever they like and that there is nobody to question them. They think the public are imbecile, the opposition is weak and therefore, nobody can raise a finger against them. That must not be the viewpoint of a Government at any time. Whether there is opposition or not, the Government should do their duty by the public. From that point of view, I feel that this Government have failed in their primary duty of providing one of the basic necessities of life to the people, namely, accommodation. I have given notice of some amendments and therefore, I am only making general remarks now. But I submit that on matters like this the Hon. Ministers should be careful not to come forward with such Bills."

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I must also express my disappointment at the fact that the Government should have found it necessary to come forward with this Bill without tackling the housing problem as well. I know the housing problem is a very big one demanding a large outlay of capital and there are also difficulties in the way of securing building materials. But I wish the Government had tackled seriously the question of providing houses at least to their employees. My attention would probably be drawn to the provision made in the Budget. I know it but how many houses are going to be provided in Todhunternagar? If simply a hostel is built for the women employees of the Government, it is not going to solve the problem. The Government should set an example to the industrialists by themselves undertaking to provide accommodation to all their officers. Then only this housing problem will be solved at least to a certain extent. Whatever may be the number of houses that are built by private individuals, they will all be taken charge of by the Government in exercise of the powers conferred on them in order that the Government servants may be accommodated. In this way, it may be in the course of some years the whole City of Madras will be occupied by Government servants and private citizens will have to quit the City. While we object to

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the privileged position which the Government propose to give to their servants, considering the fact that there are not enough number of houses available to meet the growing needs of the City population and of the people in the mufassal towns, we feel this Bill is necessary. I thought the main purpose of this Bill was to regulate the relationship between the landlord and the tenant. But as my hon. Friend the Leader of the Opposition has pointed out, it is going far beyond that. I feel the provisions of section 3 by which the Government want to take charge of buildings that fall vacant and to allot them to their officers may vitiate the Articles of the Constitution since those provisions tend to show partiality to a particular section of the population. I am sure the Government will consult their Legal Advisers and take such steps as are necessary for this purpose. But I do not want this Bill which seeks to give protection to the real tenant should be torpedoed simply because the Government have, in their anxiety to provide accommodation to their employees, thought fit to insert a number of clauses in section 3.

" There is one provision which is, I regret to say, often abused by the Government and that is section 13 under which they have the power to exempt any building from the operation of all or any of the provisions of this Act. How has this power been abused? The house-owner approaches the Government with a petition and the Government pass an order exempting the building from the provisions of this Act, without the party affected by the order having any knowledge of the petition. This happened in the case of the Bosotto buildings. Sri Ramanath Goenka presented a petition to the Government and without hearing the party affected an order of exemption was passed. In the same way we see in the Gazette every week that exemptions are being granted. I know of cases where the landlords have taken advantage of the exemption that has been granted and allowed the same tenants to remain but with an increase in rent. Why should the Government grant exemptions without giving an opportunity to both the parties to represent their cases to them? By all means let them give exemptions in genuine cases. For example, there is the Triplicane Urban Co-operative Stores. It has got several branches and in order to accommodate those branches, exemption can be granted, and nobody will object to it. But when private owners are granted exemption for no reasonable cause at all, without the parties affected being given an opportunity to make their representations, it imposes a lot of hardship on the poor tenant. Further, it is the landlord that gets the exemption and not the tenant. I know of a case where the tenant approached the Government for exemption but was not granted the exemption. Why this solicitude for the landlord?

" Another point is this. In the City, a Subordinate Judge has been appointed as the Accommodation Officer. I welcome that because being a judicial officer, he would weigh the needs of the different applicants and allot the houses to the proper persons. But is he left free? Is he not being asked much against his will to

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allot buildings to particular officers? Is it fair? It was indeed a very laudable object which the Government had in view in not appointing an executive officer to this post. But what is happening now? The Accommodation Officer is, as it were, made only a wing of the Secretariat. He has to carry out the directions of the Chief Secretary to Government or of the Hon. Minister. Why should the Government interfere with his discretion in this way? If necessary, let the Government provide an appeal against the decision of the Accommodation Controller. I am saying all this because the Accommodation Officer may become the 'authorized officer' under the proposed provision. So, I want the Government not to interfere with the discretion of this officer as long as he conforms to the provisions of this legislation. That is a matter about which we are very anxious because we hear complaints that when one officer is expecting a house to be allotted to him, another officer is allotted the same. The Accommodation Officer will perhaps say that he will consider the claims of all consistent with the right of priority, but the Government may suddenly come forward and say that a particular officer lower down in the list should be given priority. I would, therefore, beg of the Hon. the Minister for Housing to see that his department does not interfere with the discretion of the authorized officer in future. Housing problem is a difficult one and there may be influences at work but the Government should not succumb to them.

"Again, I beg of the Hon. Minister to exercise the power given under section 13 very sparingly in the public interest. No order of exemption should be passed without giving the parties affected by the order an opportunity to make their representations. I am taking this opportunity, Sir, to refer to that aspect of the matter because you may rule out of order an amendment to section 13 which I have given notice of, on the ground that section 13 is not being amended by this Bill. With these few words, Sir, I have great pleasure in supporting this Bill."

3-15 DR. A. LAKSHMANASWAMI MUDALIYAR :—"Mr.
P.m. Chairman, Sir, I find that so far as this emergency measure of rent control is concerned, there is a tendency on the part of the Government—notwithstanding the fact that the period of emergency originally provided has lapsed—to make this a permanent measure and place it on the Statute Book. Sir, if you will kindly look into the history of this legislation, you will find that it was during the period of War in 1941 when there was some difficulty in the matter of housing accommodation and when the Defence of India Rules were in operation that this legislation was first contemplated. Taking the administration as it was then in office, it will not be surprising to note that this measure was restricted to hill stations. But later on it was extended to municipalities and subsequently it was also extended not merely to buildings in those areas but also godowns and other places which might be used for similar purposes. After the Defence of India Act ceased to exist, the measure that was passed under that Act also lapsed.

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Therefore it was in the year 1946, that the Government of the day thought it necessary to introduce legislation for controlling the letting of houses. Thus they passed the Rent Control Act of 1946 specifically laying down that that Act would be applicable only for a period of two years, and the Government could extend that period from time to time provided they did not extend it beyond another period of two years. Thus that Act was extended for two years. But, the Courts held that such a procedure was illegal and therefore an Ordinance was passed. Unfortunately, the decision of the Government in regard to the Ordinance was frequently challenged in courts and it was not acceptable to the courts. It was under those circumstances that the Act of 1949 was passed and it will be seen that it was to be in force for a period of one year, viz., till 1950. I notice a radical change in the present measure. I find that this is going to be placed on the Statute Book permanently. This is no longer an emergency measure and it need not be extended from year to year as has been done in the past. The Hon. Minister has now come forward with this Bill which will make it more or less a permanent measure and which will be placed on the Statute Book. I do confess that this is a radical change and therefore this is not an amendment of the Act of 1949.

"Reference has been made to the fact that in this Bill provision is largely made to help the Government to get over an inconvenient situation. Sir, it has been the practice of the Government to see as far as possible that they are exempted from the operation of the provisions which are enforced on other individuals, associations, bodies and corporations. It is most unfortunate that that tendency should continue to exist in any sphere of activity, and especially with regard to the building programme I cannot understand the Government's not making any provision for so many decades for houses to their servants. No provision has been made in respect of the Government servants to live under conditions under which they are expected to live and perform their duties when they are transferred from one place to another. Formerly they used to reserve a few buildings for Collectors and District Judges. But, so far as the bulk of the Government servants are concerned, it does not seem that it was the concern of the Government to attend to them. The main feature of this Bill now is to get the power for the Rent Controller to apportion buildings to Government servants in service. I think it is a wrong policy altogether. While we may be prepared to concede to a certain extent that this emergency measure may be there for a limited period and the Government may have this power for that limited period, in the hope that they will appreciate that they have done wrong things before and they will do the right thing by taking on hand a building programme for their servants, it seems to me that if this measure is allowed to remain on the Statute Book as a permanent measure, the Government will have no incentive whatsoever to go ahead with their building programme and provide quarters for their servants. The Government ask

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the industrial corporations—whether they are losing concerns or paying concerns—to provide quarters for their servants and we find that there is a good deal of agitation with regard to this. I do confess that there may be difficulties to provide quarters for the Government servants immediately. Also, I do admit that this Government are not altogether responsible for the sins of omission and commission of their predecessors. But is there any guarantee that this Government will change their policy or will only follow the policy that has been laid down before?

“Sir, I do not want to take the details of the Bill into consideration at present. But I am free to admit that there are certain improvements in this measure over the 1949 Act. However, on the whole, it seems to me that the general impression is that the landlord who builds a house is left at the mercy of the Rent Controller for very many purposes and the easy and cordial relationship between the landlord and the tenant that ought to really prevail in the State will not exist. In respect of legislations of this nature in other countries, certain amount of restriction in regard to the time factor is laid down. In my opinion, questions like protection of the tenancy rights and things like that have nothing to do with the requisition of buildings for Government purposes. I think there is a fundamental difference between these two. This is not a tenancy legislation, this is not a rent control legislation, but it is an all-comprehensive legislation. Under this legislation, it is open for a particular officer to determine who the tenant and who the landlord will be. Sir, cases have arisen and anomalies have been certainly recorded and the Hon. Minister knows that only too well. He knows that where a landlord is living in a portion of the house, he is forced to take a tenant with whom, under no circumstances he would like to stay. Such things should not occur. This particular piece of legislation is certainly empowering the Rent Controller to allow such things. It is not a question of one not being cosmopolitan or anything like that. There may be conditions under which it would be exceedingly difficult for a landlord to live with a tenant whose ways of life and habits are entirely different from those to which the landlord is accustomed. I do not think that the landlords deserve such a treatment.

“Sir, a great deal is being said in this House as well as in the other House about the supposed vagaries of the landlords and the evils that they are committing. I have said on a former occasion that nobody is a saint and nobody is a sinner pure and simple. There are defects in everybody and there are good and bad landlords just as there are good and bad tenants. When the Government bring forward any legislation, they should see that justice is meted out to everybody. I cannot understand this sort of expropriation, that is the only word that I can use, when I think of the conditions under which this Bill has come into force. I feel very strongly that it is most unfortunate that a time-limit has not been fixed under this Bill. I suggest to the Government

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and the Hon. Minister that even now it is not too late for them to revise their policy with regard to accommodation of their officers. Even now they can bring forward an amendment to this measure sooner or later so that the essential principles of landlord-tenancy legislation may be preserved, and a modicum of control may be there.

“We find a provision that the landlord should notify the Controller even in respect of a house which has been once requisitioned and subsequently released. I do not see any reason why such a provision should exist. Again, the landlord is not entitled to be consulted if a residential building is converted into a non-residential building provided there are no structural alterations. So a house can be converted into a fish market under this Act to-morrow. Is that the intention of the Government? There may not be any structural alterations and the drawing rooms, dining rooms and other rooms that were in the residential building may be left as they were, and as has been done in a particular residential building, the Department of Fisheries can keep all their fish, store them and also sell them in that building. A provision like this makes me feel that the Government have not seriously considered the position and that they have been less than fair to the landlord by imposing such restrictions on him. While I admit that there are a few improvements in this Bill over the old Act, I do hope that the essential purpose of the original Act, viz., an emergency provision, will be borne in mind by the Government and they will not continue to have it on the Statute Book, and take power endlessly to carry on as they like in the matter of treatment of the landlords.”

* DR. SYED TAJUDDIN :—“Mr. Chairman, Sir, so far as the problem of food is concerned, the Government have got a target before them, viz., a time-limit to make the State self-sufficient. But, I am very much surprised that in regard to the housing problem, which comes second or third in importance, there is no target at all. The Government have never thought of solving this important need of the population by preparing a short-term plan, and a long-term plan. There is no programme before the Government and they are going on extending the life of the Rent Control Act from year to year. It now looks as if a new lease of life is being given to it. Every year or two it is given a new life as it were. The formula of Malthus is applicable not only to food but also to shelter. We all know that the population of this country and this State as well is progressing by leaps and bounds. Should not the Government prepare a comprehensive plan and find out how many houses are required for the various strata of society in this State? For instance, a number of houses are required for the working classes, lower-middle classes, middle-classes, upper-middle classes and the aristocracy. We can safely leave out the aristocracy and the upper-middle classes as they can take care of themselves. Not only the working classes but also

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those who serve the Government have not received proper attention at the hands of the Government. Do the Government know the exact housing requirements of all the people? A survey as to the number and exact cost should be undertaken. If this housing problem is to be tackled radically, there should be a permanent department which should go on working at it and keep pace with the increasing needs of the population.

3 30 p.m. "So far as reservation of accommodation for Government servants is concerned, I would like to make a suggestion. All or almost all vacant houses should not be earmarked to Government servants alone. After all, they form a small minority. The vast majority of the people are not Government servants and the dire needs of those people should also be taken into serious consideration to a reasonable extent. Therefore, the Government should think twice or thrice and fix a certain percentage for Government servants and a certain other percentage for other people. This will be just and fair because every one has got a right and a responsibility just as the Government servants have a responsibility and a duty towards every citizen of this State.

"Ever since this Act came into operation, the volume of litigation has gone up ten times or even hundred times. People who are placed in very ordinary circumstances and persons who find it very difficult even to make both ends meet get ruined by going to courts. The case starts from the Court of the Rent Controller and goes up to the High Court. It does not stop even there, because there is a second appeal provided for. Sometimes, it may go even to the Supreme Court if any point of law is involved. Litigation is ruinous in its very nature. The only solution is that the Government should take up a comprehensive housing programme. They must carry out a survey with the help of experts. They should implement the recommendations of the experts by begging or borrowing funds. That is the only way of solving this housing problem."

* THE HON. SRI N. SANJEEVA REDDI :—"Mr. Chairman, Sir, every one admits that the problem of housing is next only to food in importance. Although it may not be as important as food it is really a problem which has to be tackled immediately. It is a huge problem which needs lot of funds, to be tackled adequately and satisfactorily. As the hon. Gentleman, Dr. Lakshmanaswami Mudaliyar said, for decades this question has not been tackled. The Government have not taken the responsibility for providing accommodation for Government servants in any appreciable measure. But, I may say, Sir, that we, with the limited resources available to us, have been spending a crore and a quarter rupees every year for housing in addition to the few lakhs of rupees which the Public Works Department is spending in constructing houses here and there.

"The hon. Members, Sri Suryanarayana Rao and Janab Farookhi pointed out the difficulties experienced in the working of

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the Act. I do realise that there are some difficulties. I do admit that some irregularities do occur in working the Act. But I may assure my Friends that they are not committed wantonly. Janab Farookhi was very vehement when he said that the difficulties of the poor would increase. I am afraid I cannot agree with him. In a majority of cases, the tenants are poor and it is to help such people that this Act has been in force. If they are rich enough, they would try to own houses. It was also said that if the Government continued to take over houses like this, in the course of a few years, there might not be a single house left for occupation by non-Government employees. I do not think, Sir, that such a contingency would ever arise even if my Friend lives for a hundred years more. We have not been taking over all houses. We are releasing a good number of houses for the occupation of non-officials. We have ourselves released several houses to non-officials in several cases where the landlords have given their consent"

DR. SYED TAJUDDIN :—"May I know the exact number of such releases?"

* THE HON. SRI N. SANJEEVA REDDI :—"I cannot give the information off-hand. If a question is tabled, I can supply the information. We do take into consideration the difficulties of the owners as well as the tenants. Whenever any landlord wants the house for his own occupation or for his family which has become enlarged, we release the house for occupation by him if the need is genuine. Only where the request is frivolous and is made with some ulterior motive, as Sri Suryanarayana Rao said, for increasing the rent, etc., we refuse to comply with the request of the landlord.

"Sri Suryanarayana Rao was vehement when he spoke on the provision for exempting certain buildings from the operation of the Act. He cited the Bosotto Buildings as an instance. Sir, even in the case of the Bosotto Buildings, the tenants were given a chance to explain their position. I do not think that the tenants in that case were ignorant of the rules. The order granting exemption was passed in 1947 or 1948 and I remember that they were given a chance to explain their position. It is true that the Government did not accept the view of the tenants and decided the case in favour of Sri Goenka. But even then, when the Government found that Sri Goenka was not using the building for the purpose for which he had asked for it, the exemption was cancelled. Sri Suryanarayana Rao knows about this. So, the Government are doing things in the fairest manner possible. In spite of their best efforts the Government are not able to do much. The Madras City is large. In this huge City, there are lakhs of buildings which change hands too frequently. I mean tenants are changing too often. It is not, therefore, always possible to assess the correct position. If in spite of the best efforts of the Government, the tenants still suffer, I am afraid, it will not be possible for us to go to their aid. The landlord is inclined to circumvent the law

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through various means and in many cases, the landlord succeeds. In this amending measure, we are trying to bring certain small houses also within its purview. Of course, we had a provision extending the provisions of the Act to houses and portions fetching a rent of more than fifteen rupees. But in the other House, the Members were insistent that reducing the limit to fifteen rupees would mean lot of trouble and inconvenience both for the Government and the poorer sections of the people who own small houses fetching a rent of 20 or 25 rupees. We finally accepted rupees twenty-five as the limit. Small landlords will not be affected now. Only those who are getting a little higher rent—above rupees twenty-five—will come under this Bill and as long as they are fair, as long as they are reasonable in their dealings, I do not think they have anything to fear either from the Accommodation Controller or from the Government.

" Sri Suryanarayana Rao expressed fears of Governmental interference with the work of the Accommodation Controller. Sir, the Government have been giving special priority in the allotment of houses to certain classes of Government servants. If there are about twenty or thirty people in the Special Priority List, the Government at times interfere to say that a particular officer should receive first attention. We are guided purely by administrative considerations. If, for instance, there are two officers—a stationary officer and a touring officer—in the list, we say the stationary officer whose family suffers for want of accommodation must be given a house first. We do not normally interfere with the work of the Accommodation Controller. In very rare cases only we interfere and that too for very valid and sound reasons. If we make it a rule to interfere in all cases, then the Government servants themselves may suffer. Only where our interference is more necessary and most warranted, we interfere. I may assure, however, that even this will be restricted to the minimum extent possible in future.

" Dr. Lakshmanaswami Mudaliyar said that this emergency measure was likely to be made a permanent one. I do not think it will be made a permanent measure. In addition to the present number of houses in the Madras City, if a few thousands more are built in the next few years, I think this problem will disappear. We will then be able to give up this measure altogether. It is absolutely unnecessary to keep in force a law if it ceases to be necessary. A large number of houses will come up in the course of the next few years. Co-operative Societies, the Improvement Trust and Government agencies are at this work. It is unfortunate that private agencies have not taken to house construction. It is perhaps due to the fact that it is not a paying proposition. I believe, however, that when the cost of labour and materials comes down, private agencies may also take to house construction. When the situation eases, then the tenant will not pay even a rupee more than the fair rent. We shall certainly see that the Act is enforced with the minimum harassment to the tenants and the

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may be caused to them. This measure will not be on the Statute Book for long and I request hon. Members to support it wholeheartedly."

MR. CHAIRMAN :—" The question is—

' That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), as passed by the Assembly, be taken into consideration.' "

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

Clause 2.

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

Clause 3.

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

' In section 2 of the said Act, in (iii), for the words " had been living the tenant . . . and " insert the words " occupies the building ".'

I am glad, Sir, that the Hon. the Minister himself has made the candid confession that there will be harassment. With regard to the definition of ' son ' or ' daughter ', Sir, the son or daughter may say that he or she was living with his or her father until the time of his death. Or let us envisage a case where a son was living with his father, not as a member of his family but having a separate mess in the same house. He cannot be a member of the family in the strict sense of the term.

" A son may occupy the building after the death of his father, though he might not have lived with his father in that building when his father was alive. Are we going to allow the landlord to evict the son simply because he was not living with his father in that building? According to the Bill, the son will be an intruder or trespasser, and he cannot continue in the building in which his father was a tenant. To avoid this loophole, my amendment says that it will be enough if he occupies the building. I hope the Hon. Minister will see the reasonableness of the amendment and accept it."

MR. M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment."

MR. CHAIRMAN :—" Amendment moved—

' In section 2 of the said Act, in (iii), for the words " had been living with the tenant . . . and " insert the words " occupies the building ".'

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* THE HON. SRI N. SANJEEVA REDDI :—" Sir, acceptance of this amendment will negative the very intention with which this Bill has been brought forward. Our intention is to protect the members of the family who have been living with the deceased tenant from immediate eviction by the landlord. We want to give them relief by allowing them to stay on in the same house if the tenant dies. The son of a deceased tenant might have been living in Coimbatore and he may come and say that he is occupying the building after the death of his father. If the amendment is accepted, he must be allowed to stay in the house. That is not our intention. It is enough if the protection is confined to the members of the family who have been living with the deceased tenant. I cannot accept the amendment."

JANAB ABDUL LATIF FAROOKHI :—" Whether the relative has been living with the tenant requires proof."

THE HON. SRI N. SANJEEVA REDDI :—" Whether a tenant occupies the building also requires proof."

The amendment was put and lost.

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

Clause 4.

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

'Delete the proposed amendment.'

"The proposed amendment is constitutionally wrong. If the section as amended is contested in a court, it will be declared *ultra vires*. As the amendment is not in order, I want it to be deleted."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment."

MR. CHAIRMAN :—" Amendment moved—

'Delete the proposed amendment.'"

* SRI R. SURYANARAYANA RAO :—" This clause contains a number of sub-clauses, and we have given a number of amendments. But Mr. Farookhi's amendment is to delete the amendment altogether."

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, the objection on the ground of Constitution is raised at every stage and the legislation is said to be unconstitutional. I did not reply to that point earlier because I am not a lawyer and I do not want to get into any legal controversy. I am satisfied with the advice of the Legal Department that the clause does not offend the Constitution and that it will stand the test of a court. In spite of eminent legal opinion, the courts may hold a different view in some cases. If the High Court gives a decision, the Supreme Court may reverse

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it. That does not mean that the High Court is not competent or does not take the correct view. Because Judges differ, it does not follow that one Judge is less eminent than the other. Therefore I do not want the Constitution and the Fundamental Rights to stand in the way. I request the hon. Member not to press his amendment."

MR. CHAIRMAN :—" The question is—

'Delete the proposed amendment' "

The amendment was lost.

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

'Add the following proviso to the proposed section 3, sub-section (1) (a) :—

"Provided further that this sub-section shall not apply to a building in respect of which a tenant has obtained the consent of the landlord for his occupation and intimates the fact in writing to the authorized officer within seven days of the vacancy."

There is a larger number of non-official tenants than official tenants in the city and towns. Official tenants are assisted by the Accommodation Officer, but there is no one to assist non-official tenants. If a non-official tenant is in need of housing accommodation, goes about the city or town and manages to find out a house or a portion of a house which is vacant or likely to become vacant, obtains the consent of the landlord for his occupying the house and intimates the fact to the authorized officer, such a house should not be subject to sub-section (1) of section 3. That is the object of my amendment. The amendment affords protection to a certain section of the population and is a reasonable one. I may state for the information of the House that this system was in vogue in the City of Madras so long as the Collector was the Accommodation Officer. I know that numerous such cases were brought before the Accommodation Officer and in deserving cases he granted the exemption. The legality of that system has not been questioned. I want that system to be legalized to avoid and possible doubt. According to this Bill, I feel that the Accommodation Officer cannot use his discretion in favour of any tenant other than an official tenant. Therefore I ask the Hon. Minister to mitigate the rigours of section 3 to assist non-official tenants who have no shelter and who succeed in finding an accommodation and take the consent of the landlord of the house. The acceptance of this amendment will keep the landlord and the tenant of such a house out of the clutches of sub-section (1) of section 3."

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

(At this stage, the Deputy Chairman occupied the Chair.)

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DEPUTY CHAIRMAN :—" Amendment moved—

' Add the following proviso to the proposed section 3, sub-section (1) (a) :—

" Provided further that this sub-section shall not apply to a building in respect of which a tenant has obtained the consent of the landlord for his occupation and intimates the fact in writing to the authorized officer within seven days of the vacancy." "

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, in practice we have been allowing a good number of houses to be let privately by the landlords to the tenants. The Government grant exemption from the operation of the Act in deserving cases. If a landlord says that a particular person is living in his house and the alleged tenant colludes with him and says that he has been the tenant, the Government cannot take any action. Both these people may collude and let the house to a third party after taking a premium in addition to rent. We are releasing a good number of houses if the landlord says that he is prepared to let the house without taking any extra money and if the Government are satisfied with the genuineness of his profession. I do not think that anybody is feeling any difficulty in the matter. The acceptance of this amendment will create difficulties. The Government will have to be a helpless spectator when a landlord and tenant collude and the former collects a premium in addition to rent. Instead of serving any useful purpose, the amendment will give room for misuse of the provision by some people. So, I request the hon. Member to withdraw his amendment."

DEPUTY CHAIRMAN :—" The question is—

' Add the following proviso to the proposed section 3, sub-section (1) (a) :—

" Provided further that this sub-section shall not apply to a building in respect of which a tenant has obtained the consent of the landlord for his occupation and intimates the fact in writing to the authorized officer within seven days of the vacancy." "

The amendment was lost.

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

' In sub-section (2) of the proposed section 3, substitute " six " for " three " and omit the proviso to the sub-section.'

4 p.m There is a period within which the building should be occupied. Later, there is a proviso, which says ' provided that where the tenant obtains written permission from the authorized officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein, a period of six months were substituted '. Why all this involved construction? Why not straightway say ' if he does not occupy it within six months '. What is the object in

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having a proviso like this? I have suggested in my amendment the deletion of the proviso. Why not the Government say straightway ' if the tenant of a building puts another person therein and does not re-occupy it within a period of six months '? This proviso is unnecessary. Why substitute six months for three months, and have all this involved construction? Let the Government say clearly ' if he does not occupy it within six months the consequences of the sub-section will follow '. Any Act that we pass should not be very involved in construction. Even a common man should be able to know it and follow it. I, therefore, suggest the substitution of six months for three months and the deletion of the proviso."

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

DEPUTY CHAIRMAN :—" Amendment moved—

' In sub-section (2) of the proposed section 3, substitute " six " for " three " and omit the proviso to the sub-section.' "

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, originally it was two months. But the Joint Select Committee increased it to three months. If the tenant leaves the city after putting in some other person, and does not re-occupy it for more than three months, the landlord will be affected, and he cannot evict the tenant. Therefore, three months' time is fixed. The proviso is for this purpose. If a tenant places the house in charge of somebody else for a time, and then wants to re-occupy it, it will not be possible if the proviso is not there. It may so happen that he leaves the city for health reasons or other domestic reasons and he is not able to return within three months. In that case, under this proviso, he can take the permission of the authorized officer to occupy the building after three months. If the proviso is not there, even if the tenant has exceeded the three months' limit by a day, he will not be entitled to re-occupy the building. This proviso will enable the tenant to explain the position to the authorized officer and get permission. That is the intention of this proviso."

DEPUTY CHAIRMAN :—" The question is—

' In sub-section (2) of the proposed section 3, substitute " six " for " three " and omit the proviso to the sub-section.' "

The amendment was lost.

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

' In sub-section (5) of the proposed section 3, in the second proviso omit the words " unless the permission in writing of the Controller is obtained under section 11, sub-section (1)." "

Sir, the conversion of a residential building into a non-residential building is to be effected not with the consent of the landlord but with the permission of the Controller under section 11, sub-section 1. If we refer to Section 11 (1) in the Act, which is not amended, it is the permission of the Controller that has to be

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obtained for the conversion of a residential building into a non-residential building. I know the purpose for which this amendment has been made by the Government. They are taking residential buildings and converting them into offices. This is a thing against which the hon. Member Mrs. Hensman has been protesting day in and day out. We do not want that this permission should be given by the Controller. As the hon. Member Dr. Lakshmanaswami Mudaliyar stated, for structural alterations the consent of the landlord is taken. But for converting a residential building into a non-residential building the Controller has to give the permission. Who is the Controller? He is the appointee of the Government, and in all cases taken before him, the Government are sure to get his permission. I can understand if the clause says that the consent of the landlord has to be obtained. In that case, the Government may at least offer him some more money and induce him to give his consent. But some other officer, namely, the Controller, has to give the permission. The fact is that most of the residential buildings in the City have been converted into non-residential buildings. I do not know to what extent the Hon. the Minister has succeeded in removing some unnecessary offices from the City to the mufassal. I am afraid he has not succeeded in this attempt. Perhaps the Board of Revenue has protested or some other head of the department has protested. If this section is here, more officers will demand more accommodation. Even buildings in a place like Harrington Road will become non-residential buildings to house offices. This power should not rest with the Controller. I can understand if the consent of the landlord is taken. For by this consent, the landlord will get at any rate a few rupees more. From the point of view of residential accommodation, this conversion is objectionable. A residential building cannot be converted into a non-residential building just as structural alterations cannot be made. I can understand structural alterations like putting up a wall in a place to screen the office portion from other portions. For temporary structural alterations, the landlord may give his consent. But in converting a residential building into a non-residential building, the landlord will not be agreeable. It is the Controller who has to give the permission, and the Controller is a person appointed by the Government. I feel that this is wrong and unfair to the landlord. It is also unfair to the tenants. More residential buildings will be converted into non-residential buildings. I strongly feel that this power ought not to be given to the Controller, and, therefore, I move my amendment."

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

DEPUTY CHAIRMAN :—" Amendment moved—

' In sub-section (5) of the proposed section 3, in the second proviso *omit* the words " unless the permission in writing of the Controller is obtained under section 11, sub-section 1". "

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been put in. It is for the very reason that the hon. Member Mr. Suryanarayana Rao has been advancing that this clause is there. For instance in a particular locality, we want to put up a ration shop, and that particular locality happens to be a crowded locality where there are no non-residential buildings. I request the hon. Member Mr. Suryanarayana Rao to let me know how we can manage to get a building. I shall give another instance. There are some officers who have their offices also in their houses. They do not have big staff. They have one clerk and one peon. It is office cum residence. Even this will not be allowed if this section is not there. Even in such reasonable cases, conversion is not allowed. Therefore it is that we say that the Controller should give the permission. I do not think the Controller would give permission to destroy the very beauty of a house by allowing it to be converted. Unless there are very strong reasons and emergencies like opening of ration shops, etc., the Controller would not give permission. It is only for that purpose the provision is there. It is absolutely necessary and this will not be misused by the Controller. The hon. Member Mr. Suryanarayana Rao should except the officer to be more reasonable and more careful in the exercise of this power."

* MRS. MONA HENSMAN :—" Sir, may I ask the Hon. the Minister to make it plain that it is only in such cases as he has mentioned that conversion will be allowed? Sir, we see the Hon. the Minister here and we hear him. We know what he actually means. But people outside this House, not hearing him, will do what the Hon. the Minister says they will not do. What will then happen we know. I would be very grateful if the Hon. the Minister would make it plain to the Controller by a Government Order or by a bye-law that in no case should a residential building be converted into a non-residential building unless a good portion of it is lived in by the gentleman whose office is there."

* THE HON. SRI N. SANJEEVA REDDI :—" In some cases, it is necessary for the Controller to exercise that power. We cannot make a hard-and-fast rule. We can give the assurance that unless there are emergencies, the Controller will not exercise this power."

DEPUTY CHAIRMAN :—" The question is—

' In sub-section (5) of the proposed section 3, in the second proviso *omit* the words " unless the permission in writing of the Controller is obtained under section 11, sub-section 1". "

The amendment was lost.

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

' In sub-section (6) of the proposed section 3, for the words " the tenancy shall be deemed to have been antedated by

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the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the tenant shall be liable to pay rent for those days also, substitute the following words—

“ the State Government shall be deemed to be the tenant of the landlord for the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the State Government shall be liable to pay rent for those days.”

Sir, this is also a very curious section. Under section 3 (1), the landlord as soon as a vacancy occurs has to give intimation to the authorized officer. Within ten days, he has to exercise his discretion to take over the building or refuse it. As soon as intimation of vacancy is received, the authorized officer gives intimation to various officials who are in need of residence, saying that a particular house in a particular locality is vacant. All these officials go there, and they take some time to decide. But on the last day he finds not one of the officers for whom he sent communications, wants to take it up. The authorized officer cannot have power to allot after ten days. Therefore, he releases the house from control, and then the landlord has to go in search of a tenant. He takes a tenant finally. But then for these nine days, during which period the house was under the control of the authorized officer, the tenant who occupies it afterwards is asked to pay rent. Sir, is this equity or justice? Why should a tenant who never expected to get into that building, be asked to pay rent for the period during which he was not in possession of that building? Why should this poor tenant be asked to pay for the sins of the authorized officer? All the Government officials do not want that building. It is on grounds of equity and justice that I move this amendment. It is unfair to ask him to pay rent for the days he was not in occupation of the building. The number of days during which the building was under the control of the authorized officer the Government should pay the rent, because Government want to oblige their own officials. They have no right to ask the tenant who occupies the building after ten days to pay rent for these ten days. This is wholly unfair. I am really sorry that the Government should have thought fit to introduce this section. To throw the onus of paying the rent on the tenant is unfair, unjust and improper. I am speaking, Sir, on behalf of the non-official tenants.

4-15 p.m. “ The officials of the Government do not want it and so the house is decontrolled. Therefore, it is fair for the Government to bear the burden because they want to accommodate their officers. The poor tenant should not be compelled to bear the rent for the days during which he has not occupied the building. It does not matter if the Government transfer the burden to the taxpayer, let the taxpayer howl. But here it is the case of a poor

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unfortunate tenant. I feel very strongly that it is very inequitable and unjust for a Government to ask the incoming tenant to pay the rent for the days during which he has not occupied the house.”

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

DEPUTY CHAIRMAN :—“ Amendment moved—

“ In sub-section (6) of the proposed section 3, for the words “ the tenancy shall be deemed to have been antedated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the tenant shall be liable to pay rent for those days also ”, substitute the following words—

“ the State Government shall be deemed to be the tenant of the landlord for the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the State Government shall be liable to pay rent for those days ”.

* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, this rule will apply also to cases where the officer is transferred and some other officer is coming in. The landlord gives notice of vacancy and then the Accommodation Controller puts in the other officer. Though the incoming officer comes in a week later, he must pay the extra amount in consideration of the facility that is provided to him.”

SRI R. SURYANARAYANA RAO :—“ He is an officer of the Government and he can afford to pay it.”

* THE HON. SRI N. SANJEEVA REDDI :—“ There should be no discrimination between an official and a non-official, so far as this matter is concerned. But I do not think that when the house is released from control, any landlord will feel sorry that he has to lose the rent for the days during which he was prohibited from letting it out to any tenant. On the other hand, he will be very glad that the house has been released from control and he will take from the incoming tenant not only the seven or nine days' rent as the case may be, but even much more than that.”

SRI R. SURYANARAYANA RAO :—“ I am pleading for the poor tenant and not for an official.”

* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, if only the house is released from control, the landlord will take not only seven or seventeen days' rent but much more than that. Therefore, one need not feel sorry that the tenant has to pay seven days' rent while in fact he has not occupied the house on those days. There will not, in actual practice, be any dispute with regard to the payment of rent for those days. There should be no discrimination between officials and non-officials. So, the hon. Gentleman Sri Suryanarayana Rao cannot say that this should apply only to non-officials or to officials. It is only a matter of

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* THE HON. SRI N. SANJEEVA REDDI :—“ This provision was discussed at length by the Select Committee and also by the Assembly and I do not see any reason why it should not be there.”

* JANAB ABDUL LATIF FAROOKHI :—“ Sir, I want the Hon. the Minister for Housing to tell us what will become of this money that is recovered from the persons who are sent out of the building.”

* THE HON. SRI N. SANJEEVA REDDI :—“ The rent is due to the landlord and so it will be paid to him. The Government are not going to keep it in reserve for their use.”

JANAB ABDUL LATIF FAROOKHI :—“ Money is collected from any landlord also. I want to be enlightened on this matter.”

DEPUTY CHAIRMAN :—“ The question is—

‘ Delete section 3 (8) (c) (i). ’ ”

The amendment was lost.

Clauses 4 and 5 were put and carried and allowed to stand part of the Bill.

Clause 6.

* SRI R. SURYANARAYANA RAO :—“ Sir, I move the following amendment which stands in my name—

‘ In the proviso to proposed section 5-A, for the word “ rent ”, substitute the words “ annual rental value ”. ’

“ Sir, it is fair that the landlord should get an increase in rent in proportion to the increase in taxes and cesses payable by him. I do not know what is meant by the proviso which runs as follows :—

‘ Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building. ’

How can there be an increase of rent unless it has been declared to be the fair rent by the Rent Controller? If either the tenant or the landlord is aggrieved, he goes to the Rent Controller and settles the fair rent. I thought that the object of the Government was to refer to the annual rental value while they used the word ‘ rent ’. In order to bring out that intention clearly, I move this amendment.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ I second the amendment, Sir.”

DEPUTY CHAIRMAN :—“ Amendment moved—

‘ In the proviso to proposed section 5-A, for the word “ rent ”, substitute the words “ annual rental value ”. ’ ”

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* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, I do not think any difficulty will be caused to the tenant. We should also consider the difficulty that may be caused to the landlord. In these days, when the landlord can get high rents, he is compelled to be satisfied with a very reasonable amount which the Rent Controller fixes. Therefore, the tenant will not suffer so much, if he is asked to pay a little extra amount. In cases where the Rent Controller has already fixed the fair rent, this shall not apply. But in cases where taxes and cesses have been increased, it is quite reasonable that the tenant should also take a share of the burden and satisfy the landlord. This would lead to greater cordiality between the landlord and tenant. I do not think there can be any serious objection to this provision. So I suggest that it may be allowed to stand as it is.”

DEPUTY CHAIRMAN :—“ The question is—

‘ In the proviso to proposed section 5-A, for the word “ rent ”, substitute the words “ annual rental value ”. ’ ”

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—“ Sir, I move the following amendment :—

‘ Add the following as further proviso to the proposed section 5-a (1) :—

“ Provided further that any payment received by the landlord by virtue of the provisions of this Act shall not be taken into consideration for the purposes of further revision of the said taxes and cess.” ’

I feel that this is a vicious circle. Suppose the landlord has received some payment under the provisions of this Act, and he claims increased rent from the tenant on the plea that the taxes have been increased. My amendment says that any payment received by the landlord under the provisions of this Act should not be taken into consideration for the purposes of further revision of the said taxes and cesses. Otherwise, he will go on increasing the rent. My amendment seeks to prevent this. It is a very simple amendment and I hope the Hon. Minister will accept it.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“ I second the amendment, Sir.”

DEPUTY CHAIRMAN :—“ Amendment moved—

‘ Add the following as further proviso to the proposed section 5-a (1) :—

“ Provided further that any payment received by the landlord by virtue of the provisions of this Act shall not be taken into consideration for the purposes of further revision of the said taxes and cess.” ’ ”

* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, the hon. Member’s amendment, if accepted, will create complications. The increase in taxes and cesses has been fixed as the basis for

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the landlord to claim some extra amount from the tenant. I do not think that the landlord will be competent to ask for any further increase in the rent. If he was already getting a huge sum as rent from the tenant, I think he will be satisfied with it. The rent can be enhanced only when there has been an increase in taxes and cesses as provided under this section, and it cannot be increased on any other account. So such a contingency as suggested by the hon. Gentleman Janab Abdul Latif Farookhi will not arise. What is provided in this proposed section is this. If the landlord suffered on account of any increase in taxes and cesses, he is allowed to take some extra payment from the tenant. That is all what has been provided. Therefore, I am not in a position to accept the amendment of the hon. Member."

DEPUTY CHAIRMAN :—" The question is—

'Add the following as further proviso to the proposed section 5-a (1) :—

" Provided further that any payment received by the landlord by virtue of the provisions of this Act shall not be taken into consideration for the purposes of further revision of the said taxes and cess."

The amendment was lost.

Clause 6 was put and carried and allowed to stand part of the Bill.

Clause 7.

JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment :—

'Delete the proviso to the proposed section 6 (1) (a).'

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" I second the amendment, Sir."

DEPUTY CHAIRMAN :—" Amendment moved—

'Delete the proviso to the proposed section 6 (1) (a).'

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, I think there is some confusion. There are two provisos under this section. I do not know to what proviso the hon. Member is referring."

JANAB ABDUL LATIF FAROOKHI :—" I referred to the proviso to the proposed section 6 (1) (a)."

* THE HON. SRI N. SANJEEVA REDDI :—" I do not know why the hon. Member wants the deletion of this proviso. It looks so harmless and I think it is necessary also. I do not think there is any need for its deletion. I am sorry I am not able to accept

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DEPUTY CHAIRMAN :—" The question is—

'Delete the proviso to the proposed section 6 (1) (a).'

The amendment was lost.

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

Clause 8.

* SRI R. SURYANARAYANA RAO :—" Sir, I have given notice of two amendments for this clause which go together. So I move both of them—

(1) 'In the proposed section 6-A, in sub-section (2), for the following words " may by notice in writing require . . . to the credit of the landlord ", substitute the following :—

" shall remit the rent to the landlord by money order after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited."

(2) 'Omit the proviso and Explanation to sub-section (2) of new section 6-A and sub-sections (3) and (4).'

Sir, I am glad that this section 6-A has been included to assist the tenant as against the landlord who refuses to receive the rent and issue a receipt. In doing so, they have unnecessarily been cruel both to the landlord and the tenant. The first sub-section says that a tenant will be entitled to a receipt for the payment that he makes. The second sub-section says that if the landlord refuses to accept, or evades the receipt of, any rent, the tenant has to give notice to the landlord asking him to specify the name of a bank into which the rent may be deposited. Why all this circuitous procedure? Why not we ask the tenant straightaway to send his rent by money order? My amendment provides only for this. In my amendment, I have only adopted the wording used in sub-section (4) of this section. In the Explanation to this section, it is laid down that the landlord can change the bank from time to time. The landlord, to start with, will name a bank and subsequently he will change that bank and the poor tenant will be asked to accept that bank also. What do we do now if the landlord does not receive the rent? If he refuses to receive the rent, we send the same through money order and if he refuses to receive the money order also, we keep that and when any suit for eviction is filed by the landlord, the money order form which might have been refused by the landlord will be produced before the court and the suit will be dismissed. This is a straight method. I do not know why there should be such involved construction of the present section. The tenant should be enabled to send the rent by money order even in the first instance and if the landlord refuses to receive

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it then it is not the tenant's fault. On the other hand, if the landlord after receiving the first money order, asks the tenant to send the rents for subsequent months to his bank and notifies the name of the bank, then it is all right and the tenant will be willing to do that. I think some hand is behind this involved construction of this clause. Unless and until the landlord specifies the name of the bank to which the tenant should send his rent, I think the tenant should be allowed to send his rent by money order after deducting the usual money order commission. That is why I have moved my amendments to provide for this as well as for the omission of the Explanation to sub-section (2) of the new section 6-A and sub-sections (3) and (4). If my amendments are accepted, the procedure will be simplified and it will be in the interests of both the landlord and the tenant. I do not know why this procedure has been adopted by the Government which will greatly inconvenience the tenant. This is a matter in which the poor tenant may not understand the various implications. The landlord may go on changing the banks simply for the sake of worrying the tenant. If we definitely provide for the tenant sending the rent by money order, I think both the landlord and the tenant will be safe. When the landlord refuses to receive the rent, the tenant must have the means of sending it to the landlord by money order. I think both of my amendments are good and necessary. I request the Hon. Minister to accept them."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"Sir, I second the amendments."

(At this stage Mr. Chairman occupied the Chair.)

MR. CHAIRMAN:—"Amendments moved—

(1) 'In the proposed section 6-A, in sub-section (2), for the following words "may by notice in writing require . . . to the credit of the landlord" substitute the following:—

"shall remit the rent to the landlord by money order after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited."

(2) 'Omit the proviso and Explanation to sub-section (2) of new section 6-A and sub-sections (3) and (4) .'"

* THE HON. SRI N. SANJEEVA REDDI:—"Mr. Chairman, Sir, the tenants have already got some privileges and the hon. Member Sri Suryanarayana Rao wants further privileges to be given to them. If his amendment is accepted, the tenant will not care to go to the landlord even though he may reside by his next-door and will only send the rent by money order. Even though the rent may be Rs. 1,000 he will send only by money order. In such cases, the landlords will lose very heavily. There are some unreasonable tenants who will certainly do like this. In cases where cordiality exists between the landlord and the tenant,

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this question does not at all arise. But in cases where there is dispute between them, we expect the tenant to be regular and fair in his payment. The tenant claims fair rent and wants that everything should be fair. So we expect that he will be fair in payment of rent also. Sri Suryanarayana Rao said that the landlord may frequently change the banks simply to tease and harass the tenant. I do not think, Sir, that he will do like this. If he wants to do this, he must open a new account in different banks and I do not think that will be a paying proposition for him. So he will not gain anything by frequently changing the banks. I think the tenant can remit the rent into the banks by some other arrangement, by adopting exchange methods or something like that. As the tenants have been given so many privileges and advantages, I request the hon. Member Sri Suryanarayana Rao not to press for further advantages in favour of the tenants."

MR. CHAIRMAN:—"The question is—

'(1) In the proposed section 6-A, in sub-section (2) for the following words "may by notice in writing require—to the credit of the landlord" substitute the following:—

"shall remit the rent to the landlord by money order after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited."

'(2) Omit the proviso and explanation to sub-section (2) of new section 6-A and sub-sections (3) and (4).'"

The amendments were lost.

Clause 8 was put and carried.

Clause 9.

* SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, 4-4
I propose to move only one amendment to clause 9. The rest, p.m.
I do not propose to move. Sir, I move—

'After sub-clause (vi) in sub-section 2 of section 7, add the following and renumber the other sub-clauses:—

"(vii) that the tenant has not acquired vacant possession of or been allotted a suitable residence; or

(viii) that the building was let to or allowed the use of by the tenant by reason of his being in the service or employment of the landlord, and that the tenant has ceased to be in such service or employment;'"

Sir, there are many cases in the City of Madras in which people, having built new houses, retain possession of the rented houses which they have been occupying. They occupy the newly-built houses and also keep the tenancy of the houses in which they were living prior to moving into the new ones. This is so especially

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after the Gandhinagar Colony has come into existence. I have used the words 'suitable residence' in my amendment. If it is a case of a Government servant, he gets a suitable residence and then the cause for eviction arises. But in other cases, it is quite different. My good Friend, Sri Venkataswami Nayudu, has done very good work in bringing into being new colonies. In spite of all his good work, there is one criticism levelled against him, especially with regard to the Gandhinagar Scheme. People who owned houses in the City have also built houses there more for purposes of letting. But what is actually happening is they occupy the newly built houses and yet continue in possession of the houses in which they were formerly tenants in the City. I took out this sub-clause—which I have moved—from the Bombay Rent Restriction Act. This amendment is in favour of the landlords and has been moved with a view to creating vacancies for purposes of providing accommodation for those who have not got sufficient space to live in.

The second thing is this. A gentleman builds a certain number of houses for his employees. Suppose the employee ceases to be in his employ and the employer has to appoint another person to take his place. In such a case, the employer should be in a position to evict the person who has ceased to be in his employ so that the new man will be able to occupy it. It is for this reason that I have said:

use of by the tenant by reason of his being in the service or employment of the landlord, and that the tenant has ceased to be in such service or employment.

So, Sir, I am not wholly against the landlords. I want to give them certain privileges. There are several cases in which the employees refuse to vacate the premises offered to them during their period of service. Suppose we have an out-house in a bungalow where a servant is allowed to stay. That fellow refuses to move out when he is removed from service. How will the landlord accommodate that man whom he takes in in the place of the person discharged from service? The services of the person are indispensable for him. Therefore, it is but fair that the landlord should be enabled to evict the person who has been removed from service. I want to ask the Government, Sir, whether they have any authority now to ask a person to give vacant possession of a house notwithstanding the fact he has vacated it and moved into a house he has built for himself. I am sure they have no such authority under the existing Act. My amendment meets such situations also. Similarly, I have given notice of an amendment to meet another situation which causes hardship to the tenants of buildings which are exempted from the operation of the Act. If exemption should be granted simply because the landlord goes up to the Government with a request to that effect, it is most atrocious. Anyway, that is not the point here and I shall come to it when I move my amendment to section 13 of the Act. My present amendment gives a right to the landlord to evict a person who has ceased to be his employee. Such a provision exists

27th February 1951] [Sri R. Suryanarayana Rao]

in other Rent Restriction Acts also and it is a very reasonable one. I know what the Hon. the Minister for Housing will say. He will say that if amendments are accepted in this House they have to go to the other House also and that will delay the passing of this legislation. But he should not come out with such pleas since amendments are moved only to make the Act more smooth in its working. He should not hesitate to accept my amendment which seeks to help both the landlord and the tenant."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" Sir, I second the amendment."

MR. CHAIRMAN :—" The amendment moved—

After sub-clause (vi) in sub-section (2) of section 7, add the following and renumber the other sub-clauses :—

" (vii) that the tenant has not acquired vacant possession of or been allotted a suitable residence; or

(viii) that the building was let to or allowed the use of by the tenant by reason of his being in the service or employment of the landlord, and that the tenant has ceased to be in such service or employment."

* THE HON. SRI N. SANJEEVA REDDI :—" Mr. Chairman, Sir, it is true that some people have constructed houses under the Co-operative House Construction schemes. But it must be admitted by all of us that many have not been able to get into those houses for the reason that they are situate far away from the City. Their families are large, their children are in schools and they are not in a position to move into their new houses immediately after their construction. But it is not correct to say that they are in possession—I mean physical possession—of both the houses. The new houses are let to others. I do not think that any one of such people can afford to have two houses, keeping one vacant and paying rent for the building they occupy. Even granting that houses built under the auspices of the House Construction Society are leased, the number of such cases cannot be more than half a dozen. The cases contemplated by Sri Suryanarayana Rao are very few. All the same, we shall look into such cases also and see that whenever allotments are made, they are made only to those persons who have no houses of their own.

" Sri Suryanarayana Rao then made mention of employees provided with housing accommodation by the employers. There are certain companies which wanted certain concessions in the matter and we have granted them such concessions as we could. But these are a few in number and each company has constructed a dozen houses or so for their employees. If an employee transferred from Madras to Calcutta or Bombay, the substitute who comes in his place occupies it under the law. We have exempted certain colonies from the purview of this Act. If need be, provision can be made to make the company a tenant for purposes of the Act in which case the company will be able to put the

[Sri N. Sanjeeva Reddi] [27th February 1951]

manager or the clerk or anybody else in possession of the property. It is not feasible to enter the name of each clerk or manager that may occupy the house. Sri Suryanarayana Rao also spoke of out-houses being given for occupation by servants. So far as I am aware, Sir, there are not many cases in which out-houses are given to servants for occupation. No one is rich enough to let the out-house for occupation by servants nor am I aware of any servant who can afford to pay the rent for an out-house. If a sweeping permission as is contemplated in the amendment is given, Sir, then I am afraid there may be too many evictions of good tenants. I am not prepared to accept the amendment."

MR. CHAIRMAN:—The question is—

After sub-clause (vi) in sub-section (2) of section 7, add the following and renumber the other sub-clauses:—

"(vii) that the tenant has not acquired vacant possession of or been allotted a suitable residence; or

(viii) that the building was let to or allowed the use of by the tenant by reason of his being in the service or employment of the landlord, and that the tenant has ceased to be in such service or employment."

The amendment was lost.

5 p.m. * JANAB ABDUL LATIF FAROOKHI:—" Sir, I move—

Add the following proviso to the proposed sub-section 3-A (i):—

"Provided that nothing contained in this clause shall affect any application made under clause (b) of sub-section (3)."

"The proposed section 3-A (i) says that no order for eviction shall be passed under sub-section (3) against any tenant if he is engaged in an essential service, unless the landlord is himself engaged in an essential service. Sub-section (3) (b) of section 7 says that where the landlord of a building is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller for an order directing the tenant to put the institution in possession of the building. The object of my amendment is that the provision in section 3-A (i) should not apply to an application made under sub-section (3) (b) of section 7."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—" I second the amendment."

MR. CHAIRMAN:—" Amendment moved—

Add the following proviso to the proposed sub-section 3-A (i):—

"Provided that nothing contained in this clause shall affect any application made under clause (b) of sub-section (3)."

27th February 1951]

* THE HON. SRI N. SANJEEVA REDDI:—" Sir, very few cases of this type will arise. If there are really hard cases, the people concerned can approach the Government for exemption. On the basis of a few stray cases, we need not provide for a general exemption. So I oppose the amendment."

MR. CHAIRMAN:—" The question is—

Add the following proviso to the proposed sub-section 3-A (i):—

"Provided that nothing contained in this clause shall affect any application made under clause (b) of sub-section (3)."

The amendment was lost.

Clause 9 was put and carried and allowed to stand part of the Bill.

Clause 10.

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

Add the following proviso to sub-section (1) of section 7-A:—

"Provided in respect of an application for eviction before the Controller for non-payment of rent, proviso to clause (1) of sub-section (2) of section 7, shall apply."

"I do not know whether the attention of the Hon. Minister has been drawn by the Secretariat to the inconsistency in sub-section (1) of section 7-A. The proposed proviso to sub-section (2) of section 7 dealt with in clause 9 says—

"Provided that in any case falling under clause (i), if the Controller is satisfied that the tenant's default to pay or tender rent was not wilful, he may, before making an order as aforesaid, give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender."

I appreciate this privilege given to the tenant. Under section 7-A, the tenant is prevented from contesting the application, whereas under section 7 (2) the Controller is empowered to give fifteen days' time to the tenant for payment of arrears of rent when a suit for eviction is brought by the landlord. Unless the tenant contests the application, how can he put in an application and say that he will pay up the arrears and ask for time? There are other grounds on which eviction may be sought and they are left as they are. I am confining my amendment only for eviction on the ground of non-payment of rent."

The amendment was duly seconded.

MR. CHAIRMAN:—" Amendment moved—

Add the following proviso to sub-section (1) of section 7-A:—

"Provided in respect of an application for eviction before the Controller for non-payment of rent, proviso to clause (1) of sub-section (2) of section 7, shall apply."

[27th February 1951]

* THE HON. SRI N. SANJEEVA REDDI :—“ The language used in the proposed section 7-A is that no tenant against whom an application for eviction has been made by a landlord under section 7, shall contest the application unless he has paid or pays to the landlord or deposits the arrears of rent due up to the date of payment or deposit. A tenant who pays even at that stage can contest and he is not barred from contesting. He cannot avoid the payment of rent altogether. He is given a privilege and that should not be extended further. I cannot accept the amendment.”

MR. CHAIRMAN :—“ The question is—

‘ Add the following proviso to sub-section (1) of section 7-A :—

“ Provided in respect of an application for eviction before the Controller for non-payment of rent, proviso to clause (1) of sub-section (2) of section 7, shall apply.”

The amendment was lost.

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

Clauses 11 and 12 were put and carried and allowed to stand part of the Bill.

The House then adjourned to meet again at 12 noon on Wednesday, the 28th February 1951.

III.—PAPER LAID ON THE TABLE OF THE HOUSE,

* G.O. Ms. 424, Public (Services), dated 23rd February 1951 regarding Police—Madras Police Subordinate Service and Madras Special Police Subordinate Service Regulation under Article 320 (3) of the Constitution of India.

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APPENDIX I.

[Vide answer to starred question No. 145 asked by Sri R. Suryanarayana Rao (on behalf of Sri P. R. K. Sarma) at the meeting of the Legislative Council held on the 27th February 1951, page 97 supra.]

Since the inclusion of Sembiam within the City limits from 1st April 1946, many improvements have been carried out to improve the health and sanitary conditions of the place. When this area was taken over, it had no satisfactory arrangements for the draining of sewage and storm water. Sewage and storm water drains have been provided in the following places by the Corporation :—

(1) Moorthi Raja Street, (2) Baba Raja Street, (3) Somiah Raja Street, (4) Rajput Street, (5) Govindarajulu Naidu Street, (6) Bisset Road, (7) Chidambara Mudali Street, (8) Soma Ramaswamy Street and (9) Rangamannar Chetty Street, etc.

The only two public latrines that existed at the time when this area was taken over were in a very bad condition. They have been completely remodelled and improved and in addition, two more public conveniences were constructed. Full-time scavengers are posted for cleaning them. No satisfactory arrangements existed for the conservancy of the area at the time it was added to the City. The rubbish carts were in state of dilapidation and the draught animals decrepit and unfit for any use. These old carts and animals were disposed of and new carts with young animals more than double in number, were put in their stead for efficiently conserving the area. The conservancy staff was increased to cope with the work in this area.

The removal of the cesspool contents became a problem when the area came into the hands of the Corporation. The cesspool contents used to remain unremoved for quite a number of days previously and, to do away with this evil, two sewage lorries were commissioned for work in this area and thereby the nuisance caused by the overflow of cesspools greatly abated.

The Sembiam Panchayat Board did not provide anti-malarial services and this was another problem with which the Corporation was confronted when the panchayat area became part of the City. A separate gang is now detailed for anti-mosquito work in the area and this gang has desilted the cesspools, and brushed and oiled them at periodical intervals. Tanks, ponds and wells are also cleaned and larvicidal fish introduced. Anti-fly measures are taken periodically to keep the market and their surroundings free from fly nuisance.

As this area is not provided with adequate protected water-supply, private wells are widely used by the residents and as a preventive measure all such wells are treated with bleaching powder

Laid on the table on 26th February 1951.

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* THE HON. SRI N. SANJEEVA REDDI:—“The language used in the proposed section 7-A is that no tenant against whom an application for eviction has been made by a landlord under section 7, shall contest the application unless he has paid or pays to the landlord or deposits the arrears of rent due up to the date of payment or deposit. A tenant who pays even at that stage can contest and he is not barred from contesting. He cannot avoid the payment of rent altogether. He is given a privilege and that should not be extended further. I cannot accept the amendment.”

MR. CHAIRMAN:—“The question is—

‘Add the following proviso to sub-section (1) of section 7-A:—

“Provided in respect of an application for eviction before the Controller for non-payment of rent, proviso to clause (1) of sub-section (2) of section 7, shall apply.”

The amendment was lost.

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

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The House then adjourned to meet again at 12 noon on Wednesday, the 28th February 1951.

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The only two public latrines that existed at the time when this area was taken over were in a very bad condition. They have been completely remodelled and improved and in addition, two more public conveniences were constructed. Full-time scavengers are posted for cleaning them. No satisfactory arrangements existed for the conservancy of the area at the time it was added to the City. The rubbish carts were in state of dilapidation and the draught animals decrepit and unfit for any use. These old carts and animals were disposed of and new carts with young animals more than double in number, were put in their stead for efficiently conserving the area. The conservancy staff was increased to cope with the work in this area.

The removal of the cesspool contents became a problem when the area came into the hands of the Corporation. The cesspool contents used to remain unremoved for quite a number of days previously and, to do away with this evil, two sewage lorries were commissioned for work in this area and thereby the nuisance caused by the overflow of cesspools greatly abated.

The Sembiam Panchayat Board did not provide anti-malarial services and this was another problem with which the Corporation was confronted when the panchayat area became part of the City. A separate gang is now detailed for anti-mosquito work in the area and this gang has desilted the cesspools, and brushed and oiled them at periodical intervals. Tanks, ponds and wells are also cleaned and larvicidal fish introduced. Anti-fly measures are taken periodically to keep the market and their surroundings free from fly nuisance.

As this area is not provided with adequate protected water-supply, private wells are widely used by the residents and as a preventive measure all such wells are treated with bleaching powder

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to render the water safe for drinking purposes. Due to the failure of monsoon in the previous years, this area has been faced with acute water scarcity and to tide over the crisis caused thereby, emergency arrangements have been made for providing Red Hills water to the needy, especially in the slum areas. Water reservoirs were erected at suitable places and two water lorries supply water daily.

The roads in Sembiam area were in a very bad condition when Sembiam merged with the City Corporation. In order to give them dustless roads, the Corporation spent large sums of money, reforming on improving and asphaltting the roads. Footpaths have also been formed in some of the important streets.

In regard to the amenities provided, even as early as 1946 steps were taken to extend the benefit of child welfare service specially for the poorer and lower middle class sections of the residents of Sembiam by opening a Child Welfare centre. This centre is also provided with eight beds for attending to the labour cases among the poor classes. The District Board Dispensary has been extended and improved and made to serve the needs of a large number of patients in the locality. The arrangements for the registration of births and deaths were found to be perfunctory and unsatisfactory and this defect has since been rectified so as to bring the registration in consonance with the procedure obtaining in other parts of the City.

APPENDIX II.

[Vide answer to starred question No. 146 asked by Sri Mothey Narayana Rao at the meeting of the Legislative Council held on the 27th February 1951, page 98 supra.]

Statement showing the expenditure incurred on the respective wells.

<i>Name of village.</i>	<i>Taluk.</i>	<i>Approximate cost incurred by Industries Department.</i>
(1)	(2)	(3)
		RS.
1 Tholur	Vridhachalam	3,670
2 Do.	Do.	3,752
3 Kottagam	Do.	5,590
4 Kottamalai	Do.	6,158
5 Perundurai	Do.	5,233
6 Do.	Do.	5,917
7 Ottimedu	Do.	3,140
8 Do.	Do.	7,145
9 Kavanur	Do.	4,876
10 Keeramangalam	Do.	7,491
11 Kotakudi	Cuddalore	6,835
12 Kammapuram	Vridhachalam	2,691
13 Kaputhur	Do.	Cost not available.
14 Peruverapur	Do.	Do.
15 Mahanandhi	Nandyal	"

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Loans to distributive agencies for supply of electricity.

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

(a) whether the distributive agencies other than the State for the supply of electricity are being assisted with loans and if so, what the amount distributed so far is; and

(b) whether the economy measures recently taken have led to cuts in capital investment on the distribution of electricity?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) Yes. The loans so far distributed by the Government amount to Rs. 23,37,700.

“(b) No.”

Number and strength of basic training schools and basic schools.

* 154 Q.—SRI MOTHEY NARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) the number of basic training schools as it stands at present in the State;

(b) the number of students that are undergoing training;

(c) the number of basic schools in the State; and

(d) whether there are any post-basic schools?

THE HON. SRI K. MADHAVA MENON:—“(a) 48.

“(b) 4,240.

“(c) 348 (up to August 1950).

“(d) There are no such schools in the State at present.”

SRI M. NARAYANA RAO:—“May I know, Sir, whether there are any residential schools?”

THE HON. SRI K. MADHAVA MENON:—“I do not know what my hon. Friend wants. Are they basic schools or basic training schools?”

SRI M. NARAYANA RAO:—“Basic training schools, Sir.”

THE HON. SRI K. MADHAVA MENON:—“There are a few. The basic school at Gandhigram in Dindigul is a residential school. Most of these schools are residential.”

SRI N. VENKATACHALAMAJI:—“May I know, Sir, how many of these basic schools are in Government buildings? How many are in public buildings and how many are in private buildings?”

THE HON. SRI K. MADHAVA MENON:—“It will be difficult for me to distinguish between public buildings and Government buildings. I can tell my hon. Friend that there are a very few Government schools. Most of them are aided schools or local board schools.”

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JANAB ABDUL LATIF FAROOKHI:—“Sir, is the number 48, which the Hon. the Minister just now stated, the number of schools that were initially started, or is it the total number up to now?”

THE HON. SRI K. MADHAVA MENON:—“A number of schools are started every year, and the total number has now come to 48. The number is gradually increasing every year. We are converting at the rate of 10 existing training schools.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, how many out of these 48 schools are converted into basic training schools and how many are new basic schools?”

THE HON. SRI K. MADHAVA MENON:—“About two-thirds will be converted schools and the remainder will be new schools.”

SRI N. VENKATACHALAMAJI:—“May I ask, Sir, whether some basic schools are put up in places which are intended for constructive purposes?”

THE HON. SRI K. MADHAVA MENON:—“I am not able to follow the question of my hon. Friend. If he gives the exact place, I shall try to give him the information.”

SRI N. VENKATACHALAMAJI:—“May I ask, Sir, why the Ontitadi Agraharam at Vizianagaram, which is built for a constructive purpose, has been used by the department for putting up a basic school?”

THE HON. SRI K. MADHAVA MENON:—“If an agraharam or a choultry is not used for the purpose for which it is intended, and if it is used for a school, it is only rightly used.”

SRI R. SURYANARAYANA RAO:—“May I ask, Sir, whether the Government do not consider basic education as part of constructive work?”

THE HON. SRI K. MADHAVA MENON:—“Education is the best constructive work that I can think of, whether it is basic education or other education.”

SRI M. NARAYANA RAO:—“May I ask, Sir, whether agriculture is taught in these basic schools?”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir. In many basic schools agriculture is being taught, particularly in places where lands are attached to the schools. In most of the basic schools agriculture is being taught as part of the craft.”

SRI M. NARAYANA RAO:—“In how many schools there are facilities for teaching agriculture?”

THE HON. SRI K. MADHAVA MENON:—“Notice, Sir.”

SRI R. SURYANARAYANA RAO:—“Sir, when starting new basic schools, is the fact that agriculture should be taught in the schools taken into consideration in fixing the place of the schools?”

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THE HON. SRI K. MADHAVA MENON :—"Wherever we are starting new basic schools we are trying to see that 10 acres of land is attached to the school so that agriculture may be one of the crafts taught."

SRI M. NARAYANA RAO :—"Do the Government intend to start rural universities?"

THE HON. SRI K. MADHAVA MENON :—"I do not know what is this rural university. I have seen rural colleges being started. Frankly speaking, I have not been able to comprehend from the University Commission's report what rural university means."

SRI M. NARAYANA RAO :—"Do the Government intend to start rural colleges?"

THE HON. SRI K. MADHAVA MENON :—"There are already some rural colleges that have been started. One of these is in my town of Kozhikode intended for women."

Facilities for ex-patients of Government Tuberculosis Sanatorium at Tambaram.

* 155 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) what the help, facilities and convenience afforded to the discharged patients and ex-patients of the Government Tuberculosis Sanatorium, Tambaram, are;

(b) whether the Sanatorium keeps in touch with the conditions of the discharged patients and ex-patients and if so, how and with what results;

(c) whether the ex-patients and discharged patients are now denied the help, facilities and conveniences which were available to them previously; and

(d) whether the Government have under consideration any proposal to open a separate ex-patients section in the Sanatorium?

THE HON. SRI K. MADHAVA MENON :—" (a) On discharge, every patient is given a form addressed to the medical attendant who may be looking after him, wherein the following particulars are furnished :—

- (1) Date of admission in the Sanatorium.
- (2) Date of discharge from the Sanatorium.
- (3) Nature of treatment adopted.
- (4) Progress made by the patient.
- (5) Condition at the time of discharge: Clinical, Bacteriological and X-ray.
- (6) Advice regarding further treatment or otherwise.

Many of the ex-patients come to the Sanatorium periodically for check-up and they are examined both by X-ray and laboratory tests and further advice given to them wherever necessary.

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" (b) Every year, intimation cards are sent to all discharged patients enquiring about their condition—to which replies are received only from a few. Every attempt is made to follow-up the cases.

" (c) No.

" (d) The Government have recently approved the proposal for the establishment of a Tuberculosis Ex-patients' Colony at Tambaram. Construction of buildings for the Colony is now in progress."

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

II.—GOVERNMENT BILLS.

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

Clause 13.

MR. CHAIRMAN :—"The motion is—

'That clause 13 do stand part of the Bill.'

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

'In the proposed section 10-A after the words "a Controller" add the words "and the appellate authority".'

Sir, new Section 10-A lays down that every order passed by the Controller shall be pronounced in open court. My amendment seeks to add the words 'and the appellate authority' after the word 'Controller', because there are powers given to seek the intervention of the High Court under revision. Therefore, the order should be passed in open Court as in the case of the order passed by the Controller. I know the object with which this section has been introduced. This is to enable the parties to file appeals against decisions of the Controller. The provision that the order should be pronounced in open court would help the aggrieved parties if the appellate authorities also are required to pronounce the judgment in open Court. This is only a small amendment which is in the interests of the parties."

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

MR. CHAIRMAN :—"Amendment moved—

'In the proposed section 10-A after the words "a Controller" add the words "and the appellate authority".'

* THE HON. SRI N. SANJEEVA REDDI :—"Sir, the appellate authorities follow the procedure laid down in the Civil Procedure Code. Generally they deliver their judgments in open court. After all, it is not necessary for us to tell them that they will have to deliver their judgments in open court. There is no need for this amendment. What the hon. Member Mr. Suryanarayana Rao says is generally done in all the courts, because the appellate authorities are judicial officers. Therefore, the amendment is not necessary."

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The amendment was put and lost.
Clause 13 was put and carried.

Clause 14.

MR. CHAIRMAN :—" The motion is—

12-15
p.m.

' That clause 14 do stand part of the Bill '."

* SRI R. SURYANARAYANA RAO :—" Sir, I do not move the first amendment of which I have given notice. I move the second amendment which runs as follows—

' Add the following as a further proviso to sub-section (2) of section 11 of the Act :—

" Provided further that any urgent repairs or measures for the maintenance of any essential supply or service where delay in the ordinary procedure is likely to cause personal loss, damage or serious inconvenience to the tenant, may be carried out by the tenant himself after giving intimation to the landlord. On completion of such repairs or measures, the tenant shall be entitled to payment of such costs as are determined by the Controller and which the tenant may be allowed to deduct from the rent due or otherwise recover the amount from the landlord. No appeal shall lie against the order in respect of such costs determined by the Controller."

" Sir, this is an everyday affair. Some repairs have to be carried out immediately and the landlord may not take action immediately if the matter is reported to him. Therefore, in order to ensure the safety and convenience of the tenant, he should be enabled to carry out the repairs and he should be entitled to payment of such costs as are determined by the Controller. He will not have the freedom to charge whatever he likes but the Controller should determine the amount to be paid to him. Such things usually happen in the City and in the mufassal also. Therefore, the tenant should be enabled to carry out the necessary immediate repairs so far as essential supply or service is concerned. Suppose there is a failure of water-supply."

THE HON. SRI N. SANJEEVA REDDI :—" He can go to the Court."

* SRI R. SURYANARAYANA RAO :—" It is true that he can go to Court and the Court can permit him even without hearing the other party. Even that will take a minimum of two or three days. Meanwhile he will have to go without water. If it is a tiled house and if rain is pouring owing to leakage of the roof, he has to wait and obtain the sanction of the Court for carrying out the repairs. As for the costs, they are to be determined by the Controller. With this safeguard, I do not see any reason why my amendment should not be accepted."

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

MR. CHAIRMAN :—" Amendment moved—

' Add the following as a further proviso to sub-section (2) of section 11 of the Act—

" Provided further that any urgent repairs or measures for the maintenance of any essential supply or service where delay in the ordinary procedure is likely to cause personal loss, damage or serious inconvenience to the tenant, may be carried out by the tenant himself after giving intimation to the landlord. On completion of such repairs or measures the tenant shall be entitled to payment of such costs as are determined by the Controller and which the tenant may be allowed to deduct from the rent due or otherwise recover the amount from the landlord. No appeal shall lie against the order in respect of such costs determined by the Controller."

* SRI S. B. ADITYAN :—" Sir, I would like to say a few words in this connexion. I do not support the amendment but I must say that section 11 of the Act as amended by clause 14 of this Amending Bill leaves many things unsettled. It is well-known that the main cause of friction between the landlords and the tenants, apart from the question of rent, is one relating to repairs. According to the provision made in the Act, in the case of a tenant paying a rent of, say, Rs. 50 a month, if there is any repair costing even Rs. 5 only, the tenant has to go to Court for it. The actual practice in the past in Madras has been for the landlords to carry out the repairs. It has been recognized in the past as the duty of the landlords to carry out repairs to their houses which are occupied by tenants. By virtue of section 11 of the Act, the landlords have successfully shifted the burden on to the shoulders of the tenants. The law is that the landlord should carry out the repairs. But suppose the landlord does not make the repairs. Then practically there is no other remedy for the tenant except to go to Court. Even if the repair is a minor one costing only Rs. 5, the law as it now stands compels the tenant to go to Controller. We all know that proceedings before a Controller are inconvenient and cumbersome and therefore, many people would not like to go through that process for the sake of small sums of money. Therefore, I think the whole section should be redrafted and a new provision should be introduced similar to what is provided in the Bombay Act. According to the Bombay Act, if any repair has to be carried out, the tenant gives notice to the landlord and if he does not carry out the repair within a specified period, say, a month, then the tenant himself can carry out the repair, provided the cost does not exceed one month's rent, and submit the bill to the landlord or deduct it from the rent. There is no necessity for the tenant to go to Court for such repairs. But under the Madras Act, either the tenant has got to take the matter to Court or has to bear the expense himself. It

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was the usual practice for the landlord to carry out the repairs in the Madras City until the Rent Control Act came into force. Since the Act came into operation, the landlords have been keeping quiet and the tenants have got either to carry out the repairs themselves and bear the cost, or to go to the Court which many tenants could not do. Even if the tenant goes to Court, the landlord does not lose because there are no costs to be paid. Therefore, I submit that the Hon. the Minister for Housing may take the opportunity in due course to bring in a comprehensive legislation similar in terms to the Bombay Act."

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, I think this provision for one month's rent to be spent for repairs is a very reasonable one. If, as my hon. Friend Sri Adityan wants, power is given to the tenant to make repairs, I do not know where it will end. There may be some genuine cases of repair but it is not in all cases that the tenants are reasonable. In some cases the landlords may have to suffer. If it is a repair costing only about Rs. 2, it is a reasonable one and the landlord himself will carry it out. It is only where the repairs involve a fairly big amount that the tenant is expected to go to Court and get things done.

" My hon. Friend also referred to the practice that prevailed before the Rent Control Act came into force. He said that it was the practice for the landlord to attend to the repairs. In those days there was no Rent Controller and, therefore, the landlord also could raise the rent as he liked. He was at liberty to let out the house to whomsoever he chose. He had to carry out repairs because he would not get the rent from the tenant unless the repair was carried out. To-day it is not so. We are fixing a fair rent, but still my hon. Friend wants the old things to remain. We cannot have it both ways. Give the landlord his due, namely, the right to have his own tenant; he would certainly attend to all the needs of the tenants. But to-day the position is entirely different. We deprive the landlord of the right of choosing his tenant, but we want the repairs to be carried out by him as and when the tenant likes. It may be that every month the tenant spends some Rs. 5 over repairs. It is very difficult for the Government to decide whether the repair was really a reasonable one. Therefore, where urgent repairs have to be carried out such as supply of electricity or water, we have given power to the Accommodation Controller to issue orders even without giving any notice to the landlord. Even that, the hon. Gentleman Sri Suryanarayana Rao wants, the tenants should be allowed to do. After all, two or three days' delay would not matter much. The tenant can go to the Controller and get his permission for this. This is a *via media* policy that has been devised so that there may not be too much of privileges given to the tenant or too much of suffering to the landlord. The clause as it stands is quite fair. Therefore, I request the hon. Mover to withdraw the amendment."

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MR. CHAIRMAN :—" The question is—

' Add the following as a further proviso to sub-section (2) of section 11 of the Act—

" Provided further that any urgent repairs or measures for the maintenance of any essential supply or service where delay in the ordinary procedure is likely to cause personal loss, damage or serious inconvenience to the tenant, may be carried out by the tenant himself after giving intimation to the landlord. On completion of such repairs or measures the tenant shall be entitled to payment of such costs as are determined by the Controller and which the tenant may be allowed to deduct from the rent due or otherwise recover the amount from the landlord. No appeal shall lie against the order in respect of such costs determined by the Controller."

The amendment was lost.

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

Clause 15.

MR. CHAIRMAN :—" The motion is—

' That clause 15 do stand part of the Bill.'

* SRI R. SURYANARAYANA RAO :—" Sir, I move the following amendment which stands in my name :—

' In the proposed explanation to sub-section (3) of section 12 add the following words at the end :—

" provided such extension shall not exceed three months."

" Sir, this is consequential to an amendment in respect of the powers of the Controller, which the Government themselves have introduced. They have added a proviso to sub-section (2) of section 7 of the Act in clause 9 of this Bill, under which the Controller is empowered to give extension of time to the tenant to tender the rent due by him to the landlord. Here a similar power is being given to the appellate authority. The proposed Explanation reads as follows :—

' The appellate authority may, while confirming the order of eviction passed by the Controller, grant an extension of time to the tenant for putting the landlord in possession of the building.'

But no time has been prescribed in this Explanation. So, I suggest that such extension may not exceed three months. Otherwise, the appellate authority may give any amount of time. The landlord cannot complain. Sir, my amendment is in consonance with the amendment which the Government themselves have moved. I, therefore, hope the Hon. the Minister for Housing will accept this amendment."

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

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MR. CHAIRMAN:—“ Amendment moved—

In the proposed Explanation to sub-section (3) of section 12, add the following words at the end :—

“ provided such extension shall not exceed three months ”.

* THE HON. SRI N. SANJEEVA REDDI :—“ Of course, there is a lot of logic in this amendment, Sir. But let us allow the appellate authority to grant extension according to the necessities of the case. In one case he may grant three months and in another case he may grant only three days. The judicial officer will be fair. Let us not fetter his discretion.”

* SRI R. SURYANARAYANA RAO :—“ I do not press the amendment, Sir, because it is an advantage which the tenant is getting.”

The amendment was, by leave, withdrawn.

Clause 15 was put and carried and allowed to stand part of the Bill.

Clause 16.

MR. CHAIRMAN :—“ The motion is—

“ That clause 16 do stand part of the Bill ”.

* SRI R. SURYANARAYANA RAO :—“ I move the following alternative amendment which stands in my name :—

“ After the proposed section 12-C, add the following proviso :—

“ Provided the sub-tenants shall be deemed to become tenants of the landlord on the same terms or conditions as they would have held from the tenant if the tenancy had continued if sub-letting has been done, with the written consent of the landlord or the lease conferred on the tenant such right to do so.”

Sir, the proposed section 12-C runs as follows :—

“ Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion.”

“ The sub-tenants will have to go to the Court though they were not parties. I do not know how they can put in a petition. If they were at least made parties to the proceedings, I can understand it. That is why I have moved my alternative amendment which even seeks to restrict the rights of the sub-tenants. I want that in cases where the landlord has given permission to the tenant to sub-let certain portions, the sub-tenants in those portions should not be evicted when the tenant is evicted. Secondly, if the lease conferred on the tenant such right to sub-let portions, the sub-tenants should not be thrown into the streets. I would like to invite the attention of the Hon. Minister to clause 9 under which

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the Hon. Minister is amending the existing section 7. He is amending the existing section 7 (2) (ii) (a) by the addition of the words “ if the lease does not confer on him any right to do so ”. This will now read thus : “ transferred his right under the lease or sub-let the entire building or any portion thereof if the lease does not confer on him any right to do so ”. So he is entitled to sub-let. The Government have now amended the definition of the word ‘ landlord ’ to mean that a tenant who sub-lets shall be deemed to be a landlord within the meaning of the Act. Because of this, I feel that my amendment is a just and proper one and it will not hit the landlord, especially when he has given a written consent to the tenant to sub-let. My amendment seeks to give some protection to the sub-tenants who have been allowed to occupy portions in a house by the tenant who in his turn is allowed by the landlord to sub-let the portions. So this is a very reasonable amendment and I hope the Hon. Minister will accept it.

The Hon. Minister is opposing every amendment moved by us and I cannot understand why he is doing like that. I think he has come to the House with his mind made up not to accept any amendment. Certainly it looks like that. Otherwise, I do not know why he should oppose even reasonable amendments. When a tenant is evicted on account of the fact that he has not paid the rent to the landlord, although he might have already collected the same from the sub-tenants, the sub-tenants should not be penalised for the fault of the tenant and thrown into the streets. This is an amendment which will appeal to anybody. I think the Hon. Minister has not been a sub-tenant or a tenant in the sense in which we have all been. If he had been, he will certainly realise the difficulty of the sub-tenants when they are thrown out. I am confining my amendment to sub-tenants only in cases where the tenants have got the written consent of the landlord to sub-let portions to them. Originally, I proposed to move an amendment to protect all the sub-tenants. But, in the hope of commanding a little sympathy from the Government I have confined my amendment only to sub-tenants to whom the tenants might have sub-let portions with the express consent of the landlord. I hope the Hon. Minister will accept the amendment.”

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

MR. CHAIRMAN :—“ Amendment moved—

“ After the proposed section 12 C add the following proviso :—

“ Provided the sub-tenants shall be deemed to become tenants of the landlord on the same terms or conditions as they would have held from the tenant if the tenancy had continued if sub-letting has been done, with the written consent of the landlord or the lease conferred on the tenant such right to do so ”.

* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, if the tenant is permitted by the landlord to house somebody else, I do not think that any eviction order will be passed against the sub-tenants without giving them sufficient notice. The difficulty comes

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only in cases where the tenant has sub-let the house without the permission and without the knowledge of the landlord. In cases where the landlord's permission has been obtained, it will certainly be pointed out on behalf of the sub-tenants before the Controller or the Court that such permission has been obtained from the landlord and the Court or the Controller will certainly take this matter into consideration while passing an order for eviction. The hon. Member's amendment is a very good amendment, but I do not think that it is necessary. No Court will pass an eviction order against the sub-tenant without giving time and notice in cases where the landlord has given an express consent. When the fact that the landlord has given permission and consent to the tenant to have sub-tenants is brought to the notice of the Court, I do not think that the Court will be so unwise as to pass an order of eviction straightaway against the sub-tenants also without giving them sufficient time and notice. Though the amendment is a good one, I am not prepared to accept it as I believe that it is an unnecessary amendment."

MR. CHAIRMAN :—" The question is—

' After the proposed section 12-C add the following proviso :—

" Provided the sub-tenants shall be deemed to become tenants of the landlord on the same terms or conditions as they would have held from the tenant if the tenancy had continued if sub-letting has been done, with the written consent of the landlord or the lease conferred on the tenant such right to do so." "

The amendment was lost.

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move the following amendment :—

' In the proposed section 12-E, insert the words " all persons including " between the words " summonses to " and " public servants " .

According to the existing section 12-E, the power of the Controller is restricted. He can issue summons to public servants only and not to others. It may so happen, Sir, that other people also may give useful evidence before the Controller. Their evidence may be very useful in some cases. I do not understand why the powers of the Controller should be restricted in the manner it is done in this section. I believe that the Hon. Minister will see the usefulness of the amendment and accept it instead of saying, ' Though it is a good and reasonable amendment, I cannot accept it ' .

* SRI R. SURYANARAYANA RAO :—" Sir, I have also given a similar amendment. So I am seconding this amendment. I do not know why the Hon. Minister is partial towards public servants only. There may be others who may be able to throw much light on the issues before the Controller or before the appellate authority if they want to have some more information. Why should the Controller's power to issue summonses be restricted and confined to

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public servants only? I think the servants under the local boards, municipalities, etc., also come under ' public servants ', under the General Clauses Act and they may be asked to produce the Property Tax Register and other things. There may be many others who will be able to assist the Court in arriving at a decision whether a tenant is to be evicted or whether the landlord's case is correct and so on. The amendment moved by my hon. Friend is a simple amendment and, if accepted, will assist the Court to a great extent. Is it the opinion of the Government that public servants are the only people who can give evidence in these matters? Are there not others, who are also citizens of the State, and who can give useful evidence? I hope the Hon. Minister will accept this simple and reasonable amendment."

MR. CHAIRMAN :—" If the hon. Member Janab Abdul Latif Farookhi's amendment is accepted, it will read that the Controller may issue summonses to all persons. Are the summonses to be issued to all persons in the State? I think the amendment does not read well."

SRI R. SURYANARAYANA RAO :—" Sir, if you give me permission to move my amendment, I shall move. My amendment says—

' Substitute " any person " for the words " public servants " and substitute " summons " for " summonses " and the word " him " for the word " them " .

I do not know whether the rules will permit my moving this amendment now."

JANAB ABDUL LATIF FAROOKHI :—" I have no objection, to withdraw my amendment Sir. Let my hon. Friend Sri Suryanarayana Rao move his amendment, the purpose of which is also the same."

The amendment was, by leave withdrawn.

MR. CHAIRMAN :—" The hon. Member Sri Suryanarayana Rao may move his alternative amendment to clause 16."

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

' Substitute " any person " for the words " public servants " and substitute " summons " for " summonses " and the word " him " for the word " them " .

Sir, I have already explained the reason for the giving of power to the Controller to issue summons to any person he may like. If the amendment is accepted, I am sure it will greatly assist the Courts in arriving at a proper decision. I think the Hon. Minister will accept the amendment."

SRI M. D. T. KUMARASWAMI MUDALIAR :—" I second the amendment, Sir."

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MR. CHAIRMAN :—“ Amendment moved—

‘Substitute “any person” for the words “public servants” and substitute “summons” for “summonses” and the word “him” for the word “them”.’

* THE HON. SRI N. SANJEEVA REDDI :—“ Sir, I think there is no ban on the Controller against issuing summons to any person. If one of the parties want that summons should be issued to a particular person, the Controller can do so. With regard to public servants, we want to clearly provide that the Controller may issue summons to them. That is all. The Controller is not prevented anywhere from issuing summons to those whom the parties may want to present as witnesses. I therefore feel that the amendment moved by the hon. Member will not serve any useful purpose.”

MR. CHAIRMAN :—“ Is there any restriction on the Controller to summon any person? ”

THE HON. SRI N. SANJEEVA REDDI :—“ If the parties want to examine any person, the Controller may issue summons to that person.”

MR. CHAIRMAN :—“ It is not a question of the parties wanting to examine any person. Is the Controller competent to examine any person on his own initiative? Is the Civil Procedure Code applicable here? ”

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

SRI R. SURYANARAYANA RAO :—“ That is the whole trouble, Sir.”

* THE HON. SRI SANJEEVA REDDI :—“ If any one of the parties feel that a particular matter has not been properly investigated or enquired into, they can move the Controller and request him to examine any person they may like in order that the matter may be enquired into fully. If the provisions of the Civil Procedure Code are to be applied here, there may be lot of confusion and difficulty. A person may live in a distant place and in connexion with a case, where a small amount is involved, if he is to be summoned to Madras, it will really be not fair. Further, nothing useful will be achieved by this amendment. So I am unable to accept the same.”

MR. CHAIRMAN :—“ The question is—

‘Substitute “any person” for the words “public servants” and substitute “summons” for “summonses” and the word “him” for the word “them”.’

The amendment was lost.

Clause 16 was put and carried and allowed to stand part of the Bill.

MR. CHAIRMAN :—“ Is the hon. Member Sri Suryanarayana Rao moving his amendment No. 22 for section 13? ”

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SRI R. SURYANARAYANA RAO :—“ Section 13 is not being amended. I later noticed it and have, however, spoken on it on some other occasion yesterday. So I am not moving that amendment, Sir.”

Clauses 17, 18, 19 and 20 were separately put and carried and allowed to stand part of the Bill.

Clause 1 and the Preamble were separately put and carried and allowed to stand part of the Bill.

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

‘That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), as passed by the Assembly be read a third time and passed.’

MR. CHAIRMAN :—“ The question is—

‘That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1950 (L.A. Bill No. 18 of 1950), as passed by the Assembly be read a third time and passed.’

The motion was carried and the Bill was passed.

(2) THE MADRAS MERGED TERRITORIES (NOMINATION TO DISTRICT BOARDS) BILL, 1951 (L.A. BILL NO. 1 OF 1951.)

* THE HON. SRI K. CHANDRAMOULI :—“ Mr. Chairman, 12-45 p.m.
I beg leave to move—

‘That the Madras Merged Territories (Nomination to District Boards) Bill, 1951 (L.A. Bill No. 1 of 1951), as passed by the Assembly, be taken into consideration.’

Sir, consequent on the merger of the Pudukkottai, Banganapalli, and Sandur States in this State, the non-municipal areas in those territories have been included within the jurisdiction of the Tiruchirappalli, Kurnool and Bellary District Boards respectively. It has, therefore, become necessary to give representation to the people of these territories on the respective District Boards. But as the areas comprised in the three merged territories have not been included in any of the territorial constituencies of the Madras Legislative Assembly, it is not possible to prepare electoral rolls for those areas under section 51 of the Madras Local Boards Act 1920, and to secure representation for the people of those areas on the District Boards on an elective basis. It is, therefore, proposed to take power to nominate representatives of the people of the three merged territories on the District Boards concerned. The nominated members will be treated as temporary additions to the sanctioned strength of the District Boards, and will continue in office till the expiry of the term of office of the elected members on the Boards. This Bill is intended to give effect to this proposal.”

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MR. CHAIRMAN :—" The motion is—

'That the Madras Merged Territories (Nomination to District Boards) Bill, 1951 (L.A. Bill No. 1 of 1951), as passed by the Assembly, be taken into consideration.'

* SRI S. B. ADITYAN :—" Mr. Chairman, Sir, I wish to say a few words on the Bill now before the House. It seeks to give power to the Government to nominate six members to the Tiruchirappalli District Board from the Pudukkottai area. The present position of the Tiruchirappalli District Board is that there is a President who has been elected by a narrow majority. It is this small majority that helps him to continue in the office of President. Now if six members are nominated to the Board, it may be easily possible for the Government to upset the administration of the District Board. I would like the Government to bear this fact in mind when they make nominations to the Tiruchirappalli District Board and see that they nominate only such persons as do not bear any prejudice against the President of the District Board. There is a widespread fear that this Bill may be misused."

MR. CHAIRMAN :—" I think the hon. Member is not in order in using the word 'misused'."

SRI S. B. ADITYAN :—" I mean it may be used for a wrong purpose."

MR. CHAIRMAN :—" Does the hon. Member imply that the Government will do so? He may say, 'that it may have the effect of unseating the President'."

* SRI S. B. ADITYAN :—" I mean that, Sir. There is a very real fear in the district that nominations will be made with a view to unseating the President. I hope it is not the intention of the Government to nominate persons who would support a particular group or individual or oppose a particular group. I am sure that the Hon. the Minister has no such partiality for any particular group or individual. So far as the President's office is concerned, I would request the Government to see that while making nominations the present equilibrium is not disturbed. We are shortly going to have general elections on a wider franchise and it is desirable that particular care is taken to see that the present balance of the District Board is not upset in the meantime."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, I am glad that a Member of the party in power has brought to light the possibility of complications that may follow nomination. I think he is quite right and I congratulate him on having drawn our attention to the delicate processes that will follow in the Tiruchirappalli District Board consequent on the passing of this measure. Neither is it right for the Government to get an assurance from the members that they may nominate to behave in a particular manner nor would it be possible for them

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not to extend their patronage, as the party in power, to such people as are members of their party or are in sympathy with members of their party in the District Board. In the circumstances, I would appeal to the Government to bring in an amending legislation stating that notwithstanding anything contained in the present Bill, the nominated members, till such time as they continue to be members of the District Board, shall not be entitled to vote on a 'No Confidence' motion. I appeal to the Government to bring in a measure like this before the House adjourns and before the other House also adjourns. That will allay a very reasonable fear in the minds of certain people that things may go wrong, not on account of any acts of Government as such but on account of changes that may be brought about incidentally. Therefore, in the interests of the District Board and the Government and also in the interests of justice and fairplay, I suggest that an amending Bill may be brought in. I am sure it will not in any way derogate from the powers given to members of District Boards but will possibly prevent misuse of such powers in other directions."

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I find one defect in this Bill. I do not know on what basis the Government have decided that Pudukkottai should have six seats and the other two States one each. Is it on the basis of population that these figures have been arrived at? If it is so, then is Pudukkottai so large in area as to have six seats and are Sandur and Banganapalli so small as to be content with only one seat each? (The Hon. Sri N. Sanjeeva Reddi: 'They are very small'.)

I am in complete agreement with the views expressed by the hon. Member, Sri Adityan, regarding nomination. I feel that nomination should be given up. We are at the ~~lag~~ end of the term of the Legislature. We understand general elections are to come off shortly. (The Hon. Sri N. Sanjeeva Reddi: 'But the District Boards will live for two more years'.) Sir, along with general elections to the Legislature and the Parliament, it is fair that elections to District Boards are also held. Whatever that be, the Government ought to have come up with proposals to hold elections in the case of the merged States at least. Nomination, I do not like. Nomination is a thing which nobody liked and even likes now. (The Hon. Sri N. Sanjeeva Reddi: 'Is nomination wrong in principle?') I am opposed to it. It is wrong in principle. We have been crying hoarse that nomination should be abolished. Even when the British were ruling, we said that nomination should go. People thought that nomination was a weapon in the hands of the Government and that it could be used by them to win parties and individuals over to their side. Such being the case, I do not know why a popular Government should still hang on to nomination. Should there not be elections at all? Is it difficult, I ask, to have elections at least in these merged States. . . . (The Hon. Sri K. Madhava Menon: 'The difficulty is about the voters' list'.) Voters' list can be prepared easily. What is the difficulty about

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it? After all, what danger will befall the people if representation is withheld for some more time, that is, till such time as the voters' lists are ready? I want to know whether there will be any harm done to the people of these States if nomination is given up. Therefore, the fears expressed by Dr. Lakshmanaswami Mudaliar and Sri Adityan are very genuine. The Government ought not to have come forward with proposals for nomination. Now that they have come, may I request them to see that while they make nominations, they do not choose men from their own party but take in non-party men or men from parties other than their own so that the balance may not be upset, not to speak of 'no confidence' motions? This will enable the members to take an impartial view about things and act in the best interests of the people."

* THE HON. SRI K. CHANDRAMOULI :—" Mr. Chairman, Sir, let me, in the first place, make it clear that it was not the intention of the Government to have nomination at all. The initiative came from the people of the States themselves. They wanted representation on some basis or other. When we wanted to arrive at a definite strength for each area, we could not find any electoral rolls there. It is for these reasons that we have had to go in for nomination. After all, nomination is not new for us. Already, in the Assembly some representation has been given to these areas by way of nomination. With due respect to this House, I may say, Sir, that here too we have certain nominated members. That does not mean that administration will suffer setbacks. After all, in this case, Government have gone in for nomination only as a temporary measure and that too, at the instance of the people themselves.

" Secondly, Sir, I may assure the House that it is not at all the intention of the Government to meddle with the affairs of the District Board or to take sides with one party or the other. It is not our intention to upset the balance. The Leader of the Opposition wanted to know on what basis the strength for each State had been fixed. I may tell him that the strength has been fixed with reference to the population of each State and also in relation to the strength fixed for each District Board. We made certain calculations and finally decided that Pudukkottai should have six seats, Sandur should have one seat and Banganapalli, one.

1 p.m. " With regard to prohibition of members from participating in 'no confidence' motions, I feel, Sir, that it will not be fair on the part of the Government to ask the members not to take part in 'no confidence' motions. When once we nominate members, we give them all freedom. We must trust them. Once we nominate members, I assure the House that we will not interfere with the nominated members in the exercise of their discretion and vote. With this assurance I request the House to take the Bill into consideration."

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MR. CHAIRMAN :—" The question is—

' That the Madras Merged Territories (Nomination to District Boards) Bill, 1951 (L.A. Bill No. 1 of 1951) as passed by the Assembly be taken into consideration.' "

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

Clauses 2 and 1 and the Preamble were put and carried and allowed to stand part of the Bill.

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—
' that the Bill be read a third time and passed.' "

MR. CHAIRMAN :—" The question is—

' That the Madras Merged Territories (Nomination to District Boards) Bill, 1951 (L.A. Bill No. 1 of 1951) as passed by the Assembly be read a third time and passed.' "

The motion was carried and the Bill, as passed by the Assembly, was passed.

(3) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1951 (L.A. BILL
NO. 2 OF 1951).

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

' That the Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951) as passed by the Assembly be taken into consideration.'

" The Bill amends the Prohibition Act. It is a simple one and I do not think there is room for any controversy over it. In working the Prohibition Act, we found that the Prohibition Officers had no power to arrest people who were found drunk. Though they have been arresting such people, some courts have held the view that they have no power to do so. The police officers have been given that power and we are extending it to Prohibition Officers. I hope the House will take the Bill into consideration without opposition."

MR. CHAIRMAN :—" The motion is—

' That the Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951) as passed by the Assembly be taken into consideration.' "

* DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, I am sorry I have to disappoint the Hon. Minister in his feeling that this is such an absolutely non-contentious, innocent and healthy measure that he does not expect anybody to oppose it. I realize that the Hon. Minister is pursuing the policy of prohibition, which has been accepted by the Government, with vigour. I have a sincere admiration for all his efforts in the direction of making prohibition a success. I am not going to argue about the policy of prohibition. We have argued and argued and I do not

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think that it will be of any use to argue further. My purpose in speaking to-day is to bring to the notice of the House the serious havoc that will be caused if this Bill is passed. I want to draw the attention of the hon. Members and you, Mr. Chairman, to the implications of the Bill. It seems to be a very simple Bill to amend sections 30 and 32 of the Prohibition Act. The amendment to section 30 reads—

‘The Collector, any Prohibition Officer not below such rank as the State Government may determine, or any Police or other paid or honorary officer authorized by the State Government in this behalf, may enter and inspect, at any time, by day or by night, any place in which it is reasonably suspected . . .’

and three conditions are given. I am not concerned with the first two conditions. I will immediately come to the third condition which says ‘that any offence under section 4-A or section 5 has been, or is being, committed’. I invite your attention to the phraseology ‘has been or is being committed’. Sections 4-A and 5 read as follows :—

‘4-A. Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished . . .’

5. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or has, in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished . . .’

By including these two sections in section 30, the Government are giving power to a number of officers to enter any place by day or by night for no other reason than that they have a reasonable suspicion that an offence has been, or is being, committed. Not only a person who is in a state of intoxication comes within the purview of this amendment. A person in respect of whom there is reason to believe that he is likely to be in a state of intoxication also is included! I should like to know from the Hon. Law Minister whether there is a parallel to this provision anywhere else—giving the power of arrest for offences which have not been committed but there is a suspicion of the likelihood of the commission of offences. I do not want to go into the medico-legal aspect of the question. Intoxication is said to be a condition of mind and body produced by excessive drinking of alcohol. Sometimes a person may take excessive alcohol and go far beyond the measure of control which he is reasonably expected to have. For possession of a bottle of a Vampole’s Phospho-Lecithin—I have taken it and it smells liquor—a person can be arrested. It may be said that section 30 already gives that power. Section 30 is one of those provisions against which I protested. I remember that a very strong protest was made against this section when the Bill was introduced in 1947 by Mr. Daniel Thomas. I said that it was a section which would give room for a great deal of abuse. A commentator, who has published the Prohibition Act with his comments, says that this section in making drink even in a private house punishable goes much further than any law enacted or attempted till now in any country. We are far above all other countries in regard to legislation and therefore we do not care to take note of what other countries have done! It

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may be argued by the Hon. Minister that we are setting an example to other countries in regard to legislation and that we need not follow other countries. How can an authorized officer enter a house? Section 31 of the Prohibition Act says—

‘If any officer empowered to make an entry under sections 28, 29 or 30 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.’

This is giving a complete *carte blanche* to demolish a house or to do any other act to gain access. Suppose a husband and wife are living in a house in a village, and information is brought to an officer that the husband and not the wife is in a state of intoxication. The officer can break open the door if it is barred or window or any other obstacle to his entry. Section 30 as proposed to be amended says—

‘The Collector, any Prohibition Officer not below such rank as the State Government may determine, or any Police or other paid or honorary officer authorized by the State Government in this behalf, may enter and inspect, at any time, by day or by night, any place . . .’

The husband can be arrested. Then he must be taken to an officer who is empowered to take cognizance of the offence who is within a distance of five miles from the place of arrest. If the person is arrested and taken away at mid-night, I ask the hon. Members to imagine the position that will arise. Have the Government carefully considered the implications of the provision and the great amount of abuse that may occur in working it? Such a provision is unknown in the laws of any civilized country in the world. Have the Government considered its repercussions? Let me not exaggerate. It is quite possible that an officer may proceed to search a house in the honest belief that the information brought to him is *bona fide*. Are we so sure that in our country to-day there are no elemental forces that have been let loose? The motive may be communal, political, social, religious or all-comprehensive. Informers may not be found wanting to tell the officers that such and such a person is in a state of intoxication merely to bring discredit to the person or to facilitate them to commit other crimes when the male member is arrested and removed from the house. What is the position to-day? On mere suspicion, it has been possible for the police of a particular State to arrest two persons under a court order and detain them in police lock-up for a week. The persons belong to a respectable family and are in a high position. One is an Advocate and the other is a businessman. Such a thing is happening to-day. Are not the Members on the Treasury Bench following the painful instances that are recorded in the newspapers every day? In spite of all the provisions of the Criminal Procedure Code, misuse of powers for some reason or other is going on in a manner that nobody is able to prevent. I may say without fear of contradiction—and it is a humiliation for me to have to state it—that after the 15th of August 1947, there has been a greater feeling of insecurity both for property and life as well as for honour in the whole of this State than ever there was in the regimes that preceded. Enough instances have come to my knowledge. That

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is a fact and I know that many people share that view. The Government are vesting certain officials with extraordinary powers. How can they prevent other persons impersonating and entering into houses? There is no need to take the permission of a Magistrate to search a house. I am not suggesting that the regular officers empowered in this behalf will abuse the power. The Hon. Minister may say that the Government will take care to nominate only persons of unimpeachable character and integrity. But are the Government in a position to prevent other people impersonating and harassing poor villagers living in out-of-the-way places? This provision applies to the whole of this State and not to any particular place. By passing a legislation of this nature, we shall be making a mockery of the Fundamental Rights which are supposed to have been guaranteed by the Constitution. I am not questioning the legality. Enough has been said about the legality of many of the Bills introduced in this House. I do not think it is necessary for me to deal with that aspect, particularly because the Hon. Minister may say that he is not a lawyer and that he has only taken the expert advice of his Legal advisers in framing the Bill. It is a generally accepted principle in all civilized countries and we will find every Englishman saying that his house is his castle and that nobody dare disturb him in that place. What is the offence for which the Government want their officers to enter the house, break open the windows and forcibly push themselves in and then arrest the person without a search warrant? The person is supposed not even to be intoxicated but is supposed to be attempting to get intoxicated. The officer arrests that person, and he takes him to the magistrate. By the time he goes there, the fright of arrest and the manner in which the officer has asked him to walk five miles to go to the magistrate would have made him quite sober if he was not so foolish as to get drunk excessively. Is this all worthwhile, I ask, Sir. When we say 'all-right; go ahead with your policy of Prohibition', is it to be supposed that the legislature is giving a *carte blanche* to the Government to pass any legislation which goes against the fundamental principles of all accepted canons of fairplay and justice? It has been well said that a second rate law that is generally accepted by the people is much better than a first rate law which is absolutely impossible of being properly observed. I do beseech the House to consider this. Let us remember that this legislation is not a piece of legislation of the Government. It is a piece of legislation that you and we are responsible for. It is not as if it is a legislation of the Government, and, therefore, somehow or other it should be passed. I feel no Draconian piece of legislation passed under any regime in any country can go to the extent that this legislation goes. I very strongly feel that even at this stage, the Government would be well advised to withdraw this legislation. If they are not prepared to do it, I for one, Sir, will be compelled to register my vote emphatically against every stage of the passing of this Bill, and to demand a poll at every stage so that it will be well known that some of us have not had any hand in the passing of this legislation, that it was passed in the teeth

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of the most violent of oppositions, and that we shall be in good spirits for all the time we keep ourselves alert to see that this legislation is removed from the Statute Book."

* JANAB ABDUL LATIF FAROOKHI :—“ Mr. Chairman, Sir, if we oppose this amending Bill let it not be misunderstood by anybody in the least that we are opposed to Prohibition. We, the Members of this House, belonging to various communities, have given our fullest support to the Prohibition policy of the Government. I for one feel that if at all there is any protest from any side, it is not against the Prohibition policy, but it is against the Prohibition stunt that is being carried on. While we support the Prohibition policy, we do not see our way to support all repressive measures that deprive the citizen of his rights. We cannot allow such things to be done by the Government. We want that all possible steps should be taken to advance the Prohibition policy, but we certainly do not want that powers should be vested in the hands of people who are likely to abuse them. We cannot hear better arguments on this subject than those advanced by Dr. Lakshmanaswami Mudaliyar. The Government should be convinced of the reasons he advanced. The Hon. the Minister said that the powers were there already. Why then add to those powers? If they are there already, please do not add any more to them. Let the Prohibition policy continue as it is. The Government will succeed only gradually if they are sincere. I am certain the Hon. the Minister is sincere and the Government are sincere. The people are also sincere. Not one single individual in this State will say that Prohibition is bad. I sure it will take some time for the people to realize more and more the benefits of the Prohibition policy. We cannot make a country all on a sudden wholly virtuous. There may be difficulties. There may be a few people, who cannot give up drink. But, for the sake of a few people, are the Government going to introduce measures which will invest powers in their officers to harass people? That is the only point Dr. Lakshmanaswami Mudaliyar was referring to. I am certain that there will not be even a single individual in this House who will not appreciate the appeal that he has made on the floor of this House.”

* SRI R. SURYANARAYANA RAO :—“ Mr. Chairman, Sir, let me also make it clear that I am not one of those who feel with Dr. Lakshmanaswami Mudaliyar that Prohibition policy is wrong. What I am not able to understand by this Bill is that the Government, themselves, by introducing a section, have given exemption in favour of the army personnel. If the army personnel are found in a drunken state, are the Government going to use this section? Everybody is not prohibited from drinking. The Government are giving permits to certain people. They are in a position to drink.”

MR. CHAIRMAN :—“ I think the section speaks of persons who have not been permitted.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ It exempts all those to whom permits have been given.”

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* SRI R. SURYANARAYANA RAO :—“ Is exemption given to people to be in a drunken state, because they can drink under permits? This is the distinction that is made between a person who gets drunk under cover of permits and another who gets drunk without any permit. It would have been very good on the part of the Government not to have given any exemption at all, and then punish all those who are found in a state of drunkenness. That is the legitimate policy and logical conclusion. Even if those people who are given permits to drink, are in a drunken state, how is this officer entitled to enter the house to know whether that person has got exemption? Let us take the case of a citizen of Madras City to whom the Hon. the Minister has given exemption, and who is permitted to have three or four bottles. Suppose the officer, empowered under this section, has reason to suspect that that man has got six bottles in his house; how is this officer to know? How can the officer find out whether the persons permitted to possess bottles possess more than they are allowed? The officer entitled by this section to detect drunkenness enters the house of that person. It may happen that that person is in such a state of drunkenness that he is not in a position to show his exemption certificate. (Laughter.) That man is immediately arrested. These cases are happening in the City of Madras. There is more drunkenness in the City now than there was two years ago. Since the Government have exempted the army personnel, and since they give permits to people on medical certificates or on the ground of age, say, 50 years and more, many people have taken advantage of this because they could not give up drink and could get exemption. This is a common practice adopted by the people. It is growing in number in the City. This exemption leads to lot of complications. Officers do not go near persons who are exempted, if they have liquor with them, because they will be taken to task for arresting persons who have been exempted. Those that are not exempted also get this advantage. While, therefore, I appreciate the intentions of the Hon. the Minister to put down drunkenness, I do not know whether his purpose will be served by this Bill so long as exemptions continue and so long as permits are issued by Government. The common man is more law-abiding.

“ Looking into the report of the excise administration, one will see that the number of cases of illicit tapping is very few. The common man does not tap the trees. He is law-abiding. He fears the consequences of the law though he might be inclined to tap. But illicit distillation has taken its place. By merely arresting a person, have the Government been able to put down illicit distillation? This is a matter in which all heads must be put together. Some method must be devised. The Hon. the Minister is very anxious and very keen that Prohibition should be made a success. But this law is not going to help him. Illicit distillation will continue and will grow, irrespective of this law.

“ Another thing that I wish to point out is that the people who are concerned with illicit distillation do never

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come to the front. It is the poor people who are employed for illicit distillation that are arrested and harassed. These people are not making any money, but the people behind this illicit distillation, make money. Bottles of illicitly distilled liquor are sold at Rs. 4 and more. People whom we consider respectable have become richer on account of this illicit distillation. How to bet at them? With all the powers which they already possess, have the Government been able to get at those who are at the bottom of this illicit distillation? I say the Government are afraid to get at these people, because they are most influential and they play a great part in elections. It is the poor men, who are employed by these influential people for illicit distillation, that are caught and sentenced. During the time the worker undergoes his sentence in jail, his family is looked after by these influential people. In these days of rationing, living in a jail seems to be more welcome to the poor people than outside the jail, especially when there is somebody to look after their families. I raise all these points only to show that the mere passing of this Bill will not assist the Hon. the Minister in putting down drunkenness. Something radical must be done which will enable Government to detect drunkenness effectively and to put down illicit distillation.

“ My hon. Friend Dr. Lakshmanaswami Mudaliyar pointed out that this power was likely to be abused. Any power that is given to the Police officer is likely to be abused. In spite of all the powers which we have already, we have not been able to check illicit distillation. Every day we find reports in newspapers of detections of illicit distillation. As my hon. Friend reminds me, it has become a cottage industry in some places. I appeal to the Hon. the Minister not to be in a hurry to pass such a legislation, but to examine it closely. He must find out a remedy for putting an end to illicit distillation which is spoiling the character of the people of the State. Believing as we do in Prohibition, we must devise other methods of enforcing the Act effectively rather than introducing penal provisions such as are found in this Bill.”

MR. CHAIRMAN :—“ The House will now rise for lunch and meet at 2-30 p.m.”

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

* THE HON. SRI K. MADHAVA MENON :—“ Sir, the hon. Gentleman Dr. A. Lakshmanaswami Mudaliyar was very vehement in opposing this Bill. But he was opposing not the Bill that is before the House, but sections 4-A and 5 of the existing Act.

“ Under the proposed section 30, we are not taking any new powers. The existing section 30 says—

“ The Collector, any Prohibition Officer not below such rank as the State Government may determine, or any Police or other paid or honorary officer authorized by the State Government in this behalf, may enter and inspect, at any time by day or by night, any place in which it is reasonably suspected that . . .

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The section then specifies certain offences. Therefore, whether the suspicion is reasonable or not, it is for the officer to decide. The section specifies the offences as follows:—

‘any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug; and may enter and inspect, at any time, any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person; and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.’

All these are retained in the proposed section also. This proposed section runs as follows:—

‘The Collector, any Prohibition Officer any place in which it is reasonably suspected—

(a) that any toddy is drawn, or the manufacture of any other liquor or of any intoxicating drug is carried on, or

(b) that any liquor or intoxicating drug is kept for sale or stored, or

(c) that any offence under section 4-A or section 5 has been, or is being, committed;

and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.’

We have added only clause (c). So, the objection of the hon. Gentleman Dr. Lakshmanaswami Mudaliyar is to the principle of this provision because he says that there is no limit to the possibility of abuse of power given under this section. I entirely agree with him. Once that power is given, there is no limit to its abuse by the officer concerned, if he is so inclined. For the matter of that, any power can be abused by the officer concerned; it all depends upon the nature of the officer and the control exercised upon him. But the possibility of abuse of a power is no argument for saying that no power should be given at all.

“The new clause that we are adding is with regard to an offence under section 4-A or section 5. Section 4-A specifies the punishment to be imposed on a person for being found in a state of intoxication. Section 5 prescribes the punishment for rendering or attempting to render denatured spirits fit for human consumption. There are offences of various other kinds that were already there and they were included in section 30. But the offences for which punishments are prescribed in sections 4-A and 5 are not found in section 30. Therefore, we have included them also in the proposed section 30. I shall give one example, Sir. Methylated spirit is converted into alcoholic drink. That is an offence under section 5. The officer gets information that that is being done in a particular place. If it is not included in section 30, he cannot go and search the place. What is the use of making ‘the rendering or attempting to render denatured spirits fit for human consumption’ an offence without giving power to the officer to go and search the place? Section 5 runs as follows:—

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This is made an offence. So, the amendment proposes to empower the officer to go and search the place if he suspects that the offence is being committed. Some hon. Members may say that clause (a) will include the offence specified in clause (c) also. But it is a matter of argument. However, in order to make the intention clear, we say that the officer has got power to go and search the place in these cases also.

“I can concede, for argument's sake, that the power given already under section 30 could be abused. It might have been abused as the hon. Gentleman Dr. A. Lakshmanaswami Mudaliyar cited. It is quite possible; that is the reason why, Sir, we should keep a careful watch over the officers who have got that power. It does not mean that we should give no power at all. Dr. Lakshmanaswami Mudaliyar's objections relate to the principle involved and not to the present amendment. Therefore, if he considers that it is a mischief, it is already being done. We are not doing any further mischief.”

DR. A. LAKSHMANASWAMI MUDALIYAR:—“You are only adding to the mischief!” (Laughter.)

* THE HON. SRI K. MADHAVA MENON:—“When you say that a particular act is an offence, should you not also provide the means to detect that offence? If you do not provide the means, there is no meaning in prescribing a punishment for the offence. Therefore, the objection of the hon. Gentleman Dr. Lakshmanaswami Mudaliyar is not directed against this Bill but against the principle contained in section 30, which is already there. Let not Mrs. Hensman be carried away by the remarks of Dr. Lakshmanaswami Mudaliyar to think that because we have said that the inspecting officer may go and search a suspected place at any time, somebody may enter my house when I may be having a comfortable and pleasant sleep with my family. (Laughter) I want Mrs. Hensman to understand the real implication of the existing section.”

MR. CHAIRMAN:—“I think Mrs. Hensman did not speak on this Bill. Why should the Hon. Minister refer to her?”

THE HON. SRI K. MADHAVA MENON:—“No, Sir, she did not speak on this Bill, but I could see it in her face.” (Laughter.)

MRS. M. HENSMAN:—“Though I wanted to speak, I did not speak on this Bill, Sir. But I am provoked to speak by the remarks of the Hon. Minister.”

THE HON. SRI K. MADHAVA MENON:—“When one 2-45
listened to the speech of Dr. Lakshmanaswami Mudaliyar, there is the chance of his getting frightened that the officer will go and search by day or by night even places of privacy. This is all the more so in the case of those who are called the ‘weaker sex’—who in fact are not. (Laughter). Just as the officers are empowered to go and check whether a person has got toddy or whether he is carrying on manufacture of any other liquor, power is P.”

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that there is anything wrong in this. Dr. Lakshmanaswami Mudaliyar has taken exception to this provision, and said that the officers should not be given power to enter a private place at any time, by day or by night. 'Private place' is already mentioned in the existing section and it is not a new thing. Everybody will be carried away by what Dr. Mudaliyar has said. I myself thought in the first instance, when I heard him, that there must be something wrong somewhere, as I felt that unless there was something wrong, he would not make mention of it. But when I looked into the matter, I found that the power to enter a private place is already there in the existing section and we have not introduced anything new here. The existing section 4-A says—

“Whoever is found in a state of intoxication in any public place and whoever not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months”

If a person after committing an offence goes and hides himself in a house, the officer must have the right and power to go and arrest him, and there is nothing wrong in his doing so. If a person has committed an offence under the Indian Penal Code and goes to a particular house and is hiding himself there and if the officer gets this information, has he not got a right to search for him in the house, even though it may be a private place and even without a warrant? Similarly, if a person is found in a state of intoxication in a private place, the concerned officer must have the power to take action against him. We have given power to the officer to search in a place and find out whether any toddy is drawn or any other liquor or any intoxicating drug is being manufactured. I agree that there is a likelihood that this power may be abused in some cases either unknowingly or deliberately. But I cannot accept that because of that possibility, no power should be given to these officers. I can understand if there was a demand that strict watch should be kept over these officers so that they may not abuse these powers. I want the House to realize that even Dr. Mudaliyar has not objected to this Bill as such, but has said that on principle such wide powers should not be given to these officers under this clause. We have already got section 30. The present amendment is only a necessary corollary to that section and nothing more. We have now provided that the officers will have power to deal with offences committed under sections 4-A and 5 also. When we sought to introduce this clause, we have been rather very careful. I would like to invite the attention of the hon. Members to the wording used. We say, 'any offence under section 4-A or section 5 has been or is being committed'. We have not said here, 'any offence is suspected to have been committed' or 'if there was reason to believe that any offence has been committed or will be committed' or anything like that. We have definitely said here that the offence should have been committed or was being committed. So, hon. Members will note that as much protection as possible has already been provided against any possible abuse of the powers by the officers. Hence there is nothing wrong in this clause. The original sin, if it was a sin, viz., section 30 is already there and we are not introducing any new sin now.

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“Sir, I was surprised to hear the remarks of the hon. Gentleman Sri Suryanarayana Rao. Questions, such as illicit distillation, successful working of the Prohibition Act, etc., are absolutely irrelevant to this particular Bill. With those who do not like Prohibition, it has become a joke to remark that illicit distillation has been thriving very well as a great cottage industry and so on. But I was surprised to find that persons like Sri Suryanarayana Rao who have been supporting the Prohibition policy have also begun to criticize it now.”

SRI R. SURYANARAYANA RAO :—“We only regret that such things are going on.”

* THE HON. SRI K. MADHAVA MENON :—“Sir, in this connexion, I would like to tell the House that very often we find that only cases of trespass and breaches of rules are known to some people and brought before the House. The fact that in thousands of cases, great many people, who are very poor, have been benefited on account of this Prohibition is not known to them and is never made mention of anywhere. When there are some aberrations here and there, they are talked of greatly and mention is made about them quite frequently, especially when such matters go before Courts. Those people, curiously enough fail to note the very wholesome reform that has been introduced by which thousands of poor people are benefited. Apart from that, I should say that there is no reason to be afraid of this provision or to regret that there has been such dangerous amount of illicit distillation and all that.

“Janab Farookhi Sahib was till now saying that Prohibition should be enforced properly. He was one of those who were very enthusiastic in supporting the Prohibition Bill. He was saying that the Government should have every power to see that Prohibition was enforced properly and effectively. I think the hon. Gentleman has fallen into the same error into which I was about to fall when I heard Dr. Lakshmanaswami Mudaliyar's speech (laughter). The hon. Gentleman Janab Farookhi Sahib said that we should not have these powers and it is wrong that these officers are given such wide powers. Sir, I do not think that there is anything bad in this clause. We have got these powers already under section 30. We have only provided now that any offence that may be committed under sections 4-A and 5 should also come under this section and be dealt with accordingly.”

* MRS. MONA HENSMAN :—“Mr. Chairman, Sir, I was about to rise at 1-17 p.m. and I even half got up, but my friend, Mr. Suryanarayana Rao is ahead taller than me, and he caught your eyes, I did not do so. The Hon. Minister for Law who spoke just now spoke as a Member of this House and not as a Minister piloting this Bill and he has elucidated many points. But, Sir, some of his remarks have provoked me to speak now, because I feel that he does not quite appreciate the point of view of those of us who still oppose this particular clause of this amending Bill. I am not a lawyer; unfortunately, I either missed my vocation or was

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born in a wrong generation, otherwise I would have been a firm disciple of the Hon. Minister for Law. But at the moment I see that the Hon. Law Minister has proved that the Bill, as heretofore constructed, is giving all those powers to the officers, which we are contending to-day should not be given to them. Such powers as to inspect and search any place, even a private place and at any time, even at midnight, to find out whether there is any toddy drawn or liquor manufactured, or any intoxicating drug kept for sale or stored, or any intoxicated person is in hiding there, should not be given to the officers. I think this particular clause that is being brought forward to-day applies to places where illicit liquor is being either supplied, distilled or stored. Section 4-A deals with cases where an intoxicated person may be found in any particular place. I ask, "Are the officers going to search for the things or for the persons?" To my mind—I may not be right—it looks as though there is some difference between these two. A person may be presumed to be in a state of intoxication but it should not be presumed that any liquor or intoxicating drug is being kept or stored in a particular place. The result of this amending legislation will be that some innocent and defenceless people who may not know any thing about these matters and who have no intention of breaking the law will be involved in trouble, in loss, and it may even be, in loss of reputation.

"I know the Hon. Minister who is piloting this Bill and the Hon. the Minister for Law are both shrewd people and also chivalrous, and had they only lived at the time of King Arthur, they would have been Knights of the Round Table (laughter). Joking apart, in all seriousness I say that they would definitely have upheld by chivalry, the safety and security of women. For instance, suppose either I, or my neighbour the hon. Lady Member next me, to-morrow approaches one of these Ministers and says 'Well, people are breaking into and entering our house and are suspecting us unnecessarily. So please protect us and our household'. What will he say? 'Certainly, I will protect you' he will say, and yet he passes this clause as harmless. Sir, there may be some spirit, or liquor bottles beneath the bed of a lady in a bed-room or in the room of a child, or in some place which is used as a sick-room in a private hospital but you may be sure the lady, the child or the patient is ignorant of it. Why should anybody, on some information which they might have received, have the right to enter into places to which they have no legal access? I think—again the Hon. Minister will correct me if I am wrong in thinking like this—that upto now, neither the Collector, the Prohibition Officer, nor the police officer has been allowed to search houses without a warrant under section 4-A. Sir, I am afraid that this is too great a power and ought not to be given to these officers, as it is more likely to be abused in certain cases than used with discretion and there will be trouble in which innocent people, including women may be involved. Some time on September 30th, 1937, when this Prohibition Act was first passed at 10 minutes to 12 o'clock midnight, many of us expressed our fear that under this provision, our own people would be harassed. It may happen again that this is a like case. Somebody who

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may not have good intentions may involve certain families, may without the knowledge of the members of that family, put into their house some chemical substances, which may smell like liquor or distilled spirit. They need not actually put these prohibited articles there. It is enough if they are able to get some chemicals which smell like those articles. It may perhaps be lavender, methylated spirit or Eau-de-Cologne. In such cases, it would be possible for an expert only to decide whether these are those unprohibited chemicals or the prohibited articles. However, if the officer who is given the power to enter into our houses, smells something like the prohibited articles in the house, he will certainly imagine that liquor or some intoxicating drug is being stored in our house, and straightway enter into the house and he may perhaps in good faith, make a thorough search of the house, breaking open doors, almirahs and causing much damage. Who will pay for all this? Such cases may in all probability arise and the officers may harass the people concerned. So I request the Hon. Minister to drop this amendment. After all, the Act has been working so far without this provision, and there will be no harm done in allowing it to continue to work in future also without this provision. Sir, the elections are fast approaching and there is going to be a great deal of work of a more material nature before the Government. Not one of us is against Prohibition, but our point is that this particular clause will create trouble, and many defenceless, innocent people including men, women and even little children will be put to great inconvenience and considerable harassment. In this connexion, I would like to know from the Hon. Minister also who will be responsible for any damage that may be caused by the house being broken open, and entered by the officers concerned and who will be responsible if somebody steals the jewels or clothes of the women in a particular house? These are matters which should be considered deeply by those in authority before such a dangerous piece of legislation is passed.

"Moreover, this kind of clause has not been introduced in any other legislation dealing with any other kind of crime. Why should it be allied to Prohibition alone? (The Hon. Sri K. Madhava Menon: 'You are mistaken.') The Hon. the Minister for Law says that I am mistaken. I stand corrected, Sir, but I have never seen such a clause in any measure dealing with moral offences. Therefore, I plead along with the Members on the opposite Benches to drop this measure. Let not the fair name of the Congress be spoiled. The law as it stands today should remain and no additional provisions should be thought of since the law is designed to protect and not harass man."

* MRS. M. N. CLUBWALLA:—"Mr. Chairman, Sir, I raise to support the views expressed by the hon. Lady Member who preceded me, though I cannot speak with so much eloquence as she did. We have instances, I think, Mrs. Hensman will bear me out, wherein innocent children have been arrested and produced before the juvenile courts. In certain cases, of course, we took lot of pains

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to deal with persons behind these acts and even then much goes on. If you read the newspapers from Bombay, Sir, you will see how many people, especially women who have not got husbands and who have no other male relations with them, are harassed. They experience lot of difficulties. Law is abused and these people suffer. They not only suffer from fear, they suffer from loss of reputation, and moral reputation too. Now the Government are giving powers to other officers also—hitherto only senior officers were given such powers—to inspect places and arrest people. I am sure this is not going to be of any good. The law will suffer more abuse than produce good results. Women have to be in their homes always and it is they that will suffer most on account of this provision. I do hope, that in the circumstances, the Hon. the Minister for Prohibition will think twice before proceeding with this enactment. I do not know how many women and innocent children are going to suffer in the name of law. We have already got the Communist menace. Many communists posing themselves as Prohibition officers may enter houses and commit atrocities. I, therefore, strongly protest against this measure."

* THE HON. SRI N. SANJEEVA REDDI:—"Mr. Chairman, Sir, in spite of the vehement speeches made by the Members of the Opposition, I still feel that this measure is absolutely necessary. The powers are there already but the officers are not able to exercise them. Dr. Lakshmanaswami Mudaliyar made this Bill look as though it was a very bad one and many Members of the House, I find, have been carried away by his eloquence and have begun to feel that this measure is such a horrid one. I am afraid that even the Lady Members of this House are under this impression or rather this illusion. (Laughter.) I am sure they will realize that it is not with any evil intention that the Government have brought forward this legislation. We have already got the powers even under the existing Act. But we are unable to enforce the law as it is due to certain technical defects in it. My Hon. Colleague, the Minister for Land Revenue, in his tour of the districts found out certain defects in the working of the Prohibition Act and he asked me to rectify those defects. For instance, he noticed that while a man, fully drunk, was arrested and produced before a court of law by the Prohibition officials, the court could not punish him because the law did not permit the Prohibition officials to arrest him, notwithstanding the fact that the accused himself admitted that he was fully drunk. That is the position. I am surprised that hon. Members are always inclined to criticize the measure but they never give any constructive suggestions. They refer to certain extreme cases and say that Prohibition should go. It is always wrong to take the case of a woman here and a child there being harassed and plead for doing away with Prohibition."

"Dr. Lakshmanaswami Mudaliyar was playing with the words 'day and night' occurring in the Bill. Sir, illicit distillation takes place only during nights. It is done secretly. A man who commits a crime will not commit it before a police station or in the public street in broad daylight. A man preparing poison will not

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prepare it in broad daylight. He will do it in his house secretly. Similarly, a man practising illicit distillation will not do it openly. He knows what he is doing is wrong and therefore, he is trying to do it secretly. He has to be brought to book when he does it. Sri Suryanarayana Rao admits that it is bad to practise illicit distillation and wants such crimes should be put down. So, Sir, when we know that a certain person is fully drunk, why not we arrest him? Why not we arrest a person who is drinking, especially when it is declared an offence in the existing Act? As I have already said, the officers are helpless. Even though they see that a man is drunk, they are not able to arrest him due to certain legal defects in the Act. Whether it is day or night, if we know that some one is committing an offence, we must arrest him and we will.

"It was said by Dr. Lakshmanaswami Mudaliyar that the house is a castle to the householder. Sir, any one who does not violate the law can lead a happy life and certainly to such a person his house is a castle. But can a man prepare poison in his house claiming absolute immunity, sell it to others and ruin their families? No individual has a right to prepare poison. Likewise, no person has a right to prepare spirits and ruin himself and others. We want to prohibit such things in the interests of the poor families. The house is certainly a castle if the householder does not commit any crime."

"Sri Suryanarayana Rao generally supported this measure. Though he was somewhat caustic in his remarks, he was in favour of the measure. His complaint was that the department was not enforcing the law properly. He wanted better enforcement. Sir, if he had suggested any better methods of enforcement, I would have certainly considered them. But he is content with pointing out certain defects in the Act. He does not suggest improvements. I would assure him, Sir, that we will bring in more amendments if necessary and would request him to give his hearty co-operation in future also whenever such amendments come up before the House. There is no use of criticising a thing when we cannot do better. Every enactment has its own defects about it and this should not mean that no enactment should be made. If we are serious about Prohibition, we must deal with the offences most effectively. We must bring to book all those who have the audacity to say that they will violate the law."

"It was said that poor women and children were being harassed. It is not a fact, Sir. If only we go to the villages and see, we will know the real position. It may be that there are a few cases of harassment here and there. Perhaps it may constitute one per cent. But in ninety-nine per cent of the cases, we find that the women are really happy. Evidently, the Lady Members of this House do not know how women in the villages feel about Prohibition. They know the condition of the women in the City of Madras but they do not know the condition of women in the remote villages. They are not able to plead for the women of the villages because they do not know how they live. Sir, I have perfect knowledge of the womenfolk in the villages. I know how they feel

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now. The wives are happy. The position today is, even if a man is drunk, he will go home and quietly sleep. He never beats his wife. He never makes a noise. He never creates a scene. Why? He fears that if he does all these, his wife may give information to the Prohibition officers and have him arrested. The husband is afraid of the wife. (Laughter) . . ."

Mrs. MONA HENSMAN :—" I challenge the statement of the Hon. the Minister. I did not question the value of Prohibition. I was referring to harassment of women and innocent children."

* THE HON. SRI N. SANJEEVA REDDI :—" Harassment may be there. As I have said already, it is only in one case out of hundred. The fact remains that the women are happy now. They have become stronger than their husbands. (Laughter.) They keep their husbands under their thumb (laughter) so that they are not beaten nowadays."

MR. CHAIRMAN :—" Mrs. Hensman has no such experience." (Laughter.)

* THE HON. SRI N. SANJEEVA REDDI :—" I do not think that any woman is likely to be disturbed at dead of night in the bed-room, unless there is strong evidence that illicit distillation goes on there. No case will be foisted, I may assure the Lady Members of the House. There is no pleasure in harassing people. Then, Sir, Mrs. Clubwalla was pleading for the women without husbands. Sir, women without husbands have so many other difficulties and I do not think that this will affect them materially. They carry on in spite of difficulties. (Mrs. Mona Hensman : 'Question.') As I have already said, this Bill seeks to make certain matters clear. Provision exists already for bringing the offenders to book. But it is not clear. Section 4-A declares drinking an offence; it declares preparation of liquors an offence. But still when a case is booked, we are unable to punish the offender. This provision has been there for years and yet it could not be enforced. I am today trying to rectify this defect. This is a very innocent piece of legislation and there is nothing wrong in having it. The picture depicted by certain hon. Members here is wrong. I do admit that there are certain defects in the Act. As and when we notice them, we bring in amending legislations. So also, I would request hon. Members to suggest amendments to the Act if they think it is defective. I am sorry to find, Sir, that whenever an amendment to the Prohibition Act—however trivial it be—is brought before the House, the occasion is utilized for criticizing the entire Act. I am always ready to accept suggestions for the better enforcement of Prohibition. It is no use saying that the Act is bad. Several things are bad from my point of view and yet others consider them good. So we must take into account the general good of the people as a whole and legislate. I would once again assure hon. Members that there will be no such thing as harassment of anybody. I request them to give their wholehearted support to the measure and make it a success."

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MR. CHAIRMAN :—" The question is—

'That the Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951), as passed by the Assembly, be taken into consideration.'

The motion was declared carried.

A poll was demanded and the House divided as follows :—

Ayes.

- | | |
|---|------------------------------|
| 1 The Hon. Sri K. Madhava Menon | 10 Dr. P. V. Cherian. |
| 2 The Hon. Sri C. Perumalsami Reddi. | 11 Sri T. Purushotham. |
| 3 The Hon. Sri J. L. P. Roche Victoria. | 12 " N. Ramabhadra Raju. |
| 4 Sri K. Venkataswami Nayudu. | 13 " S. A. S. Rn. Ramanatham |
| 5 " S. B. Adityan. | Chettiyar. |
| 6 " M. Narayana Menon. | 14 " S. Jayaram Reddiar. |
| 7 " M. Narayana Rao. | 15 " H. M. Jagannatham. |
| 8 " N. Sankara Reddi. | 16 " B. Veeraswami. |
| 9 " N. Venkatachalamaji. | 17 " C. Veerabhadra Rao. |

Noes.

- | | |
|---------------------------------------|----------------------|
| 1 Janab Abdul Latif Farookhi. | 4 Dr. Syed Tajuddin. |
| 2 Sri M. D. T. Kumaraswami Mudaliyar. | 5 Mrs. M. Hensman. |
| 3 Dr. A. Lakshmanaaswami Mudaliyar. | |

Neutral.

- | | |
|-----------------------------|----------------------------------|
| 1 Sri R. Suryanarayana Rao. | 3 Janab K. T. M. Aharna Ibrahim. |
| 2 Janab K. Uppl. | |

Ayes 17; Noes 5; Neutral 3.

Seventeen hon. Members voted for the motion and five against.

The motion was carried.

Clause 2.

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

'In the proposed section 30, for sub-clause (i) (a) substitute the following :—

"(a) that trees have been tapped or are being tapped for the purpose of drawing toddy, or used for the manufacture of any liquor or intoxicating drug."

"The Hon. Minister in charge of the Bill invited me to suggest to him some methods by which he could enforce the Prohibition Act more effectively. My suggestion is that even tapping of trees for the purpose of drawing toddy should be made an offence. Tapping of trees for preparing sweet juice is exempt from the operation of the Act and that is why I have used in my amendment the words 'tapped or are being tapped for the purpose of drawing toddy'. Toddy is not prepared in a house like arrack. A pot has to be attached to the tree. Toddy might not have been drawn, as the pot might not be full. If tapping is left undetected for some time, the juice may be converted into toddy and thereby an offence committed. I want to take preventive action by penalising even

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tapping for the purpose of drawing toddy. The language of the latter portion of the amendment is copied from the Bill. My amendment only strengthens the hands of the Government."

MR. CHAIRMAN:—I think the word 'used' in the amendment qualifies the word 'trees'. In effect the amendment means: trees that have been tapped or are being tapped for the purpose of drawing toddy or trees used for the manufacture of any liquor intoxicating drug. If the hon. Member reads his amendment carefully, he will understand my point. The amendment is not in a grammatical form and I do not think the Government will accept it in its present form."

* SRI R. SURYANARAYANA RAO:—"Sir, I bow to your decision. My intention is that the amendment should read: trees that have been tapped or are being tapped for the purpose of drawing toddy, or places used for the manufacture of any liquor or intoxicating drug."

JANAB ABDUL LATIF FAROOKHI:—"I second the amendment."

MR. CHAIRMAN:—"Amendment moved—"

'In the proposed section 30, for sub-clause (a) substitute the following:—

"(a) that trees have been tapped or are being tapped for the purpose of drawing toddy, or used for the manufacture of any liquor or intoxicating drug."

* THE HON. SRI N. SANJEEVA REDDI:—"Even without this amendment, tapping trees for the purpose of drawing toddy is an offence. I do not think the amendment is necessary."

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

The amendment was, by leave, withdrawn.

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

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

THE HON. SRI N. SANJEEVA REDDI:—"Sir, I move that the Bill be read a third time and passed."

MR. CHAIRMAN:—"The question is—"

"That the Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951) as passed by the Assembly, be read a third time and passed."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I am sorry that once again I have to intervene in this debate. I feel that this Bill, as I have already said, is a measure of far-reaching consequences. In spite of what the Hon. Minister for Prohibition has said, I feel it my duty to register my views on this subject."

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I am grateful to the Hon. Law Minister for elucidating some of the points and trying to demolish my case. But the case that he tried to demolish was not the case built up by me. Let me make it perfectly clear—and you will bear me out, Mr. Chairman—that I did not refer to any of the provisions of the existing Act, though I said that I protested against some of the provisions at the time of passing the Bill. When other provisions are sought to be included in the Act, I think it is quite reasonable for a Member of this House to say that they should not be included. The fact that certain acts are offences under the existing Act does not mean that there should be an addition to those offences. In that sense I feel compelled to raise my voice of protest against enlarging the scope of offences under the section.

"Apart from that, let us read the provisions and see whether there is any substance in what I am saying. In the proposed section 30, there are the following two sub-clauses:—

'Any place in which it is reasonably suspected

(a) that any toddy is drawn, or the manufacture of any other liquor or of any intoxicating drug is carried on, or

(b) that any liquor or intoxicating drug is kept for sale or stored.'

I am not a lawyer. I regret that I have not entered the legal profession. Simultaneously with my profession, I could have studied law and become a lawyer as one of my illustrious friends has done. Then I would have been in a better position to understand legislation. I am now studying the Criminal Procedure Code and I hope to be able to offer well-informed criticism or suggestions at a later date. There is what is called material evidence to establish any offence. The officer who enters a house forcibly and searches will have to prove to the satisfaction of a court, when the case comes up before the court for trial, that toddy is being drawn or that any other liquor or intoxicating drug is being manufactured or kept for sale or stored in that house.

"If under a baby cot of Mrs. Hensman a little bottle which resembles an intoxicating drug is kept, in my opinion, it cannot be for sale, but it must be for store. 'Store' includes a number of things. The officer should have a reasonable frame of mind to see whether it is a foisted case. Take section 4-A of the Act. It says—

'Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both'.

The Hon. Minister says there is already provision to punish him if he is found in a state of intoxication. If the officer raids a house to know whether there is toddy being manufactured, and if he finds a person who is intoxicated, the officer has the power to arrest him. But the officer does not have the power under this section to enter the house on mere suspicion that a person is in a state of intoxication. The officer has not got the power to break the windows, to open the doors, and then to enter the house for

[Dr. A. Lakshmanaswami Mudaliyar] [28th February 1951]

arresting that person, who is suspected to be in a state of intoxication. In spite of all that has been said, a great amount of abuse of the power is likely to result from a provision such as this. The two hon. lady Members were very much perturbed over these provisions. The Hon. the Law Minister and the Hon. the Minister for Prohibition tried to make light of these fears, and said that there was absolutely no reasonable ground for them to get frightened."

MR. CHAIRMAN:—"Why should they be afraid?"

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Apart from their fears, Sir, they are the representatives of their sex and they have a right to explain the position of their sex. I entirely concede the position that Mrs. Hensman took. There would be knights at the round table—not King Arthur's table. But the position in the year of Grace 1951 is that in spite of all their best intentions and best motives, they are not in a position to effectively exercise the duties of the knight and the privileges of the knight in the State of Madras spread over so many villages. What is the provision in the Criminal Procedure Code with regard to search warrants in houses? You are aware of that, Sir, and I know the Hon. the Law Minister also is aware of it. But I should like to invite the attention of the Hon. the Minister for Prohibition to section 48 of the Criminal Court Manual. While discussing the procedure where ingress is not obtainable and forced ingress is necessary, it makes a very effective proviso. With your permission, I shall read it to this House—

'Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who according to custom, does not appear in public, such person or police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.'

"My hon. Friends both (Messrs. K. T. M. Ahamad Ibrahim and Uppi Sahib) felt that they ought to be neutral on a Bill like this. I ask Mr. Uppi Sahib whether he will be prepared for a Prohibition Officer, authorized by the Government, to enter a Moplah house at dead of night or in the middle of the day. The hon. Member said that I made much of night. Night, if Shakespeare is right, is the time for crimes—not only Prohibition crimes but crimes which cover the whole Criminal Procedure Code. The hon. Member may, therefore, not be so very sceptical about nights being converted into daylight raids. If nights are used for crimes against Prohibition, they will also be used to foist crimes in the name of the Prohibition Act. That is why, Sir, I emphasise the word 'night', and I think I am reasonable in emphasising the word 'night'. Would the hon. Member remain content in a mood of equanimity or satisfaction if a Moplah house is to be raided without any opportunity being given to the women to withdraw or to take shelter?"

JANAB K. T. M. AHAMAD IBRAHIM:—"Sir, section 34 of the Act says that all searches shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898."

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* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Then I am sorry, Sir. But in any case the power that is given to these officers, in cases where they do not find the person intoxicated but only have reasons to believe that the person may be intoxicated, is a power that goes far beyond the provisions of any criminal code that I can think of. It is only on that point that I emphasise all my remarks about Prohibition. Sir, having had the Prohibition Act, I am not prepared to re-open that question at present, although I still maintain that certain offences cannot be treated as offences in the manner in which this particular provision treats them."

"The Hon. the Minister stated that people were anxious to criticise, but they had no constructive suggestions to give. I am not one of those who believe that those who do not sit on the Treasury Benches have no responsibility to give constructive suggestions. It was a famous saying of my late lamented friend Mr. S. Satyamurthi that the duty of the Government was to rule and the duty of the Opposition was to oppose. When asked on a famous occasion what suggestions he had to give, he said 'the first suggestion I have got to make is you should get out of the Treasury Bench; I will occupy the Treasury Bench and then will give you my suggestion'. (Laughter.) Sir, I am not going so far as that. I have no such ambition whatsoever to occupy the Treasury Bench at any time. I have repeatedly pleaded that there should be standing committees constituted by the legislature to advise the Hon. Ministers on important questions of policy. I ask the Hon. the Minister whether the Government have moved their little finger in this behalf. He can refer to the speeches that I have made on previous occasions on the subject of constituting standing committees. I have also stated that in the old legislature we had such standing committees. The Hon. the Minister may say that he is guided by an advisory committee, and that its advice is quite sufficient for his purpose. When we want to give suggestions to the Government, we cannot go about giving suggestions which are treated with scant courtesy. If members of the Standing Committee, constituted by the Government, are asked by the Government to give suggestions, it will be possible for them to offer advice. Even if it is not possible to offer any advice, the material that may be placed by the Government in their hands for consideration may prevent them from offering such fruitless criticism as the one that I have ventured to point out. I hope Members on the Treasury Benches will realise that we on this side who take such a strong attitude occasionally on Bills do so not because we do not believe in certain things, but we feel that while we believe in certain things, procedure also is very important and should be observed. The end never justifies the means. It is much better to allow ten people who are guilty to escape rather than punish one person who is not guilty. This is the maxim quoted by the great Lord Chancellor, and I wish the Government would appreciate the wisdom of it."

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* THE HON. SRI K. MADHAVA MENON :—“ Sir, I also want to make it clear that we do not at all misunderstand or mistake the spirit in which criticisms are offered. It is necessary to warn us to be very careful when powers are taken by the Government which are likely to be abused. I can certainly assure hon. Members that we are not in any way misunderstanding the criticism. In a case where a person was arrested for drunkenness and was found guilty, he was acquitted for the reason that he was arrested by a Prohibition Officer and not a Police Officer. The offence was there, but still he was acquitted. That is the reason why this Bill is brought forward.

“ I anticipated my hon. Friend, when he was searching for the Criminal Procedure Code. I know the rules under the Criminal Procedure Code which have to be observed if a search is to be made in a place where there are purdah women. Specific provisions are there in this regard. Section 34 says definitely that the provisions in the Criminal Procedure Code shall be followed. Section 165 of the Criminal Court Manual permits a police officer to search without warrant any place at any time. Section 165 (1) says—

“ Whenever an officer in-charge of a police station, or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.”

Sir, referring to the amendment of section 165, the Select Committee say—

“ Suggestions have been made that section 165 as redrafted by the Bill goes too far and that it should only permit a search to be made for something specified. We think the utility of the section would be largely impaired if effect were given to these suggestions, but we have provided a safeguard by requiring that an officer acting under sub-section (1) or sub-section (3) shall record in writing his reasons for making a search or requiring a search to be made.”

Even at the time of drafting section 165, the Select Committee thought that the section would be absolutely useless if search should be made under certain specified conditions. The search has to be made and certain precautions are usually taken. There is no case for the hon. lady Members to fear anything from this Bill. The hon. Member Dr. Lakshmanaswami Mudaliyar has a particular attachment to women in distress. That is why he was speaking about their apprehensions. There is no need to think that there is any danger in this Bill.”

* JANAB ABDUL LATIF FAROOKHI :—“ Sir, after hearing the speech of the Hon. the Law Minister, I felt that the arguments he advanced were more in our favour than in favour of the amending Bill. He said that the mischief was there. If the mischief is there, I do not understand how this amending Bill is going to add to the mischief or lessen the mischief. We thought that the mischief already there . . .

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* THE HON. SRI K. MADHAVA MENON :—“ I did not say 3-45
that the mischief is there. I only said ‘ if it was a mischief ’.” p.m.

* JANAB ABDUL LATIF FAROOKHI :—“ If it is a mischief, it is already there. Let no further mischief be added to it.

“ Then, Sir, I want to make one thing very clear on this occasion. There is a great deal of difference between my conception of Prohibition and that of the Hon. the Minister in charge of this Bill, namely, the Prohibition Minister. In my view, Prohibition is absolutely necessary but I am not prepared to grant exemptions to anybody. Therefore, I have a higher sense of morality in dealing with that question. (Sri R. Suryanarayana Rao : ‘ than ! . . . ’ I do not want to say ‘ than . . . ’, it is sufficient for me to say that I have a higher sense of morality. (Laughter.)

“ The Hon. the Minister in charge of Prohibition asked us to make our suggestions if at all we had any. I am prepared to make suggestions, but my apprehension is that those suggestions will not be accepted by the Hon. the Minister for Prohibition. However, I have to make them in order to make Prohibition a success. Sir, to me drink is a poison, but I feel it is not so to him. But I suggest that it should be made a poison for everybody without any exception. Let the Army people also not drink. Let there be no exemptions even on medical grounds. Is the Hon. the Minister for Prohibition prepared to accept these suggestions? If he is not prepared to accept them, what will be the natural course for anybody who is in charge of this portfolio? I shall leave it to the Hon. Minister himself to judge.”

* THE HON. SRI K. MADHAVA MENON :—“ All or nothing? ”

* JANAB ABDUL LATIF FAROOKHI :—“ Certainly. If you want Prohibition, make the whole State dry, make the whole country dry.”

MR. CHAIRMAN :—“ The whole State is dry enough already for want of rains.”

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THE HON. SRI N. SANJEEVA REDDI:—“ Having known that I am helpless, why should he make the suggestion, Sir? ”

MR. CHAIRMAN:—“ I do not understand the point of the Hon. the Leader of the Opposition. I believe he wants this to be retained as it is but the Army officers should also be brought within the scope of this Bill.”

* JANAB ABDUL LATIF FAROOKHI:—“ Yes, Sir. There should be no exemption. If the Government want to introduce Prohibition in the strictest sense of the term, then I say they can inflict any punishment, including sentence of death. I am prepared to accept it. If anybody drinks, let him be shot dead in public. (Interruption.) Even in public he can be shot dead. I have no objection to that course. But I am not prepared to allow anybody to search the house of any person because the Prohibition which they are advocating is not Prohibition which necessitates this sort of punishment. But if they really want to enforce Prohibition in the strictest sense of the term, then any punishment can be imposed on those who offend the law. But they are not doing it. Therefore, what is the use of searching the houses of some people and allowing some other people to drink? My conception of Prohibition is entirely different from that of the Hon. Minister. I have made my suggestions, but I know the helplessness of the Hon. Minister in regard to them. In such a helpless state, the only course open to him is not to bring in such amendments and say: ‘I am in favour of Prohibition’.”

* THE HON. SRI N. SANJEEVA REDDI:—“ Sir, I have not followed what the Hon. the Leader of the Opposition said. Evidently he wanted to show that he was not in favour of this but was still in favour of Prohibition. His conception of Prohibition, he says, is entirely different. But I say, Sir, Prohibition is Prohibition, whether it is my Prohibition or Mr. Farookhi Sahib's Prohibition. If some people drink, it should not be said that 98 per cent of the people are prevented from drinking. By Prohibition, we are benefiting the people. Why should we feel sorry if 200 of them are still drinking? It is going to benefit lakhs and lakhs of people in the State. It is no good to say that because one man is drinking, we will allow other people also to drink. It should be decided one way or the other whether the hon. Gentleman is for or against Prohibition. I am not able to understand him when he says that his conception of Prohibition is entirely different from mine simply because some Army people are allowed to drink.

Coming to the amendment proper, my Hon. Colleague Sri Madhava Menon has already replied to the points raised and I do not think the Leader of the Opposition Janab Farookhi raised any other point against this amendment. He only said that this amendment was not good for reasons which he did not want to disclose. I do not know what his reasons are.

The hon. Gentleman Sri R. Suryanarayana Rao also raised one point about tapping of trees to which I did not reply. The

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right of tapping is not given to everybody. Some people should form themselves into a co-operative society and get it registered and then under the supervision of some officers, they will be allowed to tap and convert the toddy into jaggery. We are allowing some people to tap and we are enforcing the rule strictly. With the same toddy we are preparing jaggery for lakhs of rupees every year. If a few people are abusing that privilege, they are being punished and such societies are being scrapped and the hon. Gentleman also knows that. So, tapping except by the members of a registered society is a crime and is punishable. Here and there abuse of the privilege takes place and we are taking severe action against those people.”

MR. CHAIRMAN:—“ Why should the societies be scrapped? We are only prohibiting drink.”

* THE HON. SRI N. SANJEEVA REDDI:—“ When toddy is prohibited, tapping is also prohibited. Drawing of toddy means tapping also. How can you draw toddy without tapping? It is not possible.”

MR. CHAIRMAN:—“ The object is to prevent masses of people from tapping? ”

* THE HON. SRI N. SANJEEVA REDDI:—“ Yes, Sir. There should be no difficulty in enforcing it. Some people defy the law and we are trying to enforce the rule strictly. I request that the Bill be passed.”

MR. CHAIRMAN:—“ The question is—

That the Madras Prohibition (Amendment) Bill, 1951 (L.A. Bill No. 2 of 1951) as passed by the Assembly, be read a third time and passed.”

The motion was declared carried. Dr. A. Lakshmanaswami Mudaliyar demanded a poll and the House divided as follows:—

Ayes.

- | | |
|---|--------------------------|
| 1 The Hon. Sri K. Madhava Menon. | 7 Sri M. Narayana Rao. |
| 2 The Hon. Sri C. Perumalsami Reddi. | 8 „ N. Sankara Reddi. |
| 3 The Hon. Sri J. L. P. Roche Victoria. | 9 Dr. P. V. Cherian. |
| 4 Sri K. Venkataswami Nayudu. | 10 Sri T. Purushotham. |
| 5 „ S. B. Adityan. | 11 „ N. Ramabhadra Raju. |
| 6 „ M. Narayana Menon. | 12 „ H. M. Jagannadham. |
| | 13 „ B. Veeraswami. |

Noes.

- | | |
|---------------------------------------|------------------------------------|
| 1 Janab Abdul Latif Farookhi. | 3 Dr. A. Lakshmanaswami Mudaliyar. |
| 2 Sri M. D. T. Kumaraswami Mudaliyar. | 4 Mrs. M. Hensman. |
| | 5 „ M. N. Chubwala. |

Neutrals.

- | | |
|-----------------------------|---------------------------------|
| 1 Sri H. Suryanarayana Rao. | 3 Janab K. T. M. Ahmed Ibrahim. |
| 2 Janab K. Uppl. | |

Ayes 13; Noes 5; Neutrals 3.

Thirteen hon. Members voted for the motion and five against.

The motion was carried and the Bill, as passed by the Assembly, was passed

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(4) THE MALABAR TENANCY (AMENDMENT) BILL, 1950 (L.A. BILL NO. 30 OF 1950) (AS PASSED BY THE ASSEMBLY)

4 p.m. * THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
That the Malabar Tenancy (Amendment) Bill, 1950 (L.A. Bill No. 30 of 1950), as passed by the Assembly, be taken into consideration."

This is a little bit controversial Bill which considerably affects the land tenures and the economic condition of the distressed district of Malabar. It may be asked why such a Bill should be taken up at the ~~fag end of the day~~. I may mention that I am not feeling quite well for various reasons and on that ground should have normally preferred to have this Bill taken ~~afresh~~ instead of at the end of the day. When I have chosen to introduce this Bill even now, it shows my great anxiety that I should not waste any time over this Bill and I should see that this Bill is passed and becomes law as soon as possible. I honestly feel, Sir, that this will do considerable good, materially and economically, to the district of Malabar. This House was requested by the other House to join with that House in forming a Joint Select Committee to consider this Bill. I am sure many of the Members would have received many telegrams and memoranda and complaints from many persons. One of the hon. Members of this House told me that he had received a number of complaints that the Joint Select Committee in its itinerary in Malabar did not take any sort of evidence at all and though evidence was offered, the Committee refused to hear. I am told that it is also alleged that the Chairman of that Joint Select Committee was impudent enough to express opinions definitely one way or the other with regard to the Bill and hence the cause of the landholders has considerably been prejudiced by that action of the Chairman. Sir, I happened to be the Chairman of the Select Committee."

MR. CHAIRMAN :—" I may inform the Hon. Minister that I have received some telegrams in this connection, which I am passing on to him."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I did not know that you had received telegrams. But I know the Hon. Speaker has received some telegrams which he has passed on to me. In some of these, the Hon. Speaker is asked not to give his assent to this Bill."

MR. CHAIRMAN :—" I too have been requested to withhold my consent to this Bill."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I am gratified to know that I am in good company, with you and the Hon. Speaker in this matter. Apart from these, the Hon. Chief Minister has been requested to dispense with my services altogether. Various resolutions containing such requests have been passed by various associations and bodies. Such things have been going on in this State. I want to clear the position so far as the Select Committee is concerned, whatever may be the crime that I

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have committed. I hope the Report of the Joint Select Committee is with you. I would invite the attention of the hon. Members to paragraphs 4 and 5 of this report. These paragraphs say—

4. The Joint Select Committee met on 17th October, 1st, 2nd and 3rd November, 20th, 21st, 23rd and 24th December 1950, and 4th, 5th, 6th and 20th January 1951 and subjected the provisions of the Bill to a careful scrutiny.

5. The Committee went through the numerous memoranda received by them from various associations and individuals in respect of the Bill and also examined representatives of the Malabar Landholders' Association, Chalapuram, South Malabar, Chirakkal Taluk Landholders' Association, Kurumbranad Taluk Janmi Association, Malabar Economic Development Association, Palghat Landholders' and Agriculturists' Association, Alathur, Malabar district, Kisan Congress Chirakkal Taluk Landholders' Association, Kollengode, and the West Coast Industrialists' Association, Kozhikode, and also select individuals who had offered to give evidence before it."

At one of its sittings in Madras, the Joint Select Committee decided that there was no necessity to go to Malabar at all to take any evidence as material evidence was available here itself. In Madras, itself, many of the associations and individuals who had offered to give evidence before the Select Committee had already been examined. After the oral evidence was practically over, some of the members of the Committee expressed the view that they could have a more impressive view of the various things that they had heard during the course of the evidence if they had an opportunity to see those things in the district itself. Even to some of the members from Malabar some portions might be highly technical. Naturally, those who were not Members from Malabar were rather intrigued by the tiresome terms of holdings in Malabar, like kanam, kuzhikanam, verumpattam, kanam kuzhikanam, ulkudi, kudikadappu, etc. These and similar expressions were baffling most of the Members who suggested that they should go to Malabar and see for themselves what these meant so that they might understand them if possible. However, it was definitely resolved by the Committee that it need not take any further oral evidence as was taken at Madras and only such evidence as might be given at the holdings which they proposed to visit should be taken. The Secretariat of the Legislature had published the information beforehand that the Select Committee would not take any oral evidence when the members of the Committee toured certain places in Malabar and South Kanara. In the light of these remarks, I hope the hon. Members will appreciate that the charge against the Select Committee that it refused to take evidence and all that is baseless and in many cases I must say that has deliberately been done with a view to undermining the work of the Committee.

" Sir, as for my having expressed definite opinion on this matter, it is true that when we visited various places, various memoranda were presented to us at public meetings and on other occasions. Sometimes these memoranda were read in public meetings and presented to us and those who presented these to us expected us to give some reply. I challenge anybody to show that I have expressed any definite opinion about any particular clause of the Bill. Even as a Member of the Government and as a Member of the House, I am entitled to express my own views.

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When various demands and requests were made in the several memoranda submitted to us, I only said that it was not right or possible for me to give any definite opinion on those matters.

"There are two main principles in this amending Bill. One is that the actual cultivator who cultivates and produces something on the land must get a fair share of the produce and that he must have security of tenure. What I said with regard to these is this: I cannot definitely say what the fair share ought to be as the Select Committee has to decide that. Again, I cannot say what should be the restrictions and to what extent security of tenure should be given, as the Select Committee has to take a decision on this matter also. But I can tell this much that the two basic principles, viz., those who actually cultivate and produce something on the lands must get a fair share and must have security of tenure, will be adhered to. I will try my best to see that there is no departure from these two main basic principles. That is what I have said. If this amounted to an expression of opinion one way or the other, I accept that I have expressed an opinion."

2.15 a.m. "At present, I do not want to go into the details of the work done by the Select Committee and I hope the hon. Members are in possession of the Proceedings of the Select Committee. The existing sections and the sections amended by the Select Committee have been printed in parallel columns and have been circulated to the Members for easy reference. Some changes have been made by the Select Committee and some changes have been made in the Assembly. These have also been subsequently printed and I hope the hon. Members are also in possession of these. Just now I shall take you through the main changes that have been made by the Select Committee and the other House. Sir, a number of amendments have been given notice of in this House by hon. Members, Sri Suryanarayana Rao and Sri Narayana Menon, both of whom were Members of the Joint Select Committee. There is nothing wrong in the Members of the Select Committee giving amendments. After all, in a matter like this, we cannot say whatever done by one is absolutely correct. Because conditions in Malabar are different from place to place in the same district what may appear to be correct in a portion of the district may not necessarily be so in another portion of the district or in another aspect of the matter. So, there is nothing wrong in giving amendments. On our part, we shall see whether they are reasonable amendments, whether they will be conducive to achieve better results and how far they can improve the Bill as it has come from the Select Committee and the other House.

"I will now deal with the main changes made by the Select Committee. The terms 'ulkudi' and 'kudikadappu' were not defined before. In the present Bill, we have defined these terms. This is one of the changes made by the Select Committee. The question of fixing fair rent and what should be normal produce and such other matters considerably attracted our attention. Clause 6 of the Bill as amended by the Joint Select Committee substitutes a new section for the existing section 4 of the Malabar Tenancy Act.

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In this section, in the place of the 'normal year' 'normal produce' is being defined. According to the previous Bill the fair rent of wet lands was to be fixed on the basis of the produce of each land in a normal year, and the Rent Settlement Authority had to fix a normal year for each tract. This provision suffered from the following defects:—

(1) If a particular land was not cultivated in the normal year chosen by the Rent Settlement Authority, it would not be possible to fix the fair rent in respect of that land;

(2) Even where the land was cultivated, it might be difficult to ascertain the actual yield particularly if the normal year chosen happened to be not a recent one;

(3) Even if the yield could be ascertained, it cannot be taken as indicative of the normal yield unless there was proof that the land was cultivated in the normal year with normal efficiency;

(4) Ascertainment of the produce of every holding individually would render Rent Settlement work very involved and prolonged.

In view of these defects, the Joint Select Committee felt that the attempt should be to estimate the normal produce of each class of land and not to ascertain the produce in the normal year of every individual holding. The amended Bill therefore defines 'normal produce' instead of 'normal year'.

"I now pass on to the question of the fixation of fair rent in respect of the garden lands. Clause 10 of the Bill amends section 7 of the Act which prescribed the fair rent of garden lands. Under the existing section the landlord's shares of the produce are as regards coconut trees belonging to the tenant 1/5th of the gross produce, and as regards coconut trees belonging to the landlord 2/5th of the gross produce. The Joint Select Committee has reduced these shares to 1/6th and 1/3rd, respectively.

"The landlord's shares of the produce at present, as regards areca trees and pepper vines are, in the case of trees and vines belonging to the tenant, 1/6th of the gross produce and in the case of trees and vines belonging to the landlord, 1/3rd of the gross produce. These shares have been reduced by the Committee to 1/8th and 1/4th, respectively.

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realize whether 2½ times this quantity will be sufficient to cover cultivation expenses. The entire cultivation expenses in Malabar are met by the tenant, and the landlord does not make any contribution towards this expense. One can more or less see what would be the result if the tenants were entitled to get only 1/3rd of the net produce even after deducting cultivation expenses at the rate mentioned by me. In fact, the tenants will not be left with even the straw. That would be the average case.

4-15 p.m. "In these circumstances, the Joint Select Committee decided to deduct cultivation expenses from the gross produce for calculating the net produce. We have fixed a certain quantity of paddy as constituting the cultivation expenses and this figure is subject to alteration in certain cases. We have allowed sufficient latitude to the Rent Settlement Authority to deal with this matter with special reference to local conditions. After deducting the cultivation expenses, whatever that remains as net produce will be divided equally between the tenant and the landlord. The tenant will have half of the produce. Is this too much, I ask, Sir, to be given to the tenant who bears the entire cultivation expenses, puts in his own labour and raises the crop? He gets only half of what he has himself produced. This is a great concession that has been given to the tenants. But what do I get for this in return? I am accused of helping the landlords. It is true that formerly the produce used to be divided between the tenant and the landlord in the ratio of 2:1. Sir, we have allowed certain other concessions also to the tenants. So, naturally the landlords say that if two-thirds should go to the tenant even now, it would be a case of most outrageous expropriation. It is not possible to satisfy everybody when we undertake a legislation. We are anxious to see that all are given a fair deal and I am sure that in this case we have done what is most fair in the circumstances.

"Clause 11 of the Bill amends section 8 of the Act dealing with fair rent of dry lands. Under the original Bill, the fair rent of dry lands cultivated with pepper as the principal crop was the entire pepper produce of the holding for the 12th year after the planting of the crop and of every 6th year thereafter. It was represented to the Joint Select Committee that the practice in most cases was for the landlords to collect the pepper crop every fifth year and that in view of the phenomenal increase in the price of pepper there was not any real need to give the tenant a superior advantage in this matter. The Committee accepted this view and accordingly decided that the fair rent should be the entire pepper produce of the eleventh year after the planting of the crop and of every fifth year thereafter.

"Another departure from the provision in the original Bill which the Committee has effected is in regard to fair rent of dry lands cultivated with groundnut. Fair rent for such lands was originally fixed as one-tenth of the gross groundnut produce. On a consideration of the representations made to it in this behalf, the Committee felt there was a case for raising the landlord's share from one-tenth to one-eighth of the gross produce. This proportion

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will also apply to any other crop which may be notified by the Government, in future, as a commercial crop for purposes of section 8 of the Act. Cultivation of groundnut and cotton is a rare thing in Malabar. Only in a few areas in Malabar which border on the Coimbatore district, cultivation of cotton and groundnut goes on. Compared to the rent that the landlord on the other side of Malabar gets in respect of such lands, the landlords of Malabar do not get much. It was, therefore, thought fair to raise the landlord's share in the manner I have mentioned already. Where wet lands have been converted into garden lands, we have said that whatever crop is raised on conversion, the landlord must get that rent which he would have got had the land remained a wet land.

"Sir, the question of mode of payment of fair rent was the next thing that engaged the attention of the Joint Select Committee. The provision in the original Bill was that in so far as fair rent was in kind, it should be payable in the case of wet lands, either in kind or in money at the tenant's option and in the case of garden or dry lands, in cash. There was considerable opposition from the landlords to this provision on the ground that where they were entitled to get a thing in kind, it should not be left to the tenant to pay it either in cash or in kind. There was also the complaint from the tenants that if it should be paid in kind, there would be considerable harassment by the landlords. This is a practice, Sir, widely prevalent in Malabar. The Committee considered this question and decided to take away the option given to the tenant in the original Bill to pay the rent of wet land in kind or in cash. The Committee was convinced that the grant of option contained in the original Bill would result in undoubted hardship to the large class of petty landlords in Malabar who have little or no lands in their direct cultivation and who will be forced to purchase paddy in the open market at a higher price. Another factor that the Committee took into consideration was the plight to which temples and religious institutions would be reduced in the matter of conducting their daily poojas and nivedyams. It was felt that to compel temples, etc., to purchase paddy for their daily needs in the open market would be opposed to age-old customs and popular sentiment in Malabar. But above all, the most compelling reason that weighed with the Committee was the fact that the Bill gives the tenant half the net produce as his share and that this share ought to be normally sufficient for the tenant's needs.

"Sir, clause 15 of the Bill deals with fixity of tenure. I have given notice of an amendment to this clause as approved of by the Assembly. One point that should be remembered with reference to this question is that there is considerable agitation deliberately cooked up on one side and there is hardship genuinely felt on the other. Under the original Bill, kanamdars, in cases where kanam amount advanced by them to their landlords exceeded in South Malabar sixty per cent and in the North Malabar forty per cent of the janmi's interests in the holding, were also entitled to fixity if they had been in continuous occupation of the holding for not less than 25 years. Kanamdars of this description are really mortgagees

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and not tenure holders, and there was considerable opposition to the provision on the ground that all mortgagees with twenty-five years' standing would get fixity of tenure. There was also opposition to the method of valuation of the janmi's interests in the holding laid down in the previous Bill. Under that Bill, such interests were to be valued in the case of wet lands at thirty times and in the case of garden and dry lands at twenty times, the excess of the annual fair rent over the annual assessment of the holding, as regards kanams existing on the date of the commencement of the new Act, as on that date, and as regards kanams created after such commencement, as on the date of the kanam. It was represented that the valuation of janmi's interests in accordance with this formula would result in the conversion of certain existing mortgages into kanams. The Committee worked out certain typical examples and found that pure mortgages were likely to be converted into kanams by applying the formula. It, therefore, decided that fixity of tenure to kanamdars whose kanartham exceeded in South Malabar sixty per cent and in North Malabar forty per cent of the janmi's interests in the holding, should not be given. As regards the formula for determining the janmi's holdings, I have, as I have already stated, given notice of an amendment which does not materially alter the substance of the Bill. It only ensures that mortgages are not converted into kanams.

"Then, coming to 'grounds for eviction', Sir, I may tell the House that very interesting developments are taking place in Malabar. When the Government were drawing up the original Bill, they came to a tentative decision that eviction should not be permitted under any conditions. The Government felt that the landlord's interests should not deprive the tenant of a holding which he has been in possession of for a number of years and which has been his mainstay. Having come to a decision like this, we went to Malabar. The former Minister for Revenue, Sri Kala Venkata Rao also accompanied us in our tour and we called a conference there of legislators, representatives of landholders and also the President of the Kerala Provincial Congress Committee. Important people who knew the peculiar conditions of Malabar were present and we placed our tentative proposals before them. The proposal to grant fixity of tenure to tenants under all conditions was stoutly opposed by every section of the people there. The landlords opposed it very strongly. A section of the tenants also opposed it, as in Malabar, except perhaps a dozen landlords who can be called pure janmis, all are having some janmam properties or verumpattam or kanam properties. They did not want a provision that the tenant should not be evicted under any conditions. Particularly, the President of the Kerala Congress Committee, Sri Kelappan, engaged a very learned advocate of Malabar, Mr. U. Gopala Menon who is very well conversant with matters relating to tenancy in Malabar, to place the views of the Congress Committee before the Conference. It was pointed out that the provision for eviction should be retained in order to enable the landlord to cultivate the land for his own maintenance. In deference to this wish, we modified our original decision so as to permit eviction in cases

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the landlord needs the land for *bona fide* cultivation. We also laid down certain conditions governing the grant of this concession. We said that no eviction should be ordered if the tenant had been in continuous possession of a land for more than twelve years and if such eviction should reduce the extent of his holding to less than five acres. We also said that the option to take over the land from the tenant should be exercised by the landlord within five years from the date on which the new Act comes into force. Sir, I mention all these facts only to show how far political differences can go. Sri Kelappan who was then the President of the Kerala Provincial Congress Committee is also the President of the Congress Democratic Front in Malabar. (Sri R. Suryanarayana Rao: 'The new party you mean'). Yes, Sir. The House must be familiar with the objectives of the party. As far as I know, Sir, the Democratic Front holds the view that those who differ from its views are not democratic. So far as this particular gentleman is concerned, he holds that there can only be two views on a question, the right view and the wrong view and that whatever view he takes is the right view and that every other view is a wrong view. When we suggested that there should be no eviction, as the President of the Congress Committee he vehemently demanded that there must be provision for eviction. But when we made a provision as desired by him, he issued a press statement protesting against it."

MR. CHAIRMAN:—"It is better that the Hon. Minister tells us how the opinion of Mr. Kelappan is relevant here."

* THE HON. SRI K. MADHAVA MENON:—"I will desist from mentioning his name if you think it not permissible. But an agitation is carried on for influencing the opinion of this House and it may give a wrong impression to the House that something wrong is being done. When the proposals of the Government were put down in the Bill, this person said:

'In the Bill that is published, the right of the janmi to evict the tenant is maintained if the holding is required by him *bona fide* for cultivation for his own maintenance or that of his family, except where the tenant had been in continuous occupation of the holding for not less than twelve years and if the eviction would reduce the total extent of the land in his possession to less than five acres. It is not necessary to provide that lands under occupation for not less than twelve years should not be resumed. It is unnecessary to consider the length of possession of the holding. To-day many tarwads are being partitioned. If the landlord has no sufficient resources to maintain himself and his family and if he is willing to cultivate the land himself, why should he not be allowed to evict the tenant? This requires an answer."

The answer is given. The Select Committee removed the provision which said that the tenant shall not be evicted if he had been in occupation of the holding for not less than twelve years. The Amending Act XXIV of 1949 provided that the landlord could evict the tenant if he proved that his holding was required by him for maintaining himself and his family. The agitation in Malabar

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arises out of political dishonesty, if I may say so. The complaint involved in the agitation is that the Select Committee and the House have approved a clause giving to the landlord the right to evict his tenant which is outrageous, and that there should be no eviction under any circumstances. I deal with this subject at such great length to show how people, when they change their opinions, mislead other people even in matters involving the material advancement of a district for political ends."

MR. CHAIRMAN :—" I did not object to it. I only wanted to ascertain the relevancy of it."

* THE HON. SRI K. MADHAVA MENON :—" Some people change their opinions as often as they change their clothes. The House has been informed by telegrams that, if the provision giving the right of eviction to the landlord is retained, some people are going to start satyagraha. We have given fixity of tenure to this extent that no tenant shall be evicted from his holding except where the landlord wants to cultivate the holding himself for his own maintenance and that of his family. Perhaps he has to prove to the satisfaction of the Court that he has nothing else to fall back upon. The Select Committee and particularly I have agreed to that condition for this reason. We have been advised by our legal advisers that we cannot completely take away the right of a landlord to resume his lands without any restriction under Article 19 (f) of the Constitution which guarantees the right to acquire, hold and dispose of property. I think the condition that he can resume if the holding is required *bona fide* for cultivation for his own maintenance or that of his family is a reasonable one.

" Another change made by the Committee is that every tenant is required to pay only the fair rent, whereas the relevant clause in the original Bill provided that the fair rent, or the contract rent where it is less than the fair rent shall prevail. When that was the original provision, there was an agitation by certain people in Malabar that it was not fair. This identical gentleman, Mr. Kelappan, said that the landlord must be allowed to increase the contract rent to the level of fair rent if it was less, and that the right to ask for fixation of fair rent should be given not only to the tenant but also to the landlord. There is now a tearing agitation by the same person against the original clause even though there is the restriction that the landlord can increase the difference between the contract rent and fair rent within fifteen years at the rate of one-fifteenth every year. The reason given by the gentleman in support of his former plea for raising the contract rent to the fair rent was that it would serve as compensation for the loss of income from renewal fee. That same person now says that the amendment was done by a wicked Minister for nefarious purposes! Even to-day I have received letters from very great landlords. Depravity has gone to such an extent that everything seems fair not only in love and war but also in politics.

" Another very important amendment made by the Select Committee is the protection of the interests of the cultivating tenant.

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In Malabar there is often a tier of tenants. There is janni, kanamdar, sub-kanamdar, verumpattandar and perhaps a sub-verumpattandar and so on. If any one in this tier defaults in the payment of rent, the crop of the cultivating tenant is attached. We have provided that the crop of the cultivating tenant cannot be attached if he has paid his dues to his immediate landlord, whatever may be the arrears payable by the landlord to the landlords higher up in the tier.

" The Select Committee has provided that a tenant cannot be evicted from his homestead under any circumstances, and has given him the right to pay the market price and purchase it. A homestead or kudiyruppu, even if it is under mortgage, is inviolable and the tenant cannot be evicted.

" These are the important changes made by the Joint Select Committee. I have given notice of some minor amendments to rectify the mistakes that have been found out. But one amendment is important. Now there is what is called a renewal period and a tenant can be evicted only at the end of every twelve years. Since renewal is abolished, we have provided that eviction can take place at any time. In the case of leases which expire before the commencement of this Act, landlords are given the option of eviction within one year. If they do not exercise that option within one year, the holding is presumed to have been renewed for twelve years."

SRI R. SURYANARAYANA RAO :—" The Hon. Minister may also deal with renewal fee."

* THE HON. SRI K. MADHAVA MENON :—" The Select Committee has not made any amendment with regard to it. Anyway, I will explain it.

" In Malabar there is a curious practice of renewal of kanar kuzhikanam, kanam-kuzhikanam, customary verumpattam and so on, once in every twelve years and a renewal fee is collected. Two-and-a-half-years' rent is the renewal fee. That is an inequitable exaction. I know even from my boyhood, that tenants have been clamouring for its abolition. The Bill abolishes it. Sri R. Suryanarayana Rao has given notice of an amendment that a tenant should pay to his immediate landlord a sum equal to one-twelfth of the fair rent for a period of twelve years as renewal is done normally once in twelve years or a sum equal to the fair rent divided by the number of years for which the renewal would have been by the customarily due, to compensate the loss of renewal fee. This is a matter on which tenants are feeling very keenly. It can be discussed when the amendment is taken up and I do not want to say anything more at this stage.

" The Select Committee has made a change in the matter of payment of rent. It says that rent shall be paid at the threshing floor of the tenant. There was a difference of opinion in the Select Committee, as some Members felt that it was not necessary to make a landlord go to a tenant's place to receive rent. On this subject also, Sri Suryanarayana Rao has given notice of an amendment.

[Sri K. Madhava Menon] [28th February 1951]

4.45 p.m. " My hon. friend Mr. Suryanarayana Rao was anticipated by another friend of mine (Mr. Govinda Menon) in the Assembly. He moved an amendment saying that the rent must be given at the granary of the landlord if there is one in the village, or in some other place in the tenant's village of which notice is given to the landlord. That was accepted by me. Personally I feel that this Bill will lead to considerable material improvement of Malabar.

" One of the complaints made is that we have still retained the intermediaries. On the face of it, it may be true. Whether the intermediaries can be removed, by a stroke of the pen in the face of Articles 19 and 31 of the Constitution, is a debatable point. If we fix the fair rent for the tenant and give him fixity of tenure, it does not matter if there are any number of intermediaries. So long as the cultivator is assured of his fair rent and is given fixity of tenure, any number of intermediaries above him will not affect the tenant's position. It does not matter if there are half a dozen intermediaries. When we fix that half the net produce should go to the tenant, and the other half is to go to the many intermediaries, the intermediaries will disappear in course of time. They will be getting less than what they were getting before. But so far as the progress of cultivation is concerned, we have assured fixity of tenure to the tenant and fixed the fair rent due to him. I request the House to take the Bill, as passed by the Assembly into consideration. This Bill is in the interests of the country in general and it is in the interests of all."

MR. CHAIRMAN :—" Motion moved—

"That the Malabar Tenancy (Amendment) Bill, 1950 (L.A. Bill No. 30 of 1950), as passed by the Assembly be taken into consideration."

SRI M. NARAYANA MENON :—" Sir, I will not be able to finish my speech to-day. We may rise now and meet to-morrow."

MR. CHAIRMAN :—" The House will now rise and meet at 12 noon to-morrow."

The House then adjourned to meet again at 12 noon on Thursday, the 1st March 1951.

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THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 1st March 1951.

The House met in the Council Chamber, Fort St. George, at 12 noon, Mr. Chairman (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Educational concessions to dependants of ex-servicemen.

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

(a) whether children and dependants of ex-servicemen were entitled to some educational concessions, and if so, what they were;

(b) whether those concessions have been withdrawn since July 1949;

(c) whether the Government have received representations that such withdrawal has adversely affected most of the children who were at school;

(d) whether the Government were not defraying the expenditure relating to those concessions out of the Post-war Services Reconstruction Fund;

(e) what the amount to the credit of this Fund is and whether its resources are augmented by grants from any source;

(f) whether at present the expenditure in respect of educational concessions is defrayed out of the fund; and

(g) the constitution of the Fund Committee and the authority sanctioning the educational concessions and disbursing the grants?

THE HON. SRI K. MADHAVA MENON :—“(a) Yes. They were entitled for the concessions mentioned below :—

(i) exemption from tuition and other special items of fees such as fees for medical inspection, physical training and games, the use of library, laboratory, etc., in all grades of educational institutions, elementary, secondary and collegiate (arts and professional);

(ii) an allowance for each pupil or student for the purchase of books, etc., on the following scale :—

Elementary schools—

	RS.
Lower Elementary standards (Standards I to V)	5
Higher Elementary standards (Standards VI	

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Secondary schools—

	RS.
Primary departments	5
Middle school forms (Forms I to III) ...	10
High school forms (Forms IV to VI) ...	20

Arts colleges—

Intermediate course	40
Degree course	50

Professional colleges and schools—

Actual cost of books purchased.

(iii) exemption from the payment of the examination fee for the S.S.L.C. Public Examination and other public examinations conducted under the authority of the Government, provided that the student concerned held the fee concession mentioned in (i) above;

(iv) grant of scholarship to the children and dependants of deceased and incapacitated soldiers;

(v) facilities for training of young wives and widows of soldiers.

“(b) Yes.

“(c) Yes.

“(d) No.

“(e) The Madras share in the Post-war Services Reconstruction Fund constituted by the Government of India and allotted to this State is approximately Rs. 1,87,56,155. Contributions from Central and State Governments and from other persons or bodies may be added to the Fund. The Fund will, however, be extinguished in 25 or 30 years.

“(f) Yes.

“(g) The Fund Committee is constituted with His Excellency the Governor of Madras as the Chairman in his personal capacity and five members, four of whom are nominated by His Excellency the Governor in his personal capacity and the fifth by the Commander-in-Chief. The authority sanctioning the educational concessions is the Committee but the grants are actually disbursed by the Education Department.”

SRI R. SURYANARAYANA RAO :—“ May I ask, Sir, whether the Government have any idea of augmenting the fund in order that the concessions may be available to children at least till they complete their education? ”

THE HON. SRI K. MADHAVA MENON :—“ That question will arise when the funds are exhausted.”

Distribution of improved seeds of paddy and millets under the Intensive Cultivation Scheme.

* 157 Q.—SRI K. MANATHUNAINATHA DESIKAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the target fixed in the Intensive Cultivation Scheme regarding distribution of improved seeds of paddy and millets; and

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(b) the quantity distributed by the Agricultural department in each year from 1946 to 1950?

THE HON. SRI A. B. SHETTY :—“(a) There were no definite targets fixed for the distribution of seeds under the old five-year Grow More Food plan prior to 1949-50. Only acreage targets for seed farms were fixed as shown below :—

Year.	Paddy.	Millets.
	ACS.	ACS.
1947-48	31,760	19,740
1948-49	44,260	17,647
1949-50	44,260	7,937

But during 1949-50, under the three-year plan, the following targets for distribution of seeds were fixed :—

	TONS.
Paddy	7,086
Millets	72

“(b)

	1946-47.	1947-48.	1948-49.	1949-50.
	TONS.	TONS.	TONS.	TONS.
Paddy	12,540	9,081	7,939	6,109
Millets	57	101	84	106

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Government are satisfied with the amount of improved seed distributed, especially in regard to millets, taking the acreage under millets in the State into account and, if not, have the Government taken active steps to see that more improved seeds are distributed? ”

THE HON. SRI A. B. SHETTY :—“ There are difficulties experienced on account of adverse seasonal conditions and the removal of rural procurement in the deficit and self-sufficient districts. With regard to paddy seeds, steps are being taken to procure as much as possible from surplus districts. There are two new features tried this year. Improved paddy seeds are being distributed by select seed-farm ryots in five districts on a commission basis of Re. 1 per bag. Exchange of improved seeds for ordinary local seeds is, as an experimental measure, being tried in four districts to meet the needs of small ryots.”

SRI R. SURYANARAYANA RAO :—“ May I draw the attention of the Hon. Minister to the fact that my question relates to millets and not paddy? ”

THE HON. SRI A. B. SHETTY :—“ In regard to millets also, attempts will be made to procure a larger quantity of improved seeds.”

SRI K. MANATHUNAINATHA DESIKAR :—“ May I ask, Sir, what is the acreage fixed for one ton of seeds? ”

THE HON. SRI A. B. SHETTY :—“ I am not in a position to give the information.”

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*Sale of milk from the Government Dairy Farm at
Visakhapatnam.*

* 158 Q.—SRI C. VEERABHADRA RAO: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of buffaloes and cows that are now in the Government Dairy Farm at Visakhapatnam and the quantity of milk derived from them per day, the selling price of milk per pound and the system of supply to consumers in the town of Visakhapatnam;

(b) whether the Government have received any suggestions from the public in the town for opening an office in the town for selling of coupons and to increase the number of centres for selling milk in the town; and

(c) the action taken by the Government in this matter?

THE HON. SRI A. B. SHETTY:—“(a) There are 429 she-buffaloes of which 288 are dry now, and no cows in the dairy cum bull farm at Visakhapatnam. The average quantity of milk derived per day is about 1,600 lb. The selling price of standardized milk is 5½ annas per lb. since 1st October, 1950. The milk is supplied to consumers in the town of Visakhapatnam on payment of cash or on production of coupons which are sold in advance to customers in books sufficient to last for a month at a time calculated on the quantity of milk taken by them daily.

“(b) Yes, some petitions have been received suggesting among others (i) the opening of an office in the town for selling coupons; and (ii) to increase the number of centres for selling milk in the town.

“(c) (i) Tickets are only issued to bona fide customers who have been registered on written application furnishing full addresses. It is more convenient for customers and the dairy alike to have the renewal coupons issued at the van. No separate office is considered necessary.

(ii) There are already three centres at which the milk is sold, and the question of opening one more centre by reducing the time-limit fixed for the stoppage of milk van in the existing three centres for the distribution of milk is under consideration.”

SRI C. VEERABHADRA RAO:—“May I know, Sir, whether the Government intend to bring more cows and buffaloes to that farm in future?”

THE HON. SRI A. B. SHETTY:—“We have got sufficient number of buffaloes. We have purchased a large number last year. It is not proposed to have cows in that farm.”

SRI C. VEERABHADRA RAO:—“The present supply of milk is not sufficient. So, may I request the Government to keep more buffaloes to meet the milk requirements of the people?”

THE HON. SRI A. B. SHETTY:—“The co-operative milk supply union is supplying milk there.”

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SRI R. SURYANARAYANA RAO:—“May I ask, Sir, whether it is the idea of the Government to convert the dairy into a cattle farm later?”

THE HON. SRI A. B. SHETTY:—“Sir, it is a dairy cum bull farm.”

SRI C. VEERABHADRA RAO:—“May I know, Sir, whether the price of milk in other farms is much lower than that of Visakhapatnam? Is there no change for reduction of the rate?”

THE HON. SRI A. B. SHETTY:—“The rate was raised since 1st October 1950, as the price of local milk was higher then. The price of the dairy milk cannot be considered high, because it is good milk. There is great demand for the dairy milk.”

SRI M. NARAYANA RAO:—“May I know, Sir, whether the farm is working at a profit or loss?”

THE HON. SRI A. B. SHETTY:—“It is yet to be seen.”

SRI S. B. ADITYAN:—“I see that a large number of she-buffaloes are dry. Are they over-aged, or what else is the reason?”

THE HON. SRI A. B. SHETTY:—“They are not over-aged. The best possible selections have been made.”

SRI C. VEERABHADRA RAO:—“Will the Government consider door-to-door supply of milk, Sir?”

THE HON. SRI A. B. SHETTY:—“No, Sir.”

SRI C. VEERABHADRA RAO:—“Is it not better to supply milk from door to door so that all people may have facilities to get milk?”

THE HON. SRI A. B. SHETTY:—“It requires more staff, and it will involve more expenditure.”

DR. SYED TAJUDDIN:—“Are the Government aware, Sir, that soya bean milk would greatly ease the milk situation?”

THE HON. SRI A. B. SHETTY:—“A separate question may be put, Sir.”

SRI R. SURYANARAYANA RAO:—“Seeing that this farm seems to have too many dry buffaloes, may I ask, Sir, whether there is any proposal to start artificial insemination in this dairy farm?”

THE HON. SRI A. B. SHETTY:—“We are having artificial insemination centres in three places, and it is proposed to extend it to two more centres in the course of the next year. When we get more experience, and if the necessity should arise, more centres will be opened.”

JANAB K. UPPI:—“May I ask, Sir, whether this is a commercial farm or a research farm?”

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THE HON. SRI A. B. SHETTY :—" It is not a commercial farm."

DR. SYED TAJUDDIN :—" Do the Government know that artificial insemination can be practised on plants also? "

THE HON. SRI A. B. SHETTY :—" I do not know what the hon. Member means exactly. If he explains, I may be able to answer."

SRI R. SURYANARAYANA RAO :—" If it is not a commercial farm, and if it is not a cattle farm to improve the breed of the cattle, what is the purpose of this dairy farm in Visakhapatnam? "

THE HON. SRI A. B. SHETTY :—" The idea is to make it more or less a purely buffalo breeding farm. When we keep buffaloes, we get milk, and we sell that milk. It is also proposed to make it a dairy cum bull farm."

Subsidy for wells in West Godavari.

* 159 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the amount given to the West Godavari district for subsidizing wells;

(b) how it has been distributed between the various taluks;

(c) whether it is a fact that the demand from ryots from Eluru, Chintalapudi and Kovvur taluks could not be met fully; and

(d) whether any further allotment is proposed to be given to the above taluks?

THE HON. SRI H. SITARAMA REDDI :—" (a) Rs. 83,000.

	RS.
"(b) Kovvur taluk	17,000
Polavaram taluk	16,500
Tadepalligudem taluk	16,500
Eluru taluk	16,500
Chintalapudi taluk	16,500
	83,000

"(c) Yes.

"(d) No."

2-15 p.m. SRI M. NARAYANA RAO :—" May I know what amount the West Godavari district will get next year? "

THE HON. SRI H. SITARAMA REDDI :—" I cannot answer off-hand. I should like to suggest that the hon. Member may put a separate question, because next year the proposal is to extend the well subsidy scheme only to those areas where it is likely to be of the greatest benefit."

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SRI M. NARAYANA RAO :—" May I know whether there are a large number of applications pending disposal? "

THE HON. SRI H. SITARAMA REDDI :—" Yes, well subsidy applications have been pending in every district. In fact, we have not been able to give subsidy to all those who have asked for it. Certain amounts were allocated to each district and that was the target."

SRI R. SURYANARAYANA RAO :—" If the Government propose to extend the well subsidy scheme to those areas where it is likely to yield better results, may I know whether they have selected localities or districts where they propose to try the experiment in 1951-52? "

THE HON. SRI H. SITARAMA REDDI :—" We have selected certain districts and taluks to which it is to be extended and decided the amounts to be given. That is why I said that a separate question might be put and I would be able to answer it."

SRI R. SURYANARAYANA RAO :—" May I know whether West Godavari is one of those districts? "

THE HON. SRI H. SITARAMA REDDI :—" I am not sure about it."

SRI C. VEERABHADRA RAO :—" May I know whether it will be extended to Visakhapatnam? "

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

SRI M. NARAYANA RAO :—" Has any new condition been included for eligibility for the grant? "

THE HON. SRI H. SITARAMA REDDI :—" The only new condition is that this well subsidy scheme should be extended only to those areas where it is likely to yield the maximum benefit from the 'Grow More Food' point of view."

SRI M. NARAYANA RAO :—" May I know what the definition of maximum benefit is? "

THE HON. SRI H. SITARAMA REDDI :—" It is well known."

MR. CHAIRMAN :—" Will the Hon. Minister be able to give the names of the districts to which the scheme will be applied? "

THE HON. SRI H. SITARAMA REDDI :—" I suggest to one of the hon. Members to put a short notice question so that I may be able to furnish the information."

MR. CHAIRMAN :—" I am asking you for the information."

THE HON. SRI H. SITARAMA REDDI :—" I shall try to get the answer, Sir. But to-day is a holiday for the departments and that is the difficulty."

MR. CHAIRMAN :—" Doesn't matter. You can give the information day after tomorrow."

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Financial aid to Nature Cure Clinics.

* 160 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Health be pleased to state—

- (a) the number of Nature Cure Clinics in the State;
- (b) the number of patients treated in the respective clinics annually;
- (c) whether any of the clinics have applied for financial assistance from the Government; and
- (d) whether any aid was given or is proposed to be given to any of them?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Health):—“(a) & (b) Information is not available.

“(c) The Principal, Andhra Naturopathic Academy, Vijayavada, applied for a grant in 1946 and another application from the proprietor of the Health Home, Patamatalanka, Krishna district, was received in 1947.

“(d) No financial aid was given, nor is it proposed to give any such aid.”

SRI M. NARAYANA RAO:—“May I know whether any aid will be given to Nature Cure Clinics?”

THE HON. SRI K. MADHAVA MENON:—“I think that every cure is nature cure and all treatment only helps nature to cure the disease.”

SRI R. SURYANARAYANA RAO:—“May I know whether an application sent in 1946 in this regard was rejected?”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir.”

SRI M. NARAYANA RAO:—“May I know whether nature cure was one of the items of the constructive programme adumbrated by Gandhiji?”

THE HON. SRI K. MADHAVA MENON:—“From what I know of the constructive programme adumbrated by Gandhiji, I do not think nature cure was one of the items of that programme. That was, of course, one of the things which he advocated and which might be good in many cases. But even nature cure is only some sort of treatment. For example, my friend may advocate mud poultice where the allopath may prescribe mustard poultice. Both are nature cure treatment.”

SRI M. NARAYANA RAO:—“May I know whether any of the Members of the Cabinet has visited Nature Cure Clinics and expressed an opinion about the matter?”

THE HON. SRI K. MADHAVA MENON:—“I have not visited and to my knowledge, my colleagues also have not visited any clinic.”

DR. P. V. CHERIAN:—“What is meant by ‘Nature cure Clinics’?”

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THE HON. SRI K. MADHAVA MENON:—“It is very difficult for me to give an answer to such a question. What I understand is that the disease must be left to cure itself without extraneous help such as medicine and so on. It should be left to be cured by the curative power of nature like water, mud or things like that.”

DR. P. V. CHERIAN:—“Then why should they have a clinic?”

THE HON. SRI K. MADHAVA MENON:—“The question should properly be put to the questioner himself and not to me. As a matter of fact, naturopathy is something which, I should think, all doctors must know and so, Dr. Cherian will kindly enlighten us as to what exactly a clinic is and then what naturopathic clinic is.”

DR. P. S. SRINIVASAN:—“Are not ‘nature cure’ and ‘clinic’ contradictory terms?”

THE HON. SRI K. MADHAVA MENON:—“I accept my hon. Friend as an authority on the subject, because he is a doctor.”
(Laughter.)

SRI M. NARAYANA RAO:—“Is it a fact that many of the diseases that have been declared incurable have been cured by nature cure?”

THE HON. SRI K. MADHAVA MENON:—“I will be treading on very dangerous ground if I begin to answer questions about things of which I have very little knowledge. It may be that certain diseases which have not been amenable to a certain kind of treatment have been amenable to certain other kinds of treatment. It may also be that certain diseases are amenable to a certain medicine and not to others. Sometimes a certain medicine may suit some kind of constitution and not others. Therefore, when a disease is cured by a particular treatment, it cannot be said that that treatment is better than all others or will have the same effect on all.”

DR. SYED TAJUDDIN:—“Sir, the Hon. Minister said that nature cure is just like any other form of treatment and like the application of any other medicine like mustard poultice. The fact is in the case of naturopathy, no medicine is applied but of course, some external applications are made.”

THE HON. SRI K. MADHAVA MENON:—“For curing certain diseases I have seen a naturopathic physician prescribing certain leaves.”

DR. SYED TAJUDDIN:—“Then it is some other kind of treatment and not naturopathy.”

SRI M. NARAYANA RAO:—“Will the Government go fully into the question before they come to any conclusion in the matter?”

THE HON. SRI K. MADHAVA MENON:—“The Government have decided that there is no necessity for it.”

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

II.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1950 (L.A. BILL NO. 30 OF 1950) (AS PASSED BY THE ASSEMBLY)—*cont.*

* SRI M. NARAYANA MENON :—“ Mr. Chairman, Sir, it has been my pride all through my life that never have my feelings been roused at anything. But every time I go through this Bill, my feelings are roused. (The Hon. Sri K. Madhava Menon : ‘ Still waters run deep.’) But I am able to check those feelings though with adequate warmth. During the discussion of this Bill in this Council, I will also keep in mind the relationship between myself and the Hon. Minister. I knew him as a baby at the Bar while I was a little advanced and we used to meet very often. In all the elections we worked together and very harmoniously all through life. Even to-day he is my friend and I am sure he regards me also as his friend. (Interruption.) Whatever that may be, I cannot agree with him so far as this Bill is concerned. I am going to oppose on very reasonable grounds all the provisions which are imposed upon the landlords of Malabar. I want to conform myself to the provisions of the Constitution. I know the State Government has got the right to bring forward legislations with reasonable restrictions on Fundamental Rights. Remembering all these things, I shall proceed with the discussion of this Bill.

“ This Bill does not observe certain conditions which any social legislation must observe. The first thing that is required is very great circumspection on the part of the Government before the Bill is introduced. By ‘ circumspection ’ I mean a thorough enquiry into the conditions of that society in respect of which the Bill is introduced and also the requirements of those particular sections of the society which are particularly affected by it. There must also be a far-reaching enquiry with regard to the efforts of the proposed legislation on the particular section of society and also the entire society. No Bill should be presented before a Legislature which will harm one section of the community for the purpose of elevating the condition of another. A legislation may contain a provision for the purpose of elevating the depressed community, there is no harm in it. We all agree to it. But when a legislation is brought forward so as to bring down one section of the community and at the same time to elevate another section, I say that is certainly against the fundamental principles of every social legislation. We want every section of society to go up, but if a section has already gone up and another section is down, you can have provisions in the Bill so as to elevate that section without pulling down the former. Even with regard to land legislation, my submission is that that principle must be followed. Another thing to be observed with regard to social legislation is that no society should be uprooted. We have seen revolutionary legislations in France and Russia. (The Hon. Sri K. Madhava Menon : ‘ It was revolution there and not

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legislation.’) We know where France is moving now. It has never had for the last so many years a stable Government. It is always changing because there are so many conflicting views disturbing the country. People are not in a position to agree to anything definite and therefore, the Government is changing. There the legislation is based on revolution. But what do you find in the society at the time of the French or the Russian revolution? The lives of the people opposed to the revolution were not safe. Similarly, this Bill, if passed, will lead us to that kind of revolution in Malabar and we do not know whose life will be safe and whose life will be unsafe. Such topsyturvy legislations are always dangerous. (Interruption.) I cannot predict about Russia because my knowledge of that country is limited. But I can understand something about France because we are seeing the effect now. Therefore, I want the hon. Members of this House to consider the various provisions of this Bill in the light of the fundamental principles which I have mentioned and decide whether they should give their approval to this Bill or not.

“ So far as this Bill is concerned, I am not going to make mere assertions, but I am going to prove every one of my remarks. I do not want to waste the time of the House by discussing provisions in the Bill which militate against Fundamental Rights. I am not going to deal with such objections here as they can be taken up elsewhere, if necessary. That is another matter. Anyhow, I will prove to you that I have very good reasons for my observations on the various provisions of the Bill. Now there is a mist thrown around what is called the Malabar Tenure. This mist is thrown around, not by lawyers but by interested political parties. I will give you one instance. When a committee considered the question of linguistic Provinces, I was a member thereof and I think, Sir, you were also an associate member for Andhra. I think you were not present when that body visited Malabar. I know, Sir, that representation was made to the President of the Commission, Mr. Dhar, by a certain member that Malabar, even if it was a single district must be separated from the entire Province and made into a separate Province. The chief reason according to him for doing this was that Malabar had a peculiar land tenure system. Such propaganda is still going on. I tell you that there is no difference between the tenures prevailing in Malabar and in other parts of the State, except to a very small degree. I will now point out this difference in five minutes and then proceed with my criticism of the various provisions.

“ Now, let me take the term ‘ janmi ’. This term is not used in other parts of the State. This means owner of the property. But there is one difference between the owner of the property in Malabar and the owner of the property elsewhere. In Malabar, the Janmi is an absolute owner of the property, whereas it is not so in other parts of the State. This is the only difference and now it is easily understood. In other parts the landowners are primarily the ryots of the Government whereas in Malabar they are not ryots of the Government and the Government have nothing

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to do with them. But, the Government have everything to do with the landowners of other parts. This is the only difference with regard to the term 'janmi'."

MR. CHAIRMAN :—" Does it mean that they need not pay any revenue to the Government? "

* SRI M. NARAYANA MENON :—" No, Sir. They may have to pay some tax and not any revenue to the Government.

" I will now pass on to explain the meaning of another term, which you will find on many pages of the Bill and it may even appear that this Bill has been introduced only in respect of the people who are called by that term. I mean the verumpattam tenants. I think every Tamilian will know the meaning of the word ' verum '. Pattam is a Malayalam term and I am not aware of its equivalent in Tamil or Telugu. I may, however, say that verumpattam means nothing but simple lease or what may be called tenancy-at-will. If the term tenancy-at-will is understood, the term verumpattam will easily be understood. In the whole of India, this term ' tenancy-at-will ' means the same thing. There is the Transfer of Property Act, which defines tenancy-at-will. So, a tenancy-at-will and verumpattam lease are both the same and we need not be confused about this. It is the same thing throughout India and I may even say that it is the same thing in every civilized country. Verumpattam tenant means a simple lessee and nothing more. There is no fixed period for tenancy-at-will. If one wants to surrender the land at some time within two or three months, he can do so and in some cases the tenant-at-will can also be evicted. But in Malabar in the case of the verumpattam lease, the verumpattamdar has fixity of tenure in respect of his holding and cannot be evicted therefrom except under the provisions of the Act. That is the only difference.

" I will now pass on to the much disputed and misunderstood term, ' kanam '. What is a kanam and who is a kanamdar? There are no such terms anywhere else in the world except in our country, in the district of Malabar. There is a lease in favour of a particular person. At the time of the lease he gives an advance of some money to the janmi or landlord. That man is called the kanamdar to whom the landlord transfers a part of his interest in a particular property. Whenever an amount is paid and the transaction is entered into, the effect is that this man who has paid this advance amount called kanam to the janmi can retain the property generally for 12 years and sometimes according to some contract for a period of 24 years or 36 years as the case may be. But it is generally for 12 years. Within these 12 years, the janmi has no right to eject the man from the holding. After the end of the 12 years, the landlord can renew it and when he renews the lease, he is paid a fee. According to the existing Act, this is unfortunately called a fee. ' Fee ' is not a suitable term to be used here. This is an English translation of some Malayalam term and the translator has not clearly understood the term and has translated it as ' fee '. This cannot really be called a fee. It is not something like ' registration fee ', ' lawyer's fee ' and things like that.

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It is some money payable to the janmi in consideration of his having given up part of his right in a particular property. Therefore it is something which is paid in lieu of the benefit conferred upon the kanamdar by the janmi at that time. It is nothing more."

THE HON. SRI K. MADHAVA MENON :—" Is it a premium? "

* SRI M. NARAYANA MENON :—" It is not a premium. Neither it is a fee. It is something which is payable to the janmi in lieu of his having conferred some benefit on the kanamdar."

SRI R. SURYANARAYANA RAO :—" Is it a bribe then? "

* SRI M. NARAYANA MENON :—" It is not a bribe. If what we offer to God is a bribe, then this is also a bribe. We cannot treat this as lawyer's fee, registration fee and things like that. It is something more."

THE HON. SRI K. MADHAVA MENON :—" If it is treated as something offered to God, then we will be satisfied."

* SRI M. NARAYANA MENON :—" I would only like to reiterate that it is neither a premium nor a bribe, nor even a fee. It is something to which the janmi is entitled because he parts with his lands for another period of 12 years at the end of the first 12 years. When the janmi is asked to give up his rights to his property and, at the same time, made to give up or not entitled to ask for this renewal fee, then it is most unfair. As I said this renewal fee is nothing but some consideration to be paid to the janmi to which he is entitled."

* THE HON. SRI K. MADHAVA MENON :—" I would request the hon. Member to explain whether there was any principle under which this consideration was fixed before the Malabar Tenancy Act was first introduced."

* SRI M. NARAYANA MENON :—" I anticipated that point. I may tell the Hon. Minister that no principle was involved in this. Though there may not be any principle, yet the janmis were entitled to receive something in consideration of their having transferred their rights to somebody else. Here, the amount has not been fixed. There are no principles limiting the right of the janmi to receive anything that he may like. It is practically left to him to take whatever he likes. He may take a few rupees or a big amount, or he may not take anything at all. It is not as if the janmis will demand hundred thousand rupees from the kanamdar. So far as I know, no janmi will be so unreasonable as to demand such a huge amount from the kanamdar. It may be like this. If a janmi does not like a tenant for any reason unconnected with tenancy, he may say that he will not give the land to him. During the last 150 years when the British people were ruling—beyond that period we have no idea—this

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question of renewal fee was considered and they came to the conclusion that the renewal fee was something to which the janmis were entitled."

SRI T. PURUSHOTHAM :—" Sir, I want to know from the hon. Member whether the term 'janmi' is equivalent to the term 'inamdar' in the Circars."

SRI M. NARAYANA MENON :—" No, Sir."

MR. CHAIRMAN :—" I think the hon. Members may listen to Sri Narayana Menon when he explains the term 'janmi' and they can draw their own conclusions as to whether that term is equivalent to some other term or not."

* SRI M. NARAYANA MENON :—" I think the hon. Member wants to know whether this legislation is something like the legislation passed in respect of the inamdars. I say that it is something different. The inamdar is considered to be a miniature zamindar who has to collect the revenue and pay it to the Government, and for doing which he is given some concession."

MR. CHAIRMAN :—" I think that is not the point raised by the hon. Member, Sri Purushotham. There are inamdars who are entitled to both warams—melwaram and kudiwaram—in some lands. I think he referred to those people."

* SRI M. NARAYANA MENON :—" Whatever it is, I want to say that the janmis in Malabar are quite different and the Government have no right over them. The Government can tax them by legislation. There are various difficulties and implications in regard to this matter."

MR. CHAIRMAN :—" I do not think the hon. Member need explain further on the question of inamdars. Let him go on with his own point and the hon. Members may draw their own conclusions."

THE HON. SRI K. MADHAVA MENON :—" Sir, we are now more or less in the Second Reading Stage. We have to consider the Select Committee report. The hon. Member is referring to fundamental questions, and I do not know whether he is right in doing so."

* SRI M. NARAYANA MENON :—" Although I was a member of the Select Committee, the fact is that all of us in this House were not members of the Committee."

MR. CHAIRMAN :—" I think the hon. Member can go into the general question . . ."

* SRI M. NARAYANA MENON :—" I must first of all explain some of these things before we go into details relating to the clauses. Then only the hon. Members can understand the position clearly."

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(Interruption by Hon. Sri K. Madhava Menon.)

MR. CHAIRMAN :—" As this is an important piece of legislation, I do not want to curtail the speech of the hon. Member, particularly when he feels strongly about certain matters. So, let the hon. Member go on with his speech."

* SRI M. NARAYANA MENON :—" So, Sir, when we come to the question of renewal fee, we must remember that it is not merely a fee, like the registration fee or any other fee. It is a consideration paid to the janmi for parting with a certain portion of his property for a definite period of years in favour of a tenant, called the kanamdar. 12-45 p.m.

" Then, there are two or three other things which need to be explained. There is what is called the planting lease, known as kanam-kuzhikanam. This lease is just like any other lease, ordinary lease. This term existed even before, but did not find a place in any of the legislations. This simple term is one which ought to have been defined earlier. Anyway it has been done now. Under this lease, a certain person hands over his paramba or dry land to a tenant. While he hands over the land, the land might contain certain improvements effected by the landlord or the janmi. You know, Sir, what is meant by 'kuzhi'. It means deepening and planting. The land contains the janmi's plants also and the tenant is asked to plant other trees. Therefore, Sir, in a kuzhikanam lease, you will find the janmi's plants as also plants grown by the tenants. There are specific provisions in the lease which say what the tenant should pay for the trees planted by the janmi and those he will himself plant. That is all the position. These are not very ununderstandable words—kanam, kanam-kuzhikanam, etc.—but simple terms and can be understood easily. The people on the East Coast can easily understand these terms and they have understood them. But the Englishmen when they came to rule us found it difficult to understand the several terms. Investigations were made extending over a long period of years and after consultation with the Judges of the High Court and the leading politicians in the country at that time, they defined each term in the proper legal form. This was done nearly a century ago. These are the terms with which hon. Members have to acquaint themselves. If they understand these things, they will be able to judge whether the landlords are being harmed or the tenants are being hurt and for whose benefit this legislation has been brought forward.

" Let me now come to the changes sought to be effected to the existing Act under this Bill. Until the year 1929, there had been no legislation affecting the land tenures of Malabar. The first legislation was brought in in the year 1929 which is called the Malabar Tenancy Act of 1929. I cannot say that that Act effected any changes in the then existing system. It, in fact, regularized what was then existing. It recognized the rights and liabilities of the tenants as well as the landlords. There was no

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objection to that Act either from the janmis or from the tenants. It was in the year 1930 that an agitation began—I mean an intense agitation—against the British Government. The period between 1930 and 1940 was one of intense political activity. We wanted all people to co-operate with us in throwing out the foreign rule and we promised them, 'We will give you this; we will give you that; we will give you all that you want'. You will remember, Sir, that when Utharan went to fight, he promised those around him that he would bring back with him when he returned from the battle, the clothes, the jewels and the garland worn by the enemies. And after the war was won by Arjuna. . . ."

THE HON. SRI K. MADHAVA MENON :—" He promised to ladies."

* SRI M. NARAYANA MENON :—" He promised to ladies. But you have promised to both. You promised to the ladies; you promised to the males also. You promised everybody . . ."

MR. CHAIRMAN :—" I think when he went to the battle, he promised his sister, Uthara, that he would bring this and that. We call the brother and sister both as Uthara, and not as Utharan and Uthara."

MRS. MONA HENSMAN :—" Was it a free gift? "

* SRI M. NARAYANA MENON :—" We call it Parithosikam in Sanskrit. Afterwards what did they do? When Arjuna returned victorious, they made a gift of all that they brought. But what has happened here? After our battle with the British Government was won, we wanted to take away everything from others who helped us in our battle. We have no regard for the promises we made. We are ignoring all that we promised. The Government keep their word in respect of several others who did not render such active help as those who are affected by this legislation most adversely. I want to know whether it was only the tenant that helped them. Let us remember that the landlords have given us plenty of money with which we fought our battle for freedom. We must take their case also into consideration. It is not fair to go back on our promises."

" Sir, let me now take up the case of the verumpattamdar. It was decided after thorough investigation that the share of the tenant should be one-third of the net produce after deducting the cultivation expenses. For centuries that was the practice. The remaining two-thirds would go to the landlord. We cannot call this his net income, for he has to pay the land revenue and keep the property intact. (The Hon. Sri K. Madhava Menon : 'Property intact!') Yes, Sir. Suppose a portion of the land has silted up. Suppose a portion is washed away. It is his property and it is his duty to repair it. He constructs reservoirs. He constructs farm-houses. He builds cattle-shed. All these things are made by the landlord. (The Hon. Sri K. Madhava Menon : 'In your imagination.') I am glad that the Hon. the Minister

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concedes that such a thing exists in my imagination at least. But so far as he is concerned and also the rest of his lot, this thing does not exist even in their imagination. As a lawyer and as an ordinary citizen of Malabar, I know that not a single verumpattam tenant has constructed a cattle-shed or a farm-house or a reservoir by way of improvement to the land. Everything necessary is done by the landlord or the kanamdar who represents the landlord. The Hon. Minister must know that I am speaking only of verumpattam tenant. I challenge his statement. (Sri T. Purushotham : 'Who is a kanamdar?') I will come to the later . . ."

MR. CHAIRMAN :—" As I understand the whole question, a janmi is one who owns the land, a kanamdar is a man who pays a nominal fee to the janmi and gets possession of the land and a verumpattamdar is one who takes it from the kanamdar and cultivates, that is, the tiller of the soil."

SRI T. PURUSHOTHAM :—" In between the janmis and the verumpattamdars, are there not a number of intermediaries?"

* SRI M. NARAYANA MENON :—" A chain of interests is very often unnecessarily forged. They take a janmi first and then they say there must be a kanamdar under a janmi. A verumpattamdar is then attached to him so that there is a protest that all the intermediaries should go. All those existing between the Government and the verumpattamdar—the janmi and the kanamdar—must be destroyed . . . (The Hon. Sri K. Madhava Menon : 'That is not what the Bill says.') That is the propaganda that is being carried on in Malabar. I would not say that you are doing it . . ."

MR. CHAIRMAN :—" The hon. Member can be a little less warm. I would like to know if there are janmis who cultivate their lands without the aid of kanamdars."

* SRI M. NARAYANA MENON :—" Very many of them do it. Even the bigger janmis cultivate their lands. Even the Zamorin does it. He has a big farm which he himself cultivates. You know, Sir, even among the zamindars there are many who cultivate their own farms. There may be one or two exceptions here and there. Big janmis like the Kavalappara Nair also cultivate their lands themselves. The Kavalappara Nair is a sthani who gets annually twenty thousand paras of paddy by way of verumpattam rent. (The Hon. Sri K. Madhava Menon : 'My Friend also cultivates his lands himself.') Yes, Sir, though I cannot say that I belong to the class of big janmis. I am not a big janmi. I am a small landholder. It is our privilege, it is the privilege of the Malayalee to cultivate his land himself . . ."

MR. CHAIRMAN :—" It is also true that the janmi cultivates only such lands as are not given on kanam. Is it not? "

* SRI M. NARAYANA MENON :—" Such lands as are not given on kanam and also those which are not covered by

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(Sri P. Purushotham : 'Who created these janmis?') God, Sir. We claim our origin from Brahma just like Vasishta claimed his origin from Brahma"

THE HON. SRI K. MADHAVA MENON :—" My hon. Friend should not give wrong information. The janmis came in possession of the lands by conquest. They got them by the right of conquest."

* SRI M. NARAYANA MENON :—" Here again, Sir, if my statement is wrong, his statement is a misleading statement, more misleading than mine. Very many persons have purchased janmam lands in the last fifty years. The lands I own have been purchased with the money that I have earned. Even zamindaris can be purchased just as we purchase janmam rights. Even the Government's rights could be purchased and sold"

MR. CHAIRMAN :—" That is not the point. The question is how the first janmi got the land. Was it from the ruling power? "

* SRI M. NARAYANA MENON :—" No. The ruling chieftains probably came and deprived the people of their lands. We bought the lands as they were and we cannot go into the origin of things. That is why, I said, Sir, that we claim our origin from Brahma. Janmam means birthright. Kanam is a transaction and verumpattam is also a transaction. A kanamdar can remain on the land for twelve years and has therefore greater rights than a verumpattamdar who has to give up the holding at the bidding of his immediate landlord."

SRI T. PURUSHOTHAM :—" Do all janmis belong to one community? "

SRI M. NARAYANA MENON :—" There are Nambudiris, Brahmans, Nayars, Chettis, etc."

SRI T. PURUSHOTHAM :—" Originally? "

SRI M. NARAYANA MENON :—" There is no evidence about the origin."

MR. CHAIRMAN :—" Perhaps we may have to trace the history to Parasurama. He is supposed to have reclaimed the lands."

* SRI M. NARAYANA MENON :—" There is a theory that Parasurama gave lands to Brahmans. It is very difficult to verify whether it is correct or not. It is all a theory and we do not accept it. I submit that we cannot go to the origin of things."

SRI T. PURUSHOTHAM :—" I too belong to Parasurama's Gothra. In Circars only Neogi families numbering about six hundred had been granted inams. Had there been a similar thing in Malabar? "

MR. CHAIRMAN :—" While the holders of inams have got some title deed or sanad issued by the then ruling power, janmis do not claim any derivation like that. They have no title deed or sanad

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granted by any ruling power. They say that they came in possession of land by virtue of their own power. Even if all janmis were Brahmans originally, subsequently they might have sold their janmam lands to various other communities and that is how various communities are holding janmam lands now."

SRI M. NARAYANA MENON :—" For the information of my hon. Friend, I may say this. This theory of Parasurama, son of Jamadagni and Renuka, is dealt with in the book 'Heritage of India' published by one Professor Punja."

THE HON. SRI K. MADHAVA MENON :—" The author is not a professor. He is a lawyer in Mangalore."

* SRI M. NARAYANA MENON :—" I read the book without knowing whether he is a lawyer or professor. Though a lawyer, he is a professor by attainment. After quoting authorities, he comes to the conclusion that Parasurama, Jamadhagni and Renuka were all Samaritans who were ruling in the land of Samaria and Babylon. He writes about two or three Parasuramas and says that Renuka was called 'Ammam' just as we call Goddess as 'Amman'. He further says that civilization was first carried to Samaria from Malabar."

"The rent payable by a simple lessee or verumpattamdar to the landlord was determined for the first time in the Act of 1929. One-third of the net produce after allowing to the tenant the cost of cultivation and harvest was fixed as the tenant's share and two-thirds as the janmi's share. It is important to consider how the Raghavayya Committee which preceded that legislation arrived at this proportion. It examined all the old records and said that that was the customary rent. Though my hon. Friend may not agree, I feel that I am right and I can challenge anybody contradicting me in regard to it. Improvement sources was not made at the cost of the verumpattamdar. It was made by either janmi or kanamdar. The landlord, whether janmi or kanamdar whoever had leased the land to the verumpattamdar, got two-thirds of the net yield."

SRI T. PURUSHOTHAM :—" What is the rent payable by a kanamdar to his janmi? "

* SRI M. NARAYANA MENON :—" He pays a very nominal amount called 'michavaram' to the janmi. Michavaram is a permanent sum, variable at the time of renewal which is made at the end of every twelve years. At the time of renewal, a janmi can increase or decrease the michavaram or demand nothing at all. It is mentioned in the kanam document which is a registered deed. Kanamdar also is called a tenant of the janmi."

"I attach very great importance to custom. Custom in a society is not the outcome of a single man's opinion. It is really the result of the experience of ages."

MR. CHAIRMAN :—" Perhaps the tenants prefer to pronounce that word as 'kashtam'." (Laughter.)

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* SRI M. NARAYANA MENON :—" They may prefer to call it so, Sir. To a person who is unwilling to discharge his liability, it may be a 'kashtam'.

" As I said, custom is the result of experience gained for ages."

MR. CHAIRMAN :—" I do not think the Hon. Minister in charge of the Bill is unaware of the existing rights. Whether the change proposed is based on reason and does justice to the people concerned is the only point."

* SRI M. NARAYANA MENON :—" I am dealing with these preliminary points not because the Hon. Minister does not know them, but because I want the other Members of this House to understand my case. It is not a case of pleading but placing facts for consideration."

SRI T. PURUSHOTHAM :—" For the sake of opposition."

* SRI M. NARAYANA MENON :—" It is more for the sake of the hon. Member than for others, because he is putting more questions than they.

" After exhaustive investigation, various committees came to the conclusion that one-third of the net produce was the proper share of the tenant. It was not a haphazard conclusion that was adopted in the 1929 Act on the basis of the Raghavayya Committee's report. The Committee examined and took the evidence of so many people in Malabar. I was present when this evidence was taken. After exhaustive investigation, the Committee produced a very useful report.

" With regard to kanam tenure also, the Raghavayya Committee made investigation and said that renewal fee must be retained. That recommendation also was adopted in the 1929 Act.

" There was an agitation that tenants were evicted from their holdings unnecessarily. A qualified fixity of tenure was given to simple lessees or verumpattamdars. I will not mention minor grounds. The two main grounds on which a tenant can be evicted are non-payment of rent to the landlord and the need for the holding to the landlord *bona fide* for cultivation for the maintenance of himself or his family. With regard to kanams, a kanamdar can be evicted for *bona fide* cultivation. But the second ground is not mentioned in his case. (At this stage, the Deputy Chairman occupied the Chair.) If a holding is required by the landlord for cultivation for his maintenance, he can evict the kanamdar at the end of the twelve-year period. A further provision was inserted that at the end of twelve years, a kanamdar can apply to the janmi for renewal for another twelve years. It is for that renewal given by the janmi that he gets what is called renewal fee, which is the consideration for the renewal. It is a lump-sum payment for renewal for a further period. The actual amount will depend on the income likely to be derived by the tenant from

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the land. But generally janmis show some consideration and they are not as exacting as probably some of the big janmis in Sri T. Purushotham's locality are."

SRI T. PURUSHOTHAM :—" Let us have an idea. What will it be roughly for ten acres? "

* SRI M. NARAYANA MENON :—" That depends upon the kanam amount on which interest has to be paid. Roughly, renewal fee for a holding of ten acres will be Rs. 400 or 500. After the 1929 Act was passed, the agitation against the British Government intensified. In that intensification, several promises were held out to the people. As a result of the promises, when the Congress Ministry was in power in 1939, they wanted to amend the Act. The only point of agitation was for an increase in the tenant's share of the produce. The Government appointed the Kuttikrishna Menon Committee. The Committee submitted a report recommending two-thirds share to the janmi and one-third share to the cultivator. The 1929 Act fixed the renewal fee payable by a kanamdar to his janmi at $2\frac{1}{4}$ times the net fair rent. The Kuttikrishna Menon Committee recommended that it may be fixed at one year's net fair rent. It also said that it was not necessary to have the ceremonial of renewal thereafter. They said that half of the renewal fee calculated as stated above is to be paid by the kanamdar to the janmi every year along with michavaram. After all these things were done, the Government probably wanted a more thorough and scientific examination of the proposals made by the Kuttikrishna Menon Committee. The Government appointed a Special Officer (Mr. Raghavendra Rao) to consider these matters. He prepared a report in 1947. This was published by the Government in 1950, a copy of which has been supplied to the Members of the Select Committee. I do not know whether it was supplied to all the Members of the Legislature. In that report it is stated that instead of paying two-thirds of the net yield to the janmi, 50 per cent of the gross produce should be paid to the janmi by the tenant. As far as the kanamdar is concerned, the Special Officer was not prepared to reduce the amount below what the Act of 1929 permitted. After that this Bill has been brought in.

" Now, my first question to the Government is where did they get materials for changing the rate of rent from two-thirds to one-half. In this Bill there is a provision for reduction in the rate of rent payable by the tenant to the janmi. Instead of two-thirds it is now proposed to fix it at one-half. What is the reason for this reduction is not mentioned. I looked into the Statement of Objects and Reasons to find out the reason. There is nothing in it. I have not seen a single authoritative document or report saying that two-thirds should be reduced to one-half. This reduction is not a concession to the demands or grievances of the tenants' but a concession to the agitators in Malabar who promised so many things to the tenants as compensation for all the help they rendered to fight the Britishers. Suppose, there is a rebellion in the country, all these tenants will help to quell it. But let not Government attract them in this manner. What are the materials

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which the Government had before them to decide on this reduction? The difference between two-thirds and one-half is one-sixth. This one-sixth is 25 per cent of the rent (i.e., two-thirds) that the tenant has been paying up to now. I shall give an arithmetical illustration of the whole position. Suppose, after meeting all the cultivation expenses, there are six hundred paras of paddy to be divided between the landlord and the tenant. The tenant, under this Bill, will get three hundred and the landlord also will get three hundred. Previously the tenant would be getting only 200 hundred paras and the landlord 400 paras. Now, the difference is 100 paras between what the landlord was getting previously, and what is proposed to be given to him now. (Interruption.) I will come to the revenue affair later. In addition to the one-half of the net produce, there is the straw which the tenant gets. There are so many advantages for the tenant who is in actual possession of the property. He can raise other crops, vegetables, and so on. He can grow tobacco or cotton and get all the benefit to himself. I ask the Government to consider whether it is reasonable to interfere with the landlords who were enjoying certain rights. A family which was getting 400 paras of paddy would now get only 300 paras. The landlord cannot enter the land. He will not get any other benefit than one-half of the net produce. If one-fourth of the rent which the landlord was getting previously is taken away from him now,—400 paras are now reduced to 300 paras—I ask, Sir, what will become of the landlord in these days of high prices and blackmarkets. There is blackmarketing in grains and in all other articles.

THE HON. SRI K. MADHAVA MENON :—“ Does my hon. Friend suggest that blackmarketing will increase if the rent is reduced? ”

* SRI M. NARAYANA MENON :—“ That is not my reasoning. I can afford to be logical and my logic is that if rent is reduced in these blackmarket days, how is the landlord to get on? His income is sought to be reduced. The cost of living has gone up considerably. Coconut oil, for which we were previously paying only Rs. 4-8-0 per tin, we have to pay Rs. 45 now. The price has increased ten times. The price of pepper is very high. For four annas one will get only a few grains of pepper.”

THE HON. SRI K. MADHAVA MENON :—“ Pepper is not eaten.”

* SRI M. NARAYANA MENON :—“ Pepper also we have to eat. We have to take it along with food. It is very necessary. Therefore my point is that in these days, Government should not reduce the rent payable to the landlord. The Government's argument for the reduction is that if one community goes down (i.e., landlords) another community comes up. In every social legislation, the Government should see that no community goes down in preference to another. The landlord community, especially the middle classes, will disappear in course of time. Evidently the

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Government want to have another community of middle classes. I say that this intervention on the part of the Government is really uncalled for and is against the interests of the country, and in fact against the Constitution.

“ I have already said, Sir, that the renewal fee was $2\frac{1}{4}$ times the net fair rent. I have to make a departure here from the tenor of my argument. This $2\frac{1}{4}$ times was found to be a little too high for the kanamdar, because what he was getting would not enable him to pay that much. This $2\frac{1}{4}$ times was not the amount which the jannmis were getting before the introduction of the 1929 Act. They were getting renewal fees on the basis of kanam or on the basis of income and so many other things. The jannmis were never so exacting. But when the law gave them $2\frac{1}{4}$ times they were collecting actually more than they were collecting before. I know from personal experience of certain jannmis that the renewal fees collected by them under the 1929 Act were more than what they were getting before. The Act was to the advantage of the jannmis. The claim now made is that instead of $2\frac{1}{4}$ it should be put at 1.”

THE HON. SRI K. MADHAVA MENON :—“ Whose claim it is? ”

SRI M. NARAYANA MENON :—“ It is the claim of the kanamdar.”

THE HON. SRI K. MADHAVA MENON :—“ I have never heard of one kanamdar agreeing to pay renewal fee.”

SRI M. NARAYANA MENON :—“ Every honest kanamdar is prepared to pay that. It is unfair not to pay the renewal fee. The landlord also must get it.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, we did not have even one witness to say that the kanamdar was prepared to pay renewal fee.”

* SRI M. NARAYANA MENON :—“ Hundreds of people have said so. The Palghat Bar Association sent up a memorandum. The memorandum stated that there the kanamdars should be made to pay renewal fee. Some of them who are kanamdars agreed to pay one year's net fair rent as renewal fee.”

THE HON. SRI K. MADHAVA MENON :—“ My hon. Friend is the President of the Palghat Bar Association. The view expressed in the memorandum is that of the Association and not that of the kanamdars.”

* SRI M. NARAYANA MENON :—“ I should inform the Hon. the Minister, that I have jannam lands and I own kanam lands also. Kanam lands fetch me nearly 6,000 paras of paddy. I do not have any verumpattam lands under a landlord. I cultivate only my own lands. I have given lands. Therefore, I am both a janni and a kanamdar. I am prepared to pay the landlord one year's net fair rent as renewal fee. Every honest kanamdar

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is prepared to pay that. The Government forget that the landlords have been feeding all their people all these years. They were cringing before the landlords. Landlords should not be treated like this."

THE HON. SRI K. MADHAVA MENON :—" It is not everywhere, Sir. It is not in my nature to cringe."

* SRI M. NARAYANA MENON :—" It is not only in my place but in the Hon. the Minister's place also. They may now say that they are independent, and the Hon. the Minister may say that he will settle what should be paid to the landlords. Because they have the power let them not treat the landlords like this. They should be shown some regard. Landlords are not treating their kanamdars with discourtesy. I never had a discourteous treatment from any janmi though I am a kanamdar of two janmis. The Government should be fair to all, and should not help one community to the detriment of another."

" Sir, I do not wish to say that the Hon. the Minister did not exert himself to ascertain facts. Nor do I blame the Select Committee. They have done their best. But the point is when once we start with a bias against the landlords, we will not consider their case impartially. I strongly object to this bias. Fairness does not dominate under these circumstances. This is what happened in the Select Committee. I shall point out one instance. The Select Committee held that the landlord has to go to the tenant's house to get his rent. As in the case of contract, generally the tenant must seek the landlord and must pay the rent. From this instance given by me, hon. Members will understand the tenor of the Select Committee. I do not blame the Select Committee. I do not accuse the Hon. Ministers Sri Madhava Menon and Sri Sitarama Reddi. The Hon. the Revenue Minister gave various suggestions at the Select Committee. All those suggestions have to be acknowledged. I do not blame him. But I only object to the bias against the landlords. There was a conference before the Select Committee met at which every party stated in emphatic terms their needs."

1-30 p.m. DEPUTY CHAIRMAN :—" It is now 1-30 p.m. Will the hon. Member continue after lunch or he will finish in one or two minutes."

THE HON. SRI K. MADHAVA MENON :—" Sir, the hon. Member has taken an hour and a half so far."

SRI N. VENKATACHALAMAJI :—" Speeches are allowed to be made for as long as possible, Sir."

JANAB K. UPPI :—" Is it in order for the Hon. the Minister to determine the time that an hon. Member should take? "

THE HON. SRI K. MADHAVA MENON :—" I only referred to the time taken by the hon. Member, Sir."

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* SRI M. NARAYANA MENON :—" Sir, I did not speak for 1-30 an hour and a half. My speech was interrupted several times. p.m. Several questions were asked and answers were given. Anyway in a matter like this I have to tell the people and our Friends here what the feelings of Malabar people are on this question. Some people carry on a false propaganda both here and in Malabar. I have to give the correct picture to the hon. Members of this House."

THE HON. SRI K. MADHAVA MENON :—" But we want to hear other hon. Members also."

SRI M. NARAYANA MENON :—" But I must be allowed enough time to say what I have got to say."

DEPUTY CHAIRMAN :—" But the hon. Member may be as brief as possible."

SRI M. NARAYANA MENON :—" Brief, of course. But let not my hon. Friend have any apprehension that I will not help him."

DEPUTY CHAIRMAN :—" The hon. Member can continue in the afternoon. The House will now rise for lunch and meet again at 2-30 p.m."

The House then adjourned.

(After lunch—2-30 p.m.)

* SRI M. NARAYANA MENON :—" Sir, I pointed out that the Government are doing a wrong thing in reducing the rate of rent from two-thirds to one half and thus injuring the landholder. This matter was raised before the Kuttikrishna Menon Committee by one Member that the rent should be reduced to one-half and the Committee came to the conclusion that it should never be reduced to one-half. I will read out for the information of the hon. Members of this House, paragraph 114 at page 31 of Volume I of their Report which runs as follows :—

" The traditional shares of the net produce followed in the present Act are one-third to the tenant and two-thirds as rent to the landlord. An alternative suggestion is that equal shares should be given to the landlord and the tenant and that the assessment should be paid out of the landlord's share. If the suggestion for equal shares were adopted, the landlord would in many cases receive a net rent representing about one per cent interest on the present value of the jantham right. We consider that this would be an inadequate return for his investment. We do not, therefore, think that there are sufficient reasons for departing from the present traditional distribution of the net produce."

Sir, this Report was published in 1940. After that nothing new has happened and I do not find any reason for changing that rate. During the period from 1940 up to now the prices of foodgrains have increased considerably. Therefore, this is not the time for reducing the rent. On the other hand, we should try to maintain the existing rates. After 1940, Sri Raghavendra Rao's investigation, on the basis of this Report, also reveals that the rent should

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not be reduced but to meet the difficulties arising from determination of the cultivation expenses, he suggests that instead of fixing two-thirds and one-third, of the net produce the tenant might give the landlord one-half or 50 per cent of the gross produce. It is a report of their own officer, Sir. If the Government had adopted that, it would have been good. But they did not do so. I do not find any record justifying the change from two-thirds to one-half or for not accepting the fixation of 50 per cent of the gross produce as suggested by Sri Raghavendra Rao. I thought the Hon. the Minister for Law would give me an answer when introducing the Bill, but even to-day he did not refer to any record or investigation saying that two-thirds must be reduced to one-half. The Kuttikrishna Menon Committee, after a good deal of consideration, came to the conclusion that half was certainly not acceptable. But now in this Bill the benefit is given to the tenant.

"The question of building reservoirs in Malabar was not thought of until the Congress Government came to power. The Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, was introduced. Section 14 of that Act runs as follows:—

'Any increase in the yield of the land or in the extent of land cultivated by reason of the supply of water from any irrigation work shall not entitle a landlord as defined in the Malabar Tenancy Act, 1929, to claim any enhancement of the rent or renewal fee payable to him nor shall such increase be taken into account in determining 'fair rent' under the Act.'

When that Bill was introduced, I objected in the Council that it was detrimental to the landlord. Further, the Government construct irrigation works not with the cultivators' money but with the money of all people and to the benefits of which all people are entitled. There is no meaning in giving the benefit to the tenant and denying it to the landlord. At that time Sri Kala Venkata Rao was piloting the Bill. (The Hon. Sri K. Madhava Menon: 'Question.') He said that from Malabar there was no cry against that legislation and that, therefore, he could not accept my objection. That was the answer given then. Now it is reintroduced here with some modifications. Under that provision, if any irrigation work is constructed, the tenant will be benefited but it will be denied to the landlord. Is it fair or proper to spend the Government money and give the benefit to one section of the people and deny it to others? It may be said that water is given for cultivation, not for a man. But, the man who owns the land and the man who uses it must both be benefited. But it is with a bias that this piece of legislation has been introduced and hence the benefit is denied to one section of the people.

"Now, let us take stock of the benefit that the tenant gets under this legislation. He gets 50 per cent increase in his profit. If he was getting formerly Rs. 200, he would hereafter get Rs. 300 and would also get the benefit of possession. He would get all the ~~share~~ and the benefit of irrigation sources. He gets fixity of tenure of a more rigorous type as against the janmi. A tenant, whether a kanamdar or a verumpattamdar, can be ejected from the holding by a janmi or a landlord only when he wants to cultivate

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the land for producing grains for maintaining himself and the members of his family. That is to say, if a man has enough money with which to purchase grains, he cannot eject the tenant from the holding, or if a man has enough paddy to maintain his family, then he cannot eject the tenant from the holding. Therefore, the landlord is given only a very restricted right to eject the tenant from the holding under this Bill. I must mention that this provision is not the work of this Government but that of the Government in 1945. They enacted the measure in that way and the present Government are following it or perhaps adding to it in the same manner. Under this Bill, every landlord cannot eject the tenant from his holding. Only the poor janmi who is not able to maintain himself except by cultivation is entitled to eject the tenant from the holding. The scope of ejection is, therefore, very limited. Even then, is the tenant satisfied? No, he still cries. He wants that under no circumstances should the landlord eject him from the holding. Sir, as the Bill was first published, I remember very well the Government or the Hon. Sri Madhava Menon, who was in charge of it, simply reproduced the Bill of 1945. When we met in Conference, the concessions given to the landlord was still further reduced. It was stated that a man who was in possession for twelve years should not be evicted from his holding. The Bill was then republished. Subsequently, there was some agitation and the clause has been amended in its present form. For all these various changes, I think the political parties in Malabar are responsible. If the Government do a particular thing, the political party in Malabar will begin to say, 'Oh, no, no. You should not do that. You should change it like this and like that.' If the Government effected some changes in their favour and introduced an amended measure, even then that party will say, 'This is not what we wanted. The Government ought not to have done like this. They should have done like this' and so on. In this manner, the Hon. Minister Sri Madhava Menon has been subjected to very great difficulties on account of the agitation of those people who are called kisans and whom I would call 'khaddar-clad communists'. These irresponsible men are responsible for the variations in the Bill from time to time.

"Today some other agitation is going on. I have been getting numerous letters from these kisan bodies and from Congress Committee members demanding that on no account the landlord should be allowed to eject any tenant from the holding. They are not satisfied with the present provisions. Now, the janmi has been deprived of the little income that he was getting by way of renewal fee. He has lost more than 25 per cent of his income from the simple leasehold. He is therefore in a most unenviable position. It may be all right in the case of the big janmis. But on account of the various discriminating provisions against the janmis, I am afraid that some of the small janmis will be wiped out completely in course of time. That is the real position. When circumstances are such, what should we do? I

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would request the Government to be a little more circumspect and look into various aspects of the question and take into consideration the different conditions under which persons of various categories are placed and then bring forward appropriate legislation, without hurting one section of the society too much to help another section of the society. The Government should regularize these things and remove the various difficulties. Even now it is not too late. The Hon. Minister can take back this legislation and wait for a few days more and introduce proper amendments and see that the janmis get at least one year's fair rent as renewal fee, and the tenants are not allowed half the net produce as now provided. I do not say that the tenants should only get 1/3rd as in the existing Act. Let them be given something more. Let the landlord be given 60 per cent and the tenant 40 per cent. In this manner we should try to satisfy both the janmis and the tenants. I agree that it is not possible to ensure the entire satisfaction of everybody. Anyhow, we should try to be fair to both parties. Let the kanamdars and the verumpattamdars be given some fixity of tenure; I have no objection to that. I agree that they should not be evicted at the whim and fancy of the janmi. But I would suggest that provision should be made for the security of payment. If payment is not made within the stipulated time by the tenant to the landlord, the janmi should be entitled to eject that tenant from the holding."

THE HON. SRI K. MADHAVA MENON :—" It is already provided there."

* SRI M. NARAYANA MENON :—" I know that. I only say that the Government should see that there is some satisfaction for everybody. I realize that we cannot aim at giving entire satisfaction for all. But there must be satisfaction dictated by reason and fairness. The Hon. Minister, as a gentleman coming from Malabar, knows these things well and he must take up the matter in all earnestness and see that there is some satisfaction for all, and thus restore peace in Malabar."

" There are one or two other matters about which I would like to say a few words. I have already referred to the absolute right of the janmis. According to the original Bill, the janmis had absolute proprietorship. When an amendment was introduced in the Select Committee removing the word 'absolute' it was objected to by some of us. Even the Hon. Minister was feeling strongly about the absolute character of janmam rights. Probably those behind him—I do not mean the political parties in Malabar—but the Members of the Government, might have wanted that this right should be clearly defined so that any legislation that they might pass hereafter or now may not be challenged by the janmis. I remember that some such suggestion was made in the Select Committee in support of the amendment. My request to the Hon. Minister is that he may alter the proposed definition and restore the original definition of the term 'janmi'. According to the existing Act, a 'janmi' means a person entitled

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to the absolute proprietorship of the land and includes a trustee in respect thereof. I do not see any reason why this should be changed. There are so many implications which will go deep into the matter. I am afraid serious complications will arise if the absolute proprietorship rights are taken away. In this connexion, I would like to inform the hon. Members that under G.O. No. 2346, Law (General), dated 29th September 1927, the then Government laid down that legislation should proceed on the basis that a janmi had full proprietary rights in the land. It was on this basis that the 1929 Act was drafted. I will presently read to you some extracts from the book, "Malabar Tenancy Act, 1929" edited by Sri C. Govindan Nair, who was Under Secretary to the Government of Madras in the Legal Department for some time."

THE HON. SRI K. MADHAVA MENON :—" I do not question all those things. I only say that is redundant."

* SRI M. NARAYANA MENON :—" Let us see whether it is redundant or not. If it is redundant, why should not the Government say so definitely and clear the position. They have not done that. That is what is mentioned in that book, Sir."

"In their reference to the Raghavayya Committee, whose proposals have led to the present Act, the Government laid down that legislation should proceed on the basis that the janmi had full proprietary rights in the land. The present definition of the term 'janmi' is in accordance with this direction of the Government. A janmi is expressly included in the definition of landlord in clause (o). He is the highest type of landlord known in Malabar. In the Bills of the Madhava Row Committee and of Dewan Bahadur (now Sir) Krishnan Nair, the term 'janmi' was not defined, obviously because no difficulty would be experienced in deciding who is or is not a janmi. The absolute proprietorship of the janmi is, however, subject to two limitations. These are (1) the liability of the janmi to pay the Government revenue as assessed at the settlement, which usually takes place once in thirty years, and the local cesses which may be leviable under law, and (2) the practice of the Government of granting waste lands on cowles, which insured a favourable assessment of the Government dues on cultivation, although the holders of cowles so introduced could be evicted by the janmi."

So, it will now be clear that the janmi has absolute proprietorship. In the Select Committee, when this question was considered, from the expressions used by the Hon. Minister, I knew what his attitude was. I knew that he really did not want to change the existing provisions. Somehow, certain forces were at work which compelled him to take a decision in their favour. I request the Hon. Minister to restore the old definition of the term 'janmi', so that peace may not be disturbed in Malabar. There is no reason why the Government should unnecessarily intervene in this matter. Even after hearing my views and the views of various Associations and public bodies, if the Government want to take away absolute proprietorship of the janmis, then I say they must pay compensation to them under the present Constitution. It may be one rupee, two rupees or anything. Let the Government evaluate the compensation on some basis and pay the janmis so that they may get the full value of their property. This is a very important matter and if the Government did not do that, it will be questioned not only here but elsewhere also."

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THE HON. SRI K. MADHAVA MENON :—" The hon. Member need not labour on that point."

* SRI M. NARAYANA MENON :—" I do not want to say anything further on this matter. I am glad that the Hon. Minister is now prepared to accept my suggestion. Although he has not expressed it in so many words, I hope he will accept my suggestion. If the Government want that both the janmis and the tenants should be satisfied and live peacefully, I request them to wait for a few more days and introduce a proper amendment."

" Sir, I will make another suggestion. This is my personal view. Let the Government give fixity of tenure to all the tenants, verumpattamdars, as well as kanamdars. But let them give the janmi the renewal fee at least to the extent of one year's net fair rent. Let them not call it renewal fee. Let us abolish that term altogether. The sentiments of some people in Malabar, it seems, are affected if it is called a renewal fee. Because, after 1947, we have become independent. I find that this independence has spread even in respect of small matters in our daily life. Let us, however, respect the renewal fee. Let us call it by some other name and give something to these janmis by way of rent or nichavaram every year. As a compensation for this, the janmis' rights to resume the lands for personal cultivation at some later date may be taken away if the Government so want. If this is done, there will be cordiality between the janmis and the kanamdars and there will be peace. Further, there will be no litigation for redemption of lands or for eviction of tenants from holdings."

* THE HON. SRI K. MADHAVA MENON :—" The hon. Member has given notice of amendments in respect of these matters. He can very well speak on them, when the amendments are taken up for consideration."

* SRI M. NARAYANA MENON :—" I am only suggesting here a principle involved. If I am allowed to explain the general position clearly now, I will briefly refer to this speech when the amendments are taken up and make short speeches on those amendments. You may rest assured that I will not take much time then. I am only enunciating a principle now which the Government should follow. So far as simple lessees are concerned, my suggestion is this. Let the rent be raised a little more. Let the tenants also enjoy the full benefits of this legislation. Let them continue to be in possession of these lands, except in cases of non-payment of rents. Let them not be ejected from the holding. But, let the Government also give some benefits to the janmis so that they may get the renewal fee as suggested by me and thus have something to fall back upon."

" With regard to the irrigation matter, I have to say a few words about the betterment fee. I know that the Government are not always in a position to find enough funds for all the irrigation projects in Malabar and elsewhere and some sort of co-operation and help from the people is required. If the Government

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apply to the people of Malabar, what would be the response? The landlords will say, 'According to the amended provisions of this Act, we are not getting any benefit. So why should we contribute anything to these projects.' In fairness to them and even under law, the Government cannot expect them to contribute anything. Whom else will the Government approach? Can they approach the tenants? Are the tenants in a position to contribute anything? The answer will be 'No.' Will the Government then withhold these projects from Malabar on the plea that Co-operation of the people is not forthcoming? No, they should not do that, because we are all people living in this State and the Government must come forward to help everybody without making any distinction. In view of all these difficulties, it will be in the interests of the Government themselves that section 14 of the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, which they are at present seeking to amend, is repealed."

" People must get the benefit of any work done to improve 3 p.m. cultivation. We in Malabar are hoping that something would be done for undertaking irrigation projects for Malabar. The landlords have done their best to get irrigation facilities for their lands. But now when something is going to come, they are denied the benefit. It is the tenants that are going to reap the benefit. The Government will say that they are the persons who pay the irrigation cess and so they will have the benefit. I am glad, Sir, that they are getting it. But why should the Government say 'No' when we the landlords are also willing to pay half of the cess? Let the tenant pay half and we shall pay half. Why not the Government adopt this course instead of making these people feel that they are neglected? It is a mistake to neglect any section of the people. The Government will not have around support then. The landlords will not be inclined to help the Government. I am speaking as a Congressman. I am out to help the Government. I am not here for patting on anybody's back in order to get votes. This is not the place for winning votes. If the Government neglect the landholders like this, they will lose the co-operation, good feeling and support of an intellectual, cultured class of people. With regard to the tenants, Sir, there are among them, janmis and kanamdars also. These people also will have no regard for this Government. They will have no sympathy for the Government. Therefore, let us be fair to all. Let the country in general prosper. Do not discriminate. This is the advice that I can give to the Government. If they pay any regard to it, it is well and good. Otherwise, let them adopt their own course. I have given notice of several amendments and when they are taken up, I shall deal with them."

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy Chairman, Sir, I am sure many hon. Members of this House will be grateful to Sri Narayana Menon for the trouble he has taken to explain the peculiar terms used in respect of the land tenures in Malabar. Sri Narayana Menon is a very clever lawyer and I have heard my friends, who have acted as judges in Palghat, say that

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he is a very clever lawyer. There is no doubt that he has amassed enough wealth as a lawyer to become a janmi. (Laughter.) (The Hon. Sri K. Madhava Menon : He has also proved it here.) He has presented the case purely from the point of view of janmis and that too much better than the representatives of janmis themselves would have done. I congratulate him on having done so. But at the same time, I must point out that I expected him, knowing him as I do, to give such facts as not to prejudice the Members of the House against the tenant.

“ Sir, I wish to deal with only a few points. Sri Narayana Menon said that this Bill would introduce many revolutionary changes. I am sure he would have read the Malabar Tenancy Act of 1929. What is it that has been done under the 1929 Act which this Bill is undoing, except perhaps extending principles governing the grant of fixity of tenure and the adoption of fair rent. There is a new provision regarding abolition of renewal fee about which I have also some views. In most matters, the Act of 1929 has practically shaken the position of the janmi. All the arguments which Sri Narayana Menon advanced to-day must have been advanced in the year 1929, if he had been a Member of the Legislative Council then. But since 1929, things have changed considerably and the legislation that is now proposed is meant to keep pace with the changes that have taken place. That is all that the Government are attempting to do. Of course, in matters of detail Sri Narayana Menon may have differences with the Government. I too have some points of view which I would express when I move my amendments. But so far as the principles of the Bill are concerned, I do not think that he should take exception. According to him the 1929 Act itself must be considered a blunder and he must protest against that. When he has agreed to the principle of fixing fair rent in respect of wet lands under the 1929 Act, I do not know why he should oppose the extension of the same principle to dry lands. Are not dry lands also lands? Are they not also the means of livelihood for the tenants? It is, therefore, no use raising a cry now that the interests of the janmi are affected. They began to be affected in 1929 itself.

“ Sri Narayana Menon referred to raising of the tenant's share of the produce from one-third to half of net produce. In the course of his speech, he said that it was customary to pay two-thirds to the landlord. He laid great emphasis on the word ‘customary’. (Sri M. Narayana Menon : ‘After meeting cultivation expenses.’) Yes. He also agreed that the janmi was liable to pay land revenue. Now let us take an instance where the land fetches 600 paras. The landlord is getting now 400 paras and the tenant 200 paras. Sri Narayana Menon will agree with me when I say that in Malabar one-third of the net produce constitutes the land revenue. This is paid by the landlord to the Government and what remains is only 200 paras for the janmi. That is the existing position. Such being the case, I do not think that the Hon. Sri Madhava Menon has done anything to the tenant inasmuch as he

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fair and, therefore, I have given notice of an amendment providing for payment of fair rent or contract rent whichever is less. Nothing has been done to the tenant at the expense of the landlord.

“ About the absolute right of the jannis, Sir, Sri Narayana Menon said something which is not quite true. I remember that the suggestion in this regard emanated from Sri Karanth and I was wondering why the Government was said to be responsible for it. If you read the proceedings of the Joint Select Committee, you will find, Sir, that it was Sri Karanth who moved that the word ‘ full ’ be substituted for the word ‘ absolute ’, or in the alternative, that the word ‘ absolute ’ be omitted altogether from the definition. The Government took the view that as the State was the ultimate landlord, there was nothing wrong in omitting the word ‘ absolute ’.” (Sri M. Narayana Menon : ‘ I was only saying that the Hon. Sri Madhava Menon hesitated to support the proposition.’)

THE HON. SRI K. MADHAVA MENON :—“ I only wanted it to be left to the free vote of the House.”

* SRI R. SURYANARAYANA RAO :—“ It was, therefore, Sri Karanth who moved the amendment and we all agreed to it. (Sri M. Narayana Menon : ‘ I do not blame the Minister at all. It was due to some others that it was accepted.’)

“ As regards eviction of tenants, Sir, whatever the Government have done is in keeping with the provisions of the 1945 Amendment Act. If there is a little change here, it is also due to the efforts of Sri Karanth. He wanted the words ‘ for purposes of residence ’ to be added. What he did only made clear the intentions of the Legislature which gave a right of eviction to the landlord. In the 1929 Act the provision was that eviction could be ordered if the landlord wanted the land for *bona fide* purposes. The High Court felt that the interpretation of the provision was liable to create hardship to the tenants and, therefore, suggested that something should be done to prevent large scale eviction of tenants. At that time, Sri Madhava Menon was in jail. The Advisers’ Government took the fact into consideration and brought forward the 1945 Amendment Act. What the Joint Select Committee did was that it did not like the Government to introduce all those ideas which the jannis and the tenants had respectively put forth in various conferences and recommended the copying of the relevant provision in the 1945 Act. Sir, the landlord has no right to evict a tenant if he does not want the land for his own maintenance or for the maintenance of any of the members of his family. Sir, the present provision will be made use of by many in Malabar where partition goes on in most of the families. Sri Narayana Menon is, therefore, wrong in saying that we have done something more than what the 1945 Amendment Act contemplated.

“ Coming to betterment contribution, Sir, Sri Narayana Menon said that the Government were depriving themselves of such contribution which the landlords would gladly come forward

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to give. Sir, the Government are going to collect betterment contribution compulsorily in all areas where the value of land appreciates by reason of the new irrigation facilities provided by them. You and I have to pay it if we stand to gain by such improvements. The Government need not, therefore, try to pacify the janmis in this regard.

"I have another quarrel with the Government, Sir. It has always been the policy of Governments to get rid of intermediaries in any business. As far as possible, any legislation relating to land tenures should deal with the intermediaries with a view to their elimination. I find, Sir, that the Hon. the Minister for Law, not because he is himself a kanamdar, has been somewhat tender to the intermediaries, under clause 28."

3-15 P.M. SRI M. NARAYANA MENON :—"Who is an intermediary according to the hon. Member?"

* SRI R. SURYANARAYANA RAO :—"Whoever is between the cultivator and the janmi. The term is defined in the Act and let the hon. Member read it."

"My object is that everything possible should be done to eliminate intermediaries without seriously upsetting the structure of society. I have suggested in an amendment that, if a cultivating tenant wants to buy the interests of an intermediary, he should be enabled to do so. He need not wait for three years consecutively before the intermediary commits default, then within a particular period apply to the court asking for the sale of the intermediary's rights and then purchase. After all, an intermediary does not contribute anything for the cultivation of the land nor a janmi like Sri M. Narayana Menon who is the owner of the land."

THE HON. SRI K. MADHAVA MENON :—"He is supporting intermediaries."

SRI M. NARAYANA MENON :—"I support justice."

* SRI R. SURYANARAYANA RAO :—"I know that he is supporting janmis as well as intermediaries. By the insertion of clauses 28 and 29, the Hon. Minister thinks that we can slowly get rid of all intermediaries. But I would like to hasten their exit as much as possible. Till the question of intermediaries is settled and till they are driven out, there will be no peace in the land for a janmi like Sri M. Narayana Menon or a cultivating tenant like Sri Govinda Menon."

"Having said all this, I would like the Hon. Minister for Law not to be carried away by the criticisms he is receiving from Malabar. I would like him to keep calm because, while delivering a speech yesterday, I found that he was unconsciously becoming emotional. People may talk anything. So long as we know that we are doing something for public good, let us not be diverted from

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DR. A. LAKSHMANASWAMI MUDALIYAR :—"Is the hon. Member very calm?"

* SRI R. SURYANARAYANA RAO :—"I am calm because I am neither a janmi nor an intermediary nor a cultivating tenant and I have no personal interest."

"I would like the Hon. Minister to examine the amendments given notice of by some of us. Our object is to improve the Bill as much as possible without antagonizing in the least the various interests affected. If I have proposed an amendment in respect of renewal fee, it is because I feel that we are taking away a valuable right of a class of persons without any compensation, which is not just and proper. Though I am not a janmi, I feel that we should not take away the right of a janmi without any compensation."

"As the Hon. Sri Madhava Menon said at the end of his speech yesterday, all of us are anxious that this Bill, when passed into law, should bring happiness and contentment to all classes of people in Malabar. There are people who can never reconcile themselves to the loss of any right. Has the Britisher reconciled himself to the loss of India? He has not. Whenever he gets an opportunity, he will try to hit us. My appeal to the hon. Members is that we should do as little injury as possible, if we cannot avoid it altogether. Let me remind them that this Bill does not do anything which has not been already done by the 1929 Act. If that Act was not extended to dry and garden lands at the time of its enactment, it was as a compromise. If we read the proceedings of the Legislative Council at the time, we will see this point. As regards the proportion of 1/8th, 1/10th or 1/16th, Members are at perfect liberty to move amendments and make out a case that the present provision is wrong. As regards fixity of tenure, there cannot be any objection for the extension of the principles of the 1929 Act."

"With these words, I support the measure."

JANAB K. UPPI :—"Mr. Deputy Chairman, I had the fortune or misfortune to be a Member of the Legislative Council when the 1929 Act was on the anvil. Though I belong to the landlord class, I supported the Bill on that occasion. If the Hon. Minister had been fair, I would have supported this Bill also. The cause for this tenancy legislation started with Moplahs. This land tenure is not a peculiarity of Malabar. In other districts also we have got lands and land tenures. There are landlords and tenants in North Malabar. Until 1925 or 1926, there was no question of tenancy reform in North Malabar. The British Rulers appointed committee after committee and special officers to find out the cause of the Moplah Rebellion. The main cause was land tenure and oppression of tenants by janmis. From records and the reports of committees, we find that there was oppression, but not as wide or as large as it was depicted to be. Anyhow, some remedy was required and the Tenants' Protection Act was passed. In 1924 some non-official Bills were brought before the Legislative Council. Later on the Government themselves appointed the

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Raghavayya Committee which went into the question thoroughly and submitted a report. On the basis of that report, the Government introduced a Bill which became Act XIV of 1930. I say that that Act was a very fair Act. Even at that time I suggested that the Government should not apply a remedy where there was no disease. In fact, the land tenures of North Malabar and South Malabar differ very considerably. Even now some of the terms used in the Bill are not properly understood by North Malabar people. For instance, when we say that verumpattamdar shall have fixity of tenure, except lawyers and those well versed in the land tenure, very few people of North Malabar understand it. The reason is that in North Malabar verumpattam means usufruct lease. In South Malabar it means lease of paddy field. When I say that kanamdar shall have fixity of tenure, they do not understand it. Kanam in North Malabar is nothing but mortgage. By a misnomer, by a decree of the High Court, that word has lost its original meaning. In North Malabar, kanamdar means a tenant who has taken a lease from a kanari. In South Malabar it means a person who has taken a lease from a janmi. Sri M. Narayana Menon and the Hon. Sri Madhava Menon will testify to my statement that in South Malabar a janmi will not recognize another as a janmi unless he has got kanam tenants under him. A man who has got only verumpattam tenants under him will not be recognized even to-day as a janmi. In North Malabar a man who leased his land on kanam tenure is supposed to be an insolvent man. If the public know that Mr. Uppi has leased his land on kanam tenure, they take it that I (Mr. Uppi) have become an insolvent. A landlord is supposed to lease his land on kanam tenure only when he is in dire need of money. Lease on kanam tenure is done very secretly. There is so much difference between North Malabar and South Malabar. (Interruption by the Hon. Sri K. Madhava Menon.) The Bill gives fixity of tenure only to small kanamdars of North Malabar, that is, kanamdars whose kanartham does not exceed forty per cent of the janmi's rights in the holding. In South Malabar there is no kuzhikattu and I do not know whether the common people of South Malabar will understand what it means. Unfortunately North Malabar is clubbed with South Malabar. Originally there was no agitation in North Malabar. The agitation that started there came from South Malabar. The South Malabar people came and held the first conference in Cannanore and set up people to agitate."

THE HON. SRI K. MADHAVA MENON :—" Sri M. Narayana Menon presided over that conference."

SRI M. NARAYANA MENON :—" The resolutions passed at that conference were very modest."

JANAB K. UPPI :—" There was only one evil at the time. If a poor landlord could not evict his time-expired tenant, he granted a demise called melcharth to another tenant over the head of the existing tenant. The Act of 1930 contains provisions dealing with melcharth, the effect of which has been to abolish melcharth. No

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landlord of North Malabar will evict his tenant from a large extent of land because the value of the improvements effected will be so much that he will not be able to pay it.

" For several other reasons the janmis might have filed suits. 3-30
They did not lose anything by giving leases. The Government r.m.
give fixity of tenure, but they do not allot to the landlords a portion of the rent. In South Malabar what has been done? For the tenants who actually cultivate the land with their own labour and capital, half the net produce is given, and the landlords get the other half. In the case of North Malabar what has been done in the case of lands which the landlords have made cultivable, and have leased them out for some consideration? The landlords are entitled to get two-fifths under the Act. The amending Bill reduces it to one-third. Up till now I was getting two-fifths. The landlord takes all the trouble to plant and grow trees. To plant coconut trees in a garden, and to bring them up to the fruit-bearing stage, is really a very difficult and hard task. Large capital has to be invested over a long period and one has to wait 12 years for the results. Such gardens are leased out either for the reason that they are far away from the place of the landlords or out of sympathy for their lessees. The tenant may be a farm-servant. But the moment, the garden is leased out, the Bill says 'the landlord is not allowed to get even half the net produce'. Up till now the tenant gave a share of the coconuts, arecanut, pepper and jack-fruits. He gave pepper if it was a mixed garden. Only one-fifth of the produce he gave. If the landlord is to pay for the tenant's improvements, he has to pay not only for coconut, arecanut and pepper, but also for jack-fruits and mango trees. He has to pay even for cashewnut trees. This has been recently included in the Improvements Act. The janmi has to pay for all this. But when it comes to a question of the tenant paying to the janmi, the janmi is denied all this. In North Malabar, the landlord is allowed fair rent. He shall not have fair rent till after five years, and then, he shall have fair rent. If the existing rent is less than the fair rent, he shall have it in 15 years, after the first five years, at the rate of one-fifteenth every year."

THE HON. SRI K. MADHAVA MENON :—" It is better than the present provision for the landlords."

JANAB K. UPPI :—" There are ever so many ways of compromise. The relations between the landlord and the tenant were conducive to come to a settlement. In spite of the Act, for the last 21 years, things have been going on smoothly to the mutual advantage of both. But on account of this amending Bill, hereafter the relations will be greatly strained, because each man will insist on his own rights. That is the position to which at any rate North Malabar has been reduced. North Malabar is clubbed with South Malabar, where the tenure is different and relations between the landlord and the tenant are also different. It is because of this clubbing, North Malabar is suffering. The Collector of Malabar, Mr. Thorne, wrote that if an Act were to

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be introduced regarding land tenures in Malabar, that Act should exclude North Malabar. Sir, this was the suggestion of an European. In North Malabar the average janmam holding is only 3 acres. In South Malabar it is 398 acres. There are statistics in the matter. In North Malabar land is so much divided, and widely distributed. There, it is not actual tenancy. Janmam lands are distributed. It will be seen from a perusal of the statistics that janmam holding is very small. I am a janmi in one village and in the next village I am a tenant. There is no question of prestige. In South Malabar it is not so. A janmi will not care to be a tenant under another janmi. So, I suggest, Sir, that in the case of North Malabar, we should have a fair share of the yield. There is no molestation of the tenant in North Malabar. We do not want the tenant to suffer. We only say 'give the janmi a fair share.' In North Malabar all the investment and all the labour are put in by the landlord. The landlord has purchased those gardens or planted the garden himself. The amending Bill seeks to give all the benefit to the tenant who has not invested anything. This is discriminatory. On the other hand in South Malabar all the labour and capital are supplied by the tenant, and there the landlord is allowed half the net produce. In one year if the tenant of South Malabar fails to cultivate, he is a loser, whereas in North Malabar even if he does not cultivate for half a dozen years, he is not a loser. He will still get his share."

* THE HON. SRI K. MADHAVA MENON :—"Coconut trees will not die in five years."

JANAB K. UPPI :—"Still the yield will be less. Do the Government say that I am entitled to only one-fifth? In South Malabar, dry land is of no value. Dry land is generally given to the tenant of the wet land for growing green manure. It is not very important to him. Converting dry land into paddy fields, investing money on them, is not attempted in South Malabar."

SRI M. NARAYANA MENON :—"Different places adopt different customs and methods."

JANAB K. UPPI :—"There is a good deal of difference between South Malabar and North Malabar. I am pleading for the kuzhikanam tenant and landlords of North Malabar. Landlords of North Malabar should get increased rent. (Interruption.) Nobody there cares to redeem. All that the landlord wants is a fair share of the yield. With these words, I resume my seat."

* THE HON. SRI K. MADHAVA MENON :—"Sir, the hon. Member Mr. Narayana Menon has made my task rather difficult. He has been more loyal than the King. Not even the landlords have put up their case so forcefully and so warmly as Mr. Narayana Menon has done. He gave us a lurid picture of how the landlord is attempted to be bled white by this Bill. Sir, this is all imaginary. Political memories are short, and evidently the memory of the hon. Member Mr. Narayana Menon, though very

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good for the lawyer in him, has been short in this respect. He said that the genesis of this Bill was that fantastic promises were made to the people when they were asked to fight the Britishers. He says that we told the people 'you fight the Britisher; the moment we come to power, we will turn earth into Heaven, etc.' He also said that now that we had come to power, we were trying to stand by our pledges to the people. Mr. Narayana Menon says that landlords also helped to fight the Britisher out of the country, and that the Government had forgotten them. He says that this Bill is brought forward only to redeem the promises held out to the tenants, and that, otherwise, there is no need for this Bill at all. He thinks that conditions are so good that there is no need for this Bill. He considers those fantastic promises were held out by irresponsible Ministers, and that this Bill would bring utter confusion and disorder in a place which is otherwise peaceful. He finally said 'If you kindly accede to the suggestions that I make, there will be peace in Malabar, otherwise there will be difficulties and no peace.' He referred to what happened in France and Russia. He said that there was revolutionary legislation in those countries. What was the result? Every Duke was butchered and killed. In Russia also the same thing happened. He said that that state of affairs was going to come in Malabar if this Bill is passed. But I pointed out that in those countries there was no legislation but only revolution. I do not think the Russian Revolution or the French Revolution was the result of a legislation. Perhaps if proper legislation had been undertaken in time and relief given to those who were suffering most, all those murders and massacres, which were luridly described by my hon. Friend, would not have taken place. I again want my hon. Friend to understand that what happened there was revolution and not legislation. (Sri M. Narayana Menon : Legislation due to revolution.) I do not think any legislation was passed in Russia. People there were shot not by legislation. (Dr. A. Lakshmanaswami Mudaliyar : Bourgeois.) They were liquidated without any legislation. So, my hon. Friend's comparison to what happened in Russia and France is a thing which I should have mentioned. I should have said that if we are not sufficiently forewarned, that kind of revolution would take place here. Because I did not do that, my hon. Friend tried to influence some Members of the House by giving a coloured picture. I am afraid he overshot the mark.

"Sir, my hon. Friend, Sri Narayana Menon, said that there was no necessity for any reduction of rent since everything was all right under the 1929 Act. But, Sir, my hon. Friend referred to some fantastic promise made. My hon. Friend also signed the Congress Pledge when he stood for election in 1936, that is, about seven years after the 1929 Act. Now, according to him, the rent is very fair under the 1929 Act. Sir, there was a definite promise in the Congress Election Manifesto that there would be a drastic reduction in the rate of rent that existed then. I do not know whether my hon. Friend had in his mind the 1929 Act when he signed the Congress Pledge or whether he believed in

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the Pledge when he signed it. All the same, he now accuses me for having believed in it. (Interruption.) It is true we have not fulfilled all the Pledges, but that does not mean that we should give up the Pledges and not do anything at all. I shall read out the relevant Pledge, Sir, which runs as follows:—

'Pending the formulation of the fuller programme the Congress reiterates its declaration made at Kar. chi that it stands for the reform of the system of land tenure, revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue.'

One-third and two-thirds were the rates at the time when this Pledge was signed. If I reduce two-thirds to one-half, my contention is that it is not even a substantial reduction. The hon. Gentleman Sri R. Suryanarayana Rao has proved that I have not made a substantial reduction, so as to induce my hon. Friend to cry hoarse that I bleed the landlord unjustly. What I felt unhappy about was this. My hon. Friend was accusing me that because of the fantastic promise that I gave, I was compelled to bring in a legislation which is most obnoxious. Sir, he signed the Pledge along with me. It was not a case of my alone doing it; he also did it. I could have understood him if he had said that we made certain promises which we found later to be not practicable. He tried to show that he never believed in them, but that other people believed in them and are trying to fulfil them. Apparently, my hon. Friend Sri Narayana Menon was less of a janmi when he signed that Pledge than he is now. Sir, he was uncharitable enough to the Congress workers to say that they were 'Khaddar clad Communists'. My hon. Friend must have included himself in that category. Having signed the Pledge, he says that I and my Friends are 'Khaddar clad Communists'. I ask, what was he when he signed it? He was no true Congressman at all but was only 'Khaddar clad'. That is my answer to him. There was no necessity for him to say all these things when we are considering the Select Committee Report. He could have very well gone into the merits of the matter and not traced my antecedents as to what I did or promised as a Congressman, forgetting what he himself did. We have not carried out all the Pledges, I agree. Does that mean that we should not do anything at all? We are trying to do something. If we do it, is it hypocrisy? If it is hypocrisy, is it on my part or on the part of my hon. Friend who abuses me?

"Sir, my hon. Friend also said that all arrears of rent would be wiped off. I have not really gone to that extent.

"Sir, in his introductory remarks, my hon. Friend referred to his relationship to me and said that a thorough enquiry should be made into the conditions of the particular society before introducing legislation. Sir, father and son may in certain matters differ from each other but still the relationship can continue. So I appreciate my hon. Friend's regard for friendship.

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Members. According to me, janmi's claim has been acquired by right of conquest. My hon. Friend was doubting it. So, I went through the evidence of the Malabar Landholders' Association given before the Kuttikrishna Menon Committee. Their evidence is to be found at page 165 of their Report. They said:—

'Bands of immigrants in the ancient days who came and cleared the jungles and settled down became the proprietors of such places and called themselves janmis. The janmam right therefore arose from original occupation and cultivation and not by any grant from any sovereign, ancient or modern. The ancient genuine documents published by Mr. Logan, who was Collector of Malabar for several years, confirm the view that the janmis were the full proprietors at all times. There is absolutely no historical basis or any evidence for assuming that the State or the sovereign, at any time, had any right in the soil in Malabar.'

(At this stage Mr. Chairman occupied the Chair.)

"About the question of renewal fee, my hon. Friend was saying that it was some sort of consideration. My hon. Friend said that the word 'fee' was a wrong term and that some Englishmen who did not understand it translated it wrongly as 'fee'. I then asked him whether it was a bribe. He was at pains to show that we were taking away the renewal fees which was a property. I know the provisions contained in Articles 19 and 31 of the Constitution relating to the right to hold property. I want to read out to the House the evidence tendered by Sri K. P. Raman Menon, who was a Member of the Legislative Assembly. He stated before the Kuttikrishna Menon Committee as follows:—

'Those bands of immigrants who opened up and first cultivated the land were the first janmis of the land. Under the Hindu law as laid down by Manu the person who first turns the land to use is its owner and thus those early cultivators were the owners or the janmis and they were the full proprietors according to the law as laid down by Manu.'

Then some questions were put by some members as follows:—

'By Sri M. Narayana Menon: The renewal fee is given out of the land. If you want to keep the land you have to pay it. There are one hundred and one ways of enforcing payment. In ancient days, the law was not so very clear. Perhaps an order of the janmi was strong enough to enforce those demands. It is something like succession duty.'

'By Sri K. Madhava Menon: My main objection to the abolition of renewal fee is that it has become a vested interest.'

'By Sri U. Gopala Menon: The renewal fee is not very high now. Before the Act it depended upon the pleasure of the landlord and many other things. Many families had to mortgage their property on account of renewals when the renewal fees were so fluctuating.'

That was the position of renewal fee. It was not a consideration. If you want to have a correct term, you can call it an exaction which destroyed many a tenant. My hon. Friend Sri Narayana Menon was very careful when he said that that obnoxious name should be given up. That is obnoxious, why? Because, the person who has to pay it is in very great danger of becoming insolvent. There is a proverb in Malayalam, "അള നിന്നു പൊളി പെഴുത്തായി" That means, "Is that not a thing which destroys you completely?" The renewal fee is like that.

"My hon. Friend said that if renewal fee was abolished, we would be offending Article 31 of the Constitution because we would be taking away property. I say it is not property as such."

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4 p.m. MR. CHAIRMAN :—" Your point seems to be that even if the lease is to be renewed, it must be on some other basis than exaction."

* THE HON. SRI K. MADHAVA MENON :—" As regards the renewal fee, I would like to read the evidence given by Sri Sundara Ayyar and others on behalf of the Malabar Landholders' Association, Chalapuram, South Malabar. I will only read extracts from their evidence. This is their opinion. 'As regards the renewal fee, the witnesses were of opinion that it should not be abolished at all as it represented the more substantial part of the income of the janmis from the land. In fact there was not much difference in principle between the income which the landlords got from the renewal fee and the income they got from michavaram.' Sir, I asked my hon. Friend, Sri Narayana Menon, on what principle or basis this fee was fixed before 1929. He evaded answering that question and I know that he cannot answer. On this point, this is what the landholders in their evidence have said. 'Up to the year 1929, the rate of renewal fee varied from year to year and even in some cases it varied from janmi to janmi in the same taluk.' The witnesses submitted that the kanam amount had no relation to the area leased or granted especially in cases of kanams for small sums."

MR. CHAIRMAN :—" I suppose the Hon. Minister will take some time to finish his speech."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I will take about ten minutes. I want to clear certain misconceptions and half-truths mentioned by my hon. Friend Sri Narayana Menon."

III.—BUSINESS OF THE HOUSE.

MR. CHAIRMAN :—" I do not want to cut down the Hon. Minister's speech. Let him take his own time. I want to know the position with regard to tomorrow's sittings, as the agenda for tomorrow has to be prepared. Some of the hon. Members have expressed the opinion that it would be better if they have one day free before the Budget discussion. So, can we adjourn today and take up further consideration of the Bill on some other day, say, on the 9th instant or so, instead of tomorrow?"

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the others will automatically go. Similarly, if one amendment is accepted, then automatically, the others also will be accepted. So, I hope to finish consideration of this Bill by tomorrow."

MR. CHAIRMAN :—" Who are the hon. Members who have given notice of amendments?"

SRI M. NARAYANA MENON :—" Sir, I have given notice of some amendments. Sri R. Suryanarayana Rao and Janab Uppi have also given notice of some amendments."

MR. CHAIRMAN :—" We meet here on the 7th instant. Why not the Hon. Minister give tomorrow for the hon. Members and take up the Bill on some other day? I think we will be able to finish consideration of the Bill in another sitting. I just want to know whether the Hon. Minister can accommodate the hon. Members in this respect."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I was rather reluctant to say even at the beginning, that I am not quite well. Even now, I am working against doctor's advice. There is something wrong with my hand and so I want to finish this Bill and take two or three days' rest before the Demand on Education is taken up for discussion in the other House. In fact that was the reason why I appealed to the shorthand-writers, who are working under very great strain, that they would be personally obliging me by working like this. This difficulty has also to be taken into consideration. Further, I have given notice of some amendments. When these are accepted, the Bill has again to go before the other House before it is finally passed. As I have already said, I want that this Bill should be passed as expeditiously as possible. In view of all these, I am sorry that it is not possible to postpone further consideration of the Bill to some other day."

II.—GOVERNMENT BILL—cont.

THE MALABAR TENANCY (AMENDMENT) BILL, 1950 (L.A. BILL NO. 30 OF 1950) (AS PASSED BY THE ASSEMBLY)—cont.

* THE HON. SRI K. MADHAVA MENON :—" Regarding the renewal fee, Sri Narayana Menon has given certain amendments. His suggestion is that one year's net fair rent should be given. He says that if this is accepted, the janmis need not be given the power to evict the tenants when they want their holdings for personal cultivation. I cannot accept this proposition. I do not think that it would be possible to provide that the landlords should give up their rights and privileges to evict a tenant from their holdings if they want those holdings for their own cultivation. The landlords do feel very strongly in this matter and one has naturally to sympathise with them. Further, I am advised that if we do that, it may offend Article 19 (1) (f) of the Constitution. Of course, there is the clause that reasonable restrictions may be imposed by the State. But I do not know whether taking away the rights and privileges which are provided in the old Act will come under 'reasonable restrictions'."

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SRI R. SURYANARAYANA RAO :—" A very bad bargain indeed! "

* THE HON. SRI K. MADHAVA MENON :—" It is not a question of bargaining. Apart from that, I am surprised that the hon. Gentleman Sri Suryanarayana Rao has also given an amendment that this renewal fee should be there. He knows full well the conditions obtaining in Malabar. Some years ago, he was working in Malabar as a representative of the Servants of India Society. He was working with us in very many matters and he had occasion to come into close contact with the people and thus know at first hand their conditions. He has given evidence before the then Tenancy Committee. In his evidence, he was very vehement that there should not be any renewal fee at all. I want to ask him, how he is now saying that renewal fee should remain."

MR. CHAIRMAN :—" I hope one can change his views as years pass."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Men grow wiser with age! "

THE HON. SRI K. MADHAVA MENON :—" It is not a question of one growing wiser. At that time, Sri Suryanarayana Rao was in Malabar and knew the conditions of the people. Now he is a little far away and so does not remember the conditions of the people in Malabar. I should say that his intelligence only is working now and not his actual experience."

SRI R. SURYANARAYANA RAO :—" The Hon. Minister can refer to these points when I move my amendment."

* THE HON. SRI K. MADHAVA MENON :—" If I refer to this point here and quote what the hon. Member has said in his evidence at that time, I am sure he may not even move his amendment. (Laughter.) Sir, one cannot explain the position in a clearer manner than Sri Suryanarayana Rao did in his evidence. This is what he has said in his evidence :

"The payment of standardized renewal fees had been legalized. The demand of renewal fee is based on the assumption that the lands have been let at very low rents and the landlords are entitled to a share of the profits earned by the tenant. When the fair rents are settled under Chapter II—Fair rents, the question of landlord sharing in the profits of the tenant would not arise. Moreover, it is opposed to all sense of justice that a landlord who does nothing to increase the profits of the tenant should come forward to demand a share in the shape of renewal fees. Renewals should be granted automatically except if any, for specified reasons."

So nobody would be justified in saying now that it is the attempt of a Utopian Minister to take away the renewal fee and all that. Even sober persons have definitely stated that this fee should be abolished.

Another argument put forward by Sri Narayana Menon is that there is no basis for reducing the landlord's share from 2/3rds to half the net produce. I want the House to realise what exactly was given to the tenants under the old Act of 1929. The janmis were getting 2/3rds of the produce after deducting the cultivation

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expenses borne by the tenant. The cultivation expenses now provided is $2\frac{1}{2}$ times the seed. I ask those hon. Members who are accustomed to cultivation and who know something of cultivation whether $2\frac{1}{2}$ times the seed will be adequate and cover all the cultivation expenses at any time, not to speak of 1929. I am told that in other areas about 60 or 70 Madras measures of paddy will be required for one acre. I only want to know whether such a low rate which was fixed under the original Act is a just rate. I am told that $3\frac{1}{2}$ bags of paddy per acre is the quantity fixed by the Government for procurement purposes. When this is so, is it fair to expect the tenants to be satisfied with this small quantity? According to the existing Act, the tenants are entitled to 1/3rd of the net produce; after deducting cultivation expenses and thus they will get only a very little quantity. What we say is this. Let the Rent Settlement Authority fix the cultivation expenses according to the conditions obtaining in various places and according to the conditions of the lands. After deducting the cultivation expenses from the produce, let the tenant take half and the janmi take the other half. With regard to the revenue also, we say that the tenant may pay half while the janmi pays the other half. By all these changes, I think the tenants will not get very much more than what they are getting at present. But it is true that they will get something more. The hon. Member Sri Narayana Menon wanted to know on what basis we have fixed this fair rent. I would like to straightaway tell him that my basis is that the cultivation expenses fixed as $2\frac{1}{2}$ times the seed were ridiculous under any conditions and are much more so under present conditions."

MR. CHAIRMAN :—" Are the Government increasing the cultivation expenses under the present provisions? "

* THE HON. SRI K. MADHAVA MENON :—" We have said that the cultivation expenses should be 22 Palghat paras, or such that the Rent Settlement Authority may fix. We have left it absolutely flexible so that the Rent Settlement Authority may find out the conditions obtaining in various places and then fix the cultivation expenses. By this provision, the tenants will be enabled to get some paddy also, whereas they were getting only straw previously.

" Sri Narayana Menon also referred to the irrigation matter. In this connection I want to raise a ticklish point.

" Sir, the Speaker of the Bombay Legislative Assembly has ruled that once a Bill has been passed into law, it should not be criticised on a subsequent occasion. (Sri M. Narayana Menon : You are trying to amend an Act passed by the Legislature.) Yes, I agree. Even Dr. Lakshmanaswami Mudaliyar was saying that to bring in an amendment to an Act was to criticise the Act itself. Sir, the provision from the Malabar Irrigation Cess Act has been copied here. It says that any benefit that accrues as a result of irrigation facilities provided by the Government will go to the tenant. We have done nothing wrong. We have simply adopted the same provision here.

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" Sir, Sri Suryanarayana Rao spoke about the intermediaries and wanted them to be got rid of. It has become more or less a fashion—or even passion—for hon. Members to say that intermediaries should go. Let not the House be under the impression that every kanamdar is an intermediary. Statistics show that about sixty per cent of the kanamdars are cultivating kanamdars and only about forty per cent are intermediaries depending on the labour of others to cultivate the lands and paying the kanam amount to the janmi.

" It was suggested that right of compulsory purchase should be given to the verumpattam tenant. Sir, this is a question which involves certain constitutional issues. How far the constitution permits such purchase is a matter which needs most careful examination. One party may have the necessary funds to purchase the land but others may not have. After all the cry that intermediaries should go is made with a view to the ultimate improvement of land. The argument advanced in favour of this theory is that it is either the tenant or the landlord alone that takes interest in the holding and the intermediary is not interested in the land as such inasmuch as he gets his michavaram from the tenant, the cultivating tenant, a portion of which he passes on to the landlord. Sir, we have decided that the man who is in possession of a land and who has been cultivating it for a long time shall have fixity of tenure. His share in the produce is definitely decided. The share of the intermediary is also fixed. It must also be pointed out here that the intermediary in respect of one land is the actual cultivator in respect of another. As far as the improvements to land are concerned, all have equal interest in the land. Their shares are so fixed that they cannot but be interested in the land. It, therefore, becomes immaterial whether it is a landlord that is in charge of cultivation or it is a kanamdar who cultivates the land. We need not very much worry ourselves about this question. We have not provided for doing away with intermediaries for, it will not be effective and nothing will come out of it. On the other hand, we may be going against the principle enunciated in Article 19 of the constitution, viz., that private properties can be acquired only for public purposes and that the Government should pay compensation in respect of such acquisitions. Here, in this case, no public purpose is involved. If the tenants are in a position to purchase, then the question of finance does not arise. Suppose we provide for a compulsory right of purchase and the tenant has no money to buy a holding. What should be the position of the Government? These are all questions which we considered in detail and we have finally decided that the intermediaries may continue. Sir, I belong to that class known as kanamdars, though I myself do not claim to possess any kanam properties. Unfortunately these people have been carrying on a propaganda and creating a false impression that the Government are trying to wipe out this middle class. In this respect, Sir, my hon. Friend, Sri Narayana Menon has overshoot the mark in making the people of Malabar believe that the janmis are sought to be wiped out. Sir,

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this legislation. The landlord is going to get his contract rent from the intermediary. The intermediary is getting his share from the tenant, though it has been reduced from two-thirds to one-half. If anybody loses, it is the intermediary and that too, only a little. But the propaganda is that the Minister for Law belongs to that class and, therefore, has helped them. In keeping with the spirit of the times, we have allowed some little benefits to the tenants and to this extent the intermediary can afford to suffer since he depends upon their labour to cultivate the land.

" In the case of kudikidappus, we have given option to the tenant to purchase the homestead. But in other cases, such a provision is absolutely unnecessary. If the intermediary finds it profitable to remain on land, he will continue to be an intermediary. If not, he goes out in course of time, so that nobody need bother about him.

" I shall then come to Janab Uppl's point that conditions in South Malabar differ from those of North Malabar. I do admit, Sir, that conditions vary from not only district to district, but from taluk to taluk also. Sri Narayana Menon will be glad if the Palghat taluk is excluded from the scope of this Bill. So also, others will be glad if their places are left out. Sir, we have adopted a *via media*, like the carpenter's average to which I have once referred in this House. All that we can do is to minimise the hardship of any section of the people and not totally remove it. If it is to be wholly removed, then it can be only at the expense of other sections."

MR. CHAIRMAN :—" The question is—

' that the Malabar Tenancy (Amendment) Bill, 1950 (L.A. Bill No. 30 of 1950) as passed by the Assembly, be taken into consideration at once '."

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

Clauses 2, 3 and 4 of the Bill were separately put and carried and allowed to stand part of the Bill.

Clause 5.

SRI M. NARAYANA MENON :—" Mr. Chairman, Sir, I move—

' Omit item (v). '

Item (v) of clause 5 seeks to define ' garden land ' as a land used principally for growing coconut trees or areca trees or both, whereas the existing definition covers all lands used principally for growing fruit-bearing trees. By taking away the words ' fruit-bearing trees ', there is one harm done to the landlords, viz., that the fair rent applicable to garden lands ceases to apply to those lands where such trees are grown . . . "

MR. CHAIRMAN :—" Are there fruit-bearing trees grown on garden lands? "

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SRI M. NARAYANA MENON :—" Yes, Sir. They must also come in for assessment as is done in the case of garden lands. Sir, between the years 1930 and 1940, very many garden lands have come into existence. On such lands mango trees, jack trees, cashewnut trees and orange trees have been grown. These trees bring in much more income than even the coconut or areca trees. In my place, Sir, one moderately good jack fruit costs five rupees. There are trees which yield about 100 or 150 fruits in the Palghat taluk and more in the Valluvanad taluk. So far as mangoes are concerned, the graft mangoes are considered very valuable. They are largely exported to Bombay and other places. As such, there is absolutely no meaning in omitting such trees from the definition of garden land. There are the tamarind trees also. They are also very valuable. Everybody knows that we have to pay one rupee per viss of tamarind in the bazaar. Even then it is not of good quality. As regards cashewnuts, in the last ten years, large areas have come under cashewnut cultivation. They are yielding very good returns. I have seen merchants dealings in cashewnuts in Kozhikode and other places. They are making enormous sums of money in this trade. When they earn, should not the owner of the land get some share in it, I mean some reasonable share in it? Suppose prior to the year 1950 when this Bill was published, owners of garden lands have leased them for growing fruit-bearing trees. The lessors will not get anything out of the lands hereafter. I only want the Government to protect the interests of those persons who, without any consideration of things to come, have leased out their lands. I submit that we must retain the existing definition of 'garden land'. Lands on which fruit-bearing trees are grown, must be treated in the same way as coconut and areca gardens are treated in the matter of fair rent. The value of mango trees is not altogether omitted so far as the Malabar Compensation for Tenants Improvements Act is concerned. Section 15 (1) of the Act is now sought to be amended. For purposes of determining the amount of compensation that should be awarded when a tenant is evicted the new provision says :

The State Government may prepare tables for any local area showing all or any of the following matters :—

(a) the price of coconuts, arecanuts, oranges, cashewnuts, graft mangoes tamarind, pepper and paddy,

(b) the cost of—

(i) cultivating and harvesting a crop of paddy,

(ii) planting, protecting and maintaining a coconut tree, an arecanut tree, a jack tree, an orange tree, a cashewnut tree, a graft mango tree, a tamarind tree and a pepper vine until the tree or vine is in bearing,

(iii) protecting and maintaining a coconut tree, an arecanut tree, a jack tree, an orange tree, a cashewnut tree, a graft mango tree, a tamarind tree and a pepper vine for one year when in bearing."

All these materials have to be given by the Collector in order that the value payable to the tenant may be calculated at the time of his eviction. Therefore they are considered to be very valuable. Suppose a tenant is evicted and I get possession of them. As a lawyer or as an employee, I am not able to cultivate the land myself. I have to lease it to somebody else. I have to pay the

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value of the improvements to the tenant who had been in occupation. But I cannot get anything from the tenant subsequently engaged by me except for coconut and arecanut trees. Thereby I am put to a loss. Therefore I submit that the original definition must be followed and not the definition proposed. It may be said in answer—and the Hon. Minister in charge of the Bill said it in so many places—that the Kuttikrishna Menon Committee recommended an alteration of the definition. I can understand if all recommendations of that Committee are adopted. Wherever there is loss to the janmi, Kuttikrishna Menon Committee Report is quoted in support. Wherever there is loss to the tenant, the recommendation of that Committee is rejected."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, at the time of the first reading stage, I suggested that the definition of 'garden land' in the existing Act should be retained. I feel that it will be an injustice to restrict the definition in the manner proposed. Moreover, the proposed definition is not workable. Suppose in a garden land there are 100 coconut and arecanut trees, 20 mango and 20 jack trees. Who is to decide for growing which trees the land is principally used? There is also the uncertainty of the varying degrees of cash value of the fruits of varying kinds of trees reared on the land. One may be inclined to grow one kind of trees to the exclusion of others. I do not think there is any reason to suppose that only coconut and arecanut trees are paying and that other fruit-bearing trees are not paying. In the other parts of the State, there are profit-yielding garden lands in which trees like tamarind and mango are grown. Retention of the old definition will not in anyway affect the principles of this Bill. I feel that it will be, as Mr. M. Narayana Menon said, both equity and fair-play to allow that definition to stand."

* SRI R. SURYANARAYANA RAO :—" Sir, consistency makes strange bed-fellows. Apart from the arguments adduced by Sri Narayana Menon, I was tempted to give notice of an amendment after seeing the amendment proposed to section 15 of the Malabar Compensation for Tenants Improvements Act. The Hon. Minister is anxious to include orange, cashewnut, mango and tamarind trees for awarding compensation under that Act. But he wants to leave them out of account for determining the fair rent of garden land. It is very unfair. It is such things that make people feel that the Government are pro-tenant. Let us be consistent. When we exclude other fruit-bearing trees for determining fair rent, there is no necessity to include them for determining compensation. Consistency requires that the old definition should be retained. With these words, I commend the amendment for the acceptance of the House. If the Hon. Law Minister does not accept this amendment, he must be prepared to give up the amendment to section 15 of the Compensation for Tenants Improvements Act."

JANAB K. UPPI :—" Sir, when the Joint Select Committee visited Malabar recently, I asked some of its Members whether they saw very many garden lands with coconut trees only after

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they passed Kozhikode. Most of the gardens are mixed gardens with pepper vines, coconut, arecanut, jack and mango trees. There are very few exclusively coconut gardens and they are very near the sea coast where other trees cannot grow on account of the saline condition of the soil. In the interior, one or two miles away from the sea coast, all gardens are mixed gardens. The Select Committee Members saw this position. We in North Malabar feel that this is an injustice done to us particularly. This provision does not affect South Malabar very much except Ponnani taluk and the coastal areas of Ernad. The whole of North Malabar is affected. For compensation under the Malabar Compensation for Tenants' Improvements Act, other fruit-bearing trees are taken into account. In all the old documents we find a provision that a janmi should pay his tenant compensation for four kinds of trees, namely, coconut, arecanut and jack trees and pepper vines. The payment is known as 'ubhayam' and a janmi has to pay ubhayam to his tenant when he is evicted. The Government compulsorily make the landlords receive nothing else from coconut gardens except one-third or one-sixth of the produce according as the trees are planted by the landlord or the tenant as the case may be. This is an injustice done mainly to North Malabar. I support the amendment."

* THE HON. SRI K. MADHAVA MENON:—"Sir, Mr. Narayana Menon has understood the position correctly, but other Members have not. I do not want the House to confuse this with the Malabar Compensation for Tenants' Improvements Act. Under that Act, if the tenant had planted teak trees instead of fruit-bearing trees, the landlord would have to pay compensation for the trees. The compensation is fixed by a Court. After the landlord pays the compensation, the property becomes his and thereafter there is no question of landlord and tenant. That is why under that Act the landlord is made to pay for all the trees planted by the tenant. By this clause, we are amending section 7 of the Malabar Tenancy Act which deals with the fair rent of garden lands. We have said that for determining fair rent only coconut and arecanut trees and no other trees need be taken into account. Nobody used to purchase jack fruit in Malabar as we used to get it free. Jack trees are reared only for the value of their timber. Jack timber is supposed to be the best timber for house building. In the construction of all upper and middle class houses, jack timber is used. Jack tree may yield fruits for a few years and thereafter it may not yield any fruit at all. The trees may be even two hundred years old, as we saw in Mr. Kunhi Kammaran Nambiar's house. In every Malabar family jack tree is protected like a temple because under that tree we used to bury the bones and ashes of our dead. Coconut and arecanut trees are perennial trees. Everybody in Malabar knows that a coconut tree yields fruit even if it is hundred years old. A coconut tree, according to the Malabar Compensation for Tenants' Improvements Act, yields up to 60 years. The best yield is between 25 and 50 years. Cashewnut has become a very valuable commodity only within the last ten

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years. There was no systematic cultivation of the cashewnut tree prior to ten years; it grew wild. It was used for firewood and in South Kanara it was used for illicit distillation also. There are few mango gardens as such in Malabar. There may be a few mango trees in the compounds of houses. Mr. Narayanan Menon may have half a dozen mango trees in the compound of his house. There is no systematic cultivation of mango trees at all as, on account of the saline condition of the soil, the fruits may not be so tasty as the fruits of trees in other parts. The trees are cut for burning dead bodies. There is an orthodox custom in our parts to burn dead bodies with the firewood cut from the mango trees in one's own compound. I remember that in my house there were about fifty mango trees when I was a child. But now there are only about half a dozen. Each death reduces the number of mango trees by one. Mango tree is not a perennial tree; its yield is uncertain. If trees which are not perennially fruit-bearing are also reckoned for determining fair rent, the tenant will have to pay the rent for 20 years because it cannot be changed within 20 years, though he may not derive any income from them and the trees might have been destroyed by cyclone, etc."

SRI R. SURYANARAYANA RAO:—"Some of us have given notice of amendments."

* THE HON. SRI K. MADHAVA MENON:—"The amendments go against the tenant. Our idea is not to give to the landlord more than what he is getting at present. Our idea is to improve the condition of the tenant. We can take into account only perennial crops for determination of fair rent. If other garden crops are included, as I have already said, there will arise this anomaly that the tenant will have to pay the rent for 20 years for trees which might have been destroyed or from which he might not derive any income. To remove the anomaly we are amending section 7 of the Act."

SRI M. NARAYANA MENON:—"What is the acreage cultivated with mango trees in Malabar?" 4.45 p.m.

THE HON. SRI K. MADHAVA MENON:—"I have not got the figures. My friend knows and I know that there is no large area under mango trees."

SRI M. NARAYANA MENON:—"Everybody knows the total extent of land under mango. Shall I read the figure from the Government records? It is 52,037 acres. There are five or six trees even in my compound."

The amendment was put and lost.

* SRI M. NARAYANA MENON:—"Sir, I move—

'Omit item (vii).'

Sir, in the Act the definition of janmi is—

"'Janmi' means a person entitled to the absolute proprietorship of land and includes a trustee in respect thereof."

[Sri M. Narayana Menon] [1st March, 1951]

The amending Bill seeks to take away the word 'absolute'. I have said in my speech why the original definition should be allowed to stand. I very well remember that the Hon. the Minister was not insistent on changing the definition. I seek his help in the matter, and I hope he will accept this amendment. The amendment proposed by the Government affects all the janmis in Malabar with respect to their lands. There are so many implications regarding the term 'absolute'. I need not enumerate all those things now. I hope the Hon. the Minister will retain the original definition. The introduction of the Act of 1930 was on the basis that the janmi is the absolute proprietor of the land. There is a Government Order also in the matter. In the light of all this, I hope the Hon. the Minister will accept my amendment. I need not advance any argument in support of this motion."

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

THE HON. SRI K. MADHAVA MENON :—" I accept the amendment, Sir."

The amendment was put and carried.

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

'In clause 5 (xiii), omit the proposed amendment.'

Sir, my amendment is the same as the amendment of the hon. Member Mr. Uppi Sahib. I gave notice of this amendment, because in defining the customary verumpattamdar, on page 4 of the Bill, reference is made to the renewal fee. When we remove the definition of the words 'renewal fee' altogether from the Act, and make a reference to it in another place, it will give no meaning. Its retention would make it clear what is meant by renewal fee. In the definition of customary verumpattamdar, we have stated "... a renewal fee had to be paid to the landlord as an incident of the tenure". Therefore, the retention of item (t) will not affect the amendment Bill. It will only define what renewal fee is. This is the main purpose of my amendment."

JANAB K. UPPI :—" I second the amendment, Sir."

* THE HON. SRI K. MADHAVA MENON :—" I oppose the amendment, Sir. When the proposal is to abolish the renewal fee altogether, it is necessary that item (t) should be omitted from the Act. Therefore, I cannot accept the amendment."

The amendment was put and lost.

* SRI M. NARAYANA MENON :—" Sir, I move—

'In item (xvi), for the new clause (vv), substitute the following :—

"(vv) Ulkudi or kudikidappu means any portion of a garden land which is situated in the Fort of Cochin and in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord at the landlord's pleasure whether such person has agreed to pay rent or not."

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I do not really attack the definition of the Government. But I want the definition to be limited to Fort Cochin only."

THE HON. SRI K. MADHAVA MENON :—" May I ask, Sir, whether it is restricted to Fort Cochin only?"

SRI M. NARAYANA MENON :—" It is restricted to Fort Cochin only because in that area there are many persons residing, and it would be very unwise to extend the area in this way."

THE HON. SRI K. MADHAVA MENON :—" Are there no such places elsewhere?"

* SRI M. NARAYANA MENON :—" In the definition what is stated is 'in any other area which the State Government may by notification in the Fort St. George Gazette specify in this behalf'. We have no objection to help the people in Fort Cochin. But to extend the area by notification in the Gazette, and not with the consent of the Legislature, is not correct. My point is the Government must come before the Legislature if they want to extend the area. The Legislature may agree to it or reject it. But to simply extend it by a notification in the Gazette is objectionable. There is no such power vested in the Government."

THE HON. SRI K. MADHAVA MENON :—" The Supreme Court have changed their opinion about this."

* SRI M. NARAYANA MENON :—" That is another matter. There is a proviso in the Government amendment which says—

'Provided that before issuing any notification under sub-clause (b), the State Government shall publish in the Fort St. George Gazette, a notice of their intention to do so, fix a period therein . . . if any.'

All that I submit is that this definition may be confined to Fort Cochin. The Government cannot simply extend the area by a notification in the Gazette."

JANAB K. UPPI :—" I second the amendment, Sir. The ulkudi and kudikidappu are confined only to Fort Cochin. Cochin is such a congested place that there are very great difficulties for people to get houses. So, it was suggested in the Select Committee that something must be done for these people. The rest of the poor people of Malabar are allowed to live in the houses built by landlords, or they are themselves allowed to put up houses. When the tenants themselves build houses, they are called kudiyruppus. There are such houses and there are provisions regarding them. Mr. Kunhi Kammaran Nambiyar showed to the Chairman and the Members of the Joint Select Committee the decent house that he has put up in his garden. He took us round his garden. The man living in the house is looking after the garden. Mr. Kunhi Kammaran Nambiyar asked the Chairman and the Members of the Joint Select Committee, whether according to the Bill that was proposed to be brought forward, this house would not become an ulkudi. The Chairman at once said 'Yes'. It is a decent house, and the Act is not extended to those areas. The Act does not apply to Kottayam taluk in this respect. If the area is extended by a notification, will not this house go to the karyasthan? Let

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this evil be confined to Fort Cochin and not be extended to other places. If there is any necessity to bring other parts of Malabar under this definition, then the Government may bring forward proposals for the same, and not extend the area by notification. I support the amendment, Sir."

* THE HON. SRI K. MADHAVA MENON :—" I oppose the amendment. I may tell you, Sir, that the problem is very serious in Cochin. Practically ulkudi and kudikidappu are confined to the coastal areas of Ponnani taluk and a little portion of Ernad taluk. Fort Cochin, as you know, is only 1½ square miles and the population is 45,000. There is no place for them to find homesteads. There are a few coconut gardens. The rest of the area is all industrial area. All the dock workers in the Willingdon Island are living in these ulkudis, and if they are evicted at any time, serious consequences would follow. The immediate problem is in Fort Cochin, and, therefore, we have limited it to Fort Cochin. If the same problem arises in other portions of Malabar, it will be difficult for the people, but in other parts, the problem is not so serious as in Cochin. There are other places where they could go. In other places we are giving fixity of tenure to the tenants. There will be no fixity in cases where the landlords allot alternative sites for the tenants to put up houses. There may be a farm labourer who may be looking after the garden. He puts up a hut. The landlord encourages him to do so. Wherever coconut trees are grown near the kitchen or in front of the house, the yield is much more, because the trees take in the drainage water that flows out of the house. The landlords encourage the farm labourer to put up houses and live in those places. But suddenly if all these people are evicted, there will be serious consequences. But the consequences will not be so serious in other places as in Fort Cochin. So, I cannot accept the amendment."

SRI T. PURUSHOTHAM :—" I suppose farm servants come under this definition."

* THE HON. SRI K. MADHAVA MENON :—" The definition says—

... a garden land ... in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord, at the landlord's pleasure, whether such person has agreed to pay rent or not."

SRI T. PURUSHOTHAM :—" That means the farm servants are allowed."

* THE HON. SRI K. MADHAVA MENON :—" Not at all. In the case of Fort Cochin, there is no question of farm servants at all. The whole area is an industrial area. Therefore, there may or may not be a farm servant. Here the question is that poor people are allowed to dwell. The problem is severe in Fort Cochin and it may become so even in other places. We have said that the landlord can evict the tenant, provided he gives some other site to him to put up a hut."

27th February 1951]

JANAB ABDUL LATIF FAROOKHI :—" Have the Government tried such wells in other districts and experienced any difficulty? "

THE HON. SRI C. PERUMALSAMI REDDI :—" In Kurnool we tried and failed."

SRI C. VEERABHADRA RAO :—" Did the Government try in Visakhapatnam district? "

THE HON. SRI C. PERUMALSAMI REDDI :—" Notice."

SRI MOTHEY NARAYANA RAO :—" How many artesian wells are there in West Godavari? "

THE HON. SRI C. PERUMALSAMI REDDI :—" I think there are no artesian wells at present. There is a proposal to sink twelve wells immediately."

SRI MOTHEY NARAYANA RAO :—" Are there no private artesian wells, as distinct from Government-constructed wells? "

THE HON. SRI C. PERUMALSAMI REDDI :—" I have no information."

JANAB ABDUL LATIF FAROOKHI :—" Since there are artesian springs in South Arcot, do the Government think that the number of artesian wells in that district is sufficient? "

THE HON. SRI C. PERUMALSAMI REDDI :—" There is a proposal to sink one hundred more wells."

SRI R. SURYANARAYANA RAO :—" Is the water of these artesian wells used for irrigation or drinking purposes or for both? "

THE HON. SRI C. PERUMALSAMI REDDI :—" I think it is used only for irrigation."

Official Receiver, Bellary.

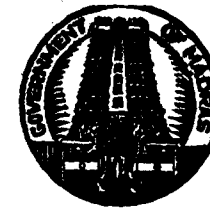
* 147 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Education be pleased to state with reference to Question No. 66-C answered on 17th October 1950—

(a) whether the Official Receiver, Bellary, is the Official Liquidator of the Company known as Bellary United Transport Service, Limited, Bellary;

(b) whether the Government have received any report about the inconvenience caused to the public by the non-appointment of a permanent incumbent to the post of Official Receiver, Bellary, for the last four months; and

(c) whether the Government have considered the matter and if so, whether they are reverting to the old system of appointing a practising lawyer to the office?

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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

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