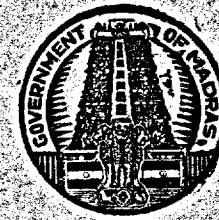


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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

MONDAY, 27TH AUGUST 1951

VOLUME V—No. 5

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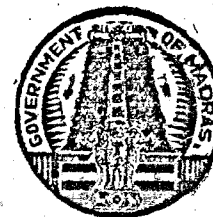
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OFFICIAL REPORT

HURSDAY, 6TH SEPTEMBER 1951

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THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 6th September 1951.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of High Court Judges.

* 24 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government of the State of Madras have adopted any principles or conventions for recommending the appointment of Judges to the High Court by the President of the Republic of India, and if so, what those principles and conventions are;

(b) whether any proportion has been fixed for appointment of those serving in the Judicial Service of the State and members of the I.C.S. and I.A.S.; and

(c) whether the Government have considered the necessity or advisability of recruiting members of the mufassal Bar for the High Court Bench, and if so, what the decision is?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Chief Minister):—“(a) No.

“(b) No. I.A.S. officers are not eligible for appointment to the High Court as the Indian Civil Administrative Cadre does not provide for judicial posts and unlike I.C.S. officers the I.A.S. officers will never be appointed to judicial posts.

“(c) Lawyers of ability will be considered whether they belong to the City or the mufassal Bar.”

Sale of Court-fee stamps in Bellary district.

* 25 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Minister for Land Revenue be pleased to state—

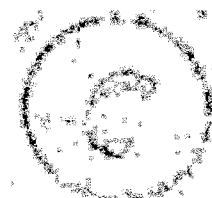
(a) whether the Government have issued instructions to stamp-vendors in the Bellary district to take signatures of the parties or advocates to whom Court-fee stamps are issued; and if so, the reasons therefor;

(b) whether the Government have considered the extreme inconvenience caused to the parties and advocates by the operation of this rule; and

(c) whether the Government have received representations to the effect that the practice should be abrogated, and if so, what action has been taken thereon?

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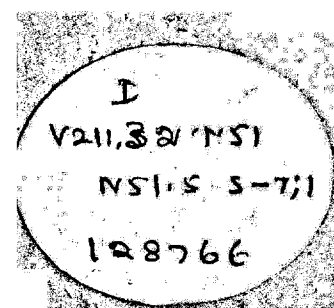


MADRAS LEGISLATIVE COUNCIL
DEBATES.

OFFICIAL REPORT

MONDAY 27TH AUGUST-1951

VOL-V NO-56
NO-7



THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 27th August 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.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Share of produce in respect of irrigated and unirrigated lands.

* 19 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Land Revenue be pleased to state whether the Government have taken any action in the manner provided for by the Bombay Tenancy Act of 1948 for fixing the tenant's share of produce in respect of irrigated and unirrigated land?

THE HON. SRI IL SITARAMA REDDI :—“ The matter was examined by the Land Revenue Reforms Committee, Madras. The Committee has made certain suggestions which are under the consideration of the Government.”

* 20 Q.—MR. CHAIRMAN :—“ Question No. 20, I hear, has to be answered by the Hon. Minister for Public Works. It will be taken up another day.”

Staff for seed development in the State.

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

(a) what the strength of the special staff employed for the work of seed development and its annual cost to the State are;

(b) what the special duties performed by this special staff are, which the regular staff could not or was performing;

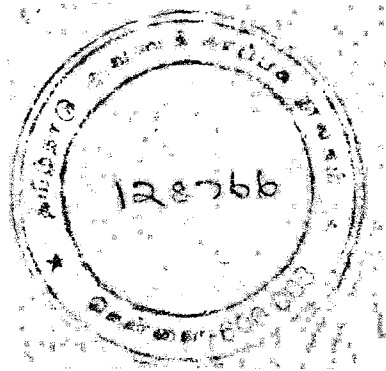
(c) what the number of primary seed farms on the ryots' lands run by this special staff is;

(d) whether the usual district staff was running seed farms, either primary or secondary, and if so, how the work of the special staff and district staff is co-ordinated to prevent overlapping;

(e) whether either or both the district and special staff are required to distribute improved seeds;

(f) what the quantities of (i) improved paddy seed, (ii) improved millet seed and (iii) green manure seed distributed by (a) the district staff and (b) the special staff from 1947-48 to 1950-51 (year-war) are; and

(g) whether there is any proposal before the Government to abolish the special staff employed for seed development?



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[27th August 1951]

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Chief Minister):—“(a) to (f) The answers are furnished in the statement* placed on the Table.

“(g) The answer is in the negative. The existing sanction for the special staff is up to 31st March 1952.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, why, in spite of the increased ‘seed staff’, the quantity of improved seed distributed has not increased; and more especially, the quantity of green manure seed distributed has come down from 945 tons in 1949-50 to 568 tons in 1950-51?”

THE HON. SRI B. GOPALA REDDI:—“It depends on various factors. Provision of additional staff does not mean that we can procure and distribute sufficient seed immediately. It might depend on various other facilities which have to be provided.”

SRI R. SURYANARAYANA RAO:—“In view of the fact that the results obtained by the employment of additional staff are not commensurate with the expenditure incurred, and, in view of the fact that this work is the duty of the normal staff of the Agricultural Department, will the Hon. Minister consider the desirability of abolishing this special staff at least as a measure of retrenchment?”

THE HON. SRI B. GOPALA REDDI:—“I have said in my written answer that the sanction for this special staff exists only up to 31st March, when, certainly we shall consider the desirability of discontinuing or continuing them.”

Elections to Co-operative bodies.

* 22 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether, in view of the decision of the Madras High Court in *Dr. Savithri Bai Naganna Gowd versus Guttu Thotappa* [reported in 1950 (2) Madras Law Journal, 475], the Government have undertaken or will undertake legislation to vest the entire subject of elections to co-operative bodies, in the Registrar of Co-operative Societies, or expunge the observations and instructions contained in Chapter XIX of Volume I of Co-operative Manual published by the Government of Madras;

(b) whether the Directors of the Hospet Co-operative Stores submitted their resignations to the Registrar of Co-operative Societies after the above decision;

(c) whether the Registrar has accepted their resignations; and

(d) if not, the reasons therefor?

* Printed as Appendix I on pages 181-182 infra

[27th August 1951]

THE HON. SRI K. CHANDRAMOULI:—“(a) No.

“(b), (c) & (d) The Directors of the Hospet Co-operative Stores did not submit their resignations to the Registrar of Co-operative Societies. The Deputy Registrar of Co-operative Societies to whom the resignations were submitted did not accept them as there is no provision in the Madras Co-operative Societies Act or in the rules framed thereunder or in the bye-laws of the Co-operative Stores under which the departmental officers could accept such resignations of office-bearers of societies. A fresh set of Directors was elected by the general body of the stores at its meeting held on 30th December 1950.”

Determination of seniority of officers other than Civil Assistant Surgeons.

* 23 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Chief Minister be pleased to state—

(a) whether the principles and reasons applied for determining the seniority of Civil Assistant Surgeons—Classes I and II (whose names are published in the *Fort St. George Gazette*, dated 19th December 1950), have been applied to other State departments also; and

(b) if so, what other departments and for what classes of officers and from what dates?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Chief Minister):—“(a) & (b) As explained in the statement placed on the table of the House in reply to question No. 27 given notice of by the hon. Member, the order of appointment of Civil Assistant Surgeons referred to was in accordance with the service rules, governing first appointments made through the Public Services Commission to a service, to which the communal rule applies and no new principle was followed in that case. The rules are of general application to all such appointments and have been followed in all departments from time to time.”

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

II.—SUPPLEMENTARY ESTIMATES OF EXPENDITURE FOR THE YEAR 1951-52.

THE HON. SRI B. GOPALA REDDI:—“Mr. Chairman, Sir, I present the first Supplementary Statement of Demands for Grants for further expenditure in the year 1951-52 and detailed estimates thereof. Copies of the Statement of Demands and estimates have been laid on the table of the House.

2. As explained in the Introductory Memorandum to the Statement, the Demands relate to new service schemes already sanctioned or proposed to be sanctioned by the Government in this year and cover decisions taken up to the end of July last.

[Sri B. Gopala Reddi] [27th August 1951]

"I invite the special attention of hon. Members to the abstract of the Detailed Estimates which is given on page 2 of the Supplementary Statement. The Supplementary Estimates now presented cover 47 new schemes, spread over 15 Demands. The estimated ultimate cost of all the schemes is about Rs. 25 lakhs recurring and Rs. 520 lakhs non-recurring. About 90 per cent of the expenditure is on Capital Account. More than one-half of the capital expenditure relates to Irrigation schemes sanctioned in pursuance of the Grow More Food Campaign. The estimated cost on these in the current year is about Rs. 29 lakhs only, which will count against the lump sum provision of Rs. 70 lakhs already made for the purpose in the Budget for the current year. Electricity schemes come next with an estimated ultimate cost of Rs. 206 lakhs. There are 14 electricity schemes, including nine schemes for the extension of supply of electricity for agricultural and domestic purposes in rural areas (Rs. 164 lakhs), three schemes for the acquisition of company electrical undertakings (Rs. 18 lakhs), and one scheme for the purchase of additional transformers (Rs. 5 lakhs). There is also a proposal for an ex-gratia payment of about Rs. 19 lakhs in all, to the 36 local authority licensees whose undertakings have been taken over by the Government. The estimated cost on account of all these electricity schemes in this year is about Rs. 78 lakhs, of which a sum of Rs. 18 lakhs is covered by the lump-sum provision already made in the budget. Under Capital Outlay on Civil Works, the Demand is made for the provision of additional accommodation for the Members of the new Legislature in the hostel in the Government House Estate (Rs. 6 lakhs) and for the construction of a maternity block in the new Headquarters Hospital, Tiruchirappalli (Rs. 4½ lakhs).

"Turning to the Revenue Account, the estimated cost of all the new schemes is only Rs. 25 lakhs recurring and Rs. 40 lakhs non-recurring, and the total estimated cost in this year is only about Rs. 46 lakhs. The main items are—the cost of staff and officers entrusted with the work of control and supervision over the administration of panchayats, which have become the Government's liability from this year under the Madras Village Panchayats Act, 1950 (Rs. 15 lakhs), the purchase of 12 power drills complete with tools and other equipment for use in this State for putting down borewells and for tapping underground water to help the Grow More Food Campaign (over Rs. 13 lakhs), reorganization of the Government Ceramic Factory, Gudur (Rs. 3 lakhs non-recurring and Rs. 3 lakhs recurring), and opening of a new centre in the Koilkuntla area in the Kurnool district for producing Khadi, with a view to alleviate the distress caused by unemployment among the handloom weavers (gross cost Rs. 3 lakhs per annum which will be more than covered by the expected sales of Khadi). The other noteworthy schemes are—(a) the proposals for upgrading certain departments in the Government medical institutions in Madras with a view to make them serve as All-India centres for post-graduate training and research (Rs. 6 lakhs non-recurring and Rs. 1 lakh recurring per annum, to be shared between this Government and the Government

[27th August 1951] [Sri B. Gopala Reddi]

of India), (b) assistance to the Madras Handloom Weavers' Provincial Co-operative Society towards the installation and working of plans for sizing, calendering, dyeing and printing of handloom cloth (cost to this Government about Rs. 1.40 lakhs) and (c) contribution to the Government of India towards the scheme for the technical and vocational training of adult civilians (Rs. 5 lakhs).

"It will be seen that the expenditure expected to be incurred during this year on all the new schemes is relatively small (Rs. 46 lakhs in Revenue Account and Rs. 115 lakhs in the Capital Account) and that most of this expenditure will be covered by the lump-sum provision already made in the Budget for specified purposes (e.g., Grow More Food, Irrigation schemes and acquisition of electrical undertakings). It may also be possible to meet part of the extra expenditure from savings that might accrue under the respective Grants. Hence, only token sums are now included in the Supplementary Statement under all the Grants. As explained in the Introductory Memorandum, advances from the Madras Contingency Fund have been sanctioned for some of the new service schemes that were in urgent need of funds pending authorization by the Legislature, and these are indicated in the detailed notes relating to the schemes concerned."

III.—SITTINGS OF THE COUNCIL.

MR. CHAIRMAN :—"I suppose the date for the discussion of Supplementary Estimates is not yet fixed."

THE HON. SRI B. GOPALA REDDI :—"I think it will be in the October session of the legislature, because in September we are not likely to meet. In October we meet and that will be the last sitting, and the discussion of Supplementary Estimates will take place then. So to-day, only presentation of the Supplementary Estimates to both Houses takes place. The discussion will take place when we meet next."

MR. CHAIRMAN :—"Can the Hon. Minister tell us the programme of work, as several hon. Members are anxious to know it?"

THE HON. SRI B. GOPALA REDDI :—"There are the Money Bills of the Hon. Sri Sitarama Reddi, which perhaps, will have to be referred to a Joint Select Committee. They can be brought here only after they have been passed in the Assembly. The other House is sitting till the 1st September."

MR. CHAIRMAN :—"So, till then, there is no work for this House? So we can adjourn this evening and meet after the 2nd September."

THE HON. SRI B. GOPALA REDDI :—"The 2nd of September is Sunday; 3rd is Monday. We may meet on 3rd September."

MR. CHAIRMAN :—"I think, on the 3rd September there are some Congress elections. So we may meet on the 4th of next month."

[27th August 1951]

THE HON. SRI B. GOPALA REDDI :—" But the 5th is a holiday, as Vinayaka Chaturthi falls on that day."

2-45 p.m. MR. CHAIRMAN :—" I request the Hon. Minister to look into the matter and let us know when we could conveniently meet next, so that we may know before we disperse this evening when we exactly meet next. The House will now proceed to the next item in the programme."

GOVERNMENT RESOLUTIONS.

IV.—LEGISLATION FOR LEVY OF ESTATE DUTY IN RESPECT OF AGRICULTURAL LAND.

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

Whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the levy of estate duty in respect of agricultural land;

And whereas it is also desirable that such law should in its application to this State, be limited in duration to a period of five years;

Now, therefore, in pursuance of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entry 48 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament for a period of five years.

"Estate duty is a levy on the value of all properties settled or not settled which passes on the death of a person to his heirs or successors according to law. Under item 48 in List II of the Seventh Schedule to the Constitution of India, the State Legislature has got the power to legislate in regard to estate duty so far as property relating to agricultural land is concerned. As regards the levy on properties other than agricultural land, the Government of India have got the power to legislate under Article 269 of the Constitution. As regards allocation of revenues, the State Government are entitled to the revenues derived from the estate duty on agricultural land because that item comes in the State List. As I said, Estate duty in respect of property other than agricultural land is an item in the Union List. Under Article 269 (2) of the Constitution of India, the revenue derived from the duty on agricultural land shall be assigned to the States within which it is levied and shall be distributed among those States in accordance with such principles of distribution as may be formulated by Parliament by law.

"The question of the levy of estate duties both in respect of property relating to agricultural land as well as other items of property was considered previously. In 1948 an Estate Duty Bill in respect of property other than agricultural land was introduced in the Constituent Assembly (Legislative) and the Bill was referred

[27th August 1951] [Sri H. Sitarama Reddi]

to a Select Committee. The Select Committee expressed the view that the Provincial Government should be asked either to introduce similar legislation in respect of agricultural land or to empower the Parliament to legislate on their behalf. The Government of India preferred the States empowering the Parliament to legislate on their behalf as that would conduce to uniformity in the incidence of estate duty all over the country, not only in respect of agricultural property, but also in respect of non-agricultural property. At that time this Government and another Government whose name was not mentioned in the letter addressed to us by the Government of India did not agree to give such power, while all the other Governments agreed. In a subsequent letter, the Government of India suggested to this Government the desirability of reconsidering our earlier decision in the interests of uniformity as most of the other States had agreed to empower the Parliament and as the Parliament already had the power to legislate in respect of property other than agricultural land. Not knowing the possible effects of the legislation on the economy of this State, we suggested that we might agree if both Houses of the Legislature passed a resolution giving the necessary power but that the duration of the law should be limited to five years. The question whether it would be legal for this Legislature to impose the limitation of a five-year period was raised and examined. It was found that this Legislature was competent to impose the condition. At the end of the five-year period, it is open to this Government to review the position. The resolution that I have moved gives power to the Central Government to legislate on behalf of this State only for a period of five years. The Government of India in their reply have agreed to the five-year period.

"The criticism has been levelled that we are surrendering our right to legislate to the Union Government, that we ought to pass the legislation ourselves and that it is not possible for the Central Government to realize the difficulties that may arise here as a result of the legislation. I may tell this House that the Bill, when it is published, will be sent to the State Governments for their opinion. There are the representatives of this State in the Central Legislature who, I am sure, will adequately protect the interests of this State. To have a separate legislation for Madras State alone, while most of the other States have agreed to Central legislation, may be rather invidious and there is nothing to be gained by withholding our consent.

"The resolution has been moved for approval by this House and a similar resolution will be moved in the other House."

MR. CHAIRMAN :—" The motion is that the House do pass a resolution in these terms :—

Whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the levy of estate duty in respect of agricultural land;

And whereas it is also desirable that such law should in its application to this State, be limited in duration to a period of five years;

[Mr. Chairman] [27th August 1951]

'Now, therefore, in pursuance of Article 252 of the Constitution of India this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entry 48 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament for a period of five years.'

* SRI S. B. ADITYAN :—“ Mr. Chairman, Sir, I was not present in this House on Friday last which certain allegations were made against me. I think I can reply to them by way of personal explanation.”

MR. CHAIRMAN :—“ That question is over and the hon. Member cannot rake it up again.”

* SRI S. B. ADITYAN :—“ Well, Sir. On this question of estate duty, my impression is that practically everything has already been taxed except death and we have here a proposal to make death itself taxable. I do not fully understand the implication of the five-year limit imposed by the resolution. Does it mean that the estates of those dying within those five years alone will be taxed and that afterwards the tax will not be levied? ”

THE HON. SRI B. GOPALA REDDI :—“ Anyhow the Government of India are going to legislate for property other than agricultural land like shares, houses, etc. With regard to agricultural land, the State is competent to pass legislation. But under Article 252 of the Constitution, the States can empower the Government of India to legislate for agricultural land so that there may be a uniform legislation throughout India. The Central legislation that will be passed will apply to this State only for the first five years under the resolution. At the end of the period, the power will revert to this Government and it will be open to the State Legislature to do what it likes.”

MR. CHAIRMAN :—“ The hon. Member wants to know what the effect is of restricting the period to five years. Suppose the Parliament passes a law and it will apply to this State only for five years. Does it not mean that only the estates of those people who die within those five years will be taxed? ”

THE HON. SRI B. GOPALA REDDI :—“ At the end of five years, the power will revert to the State Government.”

MR. CHAIRMAN :—“ Suppose the State does not do anything? ”

THE HON. SRI B. GOPALA REDDI :—“ The State Legislature will have to review the position.”

* SRI S. B. ADITYAN :—“ So I take it that the Central Act will apply only for five years and that we will have to go into the question as to what should be the position after that period.

“ Once it is agreed that it is within the competence of the State Legislature to give only a limited authority to the Central Government, then is it not wise to make provision for a few safeguards? For instance, it may be possible, to say that only the

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estates of persons dying leaving a certain number of acres should be liable to pay the tax and that smaller estates should be exempt from payment of this tax. I hope that this matter will be considered in the proper way. It may also be desirable to suggest in the resolution itself a certain maximum taxable percentage; for instance, it may be stated that the maximum duty leviable in respect of an estate should be 30 per cent or 40 per cent or 50 per cent. The Government have chosen to limit the period but have not determined the things which are more important, namely, the percentage of the tax and the extent of the estates which should be allowed to be taxed. I suggest that limitations in these two respects may be incorporated, namely, minimum acreage of land which should be exempt and the maximum percentage of tax which should be imposed.”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. Chairman, Sir, I have given notice of an amendment, which I shall move presently. But I hope you will permit me to talk on the general principles of the resolution also in moving my amendment. I must state frankly that my object in moving the amendment is merely the hope that with this very modest form of amendment, the Government will see their way to accept the resolution in its amended form. I have spoken, on the occasion of the debate on His Excellency the Governor's Address, why it will be a great betrayal of this State if this resolution were passed by the House. I say it is a great betrayal from a due sense of duty both as a legislator and as a citizen. This is a resolution which is brought forward in consonance with Article 252 of the Constitution. I, therefore

MR. CHAIRMAN :—“ I have seen your amendment. Unless you agree to Parliament legislating in this matter, they would not publish the draft Bill. You do not agree to the thing being done, but you say that it may be brought up for consideration as soon as the draft Bill of the Government of India dealing with estate duty has been published. I am afraid the Government of India may not publish the draft Bill unless you agree to this resolution.”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ My point is that at any stage during the discussion of that Bill, the question of including death duties on agricultural lands can be added, and therefore the draft Bill need not specifically refer to this at that stage. If we see the draft Bill and also the conditions under which the enactment is proposed to be worked, then it may be for us to suggest any amendment to be moved by the representatives of this State in the Parliament.”

MR. CHAIRMAN :—“ I quite agree; don't you think that the Central Government will not prepare any draft Bill until all the States agree? ”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Not necessarily, Sir. Their duty is clear. Their duty is only to prepare a Bill under the particular Article of the Constitution.”

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"My point is that the duty of the Central Government and of the State Government in respect of estate duty is very clear. The Central Government's duty is to prepare the Estate Duty Bill under the powers conferred on them under the Constitution. They have no right to expect, and I am surprised that they have asked, the State Governments to accept the position that they should also pass legislation in respect of agricultural lands. I will come to the question of uniformity of legislation, which my hon. Friend referred to, a little later. But my point is that the Government of India have no right to delay the publication of the Estate Duty Bill simply because they are not in a position to include agricultural land. I ask you, Sir, for what reason this Constitution was framed, and why was it specifically laid down that death duties on agricultural lands should be a subject under the State List and not a subject coming under the Union List. I even go further and say that it is not right for this Government to agree to the Central Government taking advantage of Article 252 (1) of the Constitution and asking the State Legislatures to pass a resolution of this kind. A resolution of this nature is intended only for emergency cases, in those fields where there is no line of demarcation between the Central Government and the State Government as to what their duties, responsibilities, and powers are.

"My hon. Friend the Finance Minister has always been stating that it is most unfortunate that the Central Government have taken all powers of taxation in many important respects and have not left to the State Governments anything of importance. And yet, here is an instance where the State Government volunteers to surrender its rights to the Central Government, which, I think, is exceedingly unfair. I venture to think that this resolution, as I already stated, being a resolution which is to be passed under Article 252 (1) of the Constitution—although I question the legality of passing this resolution under that Article—is a resolution of this Legislature. It should not be treated as a party question simply because the Government have moved this resolution. I hope hon. Members, whether on that side or on this side, will not consider this as a party measure. It is the fundamental duty of this Legislature to oppose this; and all that the Government have to do is to bring up the subject before the House and place a tentative resolution. I said so on the last occasion, and I repeat that the Government have no right to bring forward a resolution on this subject unless it be merely to elicit opinion. I was very much pained to see that the Government had accepted the levy of this death duty in their correspondence with the Government of India, and in that respect this Government have exceeded their powers, and they should not have done so.

"Let me now come to the details of this resolution. We have no idea what sort of Estate Duty it is going to be, and in what respects it will affect the individual. Many of the individuals are not only people with agricultural lands but with other property also. To what extent it will affect their interest is not clear. The Government want us, in this Legislature, to forget our responsibility

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although we do not feel very much surprised that they forget their duties and responsibilities in this matter—and to join them in singing hallelujah to the glories of the Central Government. The Hon. Minister stated that the Government of India had agreed to the proposal of this Government to restrict it to five years. I shall come to this question presently, but I ask the question 'who is the Government of India to agree? Do you not realize that it is the Parliament that is going to legislate when the Bill is there? Can you say that the Parliament will act according to the dictates of the Government of India? Are we working the Hitlerian form of Government or the Soviet form of Government that we can anticipate the legislature adopting everything that you say?' Then, Sir, the Hon. Minister said 'our representatives are there'. Great representatives they are, I have no doubt whatever. But what are they? They are too small a fraction in the Parliament to enforce that it shall be restricted to five years. If they are voted down, as they are very likely to be voted down, what have the Government to say? Can they then say: 'No, no; we withdraw our consent, or the legislature withdraws its consent'. I am very surprised that without any reference to Parliament the Government should be under the impression that their suggestion regarding limitation of five years is going to be accepted by Parliament, which is going to consider this particular resolution finally.

"Secondly, Sir, the Hon. Minister was speaking about uniformity of legislation. When did he discover this need for uniformity of legislation for the States? When we introduced total Prohibition, did the Government think of uniformity? Did they consider the views of the Prime Minister of India? Did they consider the Government of India's advice on the point? How many States have followed them in this respect? How many States have introduced total Prohibition? When the Government introduced sales tax, and increased the sales tax, did they consider uniformity of legislation in all States? The Hon. the Finance Minister would be the first to rebel against this idea of uniformity. Why then does he keep quiet when it comes to a question of agricultural death duties, I should like to know. What is there sacrosanct about legislation by the Centre?

"Now, Sir, my point is this. Hon. Members are shedding crocodile tears—some of them at any rate—with regard to agriculturists and the fate of agriculturists. Here is a legislature which is going very shortly, as I am sure it will, to approve of taxation measures affecting the agriculturists. The Government are going to levy what is known as the surcharge on land revenue. I am sure of that. They are going to levy what is known as the tax on commercial crops. What other things the Hon. Minister has got concealed in his pocket, I do not know. We thought that the imposition of fresh burdens of taxation and this shedding of tears would be done once a year; but the Hon. Minister has made a fine art of it, and he has introduced it throughout the session so that almost at every meeting we are faced with some taxation measure or other. This is the way what doctors do. What we doctors do is slowly to

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increase the poison so that it may have a good or adverse effect. He is giving us euthanasia, as we do in the medical profession, so that one may not be affected by the number of taxation Bills that he has to bring forward. I am sure that, probably if something crops up before the October session, there will be no taxation measures, and I am hoping to be relieved of these taxation measures and that there will be no sitting of the legislature for some time till the next elections. But I ask the Government 'are you not aware of your duties to the agriculturists? If you are going to levy all these taxes, is it not fair that you should also have the right to examine this question as to how far and to what extent agricultural death duties must be levied?' My hon. Friend Mr. Adityan referred, very rightly, to the fact that there was no indication in this resolution as to what the nature of the tax would be. I say that it is a *carte blanche* that this Government are giving to the Government of India. Is it not their duty to see, in the light of the taxes that they have levied on agriculturists in this State, that the tax with regard to death duties and the extent to which this tax should be applied, is considered by them? What is the meaning of leaving it to the Central Legislature to deal with a question which is entirely in the hands of this Government, and over which this Government will have absolutely no control once the Act is passed by the Central Government? I ask, is this a fair method of dealing with agriculturists? We are starving and we are getting 6 ounces ration. One ought to be ashamed that one can do no better.

"Now, Sir, what has been the response of the Centre? I have heard it said that Madras is always a grumbling State. I have heard it said by very responsible people that this grumbling has gone too far and that the Government of India must tell them that they cannot do anything in this matter. This Government want to surrender all the agricultural land, which they have developed with their own money, with their hydro-electric schemes and with their large irrigation schemes, to the Central Government. Suppose for instance the Central Government taxes agricultural land even up to 5 acres, and levies death duties which are unconscionably high, depending upon the fact, shall we say, that in Madhya Pradesh or Uttar Pradesh they have no State taxation measures to be levied by the State Legislature; how will it work on our agriculturists in this State? The Government have bled them white. Madras is the most heavily taxed State in the whole of India, and it compares unfavourably with every other State. One can prove by facts and figures that this is so. On the top of all this, the Government want this estate duty to be levied by the Government of India according to their sweet will and pleasure. I want the House to realize that none of the statements of the Hon. Minister, who has moved the resolution, can possibly be guaranteed by this Government. It is certainly very unfortunate that he should have made these statements giving the impression to the legislators that he is in a position to restrict it to five years, and that he is in a position to influence the Government of India to see that the taxes are levied

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on a particular scale. The limit of five years is the most anomalous suggestion that I have heard, viz., that only those who are in the expectation of dying within five years should pay the taxes. The Hon. the Finance Minister says that afterwards the local legislature can consider. It may consider or it may not consider. As I have already told the House, the Government of India themselves have no power to restrict it to five years. They cannot, in a Central legislation, exempt Madras after five years. Where does the principle of uniformity come in? If the Government want that Madras should be exempted after five years, why speak of uniformity? In every respect, therefore, this is the most unfortunate resolution that has been introduced in this legislature during the last five years. I shall have no hesitation in saying that we shall be selling away the rights of the agriculturists and selling away the duties and responsibilities of the legislature if such a resolution is to be passed by this legislature.

"My only object in moving this amendment is to defeat 3-15
the resolution moved by the Hon. Minister and I do not propose p.m.
to conceal it and I never had any particular occasion to do so. What I say is this: Let this Bill be postponed till the draft Bill of the Government of India is available to us. Let me assure them that the draft Bill need not wait for this particular item to be included. Why this Estate Duty Bill is not before the Parliament to-day is the question that I would very much like to ask. I had the honour of meeting yesterday the gentleman who moved that draft Bill. I refer to Sir R. K. Shanmukham Chetti, who was the Finance Minister in the Government of India who introduced that draft Bill. It was found that the draft Bill was absolutely impossible of implementation unless the Hindu Code Bill is passed or some modification of the Hindu Law as it exists at present is made possible. Under the present joint family system, there is no possibility of imposing estate duty without great difficulty in the execution of that Act. Therefore the Parliament has decided that the Hindu Code Bill must first be considered and passed with whatever modifications they might think necessary. It is only after that the Estate Duty Bill can be introduced by the Government of India. That is the case and we know perfectly well that the Hindu Code Bill is now before the dying Parliament. I have definite information to the effect that there will be, unfortunately or fortunately, very strong opposition to it. All that this present Parliament may be able to do is to pass the Hindu Code Bill and nothing more. A new Parliament that is to come will consider the Estate Duty Bill. We do not know what its intentions and opinion may be. We do not know to what extent the new Parliament, elected on adult franchise, may go, with regard to the estate duty. They may as well say that, as soon as a person dies, all the estates that he possesses must go to the State and that his children must have to live on their own.

"Sir, I am afraid the Government are, in regard to this measure, simply trying to imitate what has been done in the West. Have they considered what those people have done before introducing the Estate Duty Bill? Were they following the same

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policy as this Government and telling the people that they will be given only six ounces ration and the rations will be reduced to four ounces even, if they are not able to get adequate quantities of foodgrains? Take for instance Great Britain where the Estate Duty Bill was passed. They have undertaken quite a lot of ameliorative and social welfare measures. They have the Old Age Pension Bill. Have this Government any Bill like that? Have they got even a single home for the old people to live and die, not in comfort but, at least unexposed to the ridicule and scorn of their own countrymen? Have they got any Unemployment Bill, so that those who are not able to get any job could be paid something? Have they got any other measure like this at present? Do they realize that it is their responsibility to feed, clothe and educate all children up to the age of 15? Have they got the National Life Insurance scheme, to look after all the sick? With none of these things, they come and speak about a Welfare State in a grandiose manner. They now want to introduce this Estate Duty Bill. All things that should precede should precede and all things which should go together should go together. I am not sure where such legislation will lead to. This venture in legislation will greatly affect the masses without any appreciable benefit to them and will only prove disastrous. They will be leading the country to communism by the way in which they are bringing forward the taxation measures. I say this because I feel strongly that the worst thing will happen if a legislation of this type is passed without proper protection and ameliorative measures. Let us not talk of a Welfare State. Let us not talk of introducing Estate Duty Bill and things like that till we have provided some ameliorative measures to the people at large. I do not know whether the hon. Members sitting opposite realize that to-day there is a great responsibility on their shoulders. Are they going to shoulder this responsibility and discharge their duties as they ought to or are they going to accept the position?

"I was hoping that, after the criticisms that were levelled at the time of the discussion of His Excellency's Address, the Government will pause a while with their programme of legislation. But I was surprised to find that on the very next day they were ready with all their Bills, as published in the papers. I congratulate them on the speed with which they mean to go ahead with these Bills; but I would have congratulated them more if they had taken some more time to consider and ponder over these things and take all aspects into consideration and then decided what they should do. There is nothing before us to show what the estate duty will bring in return. I emphatically state that this is not the policy to be expected of a democratic Government. What is there to prevent them from exercising the authority granted to them under the Constitution? Have the Central Government given one single power and have they left anything of the Central List for you to think about? Is it not a fact that, far from delegating certain powers in your favour, the Central Government have swept over the State Government to a large extent? I can quote scores of

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instances to prove this, but that is not necessary for the present. The State List says that agricultural income can be utilized at any time. If only the Government had come before the Legislature with regard to this, the Legislature would have been glad to consider the matter and accept the Government's position, if found necessary. Have the Government thought seriously about the manner in which they propose to collect this duty? Have they thought in what form they are going to collect the tax? Have they any idea whatsoever about the details of the collection of this estates duty? Suppose a person who owns 50 acres of agricultural land dies and he leaves behind no liquid assets. How do the Government propose to collect the tax from him? Are they going to sell the 50 acres of land belonging to that person and get their estates duty? What measures do the Government propose to adopt in such cases? Have they fixed any proportion in which the tax is to be collected or the length of period in which the tax is to be collected? It is because agricultural conditions vary from State to State that the framers of the Constitution have been wise enough to place this particular item under State List. I congratulate them for leaving at least one item for the State to deal with. But I am surprised when this Government come forward before this Legislature and say, 'Oh! we want to have uniformity. We shall shed away all our responsibility. We do not want to become unpopular. When we approach the masses at the time of elections, we will simply say, "What can we do? It is the Central Government who have introduced this Estate Duty".' Do the Government think that the electorate is so blind as to swallow all those statements? On the other hand I warn this Government and the hon. Members of the Legislature, who are more intimately concerned with this, that if this resolution is passed in this House, there will undoubtedly be a storm of protests from all agricultural interests—that is, the bulk of the people—who are expected to vote for them. In their own interests, let them not perform hara-kiri by saying that the Estate Duty Bill must be passed during their own term of office. We can anticipate that, with the speed with which they are bringing forward this proposal, they will be only giving a handle to a party which may come into power, which in its turn will use it in any manner it likes. On the other hand, we must see the problems and difficulties clearly. Let them first and foremost see to the needs of the people of our State to whom they have to look up to as nobody else will come to their aid in times of trouble and turmoil. It is for this reason, as I have already stated and as you very well know, that I beg to move the following amendment which I have given notice of, viz. :—

In paragraph 3 for all the words beginning with "in so far as they fall" up to the end, substitute the words "be brought up for consideration as soon as the draft Bill of the Government of India dealing with estate duty has been published".

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* SRI R. SURYANARAYANA RAO :—“ Mr. Chairman, Sir, I rise to second the amendment so ably moved by Dr. Lakshmanaswami Mudaliyar. It is unfortunate that during the last days of this Legislature my Hon. Friends in office should have thought of passing a plethora of taxation legislation. They seem to be reveling in it as the Hon. Finance Minister did the other day in the other House. But, as Dr. Mudaliyar warned them in passing these taxation measures, the Government have not properly considered the repercussions such taxes will have on the economy of the State. They have not considered all the possible effects on the future of this State. Taking this estate duty alone, this was recommended by the Taxation Enquiry Committee in 1924-25. I would like the hon. Members to note this. The Bill was introduced for the first time in 1946 in the Parliament. Then for some reason or other it lapsed and again it was introduced in 1948 by Sir R. K. Shanmukham Chetti and was referred to a Select Committee. That Select Committee reported on 31st March 1949 and its report is yet to come before the Parliament for its ratification. What is it that is making the Government at the Centre so hesitant? Why should they hesitate to bring forward the Select Committee's report before the Parliament for its ratification? Though the Select Committee has submitted its report, the difficulties in implementing the provisions of the Bill are so great that the Government themselves feel that it may not be possible for them to give effect to the provisions of the Bill. There is a great deal of hesitancy on the part of the Central Government to do anything with regard to the Estate Duty. Let me also point out that the Select Committee's recommendations relate to non-agricultural income and not agricultural income. Sir, my hon. Friend, Dr. Mudaliyar, also pointed out how the present Government want to surrender the power that has been given to them by the Centre. Though the Taxation Enquiry Committee reported in 1924-25, if the Hon. Members on the Treasury Bench refer to the proceedings of the Joint Select Committee of the Houses of Parliament which considered the Government of India Act of 1935, they will see why Parliament was anxious that this power of imposing estate duty in respect of agricultural land should be with the States and not the Centre. We have to take note of events which took place from 1924 till 1935. Again when the Constitution of India was passed, why is it that the Constituent Assembly also made it a point that in respect of agricultural land, the power of imposing estate duty should be a State subject and not a Central subject. There must be very valid reasons if you look into the report of the Joint Select Committee on the Government of India Act, 1935, as also the proceedings of the Constituent Assembly for giving power to the States in respect of this matter. We will see that in any matter affecting agricultural land the Central Legislature have always decided that it should be the prerogative of the State Legislature to impose, or not to impose any tax. Now, Sir, in respect of power which has been purposely granted in favour of the States and of which we must be jealous our Government come forward and say that they will surrender it to the Central Government. I remember

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very well the Hon. Finance Minister's complaint in this House as to how their powers of taxation were being taken away under the Constitution. When that is the case, is it fair for this Government now to surrender a power that has been given to them by the Central Government?

Moreover, uniformity in legislation may be possible in respect of non-agricultural income. How is it possible in respect of agricultural land? The system of land tenure and even the law governing succession differ from State to State. Have all the States brought about zamindari abolition? Have all the States which have passed Zamindari Abolition Bills given effect to the Acts? As Dr. Mudaliyar pointed out, has the Hindu Code Bill which governs succession been passed? Before all these things take place, why is it that this Government should be anxious that there must be uniformity? I do not know why the Central Government should insist that there should be uniformity. Even if they want to have uniformity, is it fair on the part of this Government to agree to it knowing fully that conditions differ in different States?

Even in respect of legislation relating to non-agricultural income where perhaps conditions are more uniform than in respect of agricultural income, they have not given effect to the Bill which the Select Committee of the Parliament has reported upon. Therefore, I would like this Resolution to be thrown out altogether. Let the Central Government who are anxious to pass this legislation pass legislation relating to non-agricultural income first. Let them work it and see what the difficulties are and then think of extending those provisions to agricultural income. At any rate, let the Central Government themselves bring forward such legislation before we rush and offer to surrender our power to them. As has been said by Dr. Lakshmanaswami Mudaliyar, this amendment seeks to torpedo the original intentions of the Government by insisting on them that they should bring up before this House the draft Estate Duty Bill that may be prepared by the Central Government, for scrutiny. We want power to alter the Bill in any manner we like to suit our conditions. It may be we may offend the principle of uniformity. It cannot be helped, because any measure that is passed should contain provisions that are consistent with conditions prevailing in the State. I do not know why our Government are wasting their time on this Resolution and also wasting the time of the House. They are not going to bring forward a Bill themselves. Nor are the Government of India prepared to bring in legislation before the coming elections.”

THE HON. SRI B. GOPALA REDDI :—“ What is your objection? ”

* SRI R. SURYANARAYANA RAO :—“ Why are you wasting your time when neither you nor the Central Government are prepared to bring in legislation before the next elections? If the Congress Government are anxious, let them include this item in their election manifesto, go to the electorate and if they are returned to power undertake legislation. We feel it is unfair to

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the electorate whose suffrage we will in a few months seek, to face them with a *fait accompli*. Sir, I have tried to understand why our Government are so anxious to have new taxation measures. We have a wonderful Planning Commission consisting as it does of great men—I have great respect for them—and that body seems to have told our Government, 'unless you agree to this resolution, your Five-Year Plan will suffer.' Who are they to dictate to us? Have we depended all these years upon the plans prepared by somebody else? Have we not been going on with our own plans for, say, agricultural development, irrigation, animal husbandry, etc.? Have we not found resources for carrying out these plans? Simply because somebody dictates, 'unless you do these things, we will not approve of your plan', are we to agree to this resolution? The legislature of the State have to approve of the Five-Year Plan. It is not for a few people sitting at Delhi to plan for us. All that they can do is to commend the plan for our consideration and acceptance. We know how this legislature has been treated in this matter. We are yet to know what our plans are. Yet we are asked to register our consent to the various taxation measures proposed by the Government to implement those schemes. What is the plan? How are we going to implement the plan? What are our resources? All these must be made known to us. I am sorry that in this matter, we are led too much by the Centre as though our Government and this Legislature are not competent to frame plans. Sir, we can frame hundreds of plans. We know how to plan and where to get the money from to carry out the plan. I had a cursory glance the other day of the Government of India plan, though we are yet to get a copy of it. I found that some of these measures like the Estate Duty Bill, etc., were mentioned in the report so that the State Government might be able to secure more finances. Therefore, Sir, the least we can do is to support the amendment moved by Dr. Lakshmanaswami Mudaliyar so that when the Central Government prepare an Estate Duty Bill it may be brought before the Legislature for examination as to how far the provisions of the Bill are in conformity with the conditions prevailing in the State. We may also make our own suggestions on the Bill and it is only on the acceptance of the amendments that may be proposed by us, that we will give our consent to the Bill. I am afraid, however, Sir, that, as you have pointed out, once we agree that the Centre is competent to legislate, they are not bound to give effect to the suggestions made by Dr. Mudaliyar. All the same, I would point out that it is only a request which I hope will be granted. Even if the amendment is accepted by the Government, it may not be as effective as it would be if the Government resolution is thrown out. But still we want the Government to take note of the feelings of the public and we trust that they will not do anything hastily and will insist on the Central Government forwarding the draft Estate Bill that may be prepared by them for our scrutiny first and then placing it before the new Parliament that may come into being. I am not sure if the Hon. the Minister for Land Revenue has looked into the whole history of the Estate Duty. There is lot of literature in the

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Secretariat on this subject. I have picked some extracts from the published Gazettes and from those I find that there has been hesitancy on the part of the Central Government themselves to proceed with legislation affecting non-agricultural income. If that is so, why pounce on the agricultural income especially when conditions in States differ?

"There is another point which I am sure the Hon. the Minister for Land Revenue is not aware of. I would like to draw his attention to the report of the Select Committee appointed to report upon the Bill to provide for the levy and collection of an estate duty. In paragraph 6 of the report, it is said:

'We consider that, having regard to the limit of exemption in the United Kingdom which is two thousand pounds, the limit of exemption at one lakh of rupees proposed in the Bill is quite liberal and does not require any change.'

This recommendation is embodied in the form of clauses elsewhere. Does the Hon. Minister insist that lands of a particular acreage or yielding so much income should be exempted from taxation? (The report goes on:—

'In this connection we have also considered whether any concession could be given in respect of dwelling house by way of either an exemption or a reduction in valuation or a reduction in the rates of estate duty, and we are of the opinion that much will depend upon the rates of estate duty to be prescribed by the annual Finance Acts

So, the Central Government have to bring in the Finance Bill before the Parliament every year and it should state what rates the Government should impose as they do in the case of income-tax. Therefore, we will have no voice in regulating the rates of tax in respect of agricultural land. We allow them to be determined by the Central Government because it is the Parliament that considers the Finance Bill. The report clearly states that this question would more appropriately come up for consideration at the time the Finance Bill is considered each year. This is the stronger reason why we should not agree at all to the Central Government legislating in respect of agricultural land. We will have no voice as the Finance Bill will not come up before this House. Sir, much is made of our representatives in the Parliament. They are honourable men and those that may be elected to the new Parliament may be honourable men. But what is their voice in a large House? It will be drowned; it will not be heard especially when it relates to a particular State and to a particular class of persons. Their voice will be ineffective and the majority will carry forward whatever that is proposed by the Government. In view, therefore, of these facts, I hope the Hon. Minister will not press his resolution. The least, however, that we can do, however ineffective it be is to support the amendment of Dr. Lakshmanaswami Mudaliyar."

* JANAB K. T. M. AHAMED IBRAHIM :—"Mr. Chairman, Sir, the amendment moved by Dr. Lakshmanaswami Mudaliyar is a modest one

MR. CHAIRMAN :—"I am prepared to allow the hon. Member as much time as he wants to-day." (Laughter.)

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* JANAB K. T. M. AHAMED IBRAHIM :—" I am afraid I will not be able to take advantage of your offer, Sir. If it were some other occasion, I would certainly avail myself of the opportunity."

MR. CHAIRMAN :—" I always give the hon. Member enough time provided he is in order."

* JANAB K. T. M. AHAMED IBRAHIM :—" Sir, this amendment only desires that we must know what we are agreeing to. The resolution moved by the Hon. the Minister for Revenue asks us to give up one of the very few powers which have been given to us under the Constitution. It wants us to abdicate the power which is given to us by the Constitution in respect of a particular matter. Dr. Lakshmanaswami Mudaliyar wants to know by his amendment under what circumstances this power is to be given up. He wants to know what we are agreeing to. It is a very modest proposition that he has put forward. I do not know why the Treasury Benchers should be averse to concede even this little thing. We do not want to take a leap in the dark. We do not know the nature of the provisions of the Bill which is going to be placed before the Parliament. We cannot abdicate our powers simply for the sake of uniformity. We are now giving a *carte blanche* to the Government of India. When the Bill is not yet before the country, how can we be expected to give our consent to it? "

THE HON. SRI B. GOPALA REDDI :—" Unless you give the power, how can you get the Bill? "

* JANAB K. T. M. AHAMED IBRAHIM :—" Let the Government of India bring it forward in respect of non-agricultural land first. Why should they compel us to acquiesce in a thing which we do not know? The Constitution after all has left very meagre powers with the States. We had been in the Constituent Assembly and we know how, at every stage in the discussion of the Constitution, powers of States were sought to be whittled down. Even the very small powers that were finally given to us, our friends on the other side desire to give up. Our complaint throughout had been that the Constituent Assembly has reducing the States to the level of local bodies, municipalities and district boards. We also expressed on more than one occasion both here and in the Constituent Assembly that States would become glorified municipalities under the new Constitution. Is it not waste of money to conduct elections for setting up legislatures with such meagre powers? The Parliament is given almost the entire power to legislate for the whole country. Why should we have these elections? Why not the tax-payer be saved from such wasteful expenditure? I cannot understand why for the sake of uniformity we should surrender even what little has been given us. If the Constituent Assembly had really felt that the Parliament should legislate on such matters, it would as well have included this item in the list of Central subjects instead of in the State list.

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" Why should they put it in the State list? Having put it in the State list, the same Constituent Assembly now sitting as Parliament seeks to remove it completely from the State list. There ought to have been some reason in putting it under the State list, and have they now given any reason for removing it from the State list? "

THE HON. SRI H. SITARAMA REDDI :—" It is not proposed to remove it out of the State list. They are only asking for permission to legislate on our behalf."

* JANAB K. T. M. AHAMED IBRAHIM :—" But what is the practical result of it? "

MR. CHAIRMAN :—" Does the Hon. Minister feel that the hon. Member does not know it? "

THE HON. SRI H. SITARAMA REDDI :—" Because I felt so I explained it, Sir."

* JANAB K. T. M. AHAMED IBRAHIM :—" I am only referring to the practical effect of the proposal made by the Central Government and accepted by this Government without reference to the Legislature. Under the Constitution, it is the legislature which ought to give the assent. But it has been mentioned in His Excellency's Address that the Government have given their assent without even waiting for the assent of the Legislature. I do not know how they gave their assent without the resolution being passed by this House. That is the way this Government are doing their work here. (An hon. Member: 'Subject to approval by the Legislature.') There is no 'subject to'. Assent has been given and it is definite.

" Again, Sir, I would point to another thing. This question of tax on agricultural land has been reserved for the Provinces in the Government of India Act and the same thing was copied by the Constituent Assembly. Even when the Britisher was ruling this country this was given over to the States on account of the multiplicity of tenures prevailing in the States. You know, Sir, the Hon. the Revenue Minister also knows, the different kinds of tenures prevailing in this State. We cannot expect Members of Parliament to realize the full scope of the various tenures prevalent in the various States and then legislate accordingly. The amendment moved by the hon. Member, Dr. Lakshmanaswami Mudaliar is a modest one and I would appeal to the Government to accept the amendment because after all we are anxious to know what is being done and we cannot be a party to anything the details of which we do not know. Because the Central Government want a particular thing to be done we cannot say ditto to whatever they say. We are anxious to know what is being done and what the details of the measure are. If the measure is brought before the House then we can discuss and find out whether it would be suitable or unsuitable to our conditions, whether it would be all right from the point of view of this Government and the people. Then only can we give our opinion or

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assent. The only occasion will arise for considering the Bill. I think it is not proper on our part even to discuss a resolution like this now."

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I support the amendment of the hon. Member, Dr. Lakshmanaswami Mudaliyar. I do not understand why at the fag-end of the life of the Legislature a resolution of this kind should be brought forward. We have always been trying to impress upon the Government that this State should be an autonomous, independent State where there should be little interference from the Centre. We have very bitter experience about interference from the Centre particularly so far as food question is concerned. Sir, I have always felt very happy, in spite of the fact that I do not agree with the Hon. Minister for Finance with regard to certain of his taxation proposals, that he took an independent view and resented any reported interference from the Centre with regard to sales tax and other taxes. Though we do not like the sales tax, we like the spirit of independence that we have always found in the Hon. Finance Minister. With regard to other measures also we feel that we are fortunate that our State takes the lead.

" Sir, the Hon. Member, Dr. Lakshmanaswami Mudaliyar, was right in asking why this Government did not wait for uniformity of legislation with regard to Prohibition. We took pride and still we feel proud, whatever may be the defects in the working of the Act, that we were the pioneers in passing that legislation. Therefore, Sir, it will not be right on our part or on the part of the Legislature to allow powers to the Centre which powers we can ourselves exercise. Now, Sir, under the Government of India Act

MR. CHAIRMAN :—" You mean the Constitution? "

JANAB ABDUL LATIF FAROOKHI :—" Yes, Sir, Article 252 of the Constitution says :

" If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which parliament has no power to make laws for the States except as provided in Articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply, to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State."

Now, Sir, I want to ask this Government whether they consulted other States. The Government want uniformity and they want to give powers to the Centre. Did the Government consult other States before coming up before this House with this resolution? What are the States that were consulted? Can there be uniformity if all the States did not agree? The Constitution states that the resolution will apply only to such States as have agreed to hand over power to the Centre. When two or more States agree, then only has the Parliament got power to legislate. Now it is possible that Madras and Bombay States agree. What about the other

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States? If others do not agree, then what is to happen? I am not a constitutional lawyer, but the words of the Constitution are plain. In that case, I ask you, whether there will be uniformity of legislation, throughout the country? If that is not going to be achieved, then all our efforts in giving power to the Centre will end in this, that our State will hand over its powers to the Centre and others will retain their power in their hands. That is how I understand it. I am speaking subject to correction and more light may be thrown on it. But I submit that your object will be frustrated by the very wording of the Constitution, if others do not agree to give the power to the Central Government. I therefore think that this Government would have been wiser in consulting other Governments beforehand and then come to a conclusion whether there would be uniformity of opinion throughout the country, in order to give that sort of power to the Parliament. This has not been done.

" Then, Sir, I ask, why is this haste—haste in everything? The Government come forward with measures in haste as I said the other day, brushing aside with contempt all the advice given on the floor of this House. Then they repent and come forward with amendments later on."

THE HON. SRI B. GOPALA REDDI :—" At least we repent."

JANAB ABDUL LATIF FAROOKHI :—" Sometimes they repent.

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That is what I say. Repentance sometimes is worse than the crime committed."

THE HON. SRI B. GOPALA REDDI :—" Christianity says otherwise about it."

* JANAB ABDUL LATIF FAROOKHI :—" Whatever it might say, that is the opinion of wise men and it is also my opinion."

MR. CHAIRMAN :—" I do not know what the hon. Member means. Is repentance worse than committing the crime? "

* JANAB ABDUL LATIF FAROOKHI :—" I said, Sir, sometimes repentance is worse than the crime that is committed. Whatever that might be, whatever be the effect of repentance, the harm that is done cannot be undone in spite of the repentance. I submit therefore Government should come forward with legislations of this kind very cautiously. At the fag end of their life, why should Government come forward with this proposal to hand over power to the Centre which power, I am sorry to say, may not be properly used? We have generally been complaining that the Centre has not been very sympathetic towards this State with regard to the food question, the cloth question and other questions.

" Sir, the amendment of the hon. Member, Dr. Lakshmanaswami Mudaliyar, is a very good amendment. I feel he has shown

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great consideration to the Government in moving such an amendment. As a matter of fact the resolution ought to have been thrown out outright. But he wanted that it should be accepted with his amendment, a great consideration, a great concession to this Government. Therefore I would appeal to the Government to accept this amendment. If the Government are going to throw out the amendment, as my hon. Friend Suryanarayana Rao pointed out, we will be forced to try to throw out the resolution though we may not succeed in that. I support the amendment."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—" May, I offer a word of explanation? A question was asked: 'How can the Central Government draft the Bill if we do not pass the resolution?' Any two States might ask and they can prepare the draft Bill."

MR. CHAIRMAN:—" That is clear. The Central Government might say they are going to do this kind of thing and ask the State Government: 'What do you say?' "

* DR. A. LAKSHMANASWAMI MUDALIYAR:—" There is one other Article in the Constitution which says:—

'Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not as respects any State to which it applies, be amended or repealed by an act of the Legislature of that State.'

It is therefore obvious that it is only Parliament that can repeal or modify it."

4 p.m. * SRI M. NARAYANA MENON:—" Mr. Chairman, Sir, I wish to offer a few remarks on this resolution. When analysed it presents certain difficulties to me. The operative portion of the resolution reads, . . . in this State, be regulated by an Act of Parliament for a period of five years.' That, in fact, amounts to transfer of power at least for a period of five years. That means that the legislation that is going to be passed by the Centre will affect us for a period of five years. Then the question arises whether this transfer of power is necessary. My humble submission is that in regard to these matters such transfer of power cannot be made. That is my view, subject of course to the right to change my view after hearing other hon. Members.

" Sir, this resolution is based upon three assumptions all of which are unauthorized. There is neither rule nor precedent in this State, so far as I know, which will empower the Government to take by way of a resolution certain assumptions which are not authorized. The Government feel that they can empower the Centre to levy estate duty. That is one assumption. Sir, the resolution reads, 'whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the levy of estate duty in respect of agricultural land'. The second assumption is that the levy of estate duty in respect of agricultural land is necessary and acceptable to this State. Then, the resolution says that it must be done

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'throughout the Union of India'. We do not know what the other States may say or may not say on the matter. We cannot presume that it must be done throughout the Union of India. We do not also know whether all the other States require such a legislation or not. Then it says that it should be 'uniform'. This also is an unauthorized assumption because any legislation of this sort can never be uniform. It must be passed with reference to conditions obtaining in each State. It may be a smaller rate in one State and a higher rate in another State or it may be in different form in each State. It is on these assumptions that this resolution is introduced by the Government.

" Sir, I hope the Government will consider whether we should now say that estate duty is necessary and acceptable. Has any other State made any such suggestion in regard to this matter? Are we to say by way of this resolution that the levy of estate duty is necessary? This is as good as passing a legislation by way of a resolution and I don't think we should be prepared to do it.

" Again, as I said above, the resolution says that it must be 'throughout the Union of India'. What is the power of this House or of the Assembly to assume that this must be done throughout the Union of India? Every State has its own right to say whether it requires it or not. But this resolution on the other hand assumes that this must be throughout the Union of India. We have no power to say that.

" Then, the resolution finally says that we should transfer this power to the Centre, not perpetually, but only for a period of five years. Why should we say 'for a period of five years'? Probably are the Government trying to understand the manner in which such a Statute will be worked by the Centre? Do the Government want to take instructions from the Centre in regard to how the legislation can be worked in this State? Are we sure that the Centre will not ask for extension after five years, when once we said that the levy of estate duty is necessary? Sir, all these difficulties can be avoided if the resolution is not pressed by the Government.

" Sir, I understand that the Central Government prepared a Bill in 1946 for the levy of estate duty on non-agricultural lands and other properties. That Bill was referred to a Select Committee and a report was submitted to the Government. But nothing was done thereafter. The Central Government must have realized, with reference to the report submitted by the Select Committee, that such a levy as estate duty was unnecessary. Therefore they have dropped the Bill. Why should they not do the same thing now also? Now, why are we taking it up? It is because the Congress Election Manifesto includes this levy of estate duty also. Are the Government moving this resolution with that Election Manifesto in view? I feel so. Everything depends upon the next elected Assembly and Council here and Parliament in the Centre. The new Parliament may or may not accept this levy. So, we need not

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anticipate it and move a resolution by which we declare that the levy of estate duty is necessary. I therefore submit, Sir, that this resolution is unnecessary for the present.

"With regard to the amendment, the Mover himself has stated that he really wants to torpedo this resolution. It is the real intention with which the amendment is moved and that must be certainly supported. Of course, the matter may be considered by our Government, I mean by the Government . . ."

MR. CHAIRMAN:—"Why should not the hon. Member say 'by our Government?'"

* SRI M. NARAYANA MENON:—"It is only a slip of the tongue. By our Government I meant the Government of the Congress Party. That is what I thought."

AN HON. MEMBER:—"It is a Government of ours as much as it is yours."

SRI M. NARAYANA MENON:—"I hope the Government will consider this point and withdraw the resolution."

SRI MOTHEY NARAYANA RAO:—"Sir, may I speak in Telugu?"

AN HON. MEMBER:—"Speak in English so that we can all understand."

MR. CHAIRMAN:—"The hon. Member may speak in English in a spirit of neighbourly accommodation."

SRI MOTHEY NARAYANA RAO:—"Just to please my friends, I shall speak in English."

"Sir, I agree with Dr. Lakshmanaswami Mudaliyar in some respects. But I am not able to agree in some other respects with him and Mr. R. Suryanarayana Rao. It is true that a legislation of this kind should not be taken up at this late hour when fresh elections are approaching. Dr. Lakshmanaswami Mudaliyar said that we should not have taken up this legislation because we would be driving the country into the arms of the communists and we should be guarded as we were going to have fresh elections. I do not agree with him in these two respects. What is the harm if the country becomes communist? The Congress party has said that they stand for the peasant and the labourer. I think, Sir, Congress has failed in that respect. Many friends will agree with me when I say that the peasant and the labourer are not in any way happier now than they were before."

"Sir, let us take the case of China. It was very much backward until very recently. After it went into Communist hands, we hear from the papers and the people that have visited that country, that the people in China are very well off now."

AN HON. MEMBER:—"It may be propaganda."

SRI MOTHEY NARAYANA RAO:—"I do not think it is propaganda. Sir, is it not a fact that China is now able to export

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rice to India? What was the condition of China some time ago? It was not able to feed its own people. To-day China is not only feeding its people, but is exporting rice to our country. So, Sir, we are only anxious that this sort of violence and sabotage should not be practised by the Communists. The Congress party has been ruling this State for the last five years. Are the peasants and the labourers better now? They say that we have promised them many things and we have failed in fulfilling our promises. Nothing has been done in regard to economic equality about which we have cried from house-tops. Fat people have become fatter and poor people have become poorer. That is the condition now obtaining in this country. So, if the people vote for some other party, Communists or Socialists or any other party, in whom they have confidence and under whom they believe they will be happier, what is the harm? I am not afraid of the Communists. Why should we fear unless our lives and properties are in danger? Perhaps there may be economic equality and the rich may be deprived of their properties and the poor fed properly. That is the only difference I can see if the Communist party sweeps the polls and forms a Communist Government.

"Then, Sir, he said that elections are approaching and that we should be on our guard. This is not the only measure that is brought forward now. There may be some more taxation measures. We do not know what other taxation measures the Hon. Finance Minister has got on hand. The country is already over-burdened with tax, ill-fed and ill-clothed. In the interests of the party itself this measure should not have been brought forward. Sir, the hon. Member knows that we want a Welfare State. So, money has to be found somewhere. Otherwise it will not be possible to take up all the development projects. I think, Sir, the Congress party can take care of itself. If we fail, it does not matter. Let the electorate give its verdict. Therefore, Sir, I do not agree with Dr. Lakshmanaswami Mudaliyar."

"That apart, Sir, I feel that this resolution should not have been brought forward at this stage and it should be left to the future Legislature. Sir, before the advent of Independence, we thought that the State Government would be autonomous in respect of some powers. But, now we feel that the Madras Government is more or less a local board. We were told that only residuary powers will be exercised by the Centre and that the States will be given freedom in regard to others. But now, for everything, we are dictated to by the Centre. Sir, I was talking to the Joint Director of Agriculture the other day. He said there was no ammonia sulphate which our cultivators need very badly."

"Sir, on account of the heavy rains, all the crops have been spoiled. We want manure. The Joint Director of Agriculture says, he has no manure. The Central Government who have promised to give manure now say that they are not able to import manure and that some contractor who had promised to give them the manure did not fulfil his contract. When I asked him, 'why not you purchase yourself?' he says that he cannot purchase. If any one wants

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food, we must go to the Central Government. If we want manure, we must go to the Central Government. For everything we have to depend upon the Central Government. Even for levying death duties, if it is necessary for our State and if we cannot find money for all the beneficial measures, we are not given the freedom. If money is necessary and if our people are prepared to take the burden freely and willingly, why should the Central Government dictate? I would like to impress upon this Government to tell the Central Government that we should have some powers with regard to taxation and things like that. Why should there be uniformity? Is there uniformity in every respect in every State? There is the abolition of zamindaries but there is no uniformity in the procedure followed in every State. The Central Government may give us a suggestion saying that our State needs some finance and that we can adopt some taxation measure like this. Why should they interfere in everything? For each and everything we have to get the sanction of the Central Government. Dr. A. Lakshmanaswami Mudaliyar was saying that people were getting 6 ounces of rice. I say, we are getting only four ounces of rice because we are living in a de-rationed area. All the people in the rationed areas get their rice from de-rationed areas. For instance, the controlled price of paddy is Rs. 10 a bag and people come from rationed areas and purchase rice at Rs. 26 a bag. Your own licensed millers come and purchase. It is the Government that should prevent them with their huge establishments. Which ryot will sell rice for Rs. 10 a bag to the people in the de-rationed areas when he is offered Rs. 25 a bag by the people from rationed areas? The Government are giving us only four ounces of rice. What is the kind of stuff we are getting? Perhaps even our great-grandfathers might have not eaten such kind of stuff."

AN HON. MEMBER :—" They had far better rice."

SRI MOTHEY NARAYANA RAO :—" The rice we produce is taken away and the paddy that was being boiled and milled for use in Malabar is being given to us. This is the sort of thing prevailing and we are put to so much trouble. The Government says that they are giving to the people an overall ration of twelve ounces. But where is wheat? We get wheat once a month. Sometimes the market is flooded with wheat and after two months there is no wheat."

JANAB K. T. M. AHAMED IBRAHIM :—" Have wheat and rice anything to do with this resolution? "

SRI MOTHEY NARAYANA RAO :—" The resolution pertains to agricultural lands and so I have referred to it. This is the state of affairs in the country. When such things exist, why should we take up this Bill? When the people are happy and contented and when they think that this taxation measure can benefit them, then you can bring forward such a resolution. We are already suffering. We cannot get our food and cloth. Our Government are not able to give the people any happiness. Why should they

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come forward with this resolution?

తెలుగులో ఒక సామెత ఉన్నది. "మూలిగే నక్కనైన తాటికాయ పడిందంటు." మదరే నక్క మూలుగుతూ యున్నది. దానినైన తాటికాయ పడితే ఎట్లుండునో ఆ మాదిరి.

I want the Madras Government to tell the Union Government not to press for these things now and to wait till the new Legislatures are formed. Dr. Lakshmanaswami Mudaliyar put it in one way. I have put it in another way. I am not in favour of this measure. I wish to impress upon this Government to tell the Centre not to go forward with a measure of this kind."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" May I ask what the hon. Member is going to do when it comes to voting? "

SRI MOTHEY NARAYANA RAO :—" Voting is a different thing. Whatever I feel, I must say, Sir, and I must do my duty."

SRI M. NARAYANA MENON :—" You must use your head."

SRI MOTHEY NARAYANA RAO :—" I have always used my head correctly and I have often got compliment for that. So, Sir, this measure, coming at this late hour, is not going to benefit either the Party or the Government. The electorate must be given a chance to give its verdict. I would once again request the Government to impress upon the Central Government either to postpone the thing or give it up or give the States the chance either to adopt this measure or not. We should stand absolutely for our own freedom and we should have the right to do whatever we want. We ought not to be treated like children always. The freedom given to us should not be interfered with every now and then. We were told that only residuary powers would be given to the Union. Now things are happening in a different way. Everything is topsy-turvy. So many pledges have been broken. This is perhaps one of them. If this taxation were to be taken up, I would plead that this Government should represent to the Central Government that the former should have the choice to tax the people or not. The Central Government should not have the choice in this small matter at least. With these words, I would impress upon the Government to at least postpone the consideration of this measure and seek clarification with the Centre."

SRI K. VENKATASWAMI NAYUDU :—" Mr. Chairman, I am very much surprised to hear what Mr. Mothey Narayana Rao, a veteran Congressman said to-day. I thought, of all people, he had understood the Congress pledge and the Congress programme before the country and I expected that he will wholeheartedly support this motion.

" Sir, this matter is one that is mixed up with the very great issue which we discussed the other day when we considered the National Planning Commission's Report for the betterment of the country. When we were discussing His Excellency's speech, the other day we thought that we must go to the polls saying that we

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stand by the National Planning Commission's report and that we should see that it is implemented as quickly as possible. That is the Congress programme. We must not only say to the people that we are going to implement the National Planning Commission's Report but also show them the resources with which we will be able to implement that report when we come back to these august bodies again next year. So, this is part of our plan. We say this estate duty, which has been well recognized, has got to be levied if we want the necessary money. Sir, in a modern Government—in a Government which is for the social welfare of the people on the most modern lines—it is but necessary that this estate duty must be levied. It is unpleasant to many people but it has still got to be done; otherwise, we cannot carry out the programme before the country. That is why, Sir, this estate duty has got to be levied.

4-30 p.m. "Dr. Lakshmanaswami Mudaliyar does not object to the levy of the estate duty. But he says, 'how are you going to do this? What are your programmes? Then I shall give my consent'. Here again we are not going to levy the tax from tomorrow. It will take some time, and it will not be done by the present Parliament. But the principle has now to be accepted that the estate duty has got to be levied if the National Planning programme is to be implemented. That is what the Government have asked for. With regard to the non-agricultural land the Central Government have always got the power. The only question is whether we should have a uniform levy with regard to agricultural income. I think it is but right that we should agree to uniform legislation like this because in very important matters it is but right that the Central Government must legislate. For instance, in the matter of Prohibition, I should have very much desired that there had been a uniform policy for the whole country. So also, in very many matters which affect the country as a whole, it is but right that we should have legislation for the whole country. So, our State Government thought that in this matter of the levy of a tax on agricultural income

SRI S. B. ADITYAN :—" It is not a tax on agricultural income, Sir. The hon. Member has repeated that several times I am afraid."

SRI K. VENKATASWAMI NAYUDU :—" I am sorry, I should have said 'estate duty'. In the matter of the levy of this estate duty, it is but right that we should have uniform legislation for the country as a whole. Sir this matter has been mooted in this House and."

MR. CHAIRMAN :—" There are two different duties, the Estate duty and the Death duty."

SRI S. B. ADITYAN :—" Estate duty is only another name for Death duty, so far as I know."

MR. CHAIRMAN :—" No, no."

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THE HON. SRI B. GOPALA REDDI :—" Estate duty is the popular term."

MR. CHAIRMAN :—" I am afraid these two are quite different."

THE HON. SRI B. GOPALA REDDI :—" This is a duty on succession."

MR. CHAIRMAN :—" Both come into effect after death, but these two, I am told are two different things."

SRI K. VENKATASWAMI NAYUDU :—" Sir, this duty on property has been discussed in this House on previous occasions, and it is but right that we should agree to this resolution on this occasion, with a view to see that a uniform legislation is enacted for the whole country. Really, therefore, the proposition of Dr. Lakshmanaswami Mudaliyar is to postpone the matter now, although he admits that this duty is to come off some day or other. What we are doing by this resolution is nothing more than conceding the principle that this duty is inevitable and must come off some day or other, if we are to fulfil the big programme put forward before the country; then the country and the programme will be inter-allied, and nobody will grudge to give the levy under this head." Dr. Lakshmanaswami Mudaliyar asked: 'Where are your social welfare schemes? Where is your national health scheme? Where is your old age pension scheme?' etc. Sir, these are all before us; we do want all these things. As a matter of fact, every party in the country is agitating for these schemes, and the sooner they are tackled, the better for our country. On the eve of the elections, every party is going to put all these schemes in its programme and place it before the country, and it is on the basis of the pledges and promises made by each party that candidates of each party are going to be returned. So, what is wrong for the Congress Party now to say that this is our programme and we are going to implement it and that is the reason why a vote on this is now asked for? I think, Sir, we on this side of the House must support this resolution in its entirety, because this is part and parcel of a programme which the Congress Party has placed before the country."

SRI S. JAYARAM REDDI :—" Sir, every gentleman that we come across now who is interested in us is advising us not to launch upon this mad scheme. Some people say: 'Have you got any prudence, any statesmanship in you? At this time when the elections are near, when your prestige in the country is already low, why should you launch upon this scheme which will bring you disrepute among the masses?' Sir, I must congratulate the Hon. Finance Minister on his speech in the other House. He has taken courage in both hands to say that the National Planning Commission's schemes are to be the basis on which the elections are going to be fought out on behalf of the Congress. How far he was well-advised in saying that, I do not know; but after hearing the learned speech of Dr. Lakshmanaswami Mudaliyar, I do think that the

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Government must ponder over all the criticisms he has made in his speech. Sir, yesterday I was present, along with Dr. Lakshmanaswami Mudaliyar, when, in Coimbatore, the ex-Finance Minister of the Central Government was giving out his views about this Bill. He told us that he was the author of this Estate Duty Bill; that he was in charge of this subject when he was in office, and that any idea of sponsoring this Bill before the new Hindu Code Bill is passed would lead to confusion. As it is, in the Hindu joint family, when a man dies, it is very difficult to assess the value of his rights in the family, and this Bill will certainly lead to confusion in assessing the amount which his successor will have to pay. Whether this is to be an estate duty or whether it is to be a succession certificate fee, as it is called in the Civil Courts, it does not matter; the fact is that an appreciable amount will have to be paid by the successor. Sir, as one of the Members—I think it was Dr. Lakshmanaswami Mudaliyar—suggested, how can the successor pay the amount when he is not actually in possession of liquid assets such as some deposits in a bank? So, that is also a question to be considered, by the Government.

"Sri Adityan put forth a suggestion that people who have got small holdings can be exempted from the operation of this Estate Duty Act. That is a suggestion, in my opinion, which deserves consideration. After all, even from an election point of view, it is the masses that are going to decide the results and among them there will be a very large number of people who will have to be exempted and they will certainly thank us for such exemption.

"Another matter I would like the Government to seriously consider is this: often times this House is being reminded of the interference of the Centre in many matters. This House is being treated as a place where everything will be conceded and no protest will be made. Whenever a serious suggestion is made that the Government should consider any particular matter, it is the duty of the Government to do so. I therefore suggest that this Government should write to the Government of India in detail about the considerations which weigh with this Government either in postponing this question or in reserving power to reconsider it.

"For my own part, I am very much impressed with the views expressed by Dr. Lakshmanaswami Mudaliyar in one particular respect. What is the necessity for including agricultural land also in this Bill? Why not this Bill be taken up after the Bills relating to non-agriculturist income are taken up and passed? Cannot a Bill published by the Central Government be sent here for our consent or at least for our opinion thereon? Should we not insist on getting such an opportunity before the Central Government pass the Bill? All these are points, Sir, which appeal to me. I think therefore that Government will take into consideration all these observations that have been made in this House and try to come to some conclusion which will be in consonance with the dignity of this House."

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THE HON. SRI K. MADHAVA MENON :—"Would it be possible, Sir, to continue the discussion on some other day? We shall rise now."

MR. CHAIRMAN :—"If it is the sense of the House to rise now, I have no objection."

*JANAB ABDUL LATIF FAROOKHI :—"We have no objection to rise just now, but when are we going to meet again? What about the Demands that have been presented to-day? When are we going to discuss them? Usually, Sir, an interval of three days is allotted, after presentation, for discussing these Demands. If however we are to postpone these Demands for some time to come, probably more than a month, it is as good as not discussing them at all. I would like to impress upon the Government that this sort of delay in allowing the Legislature to consider the Demands is tantamount to defeating the objects of democracy itself. You do things without taking into consideration the opinion of the Legislature, and then when it is convenient to you, you come and say 'All right, they may be considered'. I submit, Sir, in fairness to this House, these Demands should be discussed in this House at an early opportunity."

MR. CHAIRMAN :—"This House is meeting about the 6th of next month, is it not so? Why not we discuss the Estimates on that day?"

THE HON. SRI B. GOPALA REDDI :—"Sir, originally we wanted to finish the discussion in the other House on the 1st of September, but it now looks as if we will have to continue the discussions on the 3rd and 4th of September also. Therefore, we cannot provide for discussion here earlier."

MR. CHAIRMAN :—"Here also we will simply have the discussion."

THE HON. SRI B. GOPALA REDDI :—"But the Demands have to be first discussed in the other House. Being Supplementary Demands for money, naturally the other House will be chary of allowing this House to discuss them first. I think, Sir, this point was raised as between the Speaker and the Chairman. The Speaker seems to have said that they must be discussed first in the Assembly and then here."

MR. CHAIRMAN :—"But I differed on that point."

THE HON. SRI B. GOPALA REDDI :—"Anyway, we are certainly in the hands of the Speaker and the Chairman."

MR. CHAIRMAN :—"But we are not now voting on the Demands; we simply would discuss them."

THE HON. SRI B. GOPALA REDDI :—"This is just like the annual Budget. Can we allow the Budget to be discussed first here before the other House has had an opportunity to do so? These Supplementary Demands are to be discussed on the same basis as the Budget discussion."

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MR. CHAIRMAN :—" But there is no special provision any-
where about this."

THE HON. SRI B. GOPALA REDDI :—" It may be so; but in
all money matters, especially Budget matters, the other House must
have the priority."

MR. CHAIRMAN :—" That is only with regard to Money
Bills. I do not think there is any justification to extend it further,
especially when this House is not going to vote. I can quite under-
stand a Bill or motion relating to the introduction of taxation being
taken up first there. In fact that is what I said in my note also.
On the question of having a mere discussion, I think it is stretching
the point too much to say that it should be first taken up in the
other House."

THE HON. SRI B. GOPALA REDDI :—" Voting on the Bud-
get, voting on Demands, all that is the prerogative of the Lower
House."

MR. CHAIRMAN :—" But discussion is the prerogative of this
House." (Laughter.)

THE HON. SRI B. GOPALA REDDI :—" Whether discussion
here should precede or succeed discussion in the other House is the
question. I think even in the other House we are not likely to
discuss these Demands in this sitting. The whole thing will have
to be taken up only in the October session.

" As regards the point raised by the Leader of the Opposition,
viz., delay, I may state that sums would be allotted from the Contingency Fund. Even otherwise, I submit that at least on two pre-
vious occasions. I presented the Supplementary Budgets in a bunch
at the end of the year, about the 20th of March, and we discussed
them at the end of March. But, this time, as a courtesy to the
Legislature, I have come forward with these Supplementary
Demands in the middle of the year, and I think the Leader of the
Opposition will appreciate what we have done this year."

MR. CHAIRMAN :—" You could have come later?"

THE HON. SRI B. GOPALA REDDI :—" As I said on two
previous occasions I came at the end of the year with all the Supple-
mentary Demands in a big bunch and presented them to the
House."

MR. CHAIRMAN :—" As regards the other point raised by you,
I think you have seen my note; there can be no objection to discuss
the Demands here first. In a matter of finance like this, there is
no doubt that we have no right to vote upon it; but so far as having
a discussion is concerned, I cannot understand the reluctance of the
Government to have it here first."

THE HON. SRI B. GOPALA REDDI :—" You may please speak
to the Speaker."

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MR. CHAIRMAN :—" I think I have made myself quite clear
in that note. When the Demands have been presented to this
House, when we can now sit and dispose of them and when we are
not voting on them, I cannot see why objection should be raised.
If this subject is to be discussed further, I have no objection to
discuss it with the Government. I do not know how you feel in
the matter, but personally, I do feel that there is absolutely nothing
wrong in discussing the Demands now."

THE HON. SRI B. GOPALA REDDI :—" It all depends upon
the other House. Members of that House are very zealous of their
rights. On all questions of finance, the other House will feel that
it has a priority."

MR. CHAIRMAN :—" We are guided by the Constitution."

THE HON. SRI B. GOPALA REDDI :—" Does it follow that
the Budget can be presented to this House first and later on to
the other House? If, as is suggested, the discussion can take
place here first, why not the Budget also be presented here first
in the morning and then presented in the other House in the
afternoon, on the same day? I do not know whether the Consti-
tution says anything about that."

MR. CHAIRMAN :—" The Constitution does not say anything
about it. Whatever be the case about presentation of the Budget
or estimates when once that is done I do not see why discussion
should be restricted."

THE HON. SRI B. GOPALA REDDI :—" But presentation
has to be done on the same day in both the Houses, in the other
House in the morning and here in the evening."

MR. CHAIRMAN :—" But so far as our rights are concerned,
I am strongly of opinion that as long as we do not infringe the
rights of the other House, it is not right that we should be
debarred from having a discussion here at our convenience."

THE HON. SRI B. GOPALA REDDI :—" Then, what about 4-45
presentation?" p.m.

MR. CHAIRMAN :—" You present it to both the Houses on
the same day."

THE HON. SRI B. GOPALA REDDI :—" Can it be presented
to this House first?"

MR. CHAIRMAN :—" Since it has to be presented the same
day, the Hon. Finance Minister can present it in the other House
and the Hon. Leader of this House can do it here. I mean the
presentation of the Budget also. I think you agreed to it. This
will avoid the question of presenting it in one House before and
in the other House after that."

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THE HON. SRI B. GOPALA REDDI:—"Suppose we have got 25 questions in the Assembly which will take about an hour and here we have got only five questions which can be finished in about ten minutes?"

MR. CHAIRMAN:—"That is why I suggested it can be taken up at 12 o'clock after Questions are over in the other House."

THE HON. SRI B. GOPALA REDDI:—"Suppose some point of order is raised and then the Hon. Finance Minister begins the presentation in the other House say at 12-15 p.m. it may mean that it has been presented first in this House and then in the other House."

MR. CHAIRMAN:—"I said that there would be no difficulty in presentation. There the question-time is till 12 o'clock. I will take it up here at 12-30. After all it is a matter of convenience."

THE HON. SRI B. GOPALA REDDI:—"All these are matters to be discussed at the Speakers' Conference."

MR. CHAIRMAN:—"So, it means that the Estimates cannot be discussed now. If so, why could not the presentation also have been done later?"

THE HON. SRI B. GOPALA REDDI:—"The dates when the Supplementary Demands should be presented and when they should be discussed and voted, have to be fixed by the Governor. So far, it has not been done by the Governor. Moreover, we cannot get both the Houses to sit together, so that they can be presented to them the same day. If the presentation is made and discussed first in the other House, hon. Members here may have ample opportunity to ponder over."

The House then adjourned to meet again at 11 a.m. on Thursday, the 6th September 1951.

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APPENDIX I.

[Vide answers to starred question No. 21 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 27th August 1951, page 146 supra.]

(a) The following are the special staff employed in the Agricultural Department for seed development work:—

Field Staff.

1 Seed Development Officers (Gazetted) ..	3
2 Seed Development Assistants (Upper Subordinates) ..	38
3 Peons ..	10
4 Messengers ..	38

Ministerial Staff.

1 Lower division clerks ..	5
2 Typists ..	5

The cost of employment of the above special staff is Rs. 1,51,524 per year.

(b) The Special Seed Development staff is solely responsible for running 'primary' seed farms on the lands of suitable ryots with the nucleus pure seed produced at Agricultural Research stations. They bestow personal attention and exercise constant supervision to see that the purity of the seed is maintained. The special staff is also responsible for examining and testifying to the purity and viability of the seeds multiplied on the 'primary' and 'secondary' seed farms. Prior to the employment of special staff, the district staff was in charge of running 'primary' and 'secondary' seed farms. But the district staff was not able to pay that amount of special attention that is required for this important item of work in connexion with the Grow More Food Programme. As great care is necessary to see that only tested seed is sown in the nursery and seedlings of the particular strains are transplanted in the seed farm area, a Special Seed Development staff is employed.

(c) The acreage of primary seed farms arranged during 1950-51 (from 1st July 1950 to 31st March 1951) is as follows:—

	ACRES.
Paddy ..	4,895
Cholam ..	5,515
Cumbu ..	1,605
Ragi ..	543
Tenai ..	532
	8,195

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(d) Prior to the appointment of Special Seed Development staff, the district staff was attending to both 'primary' and 'secondary' seed farms. Now the primary seed farms are exclusively under the charge of the Special Seed Development staff. The Special staff attend also to roguing operations on secondary seed farms and help the District Agricultural Officers in procuring seed in the districts. The seed multiplied in the primary seed farms under the direct supervision of the special staff is utilized by the district staff for running secondary seed farms. The produce of the secondary seed farms are purchased and distributed by the district staff to the ryots for general spread of improved seed. Hence there is no overlapping of the duties of the special staff with the district staff.

(e) The district staff alone attend to the distribution of seeds and not the special staff.

(f) The quantities of the improved seeds of paddy and millets distributed by the district staff is as follows:—

Fesli year.	Paddy.	Millets.	Green mature seeds.
	TONS.	TONS.	TONS.
1947-48	9,031	101	1,158
1948-49	7,939	84	2,854
1949-50	6,109	106	945
1950-51 (up to the end of March 1951)	4,025	250	568

The main reason for the fall in the quantities is the adverse seasonal conditions.

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THE HON. SRI H. SITARAMA REDDI:—“(a) In February last year, it was brought to the notice of the Government that stamp-vendors were in the habit of selling a larger number of stamps of lower denominations where a smaller number of stamps of higher denomination would suffice, in order that they might earn the higher rates of discount allowed on sales of stamps of lower denominations. The Board of Revenue, which examined the question, recommended that the stamp-vendors should be required to obtain in their registers the signature of the persons to whom they sold stamps, so that it might be possible to detect offences of the kind referred to at the time of check in the Taluk office of the indents presented by the stamp-vendors. The Government accepted the recommendation and issued orders accordingly. The order applies to all stamp-vendors in the State.

“(b) & (c) No representation has been received by the Government that the practice is causing inconvenience to parties and advocates and that it should be abrogated.”

SRI R. SURYANARAYANA RAO:—“Has the Bar Association of the Bellary district made any representation to the Hon. Revenue Minister?”

THE HON. SRI H. SITARAMA REDDI:—“My answer to clauses (b) and (c) is that the Government have received no representation.”

SRI R. SURYANARAYANA RAO:—“Was any representation made to the Hon. Minister for Revenue when he was in Bellary?”

THE HON. SRI H. SITARAMA REDDI:—“I do not remember.”

JANAB ABDUL LATIF FAROOKHI:—“Will the Government be pleased to enquire into the inconveniences caused to the people?”

THE HON. SRI H. SITARAMA REDDI:—“There is no need for an enquiry. If there is any inconvenience, the people inconvenienced will naturally make representations to the Government. So, there is no need for me to start an enquiry into this matter.”

Government employees who are treated as part-time employees.

* 26 Q.—SRI R. SURYANARAYANA RAO: With reference to the answer to question No. 195 answered on 30th March 1951 and the supplementaries on the same, will the Hon. the Minister for Finance be pleased to state—

(a) which among the Government employees mentioned in Appendix I are treated as part-time employees and so not entitled to dearness allowances;

(b) whether the market rates are based on any obtained data and if so, who the authority to determine the rates is in the City of Madras;

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* (c) whether market rates paid by other employers such as the Corporation of Madras are higher than those paid by Government,

(d) whether the question of giving house-rent allowance to these Government employees who are in receipt of dearness allowance has since been considered;

(e) whether in respect of Government employees whose work is not really of a casual nature, the Government have framed or propose to frame regulations governing their conditions of service;

(f) whether payment from contingencies for services rendered by whole-time employees does not lend to easy and effective check in expenditure; and

(g) whether the special officer appointed to examine the expenditure on contingencies has made any recommendation in this regard and if so, what it is and whether it has been accepted and given effect to?

THE HON. SRI B. GOPALA REDDI:—“(a) Menials paid from contingencies are treated as whole-time or part-time employees with reference to the amount of work they do and the time occupied in doing it. When a menial has a full day's work, he is treated as a whole-time employee. When he has work for only part of a working day, he is treated as a part-time employee.

(b) The rates of pay for the menials paid from contingencies are fixed on the basis of the local market rates ascertained after enquiry. Heads of departments and officers generally consult Collectors of districts in this regard. In Madras City, information as to the market rates is obtained by the Collector of Madras, who is the competent authority for determining the rates for the City.

(c) The rates of pay of the menials of offices of the Collector and the Corporation of Madras are given in the annexure. The rates of pay of the menials employed by the Corporation are higher than those of men employed in Government offices. This is apparently due to the fact that watchmen, sweepers and scavengers employed by the Corporation in public places such as parks, stadia, swimming pools, public conveniences, etc., have much more work than similar men employed in Government offices.

(d) The question is under consideration.

(e) The type of persons employed to these posts (paid from contingencies) is not usually amenable to discipline and the officers who employ them should always have the power to dispense with the services of these men without going through the formalities required by the regular service rules. No

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rules have, therefore, been framed to govern the conditions of service of menials paid from contingencies even in cases where their work is not of a casual nature.

"(f) The employment of menials paid from contingencies is subject to the rules laid down in the Madras Finance Code. Under these rules, employees of this class should be paid on the basis of market rates, subject to certain maxima and the number to be employed in each year is subject to the limit of budget provision for the year. There is no other check in respect of the employment of such men. Whenever a general retrenchment enquiry is made, the possibility of effecting economy in the expenditure under this head is also examined.

"(g) The Special Officer for Contingencies did not make any recommendations in regard to the conditions of service of menials paid from contingencies. He made suggestions only in regard to the means of effecting retrenchment in the number of men, and conversion of some of the whole-time employees to part-time ones."

SRI R. SURYANARAYANA RAO:—"As the Government themselves have recognised that the rates paid by the Corporation of Madras are higher than the rates paid by the Government and in view of the fact that the rates of the Corporation of Madras are also arrived at after ascertaining the local market rates prevailing for the workers, will the Government consider the desirability of raising the rates of pay of the Government employees to those that are obtaining in the Corporation of Madras?"

THE HON. SRI B. GOPALA REDDI:—"Sir, I have already answered the question, under clause (c). This is apparently due to the fact that watchmen, sweepers and scavengers employed by the Corporation in public places such as parks, stadia, swimming pools, public conveniences, etc., have much more work than similar men employed in Government offices. For example, scavengers employed in the Secretariat have not as much work to do as the scavengers employed by the Corporation have to do, in public places such as parks, stadia, public conveniences, etc. That justifies the little difference in the salary."

Supply of iron and steel.

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

(a) whether any maximum quantity of iron and steel has been fixed for the construction of buildings and if so, what the quantity is;

(b) whether the Madras Iron and Steel (Control of Use in Buildings) Order, 1951, has been promulgated and enforced in the State;

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(c) whether any steps have been taken to enforce the order;

(d) whether there have been cases in which the contravention of the Order has been detected and prosecutions have been launched;

(e) whether the State Government have exempted any buildings from the operation of the order and if so, what the extenuating circumstances are;

(f) whether it is a fact that the construction of luxurious buildings involving use of large quantities of iron and steel and not coming within the exemptions mentioned in the Madras Iron and Steel Order, 1951, is going on and the necessary quantities of iron and steel are being used; and

(g) what steps have been taken or are proposed to be taken to put an end to this flagrant abuse of the Order?

THE HON. SRI C. PERUMALSAMI REDDI:—" (a) A maximum quantity of 20 tons of iron and steel per quarter has been fixed for public utility buildings such as hospitals, schools, etc., and eight tons in all for a residential building.

"(b) & (c) Yes.

"(d) None.

"(e) No.

"(f) The Government have no information.

"(g) Suitable action will be taken if and when instances of violation are brought to the notice of the Government."

SRI R. SURYANARAYANA RAO:—"May I know whether the Government have any staff to go round and examine whether violations of the Madras Iron and Steel (Control of Use in Buildings) Order, 1951, are taking place or whether they take action only when somebody makes representations to them?"

THE HON. SRI C. PERUMALSAMI REDDI:—"Certainly, only on representations, we send the Police staff. As soon as a permit is issued, a copy is sent to the Police department. They go and make enquiries about the use they make of it. When a report is made by them, action is taken by the Government."

SRI R. SURYANARAYANA RAO:—"May I know, whether the Government have received no reports of misuse, even from the City of Madras where luxurious buildings are going up every day?"

THE HON. SRI C. PERUMALSAMI REDDI:—"So far there is no violation of rules. We have also no information from the Police about violation of rules."

SRI MOTHEY NARAYANA RAO:—"May I know, whether the Government are aware that large quantities of steel are available in the blackmarket?"

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

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Grants to local bodies for maintenance of hospitals, etc.

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

(a) the principles governing grants, recurring and non-recurring, to local bodies and municipal councils for the maintenance of hospitals, dispensaries and maternity and child-welfare centres;

(b) whether the same principles operate in the case of grants to medical institutions maintained by charitable and philanthropic bodies and individuals; and

(c) whether there is any proposal to increase the quantum of grants to encourage non-Government institutions to undertake medical relief?

THE HON. DR. T. S. S. RAJAN:—“A statement” is placed on the table.”

SRI R. SURYANARAYANA RAO:—“It is noted that in respect of hospitals maintained by municipalities and local boards, started prior to 1915, the percentage paid towards salaries is much less than what is paid for institutions that came into existence between 1915 and 1928. May I know, Sir, whether the Government have at any time considered the question of equitable distribution of their contribution without any difference in the percentage in respect of one type of institutions and another?”

THE HON. DR. T. S. S. RAJAN:—“This matter has not been particularly brought to the notice of the Government. I shall have it enquired into.”

SRI R. SURYANARAYANA RAO:—“In respect of private institutions which come forward for the purpose of assisting Government in rendering medical relief, will the Government consider the desirability of increasing the percentage of grants given to these private institutions, so that more charitable and philanthropic bodies may come forward and start medical relief institutions and reduce the burden on the Government?”

THE HON. DR. T. S. S. RAJAN:—“We shall take note of the question and look into the matter. If it is feasible, we shall certainly do it.”

Relief of traffic congestion in the city.

* 29 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Finance be pleased to state whether the Government have at any time considered the proposal to appoint an Advisory Committee on traffic congestion and to advise Government as to the necessary steps to be taken to relieve the growing congestion of traffic in Madras City?

THE HON. SRI B. GOPALA REDDI:—“Hitherto, there has been no need for the Government to consider any such

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proposal. It may however be mentioned that the Commissioner of Police and the Road Traffic Board, Madras, are considering several measures for reducing the traffic congestion wherever it exists in Madras City.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, in view of the growth of the population in the City of Madras and the consequent increase in traffic, whether the Government will consider the desirability of having an Advisory Committee, as it is done all over the world, to advise the Government on which the Commissioner of Police and other Officers should be represented and with which non-officials also will be associated?”

THE HON. SRI B. GOPALA REDDI:—“The Road Traffic Board of the City of Madras consists of the Commissioner, Corporation of Madras, the Collector of Madras and the Commissioner of Police as its Chairman. There is also a non-official member in the Board—the hon. Sri K. Venkataswami Nayudu. All of them have to put their minds together and consider this question. If they think that an advisory committee is necessary in this direction, we have no objection to it. We do not think that just now any particular purpose will be served by appointing a non-official committee.”

SRI S. B. ADITYAN:—“May I know, if the Government will consider the proposal for constructing an underground tube railway in the Madras City, as, I understand, is the intention of the Government in Calcutta?”

THE HON. SRI B. GOPALA REDDI:—“I have no information.”

JANAB DR. SYED TAJUDDIN:—“May I know whether there is any proposal for having a light railway up to Adyar?”

THE HON. SRI B. GOPALA REDDI:—“I am afraid, the question must be put to the Hon. Minister for Public Works.”

SRI R. SURYANARAYANA RAO:—“May I know whether the Road Traffic Board constituted for the City of Madras is also required to deal with the traffic problems in the city or only with the grant of permits, etc.?”

THE HON. SRI B. GOPALA REDDI:—“Though essentially it is a question for the Commissioner of Police, the Corporation is also interested in the matter. They do go into the question, formally or informally.”

SRI R. SURYANARAYANA RAO:—“May I know whether the question of increasing the number of buses on a particular route in view of the congestion in the traffic is also a matter which is referred to the Road Traffic Board and whether their decision is respected by the Transport Commissioner as in the case of other licence-holders in the mufassal?”

THE HON. SRI B. GOPALA REDDI:—“With regard to nationalized transport, it is essentially a matter for the Transport Commissioner. I do not think the Road Traffic Board in the city comes into the picture. The Transport

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Commissioner had, in fact, an Advisory Committee in the beginning but it was not continued after one or two years of existence."

SRI R. SURYANARAYANA RAO:—"In view of the fact that the question that has been raised relates to the traffic in the city, may I ask, whether the Government will empower the Road Traffic Board in the City of Madras to deal with traffic problems as is the case with mutassal Regional Transport Boards?"

THE HON. SRI B. GOPALA REDDI:—"The Regional Transport Boards go into the question where private operators come into the picture and make recommendations to the Transport Commissioner, to be approved or not approved. As regards nationalized transport, the power is exercised by the Transport Commissioner and not exactly by the Regional Transport Board."

JANAB ABDUL LATIF FAROOKHI:—"The Hon. Minister stated in reply to a supplementary question that if the Traffic Board thought it necessary to have an Advisory Board, Government would consider their advice. Have the Government at any time referred to the Road Traffic Board the desirability of having such an Advisory Board or not?"

THE HON. SRI B. GOPALA REDDI:—"Originally I thought the question related to the parking of cars in the Marina, etc. But if it relates to the question of increasing the number of buses in a particular route, then it is a different matter altogether. This question comes under the purview of the Transport Commissioner alone. In regard to the difficulty in parking of cars in the Marina and other things. I know the Corporation Commissioner, the Commissioner of Police, all of them put their heads together and see what could be done to relieve such difficulties. I did not quite understand in the beginning whether the question related to the former or the latter."

JANAB ABDUL LATIF FAROOKHI:—"My question is with regard to the constitution of an Advisory Committee, not with regard to the congestion. I want to know whether the Government have at any time sought the advice of the Road Traffic Board with regard to the necessity of having an Advisory Committee?"

MR. CHAIRMAN:—"What has that to do with the question of congestion in traffic?"

JANAB ABDUL LATIF FAROOKHI:—"Sir, the Hon. Minister said that there is already a Road Traffic Board and if the Board, of which my hon. Friend Sri Venkataswami Naidu is a member, thinks it advisable or suggests to the Government that an Advisory Committee is necessary, Government will consider the position. I want to know whether the Government sought their advice with regard to this matter?"

THE HON. SRI B. GOPALA REDDI:—"The Road Transport Board is a Statutory Body and whenever a lorry or a taxi

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has to get a permit, an application has to be made to the Board. It is not for them to say how many buses should run from Mylapore to Parry's and all that. It is not in their jurisdiction at all. It might be done by an Advisory Committee. We had one such Committee for one year which advised the Transport Commissioner in regard to these matters. It was abolished later on because it was felt that it was not serving any useful purpose. There is no Advisory Committee for the time being."

SRI R. SURYANARAYANA RAO:—"Why did the Government think it necessary to abolish the Committee? The Hon. Minister said that it did not serve any useful purpose. What is the test of usefulness of the Committee?"

THE HON. SRI B. GOPALA REDDI:—"It was discontinued two or three years ago after having been in existence for a year or so."

JANAB ABDUL LATIF FAROOKHI:—"May I know, Sir, what is the criterion or the standard of efficiency or what is it that Government expect of such Committees to judge their usefulness?"

MR. CHAIRMAN:—"Yes, their usefulness!" (Laughter.)

THE HON. SRI B. GOPALA REDDI:—"They must generally conform to the views of the Government. Suppose the Advisory Committee says that 80 buses are necessary from Mylapore to Parry's while the Transport Commissioner thinks 15 will do, then I do not know whether we can accept the recommendation of the Advisory Committee in these matters. After all, these are to be based on certain data. The Transport Commissioner goes on the data collected, while the Advisory Committee may not go on these lines."

DR. SYED TAJUDDIN:—"Is not the advice of the Advisory Committee only advisory in nature? If any extraordinary recommendation is made by the Committee, is it not open to the Government or the Head of the Department to accept or not to it?"

THE HON. SRI B. GOPALA REDDI:—"That is so."

SRI R. SURYANARAYANA RAO:—"May I know, Sir, whether the recommendations were so revolutionary; and assuming that Government could not accept any of them, did they think it best to abolish the Committee? Was that the only solution?"

THE HON. SRI B. GOPALA REDDI:—"We did not abolish it. We did not renew the Committee after the expiry of the term of one year. There is no question of abolishing it."

MR. CHAIRMAN:—"I think I must relieve the congestion about this question." (Laughter.)

JANAB ABDUL LATIF FAROOKHI:—"Have Government considered the diversion of through passengers to Parry's Corner

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both in the morning and evening peak hours from Mylapore and Triplicane, via Beach Road, the Band Practice Road, the Medical College overbridge, the Umbrella stand and to Parry's Corner, if not, will they give the proposal a fair trial?"

THE HON. SRI B. GOPALA REDDI:—"The Transport Commissioner will consider the suggestion."

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

II.—ANNOUNCEMENTS.

(1) LETTER FROM HIS EXCELLENCY THE GOVERNOR *re* RESOLUTION OF THANKS FOR THE ADDRESS.

MR. CHAIRMAN:—"I have to announce to the House that I have received the following letter, dated 29th August 1951, from His Excellency the Governor:—

Dear Mr. Chairman,

I have received with great satisfaction your resolution of thanks for the address with which I opened the present session of the Legislature."

(2) MESSAGES FROM THE HON. THE SPEAKER *re* BILLS PASSED BY THE ASSEMBLY.

MR. CHAIRMAN:—"I have to announce to the House that I have received messages from the Hon. the Speaker, Madras Legislative Assembly, 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, 1951 (L.A. Bill No. 14 of 1951).

(2) The Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951).

(3) The Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951).

(4) The Madras Drugs (Control) Amendment Bill, 1951 (L.A. Bill No. 17 of 1951).

(5) The Andhra University (Amendment) Bill, 1951 (L.A. Bill No. 18 of 1951).

(6) The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951).

(7) The Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951).

(8) The Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951).

(9) The Madras District Boards (Amendment) Bill, 1951 (L.A. Bill No. 23 of 1951).

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(10) The Madras Tenants and Ryots Protection (Amendment) II, 1951 (L.A. Bill No. 25 of 1951).

(11) The Madras City Municipal (Amendment) Bill, 1951 A. Bill No. 28 of 1951).

(12) The Madras Sales of Motor Spirit Taxation (Amendment) II, 1951 (L.A. Bill No. 29 of 1951).

(3) MESSAGES FROM THE HON. THE SPEAKER *re* SETTING UP OF JOINT SELECT COMMITTEES.

MR. CHAIRMAN:—"I have also to announce that I have received the following messages from the Hon. the Speaker, Madras Legislative Assembly, dated 29th and 30th August 1951:—

In accordance with rule 116 of the Madras Assembly Rules, transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Irrigation (Betterment Contribution and Reclusion Fees) Bill, 1951 (L.A. Bill No. 20 of 1951).

That under rule 116 of the Madras Assembly Rules,

(1) the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 21 members to consider the Bill (14 members from the Assembly and 7 members from the Council), and

(2) the following members of the Assembly be nominated as members of the Joint Select Committee:—

(1) The Hon. Sri H. Sitarama Reddi.

(2) The Hon. Sri M. Bhaktavatsalam.

(3) Sri K. T. Kosalam.

(4) Sri A. Kaleswara Rao.

(5) Dr. P. Govindan Nair.

(6) Sri M. Bapineedu.

(7) Sri V. I. Muniswami Pillay.

(8) Sri M. P. Damodaran.

(9) Sri G. Venkata Reddi.

(10) Sri M. A. Easwaran.

(11) Sri T. Viswanatham.

(12) Janab Muhammed Rafeuddin Ahamed Ansari.

(13) Janab M. A. Muhammad Ibrahim.

(14) Janab Mahboob Ali Baig.

In accordance with rule 116 of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Medical Registration (Amendment) Bill, 1951 (L.A. Bill No. 26 of 1951).

That under rule 116 of the Madras Assembly Rules,

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(1) the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 24 members to consider the Bill (16 members from the Assembly and 8 members from the Council), and

(2) the following members of the Assembly be nominated as members of the Joint Select Committee:—

- (1) The Hon. Dr. T. S. S. Rajan.
- (2) Dr. P. Govindan Nair.
- (3) " S. Subramaniam.
- (4) " M. J. Samuel.
- (5) Sri K. Shanmugam.
- (6) " K. P. Kamatchi Chettiyar.
- (7) " T. J. M. Wilson.
- (8) Sri R. V. Swaminathan.
- (9) Skimathi C. Ammanna Raja.
- (10) Sri M. A. Easwaran.
- (11) Begum Sultan Mir Amiruddin.
- (12) Janab N. Muhammad Anwar.
- (13) Dr. D. S. Ramachandra Rao.
- (14) Sri G. Rajamannar Chetti.
- (15) Janab Abdul Hameed Khan.
- (16) Sri P. Natesan."

(2) MESSAGE FROM THE HON. THE SPEAKER, DATED 31ST AUGUST 1951,
re BILLS PASSED BY THE ASSEMBLY—*cont.*

MR. CHAIRMAN:—"I have further to announce that I have received the following messages from the Hon. the Speaker, Madras Legislative Assembly, dated 31st August 1951:—

(1) I transmit a copy of the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951) as passed by the Assembly on the 31st August 1951, and signed by me for the recommendations of the Council.

(2) I certify that this is a Money Bill within the meaning of Article 199 of the Constitution of India."

(4) MESSAGE FROM HIS EXCELLENCY THE GOVERNOR *re* THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS BILL.

MR. CHAIRMAN:—"I have also to announce that I have received the following message, dated 24th August 1951, from His Excellency the Governor:—

'In pursuance of Article 207, clause (3) of the Constitution of India I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951.'

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(2) MESSAGE FROM THE HON. THE SPEAKER, DATED 4TH SEPTEMBER 1951, *re* BILLS PASSED BY THE ASSEMBLY—*cont.*

MR. CHAIRMAN:—"I have also to announce that I have received the following message from the Hon. Speaker, Madras Legislative Assembly:—

'I transmit a copy of the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951), as passed by the Assembly on the 4th September 1951, and signed by me for the concurrence of the Council.

'I transmit a copy of the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Bill, 1951 (L.A. Bill No. 33 of 1951), as passed by the Assembly on the 4th September 1951, and signed by me for the concurrence of the Council.'

III.—GOVERNMENT RESOLUTION.

* LEGISLATION FOR THE LEVY OF ESTATE DUTY IN RESPECT OF
AGRICULTURAL LAND—DISCUSSION—*cont.*

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I propose to withdraw the resolution on the levy of Estate Duty in respect of agricultural land. Government considered the various suggestions and criticisms made on the floor of this House in regard to this matter. It was suggested that the House must be furnished with further details as to the extent of the levy and a certain amendment was also sought to be moved by the hon. Member, Dr. Lakshminaraswami Mudaliar wanting to know the implication of this measure so far as this State is concerned. As I said at the time of moving the resolution, we do not have all the details that the hon. Members wanted. So, after consideration, it has been decided to withdraw the motion for the present and seek further information from the Government of India in the matter and details regarding levy of this duty. Therefore, Sir, I move—

That under rule 61 of Council Rules leave may be granted to withdraw the resolution.'

MR. CHAIRMAN:—"The question is—

That under rule 61 of Council Rules leave may be granted to withdraw the resolution.'

The motion was carried and the resolution was by leave of the House withdrawn.

IV.—(1) MOTION UNDER RULE 22 (3) OF THE COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN:—"Mr. Chairman, Sir, under rule 22 (3) of the Council Rules, I move—

That item 15 on the agenda, the Madras Weights and Measures (Amendment) Bill, 1951, be taken up as the next item for consideration.'

The motion was put and carried.

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V.—GOVERNMENT BILLS.

(1) THE MADRAS WEIGHTS AND MEASURES (AMENDMENT) BILL, 1951
(L.A. BILL NO. 15 OF 1951).

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

'That the Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951), as passed by the Legislative Assembly be taken into consideration.'

Sir, in the Madras State, salt is sold by the factories and the wholesalers in terms of weight and by the retailers in terms of measure. Thus, there are two different methods of issue of salt in the two stages of transactions so far as this State is concerned. Heavy crystal salt is known to be good and pure. Light flaky salt is inferior in quality and it gives greater number of measures per maund and it is therefore in greater demand by retail dealers. If the quality of salt produced in this country is to improve, the manufacture of light salt should be stopped altogether and this can be done only if there is one uniform system of sale of salt by weight throughout the country. The Salt Experts Committee, the Export Advisory Committee and the Central Government are all agreed on this question and all the other State Governments are said to have already introduced this change in their respective States. Almost all the Salt Associations in this State are in favour of this sale of salt by weight. The Government of Bombay have amended their Weights and Measures Act for enforcing the sale of salt by weight. This amendment is made on the same lines as in the Bombay Act. By enforcing all sale of salt by weight, we shall get into line with other States and have one uniform system in the whole country. This change will not only induce the manufacturers to produce a heavy variety or better quality of salt, but it will also be in the interests of the consumer."

MR. CHAIRMAN:—"The question is—

'That the Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951), as passed by the Legislative Assembly, be taken into consideration.'"

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

Clauses 2, 3, 4 and 5 were put and carried and allowed to stand part of the Bill.

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

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

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

'That the Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'"

* Published in the Fort St. George Gazette, dated 22nd May 1951.

THE MADRAS WEIGHTS AND MEASURES (AMENDMENT) BILL, 1951
(L.A. BILL NO. 15 OF 1951)

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MR. CHAIRMAN:—"The question is—

'That the Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951), as passed by the Legislative Assembly be read a third time and passed.'"

The motion was carried and the Bill was passed.

(2) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) BILL, 1951 (L.A. BILL NO. 29 OF 1951).

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

'That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1951 (L.A. Bill No. 29 of 1951), as passed by the Legislative Assembly, be taken into consideration.'

Sir, this Bill has nothing to do with taxation. We are only dispensing with a large number of details which the wholesalers and the importers are obliged to give to the Government. They are all unnecessary details which involve considerable clerical labour on the part of the wholesalers and the importers. Tax is levied on the retail sales of petrol and details in respect of that alone are necessary. On the representations of many companies, we thought that we could dispense with the innumerable details they were submitting to the Government hitherto which were not of any use to us. We are amending the Act for this specific purpose. This is a non-controversial Bill and I request the House to take the Bill into consideration."

MR. CHAIRMAN:—"The question is—

'That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1951 (L.A. Bill No. 29 of 1951), as passed by the Legislative Assembly, be taken into consideration.'"

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

Clauses 2, 3, 4, 5 and 6 were put and carried and allowed to stand part of the Bill.

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

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

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

'That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1951 (L.A. Bill No. 29 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'"

MR. CHAIRMAN:—"The question is—

'That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1951 (L.A. Bill No. 29 of 1951), as passed by the Legislature Assembly, be read a third time and passed.'"

The motion was carried and the Bill was passed.

* Published in the Fort St. George Gazette Extraordinary, dated 17th August 1951.

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(3) THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS BILL, 1951 (L.A. BILL NO. 30 OF 1951).

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

'That the Madras Payment of Salaries and Removal of Disqualifications Bill', 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative Assembly and transmitted to the Council, be taken into consideration.'

Sir, salaries and allowances paid to the Hon. Ministers, the Hon. Chairman, Deputy Chairman and the Members are governed by an Act passed in 1946. But, with the introduction of the Constitution of India Act, that Act had lapsed and we are only governed now, not by that Act, but by Schedule 2 of the Constitution. So, till the Legislature makes new provisions for the salaries, allowances, etc., whatever was obtaining on the 26th January 1950 would continue to obtain. But, certain objections which were raised by the Accountant-General were considered and when we thought of amending the Act, we found that the Act itself is not in force and that the salaries, allowances, etc., are being governed by Schedule 2 of the Constitution. Therefore, we decided that the entire Act has to be re-enacted. We have not introduced any new principle, nor have we enhanced the salaries of either the Ministers or the Hon. Chairman or the Hon. Speaker or their Deputies or of the Members. But, we are introducing two new provisions in the Act. Firstly, the Act does not stipulate that the Hon. Chairman and the Hon. Speaker should also be allowed travelling allowance, etc., when they tour in the districts. Previously it was not possible and the Accountant-General too raised some objections. So, we have taken this opportunity of making specific provisions that they may also be permitted to go into the districts for specific purposes. The second provision is in regard to medical aid. Some of the Hon. Ministers who were ill had to be admitted as in-patients into the hospitals and during all these five years, only an amount of about Rs. 628 was incurred by the Government, right from the time of the Hon. Sri Veeraswami and Mrs. Rukmini Lakshmipathi to Sri Perumalsami Reddi. We thought that we could pay it by an executive order; but the Accountant-General raised objection that as this was not provided in the Act the money could not be paid by a mere executive order. So, the approval of the Legislature is necessary. We are just putting the Ministers on a par with Government servants drawing salaries over Rs. 500 per month and whatever concessions are allowed to them are also allowed to the Ministers. Therefore, Sir, I move that the Bill may be taken into consideration."

MR. CHAIRMAN:—"The question is—

'That the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative 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 the Government have come forward with this Bill though belated. You may remember, Sir, that we sought to raise the status and emoluments of the Hon. Chairman of this House and succeeded in getting the salary raised to Rs. 1,000 per mensem which was Rs. 500 previously. We have also been feeling, Sir, and we do not know whether the Hon. Speaker also is suffering from the same disability, that you could not go out into the districts to perform some public duties and you have to-day to pay for it out of your pocket. Sir, if the Hon. Ministers can go about the country in the discharge of their duties and if they are entitled to draw travelling and daily allowances, we are feeling why the occupant of the Chair of this House should not be accorded the same right. If you are performing important duties, it is not for pleasure; it is to discharge certain functions associated with the office or when some people want to honour the Chair by inviting and presenting a civic address, so that they may get acquainted with the working of this House. Therefore, Sir, we feel that the Government have done the right thing in introducing this new provision taking advantage of the fact that they had to re-enact the measure which is practically non-existent as we are functioning, as the Hon. the Minister for Finance said, under Schedule 2 of the Constitution. I hope, Sir, when the rules regarding allowances are to be framed under Clause 7, the Government would see that the honour and dignity of the Hon. Chairman and the honour and dignity of the Hon. Speaker are maintained."

MR. CHAIRMAN:—"The question is—

'That the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative Assembly and transmitted to the Council, be taken into consideration.'"

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

Clauses, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 were then put and carried and allowed to stand part of the Bill.

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

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

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

'That the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative Assembly and transmitted to the Council, be read a third time and passed.'"

MR. CHAIRMAN:—"The motion is—

'That the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative Assembly and transmitted to the Council, be read a third time and passed.'"

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* SRI S. JAYARAM REDDI:—"Sir, the Hon. the Finance Minister said the Chairman of the Council and the Speaker of the Assembly will have the right to travelling allowance for specific purposes. Does it mean that they must state the purpose for which they are going to tour before they start or whether they are on a par with the Ministers? I want the Hon. the Finance Minister to clear this doubt."

* THE HON. SRI B. GOPALA REDDI:—"Sir, even the Ministers have to state the purpose for which they are travelling and the Accountant-General has got the inherent right to know why the journey was undertaken. I think, we cannot oust him from that jurisdiction. There are other things which have to be considered when drawing up the rules and when the Government draw up the rules, we will make them as liberal as possible."

MR. CHAIRMAN:—"The question is—

That the Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951), as passed by the Legislative Assembly and transmitted to the Council, be read a third time and passed."

The motion was carried and the Bill was passed.

(4) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) SECOND
AMENDMENT BILL, 1951 (L.A. BILL NO. 14 OF 1951).

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

That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1951 (L.A. Bill No. 14 of 1951), as passed by the Legislative Assembly, be taken into consideration.

The main amendments to the Madras Buildings (Lease and Rent Control) Act were passed by this House in the last session and the Act itself expires on the 30th September 1951. The object of the Act is to regulate the letting of residential and non-residential buildings and to control rents of such buildings and to prevent unreasonable eviction of tenants therefrom in this State. The shortage of accommodation for residential and non-residential purposes continues and it is necessary to extend the Act beyond 30th September 1951. In the circumstances, the Government consider that the life of the Act should be continued for a further period of two years, i.e., up to the 30th September 1953. This is the main object of the Bill and we have taken this opportunity to correct certain obvious mistakes that had crept in when we amended the Act last time. We said that the Rent Controller, if he was satisfied, could give the tenant a reasonable period of time to pay his rent. In another section we said that the tenant could not be allowed to plead at all unless he deposited the rent with the Controller. It will, therefore, be impossible for the Rent Controller to give him time. Proviso to section 7 (2) empowers the Rent

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Controller to give the tenant reasonable time to pay the rent but section 7-A states that the tenant shall not be entitled to contest the application for eviction before the Controller unless he deposits all arrears of rent. It is such obvious mistakes that have now been corrected by the amendments proposed in this Bill."

MR. CHAIRMAN:—"Motion moved—

That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1951 (L.A. Bill No. 14 of 1951), as passed by the Legislative Assembly, be taken into consideration."

* SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, I am very glad the Government have come forward to extend the life of this statute but, Sir, we are equally interested to know from the Government what active steps have been taken by them to solve the housing problem in the City and in the State. In the five-year plan a certain provision has been made for housing. It would have been useful, Sir, if the Government taking advantage of this occasion, had taken the public into their confidence and given information regarding what portion of the provision made in the five-year plan is for the housing of the middle classes, the lower middle classes and the poorer classes of the population and what portion will be allotted to the other classes and what house building schemes have been prepared by them. Otherwise, Sir, we are merely extending an Act which we never meant to place permanently on the Statue Book and we feel as though its extension has been done so often that it is likely to be a permanent statute, which is neither the intention of the Government nor that of the Legislature. We want normal state of things to come into existence and that as soon as possible and I would like the Government on this occasion to enlighten the House on the efforts they are making towards this end."

"Then, Sir, as regards the amendments proposed, I pointed out the absurdity in this House which is now sought to be rectified. I do not know why the Legal Department, even though notice was given of the amendment, did not take into consideration a palpable mistake which was pointed out in the House. I cannot blame the then Minister for he was merely guided by the notes put up by the office. I felt, Sir, that the privilege given to the tenant of asking the permission of the Court for time to pay the rent would be nullified by the other provision in section 7-A. Sir, I am very glad that this mistake has been realized now at least and the Government have come forward to rectify it. We did not notice the other defects which are now sought to be rectified when the Act came up for revision on the last occasion. Though the Hon. Minister did not refer to these in his speech, I feel the rectification of these mistakes also goes a long way to assist the tenant. As I said, Sir, all these are only palliatives and I would like the Government to take up seriously the question what is to be the real solution of this housing problem."

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SRI S. B. ADITYAN:—"Mr. Chairman, Sir, I observe that the Madras Buildings (Lease and Rent Control) Act is now sought to be extended only by two years. May I ask, Sir, why this period of two years has been hit upon? Do the Government hope to solve the housing problem before that period or is it hoped that this control would be unnecessary by that time? It would be a very good thing indeed if this control is to be abolished after the end of these two years! If I am not mistaken, this Act has been extended three times before and this is the fourth occasion. Literally it started as an order which was later enacted into an Act. These frequent extensions bring uncertainty both to the landlords and the tenants. It would be better, Sir, if the public are told that the housing problem cannot be solved and that this measure will be a permanent feature so that both landlords and tenants can reconcile themselves to the existing state of affairs. If they could not solve the housing problems, it is better they declare, just as they have stated that controls on food and essential commodities are going to be permanent features, that control on housing accommodation will also become a permanent feature.

"Now, Sir, I would request the Government to publish statistics about construction of houses. We do not know, Sir, whether we are now in a worse position or better position than we were in two years ago. The Economic Adviser to the Government has, for instance, started the very desirable habit of publishing statistics on agricultural production, cultivation, etc. It will be very greatly helpful if statistics of house construction are also published either monthwar or at least once in three months. House construction statistics are being published in other countries. I know that it is being done in the United Kingdom so that people have the satisfaction of knowing that progress is being made in the right direction. Now, Sir, because no statistics are available it would be possible for the Government to say that we are progressing towards a solution and it would also be possible for others to say that the condition is deteriorating. Obviously, to those who have no statistics to rely on and who have got to decide merely from what they see with their naked eyes, the situation is becoming worse. Sir, I therefore request the Government to see whether it would be possible to publish statistics regarding house construction and information as to the number of houses and the classes of houses constructed either monthwar or quarterly."

* **DR. SYED TAJUDDIN:**—"Mr. Chairman, Sir, it goes without saying that housing is one of the three basic necessities of life. Food, clothing and shelter are very much in short supply and we are, as yet, not able to solve any of these three problems which are facing us day in and day out. Sir, this Act is being resuscitated every second year. Why should not the Government think of extending it by a fairly longer period and be done with it so that they may have a comprehensive plan or programme to solve this problem? Now that the census has already been taken, we know exactly the strength of the population. The

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Government are in a position not only to know the strength of the population, but also the various strata of the population, viz., upper classes, higher middle classes, middle classes, lower classes, and the working classes. First and foremost, the Government should think of providing shelter, at least a minimum amount of shelter, to the poor working classes both industrial and agricultural and also in rural and urban areas. In other countries, the Governments take particular care to provide shelter to those who are in the lower rungs of the social scale. Here I do not find any such attempt at all. The lower middle classes also suffer equally with the working class. Therefore, Sir, I would request the Government to see that a comprehensive plan, long term as well as short term, is prepared forthwith and then think of the where-withal, the sinews of war.

"Sir, in our State the building industry is conspicuous by its absence; there is nothing of that kind at all either in our State or in our country. House-building materials also are scarce, especially timber. The forests are being destroyed year-in and year-out, and there is great dearth of building materials in the country. Therefore, we must also think of replanting our denuded forests, so that in course of time, we can have sufficient quantities of timber available for house-building purposes. So far as cement is concerned, I am glad to say, we are making headway both in our State and in the country; but so far as other materials are concerned, they are very much in short supply. I, therefore, hope that the Government will consider the question of finding out ways and means of augmenting building materials.

"Lastly, Sir, a word about the sinews of war. The Government have of course done much by providing funds to the co-operative societies for this purpose; but that is only a drop in the ocean. The problem is very gigantic in its proportions. The Government should, therefore, find out ways and means, by raising a very large loan for the purpose, so that the housing shortage may be solved, if not now, at least in the course of a few years, as the population goes on increasing."

* **THE HON. SRI K. MADHAVA MENON:**—"Mr. Chairman, Sir, Dr. Tajuddin asked why we should not extend the Act for a longer period, so that we need not do it often and often. Sir, the very purpose why we do it is this: at least every two years this House may have an opportunity to canvass the actual position, and find out if any leeway has been made in the matter, and that is why we do not want to extend it straightway for five or eight years as was suggested.

* **Messrs. Suryanarayana Rao and S. B. Adityan** raised the question: "Is it your idea that within two years the housing problem can be solved?" Not at all. It is not because the Government think that the housing problem will be solved completely in two years that we have asked for an extension only for two years. The question was also raised as to what has been done

[Sri K. Madhava Menon] : [6th September 1951]

by the Government to solve the housing problem. As Dr. Tajuddin pointed out, there are various difficulties, especially want of materials not only of timber but also of iron materials. Perhaps iron materials are more difficult to obtain than timber. What are in demand more are iron materials in the place of timber materials, because what you can do with one ton of timber you will be able to do with much less of iron. The supply of iron materials is not equal to the demand and there is great difficulty felt. This morning also a question was asked whether Government have set apart any maximum amount of iron for the construction of buildings, and I think the Hon. Minister for Industries answered the question. Even in spite of these difficulties, we have gone far to see that something is done in the Madras City. The house-building society at Adyar, I am told, has built 500 odd houses, of the A, B and C classes. There is then the Shenoyanagar where houses have been built through the efforts of the Corporation; and even private individuals like Sir Alagappa Chettiyar have built a good number of houses—it is called Alagappanagar, I think. Besides these, innumerable houses have been put up by private agencies and private individuals.

“There is no idea of the Government themselves constructing buildings for all people for removing the housing shortage. Government, if at all they can do anything, can only give quarters to Government servants who are now in very great difficulties. We have recently put up in Todhunteranagar about twenty buildings and there is also another scheme for starting the building of fifty more houses in that place. That will, I think, give some little relief to the low-paid Government servants in the City. There are on the whole 293 house-building societies working in the whole State. I may also say that just now the difficulty for houses is not felt so much in the mufassal as it was some two years ago, though in the City it continues to be acute. I do not say there is no difficulty at all in the mufassal stations; I only say it is not so much as it was two years ago and there is some reason to feel that so far as the mufassal is concerned, there will be some relief and it will be possible for us to relax the restrictions after two years, since during these two years, we expect more houses to be put up by the house-building societies in the various towns. Mr. Suryanarayana Rao asked, ‘Have you got any particular plan?’ As I said, the Government themselves are not going to build houses. The Planning Commission have suggested that Rs. 3 crores should be set apart for encouraging house-building co-operative societies. Our idea, therefore, is to encourage these societies and help them and in any plans which they may bring forward they can have the advice of the Government departments, if they so desire. Our hope, therefore, is that within two years, for which period I am now asking for extension of this Act, we can do something to alleviate the difficulty and it may not then be felt as much as it is to-day.

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“Regarding housing accommodation for the poor, an attempt has been made by the Madras House-building Society in Ayyanavaram, where they are building houses which will be for the use of the poor people. As regards the middle classes, houses fetching a rent of below Rs. 25 do not come under the control of the Rent Controller at all, and so this Act does not apply to them.”

MR. CHAIRMAN:—“The question is—

‘That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1951 (L.A. Bill No. 14 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.’”

The motion was carried.

Clauses 2, 3, 4 and 5 were put and carried and allowed to stand part of the Bill.

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

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

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

‘That the Bill be read a third time and passed.’”

MR. CHAIRMAN:—“The question is—

‘That the Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1951 (L.A. Bill No. 14 of 1951), as passed by the Legislative Assembly, be read a third time and passed.’”

The motion was carried and the Bill was passed.

(5) THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING
(TEMPORARY POWERS) AMENDMENT BILL, 1951 (L.A. BILL
NO. 19 OF 1951).

* THE HON. SRI J. L. P. ROCHE VICTORIA:—“Sir, I move—

‘That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951), as passed by the Legislative Assembly, be taken into consideration.’”

“Sir, this is an extension of the existing Act which expires by the end of this month. Agreeable to the action already taken by the Government of India extending their Act up to the end of 1952, this State Government have brought forward this motion for extension. Sir, as long as we have to continue the controls now existing with regard to foodgrains and other essential articles, this extension is necessary. So, I move, Sir, that the Bill be taken into consideration.”

* Published in the Fort St. George Gazette Extraordinary, dated 21st August 1951.

THE MADRAS ESSENTIAL ARTICLES CONTROL AND
REQUISITIONING (TEMPORARY POWERS)
AMENDMENT BILL, 1951 (L.A. BILL
NO. 19 OF 1951)

[6th September 1951]

MR. CHAIRMAN:—"The question is—

That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951), as passed by the Legislative Assembly, be taken into consideration."

The motion was carried.

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

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

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

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Sir, I now move—

'That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'"

MR. CHAIRMAN:—"The question is—

That the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951), as passed by the Legislative Assembly, be read a third time and passed."

The motion was carried and the Bill was passed.

(6) THE OPIUM (MADRAS AMENDMENT) BILL, 1951 (L.A. BILL
NO. 21 OF 1951).

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

'That the Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951), as passed by the Legislative Assembly be taken into consideration.'"

"Sir, the All-India Opium Conference held in 1949 considered that offences against opium laws should be treated as criminal offences rather than as offences merely affecting the revenue, and the Government of India have recommended that steps may be taken to implement this resolution. Therefore, the punishment is merely doubled here for offences contravening the provisions of the Opium Act."

MR. CHAIRMAN:—"The question is—

That the Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951), as passed by the Legislative Assembly, be taken into consideration."

THE OPIUM (MADRAS AMENDMENT) BILL, 1951 (L.A. BILL 207
NO. 21 OF 1951)

6th September 1951] [Mr. Chairman]

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

Clauses 2, 3 and 4 were put and carried and allowed to stand part of the Bill.

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

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

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

'That the Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951), as passed by the Legislative Assembly be read a third time and passed.'"

MR. CHAIRMAN:—"The question is—

That the Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951), as passed by the Legislative Assembly, be read a third time and passed."

The motion was carried and the Bill was passed.

(7) THE MADRAS TOWNS NUISANCES (AMENDMENT AND EXTENSION TO
PUDUKKOTTAI) BILL, 1951 (L.A. BILL NO. 16 OF 1951).

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

'That the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951) as passed by the Legislative Assembly, be taken into consideration.'"

Sir, the purpose of the amendment is twofold. The main amendment is that for using megaphones and things like that, the permission of the District Superintendent of Police is required at present. There is considerable difficulty to get the permission, in time; and in the mufassal it has also increased the work of the District Superintendent of Police. So, the amendment suggests that for the words 'not below the rank of a District Superintendent of Police,' the words 'not below the rank of a Deputy Superintendent of Police' be substituted, so that it may be easier for the people to get permission.

"Secondly, the Towns Nuisances Act is not applicable to Pudukkottai. By this amendment, it is proposed to make it applicable to Pudukkottai area also."

MR. CHAIRMAN:—"Motion moved—

That the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951), as passed by the Assembly, be taken into consideration."

SRI S. B. ADITYAN:—"Mr. Chairman, Sir, the Bill before 12-15 the House is obviously intended to give powers to the Government p.m.

[Sri S. B. Adityan] [6th September 1951]

in respect of the use of loud-speakers, and that the power to give permission is being delegated to subordinate officers. (The Hon. Sri K. Madhava Menon: 'Not to subordinate officers, but to the Deputy Superintendent of Police.') Yes, from the District Superintendent of Police, it is proposed to give the power to the Deputy Superintendent of Police. It is very desirable that the officers who are now being empowered to give permission are also instructed to be impartial in the matter of the grant of such permission. In fact, I have received two complaints, one from a gentleman by name Dr. Natesan of Coimbatore. He says that he applied for the use of a loud-speaker and that it was refused; whereas a similar application made by a Congressman was granted. Sir, when these powers are being delegated to officers below the rank of district officers, it is very desirable that they should be told to exercise their functions without regard to parties. I also desire that complaints of this nature should be investigated and the Government officers concerned should be directed not to be influenced in any way by the political affiliations of the persons who apply for permission for the use of loud-speakers."

* SRI R. SURYANARAYANA RAO:—"Sir, May I ask for information whether Dr. Natesan applied for the use of the loud-speaker for purposes of any election propaganda? As this point has been raised in connection with the coming elections, I would like to know from my hon. Friend, Mr. Adityan, for what purpose Dr. Natesan asked for permission; whether it was for election purposes; and if so, whether it was municipal or district board election?"

* JANAB ABDUL LATIF FAROOKHI:—"Mr. Chairman, Sir, I think this Bill has been brought forward before this House on account of the nearness of the general elections. I do appreciate that the Government have felt the necessity for it. But, Sir, the object with which this Bill has been brought forward by the Government will not be served, if a Deputy Superintendent is empowered to grant permission, because the District Superintendent of Police and the Deputy Superintendent of Police will be in the same place or will have the same jurisdiction and it will not be easy for people to approach them and in fact, it will be as difficult for people to approach the Deputy Superintendent of Police as it would be difficult for them to approach the District Superintendent of Police. Therefore, I would suggest that this power may be given to Circle Inspectors of Police, who will be in different circles in a district. Then, I would also request the Government to issue necessary instructions that no discrimination should be made between persons belonging to various political parties, because in the matter of elections, even though the Government may wish to be fair and they may not have any intention of putting anybody to inconvenience, yet some of the subordinate officers who generally are more zealous and who want to please the Government much more than the Government like

[6th September 1951] [Janab Abdul Lateef Farookhi]

that they should be pleased by these officers, may be inclined to put obstacles in the way of persons belonging to other political parties than the party to which the Government belong. Therefore, I would request the Government to issue special instructions to their officers who are empowered to give permission, not to discriminate between people belonging to different parties. I would therefore request the Hon. Minister to take into consideration this suggestion of ours, namely, that an officer much lower in rank than that of Deputy Superintendent of Police may be given this power."

* THE HON. SRI K. MADHAYA MENON:—"Sir, Mr. Farookhi Sahib said that the Deputy Superintendent of Police and District Superintendent of Police are in the same place. It is not correct. I think, there will be more than six or eight police divisions in a district where there are Deputy Superintendents of Police while there will be only one District Superintendent of Police for the whole district, so that the provision in the Bill is certainly an improvement, in that it is intended to give the power to the Deputy Superintendent of Police, instead of to the District Superintendent of Police. In regard to the other suggestion, if we go lower than that, even now, the complaint is here is discrimination, that there should be no discrimination and all that, and if it is given to an officer of a lower rank, there will be greater chances of discrimination. So, it is very difficult to draw a line and in order to avoid any inconvenience and at the same time to see that an officer of a rank who could be expected to use discretion, it is proposed in the Bill, that it should be the Deputy Superintendent of Police."

"Then, Sir, Mr. Adityan said that the power should be used impartially and Mr. Farookhi Sahib also said that there should be no discrimination. There is no doubt about the fact that the power should be used impartially and there should be no discrimination in the matter. My belief is—and I can assert—that there has been no case of improper refusal of permission where it was sought. Anyhow, such complaints have not come to the notice of the Government. Then, this great person, Dr. Natesan, instead of writing to Mr. Adityan could have written to the Government or could have been considerate enough to have written to the Government along with his writing to Mr. Adityan. Or, if Mr. Adityan had given the information sufficiently early to-day or even yesterday, I could have got the full particulars. I do not know for what purpose Dr. Natesan applied for permission and whether there is prohibition to use loud-speakers in the area in question and whether permission was sought for using it in identically the same place and time and so on. Sir, a mere allegation that a wonderful personality, Dr. Natesan, asked for permission and it was not granted, it is difficult for me to answer. Conditions vary from place to place and I do not know under what conditions it was not granted. As I said, if it had been brought to our notice before, I could have got full particulars. Moreover,

[Sri K. Madhava Menon] [6th September 1951]

Sir, if this Bill is passed, suppose the Deputy Superintendent of Police improperly declines to grant the permission, there is the District Superintendent of Police to whom the person concerned can go and approach immediately even without coming to the Government for relief in a matter like that. It is the desire of every one of us to be impartial. It is not to be said that it is done for the purpose of election alone. The difficulty has been experienced by various people and the Government have been asked by people to minimise the difficulty to the extent possible. I shall certainly see that instructions are issued so that the powers are used impartially and without any discrimination."

MR. CHAIRMAN:—"The question is—

That the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951), as passed by the Assembly, be taken into consideration.' "

The motion was carried.

Clauses 2, 3, 4 and 5 were put and carried and allowed to stand part of the Bill.

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

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

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

'That the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951), as passed by the Assembly, be read a third time and passed.' "

MR. CHAIRMAN:—"The question is—

'That the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951), as passed by the Assembly, be read a third time and passed.' "

The motion was carried and the Bill was passed.

(8) THE MADRAS DRUGS (CONTROL) AMENDMENT BILL, 1951 (L.A. BILL NO. 17 OF 1951).

* THE HON. SRI J. L. P. ROCHE VICTORIA:—"Sir, I move—

'That the Madras Drugs (Control) Amendment Bill, 1951 (L.A. Bill No. 17 of 1951), as passed by the Legislative Assembly, be taken into consideration.'

"Sir, the purpose of this amendment is to bring the Act into line with the Central Act by omitting certain clauses with regard to requisition and acquisition of drugs. I trust there will be no objection for taking the Bill into consideration."

Published in the Fort St. George Gazette, dated 3rd July 1951.

6th September 1951]

MR. CHAIRMAN:—"Motion moved—

'That the Madras Drugs (Control) Amendment Bill, 1951 (L.A. Bill No. 17 of 1951), as passed by the Legislative Assembly, be taken into consideration.' "

* SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, I thought the Hon. Minister would explain to us why he wants to give up the power which the Government rightly possess now. Sir, things are not yet so easy as to make us feel that there is no need for such powers. Sir, occasions may arise when the Government may be forced to commandeer certain drugs in the interests of the consumer and if they give up such powers, should any occasion arise, either they will have to proclaim an Ordinance or come forward with another Bill. So, there is no need to amend the Act as it is. As a matter of fact, there are many provisions in other Acts that are ineffective, but the Government are not surrendering all the powers. Will the Hon. Minister bring forward an amendment even to the Essential Articles Act which we passed just now, in which there are many provisions which have not been used by the State Government? But, still he feels that a time may arise when the Government may need those powers in the interests of the general public. Therefore, I do not see why he has come forward with this Bill. Of course, the Central Government is guided by so many other considerations and conditions differ in different States. It may perhaps be necessary that in the case of certain drugs there may be a short supply and which go underground, and they may have to be commandeered by the Government—and Government may dispense them to needy persons—in the interests of the consuming public. I wish the Hon. Minister had given us instances as to why he considers the drug position is steady. It may be steady to-day, but tomorrow it may become unsteady, because conditions are changing all the world over and we are not yet out of the woods, as we have to depend for most of the drugs to be imported into this country. Therefore, Sir, as a measure of abundant caution the Government must possess this power to be used in times of need. I think, it is no good to give up a power which they possess and which can be used in the interests of the consumers."

* DR. SYED TAJUDDIN:—"Sir, besides these things, diseases differ from State to State; and each State has got a number of particular diseases and therefore, we may require particular sets of medicines or drugs. Such being the case, whatever powers the State Government have, should not be relinquished or given up to the Centre. For any and everything we should not depend upon the Centre, but we must have our own individuality in these matters."

* THE HON. SRI J. L. P. ROCHE VICTORIA:—"Mr. Chair-
man, Sir, since the provisions of this Act have been in force, there
has been no occasion on which this power has been exercised.
When the Government of India forwarded us Acts in force in

12-30
p.m.

[Sri J. L. P. Roche Victoria] [6th September 1951]

other States, it was found that even in those Acts this provision was not there. It has not been used at all in this State and the Government consider that it is not necessary to keep it any longer in the Act. Moreover, the market continues to be steady and there is no fear that there will be an occasion for the Government to make any use of this Act. There are other provisions in the Act which empower the Government to keep sufficient control over drugs. I think that with a view to bring it into line with the Central Act, this amendment is necessary and I request that it may be taken into consideration."

MR. CHAIRMAN:—"The question is—

'That the Madras Drugs (Control) Amendment Bill, 1951, (L.A. Bill No. 17 of 1951), as passed by the Legislative Assembly, be taken into consideration.'

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried and allowed to stand part of the Bill.

THE HON. SRI J. L. P. ROCHE VICTORIA:—"Mr. Chairman, Sir, I move—

'That the Madras Drugs (Control) Amendment Bill, 1951 (L.A. Bill No. 17 of 1951), be read a third time and passed.'

MR. CHAIRMAN:—"The question is—

'That the Madras Drugs (Control) Amendment Bill, 1951, (L.A. Bill No. 17 of 1951), be read a third time and passed.'

The motion was carried and the Bill was passed.

(9) THE ANDHRA UNIVERSITY (AMENDMENT) BILL, 1951 (L.A. BILL NO. 18 OF 1951).

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

'That the Andhra University (Amendment) Bill, 1951 (L.A. Bill No. 18 of 1951), as passed by the Legislative Assembly, be taken into consideration.'

Sir, the amendment is mainly consequent upon the bifurcation of the Visakhapatnam district into two districts, namely, the Visakhapatnam district and Srikakulam district; and amendments have to be made regarding the representation in the Andhra University from these two districts. Opportunity has also been taken to abolish the seats reserved for landholders in so far as the estates have been taken over and therefore, there is no purpose in keeping the two seats; therefore, the two seats reserved for them is being abolished but those who hold the seats will continue to be there till the expiry of their terms. The strength of the Senate is not affected by this because it is laid down under the Act and it is laid down here that those seats will be filled by nomination by the Chancellor."

3th September 1951]

MR. CHAIRMAN:—"The question is—

'That the Andhra University (Amendment) Bill, 1951 (L.A. Bill No. 18 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.'

The motion was carried.

Clauses 2, 3, 4, 5, 1 and the Preamble were put and carried and allowed to stand part of the Bill.

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

'That the Andhra University (Amendment) Bill, 1951 (L.A. Bill No. 18 of 1951), be read a third time and passed.'

MR. CHAIRMAN:—"The question is—

'That the Andhra University (Amendment) Bill, 1951, be read a third time and passed.'

The motion was carried and the Bill was passed.

(10) THE MADRAS IRRIGATION (BETTERMENT CONTRIBUTION AND INCLUSION FEES) BILL, 1951 (L.A. BILL NO. 20 OF 1951).

MR. CHAIRMAN:—"Hon. Mr. Sitarama Reddi,"

* SRI R. SURYANARAYANA RAO:—"Mr. Chairman, Sir, before the Hon. Minister makes the motion, I would like to know whether this is a Money Bill or an ordinary Bill. If it is a Money Bill, I wish to know whether the ruling given by the Hon. the Speaker will apply to this case. If so, I would submit that it will not be worth while for this House to debate the Bill just now. The point, it will be seen from the papers, has been raised with regard to Bills already passed by that House and the Hon. Speaker, suggested that, if a motion was made, he would consider that question. Of course, Sir, the Hon. Minister for Law said that it will not be void even if the ruling was given by the Hon. the Speaker later. If that is the convention and the attitude adopted by the other House, I wish to know whether it will be worth while for this House to agree to go into a Joint Select Committee at this stage even if it be legal and constitutional. My Hon. Friend, the Hon. Minister for Law, will of course quote the Constitution to show that it will be perfectly legal and constitutional for us to agree to go into a Select Committee but, Sir, is it not derogatory to the self-respect of this House to agree to set up a Joint Select Committee knowing full well what the ruling of the Hon. Speaker may be in the matter? I would like the House not to waste its time on the Bill because it is bound to come later on as reported upon by the Select Committee and passed by the Assembly and then we will bring to bear on it such powers as we possess under the Constitution. I very much appreciate the consideration of the Hon. the Revenue Minister for this House. In fact, his view is that on all important Bills, be they

[Sri R. Suryanarayana Rao] [6th September 1951]

Money Bills or ordinary Bills, where important principles are involved, it would be better to set up a Joint Select Committee, a principle we in this House fought for and it was accepted by the Government, but unfortunately the Government have been rendered quite helpless by the ruling of the Speaker. I am not questioning the ruling of the Speaker because we are not competent to do that in this House and I suggest that the Hon. Minister may be asked to make the motion after you have had time to consider the position arising out of the Hon. Speaker's ruling."

SRI M. NARAYANA MENON:—" May I know, Sir, whether this Bill has been certified by the Speaker to be a Money Bill? "

MR. CHAIRMAN:—" It was recommended for introduction as a Bill containing financial provisions."

SRI S. B. ADITYAN:—" Mr. Chairman, Sir, I have got copies of all the other Bills except this one, Sir. The other Bills have been passed by the other House and if this Bill had been similarly passed, we should have copies of it to enable us to consider it."

MR. CHAIRMAN:—" It was published in the Gazette."

" I do not know if it is advisable to go into what may happen hereafter. As matters stand at present, there is nothing preventing this House from going into the matter. If anything happens subsequently, I am sure the House will know what steps to take. I am not inclined to ask the Hon. Minister to postpone the motion unless he himself wants to do so."

* JANAB ABDUL LATIF FAROOKHI:—" Mr. Chairman, Sir, what my hon. Friend, Sri Suryanarayana Rao said was that there is no use agreeing to set up a Joint Select Committee now. Supposing we agree to send our Members to the Joint Select Committee and then the Hon. the Speaker says that it is a Money Bill and this House has no jurisdiction, it will be derogatory to the position of this House. Therefore, I think it is better to defer consideration of the matter. We are prepared to abide by your ruling but my point is, Sir, why should we nominate our Members and afterwards why should we be asked to sit quiet because the Speaker thinks that it is not a matter within our province to elect Members to the Select Committee? "

* THE HON. SRI K. MADHAVA MENON:—" Mr. Chairman, Sir, apart from the question whether this is a Finance Bill or not, this had been passed before the Speaker gave his ruling. I do not think, Sir, that any ruling can have retrospective effect, particularly in view of Article 212 of the Constitution which says:

"The validity of any proceedings in the legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure."

It has been passed by the other House before the Hon. Speaker gave his ruling and it has come before us and any action that we take cannot be questioned on grounds of irregularity of procedure under Article 212 of the Constitution."

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MR. CHAIRMAN:—" But the point they are raising is that on the point being raised with respect to similar Bills, the Hon. the Speaker is reported to have said that if a proper motion is made, he was prepared to consider the matter anew, to recall this or pass another resolution. That is what he is reported to have said in the papers."

* THE HON. SRI K. MADHAVA MENON:—" On the point being raised by a Member in the other House, the Speaker said that there are precedents in Parliament for re-committal of a Bill to another Select Committee by discharging the former committee. The Government were of the view that that was not before the House and secondly that the Speaker's ruling should not have retrospective effect in respect of a thing which had already happened. He said that he would consider the question when a motion came up before him."

Again, the question whether the betterment fee or inclusion fee is a financial matter or not is itself doubtful because this is what Article 207 of the Constitution says:

"A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes."

This is legislation for the levy of a betterment fee which is not a tax at all. The question was raised whether this is a fee or a tax and it was held that it was not a tax, so that the Bill for levying a fee is exempt from the financial provisions under Article 207 of the Constitution. It is doubtful, therefore, Sir, if it is a financial Bill at all."

MR. CHAIRMAN:—" I know that position but can the Hon. Minister tell me if the Speaker is not the final authority to decide whether a Bill is a Money Bill or not."

* THE HON. SRI K. MADHAVA MENON:—" When a dispute arises, there is provision in the Constitution which says that the Speaker will decide whether the Bill is a Money Bill or not."

MR. CHAIRMAN:—" In view of that, who is going to argue before him whether it is a Money Bill or not? "

* THE HON. SRI K. MADHAVA MENON:—" According to 2-45 Article 199 (3), 'If any question arises whether a Bill introduced P.m. in the Legislature of a State which has a Legislative Council is a Money Bill or not, the decision of the Speaker of the Legislative Assembly of such State thereon shall be final.' The only matter to be considered is whether the Hon. Chairman also takes the view that there cannot be a Joint Select Committee on a Money Bill. Whether there can be a Joint Select Committee on a Money Bill was the question that was raised before the Hon. Speaker but rules do not prevent it. So, the question is not whether this is a Money Bill or not but the question is, whether a Money Bill can be referred to a Joint Select Committee of both the Houses."

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MR. CHAIRMAN:—"They are arguing on the assumption that it is likely to be held to be a Money Bill, in which case some motion may be made for reconsideration of the resolution already passed and that is why the House is rather reluctant to commit itself on a motion like this."

* THE HON. SRI K. MADHAVA MENON:—"Supposing it is passed here and the question is raised in the other House that for the reason that it is a Money Bill, the Joint Select Committee's Report should not be taken into consideration and that this House has no say in the matter, then the Government will take the risk of withdrawing the Bill or bringing in a Bill afresh."

MR. CHAIRMAN:—"That is not the point. The point is, hon. Members here would not like to take part in a Joint Select Committee if, at the Committee stage, its work is to be held infructuous. Suppose, while they are sitting on the Committee, some decision is made that the Select Committee should be withdrawn or that it is not proper. What will you do then?"

* THE HON. SRI K. MADHAVA MENON:—"That cannot arise. It has to be passed by the other House and if the Government oppose the motion, it cannot be passed."

MR. CHAIRMAN:—"That is exactly what they want. Are the Government prepared to give a definite assurance that, whatever might happen to things that may come hereafter, this having been passed in the other House, the Government are prepared to push it through?"

THE HON. SRI K. MADHAVA MENON:—"That is exactly our view. Whatever happens, the Government will take the consequences."

SRI M. NARAYANA MENON:—"Supposing, a member of the other House moves that this is a Money Bill and the Hon. Speaker certifies that this is a money Bill, what will be the consequences?"

MR. CHAIRMAN:—"That is exactly the point raised."

SRI M. NARAYANA MENON:—"What the Hon. Law Minister just now said does not cover the question raised."

THE HON. SRI B. GOPALA REDDI:—"Sir, this motion was already passed in the other House and it was only when the other Bill [The Madras Ryotwari (Additional Assessments) Bill, 1951] was taken up, the Hon. Speaker gave that ruling which does not affect this motion at all. Why should we presume that he is going to do something retrospectively as it were?"

* THE HON. SRI K. MADHAVA MENON:—"For that, there must be a specific motion for recommittal or withdrawal of the original motion or recommittal to another Select Committee. In the absence of that the motion as passed by that House will stand."

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MR. CHAIRMAN:—"Now, the Hon. Minister for Land Revenue may move his motion."

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

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 21 members (14 members from the Assembly and 7 members from the Council) to consider the Madras Irrigation (Betterment Contribution and Inclusion Fees) Bill, 1951 (L.A. Bill No. 20 of 1951), and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) *The Hon. Sri K. Madhava Menon.*
- (2) *Sri N. Ranga Reddi.*
- (3) *" H. M. Jagannatham.*
- (4) *" R. Suryanarayana Rao.*
- (5) *" M. D. T. Kumaraswami Mudaliyar.*
- (6) *" S. Jayarama Reddi.*
- (7) *" N. Venkatachalamaji.'*

"In moving this motion, Sir, I would like to bring to the notice of this House that since the inception of the Grow More Food Campaign in 1943, the Government have been constructing, improving or extending a large number of irrigation or drainage works every year. The pace of the Government's action in this regard has been further accelerated by the Tank Improvement Scheme sanctioned in 1949. The result has been that, on the one hand the Government have been put to a large extra expenditure, while on the other hand, the owners of lands have secured appreciable unearned increments in the value of their lands on account of these irrigation and drainage works. So, the Government feel that, in the interests of the other people of the State where certain other works have to be undertaken, to find the necessary money to implement their plans of development, they have a right to ask those people who have secured the unearned increments to give a part of them to the Government. That is the rationale behind this Bill. The object, as I said before, is to collect this money and use it for the betterment of other areas in the State. Various principles have been set down in the various clauses of this Bill as will be seen from the Statement of Objects and Reasons appended to this Bill. I do not like to read it because it has already been published and I am sure, hon. Members would have had an opportunity of going through it.

"There are provisions also in this Bill to levy an 'inclusion fee' along with or in addition to the betterment fee and the inclusion fee is in respect of lands which will be benefited by the irrigation or drainage works and on dry lands which will be converted into wet or partly wet lands on account of these works, by means of what is called 'dry irrigation.' There is also clause 15 which says

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that certain areas which have got special legislation in respect of this matter shall not come within the purview of this Bill. These are some of the main principles of the Bill. The Bill is simple and the principle underlying this Bill is that those who have secured some benefit at the expense of public funds should share a part of their prosperity with and contribute to the State so that the State may be enabled to carry on works of a beneficial nature in other areas. That is the rationale behind this Bill."

MR. CHAIRMAN:—"The question is that this House pass a resolution in the following terms:—

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 21 members (14 members from the Assembly and 7 members from the Council) to consider the Madras Irrigation (Betterment Contribution and Inclusion Fees) Bill, 1951 (L.A. Bill No. 20 of 1951), and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Sri N. Ranga Reddi.
- (3) " H. M. Jagannatham.
- (4) " R. Suryanarayana Rao.
- (5) " M. D. T. Kumaraswami Mudaliyar.
- (6) " S. Jayarama Reddi.
- (7) " N. Venkatachalamaji."

*SRI R. SURYANARAYANA RAO:—"Mr. Chairman, speaking on the resolution thanking His Excellency the Governor for his Address, I took a considerable time of this House in dealing with this question of betterment fee. In replying to the debate, Sir, my Hon. Friend the Minister for Land Revenue—who was replying for the Government on that day—did not enlighten us at all on this question of imposition of betterment fee which has been under the consideration of this Government for more than 40 or 50 years but was not tried to be given effect to till now. Why an order passed for the collection of inclusion fee in respect of certain delta areas was not given effect to before and why it should be considered necessary now to impose this fee has not been clearly explained. He has not told us the long history of this question. Is it because you were affluent then that you did not want the money, as, you think, this tax will bring you now? Is it because you are providing irrigation works to the already depressed areas, you want to depress them still further by taking more money from them? What is the rationale behind this imposition of betterment fee or inclusion fee? Sir, I pointed out the other day that this Government wisely gave up the question of return in respect of irrigation schemes undertaken by them, and they felt that the classification of districts into A, B, C, D was not necessary any longer in view of the fact that the welfare State is expected to provide the necessary irrigation

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and other facilities to all areas irrespective of whether they are rich or poor. Now, my hon. Friend wants to impose this betterment fee. Sir, the question of betterment fee has been dealt with at great length in connexion with the Tungabhadra Project area. My hon. Friend says that there will be accretion in the value of the land. Is not the Hon. Minister aware that if a land which is now dry is to be converted into either irrigated dry or irrigated wet land, a considerable sum must be invested by the ryot before he can take advantage of irrigation facilities provided by the Government? Has that fact been taken into account? Investment should also be taken into account in assessing the increased value of the land. Simply they say, fifty per cent of such an increase in value should be given to the Government. If these irrigation works had been undertaken before 1939, that is before the war, they would have spent much less on them and the value of land at that time would have been much less. While the return from the land has not increased in proportion to the increase in the cost of these works, the ryot is asked to pay from the increased value of the land. Has the value of the land really increased? Is it not an inflated value? It is not the real value of the land on which you are going to levy your betterment fee.

"Then, Sir, there are projects in this State which have been constructed and which are not even paying and in order to encourage irrigation under those projects like the Cauvery-Mettur Project, you are giving so many facilities. Should not the depressed areas, which will for the first time enjoy the benefits of irrigation, be given all the inducements necessary in order to make the ryot take advantage of irrigation facilities?

"Sir, I would like my hon. Friend to refer to the chapter on 1 p.m. project areas in the report of the Rayalaseema Co-operative Engineering Committee. Talking of the Tungabhadra Project, it is said by the Member of the Board of Revenue, who is the special officer appointed to investigate the prospects of the scheme and the conditions prevailing in that area, that there is already indebtedness of ryots in that area, and the indebtedness, according to the computation at that time, was estimated to be Rs. 1.7 crores. Further, he has made the suggestion that unless the ryots are enabled to wipe off first their prior indebtedness, they would not be able to take advantage of the benefit conferred by the irrigation scheme. Now, Sir, what have Government done to wipe off this prior indebtedness? We have constituted a Rayalaseema Development Board where we sit and pass resolutions. But beyond that, nothing tangible has been done. So, I ask, what facilities the Government have offered to the ryots to enable them to wipe off their prior indebtedness. Sir, the ryot has first to convert his field into a cultivable field before he raises a dry crop. At that time, it was estimated that it would cost Rs. 50 per acre to convert his land for dry cultivation. So, I ask, what is the inducement the ryot is given to make him convert his land for dry cultivation? Sir, after he has invested some money for converting his land for purposes of dry cultivation, then only

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the land may be said to have accrued in value. Now, under this Bill, the moment he converts his land and decides to take water from the project, Government say, they will take a betterment fee from him. Sir, in the Bill, is it anywhere stated that for a particular period of years in the beginning, the betterment fee will not be taken? Sir, what I state now will affect the Lower Bhavani Project, the Manimuthar Project and similar projects in this State. Sir, projects are undertaken in certain areas, because such areas are 'depressed' areas. That being so, before a ryot can take advantage of a project he has to invest money on his land to make it fit to take advantage of the water from the project. Before he is able to earn a profit from the project, the betterment fee comes and hangs over his head like the sword of Damocles. Sir, it is not fair to the ryot, for he is not being encouraged to take to cultivation, but is being discouraged from taking advantage of facilities for cultivation. Let it also be borne in mind that in projects like the Thungabhadra, the Bhawani-sagar and the Manimuthar, whether a ryot takes water from the project or not, he will be required to pay betterment fee. Even if there is timely rain—when the ryot will not take any water from the project—the water rate will be levied. So, even when there is regular rain, when the seasons are good, the ryot is forced to pay the water rate under the Irrigation Bill, which is going to be brought forward. I do not know whether the Board's Standing Orders permit Government to impose this water rate even now. So, Sir, whether the ryot uses project water or not, whether there is God's gift of timely rain or not, the ryot is asked to pay.

"Then, Sir, as I said last time, in respect of these 'depressed' areas even the collection of instalments, due to co-operative societies which finance agriculturists, should be postponed for a particular period of years. That is the recommendation of the special officer of the Board of Revenue who was appointed to inquire into the condition of the ryots in the Tungabhadra project area. Because for the first few years the ryots will not have enough to pay back. It is suggested the instalments due to co-operative societies should be postponed. Sir, the general principle enunciated in the Bill looks grand. But there are several circumstances affecting this principle; and they differ in each area, and so, they ought to be taken into account before enforcing the general principle of this Bill. So I would suggest that such things should not be left to be governed by rules, for they may be used well or ill. Therefore I would ask them to be provided for in this Bill itself.

"Then, Sir, it is inequitable that this levy should be imposed with respect to schemes brought into existence after a particular date and not before that. That means we should leave out the schemes on which crores of rupees have been spent and the return has been nominal or nothing. I feel, Sir, this Bill ought to have been introduced after things settle down after the projects are all completed. We have now included a number of projects in

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the Five Years' Plan. Let us complete them; let water flow in the canals from the projects; let the ryots take the water and cultivate their lands; let us see what benefit accrues to them and then let us impose the betterment fee or inclusion fee, call it by what name you like. Then and then only will the State be entitled to ask for their share in the increased value of the land.

"Then, Sir, the procedure laid down in this Bill is all very arbitrary. The Collector is to decide what the amount of betterment fee should be that should be levied. And from his decision an appeal lies to Government. And we know what is the fate of such appeals. For it is a well known fact that the decision of the Government in such appeals is: 'Government see no reason to interfere with the decision of the Collector'. For, where revenue is concerned, Government is always parsimonious in giving any reduction. All Governments will do like that only. I am not blaming this Government alone. Any Government will in fact do so only, whether it is Congress Government or Communist Government.

"Then, I would like to refer to what was adverted to in the other House, viz., betterment fee in respect of lands in urban areas which have increased in value. We have now the Town-Planning Act and the local bodies are entitled to a share in the increased value of land. Now what is the procedure laid down there. There the matter goes before an arbitrator and on the decision of the arbitrator an appeal lies to a court of law. Now, why not we have the same procedure in this Bill? Again, Sir, the Hon. Minister for Revenue knows, even in the Madras City Improvement Trust, the betterment fee levied is only one-third of the increased value. But where the poor ryot, is concerned, Government want half the increased value. So, I say, this levy of half the increased value is not proper. Then as I said before, the procedure to fix this levy should not be by an executive order. There should be a provision for its being finally fixed by a court of law. For then only there is some hope for the idiosyncracies of the executive being controlled, to some extent at least, by judicial decisions.

"Sir, whether I oppose the motion or not, it will be referred to a Joint Select Committee; for Government seem to have made up their mind to do that, even after the Speaker's ruling in the other House. Sir, this point should have been carefully examined by Government before bringing this Bill. At the risk of repetition I have to submit that the procedure contemplated by Government to determine the betterment contribution to be paid by the ryot makes it impossible for the ryot to feel that it will be fairly fixed. Further this Bill bristles with many inconsistencies and inequities, as I stated, in applying it only to certain schemes and in respect of certain areas including also the 'depressed' areas.

"There is another point to be borne in mind. The increased value of the land may be due to other factors also. Where is the

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provision made for such contingencies in this Bill? Then, Sir, mere supply of water will not enable crops to grow. Has not the ryot to manure the crop year after year? He has to see that he gets the required water only. Where dry irrigation is to obtain, the difficulties of the ryot are many. The irrigation of a dry crop has to be carefully regulated, as too much of water will affect the crop. The ryot is required to adjust himself to the requirements of the Public Works Department. So these are difficulties which have to be borne in mind before giving effect to this measure. This Bill looks very simple reading, but in its practical application, there are ever so many difficulties. Hence it should not be even allowed to go to the Select Committee stage. I feel also that it is not called for at this time when we want more food production and when we want ryots to bring more land under cultivation. In the present state of things, this Bill, instead of being an inducement to the ryots, will have a damping effect on them."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"Hon. Chairman, Sir, the Bill aims at capital levy. It is not a tax or fee on agricultural land. Nor is it a tax on its income. The Bill proposes to levy the contribution up to fifty per cent on the increase in the value of the land which is benefited by or is capable of being benefited by an irrigation or drainage work on its completion. No doubt, during the discussion of the Bill in the Assembly, the Hon. Revenue Minister accepted the view that contribution would be levied on such increase in the value of the land as is due to the benefit actually accrued or likely to accrue on completion of the work. But the levy continues to be a levy on the capital value of agricultural land. The State List does not provide for such a levy. During the Assembly debate, when the validity of the Bill was being questioned by some members, another member interjected by saying that it will come under Item 66 of the State List and the Hon. Revenue Minister stated that he quite agreed with him. But Item 66 can scarcely apply to this levy. The proposed contribution is not a fee. You cannot resort to this residuary item relating to fees for justifying the Bill by a jugglery of words. It is a Money Bill. The Union List contains the Item: 'Taxes on the capital value of the assets, exclusive of agricultural land . . .', but there is no similar item in the State List relating to agricultural land. This shows that no capital levy on agricultural land contemplated at all by the Constitution Act.

"Rightly so, because all agricultural land has already been assessed in the various revenue settlements on the theory of half net income. The Hindu and Muhammadan sovereigns had been levying only revenue as a share in the income though the Government share was raised from one-sixth to one-half. It is therefore a serious question for the House to consider if the Bill is valid at all. It is fundamentally opposed to all canons of taxation on land and the Constitution does not permit it. I would therefore

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request the Government to drop the Bill, though a motion for setting up a Joint Select Committee has been moved. I may tell the House that the owners of lands are seriously perturbed over the introduction of the measure. The Bill will certainly ruin the people.

The next point is this. The maximum of the proposed contribution is fixed at fifty per cent of the increase in value. It is quite unconscionable and heavy. It appears that the Government are very keen on imposing more and more burden on land without any sense of real knowledge of the conditions of agriculture in the country. The Government are in need of money and they appear to be quite satisfied if they have discovered some source which can be tapped. They do not care what the consequences of the taxation may be so long as they command a brute majority.

"The next point for consideration is the absence of any provisions in the Bill itself furnishing the tests to find out the increase in the value of the land consequent on the benefit accrued or likely to accrue by the completion of the work. Everything is consigned to the rules to be framed later by the Government and the rules are not even to be placed before the Legislature for adoption. This is quite objectionable. Land value depends upon several factors such as prices, inflationary tendencies, tenant availability, locality and the improvement to the land made by the owner by reclamation, manuring, etc., irrigation benefit and so on. It will be practically impossible to lay down any accurate or scientific test to find out the exact increase in value due to the benefit of irrigation.

"How are the Government going to find out the real market value of the land? The registration records will reveal the astounding fact that most of the registered sales have given understatements of the prices actually paid. Parties to sales are resorting to this device to avoid the payment of heavy stamp duty. This Bill will encourage such devices.

"Again, where is the guarantee that a particular work, when completed, is likely to confer a direct and distinct benefit season after season and year after year? I can cite instances from my own district. When the Srivaikuntam anicut was constructed, the Government held out high hopes that the ayacuts under it would never fail. After some years, the high hopes entertained by the Government proved to be quite exaggerated. So much so about 15,000 acres of wet land suffered in each season. To remedy the disastrous failure in every season on such large scale, various schemes were investigated for fifty years but nothing came out of it. Then the Papanasam reservoir was constructed merely as a hydro-electric project and not as an irrigation project. This reservoir was designed to impound the water which would flow into the sea overflowing the Srivaikuntam anicut. The discharge from this reservoir did not improve matters much. It was only once, that was in December 1948, that the reservoir got a supply to its maximum capacity.

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For the last four or five years there has been a succession of bad monsoons and failure of crops in the tail ends of even the upper channels and large extents in the lower reaches. To remedy this sorry state of affairs, the Government have now started the construction of the Manimuthar Project for which more than a crore of rupees was subscribed to the Government loan by the Tirunelveli public last year. A new channel is to be built with head sluice at the 80th feet in the reservoir, which is expected to give necessary supplies to about 350 rain-fed tanks with an aggregate ayacut of 20,000 acres. The successful working of the channel will depend upon the reservoir having a supply from 80 to 110 feet at the top. This estimate may prove to be exaggerated, as we have found in the case of Papanasam reservoir where only once after its construction it got a supply to its full capacity. When the engineers are asked about it, they explain that subsequent disafforestation and a cycle of bad rainfall had supervened and so their estimate had turned wrong. The same thing may happen in the case of the Manimuthar project in respect of the new channel to be built. In this connexion, the words in the Bill 'capable of being benefited' are likely to prove dangerous to the land owners. A project may be capable of benefiting lands as estimated by the engineering staff, but, as stated already, it often may happen that the benefit does not actually accrue. Hence the words 'capable of being benefited' have to be deleted.

This reminds me of the history in regard to the Madras Irrigation Cess Act (Act VII of 1865). The preamble to that Act stated that the ground for the levy of the cess was 'in several districts, large expenditure out of Government funds has been, and is still being, incurred in the construction and improvement of works of irrigation and drainage to the great advantage of the country and of proprietors and tenants of land and that it is right and proper that a fit return should in all cases alike be made to Government on account of the increased profits derivable from the lands irrigated by such works'. This Act, as you all know, led to a great conflict of judicial views. In the famous *Ullain* decision of the Privy Council (40 Mad. 886), Their Lordships observed that the construction of the Act led to great difficulties. They have observed: 'It cannot be gainsaid that with regard to the true meaning and construction of this Act, various difficulties arise. In the first place, it might have been expected from the recitals that the cess which the Government are authorized to levy would have been confined in the case of land irrigated from works constructed or improved by Government and would have been in some way proportional to the extra profits derivable by reason of such construction or improvement. But this does not seem to be the effect of the first section. The amount of the cess is discretionary and as a matter of fact it is levied on the basis of the area irrigated, irrespective of actual or possible profits. Moreover, it appears to be leviable whether the Government have or have not spent any money in constructing or improving the source of irrigation from

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which water is supplied'. The words in Clause 3 of the present Bill 'capable of being benefited' will certainly give room to similar doubt and difficulty and, unlike in the Irrigation Cess Act, the decision of the Board of Revenue is final and cannot be questioned in a court of law. The consequences are therefore more dangerous to the land owners under the present Bill.

"There is no reason why retrospective effect should be given so far back as the 1st January 1943. There is no justification for this. The T.R.S. party work was kept in abeyance for some time and resumed only in 1949. If only they had proceeded with the restoration of tanks without interruption, the extra expenses that are now being incurred need not be incurred. I can say emphatically that to show rapid progress large sums of money are being wasted by the Department in the name of the Grow More Food Campaign. The repair estimate is lavish. The estimates are prepared only to help the contractors to earn large sums by short-cut methods and tons of money are sought to be wasted without worrying about the return. The departmental figures of aggregate return are mere exaggeration. The Government want to impose a financial burden on the poor landholders who are already indebted to a large extent.

"How can benefit, actual or possible, be determined on completion of the irrigation work? Should not sufficient time be given for determining the benefit? Supposing the monsoon fails and the crops fail, who is to help the landowner after he has paid the contribution? Will it be refunded?

"Why should the Government oust the jurisdiction of civil courts even in this matter which seriously affects the land owners? How can the author of the levy be a Judge or arbiter to decide about the propriety of the levy? The owner of the land must be given the right to question the propriety and the amount of the levy in a court of law.

"In the case of the owner being unable to pay the contribution, the Bill says that the Government will accept land of equivalent value in lieu of the payment. This is arbitrary and unjust. The payment should be accepted in easy instalments.

"To conclude, the Bill makes a serious inroad on the rights of land owners and is confiscatory in nature and scope. The State has a duty to provide sufficient water for the lands which have been registered as double crop lands in the Settlements and assessed heavily to revenue. The State has defaulted so far and in now making up the deficiency in water-supply, they have proposed to take fifty per cent of the increase in value. This is most unjust. I am not objecting to a reasonable betterment contribution from lands which are actually benefited by new works. Old ayacuts which are already charged heavy assessments and are registered as double-crop lands on the basis of 60 to 80 per cent of second-crop production should not be taxed on their capital value. For lands actually

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benefited, the Government may levy one or two rupees per acre as additional assessment. But betterment contribution on this ruinous scale is both unjust and illegal."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

* SRI M. NARAYANA MENON:—"Mr. Chairman, Sir, I would advise the Government to drop the Bill at present and to consider it along with the proposed Irrigation Bill and also the Revenue Reform Bill which must all be considered together. Then only a fair and correct principle can be arrived at. What I submit is this. Already the lands are burdened with taxes and assessments. Assessments or taxes are generally levied on the basis of income and that has been so for the last so many years. At every settlement the revenue increases by a certain percentage. What is the reason? The reason is the price of paddy or the produce is generally increasing and, therefore, to the extent to which it has increased the revenue also increases. I think in all these matters the same principle can be followed, with respect to the betterment tax, inclusion fee, irrigation cess, etc. We need not have an irrigation cess, a betterment tax, an inclusion fee, and ordinary revenue, and agricultural income-tax and probably estate duty. All these things are going to burden the land owner and the result will be, the land will be there but the land owner will not be there; he will have to quit the land and go away. In order to avoid all that, it is better to consider all these things together, excepting perhaps the Estate Duty Bill. Now take a piece of land. Considering the irrigation facility, find out its entire income. Then, a certain portion of the unfailing income must be paid as revenue. That settles the entire matter so that we need not consider separately what should be the ordinary assessment, what should be the irrigation cess, what should be the betterment tax and what should be the inclusion fee. Therefore, I would request the Government to drop the Bill for the present. After some time, they may take all these matters together, come to some conclusion and then pass an enactment. That alone will benefit them and also the owner of the soil. Instead of that, so many of these Bills are having an injurious effect upon the people who are getting very much dejected on account of increased taxation upon the land.

"Another point is this. There are very many implications in this Bill which have not been properly considered at all. For instance, let us see to what extent Malabar is affected. It is an unfortunate district whose conditions are not taken into consideration when Bills relating to taxation on land are brought forward. You will remember, Sir, when the Malabar Irrigation Cess Bill was passed one or two years ago, a clause was introduced there saying that the benefit of irrigation would go to the cultivator only and not to the owner of the soil. Let us take it that Malabar is given irrigation facility. The result will be that the tenant or

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the cultivator alone gets the benefit and the owner will not be given any portion of increased produce. Suppose this Betterment Bill is introduced and given effect to among the Malabar landholders and tenants. What does this Bill say? It says the 'owner' is one who is interested in the land. According to that definition, a cultivator or tiller of the soil is an owner for the purpose of this legislation. A kanomdar or mortgagee is also interested in the land and, therefore, he becomes an owner. The actual owner of the soil is also an owner. So, ultimately we will get very many kinds of owners and all of them are liable to pay this betterment tax, according to the Bill. The Bill is certainly discriminatory so far as the cultivators of Malabar and others are concerned. The owner or person who is liable to pay the betterment tax is not the actual owner of the soil, or kanomdar, or mortgagee, but is the actual tiller of the soil. So, you can collect it only from him, and the tiller of the soil, you will find in Malabar, is not capable of paying it at all. One difficulty, therefore, will be this. If the tiller of the soil is not able to pay, then is the land to go without the benefit of irrigation? If he does not pay the betterment tax in respect of the land, that man may most likely not get the benefit of irrigation at all and it may not be included in the register so far as irrigation facility is concerned. Therefore, the benefit of irrigation will be lost to the land if we try to collect the betterment tax from the actual tiller of the soil. Then, what will the Government do? The clause goes on to say that it will be collected from the owner, so that finally the Government may go to the actual owner of the soil and ask him to pay it. If he pays it, what will be the result? The benefit will go to the tenant or the actual tiller of the soil, and the landlord will not get anything although he has paid the betterment tax. These are certain difficulties which occurred to me so far as Malabar is concerned, when I went through this Bill. The actual working conditions in other districts I am not aware of. Therefore, I am requesting the Government to consider all these matters, if the Bill is not dropped, at least at the stage of Select Committee and introduce the necessary amendment defining who actually in Malabar is to pay the betterment tax, whether it is the mere tiller of the soil, or the actual owner of the soil, or the mortgagee, or the kanomdar, and in what circumstances. All these things must be defined in order that it may be properly worked in Malabar; otherwise it will create so many difficulties. If you insist that the owner of the soil should be compelled to pay the tax, then in most cases that owner who is not actually tilling the soil will pay the tax and lose his money and get no benefit.

"Another difficulty is this. Suppose the tiller of the soil pays the tax, and after a few years on account of the Tenancy Act, that man is ejected from the holding. Then what are we to do with the money which he has already paid? Should the tenant get back the amount, and if so, how much of it? All these things will have to be considered.

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“Suppose the landlord pays and the tenant does not pay the tax. Will you ask the landlord to keep quiet and not try to get the benefit, allowing the tenant to get every benefit? Do you think that the landlord and the tenant can get on very well if the landlord pays the tax and the tenant alone gets the benefit? It is impossible, it is unfair, and it is not proper for you to enforce any such law upon the owner of the soil. Although he is not cultivating, if he is to pay the amount, he must get the benefit of it. If the tenant will not pay, you must make some provision either in this Bill or in the Tenancy Bill or in some other legislation in order to enable the landlord to pay the betterment tax and get the benefit of it, or allow the landlord to eject the tenant on the ground that he has not paid the betterment tax. All these things have to be considered and a fair proposition arrived at in order that these people may not be very much affected by this Betterment Bill.

“After all, what is the necessity for this betterment tax? It is true the Government are spending money and I am also aware that the Government are not in a position to spend it. I know that the Government have not got large funds with them to spend, but it is the primary duty of the Government to see that the land from which they collect revenue and which feeds their people is certainly benefited by irrigation. That primary duty can be discharged, I admit, only if they have funds, and that fund they are collecting from the land itself. But if any amount is to be got from the land, I say you may have a water cess or irrigation cess charged on the property and collected every year and these people may not be troubled with a lump sum payment or instalment payment. It is unfair because if you claim the entire 50 per cent of the capitalized value of the increment which is called the unearned increment, how can the tenant or the landlord pay? Instead of that, you collect it from them by way of irrigation cess. If you are collecting 2 or 3 per cent, make it 4 or 5 per cent, as the case may be, and collect it from the person who cultivates the land. It is easy, because this man will be able to pay and you may be able to collect it also without trouble.

2-45 P.m. “There is another thing. Suppose the Government collect this betterment fee; what is the benefit that the agriculturists get? They get water and they have to pay the irrigation fee. Will they be given any concession? If some concession is shown, then it is understandable. A person who pays or who might have paid a lump sum should be enabled to have interest on the amount. There must be some provision in this regard. This is a bald Bill which says that the owner of the soil is to pay this betterment tax. The Government, as a matter of fact, have not really taken various things into consideration in arriving at the capitalized value of the increment. As has been pointed out by the hon. Member, Sri Suryanarayana Rao and another hon. Member, a tenant must do some work on the land before he raises a crop. Although water is available, betterment tax will be estimated on the total increase

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of the rent or the produce. If this is to be done, have the Government made any provision by which the landlord could be paid something, especially when it is the landlord who has put some money on the soil on account of which the capital value might have increased? There is no such provision in this Bill. Suppose the capital value of a particular land has risen to Rs. 1,000 and that a landlord or tenant has spent about 500 or 600 rupees on the land. Will this amount be deducted from the capitalized value and only the balance collected? It must be clearly understood that the value of a particular land could rise due to various reasons other than the irrigation projects started by the Government. It may be due to the work done by the landlord or the tenant. Have the Government made any provision to deduct the amount of expenditure that might have been incurred by the tenant or landlord for the improvement of the land? Nothing has been provided in this Bill in regard to this matter. There are ever so many things connected with the increase in value or increase in rent. All these things must be taken into account. The Collector is, however, made responsible for the whole thing. After him, the Board of Revenue and the Government are expected to look into the matter. How will the Government or the Board of Revenue be able to get more materials than the Collector himself on any particular point?

“These are a few things, which I thought I should mention, in order that they could be considered by the Select Committee. These are the many difficulties which may have to be faced and I want the Select Committee to take these things into consideration before making any definite recommendations in the matter. My only request is that these difficulties at least should be removed, if the Bill cannot be dropped altogether.

“Again, I find a good deal of discrimination. I do not propose to refer to the Constitution in this connexion. I do not say that according to certain Articles of the Constitution this Bill should not be enacted. That is not my point. My point is this. There are ever so many irrigation projects constructed prior to 1943 which give immense help to the cultivators. These are not touched. It is only the new projects that are sought to be touched. The Government may as well give up the new projects and catch hold of the old lands which have been getting the benefit of these irrigation projects for so many years in the past. Let the Government try to get some money from those lands. I cannot understand how the Government have considered the year 1943 as an epoch-making year. Why should it not be 1800 or 1900? My request to the Government is that they should tax such of those people who might have been benefited on account of the irrigation projects in the past so many years. There is no point in trying to tax those who will get benefit hereafter.

“Even in the case of estimating the value of the property, I find that there is some mistake. So far as the irrigation projects that are constructed already are concerned, the Collector can

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certainly give some estimate of the increased rent and also the increased benefits and so on. But with regard to the 'lands that are capable of being benefited' I want to know how the Collector or for the matter of that anybody else under the sun can give any estimate. Nobody can give an estimate as to the benefit that may accrue to a person on account of a contemplated irrigation project. It is really difficult for anybody to imagine that a person will be taxed on such a basis. It is unfair to say to a person, 'Well, your income is likely to rise on account of the irrigation project that we intend starting at some future date. So, please pay us this betterment levy.' My humble opinion is that such a procedure is not at all correct. All these things must be carefully considered. If the Government still think that the Bill is necessary, then they must bring forward a proper Bill before the Legislature after taking all the difficulties into consideration, and after providing measures in the Bill to avoid those difficulties."

* SRI K. NATARAJAN:—"Mr. Chairman, Sir, I wish to raise my humble protest against this Bill being taken up at this stage. This is the most inopportune time for the Bill to be introduced. The Bill is called 'A Bill to provide for the levy of betterment contributions or inclusion fees or both on certain lands in the State of Madras.' No doubt very advisedly they have omitted the word 'tax'. When we look at the section as to how this is going to be collected, it is stated that this shall be recoverable as if it were land revenue. In effect, the Bill contemplates an addition to our kist on land. In this connexion, I visualize the mirasdars, whose fate is hanging in the balance. Whether they call it levy or inclusion fee, or whatever it is, it is a tax. It would be a misnomer if it is to be called a contribution, because the word 'contribution' signifies voluntary payment. That this is a compulsory contribution has been very clearly indicated in the Bill itself."

"There are certain legal objections to this Bill which have been pointed out in the Press and also referred to by a previous speaker of this House on the opposite side. The Government do not levy any cess and they do not call it a cess. All these terms have a different meaning in legal glossary. Suppose a land which, was worth Rs. 1,000 previously has risen in value to the tune of Rs. 5,000 on account of the irrigation projects, the Government will tax on the increase in value of the capital, in the same manner as a man who has got Rs. 1,000 in the Indian Bank on a particular day and who has Rs. 5,000 the next day, will be taxed for the Rs. 4,000. This is capital levy. The value of the land might have increased on account of the introduction of the irrigation projects or it may be due to some other reasons. Now, the Government wish to tax the increase in the capital value. Therefore it is a matter for Union legislation, although there is the exception 'excluding agricultural land.' Still there is no provision authorizing the State to levy a tax on the capital value even with regard to the agricultural lands in the State List."

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"I come to another point. Even the British Government were instrumental in starting a few projects of their own for the benefit of the people. For example, we have the Mettur Project which benefits the Tanjore district and there are also a number of other minor irrigation projects which came into being at the time of the British administration. They were guided by the Standing Orders of the Board of Revenue which give us necessary guidance as to what should be done also in this matter. There is the Irrigation Cess Act which is also our guide. It has been stated by the Hon. Minister elsewhere that a comprehensive Irrigation Cess Act is going to be introduced and as it is not possible to introduce it straightway because of its complicated nature, the present measure has been brought forward ungently for meeting certain needs of the State. When there is a separate Irrigation Bill contemplated by the Government and when this procedure is laid down in the Board of Revenue Standing Orders, I beg to submit that the Government should not evade all those provisions by bringing in this Bill. According to the Standing Orders of the Board of Revenue, once in a period of 30 years there will be a resettlement. In cases where a dry land has become a wet land and a single crop land has been converted into a double-crop land during the course of thirty years what should be done according to those Standing Orders is this. They should not spring upon the landlord or the mirasdar who has got the immediate benefit and ask him to give the Government the betterment tax. Those persons who derive benefit are required to pay any enhanced tax only after the settlement once in 30 years. Such a procedure has been adopted there. Those Standing Orders lay down—

* Resettlement every thirty years—

- (1) Dividing the soil into different classes with reference to their mechanical composition.
- (2) Sub-divide them into sorts and grades with reference to their chemical and physical properties and other circumstances affecting their fertility.
- (3) Attaching a grain value to each grade after numerous examinations of the actual outturn of the staple products in each class.
- (4) The grain value is then converted into money at the commutation price based generally on the average of twenty non-famine years.
- (5) From the value of the gross produce thus determined, the cost of cultivation and a certain percentage on account of vicissitudes of seasons and unprofitable areas is deducted.
- (6) Then the Government demand on the land is determined."

That is the procedure contemplated in the Standing Orders. The principle is that, if there is an increase in the outturn, the extra tax is to be calculated on the share of the produce and not upon the value of the land. The Government have completely ignored this well-adopted principle laid down in the Standing Orders of the Board of Revenue and also laid down in the Irrigation Cess Act. Now the Hon. Minister was pleased to say that it was an 'unearned increment' and so the Government were at liberty to call upon the persons who might have benefited by the irrigation projects and who might have got this 'unearned increment' to pay some contribution. This theory of 'unearned increment'

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should be clearly understood along with the other well-known economic principle, viz., the 'law of Diminishing Returns. Now, what is the 'unearned increment' here? For example, there is a certain piece of land. A person has been paying some tax on some particular basis in respect of that land. The land may not have been giving very good results for lack of proper irrigation facilities. Now, that particular piece of land might give good return after being benefited by the irrigation projects started by the Government. However, the Government cannot claim that this person should pay some betterment fee on the ground that he has got increased rent from his land because of the projects started by them. I should say that the Government have only discharged their long-standing obligation to the people by starting these projects and thus helping the agriculturists to raise a good quantity of crops on the lands. That is the position and there is no question of any 'unearned increment' at all here.

"Can you call it then a tax on unearned income? No, certainly not. Due to the irrigation work that has been carried out, it may be that a particular piece of land may yield something more for the first two or three years. But it is not correct to say that the yield would have increased considerably. It is a well-known term in economics, namely, the 'Law of Diminishing Returns'. A particular portion of a land may yield eight 'kalams' for the first three years after the improvement. For the next year the yield may be six 'kalams'. During the next three years it might get reduced to four 'kalams'. Then the land-owner has to go in, for the improvement of his land, for fertilizers and other chemicals. Therefore, that factor should be taken into consideration. It is only with that view that the 'thirty years settlement' has been introduced. For thirty years they attach a basic current value to the land under question. Deductions are made for the land-owner's and his family's consumption. The tax is made on the net produce. Of course, account is also taken of the expenses incurred for cultivation.

"It is a well-known principle that in case the produce has increased in the case of a particular piece of land wherein the Government have made certain improvements thereby raising its fertility, Government will not on that account be entitled to any 'water cess'. Therefore in this case the levy you are contemplating and which you call by the name of 'betterment levy' is not justifiable.

"I say, Sir, that there must be a strict scrutiny as to whether the improvement has been made by an efficient system of irrigation wherein no such thing existed *before* or whether it is an *addition* to an *existing* efficient system of irrigation. This I submit, Sir, is a very crucial point to be considered.

"Sir, we are at the fag-end of our tenure of office. It is very probable that the same Congress Government may come into power after the elections and we may have the same panel of Ministers

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also. Why, Sir, should the Government hurry through this measure at this fag end of our period? The Government are anxious to refer the Bill to a Joint Select Committee. They will be bringing forward some amendments. The Collector will have to make enquiries. An appeal could be made to the Board of Revenue. The Board will decide the matter. The Government also may step in if it finds it necessary. I say, Sir, all these things cannot be done in two or three months. Therefore, it is better the Government bring in a new Irrigation Bill introducing 'Cess' with certain conditions in clear and unequivocal terms. With these observations, I beg to submit, Sir, that this Bill need not be hurried through at this juncture.

"Next, Sir, there are many patent defects in the Bill. As my hon. Friend, Sri Narayana Menon, has pointed out, under clause 3 of the Bill it has been laid down that this betterment contribution may be levied by the Government on the owner of the land, which in their opinion is benefited or is capable of being benefited by irrigation works. Sir, in fact this question is very problematical.

"Suppose a man's property which is valued at one thousand rupees increases to about five thousand rupees. Can you say that the benefit is due to the execution of the irrigation project? Perhaps the increase might have been due to many causes.

"I know for instance that in spite of an irrigation project, certain portions of land have really decreased in their market value. Therefore it is not proper to attribute the increase to irrigation project or work alone. Then who is to judge to which cause the increase in the capital value of the land is due? The Government say that it shall be the Collector. I ask what is the period the Collector will take into consideration in assessing the particular increase in the capital value of the land.

"I object to the very word 'improvement' that has been used in the Bill. Who is to judge the improvement that has been effected? I say it would be better to leave it to the Court of Law and the judges. There are land acquisition proceedings. Suppose the Government take possession of a land under the Land Acquisition Act. The owner can appeal, stating his objections to the valuation, to the District Judge in the case of appeals in districts or to the High Court who try the case and pronounce judgment.

"Instead of leaving it to the Collector and the Board of Revenue, I think that inasmuch as the question involved in this case is one that is very complicated, it may better be left to the charge of Judicial Tribunals.

"One thing more, Sir. The Government have defined irrigation work as one which includes all natural canals, channels, tanks, wells, etc. Is it right to define like that? If there be a natural channel for the discharge of flowing water or surplus water, for the purpose of irrigating that tract of land, in that particular

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ayacut can the Government claim a betterment levy for that channel? I wish that provision is deleted from the Bill. The provision as to the surrender of land is very objectionable.

"The way in which the term 'owner of a land' is defined in the Bill is really very objectionable. It has been defined that 'owner' is one 'who has got an interest in land'. Then anybody can become an owner of land. I wish that the whole definition deleted from the Bill.

"In conclusion, I wish to observe, Sir, that the whole Bill is nothing more than imposing an addition to the enormous burden to which the mirasdars are already subject. I can well say that the record of the Congress Ministry (it does not matter whether I am listened to or not), can be listed as a record of taxation."

* DR. P. VARADARAJULU NAIDU:—"Hon. Chairman, Sir, I am very sorry to oppose the proposal to levy a betterment tax. This Council is at its journey's end and I am the youngest member of this Council, though not in age. I have been closely watching the policy of Government in regard to taxation. Every day whenever the Council considers any proposal, you see nothing but a proposal for new taxation. When I read Dadabhai Naoroji's book on 'Poverty and un-British Rule' in India some years ago, I thought that the British Government had been inflicting hardships on our countrymen. But now when I see every day that new taxes are being proposed by the Government, I am quite convinced that our Government has not been truly following the Congress ideals. Now the only defence that the Government have for the new taxes is the improvement of the lands by construction of dams and the like. We have got the five-year and the ten-year plans.

"But the immediate problem is not this. It is the food problem. People are starving. We are not able to provide sufficient food for our people. Our people do not get enough clothing. They have no proper shelter. Every day we read in the papers that persons commit suicide for want of employment and the food.

"Of course it should be admitted that our deteriorating food situation is due to a certain extent to international trouble. I fully sympathize with the effort of this Government in solving this food problem.

"But the policy this Government has been following in regard to the taxes, is wholly unwarranted; no matter whether they call it a 'levy' or a 'fresh tax'.

"From the time of Raja Todar Mal, in the time of Akbar, up to the end of the British Empire, the administration had been very careful in dealing with this question of reform of land revenue of the country.

"Now as a result of the policy of this Government, our industries are deteriorating and landholders and even tillers of the soil are taking less interest in their work.

"During the 1780 famine, about 17,500 people died in our Presidency. Many people migrated to other countries. Some went

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to Malay States, some to South Africa and others to Ceylon. But now that cannot happen. These countries have imposed strict immigration laws.

"As one of the landholders, I can tell the House that the agricultural industry is the most precarious. We have to depend on the season, rain and several factors. Now instead of the Government coming to our aid in developing the industry further, they come with additional taxation. Their only defence, as they put it, is to make people happy. But they cannot do that by more taxes. You cannot nationalize or socialise any industry as and when you require it.

"Take, for instance, the landholders. By the policy of this Government, the landholders have been brought into contempt and hatred. There is no co-operation between the tiller and the owner of the soil. I do not propose to go into the details of this Bill because my hon. Friend, Sri K. Natarajan and others have explained them in great detail. Fortunately this Government had withdrawn the legislation for the levy of estate duty in respect of agricultural land. So far as this Bill is concerned, by the time the betterment of the land takes place the land value is bound to come down. After the publication of the Land Revenue Reforms Committee Report, the value of the lands has already fallen. There is no use Government interfering in every department, particularly the Agricultural Department, which is the most important in this country. Therefore I warn the Government against proceeding with this Bill." 3-14 p.m.

* SRI A. GOVINDACHARYULU:—"Sir, I am very sorry to have to oppose this Betterment Tax Bill. Apart from the merits and demerits of the Bill, I question the wisdom of the Government in bringing forward this Bill at this stage when they have to face the electorate. Whatever the Government are doing to-day will reflect on the whole Congress organization and the members of the organization as well. At this stage, I would like to remind the members of the Government certain facts regarding the taxation measures. Some years ago, just in 1926 or so, one of the great politicians of Andhra, Diwan Bahadur M. Ramachandra Rao, who was then a Member of the Imperial Council, had to support the salt tax. He had to face the problem of provincial contributions *versus* salt tax in the Legislative Assembly at Delhi. As he was in favour of the Madras Government getting more money, he had to support the salt tax. After the measure was passed, he had to face the electorate. Every one of us, his admirers in politics, had to oppose him on the ground that he supported the salt tax. He was the uncrowned king of Andhra. His reputation in politics was spotless. He had never faced any defeat. He was the unrivalled king in winning elections. Unfortunately, on the score that he gave support to the salt tax, he has defeated and ultimately with that defeat, he had to retire from politics. One more incident comes to my memory. Sir K. V. Reddi, an old friend of mine and ex-Governor, had to support once the levy of Inclusion fees, just

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like the levy of betterment fee to-day, and my hon. Friend, Sri Gopalakrishnayya remembers, I think, in what predicament, Sir K. V. Reddi Nayudu was then when he supported the levy of Inclusion fees. Every ryot of his community and other communities in my district as well as in East Godavari and Krishna districts, had to oppose him. He had no alternative but to go back upon his support to the measure. Later on he pleaded and fought against the very Inclusion fees. So, Sir, the ryots to-day are not dummies and mummies. Do not think that we can drag them by their nose to the polls. We dare not to-day get up on any platform and plead for these taxation measures. If you insist on passing these Bills and issue a whip to vote for the Government, certainly we will have to be in the same predicament as those great men were in, though we are not as great as they were. Sir, you will not only bring the individuals who to-day give their support to the Bill into difficulties but also the Congress organization into disrepute. We will be in a grave predicament when we face the electorate. Sir, being a member of the Congress and a supporter of the Congress Government, I have no other alternative than to request the Government to go back upon this Bill and not stand on any false prestige."

* JANAB ABDUL LATIF FAROOKHI:—"Mr. Chairman, Sir, by bringing forward this measure before the House, I feel that the Government are neither wise nor discreet. From the speeches that we heard from the other side of the House. I am sure, Sir, that if a division is called, the Government are sure to be defeated on this question. Therefore, leave aside the warnings from this side of the House; the warnings from the other side of the House are more important to the Government. Sir, we are powerless no doubt. But the country outside knows and realizes that what we say is correct. As a matter of fact, this measure is a measure of expropriation. You are trying to take away even a man's land, piece by piece, if he does not pay the Government the betterment fees. Sir, in your Bill you say, it is betterment contribution and inclusion fees. I do not know what the Hon. Revenue Minister means by betterment contribution and/or inclusion fees. It is left to him to explain whether they are two different taxes or whether they are one and the same or whether they are playing upon words. Whatever the implication of the words is, the Government want to fleece the agriculturists. The agriculturists are already put to great difficulties. The Government have been asking the people to grow more food. But they had done nothing for the agriculturists. Nature has also been unkind to them. There has been no rain. The Government are only performing a duty which they have neglected for so long. They are only performing a belated duty which they should have done long ago. All these irrigation projects must have come before they started collecting taxes. The Government have wasted even the money which the foreigner had accumulated for them. The Government are there for the last six years. What have they done during the last six years? They have done nothing. They

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must now repent for what they have not done and therefore they must do some good to the people. Instead of that, they are now trying, as an hon. Member said, to put the last straw on the camel's back, without knowing it. The agriculturists are not able to bear any further taxation. That, the Government are well aware of. I do not know how they are going to convince the people. Many Members on the Government side have referred to the fact that the Government have to face the electorate sooner or later. Are they going to face the electorate with this measure of taxation? The Government as well as the Members on the other side of the House are going to come to disrepute by this measure. Sir, I wish the Government realize their position. I request the Government to withdraw this measure as they have done in the case of the levy of estate duty. In the latter case, they were kind enough to accede to the wishes of the Members of this House. That is the spirit they should follow in regard to this measure also. I do not know why that spirit should not prevail in this case also. They want to bring in an Irrigation Bill. If that is so, why not proceed with that elaborate measure, where they can better judge the condition of the agriculturists? Why then this hurry in the matter? Why do the Government want to oust the jurisdiction of the Court? This has become the chronic disease with the Government—a disease which has no remedy. The District Collector is the sole authority who is to judge how a particular land has been improved, and an appeal will lie only to the Board of Revenue. The decision of the Board of Revenue is final. I do not think that any other Government had ousted the power of the Courts as this Government have done. Courts are there to sit in judgment over the Government and the man in the street. If the man in the street feels that a certain injury has been done to him by the Government, who is to judge whether an injury has been done to him or not? It is not the Government. When the Government and the people are parties to a dispute, the only authority that can judge between the Government and the people is the Court. The Government think that the decision of the Courts will be against them, as sometimes they are. I say, all these are factors, which, in spite of the Government's good intentions and in spite of some of the good work which the Congress Party have done towards alleviating the distress of the common man, will go against the Government. These are some of the factors which will hide the good things done by the Government and bring to light only the vices committed by them. The man in the street will not look at the good things but will look at the bad acts of the Government. I therefore submit, Sir, that it is not right and proper to pass this Bill, particularly now at the fag-end of the legislature.

"Then, Sir, the Government should not begin to collect taxes even before the projects are completed. The projects will be completed after five or ten years but the tax will be collected from now. The Government are only tax-collectors, they want to squeeze and fleece the people. If at all the projects materialise and if at all they come into existence, it will be only after five years or ten years.

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God only knows whether they are going to materialise or not. The Government engineers to-day will say that such and such a project will be useful. Tomorrow some other engineer may come, and after you leave the Government, he might say that the project is not good and that it would only land the Government in difficulty, and therefore the Government should go ahead with another project. Therefore Government should tax the people only after the project is completed. Even after the completion of the scheme, the Government must allow time for the people to see that the land is improved. Suppose in a particular area the Government provide water for irrigation. If the ryots in that area use that water, are benefited by it, and there is increased yield from the lands, then only can the Government ask the ryots to pay some money. Without knowing exactly what is going to be the position by the construction of a particular project, how the ryot is going to be benefited, and without even knowing whether these projects are going to materialise or not, the Government are going to collect this levy. The Government want to give different names to the tax and collect the tax from the people. They want money and by giving some name to some taxation, they want to get the money from the people. I realise, Sir, there are Hon. Ministers who are sympathetic people. They can understand the difficulties of the people and it is not that I am unaware of it. But the difficulty seems to be that they are obsessed with the idea that they must get some money somehow either from the agriculturists or the industrialists, whoever they may be. That is the position of the Hon. Ministers and in spite of their kind-heartedness and sympathy for the poor men, they feel that money should come out of their (poor men's) pockets so to say, they want to have a dip into the poor men's pockets. I submit, Sir, this is not the way. If at all the Government want to levy this tax, let them levy the tax after the condition of the ryots has bettered and after the land has really appreciated in value. Even then the levy must be collected in easy instalments and spread over a period of 20 years; not half the increased value of the land should be collected. The Government must appoint a committee to decide whether the value of the land has appreciated and if it has appreciated, the Government may take a small amount, not half of it, in easy instalments from the ryot giving sufficient latitude to the ryot to improve himself. If this is done the country will become self-sufficient so far as foodgrains are concerned. The Government have so many desires. There are so many things agitating the mind of the Government, good things of course. The Government want the country to be self-sufficient in the matter of food. In spite of this very good desire they want to put obstacles in the way. They are creating impediments which will stand in the way of stepping up production of foodgrains. That is not the way in which Government should carry on. I submit, Sir, that the Hon. Minister should see that measures of this kind are dropped at least for the present. Let Government bring forward elaborate schemes, such as the Irrigation Bill. The measure under consideration has been brought up in haste. It is also a point to be considered that up till now, not a

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single member either from this side or from the other side spoke in favour of this Bill. An ardent Congressman and a confirmed Congressman like my hon. Friend Dr. Varadarajulu Naidu, who has unflinching faith in Congress ideals and who will at no time hesitate to give support to the Ministry, had himself said that this was a measure that was going to bring disrepute to the Congress. Not one single member from the other side spoke in favour of this Bill. This is a point to be considered by the Hon. Minister for Revenue, and this is a case for reconsideration by Government."

* SRI S. JAYARAMA REDDI:—"Mr. Chairman, Sir, the Leader of the Opposition was saying that there was no support for this measure even from the Congress side."

MR. CHAIRMAN:—"You are going to prove him to be a false prophet."

AN HON. MEMBER:—"Exception proves the rule."

SRI S. JAYARAMA REDDI:—"Our hon. Friend Sri Govindacharyulu was saying that if we go to the electorate with this kind of measure we will get defeated and share the fate of Diwan Bahadur Ramachandra Rao, etc. I think, Sir, I stand to gain by supporting this measure. I come from Ramanathapuram district where there is no possibility of having major irrigation projects. Therefore I stand to gain and I am sure I will win much safely in the coming elections. I do not want to make use of such speeches here to gain cheap popularity."

SRI M. NARAYANA MENON:—"You get popularity by speaking."

SRI S. JAYARAMA REDDI:—"But I don't want to gain cheap popularity."

MR. CHAIRMAN:—"I suppose the Act applies to the whole State and not only to Ramanathapuram district." (Laughter.)

* SRI S. JAYARAMA REDDI:—"Members have been saying that we are at the fag-end of our term of office and so it is not proper that we should face the electorate with such a kind of measure as it will bring unpopularity to the Government. If Government think that they should go ahead with certain schemes, they must get along with the schemes whether they (Government) become popular or unpopular. Government must do what they feel to be right and reap the consequences. If the electorate are not supporting the schemes and policies, then it is for them to elect some other people who will support their policies. I leave it to the elder statesmen to go into the merits or demerits of this measure. Apart from this, I want to make some suggestions with regard to the details of this measure.

"Sir, in the preamble to this measure it is stated that there are to be two kinds of levy, the inclusion fee and the betterment levy. I think the Hon. Member will seriously consider omitting either of the two. It looks very odd that there should be two kinds of levy."

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DR. SYED TAJUDDIN:—“ It is not whole-hearted support.”

* SRI S. JAYARAMA REDDI:—“ One of the two can be safely omitted. Another suggestion (the hon. Member Janab Farookhi Sahib made a very sensible suggestion) which I wholeheartedly support is that the betterment fee must be collected only after the benefits of the scheme are really realized by the agriculturists. I think the Hon. Minister will accept this suggestion.”

HON. MEMBERS:—“ Three-fourths gone !”

* SRI S. JAYARAMA REDDI:—“ Then, Sir, about the collection of the levy, it has been said that ever so many things will happen regarding the calculations to be made about the appreciation of value of the land and so many other things. I think a suitable machinery could be thought of at the Select Committee stage and everything could be set right. In the matter of calculation, I just want to bring to the notice of the Hon. Minister one point. Supposing the appreciation in value of a certain land is estimated at one thousand rupees now, the appreciation is calculated on the basis of the present value of the foodgrains. But I want to remind the Hon. Minister that there were days when the foodgrains' value was almost nothing. I know very many mirasdars in Tanjore district and the other deltaic areas who, when there was no failure of monsoon, when there was plenty of water-supply and when there was plenty of crops, were not able to pay the tax in time. Their financial position was so bad. I do not think that these times will repeat, but we will have to take into account all eventualities and make provision for them also.

Another suggestion that I would like to make is that it is not fair in my opinion to collect the entire value of the appreciation of the land from the land owner. I would rather like, when a scheme is started, that the land owners are made to understand that the cost of the scheme will be realized from them. Then only they will be in a position to understand the implication of the scheme and know how much will be collected from them. When the Manimuthar Project was started in the Tinnevely district the mirasdars were consulted and they were told that they would have to share so much of the amount of the scheme if they wanted it. Such arrangements should be thought of before giving effect to the other schemes. That would be a fair deal for the land owners.

“ I feel if the suggestions put forward by me are accepted, the Government have a fair chance to get through the measure.”

SRI MOTHEY NARAYANA RAO:—“ Sir, I also share the view of my colleague Sri Govindacharlu in opposing this measure. Although I agree with the view that Government should not come forward with such measures now, I appreciate and I admire the dare devil spirit of the Government in coming forward with this measure at this time, when the election is facing us. Government have been very bold in coming forward with this measure and we must

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appreciate them for their boldness. If at all the Government think that money should be found somehow and somewhere, are there not other methods by which Government could get the money? For these irrigation projects, from time immemorial, money was found and these irrigation projects were executed. During the British administration a number of schemes were executed (even big projects like the Godavari and Krishna projects) and this Government are reaping good profits out of them now. The procedure adopted by them was to see whether a scheme was remunerative or not. If it was remunerative the Government took it up and raised the money required by floating loans. If a scheme was not remunerative the Government asked the land owners to contribute to some extent. But now this Government do not want to adopt that method. If the scheme is not going to be remunerative the Government can tell the agriculturists that it is not going to be remunerative but still it is going to benefit them, and so the Government can demand a contribution from them. But if it is going to be remunerative the Government can find the money. They can raise a loan in the open market or they can go to the Central Government for a loan.

“ Perhaps they cannot go before the public and ask for a loan. Are we so bankrupt as not to be able to float a loan in the open market? Otherwise, what is the necessity for coming forward with these measures? If the schemes are remunerative, why should we ask the cultivators to pay anything at all? If the schemes are beneficial and if they are expected to fill the coffers of the Government, why should we ask the cultivators to pay? 2-45 p.m.

“ Then, the contribution is to be calculated on the present prices. There may be a depression after the irrigation scheme is completed and after the contributions are collected from the cultivators, and the land which now costs about Rs. 2,000 per acre may come down to about Rs. 500 as it once happened after 1930 onwards. So, Sir, what will be the position of the ryot in such circumstances? I think the ryots will have to sell away all their lands to pay this contribution. Did we not see that in 1930 paddy was sold at Rs. 3 a bag? It is now Rs. 15 according to the price fixed by the Government, and Rs. 50 is the blackmarket rate. Therefore, Sir, all these aspects will have to be taken into consideration and I hope the Government will do well to postpone the measure for the time being and leave it to the future Legislature to take it up. Perhaps the Government are thinking that the electorate are wedded to the Congress in the same way as a woman is wedded to her husband in spite of her being refused food, clothes, etc., and being ill-treated. But, that is not the state of the country to-day; people have grown wise and they are able to see what is happening. Therefore, Sir, we must be careful and I earnestly request the Government to drop the measure. After all, these irrigation schemes are not going to be put into operation within 3 or 4 months. If the Government think that the elections are not going to be held according to schedule, it is a different matter.

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But, if the elections are going to be held as scheduled by the Union Government, where is the necessity for this hurry? We are not going to start and execute these schemes. Then, why should we take up this legislation and incur the displeasure of the people? Perhaps the Government that is going to follow this Government may scrap all these measures as unnecessary. If the future Government, whether it be Socialist or Communist or some other Government, does not like this kind of legislation what is the good of putting this now on the Statute Book? If there will be a Communist Government, land and industries may be nationalized. Even rich men may be happier than what they are to-day. Why should this Government poke their nose now into this matter? After the elections, some other Government can take the trouble of going ahead with this kind of legislation if necessary. I would point out to the Government that this is the most inopportune time for bringing forward this measure, and the Government will do well to drop this Bill."

JANAB K. T. M. AHAMED IBRAHIM:—"Mr. Chairman Sir, this is a measure the rationale of which I am not able to understand. Clause 3 says that 'the Government shall be entitled to recover a betterment contribution, . . . whether after the commencement of this Act, or at any time before such commencement but not earlier than the 1st January 1943', i.e., even before this Government came into power. Sir, many complications will arise on account of this date. Even supposing that some lands are benefited by the irrigation schemes started by this Government, are we justified in imposing this so-called betterment contribution from 1st January 1943? In many instances, after a scheme was completed, the owner of a particular land might have sold it away to somebody else and the transferee might have bought it at a high price in view of the benefits the land derives from the irrigation scheme. There are such *bona fide* cases also. Then, who is to pay the betterment contribution? Is it the transferor or the transferee? Therefore, Sir, giving retrospective effect to this contribution is most objectionable. It is not morally correct and I would even go to the extent of saying that it is illegal under the Contract Act.

"Then, Sir, this measure envisages expropriation of land also when a cultivator fails to pay the betterment contribution. When we started these irrigation schemes, we did not give any notice to the land owners that they would have to pay for the benefits that might accrue to them in the succeeding years. Are we justified in saying now that they must share with the Government whatever benefits they might have got by such irrigation schemes? Sir, this is worse than *bania mentality*. It has been very often pointed out that the ryotwari lands of this State are very heavily taxed; in some districts, it has reached the maximum limit; the land owners have not been able to get proper return from the lands and they have been pressing for increased prices

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for their produce. And with this additional betterment contribution, I am afraid the land owners will have to seek other occupations for their livelihood.

"How are we to assess the benefits that accrue to the landowners on account of the irrigation schemes? We all know, Sir, that the Government of India and this Government are anxious that the general price levels should be considerably reduced. They are already fighting with inflation because there will be no prosperity in this land unless the prices are reduced. The present prices of land are in greater measure due to inflation. In view and on account of the policy that has been adopted by the Government to check inflation, is it just on our part to make the people suffer? Under clause 10, the owner of any land is given the option to pay the contribution in cash or surrender a portion of the land in lieu thereof. In view of the irrigation schemes, many people might have borrowed money and purchased lands. And who is to pay the betterment contribution? Sir, I would like to know whether any such betterment fee was levied at any time before in this State or in any other State. Even the foreigner when he was ruling this country did not levy any such betterment fee. Did he ask the people to pay either 50 or 25 per cent of the value of the land? It would have been better if we asked the people to take advantage of the irrigation scheme and then pay any contribution. But, according to this Bill, we are asking them to pay the contribution even before the schemes are taken up and if they don't pay, they are to be compelled to pay the contribution. Therefore, Sir, it is nothing less than expropriation of land in this respect. With these few words, I oppose the Bill and would urge on the Government to drop this Bill in view of the unanimous opposition not only from this side, but from the other side also."

* THE HON. SRI H. SITARAMA REDDI:—"Mr. Chairman, 4 p.m.
Sir, I am indeed very grateful to the hon. Members of this House for the very frank and free opinions expressed on this measure. I certainly welcome their frank expression but, I believe, from the speeches that have been made an impression has been left on my mind that the coming elections seem to weigh more on their minds than the merits of the measure. I have heard very many good friends, who could take a balanced view of the merits of the measure, being deflected in their judgments because their minds are weighed down with the coming elections. May I just tell my friends, who are thinking so much of the elections, briefly what is happening in regard to several of the works that have been undertaken recently and proposed to be undertaken? Now, Sir, for some time past, when they undertook works of irrigation or drainage, the Government have been announcing to the people of the areas where these works are undertaken that there is a proposal to levy a contribution from them for the improvement that they get. It is not as though we are just flinging something new on these people."

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* SRI R. SURYANARAYANA RAO:—" May I know, Sir, whether any such announcement was made either by the Advisers' Government or this Government before the Tungabhadra Project was undertaken? "

* THE HON. SRI H. SITARAMA REDDI:—" I do not think, Sir, that such an announcement was made so far as the Tungabhadra Project is concerned. That is why, Sir, I said we have been *recently* doing it and there is nothing new about it. Another important factor which the hon. Members of this House may like to know is that we get several representations from various people suggesting that the Government may take up schemes of irrigation or drainage in particular areas and the local people have put in petitions and have enthusiastically come forward offering to contribute so much per scheme because they know that the scheme is going to be of benefit to them. So, Sir, there is a sort of misapprehension and an unnecessary fear in the minds of some hon. Members about the proposed betterment levy. I can really understand them when they talk about the propriety of having both inclusion and betterment fee. These are matters which will certainly be gone into in the Select Committee. It is a question of principle whether once an inclusion fee is levied it would be proper and just to levy a betterment fee. I would like to have this question examined in the Select Committee and I welcome the criticism on that score. Sir, I know the history of the inclusion fee and the agitation about it. I am not unaware of all these. I know the unpopularity that some people have incurred at some time about the inclusion fee being levied in a particular area. I believe, Sir, all these were more due to a sort of discrimination being made between one area and another. I may remind hon. Members coming from the Circars that at that time the inclusion fee was sought to be collected from a particular area. It was not a levy that was levied all over the State. The people began to ask 'When you did not levy it in a particular place why do you levy it here?' It was then felt that it was discriminatory. I think, Sir, that was one of the reasons why there was so much of agitation and the then administrators who were in charge thought it wise to postpone the question. It has been postponed right from that time. I know its history and I am not afraid of the words 'Inclusion fee' so long as there is an equitable principle behind that fee. Therefore, Sir, let not my Friends get agitated or afraid of the words 'Inclusion fee'. As a matter of fact, Sir, my hon. Friend Sri R. Suryanarayana Rao said that he was happy that the Government had given up, as a Welfare State or a State which has got the welfare of the people in its mind, the classification A, B and C in the matter of irrigation works and that wherever there is need, irrespective of the return, Government have been going on constructing or taking up the construction of such works. That is exactly the reason for introducing a Bill like this. In these circumstances a question was asked by an hon. Member. He said, 'during the days of the British Government, did they levy a betterment fee like

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this? What is the justification for you to do so? " I want the hon. Members to remember that in those days before an irrigation work or an improvement work was taken up it was calculated on the basis of a particular return, 6 per cent or whatever it may be. They were sure of a return and therefore there was no need for a betterment levy. To-day we are not going into the question of any return. If we feel that a particular area needs improvement we take up the work irrespective of the expected return. To-day we take up a work whether there is a return or not and therefore there is no good in making comparisons with a time when a work was taken up only if it gave a return of 6 per cent. If I may say so, Sir, there is a certain amount of confusion in the minds of hon. Members between what was done in those days and what we are doing now. It is neither fair nor right to compare the two. If we accept the principle that Government should take up a work irrespective of any return, if it is likely to improve a particular area, we only put a straightforward question. Here is one who at the expense of the State has been benefited to some extent; he has got a certain gain in that there is an increased value for his land and we only ask that a certain percentage of the increase that he has got directly due to this betterment work, be shared with the Government so that the Government may carry on the benefit to others. Of course, there are difficulties in the way of arriving at what is the correct amount, what is the method of calculation and whether any inflationary tendencies that might have crept in are to be taken into account. I have already said in the other House that it is an unexceptionable proposition that any increase in the value of the land due to inflationary tendencies should not come into the calculation of the betterment levy. I agreed to that. Sir, I am also prepared to agree to the principle that any levy that is made must have a relation directly to the increase in the value of the property or the land due to the improvement work that has been undertaken by the Government and any extraneous circumstances should not be taken into consideration. Another principle that has been put forward is, should not the Government take into consideration the amount of money which varies from area to area in bringing the land that is now dry to irrigated dry or irrigated land? I know that in certain areas, even though water is available, it costs quite a lot of money to make the land fit for cultivation of wet crops. I do not deny that it does require a lot of investment. Again, as I have already said, it is a matter to be gone into in the Select Committee. What are the principles that should guide the authority who assesses the improvement and what are the factors that must be taken into consideration in the matter of arriving at the increase in value? I am agreeable to these being thoroughly examined. I do not deny that conditions vary from place to place and area to area. We shall certainly consider these and certain other difficulties which hon. Members have pointed out at the Select Committee stage.

" Another important factor that was referred to was the power that is sought to be vested in the Collectors, viz., the question of

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the ouster of Courts and the analogy of the Land Acquisition Act that was quoted. I would like to assure this House that if necessary I am prepared to go into that question in the Select Committee. What I want to impress on the hon. Members of this House is that here is a principle which I have enunciated and if the principle is accepted, the method of calculation and the equitable nature of the incidence from area to area may be considered later.

"Sir, another question that was raised was that in the Cauvery-Mettur Project area the people who had been benefited were going without any taxation. To-day if the Government do something to the backward areas which have been starved for a long time for lack of improvement work, they will not be justified in making a levy on these poor people particularly when the people in the Cauvery-Mettur Project did not have to bear any extra burdens.

"Sir, another question was raised about the sanctity of the year 1943. As I said the other day, the sanctity of the year 1943 arises from the fact that the Grow More Food Campaign was started and taken up by the State from that date 1st January 1943, which has been taken as the basis or the starting point for purposes of this duty that is sought to be levied. Honourable Members of this House have given very thought-provoking and useful suggestions. I agree that there are certain difficulties in this Bill in the matter of working out the details but there cannot be any difficulty in regard to the principle I have enunciated. When once it is accepted that we are taking up works irrespective of the return and not on the basis of pre-Congress Government days where every project or every important work was dependent upon a certain percentage return like any business concern, it is wrong to compare the work that is sought to be done by the present Government and then say 'Those people did not levy any betterment fee. Why do you want to do it.'

"Certain questions of law and constitutional propriety about this measure have also been raised. Sir, the same questions arose and were discussed in the other House and I may only add for the information of the hon. Members of this House that the Legal Advisers of the Government have examined the legal aspect of the question and have advised that the Government were certainly and perfectly within their rights to go on with this legislation so far as the constitutional or the legal position is concerned.

"My hon. Friend Sri Narayana Menon raised a question about Malabar and interpretation of the ownership in regard to the Malabar district. He asked 'Who is to be considered the owner and who is the proper person to pay and from whom are the Government to collect the betterment fees?' Another hon. Member referred to certain difficulties as to what would happen on the transfer of the property. As I have said these are some of the difficulties in regard to the details of the working of the scheme. These matters could all be gone into and provisions made in the

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Act to see that such hardships as are imagined are not there. We can certainly provide by rules or by additional provisions in the Bill such remedial measures as would remove the difficulties, if they are real, as were raised by the hon. Members in the course of the discussion in this House as well as some of the difficulties that have been raised on the floor of the other House.

"Sir, one more point and I have done. One hon. Member said that the record of the Congress has been nothing but a record of taxation. May I remind the hon. Member to look at the history of all free nations. The progress of free nations has been achieved by the effort and sacrifices of the people. If the hon. Member thinks that progress can be achieved without sacrifice, I think, Sir, he is wrong. In a free State and much more so in a Welfare State, there is a heavy duty cast on the citizen to see that the welfare measures undertaken by the State are fulfilled and they can only be fulfilled by the sacrifices of the people. The people that can afford to sacrifice must come forward so that people who are handicapped may rise. Therefore, Sir, if the Congress Government have levied certain taxes, it has done so, Sir, to see that this under-privileged and handicapped sector of the State is helped to develop and go forward. Even if that allegation, that charge, is true, it is a charge about which Congress need not be ashamed.

"So, Sir, as long as it is done for the good of the people and for the improvement of the State, I think it is a thing about which nobody need feel afraid or ashamed. 4-15 p.m.

"Sir, you were pleased to raise a question and I have got here the answer for it. The provision in clause 2 (5) (b) which says 'as are not situated in an estate' and the similar provision in clause 2 (5) (d) will operate only until such time as the estates are taken over, and they are intended to protect the rights of estate-holders in irrigation works and also their riparian rights while they continue to hold the estates. Immediately an estate is taken over under Section 4 of the Abolition Act, the Betterment Act will apply to that estate area. You raised the question about the position of the estates, Sir, and therefore I wanted to clarify this point in my reply. So long as they are not notified under Section 4 of the Abolition Act, this Act cannot apply, and once they are so notified, this Act will apply to those areas.

"I now thank the hon. Members for the various suggestions they have made, and move that the Bill be referred to a Joint Select Committee."

MR. CHAIRMAN:—"The question is—

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 21 members (14 members from the Assembly and 7 members from the Council) to consider the Madras Irrigation (Betterment Contribution and

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Inclusion Fees) Bill, 1951 (L.A. Bill No. 20 of 1951), and that the following Members of this House be nominated to the said Joint Select Committee:—

- (1) The Hon. Sri K. Madhava Menon,
- (2) Sri N. Ranga Reddi,
- (3) Sri H. M. Jagannatham,
- (4) Sri R. Suryanarayana Rao,
- (5) Sri M. D. T. Kumaraswami Mudaliyar,
- (6) Sri S. Jayarama Reddi,
- (7) Sri N. Venkatachalamaji.

The motion was declared carried. Messrs. R. Suryanarayana Rao and S. B. Adityan demanded a poll and the House divided thus:

Ayes.

- | | |
|--------------------------------------|--------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 7 Sri H. M. Jagannatham. |
| 2 The Hon. Sri K. Madhava Menon. | 8 " M. Sudarasan. |
| 3 The Hon. Sri C. Perumalsami Reddi. | 9 " A. Govindacharyulu. |
| 4 Sri K. Venkataswami Nayudu. | 10 " S. Jayarama Reddi. |
| 5 " P. Veerabhadraswami. | 11 " N. Ranga Reddi. |
| 6 Dr. P. V. Cheriyan. | 12 Dr. P. S. Srinivasan. |

Noes.

- | | |
|---------------------------------------|-----------------------------|
| 1 Sri K. Natarajan. | 6 Dr. Syed Tajuddin. |
| 2 Janab Abdul Latif Farookhi. | 7 Sri S. B. Adityan. |
| 3 Sri M. D. T. Kumaraswami Mudaliyar. | 8 Janab K. Uppu. |
| 4 " A. Gopalakrishnayya. | 9 " K. T. M. Ahmed Ibrahim. |
| 5 " R. Suryanarayana Rao. | |

Neutral.

- | | |
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| 1 Dr. P. Varadarajulu Naidu. | 3 Sri M. Narayana Rao. |
| 2 Sri M. Narayana Menon. | 4 Mr. A. S. T. F. Rodriguez. |

Ayes: 12. Noes: 9. Neutral: 4.

The motion was carried.

(11) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT)
BILL, 1951 (L.A. BILL NO. 22 OF 1951).

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

'That the Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951), as passed by the Assembly be taken into consideration.'

" Sir, Section 1 (3) of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), which reproduced the Madras Preservation of Private Forests Act, 1946, provided that that Act should remain in force up to and inclusive of the end December 1950. Its life was subsequently extended for another year by Madras Act XXX of 1950. When this was done, it was

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anticipated that a Bill which was then under preparation for the amendment of the Madras Forest Act, 1882, and which contained *inter alia* the essential provisions of the Madras Preservation of Private Forests Act, 1949, would be passed into law by August or September of this year at the latest. But mainly on account of the pressure of work connected with other Bills, the Madras Forest (Amendment) Bill could be finalised only recently. Although the Bill is now ready, yet, as it is a fairly big measure, it is not likely to be passed into law soon. It has therefore become necessary to extend the life of the principal Act for a further period. That is the reason why the Government have come forward with this proposal for extension. I may further add that the other Bill, the Madras Forest Amendment Bill has been brought up before the Assembly and referred to a Select Committee. It may not be possible for that Bill to become law soon, and in order to see that there is no difficulty during the interregnum, it is proposed to extend the Act as stated in Clause 2 of the Bill. Sir, I move."

MR. CHAIRMAN:—" Motion moved—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951), as passed by the Assembly, be taken into consideration.'"

SRI S. B. ADITYAN:—" Mr. Chairman, Sir, this is a very important measure relating to the preservation of private forests. The question of keeping up the forests as such goes to the root of the welfare of the nation. Ancient text-books have laid down that one-fourth of the area of the State should be forests, one-fourth should be pastures, one-fourth should be wet lands and one-fourth dry lands. What was laid down in our ancient text-books is as good to-day as it was many thousands of years ago. The minimum forest area that is necessary for a good State is said to be one-fifth or 20 per cent and that is stated by Mr. Natarajan, the Economic Adviser to Government. It is now admitted that there has been a reduction in rainfall during the last five years. It is also an admitted fact that if forests are destroyed, particularly in the hill areas, there is bound to be a fall in the rainfall. During the last five years, the average rainfall has considerably gone down, and it has been stated that it is an act of God. Whether it is an act of man or act of God, only the people can judge. The Hon. Chief Minister, speaking at Coimbatore the other day, said that rainfall had failed for the last four years and if somebody would come forward who would restore the rainfall in our State, he would resign and give his position to that man. Sir, we do not want Paniwala Maharajs to be our Chief Ministers. I firmly believe that the failure of rainfall for nearly five years is mere coincidence; it is not a change in the Government that would bring relief; but surely a change in the policy of the Government would conduce to rainfall being restored. The fact is that large tracts of forests have been permitted to be destroyed. The Government Economic Adviser is a very inconvenient person

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bringing out rather inconvenient truths in his book 'Wealth and Welfare of the Madras Province'. There he states that the real income of the people in this State has gone down by 12 per cent. i.e., that poverty has increased by 12 per cent. That is a fact which has been brought out by the Economic Adviser to the Government.

4-30 P.M. "In his monthly 'Digest of Economics and Statistics' for last October, the Economic Adviser mentions about the denudation of forests. Although the area under forests has not been reduced, there has been denudation of forests. There is no apparent reduction in the area under forests in the Madras State because of new accretions. The other day, it appears the Hon. the Minister for Revenue mentioned that there has been free assignment of forest lands in Kodaikanal Hills. He said it was only 300 acres in extent but that is much more than I expected. Rev. Khaitan in an article contributed to the press says that he was shocked to find trees having been destroyed on both sides of the road to the Kodaikanals. (An Hon. Member: Who is he?) He is the chief among the foreign followers of Mahatmaji in this country. It is mentioned that these three hundred acres of land have been assigned free. This is forest land and I ask under what circumstances"

* THE HON. SRI H. SITARAMA REDDI:—"I would like to know whether the hon. Member takes the responsibility for the statement he is making."

SRI S. B. ADITYAN:—"It appears from the newspaper report that it was a free assignment. If it has been given for some consideration, I would like to know what was the consideration and under what circumstances the assignment has been made and to whom; is that person a relative of the Member of the Legislative Assembly representing that area? We would like to have facts. These trees have been there for ages. During the reign of the ancient kings, they did not dare to touch them because that would affect the rainfall there and ultimately the rainfall of the entire State. The Moghuls did not touch them and the British did not touch them but you destroyed them. How can you say that it will not affect the rainfall in the country? Again, Sir, a Congress member of the District Board in Tirunelveli has been given 150 acres of forest lands free. I know definitely it is free. I ask, Sir, whose lands were they: is it not public property? Again, Sir, in the Salem district, a Provincial Congress Committee member has been given 100 acres of forest land."

MR. CHAIRMAN:—"May I point out to the hon. Member that the Bill before the House deals with the question of the preservation of private forests?"

SRI S. B. ADITYAN:—"The result of all these actions that I have mentioned is that forest areas are being transferred to private hands."

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MR. CHAIRMAN:—"I may tell the hon. Member that he is as competent as myself to decide this matter. What the Government propose to do is to take some steps for the preservation of private forests by extending the life of the provision dealing with the preservation of forests in the hands of private people. Are remarks about Government forests relevant in a discussion on such a Bill?"

SRI S. B. ADITYAN:—"It is relevant this way, Sir. The question arises how far the Government are consistent in adopting the measure when Government forests are being converted into private property."

MR. CHAIRMAN:—"That does not come within the scope of the Bill."

SRI S. B. ADITYAN:—"The Hon. Minister was allowed to say so many things in my absence."

MR. CHAIRMAN:—"What does the hon. Member mean by 'I allowed him to say so many things'?"

SRI S. B. ADITYAN:—"I am glad, Sir, the Hon. Minister is here because if facts are not correct, he can contradict me in his answer."

MR. CHAIRMAN:—"That is a different matter. His remarks are not quite relevant when we are discussing a Bill regarding the preservation of private forests."

SRI S. B. ADITYAN:—"When we see, Sir, that forests which are not private property are being converted into private property, are not remarks relating to it relevant to the preservation of private forests?"

MR. CHAIRMAN:—"Whatever that may be, the hon. Member has said enough and he may proceed to some other point."

SRI S. B. ADITYAN:—"The total area under forests was given as 14,800 acres."

"The Hon. Minister wanted me to withdraw my statement and I went into the Administration Report of the Forest Department to see whether there was anything to withdraw. I find in the Report for 1949, that forests have been disreserved. I do not know what it means. I do not know whether it is converted into private property or taken out of the hands of Government, they are at any rate not kept as reserved forests."

MR. CHAIRMAN:—"Disreservation does not mean conversion into private property. Forests are of two categories, the reserved forests and the unreserved forests. Conditions are different in reserved and unreserved forests. But both are still forests. In an unreserved forest, cattle can go and graze freely."

SRI S. B. ADITYAN:—"Even in reserved forests, some grazing is allowed."

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"Ten square miles have been converted into disreserved forests. From the Administration Report I wanted to know how much has been disreserved. But while it is stated that so much has been disreserved in Anantapur, Vellore and other places, there is a blank at the spot where the figures ought to find a place on account of the types being broken, with the result I am not in a position to know what the extent is. I would be glad to know what is the number of square miles of disreserved forests from 1946 to 1950. It will help us greatly if these figures are available and the public will be able to judge how far the reduction in rainfall is man-made or an act of God. Reservation of forests is very important and necessary, not only private forests should be kept on as forests, but forests which now exist should not be destroyed and the denudation of forests must be put a stop to so that there may be proper rainfall and there can be an end to this continuous decrease in food production."

MR. CHAIRMAN:—"Then, the hon. Member welcomes the Bill."

* THE HON. SRI H. SITARAMA REDDI:—"Mr. Chairman, Sir, I entirely agree with the hon. Member about the need for the preservation of forests and I am glad that the hon. Member developed so much of heat over the question of preservation of forests. I can develop an equal amount of heat in the matter; it does not require Reverend Khaitan to be shocked; I am shocked and every one is shocked."

MR. CHAIRMAN:—"I doubt whether the Hon. Minister can become equally hot; he is always so cool and calm."

THE HON. SRI H. SITARAMA REDDI:—"In this country, we want good forests, and very good forests; they are national assets and there are no two opinions about the question and if any proof is wanted about the policy of the Government, the fact that the big Bill concerning forests that is coming up, is proof positive how anxious the Government are to see that the forests are well preserved. The hon. Member referred to certain things that are alleged, about which he is not himself sure and about which he seems to have read in some newspaper. I should like to suggest to him a simple remedy. If he wants to get information regarding the question, he can certainly write to the Minister in charge, namely, the Chief Minister. If he feels that certain things have happened and wants to get information about them, he has a right to get that information as an hon. Member of the House. Or the much simpler thing would be to put a question and elicit information on the floor of the House. If he proceeded to make a statement after getting that information, it would be good and it would help the Members of the House and it would help him also and the Government. I will certainly welcome any suggestion from any Member of the House that will help the preservation of forests and the prevention

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of the denudation of forests. That is the policy of the Government and that is why the Government are anxious to bring a much more comprehensive measure. I would like to add that hon. Members should not lose sight of the fact that we pursue this policy by means of legislative enactments and orders and we are trying to see that forests, particularly those in Kodaikanal and Ooty are preserved. But there are certain difficulties. We cannot prevent the cutting down of trees in private forests. I have seen beautiful trees 100 and 150 years old being destroyed; it has shocked me and brought tears to my eyes. I know it and I do not like it. But, Sir, that does not mean that we can go about interfering with the rights of private people. For that purpose the Government must bring in adequate measures; and I am sure the House will support such measures as will give sufficient powers to the Government to see that the destruction of forests is stopped. I hope that the House will give its support to this measure."

MR. CHAIRMAN:—"The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951), as passed by the Assembly be taken into consideration.'"

The motion was carried.

Clauses 2 and 1 and the Preamble were put separately and carried and allowed to stand part of the Bill.

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

'That the Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951), as passed by the Assembly be read a third time and passed'."

MR. CHAIRMAN:—"The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951), as passed by the Assembly be read a third time and passed'."

The motion was carried and the Bill was passed.

IV.—(2) MOTION UNDER RULES 22 (3) AND 67 OF THE COUNCIL RULES.

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

'That under rules 22 (3) and 67 of the Legislative Council Rules items Nos. 11 and 14 in the Agenda, namely, the Madras District Boards (Amendment) Bill, 1951, and the Madras City Municipal (Amendment) Bill, 1951, be taken out of the agenda and postponed till to-morrow'."

MR. CHAIRMAN:—"The Leader of the House must give some reason for the postponement."

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THE HON. DR. T. S. S. RAJAN:—"The reason for the postponement is that the Hon. Minister in charge of these Bills, had to leave the place rather suddenly and he is not here now. He has therefore asked me to have them adjourned till to-morrow. Hence the motion."

MR. CHAIRMAN:—"Personal inconvenience. He told me so."

THE HON. DR. T. S. S. RAJAN:—"I do not know, Sir."

MR. CHAIRMAN:—"The question is—

'That under rules 22 (3) and 67 of the Council Rules the items, namely, the Madras District Boards (Amendment) Bill, 1951 and the Madras City Municipal (Amendment) Bill, 1951, be taken out of the agenda and be postponed till to-morrow.'

The motion was carried.

V.—GOVERNMENT BILLS—cont.

(12) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1951 (L.A. BILL NO. 25 OF 1951).

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

'That the Madras Tenants and Ryots Protection (Amendment) Bill', 1951 (L.A. Bill No. 25 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.'

"Sir, this measure is sought to be extended under Clause 2 of the Bill, up to 7th October 1953. There are still some estates which have not yet been taken over because of certain action taken by the High Court and certain stay orders granted by the High Court and there are a few still to be notified because of the stay orders of the High Court and so there are a few more that have not yet been notified. And, so far as the estates notified and taken over are concerned, there is no need for this Act, but there are a large number of estates still to be notified and taken over and it is not known when it will be possible to take them over, in view of the stay orders of the High Court. There is also the Malabar Tenancy Bill which is awaiting the concurrence of the President and certain rules have to be passed after his concurrence and it is therefore necessary to extend the protection that has been given previously under the 1949 Act. So, I have come forward with this Bill which has been passed in the Assembly, to extend the life of this Act till 7th October 1953."

MR. CHAIRMAN:—"The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1951 (L.A. Bill No. 25 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.'

The motion was carried.

* Published in the Fort St. George Gazette Extraordinary, dated 14th August 1951.

[6th September 1951] [Mr. Chairman]

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

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

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

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

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

MR. CHAIRMAN:—"The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1951 (L.A. Bill No. 25 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'

The motion was carried and the Bill was passed.

(13) THE MADRAS MEDICAL REGISTRATION (AMENDMENT) BILL, 1951
(L.A. BILL NO. 26 OF 1951).

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

'That this House concurs in the setting up of a Joint Select Committee of the two Houses consisting of 24 members (16 members from the Assembly and 8 members from the Council) to consider the Madras Medical Registration (Amendment) Bill, 1951 and that the following members of this House be nominated to the said Joint Select Committee.'

I shall furnish the list of members later on during the debate.

"The Bill was published in a Gazette Extraordinary on August 14th and has been before the public and the members of the House for some time. The Amending Bill with the Statement of Objects and Reasons will be found on pages 103 to 111 of the Gazette Extraordinary. For the convenience of the members some of the amendments to the existing sections are shown in parallel columns in the annexure. New sections proposed to be incorporated into the existing Act have not been shown in this Annexure, for which therefore a reference is to be made to the Bill proper.

"The amendments proposed are intended to cure some of the defects and lacunae in the provisions of the Madras Medical Registration Act as they became apparent in the last two years. The legislation falls under entry 26 of the concurrent list, namely, 'Legal, Medical and other professions'. The Government of India were addressed for their concurrence and they have stated that they have no objection to legislation being undertaken on the lines proposed in the Bill.

"The statement of Objects and Reasons and the notes on clauses appended to the Bill, copies of which have been supplied

* Published in the Fort St. George Gazette Extraordinary, dated 14th August 1951.

[Dr. T. S. S. Rajan] [6th September 1951]

to hon. Members, explain in detail the need for the amendments proposed. It is therefore not necessary for me at this stage to dwell at length on the various clauses in the Bill before the House. But I should like to say a few words about the more important amendments, and particularly, those relating to the appointment of the President and the Registrar.

"Under the Act, as it stands now, for the first four years from the re-constitution of the Council under the Amending Act of 1938, the President shall be a person nominated by the Provincial Government holding office at their pleasure, and thereafter he should be elected by the members of the Council from among themselves in the prescribed manner. The Surgeon-General was accordingly nominated President for the period of four years from 1938 and he was succeeded by Dr. Rama Kamath, the elected President. Under this President the administration gradually deteriorated and ultimately the President became a virtual Dictator. In the course of two or three years he removed five Registrars and the Council itself became a hot bed of politics. During the elections of 1946, several malpractices were reported to have been committed by the President and his friends to defeat their opponents. The unsuccessful groups made representations to the Council alleging irregularities and corrupt practices but the President with the votes of his supporters had a resolution passed to the effect that no irregularities had been committed and thereafter took no further action. Ultimately complaints were made to the Government and questions about the conduct of the President and his actions were raised in the Legislature. The Government suggested to the President that a proper enquiry should be held into the allegations of corruption and malpractices, but the President not only declined to conduct an enquiry, but also went to the extent of questioning the authority of the Government to intervene in the matter at all. Thereupon the Government asked the Surgeon-General to investigate and report on the truth or otherwise of the allegations and requested the President to provide the necessary facilities for the conduct of the enquiry. The reaction of the President to this was typical and he stated that the Government's action was *ultra vires*, and put every conceivable obstacle in the way of an impartial investigation. The Government sought legal opinion and were advised that they could interfere especially as the Council had departed from the principles of natural justice in two respects,—

firstly, the complainants were not given an opportunity to establish their case;

and

secondly, the President and other members of the Council against whom allegations of irregularities and malpractices were made and the validity of whose election was in question, themselves participated in the deliberations of the Council and acted as Judges on the propriety of their own actions.

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"The Government thereupon issued a notice to the Council under Section 22 of the Madras Medical Registration Act pointing out the irregularities and calling upon the Council to remedy the defects within a reasonable time. The Council flatly declined to comply with the instructions and went further and threatened to take the matter to a Court of Law. In view of this defiant and unhelpful attitude taken by the Council, which by now, as hon. Members would have concluded, had become a puppet in the hands of this President, the Government appointed a retired District and Sessions Judge as a Special Officer to investigate into the matter. He held an enquiry with the materials available to him and he came to the conclusion that several serious irregularities had, in fact, been committed in the elections. Thereupon the Government appointed the Surgeon-General to exercise the powers of the Council under Rule 19 of the Rules for the conduct of elections. He made the requisite enquiries giving full opportunities to all the parties concerned to establish their case, and declared the elections to be void and directed that fresh elections be held. With reference to a new rule framed, the Surgeon-General was also appointed to exercise the powers and duties of the President till such time as fresh elections were held and a new President appointed. Dr. Rama Kamath then filed an application in the High Court for a writ against the Government. The High Court dismissed the application and upheld the action of the State Government.

"After these unpleasant experiences which I have enumerated above, Sir, the Government took stock of the situation and after a careful consideration of all the relevant matters, came to the definite conclusion that an elected President for a professional body of this kind which has got certain functions and responsibilities to discharge, vis-a-vis members of the medical profession, would not be conducive to the smooth and harmonious working of the Council. The Government, therefore, came most reluctantly to the conclusion that it would be desirable to nominate the Head of the Medical Services, that is, the Director of Medical Services or his Deputy to the post of President according to circumstances. In order, however, to make the provision elastic, the amending clause actually provides for the Director or his Deputy or any other suitable person being nominated to the post. The Vice-President will continue to be elected by the Council as at present. I would point out in this connection, Sir, that the Advocate-General is the President of the Bar Council.

"As regards the Registrar, we feel that this officer should have a certain amount of fixity of tenure of this post and the amendment in clause 7 provides for this. The Registrar shall be selected from a panel of three names recommended by the Council. Provision has been made for the removal of the Registrar if such removal is recommended by a resolution of the Council passed at a special meeting and supported by not less than 12 votes. The existing provision under which the Registrar is removable at the pleasure of the Council, is one of the provisions that was gravely abused, and is therefore being amended as indicated.

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"Section 22 of the Act gives certain powers to Government to take action in case it is found that the Council has neglected to exercise or has exceeded or abused any power conferred on it. No definite procedure is prescribed for ascertaining or establishing the alleged neglect or excess in the exercise of powers by the Council. While commenting on this section, the High Court observed that though the Government is the authority to decide whether there has been neglect, abuse or excess on the part of the Council, it would still be open to the Court to ascertain if there has been a *bona fide* exercise of the powers by the Government under this section. It is considered that action taken by the Government may give room for litigation every time the Government take action under the present section 22. The Government have therefore decided that they should have adequate powers to ascertain the truth or otherwise of the allegations against the Council through an impartial Commission of Enquiry and take necessary action on its advice so that in any subsequent challenge before the Courts, the facts and grounds, on the basis of which the Government intervened, would be available in the form of a report by the Commission. It is also considered necessary that the Government should have power to dissolve or supersede the Council if the circumstances warrant, and to make interim arrangements. New Sections 22-A and 22-B implement the above proposals. New Section 22-A follows mainly Section 20 of the Indian Medical Council Act, 1933.

"The other amendments do not call for any special remarks from me beyond what has been set down in the Statement of Objects and Reasons.

"The House will observe, Sir, that although the Government have taken powers to intervene in the affairs of the Council, the basis of such intervention will ordinarily be a report by a Commission of Enquiry constituted for the purpose under the proposed Section 22-A. It is not as though the Government wish to take extraordinary powers or to exercise such powers arbitrarily. The Government have to bear in mind the interests of the large body of medical men and the necessity for proper conditions being created for carrying out their day-to-day work without being at the mercy of a Council acting arbitrarily in a high-handed manner."

MR. CHAIRMAN:—"Motion moved—

'That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 24 members (16 members from the Assembly and 8 members from the Council) to consider the Madras Medical Registration (Amendment) Bill, 1951, and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Dr. P. V. Cheriyan.
- (3) „ A. Lakshmanaswami Mudaliyar.
- (4) „ Syed Tajuddin.

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- (5) Dr. P. Varadarajulu Naidu.
- (6) Sri S. Sankara Reddi.
- (7) Janab K. T. M. Ahamed Ibrahim.
- (8) Mrs. Mona Hensman.

The House then adjourned to meet again at 11 a.m. on Friday, the 7th September 1951.

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

Bills passed by the Assembly and received therefrom in the Council:—

- (1) *The Madras Buildings (Lease and Rent Control) Second Amendment Bill, 1951 (L.A. Bill No. 14 of 1951).*
- (2) *The Madras Weights and Measures (Amendment) Bill, 1951 (L.A. Bill No. 15 of 1951).*
- (3) *The Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Bill, 1951 (L.A. Bill No. 16 of 1951).*
- (4) *The Madras Drugs (Control) Amendment Bill, 1951 (L.A. Bill No. 17 of 1951).*
- (5) *The Andhra University (Amendment) Bill, 1951 (L.A. Bill No. 18 of 1951).*
- (6) *The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1951 (L.A. Bill No. 19 of 1951).*
- (7) *The Opium (Madras Amendment) Bill, 1951 (L.A. Bill No. 21 of 1951).*
- (8) *The Madras Preservation of Private Forests (Amendment) Bill, 1951 (L.A. Bill No. 22 of 1951).*
- (9) *The Madras District Boards (Amendment) Bill, 1951 (L.A. Bill No. 23 of 1951).*
- (10) *The Madras Tenants and Ryots Protection (Amendment) Bill, 1951 (L.A. Bill No. 25 of 1951).*
- (11) *The Madras City Municipal (Amendment) Bill, 1951 (L.A. Bill No. 28 of 1951).*
- (12) *The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1951 (L.A. Bill No. 29 of 1951).*
- (13) *The Madras Payment of Salaries and Removal of Disqualifications Bill, 1951 (L.A. Bill No. 30 of 1951).*

[6th September 1951]

APPENDIX I.

Annexure.

[Vide answer to starred question No. 26 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 6th September 1951, pages 184-185 supra.]

Rates of pay of menials paid from contingencies.

	Madras Collectorate.	Corporation of Madras.
Watchmen	Rs. 15 + 18 = 33.	18-1-23 + 22 = 40.
Sweepers	Rs. 15 + 18 = 33.	20½-½-23 + 19 + 2 = 41-8-0.
Scavengers	Rs. 15 + 18 = 33.	20½-½-23 + 19 + 2 = 41-8-0.

APPENDIX II.

[Vide answer to starred question No. 23 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 6th September 1951, page 188 supra.]

(a) The Government are now paying the following grants to local fund and municipal hospitals and dispensaries:—

(1) Percentage contribution towards the salaries of medical officers employed in the institutions opened before 9th March 1915 as under—

	Assistant Surgeons.	Sub-Assistant Surgeons.
(a) Local fund medical institutions.	22½	10
(b) Municipal medical institutions.	17½	5

(2) Half the maintenance cost of medical institutions opened between 9th March 1915 and 17th April 1923.

(3) Building and equipment grants for medical institutions up to a maximum of half of the cost on works approved by the Government.

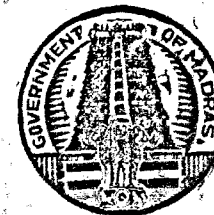
6th September 1951]

(4) The Government meet the expenditure on the pay and allowances of Government medical officers in all taluk headquarters institutions.

As regards the maternity and child-welfare centres, the Government are giving recurring grants equivalent to one-fourth of the expenditure towards the maintenance of the maternity and child-welfare centres by the local bodies. In cases where the local bodies are not in a position to meet the three-fourths of the maintenance charges, the Government sanction in special cases grants equivalent to 50 per cent of the expenditure.

(b) The answer is in the negative.

(c) No such general proposal is under consideration.



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S. KRISHNASWAMI & Co., Tiruchirappalli, Tiruchirappalli district.
V. S. VASAN & Co., Tirunelveli, Tirunelveli district.

IN OTHER STATES.

BANVARILAL JAIN, Agra.
BENARES BOOK CORPORATION, P.O. Lanka, Banaras.
NEW BOOK COMPANY, Bombay.
D. B. TARAPORWALA SONS & Co., Bombay.
THACKER & Co., LTD., Bombay.
N. S. WAGLE, Girgaon, Bombay.
THE POPULAR BOOK DEPOT, Lamington Road, Bombay-7.
THE BOOK COMPANY, Calcutta.
LAW BOOK SOCIETY, Calcutta.
THACKER SPIKE & Co., Calcutta.
R. CAMBRAY & Co., Calcutta.
HYDERABAD BOOK DEPOT, Hyderabad.
OSMANIA UNIVERSITY STUDENTS' CO-OPERATIVE BOOK DEPOT, Lallaguda P.O., Hyderabad (Deccan).
S. M. JAGANNATHAN, Nagercoil.
BHAWANI & SONS, New Delhi.
JAIN BOOK AGENCY, New Delhi.
INTERNATIONAL BOOK SERVICE, Poona.
INTERNATIONAL BOOK HOUSE, Trivandrum.

MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 7TH SEPTEMBER 1951

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 7th September 1951.

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

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I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Economic effects of Prohibition.

* 30 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Chief Minister be pleased to state in what stage the study of economic effects of Prohibition is and when the final report can be expected?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Chief Minister):—“The enquiry into the socio-economic effects of prohibition has been completed in the rural and urban areas including Madras City. Six thousand and eight hundred and fourteen family budgets in the rural areas, 1,049 in the urban areas, and 500 in the City have been collected and the data contained in them have been tabulated. The analysis of the data is being proceeded with. The final report on the study of the economic effects of prohibition is expected to be ready by the end of September 1951.”

Report of the Congress Agrarian Reforms Committee.

* 31 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Minister for Education and Law be pleased to state—

(a) whether the Government have considered the recommendations made in the Congress Agrarian Reforms Committee Report on page 97 to the effect that all sales in discharge of mortgage debts should be declared to be void and if so, what the decision is;

(b) why the said recommendations have not been carried out in the various amending Acts passed recently for amending the provisions of the Madras Agriculturists' Relief Act, 1938; and

(c) why the relief granted to agriculturists has not been made applicable to landless labourers as recommended by the above Committee?

THE HON. SRI K. MADHAVA MENON:—“(a) The recommendations of the Committee referred to are (i) that all usufructuary mortgages which do not provide for automatic redemption within twenty years should be prohibited by law, and (ii) that in simple mortgages, transfer of land by way of sale should be made void, that the mortgagee should only be entitled to possession for use for a period not exceeding twenty years to recover the amount remaining to be paid and

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that the mortgagor should have the option to convert at any time the simple mortgage into a self-liquidating usufructuary mortgage. These recommendations are under the consideration of the Government.

"(b) The recommendations of the Committee are of a general nature and relate to all mortgages, simple and usufructuary. Consequently, amendments will have to be proposed to the Transfer of Property Act, 1882, and not to the Madras Agriculturists' Relief Act, 1938, Section 9-A of the Madras Act applies only to usufructuary mortgages executed by agriculturists before the 30th September 1947.

"(c) The Committee has not made any such recommendation."

Sewage schemes in rural and urban areas.

* 32 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Health be pleased to state how many sewage schemes are in progress in urban and rural areas, how many are at present held up owing to shortage of pipes, limitations of capital expenditure or any other causes; and what priority such schemes have in capital investment programme in the Five-Year Basic Plan?

THE HON. DR. T. S. S. RAJAN:—"A statement" is placed on the table of the House."

SRI R. SURYANARAYANA RAO:—"May I know whether any schemes have been held up—though priority has been fixed and perhaps sanctioned—for want of pipes, limitations of capital expenditure or any other causes and what the Government have done to satisfy themselves that such a thing does not occur again?"

THE HON. DR. T. S. S. RAJAN:—"If the hon. Member will only go into the details of the answer laid on the table of the House, he will be able to find out the information he exactly wants. Otherwise, I will have to read the whole statement. The whole scheme relates to the method of process and the order in which each work has got to be done and that is contained in the answer. If he would only go through it, for most of his enquiries he will get an answer."

SRI R. SURYANARAYANA RAO:—"May I know whether these schemes have been held up for want of pipes and other materials and what arrangements have the Government made to get those things in order that the schemes may be expedited?"

THE HON. DR. T. S. S. RAJAN:—"I am not able to give the hon. Member the exact number of schemes held up, but I shall certainly find out whether they are held up for lack of pipes, etc. As far as the Government are aware, the answer contains almost all the information that could be given."

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SRI R. SURYANARAYANA RAO:—"Are the Government satisfied with the rate at which they propose to carry out the Sewerage Schemes and are they not aware that if we proceed at this rate, it will take perhaps a century for completing all the sewerage and drainage schemes in the State?"

THE HON. DR. T. S. S. RAJAN:—"It is rather unfortunate that there is delay in the execution of these schemes. But in a scheme of this sort, which has got to depend on importation of standard types of pipes, etc., required for the works concerned, we should necessarily expect it, and I do not see how it could be avoided. If the hon. Member would like to have an assurance from me on behalf of the Government, I can say, we are prepared to take up the schemes as early as possible consistent with the funds at our disposal."

Paper for candidates' literature in elections.

* 33 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state what stock of paper is held available or reserved for candidates' literature for general election and in the event of election to municipal councils and local bodies?"

THE HON. SRI C. PERUMALSAMI REDDI:—"The Government do not stock paper for supply to candidates standing for election to the Legislatures or to local bodies, for purposes of election propaganda."

SRI R. SURYANARAYANA RAO:—"Sir, I know that this Government are not sellers of paper. Paper, especially newsprint, is under control and therefore I want to know what stock of paper is held by sellers and is the stock in the market sufficient to meet the increased demand that will be necessitated by the general elections? I also want to know what effective steps the Government have taken to see that candidates who need paper obtain it, so that they may not be put to any inconvenience for want of paper?"

THE HON. SRI C. PERUMALSAMI REDDI:—"There is no paper control at present. Anybody can get any quantity of paper which he requires in the open market."

Gorwala Committee Report.

* 34 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri B. Bhima Rao): Will the Hon. the Chief Minister be pleased to state—

(a) Whether the Government have considered the observations and facts mentioned in Gorwala Committee report published in the 'Indian Express' of 29th July 1951; and

(b) whether this Government propose to consider any of the recommendations of that Committee?

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THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Chief Minister): "(a) & (b) A copy of the report on Public Administration by Sri Gorwala has been received from the Government of India and the recommendations contained therein are engaging the attention of the Government."

Transfers of staff in Government colleges.

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

(a) what steps have been taken by Government to avoid frequent transfers of staff in Government colleges to which the University Commission drew pointed attention; and

(b) whether it is a fact that inordinate delay takes place in filling up vacancies and, if so, what are the steps taken to avoid such a contingency?

THE HON. SRI K. MADHAVA MENON:—“(a) The Government have issued instructions that transfers of staff in their colleges in the middle of an academic year should be made only for unavoidable administrative reasons and should be restricted to the minimum. Further, wherever possible, officers due to attain superannuation in the middle of a college year are continued in service on re-employment until the end of that year. The Government have also recently sanctioned the appointment of 15 Tutors and Demonstrators as supernumeraries, to be attached to the Presidency College, Madras, and to be posted to the other Government colleges in Madras and in the mufassal when unexpected vacancies occur in the course of an academic year so as to avoid the dislocation of work in colleges that would otherwise result by the transfer of regular officers and the consequential changes necessary to fill their places. Instructions have also been issued to the Director of Public Instruction to take note of all likely retirements in the course of a college year, in the beginning of the year itself, and to make advance postings, to be effective from the due dates.

“(b) No.”

Technical training provided in Polytechnics in the State.

* 36 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. Minister for Industries be pleased to state the nature and extent of technical training for adult civilians provided in various Polytechnics in collaboration with the Government of India?

THE HON. SRI C. PERUMALSAMI REDDI:—“Technical training of 18 months' duration in Engineering and Building Trades is provided for adult civilians in the various Polytechnics. Details of training are given in the statement placed on the table of the House.”

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SRI R. SURYANARAYANA RAO:—“May I know why no provision has been made in the Rayalaseema Polytechnic at Bellary?”

THE HON. SRI C. PERUMALSAMI REDDI:—“I have no information. A separate question may be put and I will answer.”

Transfers in the Education Department.

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

(a) whether, under the Statutory Rules made by Government, transfers from the Collegiate side to the Administrative side are not permissible;

(b) whether such transfers have been made since 1946 in violation of those rules;

(c) what were the extenuating circumstances or the public interests served by such transfers; and

(d) whether the University Commission made special mention of this subject in their report?

THE HON. SRI K. MADHAVA MENON:—“(a) Under the rules, transfers from the Collegiate to the Administrative side are permissible when public interests are involved.

“(b) Such transfers have been made since 1946 in accordance with the rules.

“(c) Such a transfer is made when, for a particular post in the Administrative Section, there is no suitable officer in that section and when, on the other hand, there is a collegiate officer possessing experience and merit which are required for that post, and which cannot be put to suitable use in his collegiate post.

“(d) The University Commission referred to the matter in its report.”

Proposals regarding Five-Year Basic Plan.

* 38 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Chief Minister be pleased to state what the proposals of the State Government are as approved by the Central Planning Commission under the Five-Year Basic Plan and the supplemental plan, what the schemes approved are, their estimated cost and other particulars?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Chief Minister):—“The attention of the Hon'ble Member is invited to the note on ‘the National Five-Year Plan and the Madras State’ placed on the tables of the Houses of the Madras Legislature on 20th August 1951.”

SRI R. SURYANARAYANA RAO:—“While I am grateful to the Government for drawing our attention to the statement placed on the table, may I ask the Government what the details

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of the Plan are because in the statement laid on the table of the House, details are wanting and about this we complained even when speaking on the resolution thanking His Excellency the Governor. We want more details about this Plan and if they have not been worked out already, the Government may kindly place them on the table when they are ready."

THE HON. DR. T. S. S. RAJAN :—"Such information as could be brought to the notice of this House has been given but if anything more specific than that is required, I shall ask the hon. Member to specify it."

Appointment of Headmaster, Muslim High School, Bellary.

* 39 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have passed a Government Order to the effect that a member of a particular community should be appointed Headmaster of the Muslim High School, Bellary, and if so, whether he will be pleased to lay the Government Order on the table of the House;

(b) whether teachers of other communities also are employed in the said school;

(c) whether the Government have ordered that the teachers in the Municipal High School, Bellary, and the Muslim High School, Bellary, form one cadre of service—interchangeable from one school to another;

(d) whether the Government Order referred to in (a) supra, has caused the supersession of several teachers with higher service and placed a junior above them; and

(e) whether the persons affected have preferred appeals to the Government, and if so, whether the Government have passed any orders on them?

THE HON. SRI K. MADHAVA MENON :—" (a) The Government in February 1951, passed orders accepting the suggestion of the Director of Public Instruction that the post of headmaster of the Muslim High School might be reserved for a Muslim. As the Government were subsequently advised that such reservation would be contrary to Article 16 (2) of the Constitution of India, those Government orders were cancelled in July 1951.

In the circumstances mentioned above, there is no need to lay the order on the table.

" (b) & (d) There is no information.

" (c) Yes.

" (e) No."

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

II.—ADJOURNMENT MOTIONS.

11-15

A.M.

(1) *Re* SRI SWAMI SITARAM'S FAST IN GUNTUR.

MR. CHAIRMAN :—"I have received notice of the following adjournment motion :—

'This House do adjourn to discuss a matter of urgent public importance, namely, the failure of the Government to take note of the daily growing serious situation arising out of the continued fast of Sri Swami Sitaram and the repercussions it has on the internal peace of the State, if as desired by him a recommendation is not made to the Central Government that a boundary commission or an impartial arbitrator be immediately appointed as a step in the formation of the "Andhra State."

"I want the hon. Member Sri P. Veerabhadraswami to show how the motion is urgent and important."

SRI P. VEERABHADRASWAMI :—"Sir, I beg to point out that a serious situation has arisen on account of the continued fast of Swami Sitaramji."

MR. CHAIRMAN :—"How is it serious? That is what I want to know."

SRI P. VEERABHADRASWAMI :—"I want this House to make a recommendation to the State Government to recommend to the Central Government that a boundary commission or an impartial arbitrator should be appointed immediately."

MR. CHAIRMAN :—"I want the hon. Member to show how the matter is urgent."

SRI P. VARADARAJULU NAIDU :—"The seriousness of the situation can be brought home only by making a statement."

SRI P. VEERABHADRASWAMI :—"It is an urgent matter of public importance, because his life is in danger; there is strong feeling in the whole State, or at least in all the Andhra districts; so something should be done immediately by the Central Government on the recommendation of our State for the formation of the Andhra State. It is urgent, because something should be done immediately in the matter."

MR. CHAIRMAN :—"I would like to know from the hon. Member what the condition of the Swamiji is at present and what are the circumstances that obtain in Guntur to warrant a discussion of the matter to-day in this House. Has the hon. Member any information about Swami Sitaram and his disciples? That is what the House would like to know."

SRI MOTHEY NARAYANA RAO :—"Sir, as one who supports this motion, I wish to submit that it will be seen from the newspapers that the condition of Swami Sitaram is very serious. It will be seen also that almost all the important public men of Andhra have visited the Swamiji at Guntur and they are

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all alive to the danger that would be caused to the country if the Swamiji is not made to give up his fast. It is anticipated that if any mishap happens to the Swamiji, there will be trouble in several places. The very fact that our Chief Minister has wired to him to give up his fast and that you yourself, Sir, personally have asked him to give up his fast show the tension prevailing in the Andhra districts. There may be trouble of any kind if things are allowed to go on like this. So we want to avert it. I know Government are very anxious to avert any trouble. I would like to impress on this House that unless we take some action to persuade Swami Sitaram to give up his fast, there will be any amount of trouble in the country."

MR. CHAIRMAN :—" I do not want any arguments now."

SRI MOTHEY NARAYANA RAO :—" His life is in a precarious condition. As will be seen from the newspapers, two of his disciples have been removed to the hospital, and of them one was in an unconscious condition even at the time of being removed to the hospital. These men have all along been doing great service to the Andhra cause, and so we are anxious that the Andhras should not lose them. We wish to see that the Swamiji is made to give up his fast, and the only way we can do it is by passing a resolution here asking the State Government to recommend to the Central Government to appoint a boundary commission or to take necessary action for the formation of the Andhra Province."

MR. CHAIRMAN :—" I too have received a telephonic communication that two of his disciples have practically collapsed, that one of them is in an unconscious state and that both of them have been removed to the hospital; and that is why perhaps the hon. Member, Sri P. Virabhadraswami, has moved this motion asking the Government to take urgent action. Now, I would like to know from the Government, if they are taking notice of the matter or if anything has been done in the matter by them or whether they propose to do anything in the matter."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I wish to take this opportunity to inform the House that nobody is more concerned about Swami Sitaram's fast than the Government. Government are keenly alive to the seriousness of the matter and they are anxious to prevent anything untoward happening to the Swamiji. The condition of his health, the doctors have reported, as seen in the newspapers, is normal. Of course, we know that he has been fasting for the last 21 days. From it, anybody can see what his condition of health will be, and so we can understand when the doctors have declared his condition of health normal, it means, normal under the circumstances."

" As for the action taken by Government, I submit I have to take some time of the House, as I may have to go into some details. Sir, I have to take objection to the very wording of this adjournment motion. Because it says, 'failure of the Government to take note of the daily growing serious situation arising out of the

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continued fast of Sri Swami Sitaram.' Sir, that statement itself is wrong. For, as soon as this Government knew, or heard from Swamiji that he wanted the Union Government to declare unequivocally that the Andhra State will be established very early, and that an impartial tribunal should be constituted to solve the controversial issues, the Chief Minister wrote the following letter to the Prime Minister. Before I read that letter, I wish to say that the demands of Swami Sitaram, from their very nature it is evident, are such that this Government cannot concede; nor can they do anything to meet his demands. I shall now read the letter :—

" I enclose herewith for your information a translation of a representation in Telug received by me from Swami Sitaram better known to us as Sri Gollapudi Sitarama Sastri.

" Swami Sitaram has stated that, if the Andhra State is not brought into existence by the 2nd October 1951, he would offer satyagraha, which, according to an earlier letter of his, " might take the form of a long fast or a fast unto death or any other shape according to his inner urge and God's guidance." The Swamiji is a respected old congressman, and commands some appreciable influence in the Cencars, particularly in Guntur district. He has also stated that, as soon as he starts his satyagraha, others might resort to direct action in various forms such as resignations, refusal to pay taxes and " currency boycott." It is unfortunate that such a respected old congress leader should contemplate such action in regard to such a matter and at such a time. As far as we can see, there is definitely a possibility of his satyagraha and the other forms of direct action materialising as indicated by him and if they do, it would undoubtedly be very embarrassing to the Government, but law and order will have to be maintained.

" As you are aware this Government have already done their very best to facilitate the formation of the Andhra Province, and there is nothing further they can do in the matter. The policy and programme of action in regard to Linguistic States are matters for the Government of India to lay down. I would request, therefore, that the Government of India should take their decisions and announce formally their policy and programme of action in regard to the creation of the Andhra Province. I would also request you to write to Swami Sitaram and use your great influence and authority to persuade him not to launch his satyagraha."

" I shall now read the reply received by the Chief Minister from the Hon. the Prime Minister."

MR. CHAIRMAN :—" I do not think all these need be read, as they have already appeared in the Press."

* THE HON. SRI K. MADHAVA MENON :—" Sir, subsequent to that, we have been receiving reports from the Collector of Guntur and from other districts regarding any repercussions and the conditions in the districts and we have been sending them to the Government of India for their information."

" Then, Sir, quite recently there was a short-notice question in the Assembly. The interpellations that followed and, in fact, the entire proceedings relating to that short notice question, we have communicated to the Government of India. Subsequent to that, twenty-four members of the Legislative Assembly sent to the Hon. the Prime Minister a telegram a copy of which has already appeared in the Press. Sir, only this morning we have received a telegram, in reply to that representation, from

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the Prime Minister, which I may be permitted to read. The telegram sent to the Hon. the Prime Minister was signed by the following members:—

Sri V. Raghavayya, Sri V. Jaggaraju, Sri S. Nagappa, Sri G. Venkanna, Sri D. V. Ramaswami, Sri K. Veeranna Padal, Sri G. Seetharamaswami, Sri V. Kurmayya, Sri B. Perumal Naidu, Dr. D. S. Ramachandra Rao, Sri S. Nagayya, Sri T. Viswanatham, Sri M. P. Damodaran, Mr. Wilson, Sri Guntur Narasimha Rao, Srimathi B. Bangaru Amma, Srimathi Seetha-mahalakshammamma, Sri K. Surayya, Sri A. Jogi Naidu, Srimathi C. Ammanna Raja, Sri B. S. Murthy, Sri K. Linga Raju, Sri K. Shanmugham and Sri M. Nageswara Rao.

"I shall now read to the House the reply received from the Hon. the Prime Minister—

"Please convey the following answer on my behalf to them: I have your telegram about Swami Sitarama Sastri's fast. I have been deeply grieved over his fast and have repeatedly appealed to Sitaramji to give it up on the assurances I have given on behalf of Government. We are all agreed that an Andhra Province should be carved out and having agreed on this, I am anxious that this should be done as soon as possible. But I have stated clearly the most feasible and speedy method of bringing this about. If that method is followed, early results can be achieved. You are no doubt aware that I feel strongly about forcing of administrative decisions through pressure exercised as a result of fasting. Whatever the merits of the case, this method of exercising undue pressure is fraught with mischief. It is unjustifiable when so many normal and constitutional channels are available. It is easily open to others to start a fast for a contrary purpose. What then is Government to do if this kind of pressure through fasting is exercised? You will realise that if there is clear disagreement on major points or when important and influential leaders and groups keep alive doubtful claims on major points such as the City of Madras, it is difficult, if not impossible, for the Government of India to act. We shall only make matters worse by precipitating acrimonious disputes. We have made our attitude perfectly clear and it remains for Andhra leaders to put forward a scheme without mental reservations and make their position acceptable to the leaders of the neighbouring areas who are equally concerned in the matter. No scheme in which major matters in dispute are to be reserved for arbitration can be considered as satisfactory in terms of what the Government of India have so clearly announced as their definite policy in this matter. At the same time, it may be taken as agreed that once the above condition is satisfied the matter is simple and there will be no delay or difficulty in our taking the necessary step. But I repeat that this fast should be unconditionally given up even to induce us to consider the matter calmly and without prejudice. Whatever may be the view taken of the case, I hope my friendly and earnest advice will be accepted and the fast terminated. Please communicate this message direct to Sitaramji also."—*Jawaharlal*.

"To say that the Government have failed in their duty is certainly not fair apart from its being very uncharitable. This Legislature or this Government cannot do anything more than what has already been done. It is for the Parliament to take action under Article 3 of the Constitution.

"The adjournment motion says—

"if, as desired by him, a recommendation is not made to the Central Government

Swami Sitaram never desired us to make a recommendation to the Central Government. Perhaps the hon. Member has introduced those words to make the motion admissible. We have not been asked to make any recommendation. Whatever

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we have been asked to do we have communicated to the Central Government, and in our first letter we suggested that immediate action should be taken in the matter. On factual matters the notion is wrong, because we have done whatever is humanly possible for this Government to do. We have realized the seriousness of the situation; we are sending reports every day about the Swamiji's condition and the repercussions of his fast. This Government have absolutely no objection to the formation of the Andhra State. We worked with tremendous energy in the Partition Committee to finish the work that was entrusted to us. It was not our fault that the Committee's Report was not accepted. Other things stood in the way. This Legislature and this Government can do nothing more in the matter. Therefore this is not a motion which it is advisable for this House to consider."

SRI MOTHEY NARAYANA RAO:—"Though the Government have done all that is possible, the fast is still there and the condition of Sri Swami Sitaram is deteriorating. I request the Hon. Chief Minister to contact the Swamiji personally and persuade him to give up the fast as persuasion by correspondence is different from personal persuasion. This is an urgent matter as the life of a great patriot is at stake and there is nothing wrong in the Hon. Chief Minister acting up to my suggestion."

MR. CHAIRMAN:—"Not only the Hon. Chief Minister but all of us, I think, will be doing our duty if we follow that suggestion."

* THE HON. SRI K. MADHAVA MENON:—"The Hon. Chief Minister wrote two letters and everything possible is being done to persuade the Swamiji to give up the fast. A copy of the telegram sent by some Members of the Assembly in this connexion was forwarded with a covering letter. This adjournment motion and the discussion also will be forwarded."

SRI MOTHEY NARAYANA RAO:—"A personal visit by the Hon. Chief Minister will go a long way. Our going is quite different. He has been very sympathetic and I only make the suggestion in a humble way."

MR. CHAIRMAN:—"The motion is not being pressed?"

SRI MOTHEY NARAYANA RAO:—"I don't think I need press it."

(2) *Re* ALLEGED SHOOTING IN MEENAMBUR VILLAGE.

MR. CHAIRMAN:—"I have received notice of the following adjournment motion from Dr. Syed Tajuddin:—

"I move that the House do stand adjourned to discuss a matter of urgent public importance, viz., the firing at Meenambur village (South Arcot district) resulting in the death of nine persons and injury to eighteen."

Have the Government anything to say in regard to it?"

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THE HON. SRI K. MADHAVA MENON :—“ The incident occurred about ten days ago and the motion could have been brought before the House yesterday itself. Enquiry by the Police and the Magistracy is going on and the First Information Report has been filed before the Magistrate.”

MR. CHAIRMAN :—“ First Information Report against whom? ”

* THE HON. SRI K. MADHAVA MENON :—“ First Information Report against certain people; I cannot say exactly who they are. This is not a matter of urgent public importance.”

* SRI R. SURYANARAYANA RAO :—“ May I know whether it is not the general policy of the Government to institute a judicial enquiry whenever such a firing takes place? We do not say that the firing was not justified; it might have been justified. The object of my hon. Friend is that a judicial enquiry should be ordered. I remember that the present Prime Minister has said more than once, both before as well as after he took up office, that when a firing takes place it is the duty of the Government to institute a judicial enquiry to assess whether the circumstances necessitated the opening of fire. It may be that the officers took all precautions. I read in the Press that a Sub-Magistrate was on the spot. Before ordering fire, certain preliminaries have to be observed similar to those required by the Rioting Act in England. Whether blank cartridges were fired to scare away the crowd or whether fire was opened all of a sudden—it is possible to get an impartial verdict on this and allied matters only in a judicial enquiry.”

MR. CHAIRMAN :—“ I have not yet admitted the motion. I do not agree with the Government when they say that this motion could have been brought before the House yesterday. That is rather too much of a technical objection. After all there has been only one day's delay. I am sure the Government are getting reports and are doing something in the matter. I feel it will do good if the Government furnish information about that.”

* THE HON. SRI K. MADHAVA MENON :—“ We received a preliminary report from the Collector and it was read out in the other House.”

MR. CHAIRMAN :—“ I had a talk with the hon. Member, Dr. Syed Tajuddin. He wants to know whether any report has been received subsequent to the Hon. Sri B. Gopal Reddi's statement in the other House.”

* THE HON. SRI K. MADHAVA MENON :—“ We have not yet got all the information. Enquiry is still going on and we are awaiting further reports. If the report warrants a judicial enquiry, we shall certainly consider that question.”

* DR. SYED TAJUDDIN :—“ To-day is the last day of the meeting, since we will finish the business to-day. Whatever be the merits or demerits of the firing, there is a large body of opinion

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MR. CHAIRMAN :—“ All these things are admitted; there is no question about them. The Government have said that they are not yet in possession of full facts and that they will certainly think of instituting a judicial enquiry if they feel it necessary. In view of this statement, does the hon. Member press his motion? ”

* DR. SYED TAJUDDIN :—“ The Government may or may not institute a judicial enquiry as the matter is within their discretion. I press my demand in order to allay the fears of the people. Many Muslims and Hindus, young and old, have run away from the village and panic has spread to the adjoining villages. To err is human and the Police also may err. It is but proper for the Government to institute a judicial enquiry. After all, a judicial enquiry will furnish facts for our guidance.”

* JANAB ABDUL LATIF FAROOKHI :—“ First of all I feel that the objection of the Hon. Law Minister . . . ”

MR. CHAIRMAN :—“ It is not as if the motion is before the House for discussion. I am just trying to understand the urgency about it. The Government have told the House that they are not yet in possession of full facts and that, after getting the final report, they are prepared to institute a judicial enquiry if found necessary. What more does the hon. Member expect the Government to say even if I admit the motion? ”

* JANAB ABDUL LATIF FAROOKHI :—“ Sir, this has got to be said that when adjournment motions were given notice of on previous occasions, they were discussed after two or three days. One day's delay does not matter.”

MR. CHAIRMAN :—“ I am one with the hon. Member on that point. Why does he dilate upon it? ”

* JANAB ABDUL LATIF FAROOKHI :—“ The importance of the matter is unquestioned. Nine lives have been lost and sixteen people have been injured. Even if one life is lost or one man is injured, the whole House gets agitated. All that we want is an assurance from the Hon. Law Minister or the Hon. Chief Minister or the whole Ministry that the Government will institute a judicial enquiry. This is not a communal question as the lives of Hindus and Muslims are involved. If the Government are not prepared to give us the assurance, I am only sorry for the position that they take up. I am sure they are not unsympathetic. Generally on occasions like this, the Government used to evade by saying that this report is awaited and that that report is expected to be received within a few months. The matter under discussion does not brook delay. As my hon. Friend, Dr. Tajuddin, pointed out, people are scared and some have left the village.”

* THE HON. SRI K. MADHAVA MENON :—“ Sir, the Government are not prepared to give any assurance or undertaking that they will hold a judicial enquiry. Is it wise or desirable for the Government to commit themselves to a particular view when they are not in possession of full details? The hon. Member spoke so

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11-45 a.m. much about the loss of lives. Does he want me to presume that the action taken was without any justification at all? They want to know all the facts before coming to any conclusion. If the hon. Member wants the Government to commit themselves to a particular view now, I could not oblige him. I can only say that we have no further information on the matter. The Government do not want to take it further by a discussion. With regard to the remark that the whole thing has been done absolutely without justification, I may say, Sir, that the Magistrate was there, not an executive Magistrate but a judicial Magistrate, when the firing was ordered. Therefore, now to assert that things have been done without any cause or justification would naturally provoke the counter-assertion that the action was justified. We do not think it right or desirable to commit the Government at this stage to definite statements in this matter."

* JANAB ABDUL LATIF FAROOKHI:—"The Hon. the Law Minister has misunderstood the position. We do not want the Government to commit themselves to anything. An enquiry does not mean any commitment; it is simply to find out whether what has been done is justified or not. I am sorry the Hon. Minister has not understood the position correctly."

MR. CHAIRMAN:—"Does the hon. Member Dr. Tajuddin press his motion?"

* DR. SYED TAJUDDIN:—"At least, after proceeding with the consideration of the report, if the Hon. the Law Minister can make up his mind, before the next meeting, if circumstances justify, to order a judicial enquiry, I won't press the motion."

MR. CHAIRMAN:—"How can the Government commit themselves to anything? Will they be prepared for this?"

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

III.—GOVERNMENT BILLS.

(1) THE MADRAS MEDICAL REGISTRATION (AMENDMENT) BILL, 1951 (L.A. BILL NO. 26 OF 1951)—*cont.*

* DR. P. S. SRINIVASAN:—"Mr. Chairman, Sir, the Medical Registration Act has been in force since 1914. In 1938 I wanted to make some changes in the Medical Registration Act and I gave notice of a motion in the Assembly then. Then the Hon. Minister for Health said that he would himself bring in the necessary amendments to the Act and so, I withdrew my motion. Then it was that the new amendments that have been brought into effect were passed. After that, there were elections to the Medical Council. In 1946 the second elections to the Medical Council took place. About 20 candidates stood for election for seven seats and the candidates were to be elected by the Registered Medical Practitioners of the State. Seven people were elected and I was one of them. After the election, some six defeated candidates wrote a letter to the Registrar saying that they had some objections and that those

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jections should be circulated to the different members of the Council and considered at an extraordinary meeting held for the purpose. I will just read that letter which runs as follows:—

"Please circulate the following Memorandum of Objections embodied in a letter addressed through you to the members of the Madras Medical Council in respect of the recent elections to the several members of the Council, and summon an extraordinary meeting of the Council to decide the validity of the election."

That is the letter signed by six candidates. Then the Registrar sent note as follows:—

"Copy of Memorandum No. nil, dated 6th November 1946, from certain candidates to the members of the Madras Medical Council, Madras, through the Registrar."

We deem it our duty to bring to your notice the following for favour of our kind consideration and disposal in the manner equity and justice demand:—

There are 17 points mentioned in the Memorandum. Then an extraordinary meeting of the Council was held on the 25th November 1946 and the direction to the Council was that this letter and the objections should be gone through. The Madras Medical Registration Act provides only one rule for the purpose of declaring any election that has been held to be void or otherwise and that is rule 19 under clause (i) of sub-section (1) of section XXIV. The said rule runs thus—

"The Council may, of its own motion, or on objection made, declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the electorate to make a fresh election. The decision of the Council under this rule shall be final."

With regard to interpretations, rule 20 says—

"The decision of the Council on any question that may arise as to the intention, construction or application of these rules shall be final."

So, the Council thought that the Council alone was the only competent authority to go through these petitions and give a verdict. Accordingly the Council went through the whole list of questions, asked the Returning Officer to answer all these categorically, and then passed a resolution. In that connection, it is stated as follows:—

"Read—

(1) The Memorandum submitted to the Council by Dr. D. Venkappa and five others.

(2) The remarks offered *seriatim* by the Returning Officer, Mr. B. Kuttappa on the abovesaid memorandum.

The Returning Officer was asked to state at the meeting of the Madras Medical Council held on 25th November 1946 whether any undue influence was exercised over him by the President. He emphatically replied in the negative. The Council then passed the resolution moved by Dr. J. C. David and seconded by Rao Bahadur Captain M. Gopal Kini as follows:—

"This Council after going through the Memorandum and explanation of the Returning Officer, Mr. B. Kuttappa and after examining him, is of opinion that there are no grounds for allegations of corrupt practice or any other sufficient cause to set aside the election."

This was the resolution passed by the Council and it was communicated to the defeated candidates and the Government. Afterwards the Council did not hear anything for sometime. But there were

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interpellations about this in the Legislative Assembly on 3rd February 1947 and there it was said that the elections went off as usual, that there was nothing to complain about and that the Council was the only competent authority to hear the objections and give their verdict.

"Then, on 4th July 1947 the Government again sent a memorandum to the Council asking them to help the Surgeon-General who was asked to go into this question again. The Council replied that the Surgeon-General was not competent to go into this question as, according to the rules, the Council was the final authority in the matter and no appeal was prescribed against their decision. We sought legal opinion on this and we were told that we were right and that nobody else had the right to interfere with the Council's verdict in the matter of elections. Therefore, when the Surgeon-General asked the President of the Council to help him in the enquiry and make arrangements for it, the President naturally said that the Council was not in favour of helping the Surgeon-General because it thought that the Surgeon-General had no jurisdiction in the matter.

"After some time, the Government passed an order saying among other things—

"Now, therefore, in exercise of the powers conferred by section 22 of the said Act, His Excellency the Governor of Madras hereby notifies to the Madras Medical Council the aforesaid neglect to exercise and abuse of the power conferred upon it and neglect to perform the duties imposed on it, and fixes the 28th day of March 1948 as the date before which the Council shall remedy the said neglect and abuse."

The Council reiterated their original decision and said that the Council was the only competent authority and that nobody else had any jurisdiction in the matter.

"Then a retired District Judge was appointed Special Officer to go into this question. He made some enquiries and asked all successful candidates to appear before him but they refused to do so or offer any explanation. He enquired some of the defeated candidates but even he did not ask the electorate or the voters what happened. He then submitted a report to the Government. That report has been treated as confidential and it has never seen the light of day. It was not read out even in the Assembly. After that, the Government passed an order empowering the Surgeon-General to take over the management and exercise the powers of the Madras Medical Council. He was asked to enquire into the matter under Section 22.

Section 22 of the existing Act says—

"If at any time it shall appear to the State Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the State Government may notify the particulars of such neglect, excess or abuse to the Council; and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may, for the purpose of remedying such neglect, excess or abuse cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the State Government may think fit."

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Under this the Surgeon-General was appointed. The Medical Council contended that this applied with regard to the provisions of the Act and it had no jurisdiction over the election rules, as the election rules were a separate set of rules. If it was argued that it applied to election rules as well, it must have been specifically stated in clear terms in the Act itself.

"The Government now propose to modify this section 22 in this way. After the words 'under this Act' and 'by this Act' which occur in that section, they propose to add the words 'or the rules made thereunder'. Our contention is that this section will not govern the election rules and elections are guided by rules 19 and 20 only. According to these rules, the Council alone is the final competent authority in these matters. So, the Surgeon-General took over the powers of the Council and it seems he enquired into the matter. We do not know what happened. He sent us notices to appear before him. But nobody appeared. He passed his own orders, making certain observations regarding the objections and declaring that the election was void. After that, the President and some others had to go to the High Court for obtaining a writ to the effect that the election order of the Surgeon-General was *ultra vires* and so it should not be acted upon. The Hon. Judges of the High Court pronounced their judgment and I would like to read the last portion of the judgment, which runs as follows:—

"No doubt the report of the Special Judge was confidential, but it is clear that the order of the Surgeon-General was not based on that report, but only on the material placed before the Judge. Apart from this circumstance, it is clear from *Local Government Board v. Arlidge* (1915) A.C. 120 that the non-disclosure of the report which had been referred to by the tribunal would not render the decision of the tribunal void and liable to be quashed by *certiorari*. It is common ground that there is nothing in the statute or the rules prescribing the procedure.

In the case of an enquiry under section 13 of the 175 G.G. 24—Council or any Committee thereof shall be deemed to be a Court within the meaning of the Indian Evidence Act, but there is no such provision regarding elections. The utmost that could be said for the petitioners is that the respondent acted on evidence which would be inadmissible in a Court of Law, but surely that is not a ground on which the order could be quashed. Having taken up an attitude of non-co-operation and non-participation in the proceedings, it would not be open to the petitioners to now turn round and accuse the respondent of not giving them an opportunity to meet the charges against them.

The petition fails and is dismissed, but we make no order as to costs.

It is most regrettable that elections held in October 1946 have been held to be void in November 1949. Section 22 of the Act contemplates immediate action on the part of Government, but this case reveals long delays. The Government in their order of March 2, 1948 gave the Council time till March 28 to—175 G.G. 23—remedy their neglect and abuse of power but the Council refused to do so. Nevertheless it is only on April 21, 1949 a year later that the Government take the next step, a step not strictly falling within section 22.

"We may also point out that Rule 19 needs to be amended, as the learned Advocate-General himself conceded."

"Now, we are not concerned with the election and its results. The Medical Council was doing the right thing. There was absolutely no irregularity and much less any malpractice. The President is supposed to have behaved not well and supposed to have committed many acts of malpractices. It was said yesterday that the President was a reactionary, he was making or rather setting up parties in

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the Council and all that. So far as I know—I have been in the Council for nearly ten years and my hon. Friend, Dr. Cherian, was also in the Council for several years and he will bear testimony—there was absolutely no rancour or any party spirit in the Council. The whole thing was going on perfectly well and but for the interference of the Government, it will be going on quite well even now. The Government wanted to have their own people in the Council and they have achieved this. Why should not a candidate who has failed to win in the elections, go to a Court for getting a writ setting aside the election results, especially when he feels the rules have been violated? If an illegal act has been committed, it is open to the aggrieved party to go before a competent Court to get justice. I do not think that anybody can say anything against such a procedure. When such a course is adopted by certain people to get justice, why should the Government get angry? I cannot simply understand that. The Hon. Minister said that the President defied every order of the Government. If the Government were perfect in their action and if the President defied the Government's order in such a case, then it is wrong and he should be told so. But, if the Government acted otherwise, then the President cannot be blamed for defying the Government's orders.

“With regard to the amendments proposed, they are said to have been brought about consequent on the report of the Special Judge who was appointed to enquire into certain allegations made against the President in connection with the elections held to the Medical Council. The Government have brought forward these amendments in consultation with the Surgeon-General also. One chief reform which was introduced under the Act of 1938 was that the President should be elected. Now, the Hon. Minister for Public Health wants to go back and say that the President should not be elected, and that he should be either the Surgeon-General who is now called the Director of Medical Services or his Deputy whom the Government will nominate. The Council consists of 15 people, of whom 5 are elected by different constituencies, i.e., colleges and Universities, 7 are elected by the Registered Medical Practitioners and 3 are nominated, making a total of 15 members. If the President is to be nominated, by the Government, as is contemplated by them in the present Bill and if he is to be the Director of Medical Services or his Deputy, then there will be 8 officials and 7 non-officials in the Council. Even amongst the 7 members some may be official members. Thus, the Government will have a majority for them in the Council. The Director of Medical Services is an official and other people who are selected by the colleges and Universities also will be officials holding either temporary or permanent appointments under the Government.”

Dr. A. LAKSHMANASWAMI MUDALIYAR :—“Sir, I feel I must correct the hon. Member when he says that the men selected by the colleges and Universities will be officials. There may be honorary officers and there may also be regular medical practitioners. It is incorrect to say that all of them will be official nominees.”

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* Dr. P. S. SRINIVASAN :—“At any rate, even if they are honorary officers they are supporting the Government.”

Dr. A. LAKSHMANASWAMI MUDALIYAR :—“Every citizen who is convinced that a particular act of the Government deserves support, must support it.”

* Dr. P. S. SRINIVASAN :—“I should think that by making the Director of Medical Services or his Deputy the President of the Council, the Government will always have a majority in the Council and the people outside cannot have anything done in the Council. The object of making the President an elected man was to get the best man possible to that responsible post. I do not say that the Director of Medical Services is not the best man. But the intention is that the best man among the members of the Council should get elected as President. This is a very good democratic method of running the administration of the Council. The Hon. Minister is trying to upset this principle. Sometimes there is a feeling that the people who are in service will be looked after better and their interests will be looked after better by the Director of Medical Services to the detriment of others and this amendment will only give strength to that belief.”

MR. CHAIRMAN :—“The hon. Member has taken up a lot of time. He must finish soon.”

* Dr. P. S. SRINIVASAN :—“I am sorry, Sir. It has been said that the Bar Council President is nominated and he is the Advocate-General who is the head of the Legal profession. In the Bar Council there are no Officers at all. Its members are all advocates practising outside. It has jurisdiction only over them. The Advocate-General will be the head of the profession and will naturally be liked by all the lawyers and they may even want that he should be the President. It is not so here. The Director of Medical Services will represent only a section of the medical practitioners. Further, the Director may be any man. It is not necessary that he should be the top man in the profession. He may be any man who comes to the position of Director by seniority. So, there is no analogy between the Bar Council and the Medical Council. Further, the All-India Medical Council elects its President. I cannot understand why we should take the Bar Council into account here and say that our President should also be nominated and not elected.”

“With regard to the amendment about disqualifications, one of the sub-clauses of the Bill states that—

“The State Government may, by order, remove any member of the Council—
who in the opinion of the State, is guilty of gross misconduct in any respect, professional or otherwise, which renders him unfit to be a member of the Council.”

This is very vague. If we are going to give the State Government such wide powers, I am afraid that it will be misused. The Government have not defined what they mean by the term ‘guilty of

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gross misconduct in any respect, professional or otherwise . . . I think this will be a dangerous amendment and so it should be resisted.

" With regard to the renewal fee, the proposal was circulated to the Medical Council and medical associations and they have all said that they do not want it. I do not know why this should be persisted in. Even now, the Secretary of the Department has been sending the Medical Council notices that we should pass this resolution, as otherwise subsidies will not be paid or will not be enhanced or some such thing. This proposal was also placed before the Council and I think it has been vetoed twice or thrice. I cannot understand why the Government should think of this fee even after all these protests. It is said that this fee is necessary in order to note the change in the address of the registered medical practitioners. If that is the purpose of this fee, the Registrar may be asked to write reply letters to these doctors and get their addresses periodically. It is not necessary that there should be this renewal fee for getting the addresses of the medical practitioners.

12.15 p.m. " If a medical man forgets to get his registration renewed in time he will be disqualified and he will not be registered for the following year. I say, Sir, this may bring with it dangerous results.

" With regard to section 22 which is proposed to be amended many difficulties present themselves in the way. I think the Select Committee will go into them in detail. The confidential report of the Special Officer who was asked to inquire into the conduct of elections would have dealt only with irregularities in the conduct of elections and not with anything else. I do not see any reason why these should be brought in just now.

" The Bill ought to have been circulated to the medical associations throughout the State and their opinions called for. This had been done on a previous occasion. But now no such step had been taken.

" The Hon. Minister has charged the President of the Medical Council with so many unkind words. I should think that it is really not dignified to the medical profession, for an Hon'ble Minister in charge of Public Health to make such an open charge against the President and that too when that man is not here to answer the charges.

" I would like to point out, in conclusion, that only the rules with regard to the election procedure need be amended. The Hon. Minister is reported in the Press to have said that one man, the President, killed the Council. (Interruption). I would point out to the Minister that it was not the President but it was the Secretary of the Public Health Department (Interruption)."

* DR. P. V. CHERIYAN :—" Mr. Chairman, Sir, the House may remember that when we were discussing the Budget last time I made a reference to the rumoured amendment to the Medical Council Act and said it was not a satisfactory amendment because

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it was a very retrograde step. The Hon. Finance Minister in his reply made a very cursory reference to that subject evidently because he did not have the time to go into the question in detail. He had a big file before him. He remarked that the dignity of the Council would considerably increase if the Surgeon-General became the President of the Medical Council.

" Now, Sir, the Medical Council came into existence in the year 1914 and, for a long time after that, the Surgeon-General was the ex-officio President of the Council. The Council then was composed mostly of nominated people particularly Government servants and I still remember the time when a very leading private practitioner was called up before the Government on the charge of covering in Ayurvedic medical practitioner. That was a sensational case.

" In the early years, practically every man and woman who came out of the Madras Medical College, (that was the only medical college in existence at that time) joined Government service because that was then only opening for them. So there was no question of a private practitioner filling up the gadi of the Presidency of the Council.

" It was due to the initiative of the Hon. Dr. T. S. S. Rajan who was the Health Minister in the year 1937 that an elected medical man was made the President of the Council and I must say that that worked satisfactorily. It is a great pity that the same Minister should now bring forward a Bill to cancel what he supported before, for the reason that one President of the Council committed some irregularities, and, as Dr. Srinivasan has submitted kill the Council. If an elected president of the Council misbehaved or committed some irregularities, it was up to the Medical Council to look into the whole thing. It is true that the elections to the Medical Council were declared invalid by the High Court. The only democratic step that the Government ought to have taken after that was to order the next elections as early as possible.

" Well, Sir, I have been a member of the Medical Council, as my friend Dr. Srinivasan is, and am still a member. I did not see any untoward thing happening so far as the business of the Medical Council was concerned. I must of course admit that elections were not conducted properly; but that was solely due to some undue influence having been brought into play. A suggestion has been made that the elected President should be displaced by the Head of the Medical Department. Then the argument was put forward that the Head of the Medical Department was equal to the Advocate-General, the leader of the legal profession. I may submit, Sir, that the Advocate-General is not a full-time Government servant. He has been in the legal profession for several years and most probably he would have come to the top of the legal profession and the legal profession will no doubt recognise him as its acknowledged leader. But what happens in the Medical Department? The Surgeon-General, at present the

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Director of Medical Services, is the Head of the Medical Department. Usually he will be the senior-most officer who would have started life as a small junior and would have gradually climbed up the ladder. By his long service, due to seniority and partly due to his skill in the profession, he becomes the Head of the Department. Now the Medical Department is only a small department employing a certain number of medical men and women, who have graduated. The majority of them should accept the Surgeon-General as their Head. Now what is the position of the Surgeon-General? Usually he would be one holding the rank of a Lieutenant-Colonel or Major-General in the Army. Now that status has been lowered. The Director of Medical Services has no longer the dignity and status that he had before. He is ranked lower than senior government officials in the order of precedence. I heard that the Secretary of the Health Department wrote in one of his files that the Surgeon-General was an officer who was drawing only about Rs. 900 per mensem and asked how he could be accepted as superior to a Secretary and other senior officers of the Department. Surely, if I were the Surgeon-General and if the Secretary of the Health Department were to come and inspect my office, I would have asked him to stand at the gates. For instance, the Hon. Minister may not be drawing the salary equal to that of certain categories of Government servants. Does it mean that he is subordinate to those men? I, 22, all these because I find that the status of the Surgeon-General (present the Director of Medical Services) has deteriorated during recent years and I for one will be the last to recognise him as the leader of the medical profession. If you go deep into the matter, you will find a majority of medical men outside Government service. Really talented people who come out of the medical colleges do not find attraction in Government service and take to their own private practice, or become Honorary Medical Officers. Then again, Sir, it militates very strongly against democratic principles to appoint a Government servant as the Head of the Medical Council.

"I do not agree with what Dr. Srinivasan has observed namely, that Government servants would swarm the Medical Council. There are a large number of honorary medical officers who are attached to the different faculties in the Medical Colleges. They are all eligible for election to the Medical Council. We have a large number of medical practitioners in the State. Perhaps it may be at one time the whole of the Medical Council would consist of non-governmental medical men.

"I think it would be altogether unfair to the medical profession as a whole if the Government were to step in and nominate the Surgeon-General as the Head of the Medical Council.

"Previously one may not know who will become the President of the Medical Council. Until recently the President used to be elected. Simply because one of the Presidents misbehaved, is it in the fitness of things for the Government to cancel the whole thing and appoint a Government servant as the ex-officio President.

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"Then again, Sir, have the medical associations been consulted on this point? During 1937 when the question cropped up regarding the selection of a man as the elected President of the Council, practically every medical association in the State was consulted. This time not one has been consulted. I have received several letters from several people, several medical associations and the like, requesting me to do my best to see that this very retrograde step is not put through. There are several associations. For instance the South Indian branch of the Indian Medical Association is absolutely against the introduction of this Bill. Now how on earth can the Government put forward this Bill in the teeth of opposition from 99 per cent of the profession that is concerned with the Bill?

"Then there is a statement that the Surgeon-General has got to implement the decisions of the Medical Council. Well, a major portion of the work of the Medical Council is concerned with the proper functioning of medical practice and ethics. If a medical man has not conformed to their regulations the utmost the Council can do to remove him from the list of medical practitioners. If the concerned practitioner happens to be a Government servant, it will virtually amount to an enquiry by the Government and his consequent dismissal. All his previous service would be greatly affected. This is a really serious point which we would consider. I do not see even the slightest reason for the Government coming forward with this clause in the Bill.

"Then I come to the question of appointment of the Medical Registrar. Sir, in the whole history of the Medical Department of our State, we can hardly find a change in the Medical Registrars. The changes happened only recently. Then again I reiterate my argument that just because such a thing happened during one man's presidency of the Medical Council, it would be unwise to insert this new provision in the Bill. To suggest that the Council should send a panel of three names to the Government for appointment as Medical Registrar, the Government finally appointing a single man as the Medical Registrar, is one that is quite contrary to democratic principles.

"I am sure, I feel positive, that certain of the troubles that happened during the time that particular person was the President of the Council are definitely not likely to happen again. The medical profession is a highly advanced community of men and women who know what they are doing. I am confident that such an irregularity as has occurred previously will not be repeated.

"Now, the next point is, that under certain conditions, a 12.30 member of the Medical Council can be removed from his membership. I do not see any reason for that provision or the necessity for it. A body of elected members should be given the right to decide who is fit to be a member of the Council and who is not. The members of the Council are elected by the whole body of the medical profession and naturally they are supposed to elect the p.m.

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best men they can get. If any member misbehaves, any Medical Council, I am sure, to justify its name, will have to remove his name from the Register.

"I do not think I need take up the time of the House any more. But I should like to reiterate again that this Bill which is being brought forward is one which does not have the approval of the medical profession as a whole. The Bill does not reasonably satisfy the members of the Medical profession and should be withdrawn. I do not think, at any stage in the Select Committee or after that, this Bill will have public support. There is no point in the Select Committee considering a Bill which is very unpopular from the very beginning and which is condemned by everybody. In the next few days, the Government would be getting resolutions from the different parts of the State about the unpopularity of this measure. A few days back a resolution was passed by the medical practitioners of Royapuram protesting against this Bill and this question was again taken up yesterday evening by the South Indian Branch of the Indian Medical Association. They are again meeting to-morrow and will pass some resolution saying that there is no justification or reason to bring forward this Bill. I will finish up saying that no language sacred or profane will be adequate to sufficiently condemn this Bill."

*DR. SYED TAJUDDIN :— "Mr. Chairman, Sir, I have not the least doubt that this amending Bill is a retrograde step and I support the views of the hon. Dr. P. V. Cheriyan and the hon. Dr. P. S. Srinivasan in this regard. Sir, there was a time when the Congress was against nomination to any body. Now they are the persons who can deliver the goods. After they took up the Government of the State, they seemed to undo democratic principles. I am not quite sure that the charges against the President of the Medical Council were very serious and had been proved to the hilt. Simply because a person misbehaved the Government should not think of scrapping the democratic composition of that body. Sir, I have got a great doubt in my mind about the charges against the President. He had faced four elections and had come out successful in all of them. My information is that in three elections he was returned unopposed. The majority of the members eight out of the fifteen in the Council are officials. The fact that the President had been elected unanimously meant that the official members also had voted for him. I cannot understand how the nominated members would vote for the President if he had been such a bad man. I would request the Hon. Minister to enlighten me on this question I should also like to know whether there has been any irregularities in the administration itself during his regime. If so, I would like to know some details about his bad administration. Even in the one contested election, only the proposer and seconder had voted against him. That is my information. I am open to correction. I cannot understand how such a blacksheep could be elected and re-elected in every election. It goes against the dictates of common sense to say that such a bad man was repeatedly elected

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term after term. Sir, if there are any loop-holes in the Act by which the President can misbehave or can circumvent it, it is open to the Government to come before the House with proposals for modifying the Act to fill up the loop-holes or lacuna in the Act. Instead of doing that, in these democratic days, they are thinking of taking a retrograde step and undoing the democratic aspect of the Act. I am afraid that the question of nominating the Head of the Department as the President of the Council is very bad in principle. Sir, I wish to confine myself only to the above point as the other speakers have covered most of the other aspects of the Bill."

DR. A. LAKSHMANASWAMI MUDALIYAR :— "Mr. Chairman, Sir, I listened to this discussion with great interest, but it did appear to me that the whole of it centred round a particular individual. We are concerned with the principles rather than with individuals, and whatever the provocation may have been, I think, this House at any rate, should not have taken into consideration personalities in discussing the merits of this Bill. I personally have not got that intimate knowledge that some of my hon. Friends having been in the Council, have got as to what exactly transpired. I was one of those who was in the Council for over fifteen years. I left it in 1929 for various reasons. I was very anxious that the Act should be amended for reasons which are not stated here. This Act of 1914 was the first Medical Council Act that was passed in the whole of India. Madras justly took pride in it in that it was the first Medical Council Act that was passed. Although some of the provisions of that Act were not entirely to the satisfaction of the medical profession, there was a sense of feeling that a Council had been set up to look after the interests of medical men. In 1938, the Hon. Dr. T. S. S. Rajan, who was Minister in charge of Public Health, brought about a change in the Act by introducing certain amendments. These amendments were two-fold. Before the 1938 Act, the elections to the Medical Council were through certain categories of persons who were classified under (A) or under (B) or under (C). If I remember right, category A were those who had British or foreign qualifications, category B were those who had degrees conferred under the Indian Universities Act and category C were those who were diploma holders. Dr. Rajan thought that in the medical profession there ought to be a certain amount of uniformity, for after all every medical man was practising and that there should not be these categories in the profession and therefore brought in an amendment that the persons to be elected were to be elected by the whole category of persons who are qualified to elect. In other words, he removed these categories A, B and C and gave seven seats to be elected by all the registered medical practitioners. It was a move in the right direction. I certainly congratulated him and I congratulate him on the measure with which he has come forward which has certainly provoked a good deal of controversy, as it shows that there are certain features in the working

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of the Medical Council Act which one has to take note of. I do not know anything about the legal proceedings that the hon. Dr. Srinivasan has referred to. It is true that a petition was placed before the Government and the Council, I think, to the effect that the election should be set aside. I should have expected, if I had been a member of the Council, that those members against whom certain allegations were made, rightly or wrongly, would not have participated in the deliberations of that Council, and would have left to the colleagues to form a Special Committee and come to judgment."

DR. P. S. SRINIVASAN:—"That is exactly what had happened. They did not participate though they were present."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"When the final decision of the Council was arrived at, I should like to know whether those persons participated or not. Elections are a very difficult matter and especially in the Medical Council, it ought to be certain that these elections are fought in the most democratic way possible. I wish to come to that question presently. One of the chief arguments for amending this Act, in my opinion, is the change that has taken place in regard to medical qualifications in this State. In 1914 we had both diplomas and degrees. There was no Indian Medical Council Act then. The Indian Medical Council Act was passed in 1931. In 1938, when the Hon. Dr. T. S. S. Rajan brought forward an amendment, there were still diplomas being given by this State. Fourteen years later, we have no diplomas at all being given. There are only degrees that are given by the Universities concerned. These degrees have to be recognized by the Indian Medical Council and it is necessary that the Universities concerned should subject themselves to inspection by the Indian Medical Council. I suggest that when the amending Act is being passed, the power of the local Council also to inspect and report upon the scheme of studies prescribed by the Universities, require to be amended. Once some years ago, the Medical Council did inspect some Universities and tried to find out what they were doing. As a University man, I have no objection to anybody coming and inspecting anything pertaining to education and medical education, where I think it has to be realized that there will be an anomaly introduced into the system of recognition of degrees if both the Indian Medical Council and the State Medical Council were to have powers to go and inspect the scheme of studies, which are under the purview of the Indian Medical Council and are for all-India purposes. I therefore submit that the Select Committee be seized with this subject and must have some authority to examine this question.

13-45
p.m." Sir, as a matter of fact I also happen to be on the Indian Medical Council. I have been there ever since its foundation and am one of the two surviving members who should get out of the Medical Council as soon as they can. I have raised the point in the Medical Council also. A good deal of correspondence

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has gone on. I do not know what has happened to this. My object in bringing this to the notice of the Government and to this House is that if this power of laying down standards for issue of degrees which is also under the purview of the Indian Medical Council is to be removed from the State Medical Council as it ought to be, the one function with which the State Medical Council will be concerned is the registration of those who are qualified and it will have to ascertain whether these qualifications are correct or not. Even with regard to this function, a champion of the State Medical Council must necessarily agree to this being done by the Indian Council if there is to be any degree of uniformity in regard to this registration all over the country. In regard to foreign qualifications and degrees given by foreign Universities, I submit, that the proper course would be for the Indian Medical Council to take these into consideration. This should be made more specific by the State Government and the Central Government considering the subject, so that there may be no duality of control over this question in the interest not only of the medical profession but in the interest of the country as a whole. If this is to be taken away from the local Medical Council, the main duty of the local Medical Council comes to this. They will have to register those qualifications that are approved by the Indian Medical Council—it virtually comes to that—and secondly, and this is the most important function, to define what is the proper conduct of the medical practitioner and to decide whether any medical practitioner has crossed the bounds of what is known as professional good conduct, in other words, to decide what is professional misconduct and if there has been professional misconduct to give such punishment as the Council may finally decide. This is the most important duty of the Medical Council. I hope when the State and the Centre have discussed this problem they will duly recognize that while the Indian Medical Council will have powers to recognize all qualifications and probably even to maintain an All-India Register which is wanted by a very large body of practitioners who are diploma holders, the State Medical Council would then be the Council which would be primarily concerned with questions of professional misconduct. In regard to this it is very necessary that every member who is elected by the Medical Council should be a member elected in such a manner that there will be complete confidence in the medical profession that that member has been elected democratically. I state this just because I happened to see a press advertisement asking all the members of the medical profession to support seven candidates, the President of the Council for the time being, and six others. Now, even to some of us who did not participate in the election of candidates but were only anxious to form a good Medical Council this seemed to be a negation of democracy introduced into the Medical Council. (Hear, hear.) The Medical Council being a quasi-judicial body and not a political body, there should be no question of a panel of seven trying to canvass votes in the medical profession. (Interruption.) Sir, to my horror and surprise,

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in the weekly 'Mail' of first September the advertisement again appears. I shall omit names for obvious reasons and present it to the Hon. Minister for perusal, which states: 'Out of the ten nominated candidates for election to the Medical Council we are the only seven who stand collectively for the seven vacancies. We shall serve the best interests of the profession unhesitatingly and hence earnestly appeal to return us *en bloc*. Manifesto will follow'. Then there are seven names. The advertisement is very similar to the one which appeared on the last occasion when the seven people were elected, I think Dr. Srinivasan was one of them at that time, and all these things were brought about, the objection petition and all that."

DR. P. S. SRINIVASAN :—" They did not publish any advertisement."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I found an advertisement in the papers giving names of those seven people who were elected at that time. If anybody would go into the past papers he would find the very same style of advertisement that has appeared now with the exception that one of the candidates who was defeated in the other election and who put in a petition, is one of the seven now perhaps because he thought it was better to sail along with the current than be out of it. Whatever it is, I feel that something should be done to discourage this method of canvassing votes in a body which is supposed to look after the interest of the entire medical profession and which really is a quasi-judicial body, or practically has to discharge judicial functions in regard to matters of professional misconduct. The hon. Member said that everything will go on all right. I am very glad about it. But there is the danger; if these seven men are to act collectively, it means that out of the other eight only one man has to be made to see eye to eye with these seven and there are many ways to make the attempt quite feasible. I am not sure that such a Council composed as it is by such methods of electioneering will ever command the support or the complete confidence of the medical profession."

" Sir, Dr. Srinivasan referred to the fact that Government servants will dominate the Council and they will be acting under the orders of the Government. Fortunately I am no longer a Government servant. It is now nearly ten years since I left Government service. I have tried my very best to forget that I was one. But I can tell him this. In those days when the Government took everybody to task, when the President was the Surgeon-General with the Government of Madras, when the Member in charge could not do anything in the matter, some of us raised our protest very successfully in the Medical Council. Anybody can go and see the proceedings of the Council and find that Dr. Guruswami Mudaliyar, Dr. Kesava Pai, Dr. Pandalai, Dr. Tirumurthi and my humble self never tried to do things according to the biddings of the Surgeon-General or the Government. The records are there to prove, whether we did behave

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in the interest of the medical profession or not. I am sorry this question of Government servants and others is raised time and again. Dr. Srinivasan will be the first to plead eloquently that all should join the Medical Association. We supported that plea and after having joined the professional medical association, they want to separate the chaff from the wheat. That is the unfortunate position we are in. I take strong exception to that position. I think the medical profession will never progress in this country as it has progressed in other countries if this sort of stabbing in the back is to be done so far as the Government servants are concerned."

" Now, Sir, it seems to me that one thing that has been done here in the Bill is the election by the teachers of the medical colleges. It is a step in the right direction. Then we have got a large electorate from which probably the best persons will be chosen. I do feel that to go in for a nominated President or an ex-officio President in these days will not be in the best interest of the Council. Dr. Cheriyan has raised many arguments but apart from them, there is no doubt that if there is a President who is nominated and if he happens to be the Director of Medical Services, even if he does act purely on his own volition there will probably be the suspicion that he has had some sort of a hint from higher quarters or others. This is especially so when we are getting to a stage to think that suspicion should be the order of the day in every matter with which we are concerned and our own interests are affected. Therefore it would not be in the best interest of the Medical Council that the Director of Medical Services should be its President. At the same time I want my friends to recognize that it is their duty to see that the Medical Council is worked in such a manner that it can command the confidence of the medical profession as a whole."

" Then, Sir, I feel strongly about the provision that has been made in the Bill to the effect that if in the opinion of the State Government any person is guilty of gross misconduct in any respect, professional or otherwise, he should be removed. I think the essential function of the Medical Council is in regard to professional etiquette. Therefore the Medical Council should be the authority to decide who has grossly violated professional etiquette. It may be that an appeal may have to lie with the Government in that respect or with some other body. I cannot say whether it should be a quasi-judicial or judicial body. But these are matters that require consideration. I do therefore feel that if the Act is to be amended, it should be amended in a comprehensive manner. We must have very clear rules in regard to elections. We should have very clear rules as to what would amount to misconduct in elections. We should also make it clear that the election tribunal would be in a position to see whether an election is carried out properly or not. I do not believe in leaving the election questions to be decided by the Medical Council. There has been enough of evidence before us

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to show that so far as elections are concerned, any sort of vagaries in elections must be decided by an outside body and not by the Medical Council. It has been so in the case of our Legislature. We do not sit in judgment over our fellow colleagues whether they have been returned properly or not. I do not therefore see why the Medical Council should sit in judgment over these election disputes. It will always create a sense of disharmony in the working of the Medical Council.

"These are some of the things, Sir, that I would request the Government to consider. If they feel that it is necessary to review the Medical Act as a whole, they must take note of some of the violations that have occurred with regard to the exercise of powers by the Medical Council, and the difficulties that have occurred in regard to the elections and set up a proper tribunal and see that the Medical Council is worked in such a way that the medical profession will have complete confidence in it."

The House then rose for lunch.

(After lunch—3 p.m.)

(Deputy Chairman in the Chair.)

IV.—ALLOTMENT OF A DAY FOR FOOD DEBATE.

* JANAB ABDUL LATIF FAROOKHI:—"Sir, before we begin, I would like to bring to your notice that a statement on food has been circulated to us by the Government. As the members of this House both from the Opposition and also from the other side want to discuss the food situation in the State, I request you to allot a day for that purpose. I may inform you, Sir, that this question was already discussed in the Assembly. Therefore it is a new statement and I request you to allot a day."

DEPUTY CHAIRMAN:—"I will convey it to the Hon. Chairman."

III.—GOVERNMENT BILLS—cont.

(1) THE MADRAS MEDICAL REGISTRATION (AMENDMENT) BILL, 1951 (L.A. BILL NO. 26 OF 1951)—cont.

* SRI R. SURYANARAYANA RAO:—"Sir, I had no intention of intervening in the debate on this Medical Registration (Amendment) Bill. But, after listening to the speeches of the members of this House belonging to the medical profession, I feel, Sir, the Government have come forward with this Bill without proper consideration of the various issues involved. When a Bill of this nature affecting the profession was thought of, did the Government consult various professional bodies as to the need for the various amendments proposed? It looks as though, from what the hon. Member Dr. Cheriyan said this morning, this Bill is being promoted in spite of the opposition of the various medical associations. Sir, yesterday when we listened to the speech of the

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Hon. Minister when he moved the Bill, we found that the necessity for this Bill was centred on the fact that a particular President of the Medical Council did not behave in the manner in which the Government expected him to. I am not here, Sir, to assess whether that President was wrong or right in the attitude he adopted. But, on account of that one instance, even if the allegations made by the Hon. Minister are true, Sir, is it fair to the profession that its members should be deprived of all the privileges that they have been enjoying since the Medical Registration Act, 1914, was passed? Why should not the Government nominate the full Board and have their nominees in the Medical Council so that whatever they want, the Council may register. It looks as though the democratic principle that was granted in 1914 is sought to be taken away altogether by the constitution that is proposed in having the Director of Medical Services as the nominated President of the Council. Sir, various other provisions have been brought forward; could they not have at least modelled this Bill on the lines of the Local Boards Act? The local board consists of elected members and if it at any time misbehaves the Government have the power to supersede it after giving it an opportunity to say why it should not be superseded? Unless grave miscarriage of justice takes place, the Government find it very difficult to supersede a local board. Therefore, Sir, in view of the strong opposition to this Bill from the members of the medical profession who are affected, and, in view of the fact that the original intentions of the Medical Registration Act are being set aside by this Bill, we appeal to the Government to withdraw the Bill, circulate it for public opinion, invite the criticism of all those who are competent to express an opinion on the various clauses of the Bill, and then come forward with a Bill which will be acceptable to all classes of the medical profession. Otherwise, Sir, I feel the medical profession is being treated in a manner which is derogatory to the sense of self-respect of that profession. The Government will be well advised to publish the Bill for eliciting public opinion, modify the provisions to the extent necessary in order to meet public opinion and then come before this House for its ratification. With these few words, Sir, I oppose the Bill."

* THE HON. DR. T. S. S. RAJAN:—"Sir, it may look very presumptuous on my part to start saying again or saying something for the medical profession as such, and having, in a way, disconnected myself from my activities in the actual practice of the profession, I may become an object of criticism for such remarks as I may offer. But, unfortunately I happen to occupy the position of Minister of Health, and the responsibility for piloting the Bill and to correct such mistakes as may crop up as a result of the conduct of the profession or of the working of the Act or of my duties in relation to it as a Minister devolves on me. It is more or less incumbent on me to make a brief statement to justify the position taken and, at the same time, to appeal to the House to look into the matter dispassionately and consider whether

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this Medical Council should exist or whether this is superfluous legislation that could easily be thrown off. If some people think that I am passionately fond of the legislation or of the Act, it is not correct. There are certain mistakes committed by the Medical Council; there have been some bad elements in it; there have been some bad resolutions or actions taken by it. And, as Government, we cannot be sitting dumb and looking on; we have got a duty to perform both in the interests of the practitioners as well as of those who avail themselves of the service of the practitioners, viz., the people of the State. It is only in relation to such a position that I said a few words in the beginning and I propose to say a few words now.

" Sir, Dr. Srinivasan made much of the provisions of rules 19 and 20 for the conduct of elections and the finality of the opinion of the Medical Council. On this matter, I would suggest, Sir, that we should accept the decision of the High Court which held against this particular view. The High Court held that the decisions of the Council on the election dispute did not follow the principles of natural justice, in that the members accused of corrupt practices were themselves present during the discussion of the objection petition.

" Regarding the renewal fees to which objection has been taken, I may point out that the Council has to incur expenditure in keeping the register up to date and for carrying out its functions effectively. For all this purpose, they require necessary funds. We do not see any justification why the burden of the expenditure on the Medical Council should be passed on to the general taxpayer and why the medical practitioners themselves should not contribute a small amount periodically for the necessary and essential expenditure incurred by the Council.

" Dr. Cheriyan raised the question of the status of the Director of Medical Services. It is true, in the past when he was the Surgeon-General, he was of the rank of Major-General in the Warrant of Precedence. Primarily the Director of Medical Services is the head of the department and therefore he has been given the place occupied by heads of departments in the Warrant of Precedence. Considering the qualifications prescribed for the teaching and administrative posts it would not be correct to suggest, Sir, that he will not have an adequate standing in the profession.

" As regards the objections to a nominated President, I would like to emphasize that this set of amendments has been brought forward to meet the difficult situation that has been developing in the practical working of the Act subsequent to its amendment in 1939. I would submit, Sir, that the greatest possible justification for having a nominated President at least for some time to come has been furnished by Dr. A. Lakshmanaswami Mudaliar who drew attention to a joint advertisement that has appeared in 'The Mail' of 1st September 1951 in respect of elections that are now taking place. It is essential to avoid the formation of cliques and

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voting blocks in the Council and if a President heads such a clique or block, the working of the Council once again will become difficult.

" The danger of a voting block making the life of the Registrar impossible has not yet passed. On this issue we consider it necessary to provide for a reasonable security of tenure. It is not as though a Registrar once appointed can remain till the end of his period. Provision has been made in the amendment for the removal of the Registrar when such removal is recommended by a resolution of the Council at a special meeting and supported by the votes of not less than 12 members of the Council.

" Regarding the questions raised by Dr. Tajuddin, I may say that most of them have been answered in the report of the Special Officer and the judgment of the High Court which will be placed before the Joint Select Committee. I may mention, Sir, that one of the facts that was brought out in this inquiry was that the President of the Council refused to furnish the changes of addresses of the voters to all the candidates; I repeat *all* the candidates. Only a few of them were in possession of the changes of addresses.

" The suggestions made by Dr. Lakshmanaswami Mudaliar regarding the division of functions between inspection and disciplinary control of the medical profession raise far-reaching issues and would require further consideration in consultation with the Union Government. We shall bear the suggestion in mind and take appropriate action as early as possible. But the amendments before the House have been more or less necessitated by the unfortunate developments that have taken place and the continued justification for which is furnished by the advertisement to which a reference has been made earlier; and I therefore feel that the scope of the Amendment Act may be restricted to its present Statement of Objects and Reasons, more comprehensive amendments being taken up at a later date after a careful examination.

" Some reference to my past connection with the Medical Act has been made by hon. Members here and I suppose that nothing discreditable has been done by me because reference would have been made to it by hon. Members who spoke about it, if there had been any. I therefore take it that they have no objection to the statements made by me then and now repeated here. When I gave expression to those statements I was quite sympathetic and I, as an ordinary citizen, was acting in the full belief that I was doing the right thing. Even to-day I do not think I did a wrong thing in having taken part in the Medical Registration Bill of that period. I think it was about 1914, if I remember aright. To-day, I want to remind hon. Members that times have changed very much since 1914. We are, Sir, citizens of a free, independent State and as such we have a special dignity and respectability of our own, in common with the rest of the countries of this world. Now, as the Minister for Health I have got a duty to discharge and I have to be responsible for piloting this Bill.

3-15
P.M.

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"I am very glad, Sir, that hon. Members took a fairly keen interest in a subject with which they are not conversant every day. Medical politics is something which is perhaps peculiar and different from general politics and yet I must say to the credit of our legislators that they have devoted considerable time to that subject. We have got here in this House more medical men who can talk about the subject than in the other House and they make the debate here more lively than in the other place. I am very glad that the medical members of this Council took such an active part in the discussion of this Bill and if they could only go through what I have said, and perhaps, look into it a little more carefully in calmer moments after the debate is over, they could see very well that my position remains absolutely unchanged. I hold the same view as I did then on the registration of medical men that a certain amount of control over their conduct and behaviour is absolutely necessary in the interests of the public. As we are free citizens, the legislature has added responsibility to see that the respectability guaranteed by a free State is extended to the medical citizens of this State and their profession also guaranteed the same amount of respectability in their transactions and in the discharge of their duties. It has become absolutely necessary, Sir, that such a responsibility should be taken up by our legislatures. It is in that view that I have accepted the responsibility for the Bill although, as the Minister in charge, it is my duty also to do it. I feel heartily that we medical men have got a profession, have got a task and perhaps an onerous responsibility to discharge. I am so happy to note that my illustrious friend Dr. Lakshmanaswami Mudaliyar could always come to this House and take up the attitude not only to give the correct viewpoint in matters legal and difficult but also in medical matters on which he is so eminently qualified to speak. I am very thankful to this House for the discussion. Before I conclude I may state that I cannot dissociate myself from the fact that I had been a practising medical man, good, bad or indifferent, whatever one may call it. I have given up my practice for the time being to serve in this Government and discharge my duty. My illustrious colleague the Hon. the Chief Minister has thought me fit not only to take charge of the Medical Department but the more important department of Hindu Religious Endowments and I hope by the proper discharge of my duties I would have justified that I have not been wrongly put in charge. As I have already given the names of the members of the Joint Select Committee, I do not propose to repeat them here."

(At this stage the Chairman resumed the Chair.)

MR. CHAIRMAN:—"The question is—

"That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 24 members (16 Members from Assembly and 8 Members from the Council) to consider the

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Madras Medical Registration (Amendment) Bill, 1951, and that the following Members of this House be nominated to the said Joint Select Committee—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Dr. P. V. Cheriyan.
- (3) Dr. A. Lakshmanaswami Mudaliyar.
- (4) Dr. Syed Tajuddin.
- (5) Dr. P. Varadarajulu Naidu.
- (6) Janab K. T. M. Ahamed Ibrahim.
- (7) Sri N. Sankara Reddi.
- (8) Mrs. Mona Hensman."

The motion was put and declared carried. Sri S. B. Adityan demanded a poll and the House divided thus:

Ayes.

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| 1 The Hon. Dr. T. S. S. Rajan. | 10 Sri A. Govindacharyulu. |
| 2 The Hon. Sri K. Madhava Menon. | 11 " M. K. Suncaram Ayyar. |
| 3 The Hon. Sri C. Perumalsami Reddi. | 12 " R. Raghavakrishna Nayudu. |
| 4 Sri K. Venkataswami Nayudu. | 13 " S. Jayarama Reddi. |
| 5 " L. Subbarama Reddi. | 14 Mrs. M. Hensman. |
| 6 " Mothey Narayana Rao. | 15 Sri N. Ranga Reddi. |
| 7 " N. Sankara Reddi. | 16 Janab K. Muhammad Rahimatullah. |
| 8 " N. Venkatachalamaji. | 17 Dr. P. S. Srinivasan. |
| 9 " H. M. Jagannatham. | 18 Sri Colluru Veerabhadra Rao. |

Noes.

- | | |
|---------------------------------------|-------------------------------|
| 1 Janab Abdul Latif Farookhi. | 6 Sri T. Purushotham. |
| 2 Sri M. D. T. Kumaraswami Mudaliyar. | 7 Janab K. Uppi. |
| 3 " R. Suryanarayana Rao. | 8 " V. Hameed Sultan Maricar. |
| 4 Dr. Syed Tajuddin. | 9 " S. K. Sheik Rowther. |
| 5 Sri S. B. Adityan. | |

Neutral.

- | | |
|------------------------------------|-----------------------|
| 1 Dr. A. Lakshmanaswami Mudaliyar. | 3 Dr. P. V. Cheriyan. |
| 2 Sri A. Gopalakrishnayya. | |

Ayes 18; Noes 9; Neutral 3.

The motion was carried.

(2) THE MADRAS DISTRICT BOARDS (AMENDMENT) BILL, 1951 (L.A. BILL NO. 23 OF 1951).

* THE HON. SRI K. CHANDRAMOULI:—"Mr. Chairman, 3-30 p.m.
Sir, I move—

"That the Madras District Boards (Amendment) Bill", 1951 (L.A. Bill No. 23 of 1951), as passed by the Legislative Assembly, be taken into consideration at once."

Sir, Government have considered that as a matter of policy, reservation of seats in local bodies for minority communities should be

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restricted to the Scheduled castes and Anglo-Indians in accordance with the spirit of the New Constitution. There is at present provision in the Madras District Boards Act, 1920, for reserving seats not only for members of the Scheduled castes and Anglo-Indians, but also for Muslims, Indian Christians and Europeans. It is therefore proposed to omit from the Madras District Boards Act, 1920, the provisions relating to the reservation of seats for Muslims, Indian Christians and Europeans. The total number of reserved seats for members of the Scheduled castes, Anglo-Indians and women will be limited to one-fourth of the strength fixed for the district board under section 10 (1) of the Madras District Boards Act, 1920. These changes will however be given effect to in respect of existing district boards only from the date of the next ordinary elections thereto, or if any such district board is dissolved before that date, from the date of the first elections to the board after such dissolution. In order to achieve the object in view, legislation is necessary. Similar legislation to provide for the abolition of reservation of seats on municipal councils for Muslims, Indian Christians and Europeans was passed by both the Houses of the Legislature in October 1950. The same principle has been adopted in the Madras Village Panchayats Act also. I therefore move that this Bill be taken into consideration now."

MR. CHAIRMAN :—" The motion is—

' That the Madras District Boards (Amendment) Bill, 1951, (L.A. Bill No. 23 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.' "

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, I rise to oppose this Bill. I for one, Sir, have felt and still feel that after the new Constitution came into existence, there is no room for special provision for any community or for any interests. The manner in which the Government have been moving in this direction made us understand that there is still some soft corner in their minds for minorities. They wanted that seats should be reserved in colleges, they wanted the communal G.O. in some form or other should be retained; they wanted the Supreme Court to pronounce their judgment on that; they also tried to amend the Constitution in this matter—all these things went towards creating minorities. Of late, however—I am sorry the Hon. Finance Minister is not here because he spoke the other day about it—we have been noticing a tendency on the part of this Government to somehow or other provide for representation to the minorities in the local bodies. I ask: is it not blowing hot and cold in the same breath? On the one hand you say 'no reservation for minorities. Christians, Muslims and Europeans.' Of course Europeans will not be here in any large numbers; and so, I feel that this is particularly intended for the Muslims. Or, let us take it no reservation for Muslims and the Indian Christians too." Then I ask why do you say you want to give representation for minorities in the local bodies? Is it not against the spirit of the

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Constitution? Why do you talk about the spirit of the Constitution then? Have you got anything in the Constitution which says that there should be no reservation of seats for minorities in the district boards? The Constitution does not speak of non-reservation of seats in district boards for minorities. Then why these crocodile tears on the part of the Government for the minorities? We have already decided: 'all right, we are perfectly prepared to stand side by side with our brethren and fight the elections to the Legislature, the district boards and municipalities.' Let us be satisfied with that position; let us adjust ourselves to that position. In fact, that is what I said the other day and there was so much of criticism against me. Even today I repeat that I do not want reservation; reservation is not going to help the minorities. I understand they are trying to give a seat there and a seat here to the minorities in some constituency of the Legislature or the district board or municipality. If that is the case, how are we really going to influence the decision of the Legislature, the district board or the municipality by getting one or two reserved seats? Anybody with commonsense can easily understand that we can no longer influence the decision of anybody with a handful of the minority community. Therefore, I thought and I still think: let us do away with this reservation of seats in any statutory body. But, when I see that you are creating an ambition or hope in the minds of the people that you are going to give them special privileges in the shape of reserved seats, though not statutorily, that you are going to promise them: 'we shall work with you and you will work with us; we shall provide seats for you in this constituency and that constituency'—then I can understand the position only in this way, i.e., that you feel you are so helpless that you want their votes and so you say 'We will help you, you please join hands with us; the other parties are there who will otherwise defeat us; so, you please help us now and we shall give you some seats in some places.' I object, Sir, to that position: I strongly object to the attitude of some Members of Government in creating such a sort of unjustified hope in the minds of the minorities. Therefore I submit that this Bill which has been brought forward by the Hon. Minister in charge, is inconsistent with the attitude the Government have been adopting, especially at this time when the general elections are near. If you say that the minorities should sail with all the other communities and that we should all feel as one people and work together, then you should not say 'En bloc you should give your vote to the Congress, let the Congress be again brought into power, let other parties be smashed; let us have the steam-roller majority once again,' so that you can later on turn round and say no reservation for you either in the Legislature or in the services or in the colleges or anywhere else. That is what you are going to say afterwards. I request you, therefore, 'Please be consistent'. If you want that the minorities should have a place in the local bodies and the Legislature, then I say it is a small mercy which has been already

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provided in the former Act. It is not against the New Constitution. They why do you deprive the minorities of that small mercy which has been provided some time back by some other people? So, the actual position I take, Sir, is this: If you do this, you should not speak of giving any representation to minorities in the Legislature; and if you do that, you should not take away this right that has been already given to the minorities. I tell you once again, if you are creating an ambition in the minds of the minorities that there can be a separate minorities' block sitting in a watertight compartment, that they can have an organization of their own in order to help you in your elections and to make you the Government in this State once again, then I say you are doing the greatest injustice to the minorities, particularly to the Muslim minority, which has been gradually coming to feel that it should work together with its fellow-countrymen. That is the attitude I am taking up; and whatever criticism it may evoke and whoever may criticize me for it, I do not mind it. You may certainly go on with your Bill; but if you, as responsible Ministers, are trying to create hopes in our minds that we will be given certain places in the Legislature, why then should you not have reservation in the district boards? This, Sir, is the consistent position I have taken up, and on that score, I feel that this Bill has to be opposed."

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p.m.

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I am sorry that the Opposition Leader has got certain misconceptions and I may also say that he got some excitement also. Let us analyse the facts. First, after the New Constitution, it has been declared that our State should be secular. That is the thing and even the minorities and others have agreed that this should be a secular State. Hence, there is no meaning in asking for reservation of seats on a religious basis, whether for Christians, or Muslims or Hindus, or whoever they may be. If you honestly feel that it is a theocratic State, that is a different matter. We are not striking against any community or the Muslims. Do you say that you want a secular State and at the same time you want reservation of seats on a religious basis? Is it consistent, I ask, in all seriousness? That is one point, which I would like to ask the Hon. Leader of the Opposition to think over. We do not want to deprive any minority or anybody else. Let them run by all means on political lines; let them have political parties and every party has a right to ask certain members to come and join that party. Is it wrong to do so? Are you not asking others to join your party? Of course, there is nothing wrong in that and there is no corruption in that. What we are asking is, to accept certain principles and join the party. Similarly you are running a majority party or a minority party and the minority party may become the majority party and there is nothing inconsistent in it. Especially having agreed to the principle in regard to municipalities and panchayats already in the Legislature, supposing to-day you do not agree to the principle in the case of the district boards, I ask, is it consistent with your

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own policy? So, I would request the Hon. Leader of the Opposition to calmly think over the matter. Moreover there is nothing controversial in this Bill. After all, we do not want to raise any communal issues or religious issues. That is the very letter and spirit and that is the basis upon which we have to start the local bodies. On the other hand, if we inject this poison into these bodies and if you put a different constitution at the top, how will it work properly? It is all the more necessary that we should have a Bill of this sort and so I have come forward with this Bill."

MR. CHAIRMAN:—"The question is—

"That the Madras District Boards (Amendment) Bill, 1951 (L.A. Bill No. 23 of 1951), as passed by the Legislative Assembly be taken into consideration at once."

"The motion was carried.

Clauses 2, 3 and 4 were put and carried and allowed to stand part of the Bill.

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

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

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

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

MR. CHAIRMAN:—"Motion moved—

"That the Madras District Boards (Amendment) Bill, 1951 (L.A. Bill No. 23 of 1951), as passed by the Legislative Assembly be read a third time and passed."

* JANAB ABDUL LATIF FAROOKHI:—"Sir, there was neither heat nor excitement in my speech. All that I wanted to impress upon this Government was that when the Municipalities Act was passed, as I said, we were feeling that in a secular State like this under the Constitution, there was no place for minorities separately and that there was no reservation. We resigned ourselves to that position and we were content with that position. Afterwards, certain developments took place and we were made to feel that the Muslims were going to be shown some consideration, in order that they may be elected to the Legislature. That is against the spirit of a secular Government. That is what I contended. My argument was that the holding out of hopes to the people that they are going to be provided with seats in the Legislature was against the spirit of a secular Government and against the spirit of the Constitution itself."

MR. CHAIRMAN:—"That is not in this Bill."

* JANAB ABDUL LATIF FAROOKHI:—"As I said, Sir, that was a later development. So, when you have done that, it is only consistent with your later policy that you should not touch these district boards. There is nothing in the Constitution against the reservation of seats for Muslims and Christians in local bodies.

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With regard to the spirit of it, I may feel one way and the Hon. Minister in charge of the Bill may be feeling in another way and there may be difference of opinion about the spirit of it, but with regard to the letter of the Constitution, I can say that in the body of the Constitution there is anything specific against reservation of seats for minorities in the local bodies."

MR. CHAIRMAN :—" You mean local bodies. But, I think, there is prohibition in regard to Legislatures."

JANAB ABDUL LATIF FAROOKHI :—" Sir, with regard to the Legislature there is the provision, but you are going against the provision in the Constitution and holding out hopes of giving certain seats to minorities. I say, there you are going against the spirit of the Constitution and secularism. Now, even where there are seats reserved for minorities in district boards, you want to deprive them of those seats. I say there can be no harm in having one or two seats for minorities on the district boards."

MR. CHAIRMAN :—" Let us discuss the matter in a spirit of friendliness. Whatever the Government may do, what is your position? You have agreed to non-reservation and now why do you object to reservation being taken away? In fact, you and I, and everybody agreed that there should be no reservation for minorities. You may ask the Government 'why do you give hopes for minorities?' But, why do you object to reservation being taken away?"

* JANAB ABDUL LATIF FAROOKHI :—" I say, Sir, the Government have created some hopes in the minorities and I as a representative of the minority, have to fight out their case on the floor of this Legislature."

SRI M. NARAYANA MENON :—" I want to clear a doubt, Sir. The hon. Member mentioned that there were subsequent developments. Are they legislative developments or developments outside the Legislature? I would like to know what that development was?"

MR. CHAIRMAN :—" The hon. Member may put it the other way about. Is it governmental development or personal development?"

* JANAB ABDUL LATIF FAROOKHI :—" Sir, if a responsible Minister of the Government is responsible for those developments, I should say they are governmental developments and not private developments."

MR. CHAIRMAN :—" I am asking the hon. Member for information. I think I saw in the papers that the hon. Member has been asked to join the Congress?"

* JANAB ABDUL LATIF FAROOKHI :—" Unfortunately, Sir, a statement appeared in the Press and I gave a written statement to the *Indian Express* and it was the duty of the *Indian Express* to publish that statement and it was against journalistic

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etiquette not to have published that statement. But, anyhow, the *Indian Express* published a contradiction the next day. Perhaps some people might not have seen that contradiction, but the contradiction did appear. Whatever it may be, the question is not whether I, as a citizen of the State, am going to join a particular party or not. That is not the question. I may join the Congress or not and I may ask other people also to join. Let many people join many parties. But, my position is . . ."

MR. CHAIRMAN :—" I am afraid we are counting without the host. It is the Hon. Mr. Gopala Reddi that should reply to the criticism. If I understood him aright, I think the Hon. Mr. Gopala Reddi asked the Muslim League to dissolve itself and join the Congress. That is what I think, he said."

* JANAB ABDUL LATIF FAROOKHI :—" I am glad for all this explanation; but whatever that be, the spirit is there that the Hon. Mr. Gopala Reddi wants a particular community to come and join the Congress."

MR. CHAIRMAN :—" Including the hon. Member himself?"

* JANAB ABDUL LATIF FAROOKHI :—" Including myself. It is only a water-tight compartment. I am not going to discuss that matter now. I only say that if you want to give up reservation of seats in the district boards, then do not talk of any seats being given to minorities either to-day or to-morrow in the Legislatures and let the minorities stand on their own legs. But, if you are holding out hopes to the minorities that their interests will be safeguarded by proper representation being given to them in the Legislatures, then I say it is not consistent with that policy to come forward with this Bill and take away whatever reservation is there for Muslims in these local bodies."

MR. CHAIRMAN :—" The question is—

'That the Madras District Boards (Amendment) Bill, 1951 (L.A. Bill No. 23 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'

The motion was carried and the Bill was passed.

(3) THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1951 (L.A. BILL NO. 28 OF 1951).

* THE HON. SRI K. CHANDRAMOULI :—" Mr. Chairman, Sir, I move—

'That the Madras City Municipal (Amendment) Bill, 1951 (L.A. Bill No. 28 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.'

" Sir, the term of office of the councillors and aldermen of the Corporation of Madras will expire at noon on the 1st day of November 1951 and in the normal course ordinary elections to the

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Council of the Corporation will have to be held in September this year to enable the newly elected members to assume office on the due date. The electoral rolls for the Corporation have to be prepared only after the rolls of the Madras Legislative Assembly for the city constituencies based on adult franchise are ready. As the final rolls for the Assembly have not yet been published, it is not possible to get the rolls of the Corporation ready in time for elections to be held in September this year. It is therefore proposed to undertake necessary legislation to extend the term of office of the existing councillors and aldermen to a date not later than 1st November 1952. The Bill is intended to achieve this object. Similar legislation was passed recently in regard to mufassal municipalities also."

MR. CHAIRMAN :—" Motion moved—

That the Madras City Municipal (Amendment) Bill, 1951 (L.A. Bill No. 28 of 1951), as passed by the Legislative Assembly, be taken into consideration at once."

* SRI S. B. ADITYAN :—" Mr. Chairman, Sir, I desire to impress upon the Government the necessity for holding early elections, particularly in the City of Madras. These elections are desirable for purposes of testing public opinion as in Great Britain the elections to urban councils and other bodies are supposed to be indications of public opinion. The postponement of these elections beyond the normal time is highly injurious and undesirable, because it gives a kind of stability to the sitting members and it is not an exaggeration to say that it gives them a certain security and ease which do not exist at present. Sir, there has been very considerable change in public opinion, particularly during the last two years and therefore it is not desirable to postpone elections. Further, you may remember that Mrs. Rukmani Lakshmipathi's seat which fell vacant owing to her death, has not been filled and no election held. If the election had been held in the Madras City, we would have known something about . . ."

MR. CHAIRMAN :—" Is the hon. Member speaking about election to the Legislature or the City Corporation Council? "

* SRI S. B. ADITYAN :—" Sir, I am under the impression that the voters' list is the same. I am talking about elections to the City Municipal Council. The voters' list for the Corporation Council election is the same as for the elections to the Assembly."

MR. CHAIRMAN :—" That may be. But here the Bill is concerned with elections to the City Municipal Council."

* SRI S. B. ADITYAN :—" As I pointed out, it is all the more important, because the Government did not take the opportunity when they had a chance, to hold the election in the same electorate. That is an additional reason why elections should not be postponed. I would like to know whether the elections to the City Municipal Council will be held before the general elections which are about to be held in January next. The Hon. Minister said that the

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voters' list is not ready. My impression is—I may be wrong—the voters' list is very nearly ready on the basis of adult franchise; or will be ready shortly. After all it is a question of weeks.

" If it is to be ready in a few weeks, I do not see any reason why there should be further delay. I ask the Government to hold the elections as early as possible so that the public at large and the Government might get a real indication of public opinion prevailing in the City."

* SRI R. SURYANARAYANA RAO :—" Mr. Chairman, Sir, I wish to ask only one thing of the Hon. the Minister for Local Administration. Will the normal elections of Mayor and Deputy Mayor take place as usual or will they also be postponed? "

* THE HON. SRI K. CHANDRAMOULI :—" Sir, the hon. Member Sri Adityan has raised the question that the Government are reluctant to conduct the elections and that is why they are trying to postpone the elections. The hon. Member also knows that the electoral rolls are not ready so far and they might take as he puts it, a few weeks more, not a few days anyway. By that time, the general elections will also be approaching and it may not be possible to have elections to the local bodies and also the general elections simultaneously, and that is why the Government have taken as minimum a time as possible after the general elections to see that elections to local bodies are conducted. I do not think it will be possible to have elections to the local bodies before the general elections to the Legislature.

" Regarding the question raised by the hon. Member Sri Suryanarayana Rao, may I say, Sir, that we are only extending the term of the councillors and the aldermen and not the Mayor and the Deputy Mayor and elections in respect of the Mayor and the Deputy Mayor will take place in the normal course, unless there arises anything exceptional about the matter. It is not at all the intention of the Government to postpone the elections but on the other hand, it is their intention to see that elections to the office of Mayor and Deputy Mayor take place."

MR. CHAIRMAN :—" The question is—

That the Madras City Municipal (Amendment) Bill, 1951 (L.A. Bill No. 28 of 1951), as passed by the Legislative Assembly, be taken into consideration."

The motion was carried.

Clauses 2, 3 and 4 were 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 K. CHANDRAMOULI :—“ Mr. Chairman, Sir, I move—

‘ That the Bill be read a third time and passed. ’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras City Municipal (Amendment) Bill, 1951 (L.A. Bill No. 28 of 1951), as passed by the Legislative Assembly, be read a third time and passed. ’ ”

The motion was carried and the Bill was passed.

V.—MOTION UNDER RULE 22 (3) OF THE COUNCIL RULES.

MR. CHAIRMAN :—“ Next comes the Government Resolution regarding evacuee properties. The rule is that Bills have precedence over resolutions. Therefore, I suggest that the Hon. the Leader of the House moves that the Government Resolution be taken up after the Bills.”

THE HON. DR. T. S. S. RAJAN :—“ Mr. Chairman, Sir, I move—

‘ That the Government Resolution relating to the separation of the interests of evacuees and non-evacuees in joint property be taken up later after all the Bills on to-day’s agenda (7th September 1951) are finished. ’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Government Resolution relating to the separation of the interests of evacuees and non-evacuees in joint property be taken up later after all the Bills on to-day’s agenda (7th September 1951) are finished. ’ ”

The motion was carried.

III.—GOVERNMENT BILLS.

(4) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) SECOND AMENDMENT BILL, 1951 (L.A. BILL NO. 32 OF 1951).

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

‘ That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951), as passed by the Legislative Assembly, be taken into consideration. ’ ”

“ Sir, section 54-B of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), provides that if the aggregate of the amounts of compensation payable in respect of all zamindari estates falls short of twelve and a half crores of rupees, an amount equal to the sum by which the aggregate so falls short should be distributed among the zamindari estates *pro rata*. The section, as it stands, refers only to

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zamindari estates but not to under-tenure estates. Post-settlement under-tenure estates have always been regarded as part and parcel of the principal zamindari estates, and although they are placed in a separate category for purposes of this Act, the intention was clearly not to make them ineligible for the additional compensation provided for in section 54-B. It is therefore proposed to amend that section so as to make post-settlement under-tenure estates also eligible for additional compensation.

“ Section 54-B (3) provides for the apportionment of the compensation payable under that section among the principal landholders and other persons referred to in section 42. This will include the creditors also, but as the claims of creditors will be settled and determined under section 42, it is proposed to make it clear that a creditor will not be entitled to apply for the payment of any portion of the sum deposited under section 54-B in respect of which his claim has been satisfied already.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951), as passed by the Legislative Assembly, be taken into consideration. ’ ”

* SRI R. SURYANARAYANA RAO :—“ Mr. Chairman, Sir, I appreciate the anxiety of the Hon. the Revenue Minister to see that the under-tenure estate holders do not suffer but on the other hand benefit to the extent the zamindars are benefited. But I want to know, Sir, how, when the Government knew that post-settlement under-tenure estates have to be regarded as part and parcel of zamindari estates, they treated them as a separate category for purposes of this Act. Was it the original intention of the Government to see that these under-tenure estates that were post-settlement or pre-settlement were treated as a separate category and may I know whether the Government had the intention of providing separate compensation for them and if they have subsequently altered that decision? This makes us feel that the Government have no clear idea about the various tenure holders under the Madras Estates Land Act. They come across some difficulty and they try to solve it for the moment. If the zamindars go to a court of law and try to establish their claim that it was never the intention of the Government that these under-tenures should be treated as part and parcel of the zamindaris for purposes of compensation and that fact has been registered by the Government and the Legislature by treating them as a separate category under the Zamindari Estates Abolition Act, and by bringing forward this amendment, the Government are depriving the real zamindars of the portion of compensation to which they will be entitled, by making them share the compensation with the under-tenure holders, what will they do? There may be other difficulties

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which may arise and instead of coming forward with one amendment after another if the Government have some doubts or some doubts are raised by decisions of courts on suits filed, I would like the Government to appoint a small committee, an expert Committee which will go into all these things and bring forward one amending Bill which will set at rest all doubts and then they can stand by it and if the courts decide otherwise, they can come to this Legislature with the necessary amendments because they will then be convinced that the decisions that they have taken in respect of the various interests in estates is the correct one and so, they should stand by them. But now evidently, they have no mind of their own and they seem to change their position and I shall not be surprised if by the October session of this House they bring another amending measure. All this is because they are not clear of the position of the various interests. Is it proposed, Sir, that the under-tenure estate holders should get the same proportion of compensation as the zamindars or will it be less than what the zamindar will get for his part of the estate or is the under-tenure estate holder equal to the zamindar? All these problems arise and I wish that doubts should be set at rest as soon as possible and the only way they can go about the business is to appoint a small expert Committee, pre-occupied as the Government will be and as they are with other things, a committee of experts who are well-versed with the interests involved in the matter of the Madras Estates Land Act and to ask them to settle the matter irrespective of their predilections in favour of the zamindars or the tenants."

* THE HON. SRI H. SITARAMA REDDI:—" Mr. Chairman, Sir, the hon. Member said he would not be surprised if the Government brought forward another amending Bill in the October sittings of the House. If need be and to do justice, another Bill is to be brought in, it will certainly be brought forward and I will not hesitate to do it. If there is injustice, why should it not be set right and justice done? Another point made out is that the Government do not seem to know their own mind and there is a lot of confusion and so, the Government are bringing one bill after another. Let me say, Sir, that this is the second amendment Bill and there are a few other amendments which are being considered. I may remind hon. Members of this House that this is a unique piece of legislation. It is true that a Joint Select Committee of both the Houses considered the Bill, it took evidence, sifted it and the legislation was passed but in the day-to-day working of the measure, we came across certain difficulties. I say, Sir, there is nothing wrong, not only it is not wrong but it is also just and fair and it is the duty of the Government to bring forward if need be measures so long as they have to do justice by the people. These post-settlement, under-tenure estates were carved out of zamin estates and registered in the original Act and there was the other set of estates, the pre-settlement estates, the inam estates and in the matter of compensation they have been treated more liberally

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but so far as post-settlement under-tenure estates are concerned, for purposes of calculation of compensation, their position was analogous to the zamin estates and so, it is but right that the benefit which is sought to be given to zamin estates under section 54-B to the tune of Rs. 12½ crores, must also be shared by these under-tenure post-settlement estate holders; they were part and parcel of zamin estates and have been carved out of it subsequent to the settlement. That is why, Sir, the amendment has been brought forward. The question was raised: Why did not you think about it at that time? As I said, that was the intention, and the clear intention and in drafting it seems to have escaped attention; there is nothing wrong in rectifying this defect when it is pointed out and it is seen that justice ought to be done to a small class of people. As I said in the other House, Sir, the total benefit that will go to these estate holders will be about Rs. 25 lakhs out of Rs. 12½ crores. It is but fair that they should also get this benefit. Another possible misinterpretation is also sought to be corrected. I have got a few more amendments which are being considered. I could have certainly liked to bring them all in one consolidated Bill but the point is that I do not like to hold up justice merely in order that all these should be brought in one Bill. Any lacunae found out in the working of the Act should be rectified and mistakes should be corrected and that is the reason for this amendment, Sir. I move that the Bill be taken into consideration."

MR. CHAIRMAN:—" The question is—

'That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.'

The motion was carried.

Clauses 2 and 1 were put and carried and allowed to stand part of the Bill.

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

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

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

MR. CHAIRMAN:—" The question is—

'That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951), as passed by the Legislative Assembly, be read a third time and passed.'

The motion was carried and the Bill was passed.

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(5) THE MADRAS DISTRICT MUNICIPALITIES, DISTRICT BOARDS AND VILLAGE PANCHAYATS (AMENDMENT) BILL, 1951 (L.A. BILL NO. 33 OF 1951).

THE HON. SRI K. CHANDRAMOULI :—“ Mr. Chairman, Sir, I move—

That the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Bill, 1951 (L.A. Bill No. 33 of 1951), as passed by the Legislative Assembly, be taken into consideration.

Section 44 of the Madras District Municipalities Act, 1920, section 51 of the Madras District Boards Act, 1920, and section 12 of the Madras Village Panchayats Act, 1950, as they now stand, provide for the entertainment of claims and objections before publication of the relevant portions of the Legislative Assembly rolls as the electoral rolls of a municipal council, district board or panchayat, as the case may be. This provision enabled persons who were qualified to be included in the Assembly electoral rolls but were omitted to be so included, to get their names included in the electoral roll for the local body concerned. Such a provision is no longer necessary as the new Assembly rolls prepared under the Representation of the People Act, 1950, will be revised and corrected annually and maintained up to date. It is, therefore, proposed to amend the above sections so as to provide merely for the publication of the portions of the Assembly rolls and the alterations therein which relate to the area within the jurisdiction of a local body, as the electoral roll for the local body and as alterations in such roll.

“ Provision is also made in the Bill for the rectification of any clerical or printing mistakes found in the roll for the local body, for the purpose of bringing it into accord with the electoral roll for the relevant Assembly constituency.

“ Power has also been taken to bring the amendments into force in different areas on different dates as the electoral rolls relating to different areas in the State may not be published on one and the same date.

“ I commend the Bill to the unanimous acceptance of the House.”

MR. CHAIRMAN :—“ The question is—

That the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Bill, 1951 (L.A. Bill No. 33 of 1951), as passed by the Legislative Assembly, be taken into consideration at once.”

The motion was carried.

THE MADRAS DISTRICT MUNICIPALITIES, DISTRICT BOARDS 311
AND VILLAGE PANCHAYATS (AMENDMENT) BILL, 1951
(L.A. BILL NO. 33 OF 1951.)

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Clauses 2, 3 and 4 were put and carried and allowed to stand part of the Bill.

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

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

THE HON. SRI K. CHANDRAMOULI :—“ Sir, I move—

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

MR. CHAIRMAN :—“ The question is—

That the Madras District Municipalities, District Boards and Village Panchayats (Amendment) Bill, 1951 (L.A. Bill No. 33 of 1951), as passed by the Legislative Assembly be read a third time and passed.”

The motion was carried and the Bill was passed.

VI.—GOVERNMENT RESOLUTIONS.

(1) LEGISLATION IN REGARD TO MANAGEMENT AND DISPOSAL OF EVACUEE PROPERTY.

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

Whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the separation of the interests of evacuees from those of non-evacuees in joint property, to facilitate the better management and disposal of such property;

Now, therefore, in pursuance of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entries 18 and 30 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament.”

“ Sir, this resolution deals with the Government of India's proposal to enact a Central Law by the Government of India for the separation of the interests of the evacuees from those of non-evacuees in joint properties. Evacuee and non-evacuee interests are at present admixed in the following two types of cases :—

(a) Joint properties.

(b) Mortgaged properties.

It is felt that the Government of India cannot hold up indefinitely the rights of mortgagees to sell the mortgaged property. It is also advisable to demarcate physically the interests of evacuees and non-evacuees in joint properties, so that property available for quasi-permanent allotment to displaced persons is known more accurately. The Government of India have therefore decided to legislate for the separation of evacuee and non-evacuee interests in these joint properties. It is also felt that

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to ensure uniformity and also because a central law for evacuee property exists, the new legislation had better be a Central one. The Indian Parliament has already passed a resolution under Article 249 of the Constitution of India. As the subject does not fall entirely within the purview of the Indian Parliament, the Government of India have requested all the State Governments to have the necessary resolution passed by the State Legislatures for the purpose under Section 252 of the Constitution so as to enable them to undertake a more permanent legislation in the matter. This will greatly facilitate the settlement of claims of non-evacuees, as also the rehabilitation of displaced persons and the proper upkeep of evacuee property. In order to get such a legislation passed in our Legislature, I am moving this resolution."

MR. CHAIRMAN :—" The question is—

That the House do pass a resolution in the following terms :—

"Whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the separation of the interests of evacuees from those of non-evacuees in joint property, to facilitate the better management and disposal of such property ;

"Now, therefore, in pursuance of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entries 18 and 30 in List II (State List) of the Seventh Schedule to the Constitution of India, shall, in this State, be regulated by an Act of Parliament."

* JANAB ABDUL LATIF FAROOKHI :—" Mr. Chairman, Sir, you will remember that on a previous occasion, we felt very reluctant to hand over the power of the State Government to the Central Government. We were pleased to see that the Government yielded to the wishes of the majority of the hon. Members of this House by withdrawing that resolution regarding the levy of estate duty in respect of agricultural land. Now, Sir, a similar proposal for handing over power to the Central Government has come before us. I do feel that this power should not be handed over to the Centre when our State Government themselves can exercise that power. I do not know what the implications of this resolution are. I ask—of course, it is only for information and not with a view to criticise—whether this Government have been able to find out how much evacuee property is in this State and whether that property can be separated and whether facilities can be provided to people who are interested in that property. If that is possible, I do not see any reason why we should hand over the power that we can exercise here.

"Then, the question of uniformity comes. Again, I ask the Hon. Leader of the House whether he has ascertained, what other State Governments are going to do with regard to this

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matter. Article 252 of the Constitution says, ' If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States . . .

" So, Sir, in this matter, the initiative should come from the States and not from the Central Government. That is what Article 252 of the Constitution says. That is my interpretation of that Article. Here, I am speaking subject to correction. For, it is the States that have to say for the sake of uniformity ' we want to hand over such and such power to the Central Government '. Now, Sir, whichever State takes such an initiative, that State has to ascertain from the Union Government whether they agree to such a step. If two States agree to hand over such and such a power, but if other States keep out, the Central Government should deal with that power only in respect of those two States. For, I do not see from the Constitution Act, whether the Central Government have got powers to force the other States to fall in line with the States who have agreed to hand over such and such powers to the Central Government. I do not know whether I am on firm ground in my interpretation of Article 252. It is for the Hon. Leader of the House and the Hon. Law Minister to enlighten me on this subject. I doubt whether the Central Government have such power."

SRI R. SURYANARAYANA RAO :—" They have."

* JANAB ABDUL LATIF FAROOKHI :—" My friend, here, says, they have such power. But may I point out to him they have not got such power. For, let me quote what Article 252 says. It says—

" 252, If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States . . . and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful, etc., and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or . . . by each of the Houses of the Legislature of that State."

Therefore, Sir, it is clear that the States which pass such a resolution to hand over power to the Central Government are alone obliged to act according to the laws of the Central Government. Those States which do not pass such a resolution are not obliged to hand over power and act according to the laws of the Central Government. Therefore, the words ' for the sake of uniformity ' cannot hold good unless and until all States agree to hand over power to the Centre. So, Sir, in my opinion, there is no justification for this State to take the initiative to hand over power to the Central Government. Why should this Government take the initiative to hand over power? Why not some other State take the initiative? "

MR. CHAIRMAN :—" I suppose the hon. Member knows the old story of the milkmen and the king. All the States will think, each in its turn; why it should first hand over power, and ultimately it will be found that no State has done so! "

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* JANAB ABDUL LATIF FAROOKHI :—" Probably by correspondence they will first decide whether any power should be handed over to the Centre."

MR. CHAIRMAN :—" I do not see any harm in this State falling in line with the other States. I think in this matter the initiative should have come from the Centre. I am sure they would have addressed the other States on this matter."

* JANAB ABDUL LATIF FAROOKHI :—" Sir, with due respect, I submit that the Central Government have no power to take the initiative."

MR. CHAIRMAN :—" If that is your point, it is a different matter. For, Article 252 specifically says, 'If it appears to the Legislatures of two or more States'. This means either by its own initiative or on suggestion by some outside body."

SRI R. SURYANARAYANA RAO :—" It is only a suggestion from the Central Government that has come."

* JANAB ABDUL LATIF FAROOKHI :—" Let it come from some other State; why should it come from the Central Government? Sir, I am trying to tell you . . ."

MR. CHAIRMAN :—" There is not much force in what the hon. Member says."

* JANAB ABDUL LATIF FAROOKHI :—" But the implication seems to be that the Central Government have the right to force the State Governments."

MR. CHAIRMAN :—" The subject of this resolution is securing uniformity of legislation in regard to management and disposal of evacuee property and that Parliament should pass a law for the separation of the interests of evacuees from those of the non-evacuees in joint property. You will see that this evacuee property affair is a Central Government subject; it is a matter which vests almost completely within the jurisdiction of the Central Government. So if you feel inclined to oppose it, you should understand that it cannot be opposed on the same basis as you oppose the levy of betterment fee. (Laughter.) Because in a taxation measure it is open to this House to say, how and where this tax should be levied and for what purpose it should be used and all that. But in the present case, it is a Central subject and this Government have nothing to do with it."

* JANAB ABDUL LATIF FAROOKHI :—" I quite appreciate your point, Sir. But it is our duty as Opposition to oppose it (laughter) and point out to this Government that they should retain as much power as possible with themselves and not hand it over to others."

" Now, Sir, I will proceed to my next point. I feel that that art of the society which is called 'evacuees' deserves very great consideration on our part. We really do sympathise with those

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people who have been deprived of their houses and huts and belongings, and whether they be from this side or the other side, from whichever side they may be, we really appreciate the position in which they are to-day. It is certainly an all-India matter, and so, it is for the Central Government to deal with it. Our complaint is that this Government have slept over this matter for such a long time; they ought to have considered this matter long ago, and they ought to have appointed a committee to ascertain who are the evacuees, where their property is and so on. To my knowledge nothing like that was attempted to be done by this Government till now."

MR. CHAIRMAN :—" We are fortunate that that problem is not acute here, in this State."

* JANAB ABDUL LATIF FAROOKHI :—" Certainly, we are fortunate in that. But though not acute, it is still there. Anyway it is an all-India problem. Finally, I have to point out that Government have failed in their primary duty with regard to the evacuees. I do not propose to oppose the resolution. But I only say that as far as possible this Government should not hand over power to the Central Government. Government should have moved earlier in this matter, and the initiative ought not to have come from the Centre. That is my position."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Chairman, Sir, I am afraid my hon. Friend has been talking without knowing what he is talking about. Whenever a motion is brought before this House, he thinks, it is his duty as Leader of the Opposition to oppose it. If he had only read the resolution he would have seen that it is not the property of those who have come over to the Union that we are concerned with here in this motion. But it is with regard to the property of those who have left the Indian Union and gone over to Pakistan."

JANAB ABDUL LATIF FAROOKHI :—" It does not matter to us what becomes of their property."

* THE HON. SRI K. MADHAVA MENON :—" May be it is no concern of my friend; but it concerns us."

MR. CHAIRMAN :—" I would advise the Hon. Minister to keep calm; let him not get excited unnecessarily."

* THE HON. SRI K. MADHAVA MENON :—" It may be my friend is not anxious to see what becomes of the assets of those who have left this Union to Pakistan. But it does concern us. Now what is the fate of the property they have left behind them in this country. The Government of India have taken up this matter as one of national interest, and so they have under Article 249 of the Constitution passed a resolution. That Article says—

" 249 (1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary

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or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

Now, Sir, the Government of India have already taken action on this Article, but that remains in force only for one year. So the Government of India suggest that this is a matter of national interest and so instead of themselves passing a resolution every year, all the States may be asked to pass a resolution authorizing the Central Government to pass a law, to secure uniformity of legislation on the subject of management and disposal of evacuee property throughout the Union of India and for the separation of the interests of evacuees from those of non-evacuees in joint property, to facilitate the better management and disposal of such property. Sir, this is the position with regard to this resolution.

JANAB ABDUL LATIF FAROOKHI:—"I have unfortunately no right of reply."

MR. CHAIRMAN:—"I shall now put the Resolution to the vote of the House. The motion is—

Whereas with a view to securing uniformity of legislation on the subject throughout the Union of India, it is desirable that Parliament should pass a law for the separation of the interests of evacuees from those of non-evacuees in joint property, to facilitate the better management and disposal of such property;

Now, therefore, in pursuance of Article 252 of the Constitution of India, this Council resolves that the matter aforesaid and all other matters connected therewith or incidental thereto, in so far as they fall within entries 18 and 30 in List II (State List) of the Seventh Schedule to the Constitution of India, shall in this State, be regulated by an Act of Parliament."

The motion was carried.

(2) AMENDMENT TO SCHEDULE IV TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920).

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

Whereas certain rules amending Schedule IV to the Madras District Municipalities Act, 1920 (Madras Act V of 1920), were made by His Excellency the Governor of Madras in exercise of the powers conferred by section 305 (1) of that Act, for the reasons mentioned in the Annexure, when the Proclamation under section 93 of the Government of India Act, was in force in this State; And whereas the said rules ceased to be in force on the 30th April 1948;

And whereas it is expedient to re-issue these rules with retrospective effect on and from the 30th April 1948;

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Now, therefore, in pursuance of section 305-A of the Madras District Municipalities Act aforesaid, this Council hereby approves the following draft rules proposed to be made by His Excellency the Governor of Madras under section 305, sub-section (1) of the Madras District Municipalities Act, 1920 (Madras Act, V of 1920) amending Schedule IV to that Act with retrospective effect on and from the 30th April 1948:—

Draft Rules.

(1) In rule 40 (b) of the said Schedule, for the expression "the establishment and maintenance of schools, the construction and maintenance of school-houses," the following expression shall be substituted, namely:—

"the establishment and maintenance of schools and hostels, the construction and maintenance of school-houses and hostel buildings".

(2) In rule 52 of the said Schedule, the word "and" at the end of clause (iii) shall be omitted and the following item shall be added at the end, namely:—

"(v) for the opening and maintenance of hostels for students."

* SRI R. SURYANARAYANA RAO:—"May I know what the position is in regard to local boards? Will a similar motion be brought forward in respect of them, as some local boards are anxious to start hostels?"

THE HON. SRI K. MADHAVA MENON:—"I have not looked into the matter."

JANAB ABDUL LATIF FAROOKHI:—"Will the Hon. Minister be pleased to consider the matter in future at least?"

* THE HON. SRI K. MADHAVA MENON:—"I will look into the matter. If the position envisaged in this motion does not already hold good in respect of local boards, I will consider."

The motion was put and carried.

IV.—ALLOTMENT OF A DAY FOR FOOD DEBATE—cont.

* JANAB ABDUL LATIF FAROOKHI:—"A statement on the Food situation was circulated to the members of this House after the food debate took place in the other House. The members of this House are anxious to discuss that statement, as it represents a position later than what was discussed in the Assembly. I requested for the allotment of a day for discussing that statement this morning when the Deputy Chairman was in the Chair."

THE HON. SRI J. L. P. ROCHE VICTORIA:—"A statement was prepared and placed before the Assembly last week

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and on that a discussion took place in the Assembly. A copy of the very same statement was circulated to the members of this House and not a new statement."

* SRI R. SURYANARAYANA RAO:—"Since that statement was discussed in the Assembly, certain things have happened which this House would like to discuss. Our object is to assist the Government and strengthen their hands in any representation they may make to the Central Government and not to hinder them. From press reports we see that the food situation in the State is deteriorating. Perhaps in some places, the situation is worse than what the press reports convey. A food debate will give an opportunity to the Members to express what has come to their knowledge so that the Government may take necessary action. We know that the Government have been doing their very best. In spite of that, I think things are not moving as quickly as they should and as the Government themselves wish they should."

* THE HON. SRI K. MADHAVA MENON:—"I don't think it will be possible to have a discussion to-morrow. The Hon. Sri C. Perumalsami Reddi and probably myself have to start for Delhi to-night. Various engagements have been fixed up thinking that this House will adjourn to-day. If the suggestion had been made earlier, we could have arranged our programme suitably. It is too late to agree to a debate to-morrow."

MR. CHAIRMAN:—"We are not meeting till October."

THE HON. SRI K. MADHAVA MENON:—"In October, we may have a discussion."

* JANAB ABDUL LATIF FAROOKHI:—"Whether the Government are prepared for a debate to-morrow or not is not my concern. As two adjournment motions were moved this morning, I thought I could raise this question later on and I did raise the question."

MR. CHAIRMAN:—"It is not a question of any technical objection. The hon. Member must have given sufficient notice. It would have been better if he had raised this point yesterday or at least early to-day. I do not know whether he is raising this point as a matter of privilege, because the other House having already discussed that statement we must also do the same. I suppose he is not putting it in that light."

* JANAB ABDUL LATIF FAROOKHI:—"The other reason why I did not ask early this morning was that I expected the Council to sit to-morrow also. It was in that expectation I gave notice of a resolution and requested you to waive notice. I did not know that we were going to adjourn to-day *sine die*. According to the present programme, there will be only one meeting of the Council before the general elections. Within that short time, where is the opportunity for this House to discuss any question at all, leave aside the food question?"

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* THE HON. SRI K. MADHAVA MENON:—"The Leader of the Opposition could have discussed this with the Hon. Leader of the House and come to a settlement. That has not been done. At the fag-end of the day, he asks for a food debate and says that he does not care if the Government do not agree. If he stands on his right, the Government also stand on their right."

MR. CHAIRMAN:—"This is a matter on which there must be some agreement. I cannot force this side of the House or that side. If the hon. Member had mentioned this earlier, I would certainly have tried to make the Government agree, and we could have sat for an extra hour or two even to-day. I was not at all informed about it."

JANAB ABDUL LATIF FAROOKHI:—"I told the Deputy Chairman when he was occupying the Chair this morning."

The House then adjourned *sine die*.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE

Bills passed by the Assembly and received therefrom in the Council:—

- * 1. The Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1951 (L.A. Bill No. 32 of 1951).
- * 2. The Madras District Municipalities, District Boards, and Village Panchayats (Amendment) Bill, 1951 (L.A. Bill No. 33 of 1951).

[7th September 1951]

APPENDIX I.

[Vide answer to starred question No. 32 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 7th September 1951, page 264 supra.]

Ten drainage schemes are under execution in urban areas. No sewage scheme is under execution in rural areas.

2. The execution of the following five drainage schemes is held up for the reasons mentioned against them :—

(i) *Nagapattinam Drainage Scheme*.—This scheme with open drains, intercepting sewers, etc., has already been completed, except for disposal arrangements. Permanent disposal works have not yet been completed although the sewage farm work was completed a few years ago. This is due to the fact that the construction of the bridge across the river Kaduvayar along which the sewage pumping main has to be carried to the sewage farm has not yet been taken up by the Highways Department. The Sanitary Engineer has been instructed to adopt alternative proposals and submit plans and estimates for the work relating to pumping main urgently. The drainage scheme is, however, in operation and the sewage is being pumped into the sea through a temporary pumping main.

(ii) *Virudhunagar Sewerage Scheme (Comprehensive)*.—The scheme sanctioned in 1941 has to be revised to provide for an increased population. A partial scheme is now under execution.

(iii) *Tuticorin Drainage Scheme*.—The scheme sanctioned in August 1949, has to be revised to provide for an increased population and also to include the extensions to the town. A supplemental investigation has to be conducted before taking up the revision of the scheme.

(iv) *Vizianagaram Drainage Scheme*.—The original sanction was for an open drainage scheme. Later, the Government sanctioned the preparation of plans and estimates for an underground drainage system. Supplemental investigation for the underground drainage scheme has to be conducted before preparing detailed plans and estimates.

(v) *Chittoor Drainage Scheme—Remaining part of first instalment*.—The second revised estimate for this scheme was sanctioned in January 1951. This work will be taken up this year.

3. The priority of the schemes mentioned above in the Five-year Plan is based on the priority lists for the municipal water-supply and drainage schemes drawn up by the Water-supply and Drainage Committee. The ranks assigned to these schemes in the said priority lists are as follows :—

(1) *Nagapattinam Drainage Scheme*.—Third place in the list of schemes under execution in the Southern Circle.

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(2) *Virudhunagar Drainage Scheme*.—Tenth place in the list of schemes to be newly provided in the Southern Circle.

(3) *Tuticorin Drainage Scheme*.—Fifth place in the list of schemes under execution in the Southern Circle.

(4) *Vizianagaram Drainage Scheme*.—Third place in the list of schemes to be newly provided in the Northern Circle.

(5) *Chittoor Drainage Scheme—Remaining part of first instalment*.—Second place in the list of schemes under execution in the Northern Circle.

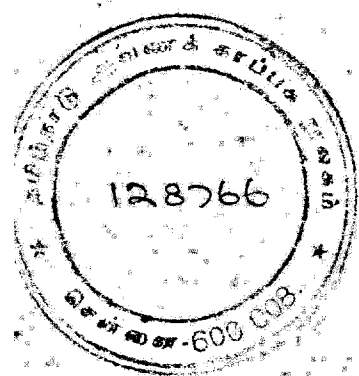
APPENDIX II.

[Vide answer to starred question No. 36 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 7th September 1951, page 266 supra.]

Statement showing details of the training provided for Adult-civilians in the Polytechnics.

	Seats.
1. Central Polytechnic, Madras—	
Draughtsman (Civil)	17
Draughtsman (Mechanical)	30
Electrician and Armature winder	21
Lineman and wireman	17
Mechanic (Internal Combustion Engine)	19
2. Tamilnad Polytechnic, Madurai—	
Mechanic (General)	16
Surveyor	51
3. Vuyyuru Polytechnic, Vuyyuru—	
Clock and Watch Repairer	17
Concretor	12
Electroplater	16
Machinist	14
Mechanic (General)	17
Turner	14
4. Karnataka Polytechnic, Mangalore—	
Blacksmith	18
Draughtsman (Mechanical)	16
Machinist	12
Mechanic (General)	16
Mechanic (Motor)	16
Turner	12
5. Arthur Hope Polytechnic, Coimbatore—	
Motor Mechanic	47

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