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MADRAS LEGISLATIVE COUNCIL
DEBATES

DIGITIZED
OFFICIAL REPORT

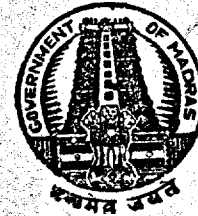
WEDNESDAY 29TH JULY-1953

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MADRAS LEGISLATIVE COUNCIL
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OFFICIAL REPORT

WEDNESDAY, 29TH JULY 1953

VOLUME V—No. 9

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THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, 29th July 1953.

The House met in the Council Chamber, Fort St. George, at four of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Qualifications prescribed for the posts of compounders of Modern Medicine and Indigenous Medicine.

* 262 Q.—SRI T. PURUSHOTHAMA MUDALIAR: Will the Hon. the Minister for Health be pleased to state—

(a) the qualifications and period of training prescribed for the posts of compounders of Modern Medicine and the posts of compounders of Indigenous Medicine and also the scales of pay given to them in Government Service and in Municipal Service; and

(b) whether there is any difference in the scales of pay fixed for them; and if so, the reasons therefor?

THE HON. SRI A. B. SHETTY :—“(a) A statement^a is laid on the table of the House.

“(b) Differences in the scales of pay are due to educational qualifications, prescribed for the posts, types of work expected of the holders of the posts, duties and responsibilities attached to the posts and also to the capacity of the employing authorities to pay.”

SRI T. PURUSHOTHAMA MUDALIAR :—“May I know if there is any difference in the training that is being given to the compounders of modern medicine and the compounders of indigenous medicine?”

THE HON. SRI A. B. SHETTY :—“Yes, Sir, there is difference. The compounders of Modern Medicine are trained in the Hospitals of Modern Medicine and the compounders of Indigenous Medicine are trained in the Hospital and College of Indigenous Medicine.”

SRI T. PURUSHOTHAMA MUDALIAR :—“With reference to the statement placed on the table of the House, may I draw the attention of the Hon. Minister to the fact that the compounders of indigenous medicine draw the same scale of pay both under Government service and in the Municipal service but in the case of the compounders of modern medicine, there is difference between the scales of pay in Municipal service and Government service. May I know, Sir why the same principle as in the case of the former is not applied in regard to the compounders of modern medicine also?”

^a Printed as Appendix on page 604 infra.

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THE HON. SRI A. B. SHETTY :—" It depends upon the financial capacity of the employers; local bodies cannot pay the same scales of pay as the Government are paying."

SRI T. PURUSHOTHAMA MUDALIAR :—" May I know if any extra allowance is paid to the compounders for clerical assistance to the medical officer both in the case of the compounders of modern medicine and indigenous medicine? "

THE HON. SRI A. B. SHETTY :—" I suggest that a separate question may be asked."

SRI T. PURUSHOTHAMA MUDALIAR :—" May I know what further prospects of promotion are open to these compounders in their particular services? "

THE HON. SRI A. B. SHETTY :—" If they do not secure any appointment in Government or Municipal service, they are free to seek employment under private firms."

SRI T. PURUSHOTHAMA MUDALIAR :—" May I know if the Government have any scheme for giving a short course of medical training to the senior experienced compounders and draft them for service in the villages as rural medical practitioners or village vaidyans? "

THE HON. SRI A. B. SHETTY :—" The training is for a year and it cannot be shortened."

SRI T. PURUSHOTHAMA MUDALIAR :—" Will the Government consider instituting a scheme of giving a further course of medical training to compounders with a view to qualify them for service as rural medical practitioners or village vaidyans? "

THE HON. SRI A. B. SHETTY :—" There is no proposal to give such a training to compounders but it may be within the knowledge of the hon. Member that compounders are in fact practising."

SRI T. PURUSHOTHAMA MUDALIAR :—" May I ask if the Hon. Minister will kindly consider the proposition suggested by me, viz., giving the compounders a short-term medical course and putting them as rural medical practitioners in view of the statement that the Hon. Minister himself has made that many of the compounders are actually practising."

THE HON. SRI A. B. SHETTY :—" Not only these people, many quacks are also practising without having any qualifications and it is not desirable to have any training course for all these classes of people."

SRI T. PURUSHOTHAMA MUDALIAR :—" In view of the paucity of regular medical men willing to go to villages, may I request the Hon. Minister to consider the proposition, for I learn such a scheme is in vogue in Bihar and some other States? "

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THE HON. SRI A. B. SHETTY :—" There is a scheme for training village vaidyans who are practising medicine in villages; a short training for six months is given and more than 700 people have so far been trained."

Improvement of the seating arrangements in the Council Chamber.

* 263 Q.—SRI T. M. DAIVASIKHAMANI ACHARIAR : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have any proposal to improve the seating arrangements in the Council Chamber and if so, whether the Government will be pleased to place any such proposals on the table of the House for eliciting the opinion of the hon. Members; and

(b) whether the Government have any proposal to provide better cushioned seats in lieu of the hard-bottomed seats of the present Council Chamber?

THE HON. SRI C. SUBRAMANIAM :—" (a) & (b) Sorry, Sir. There are no such proposals under the consideration of the Government."

SRI T. M. DAIVASIKHAMANI ACHARIAR :—" In view of the fact that the front row benches are of a better kind upholstered with springs and other things, might I ask, Sir, if the back benches will receive the same kind of attention? "

THE HON. SRI C. SUBRAMANIAM :—" Generally the back benches receive more attention from the Government than the front benches."

SRI T. PURUSHOTHAMA MUDALIAR :—" Am I right in presuming that this is the last sitting of the Legislative Council in this Hall? "

THE HON. SRI C. SUBRAMANIAM :—" I do not know whether the presumption is correct; anyhow, he may wait till the 1st of October 1953 and then see what happens."

SRI T. PURUSHOTHAMA MUDALIAR :—" May I know, Sir, if the Government have formulated any scheme for utilizing the new Assembly Hall after the 1st of October 1953? "

THE HON. SRI C. SUBRAMANIAM :—" When we decide to give up that building, then we shall consider about it."

MR. CHAIRMAN :—" The other questions will lie over till tomorrow because the Hon. Minister for Education and the Hon. Chief Minister are not here."

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

II.—MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN :—“ I have to announce to the House that I have received the following messages, dated the 28th July 1953, from the Hon. the Speaker, Madras Legislative Assembly :—

‘ (1) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Entertainments Tax (Amendment) Bill, 1953 (L.A. Bill No. 18 of 1953), as passed by the Assembly on the 28th July 1953, and signed by me, for the recommendations of the Council.

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

(2) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953 (L.A. Bill No. 19 of 1953), as passed by the Assembly on the 28th July 1953, and signed by me, for the concurrence of the Council.

(3) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Mettur Canal Irrigation Cess Bill, 1953 (L.A. Bill No. 20 of 1953), as passed by the Assembly on the 28th July 1953, and signed by me, for the recommendations of the Council.

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

(4) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 (L.A. Bill No. 21 of 1953), as passed by the Assembly on the 28th July 1953, and signed by me, for the concurrence of the Council.

(5) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Assembly on the 28th July 1953, and signed by me, for the concurrence of the Council.’ ”

III.—GOVERNMENT BILL.

THE ANDHRA STATE BILL, 1953—cont.

4-10
p.m.

MR. CHAIRMAN :—“ The remaining clauses 46 and 49 and the Seventh Schedule will be taken up. Now clause 46 is open for discussion.”

Clause 46.

* SRI B. V. SUBRAHMANYAM :—“ Mr. Chairman, Sir, I beg to move the amendment standing in my name (Amendment No. 37) to clause 46 of the Andhra State Bill. The amendment I have tabled reads thus—

‘ That this House recommends the deletion of clause 46 and the insertion of a new clause in its place providing for the apportionment of the assets and liabilities dealt with in the VII Schedule as also of the current revenues and expenditure between the States affected by this Act by an Order of the President on the recommendation of a neutral Commission of Experts presided over by a Judge of the Supreme Court’.

Clause 46 of the Bill reads thus—

‘ (1) Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day shall be apportioned between that State and the States of Andhra and Mysore in accordance with the provisions contained in the Seventh Schedule.

(2) Any dispute relating to, or arising out of, such apportionment shall be referred to the President whose decision shall be final.’ ”

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Reading the clause as it stands, this is the effect : with respect to the manner or principles of apportionment of the assets and liabilities between the two States, that is concluded by the terms of the Seventh Schedule and the clauses therein. It is only when a dispute arises in applying the principles embodied in the Schedule to the assets and liabilities as they appear in the figures of the State's finances that any question of reference of such dispute to the President arises.

“ Now, Sir, the objection which my amendment raises to such a state of affairs is that the principles embodied in the Seventh Schedule should not be treated as final and should not be treated as the only guiding factors in the apportionment of the assets and liabilities between the States. My amendment also goes one step further, and says that, instead of having these principles embodied in the Seventh Schedule as the principles to be followed in the process of apportionment of assets and liabilities the whole matter, including the settlement of the principles regarding the apportionment, should be left to a neutral Commission or Committee of experts presided over by a Judge of the Supreme Court. That is my proposition. When I move this proposition before this House I feel almost like going back all the 23 centuries or more referred to by the hon. Member Sri Daivasigamani Achariar in his speech yesterday and looking at the array of talent against me, I feel almost like David before Goliath. But there the analogy ends.”

THE HON. SRI C. RAJAGOPALACHARI :—“ It strikes me that the word ‘ neutral ’ in the amendment should be given up. It does not read natural in a resolution in an Assembly. I am just suggesting whether the hon. Member could not leave out that word. It would not make much difference.”

SRI B. V. SUBRAHMANYAM :—“ I am quite willing to drop it, if that is the only objection.”

THE HON. SRI C. RAJAGOPALACHARI :—“ That is not the only objection.”

* SRI B. V. SUBRAHMANYAM :—“ I am prepared to go half-way, Sir, and drop out the word ‘ neutral ’ from my amendment.

“ It would not make any difference to the proposition I am making. I was saying that I looked like David before Goliath. There the analogy ends.

“ Mr. Chairman, Sir, I am not feeling that the case I am putting before the House is something for which I need apologise. But I want to offer a word of personal explanation which, I think, is necessary, coming as the amendment does from me. It has been said to me in private conversation by one or two of my friends that remaining as I do in the residuary State, at least for the

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present, it may not come with grace from me, that I should move a resolution of this nature, asking for the practical scrapping of the Seventh Schedule, and putting in its place a plea for a Commission of Experts presided over by a Judge of the Supreme Court. This was my answer to that. It is not as if it is because I belong to the residuary State, or because I belong to the other State that I am moving this resolution, or trying to place this proposition before this House. Loyalty to this State or to that State in dealing with a problem like this can be a blunder. If, in the words of Florence Nightingale, patriotism can be a crime against humanity, loyalty to the one State or to the other can be a crime when it leads to a state of mind which places one State above the other. It is not my desire, and I want to make it quite clear that it is not my desire, in moving this resolution, that the Andhra State should obtain one pie more than what it deserves by its own right. In the same way, it is not my desire that the residuary State should either claim or get one pie more than it deserves by its own right. I, for one, would be ashamed, if the Andhra State tried to drive a bargain, and make more out of this resolution. Equally ashamed would I have been of the residuary State if this resolution were to be interpreted as a thing with a purpose to gain or derive an advantage for the residuary State out of the situation.

"After saying this, I want to give my reasons why I think that the matter of apportionment of assets and liabilities between the two States should not be allowed to rest on the Seventh Schedule simply as it stands, but should be referred to a Commission of experts. The word 'expert' is a very unfortunate word. I certainly am not familiar with these financial matters. I have not had experience in dealing with budgets or in studying them in such a manner as to be able to master the principles that are adumbrated in the Seventh Schedule and to say, 'These are right and these are wrong'.

4-20 p.m. "But why then do I say that we require a Commission of Experts? The reason is this. For one thing—and I would mention it as the very first thing in the course of my argument—it seems to me a somewhat one-sided affair, because the main business is done in a debate before a composite Assembly or Council, before there is actual division of the State into two States, and before the two bodies on either side can press or put forward their points of view with respect to this or that principle of apportionment or this or that manner of apportionment. It seems to me that this sort of procedure in the matter of division will lead to a certain amount of injustice to a point of view that may be possible only when the other Government comes into being. It is not as if the Seventh Schedule does not recognize the validity of this principle of the other Government, when it comes into existence, being in a better position to state its own point of view and to press it for the acceptance of the bodies that will hear the claims of both the States. In fact, the Seventh Schedule itself contemplates the question of apportionment or the question of the principles of apportioning

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assets and liabilities being referred again to certain other authorities. Clause 19 of the Seventh Schedule reads thus:—

'The benefit or burden of any assets or liabilities not dealt with in the foregoing paragraphs or in section 47 or section 48 shall be apportioned between the State of Madras and the States of Andhra and Mysore in such manner as the President may by order direct.'

Sir, to this clause as well as to the previous clause, my hon. Friend, the Minister for Finance, has moved two amendments which read thus—

'79. This House recommends that the following may be inserted as paragraph 18-A of the Seventh Schedule immediately after paragraph 18:—

"18-A. All assets (including undisposed of stocks-in-trade) and liabilities in respect of State Trading Schemes shall be apportioned between the States of Madras, Andhra and Mysore in such manner as the President may by order direct:

Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such assets or liabilities in any other manner if the States concerned so agree."

Amendment No. 80 reads similarly as the said proviso. This shows that a certain validity is given to the fact that, when the new State comes into being, it will be able to fight its own cause better than it was or could have been fought earlier before the appointed day, that is, before 1st October. There is point in this objection, as I said. It is not the mere fact of that Government coming into existence that matters. It is a fact that this new Government will have an interest, an incentive which the people now fighting for that point of view or pressing that point of view may not have. It is true that eminent Ministers coming from the Andhra area—I see some of them before me—have been able to press their points of view before the Partition Committee in the Cabinet, or elsewhere; and we are grateful to them for the way in which they have pressed the cause. But even they could not have been in the same position to press the cause as, for instance, the future Minister for Finance in the Andhra State would be able to press his point of view. He will have more information. He will have more familiarity with the prospects of this or that objection going through. He would press the right things much more, and he would not insist on wrong things, and the fight between the two principles would be much clearer and much better, for the purpose of the settlement of the principles of apportionment.

"Sir, it has been stated that some persons of the Andhra group who are Members of the Legislature wrote to the Government and to the Secretaries of Departments asking for information relating to assets and liabilities or things connected with the apportionment of assets and liabilities. I do not want to tire the House with what has been read elsewhere, but the replies showed that the information would not be made available to those gentlemen to form their own conclusions and to put forward their own principles before the House. My hon. Friend, Mr. T. Viswanatham of the Assembly was one of those gentlemen who wrote such letters, and the Secretaries of Department after Department replied that they could not give the information as it could not be ready in time, or in any event they would not be able to help him with

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up-to-date information as the staff that they had could not gather all the details in time for him. Now, Sir, why should there be this necessity, for anybody to feel pressed for time in this manner even in order to be able to state the case and to state the facts which he in that context thought necessary to compile.

"It seems to me that the principles are not entirely divorced from a correct appraisal of the facts. Different facts lead to different principles. For instance, out of sheer curiosity, the other night, I was going through the Orders-in-Council relating to the separation of Orissa from Bihar and Madras, and of Sind from Bombay. Both were more or less passed at the same time. With respect to the Order-in-Council relating to Orissa, there were a number of Schedules or rules made about the adjustments; and some of the adjustments in the Order-in-Council were between Bihar and Orissa and some others between Madras and Orissa. The adjustments made, when read, show that the principles which were applied in the matter of adjustment between Madras and Orissa were not the same as the principles that were put into force between Bihar and Orissa. The distinct facts of each of these particular relationships were the basic reason why the principles differed from the one case to the other. Similarly, in the division of Sind from Bombay, certain principles appear which do not find a place in the adjustments between Madras and Orissa. I shall immediately illustrate this by taking one point. The question which arose most prominently in the adjustments of 1935 was about the adjustment of Public Debt, and the adjustment of loans made by the Government to private bodies or to Corporations, which amount was due to a composite Government. Sir, Clause No. 5 in Part II of the Third Schedule of the Order-in-Council, which relates to adjustments between Madras and Orissa, reads thus—

"Any sums due on or after the appointed day in respect of loans made before the appointed day from the Provincial Loan Account shall belong to the province in which area the persons from whom the sums are due were residents on the appointed day."

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"This reads very simple as a proposition which says that, if in a particular State area moneys are collectable by the Government from the people or bodies or corporations living in that area, the moneys shall belong to that Government and none else, and by this arrangement the Provincial Loan Account shall not be touched. Again, when the same matter came up with respect to the adjustments relating to Sind and Bombay, the clause, in the Order-in-Council, of the Second Schedule reads thus:

"7. Any sums due on or after the appointed day in respect of loans made before the appointed day from the Provincial Loans Account shall belong to the Province in which the persons from whom the sums are due were resident on the appointed day"

and thereafter come the words which make a difference, namely,

"and each Province shall be liable for so much of the debt on account of the Provincial Loan Account as is equal to the total of the capital sums repayable to that Province under this paragraph."

Here, the Provincial Loan Account was touched to the extent to which these amounts were repayable to the Government concerned.

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"For one thing, the principle relating to these loans from local bodies was also the subject of consideration by Sri Justice Wanchoo as between the Andhra and residuary Madras States. This is what Sri Justice Wanchoo says on page 34, paragraph 91, of his Report—

"Let me now turn to the division of debts. Here again I refer to the position as it was on the 31st March 1952 and necessary adjustments will have to be made up to the date on which the separation actually takes place. The total debt on the 31st March 1952 was 4,342.02 lakhs. Of this 2,178.11 lakhs was recoverable from local bodies, etc. The balance was thus only 2,163.91 lakhs. As I have found that the capital outlay is roughly in proportion to the population figure, namely, 36:64, the debt should also be divided in the same ratio."

This statement is an emphatic one. It may not be final; it may be a right principle or it may not be a right one; but it is emphatic that the debt of the composite State should lend itself to deduction by the amount which represents the amounts due to that composite State from local bodies and so forth in both the areas and that only the resultant debt should be divided on the basis of population between the two States.

"Now, Sir, coming to the Seventh Schedule, just for an illustration, this is how the similar clause reads—

"6. (1) The right to recover any loans or advances made before the appointed day by the State of Madras to any local body (other than the District Board of Bellary), society, agriculturist or other person in an area within the State shall belong to the State in which that area is included on the appointed day."

But, it is not said in the next sub-clause that this apportionment should in any way affect the allocation of the Public Debt. As far as the principle of the deduction from the Public Debt of these loan amounts due from private bodies and so forth in any area to the composite Government is concerned, while the report of Sri Justice Wanchoo puts it in one way, the Seventh Schedule puts it in quite the opposite way.

"Out of some curiosity, I looked up the Budget Memorandum to see if there was any information available to show what was due from the local bodies and so forth within the residuary State area and what was due from the local bodies and so forth within the Andhra State area. I found, in Appendix II on page 147 of the Budget Memorandum for the year 1953-54, that the total of loans advanced, which are due to the Government as on 31st March 1952, as given in item (g) of D. Assets Producing Revenue—(i) Productive, is 21,78.11 lakhs of rupees. Now, looking at the appropriate figures on page 31 in the Budget Estimates for 1953-54 I find that, in the division for the purposes of the Budget which took note of the two different areas, under item No. XX—Interests on Loans and Advances by Government—a sum of about Rs. 10.12 lakhs was shown as due towards interest from the Andhra areas, and a sum of about Rs. 38.00 lakhs was shown as due from the other districts, on a sum of about Rs. 21 crores advanced as loans in both areas from the Provincial Loan Account. My hon. Friend, Sri T. Viswanatham, wrote to the concerned department for information as to what were the loans advanced in

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the two different areas, but the figures were not available. The loans advanced in the Andhra area fetch an interest of Rs. 10-12 lakhs; and for the loans distributed in the residuary State area Rs. 38.00 lakhs is available as interest. This shows that roughly it is in the proportion of 20 : 80. That is, 20 per cent only of the total advances are in the Andhra area. When Sri Justice Wanchoo adumbrated the principle that after these debts went in reduction of the capital debt of the entire State, the Andhra State would be liable for the resultant debt in the proportion of 36 : 100 on the basis of population, he should have got the necessary information only from the same Finance Secretary. But with respect to assets, as far as these loans to public bodies and private persons are concerned, they are entitled to only 20 per cent. Now, Sir, as I said, I am stating it all only by way of illustration. It is a very important principle. The debt to-day of the composite State is in the region of nearly Rs. 60 or 65 crores. In 1952 it was about Rs. 51 crores. Out of these 51 crores odd very nearly 24 crores were available at that time as loans recoverable by Government from these bodies in both these areas. If this went in reduction of the Rs. 51 crores or so, it would be a different figure that would have to be placed before this House as the liability of the Andhra State as a result of the debts plus assets position relating to these two items.

"Now, Sir, we find that the very opposite principle has been stated here. If there can be a difference between January 1953, and July 1953; if there can be a difference between Sri Justice Wanchoo's view of the position and the views of this Government or of this Legislature, I submit that there is something wrong somewhere and I for one would say that this is exactly the reason why an Expert Committee should go into questions like this.

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p.m.

"If it is left to the attitude of just any person drawing up this Seventh Schedule to decide things, sometimes it may go against the very interests he is keeping a watch on. That this Seventh Schedule has been put before this body of intelligent persons for the giving of an advantage without its being seen by the opposite side is not my point of view. My point of view is that, if on a basic principle like this, the Orissa Order can differ from the Sind Order, if Sri Justice Wanchoo's proposals can differ from the proposals contained in the Bill now placed before us, if the figures furnished in the Budget Memorandum in March 1953 can differ from the figures furnished in January 1953 by the Government to Sri Justice Wanchoo, neither this principle nor any other principle can be accepted unless it is actually investigated by others who are competent and impartial. The whole matter must be placed before a Commission of Experts. I can go on illustrating by giving instance after instance to show that there is this difference between one set of rules and another set of rules, for the mere reason that the facts are different; and the facts we are concerned with are not even before us to judge. Unless an Expert Committee or Commission have before them all the facts, and unless they go through them in a leisurely way to make both States feel that they

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have investigated the matter carefully and completely and have formulated their views only thereafter, no final conclusion can be drawn which can be just, right and proper, having all the peoples of the State in mind. That is why I stated that the Seventh Schedule ought not to take a finality till the other State comes into being."

MR. CHAIRMAN :—"The hon. Member's time is up."

* SRI B. V. SUBRAHMANYAM :—"Sir, when I have to move the amendment to the Seventh Schedule, I do not want to take the time of the House by going laboriously through item after item, and I may, therefore, be given a few minutes more. If I cannot persuade this House, if I cannot persuade the Hon. the Finance Minister, if I cannot persuade the Hon. the Chief Minister, to accept my view that this matter should go before an Expert Committee or Commission, it is useless for me and for these friends who feel with me and think along with me to press the amendments to the Seventh Schedule."

MR. CHAIRMAN :—"I do not think the hon. Member will have any more time. Under Rule 68 no Member can speak for more than 30 minutes, except the Leader of the Opposition or a Member of Government."

* SRI B. V. SUBRAHMANYAM :—"I wish to press another point of view which has nothing to do with assets or liabilities. I wish to bring to the notice of the House that in the other House the amendment which I have placed before this House was passed. I am merely stating this as a matter of information. We who represent that House because a third of us are elected by that House have a duty to present that point of view before this House, and I take it that the Constitution prescribes that the point of view of the other House, which went into the merits and came to certain conclusions, should be pressed by that one-third group before this House, and, if I may say so very humbly, I am trying to put forward that point of view also before this House."

MR. CHAIRMAN :—"The hon. Member cannot press that point of view here."

* SRI B. V. SUBRAHMANYAM :—"I will leave it at that. I may state, Sir, that it was not as if this amendment was passed in the other House only from the point of view of gaining an advantage for the Andhra State. I may also state that this is the point of view of the Party to which I have the honour to belong. As far as my resolution is concerned, it has no party colour about it, and no local colour about it. If it had been otherwise I would not have been able to press it. I state this merely to say that, as far as an impartial adjudication on the question of allocation of assets and liabilities is concerned, this should be done on a non-party basis.

"I have stated in my resolution that the apportionment of assets and liabilities may be done by the President on the recommendation of a 'neutral Commission of Experts' presided over by a Judge

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of the Supreme Court. The word 'neutral' mentioned in the amendment seems to offend some Members, and I, therefore, wish that this word should be deleted from the resolution. As far as harmonious relations between the two States are concerned the passing of this resolution should be the starting point of such happy relations. There is just this which I wish to state before I conclude. In order to avoid more trouble between the Andhra State area and the residuary area after things have gone a long way in the line of that trouble and in order to pave the way for goodwill between the two sister States, I suggest that my amendment, which proposes the appointment of a Commission which has a judicial attitude, and which goes into all these matters of dispute as well as into the principles governing them with the impartiality that we want, and with that appearance of justice which sometimes is more important than justice itself, may be accepted by the House."

* SRI M. BHAKTAVATSALAM :—" Sir, I oppose the amendment moved by the hon. Member Sri B. V. Subrahmanyam. He has no doubt very eloquently pleaded for the acceptance of his amendment. If I oppose this amendment, I would like to point out that I do so in the interests of the Andhra State to be formed and also in the interests of the Residuary State of Madras that is to come into existence. If I oppose the proposal to appoint an Expert or Judicial or Neutral Commission to go into the question that has been covered by the Seventh Schedule, I would like to state that I am not at all afraid of the justness or impartiality of the decisions that any such Judicial Commission or Expert Commission would arrive at. But, Sir, I am afraid that the appointment of a Commission to go into the whole question afresh would not be conducive to the interests of both the States concerned. If a Commission should take up all these questions, there will be claims on the one side and there will be counter claims on the other side. If there are charges from one side, there will be counter charges from the other side. Every one of these questions would be taken up and both sides will naturally be engaged in a raging and tearing propaganda against each other. I would ask the hon. Members to consider whether it is in the interests of the two States that will be coming into existence that there should be controversies raging over the various questions that are to be considered by this Commission that is proposed. It will not at all be conducive to happy and smooth working of the States. Both the States are interested in the maintenance and preservation of goodwill on both sides. Mutual goodwill is a *sine qua non* for both the States and the appointment of a Commission would produce only the opposite effect. If there should be a bitter controversy emanating as a result of the enquiry on the various points by a Neutral Commission, I am afraid, it would be very difficult for a long time to come to get over the effects of this bitterness.

That will seriously affect the interests of both the States concerned. I have no doubt that the hon. Members, whether they are interested in the Andhra State or the residuary Madras State, do realize that mutual goodwill is a *sine qua non* for the happy and

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successful working of both the States. The House is aware that these questions were first considered by the Partition Committee appointed by the Madras Cabinet in 1949. In that Committee there were eminent Andhra representatives. One of them was the present Leader of the Andhra Congress Legislature Party. They went through these questions and came to certain conclusions. Then the Hon. Mr. Justice Wanchoo, Chief Justice of the Rajasthan High Court, who hails from Uttar Pradesh, was deputed by the Government of India to go into the various questions relating to the formation of the Andhra State. He toured the Andhra area, listened to representations made by various parties, associations and individuals, had a full discussion with the Ministers representing the Andhra as well as the non-Andhra areas and also with the officers who had been dealing with these various questions, and formulated certain proposals. The provisions of the Bill before the House are more or less based on his recommendations and conclusions. If this House does not agree with any of the provisions contained in the Seventh Schedule, it is open to it to express its views, which will be duly considered by the Government of India and Parliament. The proposals of the Hon. Mr. Justice Wanchoo were duly considered by the Government of India, particularly by the Finance Ministry of the Government of India. I do not think for a moment that any hon. Member in this House has any further doubt about the impartiality of the Government of India. The views expressed by the Legislature on the various provisions of the Bill will again be considered by the Government of India in the first instance and by Parliament later on. Cannot we have confidence in the impartiality of the Government of India on these various questions? Perhaps the House of the People might go into a Select Committee to consider the Bill, and on it there will be Members representing the Madras area and the Andhra area and also Members from outside these areas. Therefore we can very well leave it to the Parliament of India to finally decide these questions, because it will have all the necessary data before it. This House can freely discuss the provisions in the Schedule. But for God's sake I implore this House not to suggest the appointment of a commission which will naturally lead to the raking up of a bitter controversy over the various points in which we are all interested."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I was following the speech of Mr. Bhaktavatsalam very closely. I was moved by the emotional appeal made and the sentiments expressed by him regarding the absolute need for a happy relationship between the two States. He was anxious to see that nothing was done to impair the prospect of a happy relationship between the residuary State and the Andhra State. I entirely approve of the feelings and sentiments expressed by the distinguished Member on the opposite side. But I am sorry I am not able to accept the conclusions arrived at by him. The question is about the division of assets and liabilities of the composite State of Madras among the residuary Madras, Andhra and Mysore States. In a matter like this it is not only necessary for us to do absolute justice—of course that must be

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done—but also to see that the parties concerned feel that justice has been done. No party should feel that justice has not been done. Persons who have got experience in criminal Courts will know that not only must justice be done to the accused, but it must also appear that justice has been done and the accused must feel satisfied. In the interest of the future harmonious relationship between the contending parties, it is absolutely necessary that no party should feel that its case has not been properly considered in arriving at the decision. The Partition Committee of 1950 and the Hon. Mr. Justice Wanchoo considered this question. I am told—I speak subject to correction—that the provisions contained in the Seventh Schedule do not follow the recommendations of either the Partition Committee or the Hon. Mr. Justice Wanchoo. When such is the case, there is necessarily a feeling that justice has not been done. I am not in the position of Mr. B. V. Subrahmanyam; I wish he crosses over and remains with me in the residuary State. Though I belong to the residuary State, I do not want to get any extra advantage for the residuary State. As I said, in a matter like this we must do justice and more than that we must see that the parties concerned feel that justice has been done. May I ask the Members on the opposite side: what harm is there in having a commission of financial experts? I am not in a position to pick and choose the provisions in the Seventh Schedule and say that this is right or this is wrong. I am not experienced in the matter. Most of the hon. Members of the Legislature may not be able to speak with authority on financial matters. That is why my hon. Friend Mr. B. V. Subrahmanyam says that there should be a commission of financial experts. The suggestion is that the commission should consist of two financial experts and that a Judge of the Supreme Court should preside over it. We have got absolute confidence in Judges. They hear both sides and decide. Even if one party gets something more and the other party something less, there will be no charge of partiality. The Hon. Minister has often referred to the partition of a joint family. In a family partition, it will be a happy thing if the members of the joint family arrive at an agreement without the mediation of an arbitrator.

“ But if there is a dispute, and if there is a feeling that some injustice is done, is it not better to have arbitration? The hon. Member Mr. Bashyam will easily say that leaving it to an arbitrator would be better, because the arbitrator will be in a position to give his award. Similarly, in this case, is it not better to have a finality so that there may not be any feeling of rancour left in the minds of any party? If we have a commission of experts presided over by a Judge of the Supreme Court, there will be better relations between the two States. For the very same reasons that Mr. Bhashyam advanced, we must have an expert commission so that there may be harmonious relations and brotherly feeling between the two States. Let not anyone in the Andhra State say later that injustice has been done to Andhra. I am sure that injustice will not be done. But there must be the feeling that full justice is done, that everyone

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had full opportunities to make representations to the proper quarters, and that the award was final. I very strongly support the amendment.”

* DR. V. K. JOHN :—“ Sir, I am a bit surprised that a lawyer of Mr. Subrahmaniam's eminence should have been responsible for tabling this amendment. I accept his statement, Sir, that he brought forward this amendment not as a party man but as one trying to hold the balance even between the contending parties. I have not, for the time being, looked into the various amendments in his name which are on the order paper, and which show where the wind blows. I will take it that he has been neutral, to use his own word, in moving his amendment.”

SRI B. V. SUBRAHMANYAM :—“ Sir, it is the party that asked me to table this amendment. My party does not belong to the Andhra area alone. I am also personally convinced about the amendment, and that is why I moved the amendment. The amendment is not moved on any linguistic basis.”

* DR. V. K. JOHN :—“ I quite appreciate the point, but he should have said so. I can understand a non-lawyer moving this amendment. The Seventh Schedule gives the principles on which the assets and liabilities are to be divided. Now, can we ask the judges of courts to administer justice without any legislation whatsoever and without laying down the principles in an Act? It is the duty of the Legislature to put down the principles on which judges should act. No judge of the Supreme Court and no Expert Committee can go into the division of assets and liabilities unless the principles are explained. The Bill only explains the principles. I for one think that many of the paragraphs there explaining the principles are not correct and are overweighted on one side, and the residuary State is to suffer. The first question is, should or should not the principles be stated? The amendment is to omit the Seventh Schedule and to leave the area of controversy as wide as we can so that people in the two States may go on quarrelling. There must be a limit. Therefore, the Seventh Schedule prescribes the principles—right or wrong—on which the assets and liabilities are to be divided. We may or may not agree with them. I personally do not agree particularly with one clause, namely, clause 12 (5). But that is a different matter altogether. We are now on the question whether we should omit the schedule. If we omit the Schedule, as Mr. Bhaktavatsalam pointed out, there will be no limit to controversies. I, as a lawyer, am not so much on that point as on the necessity to put down principles by the Legislature so that the executive or the judiciary may follow those principles. The principles must be laid down. One principle about division, I find in paragraph 2 (2) of the Seventh Schedule. It is stated there that the proportion between the States of Madras, Andhra and Mysore will be 62.75 : 36 : 1.25. If we object to any of the principles laid down in the various paragraphs, it is for us to say, ‘ we object to this particular principle ’. I am surprised that a lawyer of the eminence of Mr. Subrahmanyam should come

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forward and say 'do not put down any principle; let us simply ask the judge to administer justice'. On what principle is the judge to administer justice, I ask. Therefore, Sir, I submit that this House should not be a party to the proposition that somebody, judiciary or executive, must go into the division of assets and liabilities without applying the principles, which this House must lay down. We must express our views, and Parliament is there to lay down the principles on which the division of assets and liabilities should proceed. Anybody would be surprised if we say 'let us have no principles whatsoever; let us keep the gap as wide as possible and let us break our heads'. And Mr. Subrahmanyam is doing this for the sake of peaceful relations between the two States! I am also a little bit surprised that Mr. Govinda Menon should support the amendment. But I think the amendment is tabled by the party. I thought he would revise his opinion. As a lawyer he should not say that principles should not be laid down by the Legislature. We are asked to express our views, and Parliament will lay down the principles. I am personally against the amendment, Sir."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I have to oppose this amendment. Superficially looked at, this has got an appearance of justice, and, therefore, any opposition to this amendment is likely to be misunderstood. But I may tell hon. Members of this House, knowing the financial affairs of the State to a certain extent, that if I am moved purely by financial considerations, I would be rather inclined to accept the amendment. Because, I am sure that any further examination of the financial affairs between the two dividing States will be more advantageous rather than disadvantageous to the residuary State. Therefore, if I oppose this amendment, it is not on the ground that the principles laid down in the Seventh Schedule are in any way advantageous to the residuary State. It is purely on other grounds which have been in a way very cogently and precisely explained by my hon. Friend Mr. Bhaktavatsalam and also by Dr. John, namely, that without laying down the principles, the appointment of a Commission of Experts and judges would be absolutely of no use. Apart from this, if this matter is to be referred to an Expert Commission, what is to happen on the appointed day? How should the allocation be made and how should we start? Then we will have to lay down some provisional principles on which this allocation should be made. Otherwise, how else are we to start on 1st October 1953? Is it the intention of Mr. Subrahmanyam that we should suspend the separation of the States till a financial commission is constituted after the Bill is passed in Parliament, and then that commission should go into the entire affairs of the two States, and in case of disputes refer those disputes to the Supreme Court? Shall we delay the formation of the State till then? Certainly he will say 'no'. Now everybody is anxious—people not only in the Andhra State but also in the residuary State—to part as early as possible so that people may continue to be friends. That is the feeling of everybody here. Therefore, it cannot be said that on 1st October 1953

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everything shall be kept in suspension—suspended animation—without knowing what the assets and liabilities of the residuary State and the Andhra State are. Therefore, I have to oppose this amendment. After all, we think that referring matters to what is called a neutral Commission, that is, people who will not take sides—will put an end to all disputes, and that both parties will be satisfied. I will be glad if we had developed such an attitude. But, unfortunately, now even matters referred to the persons of highest integrity and highest authority, do not stop there. They go beyond that. They are made the subject-matters of further agitation. They do not stop with making claims before the Commission. When they fail these are made the subject-matter of agitation, not a calm agitation but a violent agitation.

" Sir, I may tell you, of late even with reference to murder cases which have got to be decided by judges in a calm atmosphere without being influenced by other extraneous matters outside the Court, it has become a common feature that in public meetings those cases are discussed and it is said that this man should have been convicted and that man should have been acquitted. Such being the attitude of the people, I am afraid that, if we refer the matter to some judicial authority or some Commission of experts, it will give rise to further agitation and, especially, when there are people who are likely to be moved by momentary emotions, it will lead to further violent agitation, and I am sure there may be another satyagraha by pulling chains and lying down before the trains in which this Commission may be travelling, for the purpose of impressing upon the Commission certain points of view. I have absolutely no doubt about it. Therefore, having known the attitude of the people with whom we are dealing, I think it is better in the interests of all that we decide once and for all the principles on which the assets have got to be divided and the liabilities to be shared. Otherwise, we will be only shirking our responsibility. It is our responsibility now and especially of this House consisting of so many eminent persons who have got varied experience in various walks of life, to decide these principles. If the House wants a Commission of Experts, where else can we get better experts than those in this House? The Members comprising this House are very eminent men, having held very high positions of authority. We cannot find any better Commission of Experts than this House. I am prepared to take the verdict of this House on any matter, as a matter of fact, because the Members of this House are such high and eminent men. Therefore, let us not be carried away by the expression 'Commission of Experts'.

" Then, how has the formula contained in the Seventh Schedule been arrived at? It is not as if it has arisen from somewhere without any precedent, without any inquiry, and without any investigation. As has already been pointed out, we are accustomed to certain principles of partition. There were the partitions of Sind and Orissa. After that, we had the greatest of all partitions, the partition of this country itself into Pakistan and India. This very matter of the partition into the Andhra State and the

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residuary State has been gone into by an expert committee constituted by the previous Government and the report of that Committee has been examined by a Cabinet Committee, and we have got the recommendation made by that Committee in the form of a memorandum. Subsequent to that, this matter has been considered by Mr. Justice Wanchoo. He has inquired into the matter. Memoranda were submitted by all the parties concerned and he has gone into the whole matter and laid down certain principles. After all, what we want is examination by financial experts. Mr. Justice Wanchoo was merely a judge, not conversant with financial matters. Finally the Finance Ministry in the Government of India have gone into the whole matter, into the precedents, into the subsequent developments in our country, and laid down these principles. If anything, the Finance Ministry in the Government of India—I am not casting any aspersion—have been moved by greater sympathy to a State to be newly formed. That must be so because the Andhra State will have to face much greater difficulties than the residuary State since it is coming into existence for the first time and has to develop its own traditions and build up its own administrative machinery and its own capital. All that has been taken into consideration and certain conclusions have been arrived at. If, in spite of it, in considering the various principles adumbrated in the Schedule, we come to the conclusion that in some respects certain principles are wrong and do certain injustice either to the Andhra State or to the residuary State, it is open to us to consider them and then express our opinions. If we go into the Seventh Schedule, there are only two important principles mentioned therein and all the others are exceptions to those main principles. What are those important principles? The first paragraph lays down the principle that is followed in matters of partition of States. It is not a partition or division of a joint family wherein every item of property is gone into and then divided. In the case of a joint family, a coparcener has got a right over every item of property. But in cases of division of a State, we have to go by territory, and whatever may be located in the territory becomes the property of that State. That is a principle which is adumbrated in the first paragraph. But that principle should not be applied entirely without reference to peculiar circumstances relating to certain assets. The Government of India have taken into consideration those peculiarities in respect of cash, unissued stores, etc. For example, if we take the Government Press, even though it is situated in the residuary area, it may not be just to allow the residuary State to take over the entire Government Press. So, in respect of certain assets, in view of their peculiar nature, they have provided for exceptions to the rule. Paragraphs 2 to 11 deal with the peculiar assets with regard to which different principles have got to be applied. Paragraph 12 lays down the principle with regard to sharing of liabilities. That is also a broad principle to which nobody can take exception. That is the principle adopted in the case of every partition. Paragraph 18 provides for exceptions in the case of future liabilities and certain peculiar liabilities, for example, pensionary liability.

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Then, as regards public debt, it has also got to be shared and a general principle has been laid down with regard to that in paragraph 12. If we remember that in the partition of a State, it is the territory that matters and according to the territory, the assets and liabilities should be divided, then there would not be great difficulty in understanding the scheme formulated in the Seventh Schedule. Therefore, instead of solving the difficulty and instead of creating a sense of justice which the hon. Gentleman Sri Govinda Menon wants to create, he will be creating only a sense of agitation and that too a violent agitation in the minds of the people by asking for a Commission of Experts. What is required after partition is a sense of peace and friendliness and a sense of not being bothered by any other thing. Each State should be able to proceed in its own way for its own development and progress. Instead of that, if we leave it in a state of suspense for two or three years to come, I have absolutely no doubt that we will be engaged only in the division of assets and liabilities, in placing our case before the so-called Commission of Experts and then feeling aggrieved about their decision. After all, who would constitute this Commission of Experts? They are all human beings and although they may be judges, it is not as if they will not commit mistakes. Like all other human beings, they are also liable to commit mistakes. Those mistakes will be taken up and it will be said that injustice has been done to somebody or other. It will be said that somebody has pulled wires although it may be definitely denied. I am sure agitations will be carried on that this Chief Minister or that Chief Minister pulled wires and influenced the decision this way or that way. Therefore, there is absolutely no good referring this matter to a Commission of Experts and awaiting their decision and then dividing the assets and liabilities.

“ One particular point which the hon. Member Sri B. V. Subrahmanyam was making was with reference to debts due to the composite State and their division. ‘ A different principle has been laid down now. It differs from the recommendation of the Partition Committee of 1948–49. Mr. Subramaniam referred to the figures available as on 31st March 1952. That will not give the real picture. Subsequent to that, takkavi loans have been granted in many cases. If all those things are taken into consideration it will be seen that there is no large scope for complaint. It is not a question of accommodation. I am prepared to go into the matter. In arriving at a decision, we must follow certain principles. When a division takes place as between a father and a son, it must be on some known principle, say, the assets and liabilities are to be shared between them, each taking half and half. It will not be accepted if one of them says, ‘ Well, I will share half of the assets and I cannot be held responsible for the debts. ’ There is no use in saying that they must know what the assets and liabilities are and then only the principle of division must be evolved. That is not right. We must first lay down the principle. Their asking for particulars and the appointment of a Commission to go into the details is something like this. When a man is asked to tell

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the truth, he says 'All right. I will tell the truth. Please let me know beforehand what will be the consequences if I tell the truth.' It is something like that. We have to lay down a principle, a known principle and according to it we must divide the assets and liabilities, irrespective of the fact whether it is advantageous or disadvantageous to any particular party. Now, they want to appoint a Commission to go into the details. All right, let us appoint a Commission. After knowing the details, is it their intention to accept the terms if they are advantageous and reject them if they are disadvantageous to them? That is not the proper way to do things. As pointed out by my hon. Friend Sri Bhaktavatsalam, the whole matter will go before Parliament and the President of the Indian Union. They are neutral bodies and they cannot be accused of taking sides, and showing sympathy to any particular party. That being so, why should we be afraid of taking a decision on evolving certain principles?

"Sir, some reference was made to some letter written by Mr. Viswanatham asking for information and figures. It is not as if we want to shirk giving the figures. He wanted figures relating to the various properties of the State lying all over the State. It would be humanly impossible to collect that information and make it available to him. Further, he wanted it for the purpose of discussion in the Assembly on the Andhra State Bill. It was humanly not possible to get those figures for him within so short a period. He wanted to know the figures relating to the medical stores lying in the whole State. Again, he wanted to know the figures relating to the book value of so many stores, for what sum they were purchased, what was the figure as on 1st April 1953 and what would be the state of affairs on 1st October 1953 and so on. Naturally, we cannot furnish those figures as it is humanly impossible to do it. It is not as if we are unwilling and it is not because we want to steal any property between now and the appointed day or anything like that. I may assure hon. Members of the House that we are taking a much broader view. After all, no State can prosper with this one or two crores of rupees. A State can prosper only by its own industry and the efforts of its own people. A crore this side or that side does not matter much for the prosperity or degradation of any State. Now, a suspicious mentality has been developed and everything is being looked upon with a suspicious eye. They say that we are trying to gain advantages by shifting all these stores from one place to another. They want an Official Receiver to be appointed to look after these stores. It may not be the attitude of Mr. B. V. Subrahmanyam. But I know many people have expressed that sort of opinion and in the other House also mention has been made about this and even questions were put on this subject there. This does not stop with the Legislature and its Members. It has spread through like poison. Everywhere it is said that the present Government are acting much to the detriment of the Andhra State. I may assure this House, through you, Sir, that we are taking a just view in this matter. We are holding the scales even. If in respect of any scheme, there is even a suspicion that it may or is likely to be disadvantageous to the

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Andhra State, we hold up that scheme and we do not take action on that scheme. In such cases, we have maintained the *status quo* so that decision may be taken on such schemes by the respective Governments later on, after the appointed day. We are very careful about these things and the Hon. Chief Minister is very particular that nothing should be done which is likely to be viewed even with an iota of suspicion afterwards. Our papers, our records are all open for scrutiny by any expert, or expert body or any hon. Member or any judicial body. If it is proved after such scrutiny that we have wantonly acted to the disadvantage of the Andhra State, then we are prepared to take the consequences and we can be condemned. We are anxious that no such suspicion should exist in the minds of anybody either in this House or in the other House or amongst the public. Therefore, when we say that the Seventh Schedule may be gone into and certain principles may be laid down instead of simply saying that the whole matter must be referred to a neutral expert commission, it is because of these practical difficulties and also due to the fact that we cannot hold up the entire division of the State till the above Commission goes into the matter and gives its decision. We have to go on. I agree that some of us are not experts, or not expert enough to understand these things, and that we are all non-experts. In administration, we have to take commonsense decisions which are supposed to be much better than expert decisions, because experts will be suffering under certain obsessions from which it will be very difficult for them to get out. We are elected representatives of the people and have to take a commonsense view of the whole matter. Let us go through this Schedule, clause by clause. If there is anything wrong and if any injustice has been done to anybody, I am prepared to look into it. Let us try to remove that wrong by making suitable recommendations to Parliament or the President. Parliament does not consist of only Tamilians or only Andhras. Its Members come from various parts of the country. So they may be expected to take an impartial view of the whole matter and give their final judgment."

* SRI B. V. SUBRAHMANYAM :—" Mr. Chairman, Sir, with your leave I wish to say a few words by way of reply."

MR. CHAIRMAN :—" The hon. Member cannot reply now. If he wants, he can speak by way of personal explanation."

* SRI B. V. SUBRAHMANYAM :—" Yes, Sir, I wish to say a few words by way of personal explanation. I wish to make it very clear that, as far as I am personally concerned, the resolution that I have tabled before this House is not based upon any sentiment of suspicion towards any group of persons. I want to make it very clear that I moved the resolution in the honest belief that the passing of such a resolution will ease the tension, instead of creating a fresh tension."

"As for the criticism of my hon. Friend, Dr. V. K. John, that I was asking for the appointment of a Commission of Experts to go into this question without principles being laid down, I may

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remind him that it is the very question of these principles that is in dispute at the present time. I also wish to remind my hon. Friend Dr. John that a mere plaint does not lead to a judgment and that when a plaint is presented to a Judge a written statement must follow. What I am asking for is just this. Let an expert body be appointed, let both sides be heard, and between now and the appointed day, certain provisional arrangements may be made. Nobody should act or submit to action, having only vague ideas and opinions. That is why I said that the whole matter must go before an expert body.

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"Sir, there is one special point which I would like to place before the House in explanation of my stand, because of certain observations made by the Hon. the Minister for Finance. When I contemplated that an Expert Commission should come, sit and judge, I did not mean that it should come into being only after the 1st of October 1953. I did not want that the whole position should be left in mid-air till then. It was my idea that the Expert Commission should make certain provisional arrangements, subject to alteration later when the plaint as well as the written statement—in the language of the courts—is before it. What I say is: before the final order or the final award is given, let some provisional award be given. There is nothing to prevent the Expert Commission from coming and sitting before the 1st of October 1953, and taking certain temporary decisions, thus keeping the whole matter open for both the parties to place their respective cases before it for its final opinion. So, I am not suggesting that the Expert Commission should come into existence only after the 1st of October 1953.

"Then, Sir, the question of violent agitation is always, in and out of season, brought before the House."

MR. CHAIRMAN:—"We are not discussing that now."

SRI B. V. SUBRAHMANYAM:—"Then, I leave it at that."

* THE HON. SRI C. SUBRAMANIAM:—"Only one word, Sir. It should not be deemed that the Bill is a plaint put forward by us. It is not so. It is the result of a decision arrived at by the Government of India and placed before us for our opinion. It should not be thought that it is a Bill prepared by the residuary State that is placed before the House and, therefore, Mr. Subrahmanyam should file his written statement. That is not so. All those stages are over. The Government of India have arrived at tentative decisions and want our opinion on this Bill. There is no use of creating an impression in the minds of the people that this Bill has been prepared by the residuary State—not even by this Government—but by the would-be Government of the residuary State."

MR. CHAIRMAN:—"I shall now put Mr. B. V. Subrahmanyam's amendment to vote. The question is—

"This House recommends the deletion of clause 46 and the insertion of a new clause in its place providing for the apportionment of the assets and liabilities dealt with in the Seventh Schedule as also of the current Revenues and expenditure between the

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States affected by this Act by an Order of the President on the recommendation of a neutral Commission of Experts presided over by a Judge of the Supreme Court."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes—16.

1 The Hon. Sri N. Ranga Reddi.	9 Sri N. Satyanarayana.
2 Sri M. P. Govinda Menon.	10 " S. Chengalraya Chetty.
3 " V. Ramakrishna.	11 " D. Venkata Rao.
4 " K. Suryanarayana.	12 " M. Sitarama Dass.
5 " B. V. Subrahmanyam.	13 " G. Venkata Reddi.
6 " Syed Mahboob.	14 " R. Venkatasubba Rao Chowdary.
7 " S. Srinivasa Rao.	15 " T. J. M. Wilson.
8 " S. Ramakrishnaiah.	16 " P. Seetharamayya.

Noes—31.

1 The Hon. Sri C. Rajagopalachari.	17 Sri Nallasenapathi Sarkarai Manra-
2 Sri S. Narasapaya.	dial.
3 " M. Bhakthavatsalam.	18 " A. Gajapathi Nayagar.
4 " K. Bhashyam.	19 Dr. V. K. John.
5 Srimathi S. Manjubhashini.	20 Mrs. M. N. Clubwala.
6 " R. S. Subbulakshmi Ammal.	21 Sri T. M. Narayanaswami Pillai.
7 Sri C. Perumalsami Reddi.	22 " K. Balasubramanya Ayyar.
8 Dr. C. Nathamuni Naidu.	23 " G. Krishnamurthi.
9 Sri S. O. S. P. Odayappa.	24 " E. H. Parameswaran.
10 " A. M. Allapichai.	25 " T. Purushothama Mudaliar.
11 " T. G. Krishnamurthy.	26 " V. Basbyam Ayyangar.
12 " G. Venkatachalam.	27 " Mariaswamiah Matada Pateel.
13 " S. P. Sivasubramanya Nadar.	28 " C. Maruthavanam Pillai.
14 " T. M. Daivasikamani Achariar.	29 " M. Satyanarayana.
15 " N. Annamalai Pillai.	30 " P. N. Marthandam Pillai.
16 " M. Ethirajulu.	31 " Mahomed Usman.

Ayes—16; Noes—31.

The amendment was lost.

MR. CHAIRMAN:—"I shall now put clause 46 to the vote of 5-40 p.m. the House."

Clause 46 was put and carried.

Clause 49.

* THE HON. SRI C. SUBRAMANIAM:—"Sir, I move—
'That clause 49 be omitted.'

"Clause 49 reads thus—

'Apportionment by agreement.—The provision of sections 46, 47, 48 and 54 and the Seventh Schedule shall have effect subject to any agreement between the States concerned and shall be deemed to have been modified in accordance with such agreement:

Provided that every such agreement if it affects the rights or liabilities of any person other than Government shall be published in the Official Gazettes of the States concerned.'

This gives provision for reopening and keeping the matter pending indefinitely. Therefore this will be used for the purpose of delaying certain things. I am afraid, instead of helping to come to an agreement, this will lead only to the adoption of delaying tactics by some

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State or other and that would lead to further friction and so the provision is objectionable. It further says that as between the States an agreement can be arrived at even if it affects the rights and liabilities, etc., of third parties. Only you have got to publish it in the Gazette; it does not say whether the party is bound by the agreement. The effect seems to be, once it is published in the Gazette, third parties also are bound by the decision already taken between the Governments concerned. Therefore, it is a very unwholesome principle which is embodied in this clause. That is why I submit that this House should express its opinion to Parliament that this clause shall be deleted. A new clause will have to be added and I will move it later."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, in this case, my amendment is unnecessary, as mine concerns only the proviso."

MR. CHAIRMAN :—" The question is—
'That clause 49 be omitted.' "

The amendment was put and carried.

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—
Add the following clauses as separate clauses at the end of Part V of the Bill :—

" (i) Expenditure in respect of any liability as between the States of Madras, Andhra and Mysore, arising under or by reason of any provision of this Act or of any order made thereunder, shall be expenditure charged on the Consolidated Fund of the State of Madras or the State of Andhra or the State of Mysore, as the case may be.

" (ii) If, immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a co-operative society which is registered under the Madras Co-operative Societies Act (Madras Act VI of 1932) and whose area of operations is limited to the whole or part of the territory specified in sub-section (1) of section 3 of this Act, then as from the appointed day, the said liability of the State of Madras shall cease, and the State of Andhra shall be liable as guarantor in respect of the said liability of the said society, and expenditure in respect of such liability of the State of Andhra shall be expenditure charged on the Consolidated Fund of the State."

" When certain rights and liabilities have been created by the provisions in this Bill, then they have got to be worked out and expenditure has to be incurred by the respective States. If the moneys have got to be drawn from the Consolidated Fund and when it is not charged on the Consolidated Fund, it shall be subject to the vote of the Legislature of the State. For example, suppose the residuary State has got to pay certain amounts to the Andhra State because of certain adjustments made; say, a sum of Rs. 2 lakhs has to be paid. If it is not a charged amount, then the Legislature has

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got to vote on it and unless legislative sanction is given to it, that money cannot be paid to the Andhra State from the Consolidated Fund. If the meeting of the liabilities created under this statute would be subject to the vote of the legislature the legislature can nullify the liabilities. Therefore, all these liabilities should be charged on the Consolidated Funds of the respective States and they cannot be subject to the vote of the Legislatures. They would be charged liabilities and straightaway they have got to be drawn from the Consolidated Fund so that charged liabilities could be paid over to the respective States. After all the Legislature may take a different view with regard to the liabilities created in the Bill. There will be no finality about it. Therefore, it is necessary that all expenditure and liabilities arising out of this statute should be charged on the Consolidated Funds of the respective States.

" Then, as for sub-clause (ii), it reads : ' If immediately before 5-50
the appointed day, the State of Madras is liable as guarantor, p.m.
etc.' This is in respect of the co-operative institutions about which Mr. B. V. Subrahmanyam spoke.

" The debentures of the Central Land Mortgage Bank have been guaranteed by the composite State. After the partition, the Andhra Government have to guarantee the liability arising out of liabilities in that area. It is only for this specific purpose the Government have moved this amendment. So also, in respect of the loans taken by the State Co-operative Bank, the composite State has given the guarantee. As far as money invested in the Andhra area is concerned, the Andhra Government should take over and guarantee the liability."

* SRI K. BHASHYAM :—" So far as the first sub-clause is concerned, the matter seems to be fairly clear. So far as the second sub-clause is concerned, I am not quite sure whether it really carries out the intention which the Government have in this matter of apportioning the liability of guarantor in respect of the Central Land Mortgage Bank. The idea underlying this amendment seems to be that in respect of liabilities, loans and advances to various banks in the Andhra area, they must be taken to be liabilities, loans and advances by a society to be brought into existence in the Andhra area and such liabilities, loans and advances must be guaranteed by the Andhra Government, and to that extent the liability of guarantee by the Madras State, should cease. For this purpose, unless a bank is divided into two banks, it will be difficult to work this out. There must be a statutory obligation or some other provision for the purpose of dividing this liability between the two banks to come into existence. Therefore, before sub-clause (ii) of the Government amendment, there must be another sub-clause added to the effect that the Central Land Mortgage Bank now operating in the whole State shall be divided into two, one for the Andhra area and the other for the Madras area. If such a provision is included, probably it will be more logical, and carry out fully the purposes which the Government have in their mind."

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* SRI K. BALASUBRAMANYA AYYAR:—"Sir, there is one difficulty with regard to this amendment. There are specific cases given under Article 202 of the Constitution as to which amounts should be charged on the Consolidated Fund and as to which amounts should be voted by the Legislature. Article 202 (3) says—

'202. (3) The following expenditure shall be expenditure charged on the Consolidated Fund of each State:—

(a) the emoluments and allowances of the Governor and other expenditure relating to his office;

(b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and, in the case of a State having a Legislative Council, also of the Chairman and the Deputy Chairman of the Legislative Council;

(c) debt charges for which the State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d), (e) and (f) . . .

203. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly, but nothing in this clause shall be construed as preventing the discussion in the Legislature of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.'

How can we change Article 202 which specifically says that only certain types of expenditure should be charged on the Consolidated Fund and certain other expenditure shall not be considered to be charged on the Consolidated Fund, but shall be liable to vote? This expenditure is neither supplemental, nor incidental nor consequential."

* THE HON. SRI C. SUBRAMANIAM:—"I am sorry Mr. Balasubramanya Ayyar should have taken such a view. Article 202 lays down what expenditure can be charged on the Consolidated Fund of the State. That is why we have to make a provision in the Statute itself charging this expenditure on the Consolidated Fund. The only question is whether it could be made in this Statute or it should be by a Constitutional amendment and that is a matter which we have got to consider. It is by virtue of the separation of the State that certain liabilities are created, certain assets are being divided and certain expenditure has got to be incurred by one State in respect of other States and these liabilities arise as a result of partition. That is the point which should be taken into consideration. But for the partition, these expenditures and these liabilities would not have arisen. Therefore, Sir, these liabilities are arising by the very fact of the partition, as a consequence of partition and they will be covered by Article 4 which says—

'4. (1) Any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including

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provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of Article 368.'

Therefore, even though it may not be in accordance with the provisions of the Constitution, if it is considered consequential or incidental to the fact of partition, I respectfully submit, such a provision can be made in this Statute. We have examined this position and I am quite satisfied that it is proper and valid. Let not my friend speak off-hand that we are offending Article 202. This will not be considered to be an amendment of the Constitution as it arises out of the fact of partition. Sir, an objection can be taken if this expenditure is arising for the purposes of administration of a particular State. How can we make such a provision in respect of administrative affairs inside a certain State, apart from provisions of Article 202? It is not with regard to that. Some liabilities arise in respect of another State which is being created over which the other State has no jurisdiction. So also, with regard to the liability in respect of the residuary State, over which the Andhra State has no jurisdiction. This inter-State obligation will not arise in the ordinary course of administration. But this is arising because of the fact of partition, and it is covered by Article 4. I have absolutely no doubt about it. I am sure if Mr. Balasubramanya Ayyar goes through Article 202 and Article 4 calmly, he will agree with me."

* SRI K. BALASUBRAMANYA AYYAR:—"Sir, I have not said it off-hand. I have examined it carefully and have come to the conclusion that because a liability arises out of partition of the State and some money has to be paid, this cannot be called supplemental? I am sorry, so far as I could see with my little knowledge, it is neither supplemental, nor incidental nor consequential."

* SRI B. V. SUBRAHMANYAM:—"Mr. Chairman, Sir, I have not examined the position with respect to sub-clause (i) of the amendment as completely as my hon. Friend Mr. Balasubramanya Ayyar has studied. But I am inclined *prima facie* to agree with the Hon. Finance Minister that Article 202 will not be a bar for the action contemplated. With respect to sub-clause (ii) of the amendment, I wish to say a few words. Let us take the question of the Central Land Mortgage Bank. The Government amendment says: ' . . . as from the appointed day, the said liability of the State of Madras shall cease, and the State of Andhra shall be liable as guarantor in respect of the said liability of the said society. . . . ' Sir, there are two things to be considered. Up to the appointed day, the guarantor is the composite Madras State. After the appointed day, that guarantee has necessarily to cease with respect to future debentures. But under the Act and under the rules relating to the Central Land Mortgage Bank and other co-operative banks, the composite Madras State is the guarantor to the past depositors and the past debenture-holders and the

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past debentures are guaranteed by the composite State. Those debenture-holders have a right to say that, whatever may happen to this composite State, the guarantor (the composite State) or both its legal representatives so to speak, the two new States will still be bound by the language of the past debentures. It can be contended that no one of the two States can walk out of its past guarantee or liability merely by inserting a clause like this in the law which prescribes only the relation *inter se* between the two States, and that no such 'solution' of the problem could affect the rights of the past debenture-holders. As far as the future debentures are concerned, I am sure my friend the Hon. Finance Minister, will agree with me that the debentures will be, or have necessarily to be floated by the two States separately, each debenture being guaranteed by its own State. Therefore, the question of the guarantee of any one Government falling upon another Government requiring reimbursement in respect of the guarantee will not arise at all in the case of future debentures. Their case is quite safe. Equally so is the case of past debentures, judged from the point of view of debenture-holders. By no legislation or understanding *inter se* between the two States or between the Union of India and either of the States, can we efface rights under contracts for the preservation of which the composite State of Madras has stood as guarantor. What is to happen to these rights under contracts? That is the simple question. Can shifting of past guarantee take place either before or after division? I find that really no useful purpose could be served by this amendment. I submit that there should be some arrangement whereby the future Andhra Government may come into some agreement with the residuary Madras Government, with the consent of the debenture holders over the question of who should stand guarantee for past debentures and to what extent after the division has taken place. That could be the only convenient arrangement. By no legislation can we shift the responsibility of the guarantee of past debentures. That is why I request the Hon. Finance Minister to re-examine the whole position in the light of what I have said. Otherwise, if the amendment is to be carried, the debenture-holders have every right to take the matter to a Court of Law. We cannot touch past debentures. The future debentures need not be legislated for in this manner."

* THE HON. SRI C. RAJAGOPALACHARI:—"We are discussing law and I hope I shall be excused if I am wrong. Mr. B. V. Subrahmanyam, I believe, objects to the wording of the amendment. I believe that what is found in the amendment is just. Let me inform my friend that we are considering the intricate question of how best to divide the guarantees, leaving legal possibilities out. If it could be legally accepted, then it would be the best arrangement. As regards the right claimed by Mr. Subrahmanyam that the private gentleman has taken the guarantee of the composite State and therefore he has the right to hold both States liable and that no power on earth therefore can divide that liability unless the private owner agrees to it,

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might I say to Mr. Subrahmanyam that what is sought to be done now is only to mete out the liability according to justice. It is proposed that the liability of the Andhra State should be created. Nobody can object to the Andhra State being made liable when that is legally created. The remaining inter-State liability can easily be adjusted without difficulty. Therefore this amendment may be considered as only for the purpose of creating the liability on the part of the Andhra State. The other original liability will continue on the basis of the contract. But this liability is to be created by law and it can be so created and it is necessary for the ends of justice."

* THE HON. SRI C. SUBRAMANIAM:—"By way of satisfying Mr. Balasubramanya Ayyar, I shall point out to him the relevant Article in the Constitution which justifies our stand. I do admit that we cannot draw any money from the Consolidated Fund without the sanction of the Legislature. The Governor has been authorized and he has now sanctioned expenditure for three months from the beginning of October. What does Article 204 (3) say? It says—

'Subject to the provisions of Articles 205 and 206, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this article.'

No doubt under this Article 204 (3) as Mr. Balasubramanya Iyer says we cannot withdraw from the Consolidated Fund of the State except with the prior sanction of the Legislature. But may I bring to Mr. Balasubramanya Iyer's attention what is laid down under Article 4 of the Constitution? Article 4 says—

'Any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.'

What is this present provision for? We are going to have partition. Therefore the normal process of getting the sanction of Legislature in the respective State for authorisation of any expenditure out of the Consolidated Fund from 1st October 1953 is not possible. Due to partition all these consequential difficulties have arisen. Let me also inform Mr. Balasubramania Iyer that all these are consequential, incidental and supplemental to partition. But for partition the respective State Legislatures may accord sanction for the creation of any liability. But how can it be done on the appointed day? Let not Mr. Balasubramania Iyer think that this creation of liability is unconstitutional. Let him refer to sub-clause (2) of Article 4 which says—

'No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes Article 368.'

It is because we have no other alternative save the Legislature which may not in all probability meet on the appointed day, the Government of India have authorized the Governor to sanction

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the expenditure for three months from the Consolidated Fund of each State. I once again submit that the creation of liability on the appointed day has arisen only because of the partition and only to meet the consequential and incidental difficulties."

* SRI K. BHASHYAM :—" Mr. Chairman, Sir, so far as the objection raised by Mr. Subramanyam is concerned, let me say one word. It is not as if the debenture-holders' rights cannot at all be touched. The Legislature is all powerful and it can say how far the debenture-holders' right can go and how far it cannot go. The debenture-holders may well be allotted even by a Statute of this State, saying that so far as the whole lot of the debentures is concerned, so many may go to Andhra and so many to Madras. It can do that. There is nothing wrong in doing so. It may be asked, then what is the difficulty? If you make no arrangements with the concerned land mortgage banks and if you do not consult them in the matter of division of liabilities, then it will create a deadlock. There will crop up a lot of difficulties and the banks may not be able to function from the appointed day. It is necessary that the banks should be consulted when you divide the debenture-holders. There may be also some difficulty in the matter of division. That is why I say when you lay down the Statute, lay down also some broad general principles. Let the Government of India look into the matter and do the needful."

SRI N. SATYANARAYANA :—" As a member of the Central Land Mortgage Bank, I wish to draw the attention of the Government that if some provision is not made in the Bill to guarantee the debenture-holders even before the appointed day, it is impossible for the Andhra Government which is going to start functioning on the appointed day to guarantee the debenture-holders. Some suitable provision should be made. There are now seven crores of rupees invested in these debentures in the composite State. When the State is going to be divided into two, viz., Andhra and Madras, some of these debentures must have to be divided. Unless some provision is made in this matter as suggested by Mr. Bhashyam, viz., some arrangement with the banks in the matter of division of debentures, it is impossible for the Central Land Mortgage Bank to function at all. There will be a deadlock, immediately after 1st of October. No loans will be disbursed. Therefore, Sir, I earnestly appeal to the Directors to make some convenient arrangement so that the Bank might run and carry on its working both in the Andhra State and the residuary State. Unless the Hon. Finance Minister takes early steps to come to an arrangement with the bank in the matter of division of debentures and liabilities, the Central Land Mortgage Bank will not function. There will be a deadlock. After separation, a Central Land Mortgage Bank should be created for Andhra and a separate Registrar of Co-operative Societies should be appointed. He should be the trustee of the debentures in respect of the Andhra State. But all these will take some time. In the meantime, deadlock should not be created. Therefore, Sir, as a

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Director of the Bank, as an earnest worker in that field, I appeal to the Government to make immediate provisions in the Bill so that some convenient arrangement between the Government and the Central Land Mortgage Bank might be entered into in the matter of division of debentures. Otherwise you will be creating a deadlock."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am glad that the hon. Member Sri Satyanarayana realizes the difficulties because he is concerned with that matter. We are making all arrangements to see that the institutions will smoothly work soon after the partition. It is only for this purpose that this new provision is made. If this provision is not there, further difficulties will arise as pointed out by the hon. Member. I therefore request that the new clauses may be approved."

6-10
p.m

MR. CHAIRMAN :—" The question is—

'Add the following clauses as separate clauses at the end of Part V of the Bill :—

(i) "Expenditure in respect of any liability as between the States of Madras, Andhra and Mysore, arising under or by reason of any provision of this Act or of any order made thereunder, shall be expenditure charged on the Consolidated Fund of the State of Madras or the State of Andhra or the State of Mysore, as the case may be."

(ii) "If, immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a co-operative society which is registered under the Madras Co-operative Societies Act (Madras Act VI of 1932) and whose area of operations is limited to the whole or part of the territory specified in sub-section (1) of section 3 of this Act, then, as from the appointed day, the said liability of the State of Madras shall cease, and the State of Andhra shall be liable as guarantor in respect of the said liability of the said Society, and expenditure in respect of such liability of the State of Andhra shall be expenditure charged on the Consolidated Fund of the State."

The amendment was put and carried.

Clause 62-A.

* SRI T. PURUSHOTHAMA MUDALIAR :—" I beg to move the amendment standing in my name—

'In sub-clause (3), omit the words "but shall not include . . . other than Government".'

"Clause 62-A of the Bill provides that all the rights and liabilities of the State of Madras in relation to the Tungabhadra Project should be transferred to the Andhra and Mysore States as stated in the clause and when that is so, such rights and liabilities should include the rights and liabilities under any contract entered into before the appointed day by the Government of

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Madras with any person and not only with any other Government. So I feel that these words in sub-clause (3), viz., 'but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of Madras with any person other than Government' should be deleted. I move this amendment for the acceptance of the House."

THE HON. SRI C. SUBRAMANIAM:—"Sir, I consider that this amendment is not at all necessary because liabilities arising under contracts are governed by clause 47."

The amendment was, by leave, withdrawn.

Clause 62-A was put and carried.

THE SEVENTH SCHEDULE.

MR. CHAIRMAN:—"We shall now take up the Seventh Schedule. I am taking paragraph by paragraph. There are no amendments to paragraph 1. So we can take it as passed."

Paragraph 1 was put and carried.

Paragraph 2.

SRI MARISWAMIAH MATADA PATEEL:—"Sir, I move my amendment—

'This House recommends that wherever the words and figures "in proportion of 62.75 : 36 : 1.25" occur, substitute the words and figures "in proportion of 62.7 : 35.9 : 1.4".'

MR. CHAIRMAN:—"Are you pressing your amendment?"

SRI MARISWAMIAH MATADA PATEEL:—"I am pressing my amendment, Sir."

MR. CHAIRMAN:—"The question is—

'This House recommends that wherever the words and figures "in proportion of 62.75 : 36 : 1.25" occur, substitute the words and figures "in proportion of 62.7 : 35.9 : 1.4".'

The amendment was put and lost.

Paragraph 2 was put and carried.

* SRI B. V. SUBRAHMANYAM:—"Mr. Chairman, Sir, if I may make a request, a slight change may be made with respect to my amendment (No. 70) and the whole of it may be put to the House, because I do not want to make any further observations on the subject. Some of my amendments touch more than one clause. I want to have it on record that I moved the amendments. I make a request, Sir, that amendment No. 70, so far as I am concerned, may be put to vote as a whole."

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* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, 6-20
the difficulty is this. We are taking the Schedule paragraph by paragraph whereas the amendment of Sri B. V. Subrahmanyam refers to all the paragraphs in the Schedule and it is not in the same order. So, I think if the hon. Member wants that it should be recorded so that his point of view on the Schedule might find a place in the proceedings, it might be done." P.M.

DR. V. K. JOHN:—"Might I know, Sir, what provision there is in the rules for such a procedure being adopted? What can be recorded is whether he has moved an amendment and if it is moved the fate of the amendment will also be recorded; it will be recorded whether it has been accepted by the House or rejected."

* THE HON. SRI C. RAJAGOPALACHARI:—"Let us not make our work difficult. The Schedule is in a particular form and for the sake of convenience, we have been taking it paragraph by paragraph with the amendments relating to them. We can reject the amendment and pass the original paragraph or we can also accept the amendments. The difficulty is that Sri Subrahmanyam has to recast his amendments if they are made to be applicable to particular paragraphs, for which there is no time. So, if his point of view is to find a place in the record, I think it would be more convenient, if you will permit it to be done, to wait till the paragraph-by-paragraph consideration is finished and then without taking a technical objection that the consideration of the Schedule has been finished, his motion can be put once for all and that may serve the purpose that Sri Subrahmanyam has in mind without infringing the principle which Dr. John has stated."

SRI K. BHASHYAM:—"In that case, it must have to be put first."

* THE HON. SRI C. RAJAGOPALACHARI:—"If we proceed from a legal standpoint, that objection should be upheld. If his motion is put in the form in which it finds a place on the order paper—you may presume it will be lost—but supposing it is passed, it will create utter confusion in dealing with the main Schedule. If hon. Members want that we should adhere to the very strict letter of the law, the hon. Member should be asked to recast his amendment so as to suit the paragraphs in the Schedule, paragraph by paragraph saying that such and such words should be omitted in a particular paragraph and other words must be inserted therefor. But it is not possible for him to do it now. So, what I suggest is that we need not be Shylockian in our demand and ask him to stick to the rules and give amendments with reference to particular paragraphs, but it may be as it is and taken at the end so that we may have his view recorded also."

DR. V. K. JOHN:—"For instance, Sir, clause (1) of the amendment proposed by the hon. Member refers to paragraph 1 of the Schedule and so, when we took it up he could have had it moved and dealt with. So also his amendment (5) referring to loans and advances might be moved when we take up paragraph 6."

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of the Schedule and it can be dealt with then. It is up to the hon. Member to move such amendments in his list as pertain to particular paragraphs of the Schedule. He is within his rights to do it."

* THE HON. SRI C. RAJAGOPALACHARI:—"But there are many amendments which cover more points than what form the basis of particular paragraphs in the Schedule."

DR. V. K. JOHN:—"In that case, they must all be ruled out of order."

* THE HON. SRI C. RAJAGOPALACHARI:—"That is quite true and correct also so far as the strict application of the rules is concerned. If you do not wish to rule anything out of order for that reason, the alternative that I would place before you for your consideration is that without asking him to recast his amendments with reference to particular paragraphs in the Schedule for which there is no time, we can proceed paragraph by paragraph and the amendment of Sri Subrahmanyam may be put at the end to the vote of the House in general terms."

DR. V. K. JOHN:—"I agree, Sir."

Paragraph 3.

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, I move that—

This House recommends that an Explanation should be added to paragraph 3 to the effect that it will apply only to stores held in stock, immediately before the appointed day, for utilization in the State of Madras as a whole and that it does not apply to stores maintained for specific works, systems, workshops or institutions.

Otherwise, Sir, the allocation and division of stores will create lot of difficulties. Stores attached to specific works have all been included in the capital account of that particular work. If we take, for instance, the Tungabhadra Project, so many articles and machinery have been purchased for the use of the Project and they have all gone into the account of that particular Project and simply because they are stores available, it is not as if they should be taken out of that work and divided as suggested in paragraph 3. There may be machinery attached to the Lower Bhavani or to Machkund Project and they are specific machinery and stores attached and brought on to the accounts of the particular work or project and they should go along with the work. That, Sir, is the idea of amendment."

MR. CHAIRMAN:—"The question is—

This House recommends that an Explanation should be added to paragraph 3 to the effect that it will apply only to stores held in stock, immediately before the appointed day, for utilization in the State of Madras as a whole and that it does not apply to stores maintained for specific works, systems, workshops or institutions."

The amendment was put and carried.

Paragraph 3 as amended was put and carried.

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Paragraph 4.

* SRI B. V. SUBRAHMANYAM:—"Without particular reference to the paragraphs in the Schedule, because it is difficult to recast the whole thing . . ."

MR. CHAIRMAN:—"I would suggest that you tell me to which particular paragraph your amendment refers."

* SRI B. V. SUBRAHMANYAM:—"Mr. Chairman, Sir, may I respectfully suggest that my amendment No. 70^a so far as it relates to paragraph 4 may be put to vote?"

* THE HON. SRI C. RAJAGOPALACHARI:—"I think, Sir, Sri Subrahmanyam has lost sight of the scope of his amendments. His amendment No. 1 relates to paragraph 1 of the Seventh Schedule; that is over. His amendment No. 2 has some relation to paragraph 2 and that is also over and his amendment No. 3 also relates to paragraph 2 and that is also over. His amendment No. 4 refers to paragraph 4 of the Schedule. I will tell him each time when the relevant paragraphs of the Schedule are reached."

SRI B. V. SUBRAHMANYAM:—"Mr. Chairman, Sir, I move—

Add the following at the end of paragraph 4:—

"In sharing the value of printing machinery depreciation shall not be taken into account for any machinery which is less than ten years old."

MR. CHAIRMAN:—"I shall put the amendment to the vote of the House. The question is—

Add the following at the end of paragraph 4:—

"In sharing the value of printing machinery depreciation shall not be taken into account for any machinery which is less than ten years old."

The amendment was put and lost.

Paragraph 4 was put and carried.

* SRI B. V. SUBRAHMANYAM:—

70 "This House recommends that the following provisions be made to amend Schedule VII:—

(1) Providing that 36 per cent if Bellary is added to Mysore or 37.25 per cent if Bellary is not so added of the goods or their value to the extent feasible of all articles, stores and goods contained in all the buildings serving the common needs of a combined State before the appointed date shall be delivered to the Andhra State and credited to the assets of the Andhra State;

(2) provision shall be made that in the case of division of cash balances in the Treasuries and Reserve Bank and other Banks account shall be taken of the total of Balances between 25th March 1953, the date on which the Prime Minister announced the decision of the Government of India to form the Andhra State and the appointed day and Andhra State be apportioned its share on the population basis, deducting therefrom amounts actually spent in the Andhra State area;

(3) provision shall be made that in the division of stores, all general and special stores intended for a specified work shall be transferred to the State in which that work exists; in case any portion of them was otherwise utilized its value shall be credited to that State; in the case of other stores, 36 per cent of the value thereof shall be apportioned to the Andhra State. In so doing account shall be taken of the quantity and value of all stores including fertilizers and rice and other grains available as and from 25th March 1953 to the appointed date.

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There being no amendments to paragraph 5, it was also put and carried.

Paragraph 6.

THE HON. SRI C. RAJAGOPALACHARI :—" Sri Subrahmanyam's amendment No. (5) refers to paragraph 6 of the Schedule."

THE HON. SRI C. SUBRAMANIAM :—" I have got my amendment and if that is moved all the other amendments will not be necessary."

" Mr. Chairman, Sir, I move—

That the following may be added as sub-paragraph (3) :—

" (3) The right to recover any loans or advances made before the appointed day by the State of Madras to any person, firm or institution outside that State, shall belong to the State of Madras :

Provided that any sum recovered towards any such loan or advance shall be divided between the States of Madras, Andhra and Mysore in the proportion of 62.75 : 36 : 1.25."

6-30 P.M. SRI K. BHASHYAM :—" This sub-paragraph specially deals with dues from the Bellary District Board to the State of Madras. I want to move my amendment, Sir."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, loans recoverable within the State now shall go to the States concerned, areas going over to Andhra, will be taken over by the Andhra Government, areas going over to Mysore will be taken over by Mysore and areas going to the residuary State, will be taken over by the residuary State. But this is with reference to loans payable by persons outside Madras. For instance we might have lent to certain bodies in Travancore-Cochin, Hyderabad and so on. This clause deals with recovery of those loans."

* SRI K. BHASHYAM :—" My amendment deals with a different matter, Sir, and I should like to draw the attention of the Hon. Minister to sub-paragraph (2) of paragraph 6 of the Seventh Schedule. The paragraph reads thus : ' If immediately before the appointed day any sums are due from the District Board of Bellary to the State of Madras on account of loans or advances made before that day, such part thereof as is due on account of any loan or advance utilized in or for the benefit of Alur and Adoni taluks, or, in or for the benefit of Rayadrug taluk shall be a debt due to the State of Andhra by the District Board of Kurnool, or, as the case may be, of Anantapur, and the remaining part shall be a debt due to the State of Mysore by the District Board of Bellary.' It is that to which I object. What happens is this. The loan was advanced by the composite State and there would be some point in saying that the benefit in respect of the three taluks should go to the Andhra State and the rest should go to the residuary State."

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Why should it go to Mysore? Mysore had nothing to do with the loans. There is no justification for the money advanced by the composite State to Bellary should be paid to the Mysore State. It is unjust that the Mysore State should have a benefit out of this and on principle it is not right. Therefore I move my amendment, namely—

' Add the following at the end of the sub-paragraph (2) of paragraph 6 :—

" but when recovered, be delivered to the Governments of Madras and Andhra in the proportion of 64 and 36 "' "

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, the State of Madras borrowed as a composite State and they have lent some money to the District Boards and other bodies. That is the matter in dispute now. These areas are going to Mysore and indeed the problem arises between the original State of Madras and Mysore. This Bill provides that the Andhra State shall stand in the place of the original State, the composite State. I do not think we need disturb it. Mysore gets some in respect of the areas that go to Mysore and the Andhra gets some in respect of the areas going to Andhra. It should not go to the residuary State."

* THE HON. SRI C. SUBRAMANIAM :—" Now the question is this. Seven taluks of Bellary district are being transferred to Mysore. Leaving alone Mysore State as such, the Bellary people have certain rights as Andhra State people have the right to collect the amounts from the area coming within their State. So also if Bellary were constituted into a separate State, it will be entitled to collect them. Simply because it is tacked on to Mysore we cannot deny them the advantages. Therefore, because it is attached as a unit to the Mysore State, Mysore will collect the amount on behalf of the people of these seven taluks and because these seven taluks are administered by Mysore the amount will go to the Mysore Government. Considering all these things, the provision is equitable and we should not disturb it."

SRI K. BHASHYAM :—" I beg leave to withdraw my amendment, Sir."

The amendment was, by leave, withdrawn.

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, my amendment (No. 72) relates to common societies which are operating in both the States. I suggest that the right to recover loans should be with the residuary State."

THE HON. SRI C. RAJAGOPALACHARI :—" Is it not better to take it up at the end? "

* THE HON. SRI C. SUBRAMANIAM :—" I really do not know whether there are institutions like that. We have got necessary provisions in paragraph 19 which states that assets and liabilities not dealt with in other paragraphs shall be apportioned between the State of Madras and the States of Andhra and Mysore in such

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manner as the President may by order direct. Therefore it is not necessary to make a specific provision as suggested by the hon. Member."

DR. V. K. JOHN :—" I want to know what is the objection in accepting the hon. Member's amendment."

SRI K. BALASUBRAMANYA AYYAR :—" If there is anything wrong in it I shall not press it."

* THE HON. SRI C. SUBRAMANIAM :—" There is nothing wrong in it. The implications are not known. The amendment says : ' Provided that where the society, agriculturist or other person has got transactions throughout the State of Madras before the appointed day . . . , etc.' For example, take the case of hon. Member Sri Ramakrishna. He has firms operating throughout the State. Suppose a loan has been advanced to him in Ellore in West Godavari. Simply because he has transactions throughout the State it does not mean that the loan should be shared between the two States. The right to recover such loans will continue in the State of Madras subject to adjustments. Therefore the amendment is not necessary. There will be very few cases of that nature. So let us leave it to the residuary clause, paragraph 19. Otherwise it is likely to give difficulty."

MR. CHAIRMAN :—" I shall put the Government amendment to the vote of the House. The question is—

' That the following may be added as sub-paragraph (3) :—

" (3) The right to recover any loans or advances made before the appointed day by the State of Madras to any person, firm or institution outside that State, shall belong to the State of Madras :

Provided that any sum recovered towards any such loan or advance shall be divided between the States of Madras, Andhra and Mysore in the proportion of 62·75 : 36 : 1·25 "

The amendment was put and carried. Paragraph 6, as amended, was put and carried.

Paragraph 7.

6-40 p.m. * SRI T. PURUSHOTHAMA MUDALIAR :—" I beg to move the amendment standing in my name, namely—

' This paragraph should be amended so as to provide for 80 per cent of this State's share of the taxes on income being shared between the States of Madras, Andhra and Mysore in the proportion of 62·75 : 36 : 1·25 and for the remaining 20 per cent being shared on the basis of collection of taxes on income in the areas comprised in the State of Madras, the State of Andhra and the transferred territory, respectively, thus bringing the allocation in line with the basis of allocation recommended by the Finance Commission and adopted by the Government of India.'

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" Sir, the Seventh Schedule to the Bill provides that the assets should be apportioned between the States of Andhra, Residuary Madras and Mysore according to the population of the respective States in the proportion of 36 per cent, 62·75 per cent and 1·25 per cent. My amendment proposes that the share of income-tax as between the States should be, 80 per cent according to population and 20 per cent according to income. This allocation is in accordance with the recommendations of the Finance Commission and I submit that this amendment may be accepted by the House."

* SRI K. BHASHYAM :—" Sir, I wish to refer to one point only. So far as the amendment is concerned, it is necessary because some arrangement must be made for the purpose of division during the interval. The Finance Commission will take note of this division and will perhaps make a fresh allotment later on. Till the allotment is made by the Finance Commission the arrangement proposed in the amendment should be there and it is most equitable and it is also in accordance with the recommendations of the Finance Commission."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, the Government as such are not taking any view in this matter. But I should like to place certain facts before the House so that we may come to correct conclusions in this matter.

" Now, the income-tax is being collected by the Central Government and a portion of it is being given to the various States on a certain basis. Very recently the Finance Commission appointed under the provisions of the Constitution had gone into the whole matter and they had made recommendations that 80 per cent of the receipts shall be distributed on the population basis and the balance 20 per cent on the collection basis. After taking that into account, we must consider how it would work after the separation of the Andhra State. The proposal in the Bill is that the entire share now given to Madras should be taken as a whole and allocations made to the Andhra State and the Residuary Madras State on the basis of population. The emphasis on the collection to the extent of 20 per cent is not given advantage of to the Residuary State. After the partition of the State, the Andhra State will get an additional sum of Rs. 30 lakhs by this formula. Sir, you are aware the Finance Commission had gone into the matter. As a matter of fact, I may tell the Honourable House that we pressed that the share should be allocated on a population basis only. We would be getting much more than what we are getting now if only it was made on population basis only, instead of 80 per cent on the population basis and the balance of 20 per cent on the collection basis. But the Finance Commission did not accept our point of view.

" Now, the Hon. Chief Minister asks me to point out that if partition had taken place before the Finance Commission made its recommendations, then certainly the formula would have been applied. In respect of the current year, because it comes in between, it will not be possible to know what the collection in this

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year would be in each area. The amendment of Mr. Purushothama Mudaliar suggests that the formula of the Finance Commission should be adopted. As I said before, the Government as such are not taking any view on the matter."

* SRI B. V. SUBRAHMANYAM:—"Mr. Chairman, Sir, paragraph 7 relates to the balance of the State's share of the taxes on income and of the Union duties of excise payable to the State of Madras. Hon. Members are aware that, as far as the Union duties of excise are concerned, tobacco plays a large part. As far as the gross receipts under 'Tobacco' are concerned, more than 85 per cent come from the Andhra area. I may mention that, while 85 per cent or more, should probably be the proper allocation of Union duties of excise that should go to the Andhra State, here the Andhra area gets only 36 per cent. In this connexion, let me refer to a statement—which I shall read presently to the House—in the Budget Memorandum of this year (page 3, paragraph 10) which says—

'The revenue from tobacco tax has been allocated in the ratio of 41:59 between the Telugu districts and other districts as suggested by the Board of Revenue.'

The Board of Revenue has allocated 41 per cent of the receipts under 'Tobacco' to the Andhra area. But this 41 per cent is also being given up. Sir, it should be 85 per cent according to production. Now it is sought to be reduced further resulting in a loss of about Rs. 30 lakhs every year. I think it is very inequitable. Tobacco tax and income-tax go together in this clause. Supporting the one and discarding the other, as if the other thing is not there, would lead to complications. Let the clause stand as it is and it should not be re-opened again."

* THE HON. SRI C. SUBRAMANIAM:—"I know the argument but unfortunately the point is the Finance Commission have recommended certain formula to be adopted in respect of the excise revenue and certain formula in respect of income-tax. As far as the excise revenue is concerned, they have said, that it should be shared according to population basis. That is the principle laid down. There is a principle underlying it. It is not as if the excise duty is paid by the producers alone but ultimately it is the consumers spread throughout the country who pay it. That is why as far as the excise revenue is concerned, it is shared on a population basis. What Mr. Purushothama Mudaliar suggests in his amendment is that as far as the income-tax is concerned, it should be 80 per cent on the population basis and 20 per cent on the collection basis. He wants that the formula of the Finance Commission—an expert body which Mr. B. V. Subramanyam wanted some time ago—should be adopted. Sir, this Commission toured the entire country and heard representations made by the various State Governments and they have given this formula. So, this has nothing to do with politics. It was, to use the words of Mr. Subrahmanyam, a 'Neutral Commission' acceptable to all. This Commission have come to the conclusion that as far as excise revenue is concerned, it should be shared according to population

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basis. Mr. Purushothama Mudaliar's amendment only suggests that the formula of the Finance Commission be adopted in respect of income-tax also. This is all I want to say in regard to this matter."

SRI T. PURUSHOTHAMA MUDALIAR:—"Sir, I have 6-50 nothing more to add to the lucid explanation given by the Hon. P.M. the Finance Minister and I request the House to accept my amendment."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, there are two amendments to be put. Paragraph 6 of Sri B. V. Subrahmanyam's amendment relates to paragraph 7 of the Schedule and Sri T. Purushothama Mudaliar's amendment also relates to paragraph 7. They have to be put one by one."

MR. CHAIRMAN:—"I shall put Mr. Purushothama Mudaliar's amendment to the vote of the House. The question is—

'This paragraph should be amended so as to provide for 80 per cent of this State's share of the taxes on income being shared between the States of Madras, Andhra and Mysore in the proportion of 62.75:36:1.25, and for the remaining 20 per cent being shared on the basis of collection of taxes on income in the areas comprised in the State of Madras, the State of Andhra and the transferred territory, respectively, thus bringing the allocation in line with the basis of allocation recommended by the Finance Commission and adopted by the Government of India.'

The amendment was put and carried.

SRI B. V. SUBRAHMANYAM:—"I beg to move—

'That paragraph 7 of the Seventh Schedule be so amended as to provide that the division of excise duties under this paragraph shall be on the basis of the production of articles on which excise is levied.'

MR. CHAIRMAN:—"The question is—

'That paragraph 7 of the Seventh Schedule be so amended as to provide that the division of excise duties under this paragraph shall be on the basis of the production of articles on which excise is levied.'

The amendment was put and lost.

Paragraph 7 as amended was put and carried.

Paragraph 8.

SRI B. V. SUBRAHMANYAM:—"I beg to move—

'That paragraph 8 be so amended as to provide that the division of the Central Road Fund shall be made in proportion of the areas covered by the States.'

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MR. CHAIRMAN :—" The question is—

' That paragraph 8 be so amended as to provide that the division of the Central Road Fund shall be made in proportion of the areas covered by the States.' "

The amendment was put and lost.

Paragraph 8 was put and carried.

Paragraph 9.

Paragraph 9 was put and carried.

Paragraph 10.

SRI B. V. SUBRAHMANYAM :—" I beg to move—

' That paragraph 10 be so amended as to provide that the depreciation reserve funds shall be divided in proportion to the amounts required to complete the schemes on hand.' "

MR. CHAIRMAN :—" The question is—

' That paragraph 10 be so amended as to provide that the depreciation reserve funds shall be divided in proportion to the amounts required to complete the schemes on hand.' "

The amendment was put and lost.

Paragraph 10 was put and carried.

Paragraph 11.

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I move that—

' At the beginning of paragraph 11, the words " Subject to the provisions of paragraph 12 " may be added, and the following explanation added below the paragraph :—

" Explanation.—Nothing in this paragraph shall apply to State Trading Schemes.' "

" Paragraph 12 of this Schedule is with reference to public debts payable in respect of capital assets. It has therefore been said ' Subject to the provisions of paragraph 12 '.

" The State Trading Schemes mainly concern the Civil Supplies Department which deals in rice and other things. Such a formula as envisaged in the original paragraph in the draft Bill cannot be applied to the Civil Supplies Department because the stocks of rice are distributed throughout the State. It will also work to the detriment of the Andhra State because the major stocks of rice are in the Residuary State and if they go to them without any further liability, it would amount to saddling the Andhra State with a liability without there being any stocks of rice. We, therefore, want to make a separate provision in regard to State Trading Schemes. I will move it at the proper moment."

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SRI K. BHASHYAM :—" I take it that commercial and industrial undertakings of Government only will come under State Trading Schemes."

THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir."

MR. CHAIRMAN :—" I shall put the amendment of the Hon. Sri C. Subramaniam to the vote of the House. The question is—

' At the beginning of paragraph 11, the words " Subject to the provisions of paragraph 12 " may be added, and the following explanation added below the paragraph :—

" Explanation.—Nothing in this paragraph shall apply to State Trading Schemes.' "

The amendment was put and carried.

Paragraph 11, as amended, was put and carried.

Paragraph 12.

Sub-paragraph (1) of paragraph 12 was put and carried.

Sub-paragraph (2).

SRI S. SRINIVASA RAO :—" Mr. Chairman, Sir, I move the amendment standing in my name that—

' This House recommends that paragraph 12 (2) be so amended as to provide that the Central Government shall render the necessary financial aid to the State of Andhra for the construction of its Capital City.' "

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I think it is but fair that the Central Government should come to the assistance of the Andhra State for putting up a capital and they did so in respect of Sind and Orissa. Even in respect of East Punjab it was the Government of India that took over the liability of putting up the capital. Therefore, in respect of the Andhra State also wherever they may put up their capital, the Central Government should come to the assistance of the Andhra State. This is my reaction to the amendment and it may be put to vote separately."

SRI V. RAMAKRISHNA :—" Sir, may I suggest that this House may recommend to the Government of India to grant us Rs. 10 crores."

* THE HON. SRI C. RAJAGOPALACHARI :—" It is a matter for examination and negotiation."

SRI V. RAMAKRISHNA :—" I request the Hon. Chief Minister to use his good offices to get us at least Rs. 10 crores as in the case of the Punjab."

* THE HON. SRI C. RAJAGOPALACHARI :—" But, we should not introduce it in our opinions in regard to this Bill. If Sri S. Srinivasa Rao's amendment is put to the vote separately, it will ease the situation in dealing with the other amendments."

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MR. CHAIRMAN :—" I shall put the amendment to the vote of the House. The question is—

' This House recommends that paragraph 12 (2) be so amended as to provide that the Central Government shall render the necessary financial aid to the State of Andhra for the construction of its Capital City.' "

The amendment was put and carried.

* THE HON. SRI C. RAJAGOPALACHARI :—" Paragraph 12 is dealt with by Sri B. V. Subrahmanyam in paragraphs 9, 10, 11 and 12 of his amendment No. 70."

SRI B. V. SUBRAHMANYAM :—" Sir, I formally move my amendment that paragraph 12 be amended so as to provide that—

' In apportioning the public debt attributable to loans raised by the issue of Government Securities, or taken from the Central Government, Reserve Bank, or other Bank, account shall be taken of the returns and accumulated surpluses given by the Capital works on which the outlays have been made and for which capital accounts are kept by the Government;

Provision shall be made in regard to the management of public debt under clause 12 of VII Schedule that as soon as the assets and liabilities are ascertained, each State shall manage its own public debt and until such date, the State of Madras shall manage public debt in consultation with the Andhra State;

the division of Sinking Funds for loans under sub-clause (4) of clause 12 of Schedule VII, shall be made on the population basis;

the provision in sub-clause (5) of clause 12 of Schedule VII of Rs. 230 lakhs shall be increased to Rs. 10 crores.' "

p.m. SRI V. RAMAKRISHNA :—" Mr. Chairman, Sir, I rise to move the amendment which stands in my name—

' In the first proviso to clause 12 (2) of the Seventh Schedule for the words "the city of Kurnool", substitute the words "such place as may be fixed by the President".'

The Hon. the Prime Minister of India on the 21st day of March 1953 announced in the Parliament that the selection of the place for the location of the temporary capital of the proposed Andhra State would be left to the choice of the members elected to the Legislative Assembly of the Madras State from the areas comprised in the new State. In pursuance of the above undertaking of the Government of India, a meeting of the Members of the Legislative Assembly representing the new State was convened and Kurnool was chosen as the temporary capital of the Andhra State by 79 against 53 votes.

Hon. Members might ask why should attempts be made to alter a decision so lately made by the elected representatives of the new State.

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" I submit, Sir, that the decision is not the free and unfettered choice of the peoples' representatives. In the name of democratic unity, the dictation of Sri Prakasam, the Grand Old Man of Andhra, who fell an easy victim to the machinations of power-mad politicians, was forced on the Andhra Members of the Legislative Assembly.

" It is, therefore, necessary for me to narrate the events leading to the selection of Kurnool as the future seat of the Andhra Government.

" Under the terms of the Sri Bagh Pact the choice of the selection of the Capital or the High Court is left to the people of Rayalaseema. Representatives of Rayalaseema met on the 27th May at the Gokhale Hall and passed a resolution to the effect that the temporary Capital of Andhra should be located at Tirupathi in Rayalaseema. This choice of the people of Rayalaseema follows the recommendation of Justice Wanchoo who considers Tirupathi as the only suitable place for the location of the Capital in Rayalaseema if it is decided to locate it there.

" The Congress Legislature Party agreed that the Capital should be located in Rayalaseema. Its leader along with a few other members of the party was authorized to negotiate with Sri Prakasam, Leader of the Praja Socialist Party, and submit the name of a suitable place. The circumstances in which this decision was announced were most undemocratic and savour of dictatorship. It was after 6 p.m. when this important announcement was made to the political parties and the Press. The time for giving notice of amendments had already expired. The popular dailies had already been printed and the public were deprived even of the news about the decision. The democratic parties in the Legislative Assembly were presented with a *fait accompli*."

SRI T. G. KRISHNAMOORTHY :—" On a point of order, Sir. The hon. Member is reading his speech. May I know whether this is permitted."

MR. CHAIRMAN :—" When I do not object, it means I have permitted him."

SRI V. RAMAKRISHNA :—" They were forced to vote for Kurnool with the cry of democracy in danger, pressure of party whips and the dangling of ministerial carrots. I submit, Sir, this act of the Andhra leaders will go down in the history of the Andhra State as a Himalayan blunder. Most extraordinary arguments were advanced in support of the decision. Kurnool's proximity to Hyderabad City, the future capital of Visala Andhra, is considered its paramount claim for being chosen the capital of the Andhra State. Such an argument would be all right, Sir, if it is the intention of the future Government of the Andhra State to organize fifth column activities and conquer the Hyderabad State. I do not think the Government of India would permit or tolerate any such action on the part of any member State in the Union.

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"The second argument that was advanced was that it was the choice of the people of Rayalaseema. As I have already pointed out, the choice of the people of Rayalaseema was Tirupathi and not Kurnool.

"Another argument advanced was that if the temporary capital was located in the area indicated by Justice Wanchoo, namely, the region between Guntur and Vijayavada it would be in the heart of communistic activities. This is the very ground which I would submit should be taken into consideration in fixing the capital. When there are difficulties the Government of the State can always from the capital operate and take necessary steps to put down communism and to eliminate the causes that lead to communism.

"Sir, the author of Kurnool or the sponsor of Kurnool did not consider, in selecting the capital, the accommodation likely to become available, and financial feasibility, access of the town to all parts of the State, etc. Mr. Justice Wanchoo in his report had stated—

'Kurnool is at one end of the new State and though it is on the Tungabhadra river, it is very awkwardly situated—the distance being roughly 600 miles from Ichchapuram.'

Subsequent to this, authoritative pronouncements have been made by Sri Lobo Prabhu, an impartial and experienced Administrator who was deputed by the Government to investigate into the suitability of Kurnool being chosen as the capital. I cannot do better than quote from a note prepared by the State Government on his report which is as follows:—

'In the introductory part of his report, Sri Lobo Prabhu has drawn attention to a number of drawbacks of Kurnool town. There has been practically no building activity in the town during the last twenty years, and the best and biggest houses were built before the turn of the century. The town is of a very old pattern, of small and congested houses on streets which are narrow and wandering. The town has now a population of over 60,000 and there are only 12,920 houses, some of which are thatched huts and many other buildings of a very old type, not all in good repair. There is no drainage system at all and there is only one road with a dustless surface. The water-supply was originally designed in the year 1897 for a population of 20,000 and there has been no augmentation of supply since then. The electric supply system was considered, even before the town was chosen as the temporary Andhra capital, to require extensive improvements. The town is not centrally situated in the Andhra area and is served by inadequate railway facilities with two intermediate junctions linking it to the broad gauge system.'

"The Partition Committee accepted his recommendations and observed that the accommodation likely to become available will not meet even a fraction of the requirements and stressed the need for taking on hand anti-malarial operations and building construction estimated to cost about 85 lakhs.

"Another most important objection to the location of the capital at Kurnool is the finding of the Khosla Committee that the low-lying parts of Kurnool will be submerged when the Siddeswaram Dam is built. Hon. Members are no doubt aware that even now Kurnool town is subject to the floods of Tungabhadra and Hindri rivers.

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"Is it, therefore, wise and just that we should undertake to build the capital at a place liable to submersion? Is it wise and just to build a capital at a place which is inaccessible to the rest of the State and where accommodation is grossly inadequate? The effect of the inadequacy of accommodation has to be seriously considered. It would be impossible to run the infant State unless the services are prepared to give of their very best. Officials who will have to maintain two families will not be able to give of their very best to the State. In these circumstances, at the first opportunity available to the Andhra Members of the Legislature they have retraced their steps and voted for the site recommended by Justice Wanchoo.

"Although technically the amendment was defeated by a single vote, it was carried by a majority of four Andhra votes. In spite of the advice given by the Hon. Chief Minister that no non-Andhra should participate in the vote, five non-Andhras participated and thus secured a majority for the retention of Kurnool. The latest decision of the Andhra legislators in regard to the location of the capital is a triumph for public opinion, a triumph for the right lead given by the two Telugu dailies *Andhra Patrika* and *Andhra Prabha*, and a triumph for the high sense of duty displayed by some of the Andhra Members of the Madras Legislature who placed public interest and the welfare of the State above all considerations of party prestige." 7-10 p.m.

* SRI G. VENKATA REDDI :—"Sir, I am really sorry that a gentleman of the eminence of Mr. Ramakrishna should move the amendment and make so many insinuations and allegations against respected gentlemen of Andhra. Kurnool has been decided after deep deliberation for five days. The Andhra legislators were given free scope and they gave their uninfluenced and unbiassed verdict in favour of Kurnool. My Friend Mr. Ramakrishna referred to the amendment moved in the Legislative Assembly. I am really sorry that he should have got the guts to say that it was carried when it did not secure an absolute majority of the votes of the Andhra legislators."

SRI K. BALASUBRAMANYA AYYAR :—"Guts" is not parliamentary."

SRI G. VENKATA REDDI :—"The strength of the Andhra legislators is 140, and this amendment did not secure even 70 votes.

"I must state on the floor of this House that the propaganda that has been carried on against Rayalaseema is not at all conducive to the formation and the well-being of the Andhra State. Taking advantage of the economic backwardness of Rayalaseema, all sorts of arguments are advanced against the choice of Kurnool. Kurnool is one of the best towns in Andhra. If one goes through the reports of the Public Health Department, he will find that Kurnool is in no way bad or inferior in the matter of public health. I

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know it has not got any epidemics. All sorts of vague and imaginary allegations against Kurnool are being published in the Press. My friend (Mr. Ramakrishna) refers to distance. Is not Kurnool Town connected by railway? Kurnool is connected by railway as much as Tirupathi is connected. The Andhra State is going to be formed with a deficit budget. The amount that is proposed to be spent on Kurnool is not large. The place is extremely backward and the cost of acquisition of site will be much less than what it will be in some other areas. This consideration also should be taken into account. As regards climate, it is very moderate. There people do not die of sunstroke.

"Sir, I oppose the amendment."

* THE HON. SRI C. RAJAGOPALACHARI :—"Sir, may I intervene? Everyone has his perfectly clear opinion on this issue. I would deprecate an unnecessary discussion of the issue here. It is not as if by mere argument we can fix a capital. Ultimately it will be done somehow or other. I suggest that the amendment might be put to vote without discussion and that the Members who do not belong to the Andhra area do not take part in the voting."

DR. V. K. JOHN :—"Sir, I support the amendment moved by Sri V. Ramakrishna."

* THE HON. SRI C. RAJAGOPALACHARI :—"I shall not inflict my advice upon the Opposition, which has just been formed."

* DR. V. K. JOHN :—"Nor, I say with all respect to the Hon. Chief Minister, will that advice be accepted."

"The amendment is that for the words 'the city of Kurnool' the words 'such place as may be fixed by the President' shall be substituted. Mr. Ramakrishna does not mention any other place. He only says that the place should be fixed by the President. I do not belong to the Kamma group or the Reddi group or any of the political parties in the Andhra State, and I am perfectly impartial. From my knowledge of my good friends in Andhra, I feel they are emotional, progressive in outlook and have quick-changing ideas. I believe they cannot fix a capital by themselves. They cannot come to a final decision to which they will stick. They will always change and it is better that somebody else, the President of India, fixes a capital for them."

SRI M. P. GOVINDA MENON :—"Mr. Chairman, Sir, I would have been very willing to accept the suggestion made by the Hon. Chief Minister for the Members of the residuary State not taking part in the voting. I am sorry that this question of capital has come up. I am concerned with one of the greatest supporters of the movement for the creation of the Andhra State and I am myself a supporter of linguistic States. It is very regrettable that, after a decision has been taken by the Andhra

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legislators at a meeting convened at the instance of the Prime Minister of India, the question should again be agitated. I request the hon. Member to withdraw the amendment, and not to create further trouble. I give this warning to my friends in the Andhra State. Their future depends not upon the goodwill or illwill of others; it depends upon themselves. If they begin with this quarrel, I am afraid they have no future. The Mover of the amendment cast grave reflections on leaders revered by the whole country. If this position continues, I see a bad future for the Andhra State."

* SRI D. VENKATA RAO :—"Mr. Chairman, Sir, reference was made to the meeting of the Andhra Members of the Legislative Assembly at which it was decided to have the capital at Kurnool. The Andhra Members of the Council were not taken into confidence and we were not consulted. Our approach to-day is a fresh approach. We support the amendment moved by Sri V. Ramakrishna."

* THE HON. SRI N. RANGA REDDI :—"Mr. Chairman, Sir, 7-20 p.m.
I have to discharge a very painful duty this evening. I never wanted to participate in this controversy at all. From the day this Andhra State Bill was introduced either in the Legislative Assembly or in the Legislative Council, I never wanted to speak one way or the other. Our views on the subject are well known. Therefore, I thought it discreet on my part not to say anything which would savour of opposition to the formation of the Andhra State. The Prime Minister of India stated that the choice of the capital should be left to the decision of the Andhra Legislators. In accordance with that decision, the Andhra Legislators were asked to meet together and come to a decision. After conferring for five continuous days, they came to the conclusion that Kurnool was the proper place to be the capital of Andhra Desa. If any one were to ask me whether there is any place in the whole of the Andhra districts which is fit enough to be a capital, I will say that there is no place. That being the position, some place ought to be decided upon. It is not only the suitability of the place that would make for a capital. Various other considerations were brought in to decide the choice of the capital. The Congress Legislature Party, and also the Krishikar Lok Party and others who had toiled for the formation of the Andhra State, decided that the capital of the Andhra State should be Kurnool. Having done that, if it had been left at that, that would have been very much better. But some Members wanted to revise that decision. They brought forward an amendment in the Assembly to revise that decision saying that it did not represent the considered opinion of the Andhra Legislators. I really do not know how my hon. Friend Mr. Ramakrishna says that the decision that was arrived at was not a proper decision, and that that decision was governed by other considerations, and so on. If that argument is to be advanced against the first decision, I would say that the same argument can be advanced against the second decision also."

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Dr. John—I do not know whether I should take it as a good certificate—gave a certificate in regard to the mind of the Andhras. He said that the Andhras were unable to decide for themselves, and so the President should decide. I think it is a very good certificate that Andhras cannot manage their own affairs! We must show that we can carry on the Andhra Government. If we are going to change our decisions every alternate day, how can we carry on our administration? Rightly or wrongly, we have chosen a place, and let us stick to it. When the formation of Andhra State was under active consideration, very many people in Rayalaseema said that the formation of the State was not going to confer any good on the people of Rayalaseema. The opposition of Rayalaseema was cowed down, and the voice of the people of Rayalaseema was not heard. Andhra State has now been assured. Mr. Justice Wanchoo, who dealt with the question, has made mention of this in his report. There is reference to the Sri Bagh Pact. That Pact was accepted by the Congress Legislature party. I think it has been approved by the All-India Congress Committee also. (Interruption.) Very well. It has been approved by the All-India Congress Committee. As per the Sri Bagh Pact, the choice of the capital or High Court was left to the people of Rayalaseema. The Rayalaseema people should decide whether the capital should be in the coastal districts or in Rayalaseema. This question was decided by the Andhra Legislators, and they said that the capital should be in Rayalaseema. If we now want to go back on that decision, we will be only confirming the suspicion of the people of Rayalaseema that anything which is beneficial to Rayalaseema and which does not suit the coastal districts, will not be taken up. It is for that very reason in the Sri Bagh Pact it is mentioned that for ten years to come, priority should be given to irrigation projects in Rayalaseema. There has been very great controversy going on in regard to the Krishna-Pennar project. Krishna-Pennar project was said to benefit the Tamil districts. I said that so far as the Tamil districts were concerned water-supply could be cut off. The Siddheswaram project is intended to benefit Kurnool and Cuddapah and about 8 lakhs of acres in Krishna and Guntur. But as per the Khosla Committee report, the Nandikonda project dam should be constructed first. If Nandikonda dam should be constructed, what are we going to get? Therefore it is I say that we will be confirming the suspicions of the Rayalaseema people that whatever schemes that will benefit the people of the coastal districts will only be undertaken first and not the schemes that will benefit the Rayalaseema people. My friend Mr. Ramakrishna said that if Kurnool were to be the capital and if Siddheswaram project were to be constructed, Kurnool would be submerged. Our engineers have sense enough, skill enough, and capacity enough to so construct the dam as to avoid the submersion of Kurnool. If my friends say that Siddheswaram project will be the first one to be constructed, it is only for argument. They want to see that Kurnool is not made the capital. It is for that reason Mr. Justice Wanchoo said that Rayalaseema people had got some suspicion. Their suspicions

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are well-founded. They think that their irrigation projects will not be given top priority. I was thinking that some friend either in the Assembly or in this Council would say, while discussing this Bill, that the Andhra State should give to Rayalaseema some priority, importance, guarantee, sanction, etc. (Interruption by Sri K. Balasubramanya Ayyar.) Some Members might mention that it is a famine-stricken area and a backward area. The Prime Minister of India toured the Rayalaseema districts, and he said that something ought to be done to improve the conditions in Rayalaseema. But then what is to be done? There is one project, the Krishna River Valley project. If that is taken up, the Siddheswaram Project will be buried. But what guarantee is there that this will be done? After the formation of the Andhra State, am I to take that Siddheswaram Project will go altogether? (Interruption.) One month later, we want to change the decision about the capital. I submit that it is not wise to change that decision. Whatever has been done, has been done. If we want to change that decision, we will have to change it at another meeting of the Andhra Legislators. When a special meeting of the Andhra Legislators decided the capital, some of my friends want to come by the backdoor and say 'it is a technical victory'. It is very bad. If it is said that other people had no right to vote, they could have told the Speaker that they had no right to vote. We know what propaganda is being carried on not only by enlightened people but also by the two Telugu papers to which the hon. Member Mr. Ramakrishna paid the highest compliment. Hon. Members will be facing a grave danger if they persist in their attitude of changing the decision to have the capital at Kurnool. If they persist in their attitude, it will not be a good augury for the Andhra State. Therefore, I request my friend to withdraw his amendment."

* SRI T. PURUSHOTHAMA MUDALIAR :—" Sir, to the amendment that has been moved by my hon. Friend Sri V. Ramakrishna, something more definite must be added. The amendment says '... such place as may be fixed by the President.' Is that place to be in the Andhra State or outside? It should definitely be stated that the capital should be within the Andhra State. If not, the question of the City of Madras may arise again. (Laughter.) So, I move—

"That the words "within the Andhra State" should be added after the word "President" in the above amendment."

SRI V. RAMAKRISHNA :—" Sir, I have no objection to accept the amendment."

* SRI B. V. SUBRAHMANYAM :—" Mr. Chairman, Sir, this whole debate on the amendment to substitute for the words 'the City of Kurnool' the words 'such place as may be fixed by the President' must be very amusing, but it reflects a certain difficulty which 140 Legislators had to face and meet when they discussed and came to a decision on the matter. (Interruption.) Sir, we

7-30
p.m.

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here in the residuary State could also preach tolerance to other people especially when they are still with us. I submit that, in moving this resolution, the hon. Member, Sri Ramakrishna, need not have been so uncharitable as to call certain people undemocratic, dictatorial and things like that. I can understand a straight desire that a wrong place should be abandoned and a right place should be named, as far as possible, in a constitutional and proper way. But is this the proper way to do that? That is the only question with which we are faced to-day. Once it had been decided by the authorities concerned that the Andhra Members of the Legislative Assembly alone sitting for the purpose had the right to choose the location of the Capital, this Council which is to be purely a Council hereafter of the residuary State—it is true that there is our recommendation that there should be a Legislative Council for Andhra but about the fate of this recommendation we do not know much—should not interfere with this decision of the Legislative Assembly members. There is no other paramount objection behind my argument. The people of Rayalaseema have been at great odds with the people of the Circars for several decades, as you all know. Therefore, the question of location of the Capital ought not to be a matter which should be lightly reopened in this side-wind manner. If the Sree Bagh Pact was not there, it might be that Vijayavada was the right place to choose as the capital. But it was decided by a majority of 80 Legislators that Vijayavada was not the right place. Now, why should we or how could we decide against their wish without constituting another body to meet and to decide all over again in the same manner in which they met and decided in the early days of June this year? It should not be for another House, it should not be for the Assembly as a whole or for this Council to alter that decision. That is the advice I tender to my hon. Friends, whatever may happen to this resolution to-day."

SRI M. SITHARAMA DASS :—" Sir, what about my resolution? "

MR. CHAIRMAN :—" I will take it up afterwards. "

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, it may be formally moved. If it is accepted, it decides the whole matter. The order will be decided by the Chairman. Formally, the resolutions may be moved. "

MR. CHAIRMAN :—" I shall first put the amendment of the hon. Member Sri Ramakrishna (No. 118) as amended by Sri T. Purushothama Mudaliar's amendment to the vote of the House. The question is—

'In the first proviso, for the words "the city of Kurnool", substitute the words "such place as may be fixed by the President within the Andhra State".'

The amendment was put and declared lost.

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A poll was demanded and the House divided thus—

Ayes—6.

Sri R. Venkatasubba Rao Chowdary.	Sri S. Sreenivasa Rao.
" V. Ramakrishna.	" D. Venkata Rao.
" K. Suryanarayana.	Dr. V. K. John.

Noes—6.

The Hon. Sri N. Ranga Reddi.	Sri M. P. Govinda Menon.
Sri R. Nadhamuni Reddi.	" B. V. Subrahmanyam.
" G. Venkata Reddi.	" A. Gajapathy Nayagar.

Neutral—19.

The Hon. Sri C. Rajagopalachari.	Sri Mahomed Usman.
Sri M. Bhaktavatsalam.	" V. Bhashyam Ayyangar.
" T. G. Krishnamurthi.	" Mariswamiiah Matada Pateel.
" C. Perumalawami Reddi.	" C. Maruthavanam Pillai.
" S. O. S. P. Odayappa.	" T. Purushothama Mudaliar.
" A. M. Allapichai.	" G. Krishnamurthi.
" M. Sitarama Das.	" E. H. Parameswaran.
" S. P. Sivasubramanya Nadar.	" T. M. Narayanaswami Pillai.
" N. Annamalai Pillai.	" K. Balasubramanya Ayyar.
" M. Ethirajulu.	

Ayes—6; Noes—6; Neutral—19.

* THE HON. SRI C. RAJAGOPALACHARI :—" It is only an expression of opinion of the House and it is a misapprehension that the Chairman should give his casting vote in a matter of this kind. I think it is enough if the proceedings are reported and forwarded as they are, unless the Chairman wishes to vote in his own capacity." 7.40 p.m.

MR. CHAIRMAN :—" I do not wish to vote. The amendment is therefore neither carried nor lost."

SRI M. SITHARAMA DASS :—" What about my amendment, Sir? "

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I submit that the amendment of Mr. Sitarama Das is out of order. I think there are other amendments which we may have to put to the vote. We have given full expression to our opinion. I think the Government of India and the Parliament will take all these things into consideration. Hon. Member Sri Ramakrishnaiah is not here and I request hon. Member Sri Srinivasa Rao to withdraw his amendment."

* THE HON. SRI C. SUBRAMANIAM :—" The whole Bill is drawn up on the basis of territories. Mr. Sitarama Das says in his amendment that the capital should be temporarily located in Madras. So, he is claiming extra-territorial jurisdiction. In the whole Bill, such a thing is not contemplated. I do not think the capital of the new State could be located in a territory which does not belong to it."

MR. CHAIRMAN :—" The amendment of Sri Sitarama Das is out of order."

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SRI M. SITHARAMA DASS :—" Am I not entitled to move my amendment, Sir? "

MR. CHAIRMAN :—" No, the hon. Member is not entitled to move it. I have already ruled it out of order."

SRI S. SRINIVASA RAO :—" I do not move my amendment * (No. 120), Sir."

Sub-paragraph (2) of paragraph 12 as amended was put and carried.

Paragraph 12 (3).

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I beg to move the following amendment which stands in my name:—

' This House recommends that this sub-paragraph should be amended so as to provide that—

(a) the Mysore State shall be liable to reimburse the expenditure incurred on the Tungabhadra Irrigation and Hydro-Electric Project which has been met otherwise than from borrowings, to the Andhra and Madras States, in such sums as the President may, by order, direct;

(b) while the final allocation should be made on the completion of the Hydro-Electric Project, provisional allocations of the amount of public debt on account of the expenditure on the Tungabhadra Irrigation and Hydro-Electric Project shall be made at such convenient earlier stages as the President may by order specify; and

(c) expenditure on State Trading Schemes shall not also be taken into account for the purposes of the allocation under sub-paragraph (2).'

" I shall briefly explain the reasons for this amendment. In the Bill, it has been stated that the entire expenditure incurred on the Tungabhadra Irrigation and Hydro-Electric Project up to the appointed day shall be deemed to have been incurred in the territories of the Andhra State. On that basis, the liability incurred will be much less than the assets which have been built up. The liabilities will form only 55 per cent of the assets. About Rs. 10 crores of the public debt will be allottable to them. The balance of Rs. 9 crores represents the amount contributed by the composite State from its revenue account. This has to be taken into consideration. The Andhras also have contributed towards this and so they are entitled to it. That is why we are not claiming anything from them; but so far as Mysore is concerned, its share should be taken even now and it should be shared between the Andhra and the Residuary States. We may get a sum of Rs. 3 crores which may be divided between the Andhra and the residuary Madras States. The Residuary State will get Rs. 2 crores from this.

* 120. In the first proviso to paragraph 12 (2), for the words " Kurnool ", substitute the words " Guntur to Vijayavada ".

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" We are entitled to get three crores of rupees from Mysore and that should be shared between the Andhra State and the Residuary State on the population basis, that is, in the ratio of 2 : 1. That is not provided for now and we will not be able to get anything afterwards. That is why a provisional allocation will have to be made on the appointed day and then later on between the Mysore State and the new Andhra State there will be final settlement of accounts. Expenditure on State Trading Schemes will not be taken into account for which we are making separate provision."

SRI MARISWAMIAH MATADA PATEEL :—" Sir, I move the following amendment:—

' This House recommends that paragraph 12 (3) be so amended that all expenditure incurred over the Tungabhadra Project up to 1st October shall be met by the existing State, any further expenditure incurred after 1st October 1953 shall be met by the Mysore and Andhra States in such ratios as the President may, by order, specify.'

MR. CHAIRMAN :—" I shall put Mr. Mariswamiah's amendment to vote first. The question is—

' This House recommends that paragraph 12 (3) be so amended that all expenditure incurred over the Tungabhadra Project up to 1st October shall be met by the existing State, any further expenditure incurred after 1st October 1953 shall be met by the Mysore and Andhra States in such ratios as the President may, by order, specify.'

The amendment was put and lost.

MR. CHAIRMAN :—" I shall now put the Government amendment to vote. The question is—

' This House recommends that sub-paragraph 12 (3) should be amended so as to provide that—

(a) the Mysore State shall be liable to reimburse the expenditure incurred on the Tungabhadra Irrigation and Hydro-Electric Project which has been met otherwise than from borrowings, to the Andhra and Madras States, in such sums as the President may, by order, direct;

(b) while the final allocation should be made on the completion of the Hydro-Electric Project, provisional allocations of the amount of public debt on account of the expenditure on the Tungabhadra Irrigation and Hydro-Electric Project shall be made at such convenient earlier stages as the President may by order specify; and

(c) expenditure on State Trading Schemes shall not also be taken into account for the purposes of the allocation under sub-paragraph (2).'

The amendment was put and carried.

Sub-paragraph 12 (3) as amended was put and carried.

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THE HON. SRI C. RAJAGOPALACHARI :—" Sir, before we proceed further, Mr. B. V. Subramaniam's amendments may be put to vote."

MR. CHAIRMAN :—" Yes. The question is that paragraph 12 be amended so as to provide that—

' (1) in apportioning the public debt attributable to loans raised by the issue of Government Securities, or taken from the Central Government, Reserve Bank, or other Bank, account shall be taken of the returns and accumulated surpluses given by the Capital works on which the outlays have been made and for which capital accounts are kept by the Government;

' (2) provision shall be made in regard to the management of public debt under clause 12 of VII Schedule that as soon as the assets and liabilities are ascertained, each State shall manage its own public debt and until such date, the State of Madras shall manage public debt in consultation with the Andhra State; "

The amendments were put and lost.

Sub-paragraph 12 (4).

MR. CHAIRMAN :—" The question is—

' The division of Sinking Funds for loans under sub-clause (4) of clause 12 of Schedule VII, shall be made on the population basis.' "

The amendment was put and lost.

Sub-paragraph 12 (4) was put and carried.

Sub-paragraph 12 (5).

MR. CHAIRMAN :—" The question is—

' The provision in sub-clause (5) of clause 12 of Schedule VII of Rs. 230 lakhs shall be increased to Rs. 10 crores.' "

The amendment was put and lost.

* DR. V. K. JOHN :—" Mr. Chairman, Sir, I move—

' That paragraph 12 (5) of the Seventh Schedule be omitted.'

It says—

' In order to compensate the State of Andhra finally for its relatively smaller share of buildings its share in the liability on account of debt to be apportioned between the States of Andhra and Madras under sub-paragraph (2) of this paragraph shall be reduced by 230.4 lakhs of rupees and the share of the State of Madras in such liability shall be correspondingly increased.'

My reason is very simple. Paragraph 1 of the same Schedule lays down the principle of apportionment of assets and liabilities and was commented upon by the Hon. the Minister for Finance at an earlier part of the discussion. It says that subject to the other provisions of the Schedule, all land and all stores, articles and other goods shall remain the property of, or as the case may be, pass to, the State in which they are situated. This principle is contradicting the provisions of sub-paragraph 12 (5) which did not exist when

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Sind or Orissa was separated. Once we accept the principle contained in paragraph 1 (1) it is not in justice, equity and good conscience to try to ask the residuary State to pay 230.4 lakhs or any other sum, for that matter, to the Andhra State. In my humble opinion, not one rupee should be paid. Buildings are there in the City of Madras and they belong to the residuary State. No compensation should be paid to the Andhra State. It is inconsistent with justice, equity and good conscience and also against the provisions of paragraph 1 (1). It has no precedent either, whether it is Orissa or Sind."

* SRI M. BHAKTAVATSALAM :—" Sir, I rise to second the amendment moved by Dr. V. K. John. This provision to pay a compensation of Rs. 230.4 lakhs of rupees to the Andhra State which Dr. John seeks to have removed refers to certain buildings in the City and to the need for the Andhra State to build a capital. Just a while ago, Sir, this House accepted an amendment moved by one hon. Member that the Government of India might be requested to make sufficient contribution for the building of the new capital of Andhra. Having passed that amendment unanimously, I do not think that this provision would fit in with this Bill. If I may refer to the recommendations made by the Partition Committee of the Madras Cabinet in 1949, that Committee recommended that out of the reserves that were then available a sum of one crore of rupees might be set apart to enable the Andhras to build their capital.

" Now the difference is that there were reserves then, but now there are no reserves. Provision is made in the Bill in the matter of allocation of debts. In the matter of division of Orissa or in the matter of formation of Sind, no such provision had been made for payment of compensation for building up of a capital. Therefore, it is but right that this provision to pay Rs. 230.4 lakhs by way of adjustment of debts should be removed and that the residuary State should not be unjustly overburdened with debts."

SRI M. SITHARAMA DASS :—" Sir, I am not making any speech on the amendment. May I know whether we can have sufficient time to discuss this matter and the House adjourned to to-morrow for the purpose? "

MR. CHAIRMAN :—" This is an amendment moved on the floor of the House now. It could not be circulated."

DR. V. K. JOHN :—" May I mention that even without an amendment, I can speak the same thing on paragraph 12 (5) of the Seventh Schedule? "

SRI D. VENKATA RAO :—" Sir, this amendment is sprung upon us as a surprise. We are not prepared to vote on it."

MR. CHAIRMAN :—" This is not unusual. The amendment is given now and I am allowing it."

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SRI D. VENKATA RAO :—“ Sir, I oppose the amendment of Dr. John. The compensation indicated in this paragraph is too small. We are for more and at least the figure indicated here may be passed.”

* SRI T. M. NARAYANASAMI PILLAI :—“ Sir, I am not a little surprised to find how the amendment of Dr. John is objected to. Of course, we have no objection to allowing time being given for the purpose of debate as to whether the clause in the Bill should stand. I have been feeling rather disappointed with the manner in which this allocation has been provided for in the Bill. I have always been feeling that the basis of allocation of assets and liabilities adopted by the Government of India is not a correct one. There is no question here of any partition of joint properties by co-sharers, no question of liability to account on the part of the residuary State. When you take that view, I do not know whether the buildings in the Madras City can be taken account of and valued as though they were properties available for sharing or for partition. They all belong to the residuary State. Further take this building, for example. It has got a value. Who is there offering it a price? Supposing we say, it is Rs. 10 crores and they say 36/100 of this should be paid to the other State. Is it right on the part of the people to claim and try to saddle an imaginary price and a liability upon the residuary State? It has no value properly speaking, except for the purpose of enjoying. It is not a property in the sense that it can be shared or partitioned. That cannot be the attitude. I object therefore to this liability of Rs. 230 lakhs.”

“ Again let us see how this was arrived at. In Justice Wanchoo's report, he valued the city buildings at only Rs. 320 lakhs; he did not work out 36 per cent of this Rs. 320 lakhs. For some reason which is not valid he doubled it and raised the price to Rs. 640 lakhs. Thirty-six per cent of it was arrived at 230.4 lakhs. Is this just? Therefore, this provision of 230.4 lakhs is not supportable on the very ground on which Mr. Justice Wanchoo has based it. Secondly, this partition or allocation of assets on this footing is itself due to some notion of some imaginary right being allowed to come into the picture. I am always thinking that we should help the new State but what is our position? We are minus. If we had some reserves, certainly we could help, irrespective of any right or liability. On the other hand, the new State has every claim, every justice to get help from the Union Government. They have done it on previous occasions, namely, in the matter of Orissa and Sind. Therefore, if the new State talks of justice, reason and precedent, there is no justification for the acceptance of this clause. Therefore, I support the amendment of Dr. John.”

* SRI M. SITHARAMA DASS :—“ దాక్షరు జాక్ గారు ప్రతిపాదించిన సవరణను నేను పూర్తిగా వ్యతిరేకిస్తున్నాను. కారణమేమిటంటే, మద్రాసు సగరములో ఉన్నటువంటి భవనాలకుగాను కష్టపరిహారము (compensation) 230.4 లక్షల రూపాయలను పూర్తిగా వ్యతిరేకిస్తున్నాను. కారణమేమిటంటే, మద్రాసు సగరములో ఉన్నటువంటి భవనాలకుగాను కష్టపరిహారము (compensation) 230.4 లక్షల రూపాయలను పూర్తిగా వ్యతిరేకిస్తున్నాను.”

[29th July 1953] [Sri M. Sitharama Dass]

యలను ఆంధ్ర రాష్ట్రమునకు కలిగిస్తున్న మద్రాసు రాష్ట్రము యివ్వవలసియున్నదని వెంట్రట్ గవర్నరు మెంటువారు వాంఛించారు చేసిన సిఫార్సు ప్రకారం ఆమోదించి ఆంధ్ర రాష్ట్రపు బిల్లులో చేర్చినారు. అట్లాంటి compensation యివ్వ సవరణములేదని ఉపన్యాసాలు చేస్తూండము చాలా ఆశ్చర్యకరముగా వున్నది. ఈ సవరణను యీ సభలోని కాంగ్రెసు పార్టీవారుగూడా బలపరుస్తున్నారంటే, యీ విషయములో ముఖ్య మంత్రిగారైన శ్రీమాన్ రాజగోపాలాచారిగారికిన్ని, వారి మంత్రివర్గపు వారికిన్ని, సంబంధము లేకుండా వుంటుందా అనే అనుమానము కలుగుచున్నది. అధిక మంత్రి గారుగూడా యీ సవరణను బలపరుస్తున్నందున ఆంధ్రులలో అనేక అనుమానాలకు దారితీస్తున్నది. ఈ విషయములో సవరణను ఆమోదిస్తూ ఉపన్యాసాలు చేయడం చూస్తే ఆంధ్రులైన తమిళులకు సుహృద్భావము, అవినాశవ సంబంధము కలిగివుండాలనే ఉపన్యాసాలలో ఎంత నిజమున్నదో గుర్తింపవలసియున్నది. నిజంగా ఆంధ్రులయందు సుహృద్భావముంటే, వీరు యిటువంటి అన్యాయపు ఉపన్యాసాలు చేస్తూ యిటువంటి ఆక్రమ సవరణను ఆమోదించరు. ఆంధ్ర రాష్ట్రానికి వెంట్రట్ గవర్నరు మెంటువారు ఆమోదించిన 230.4 లక్షల నష్టపరిహారము యివ్వడండా ఎగ కొట్టటానికి యిది కాంగ్రెసు పార్టీవారు చేస్తున్న ఎత్తుఅని అనుమానించక తప్పదు. అలాంటి అనుమానాలకు దారియివ్వకుండా, వ్యవహారము సక్రమంగాను, న్యాయంగాను జరుపకుండా యీనాడు వీరు ఆంధ్రులయందు change of heart చూపిస్తూ ఉపన్యాసిస్తున్నారు. ఆంధ్ర రాష్ట్రానికి తరణతో రాబోయే ఆశోకరు ఒకటవ తారీఖున ఆంధ్రులు కలిగిస్తున్న మద్రాసు రాష్ట్రమునంచి విడిపోతున్నారు. Compensation యిచ్చే విషయములో జస్టిసు వాంఛించారు చేసిన సిఫార్సుననుసరించి వెంట్రట్ గవర్నరు మెంటువారు ఆమోదించి యీ బిల్లులో చేర్చిన మొత్తమునకైనను ఆంధ్రులు తలచినట్లుంటే, యీ మొత్తమును కిల్లిలోనంచి పూర్తిగా తీసివేయాలని ఉపన్యాసాలు చేస్తూ సవరణను తెచ్చి మాట్లాడుతుంటే, యీ కలిగిస్తున్న మద్రాసు కాంగ్రెసు ప్రభుత్వంవారు ఆంధ్రులయందు చూపే అనాదరణ, అక్రమము. అన్యాయము చేయాలనే కక్షపాతబుద్ధి ఆంధ్రులయందు యీనాడు చూపుతున్నారు. ఈ నాడు ఈ ప్రభుత్వంవారు చేసేది ఆంధ్రులకు అంతా అన్యాయమే చేయ చూస్తున్నారని చెప్పక తప్పదు. ఆంధ్రులమైన మేము ఆస్తి ఆస్తుల సంపాదకము విషయములో నిష్పక్షపాతముగా న్యాయరీతిక సంపాదకము చేయాలని మేము వెంట్రట్ గవర్నరు మెంటువారిని Supreme Court Judge తో కూడినటువంటి ఒక Financial Expert Commission ఏర్పాటు చేయాలని కోరుతున్నప్పుడు, ఆంధ్రులు విడిపోయే సమయములో వారికి దేవిధంగాను సహాయము చేయకుండా మేము యిచ్చే సూచనలను, కోరికలను ప్రభుత్వపార్టీవారు కక్షపాత బుద్ధితో నిరాకరిస్తున్నారు. వెంట్రట్ గవర్నరు మెంటువారు ఏర్పాటుచేసిన ఆమోదించి బిల్లులో సహాయచేసిన క్లాజులను గూడా తీసివేయాలనే సిఫార్సులు చేస్తూ మాట్లాడుటానికి తయారౌతున్నారు. ఇదంతా చూస్తే ఆంధ్రులను అన్యాయము చేయటానికి యీ ప్రభుత్వమువారు తలపెట్టుతున్నారని చెప్పకతప్పదు. ఈ ప్రభుత్వానికి కక్షపాతమనే అనక తప్పదు. ప్రభుత్వమువారు ఇటువంటి కక్షపాత బుద్ధి నవలంబించడమనేది చాలా ఆశ్చర్యకరంగా ఉన్నది.

“ నేను ఒక చిన్న సవరణ యిస్తే, దానిని out of order అని త్రొసివేసారు. ఈ బిల్లు విషయములో ప్రభుత్వమువారికి యిష్టమువచ్చిన సవరణలు ఆమోదించడము యిష్టములేని సవరణలు త్రొసివేయించడము జరుగుతున్నది. ఆంధ్రులను కేవలము అన్యాయము చేయాలని యీ ప్రభుత్వము కోరుకుతున్నది. మద్రాసు సగరం

[Sri M. Sitharama Dass] [29th July 1953]

లోని భవనాలమీద compensation యివ్వడానికి నిరాకరిస్తూ ఆంధ్రులకు అన్యాయము చేయాలని యీ ప్రభుత్వమువారు చూస్తున్నారు. ఈ విషయములో న్యాయబుద్ధి ఆంధ్రులయందు చూపమని ముఖ్యంగా శ్రీ రాజగోపాలాచారిగారికి అప్పీలు చేస్తున్నాను."

8-10 P.M. SRI K. BALASUBRAMANYA AYYAR:—"On a point of order, Sir. The hon. Member is speaking against your ruling."

MR. CHAIRMAN:—"If the hon. Member is speaking against my ruling, he may please speak in English."

* SRI M. SITHARAMA DASS:—"No, Sir. ఆంధ్రులమైన మేము శ్రీ రాజగోపాలాచారిగారిని పూర్తిగా సమీక్ష చేయి, యీ విధమైన అన్యాయానికి పూనుకుంటున్నారంటే, యింతకంటే ద్రోహము మరొకటి భయముందా అని అంటున్నాను."

"మిత్రులు శ్రీ T. M. Narayanaswami Pillai గారు మాట్లాడుతూ ఆంధ్రులకు compensation యివ్వడంపరమమేదు. భవనాలు సగరంలో భుజ్జాయి అంటే అవి తమిళులు తీసుకొనిపోవటము లేదు. ఆంధ్రులుగూడా అనుభవించే హక్కు మాత్రమేగలదు. కాని వెంట్రట్ గవర్నమెంటువారి భుత్తరుభు ప్రకారము ఆంధ్రులు యీ భవనాలను విడిచిపెట్టి వెళ్లవలసినవారేగాని, తమిళులనుంచి compensation కోరటానికి ఏ విధంగాను ఆంధ్రులకు హక్కులేదు. గనుక compensation question యిప్పుడు ప్రసక్తికి రాదు అని ఉపన్యసించారు. ఈ భావమును ముఖ్య మంత్రి రాజగోపాలాచారిగారు గూడా ఆమోదించుతూ పూర్తిచేస్తున్నారని, ఖండించలేదు. అందువల్లనే నేను రాజగోపాలాచారిగారికి యిందులో సంబంధము వున్నదని అనవలసిన వస్తున్నది. Compensation యివ్వక పోయినప్పటికీని వదిలొండ్లపాటు మద్రాసులో ఆంధ్రులను వుండనివ్వమని కోరినప్పటికీని, దానికి గూడా తమిళులు ఒప్పుకోవడము లేదు. వినాటినుంచో ఆంధ్రులు తమిళులు సమీప్తిగా యీ సగరమును ఎంతో ద్రవ్యము వ్యయపరచి వృద్ధికి తెచ్చారుగాని ఒక తమిళులువల్లనేకాదు. కాబట్టి ఈ సగరము తమిళులకు ఒక్కరికీ చెందనేరదు. అస్తి అప్పుల పంపిణీ విషయములో ప్రతి చిన్న విషయములోనూ గూడా యీ ప్రభుత్వమువారు అంగీకరించకుండా వక్షపాతమువల్ల చూపుతున్నారు. ఈ విధంగా ప్రభుత్వమువారు వక్షపాతమువల్ల చూపుతుంటే, ఆంధ్రులతో అవినాభావ సంబంధము, సుహృద్భావము ఎట్లు కలుగుతుందో సభ్యులు గుర్తించాలి. బిల్లులోని 46 వ పార్టగ్రాఫు విషయంలోగూడా ప్రభుత్వమువారు వక్షపాతంగా తీర్చానించారు. ఈ బిల్లు విషయములో యీ ప్రభుత్వము వారు చేస్తున్నవి అన్యాయపు తీర్మానాలని నిరూపించేందుకు ఎన్నో నిదర్శనాలుగా వున్నవి. ఈ ప్రభుత్వమువారు చేసేటటువంటి ఏ ఉపన్యాసంలోనూ గూడా ఆంధ్రులకు తమిళులకు అవినాభావ సంబంధం. ఆంధ్రరాష్ట్రవారసత్వం తదుపరి గూడా, విర్వరుతుకుని వ్యవహారాలను నడుపుకోవాలని అంటూ రాజాజీ ఉపన్యాసాలు చేస్తూవున్నారుగాని వీరి ధోరణి అంతా చూస్తే, వైకి వోటిమాటలతో ఆంధ్రులతో బ్యార అవినాభావ సంబంధము వుండాలని అనడము, క్రియా రూపములో లేకపోవడము కనబడుతున్నది. ఈ బిల్లు విషయములో యీ ప్రభుత్వమువారు ఆంధ్రులకు యింత అన్యాయపు సవరణలు తెచ్చి, అన్యాయానికి పూనుకుంటారని నేను ఎన్నడు అనుకోలేదు. ఆంధ్రులు తమిళులు ఆంధ్రరాష్ట్రవారసత్వం సవరణములో అక్కడకుండా లాగు విడిపోవాలని వీరుచేసే ఉపన్యాసాలలోను వీరి తీర్మానాలలో ఎంత విజయము వున్నదో నిరూపించగలదు. ఈ విషయములో రాజగోపాలాచారిగారు యిటువంటి అన్యాయపు తీర్మానాలు ఆమోదించకుండా interfere అయి, న్యాయ

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ప్రకారము చూపమని వారికి నేను హృదయపూర్వకముగా విజ్ఞప్తి చేస్తున్నాను. తమిళులకు ఆంధ్రులయందు హృదయ పరివర్తన కిలగాలని ఆశించుచున్నాను. కాని అటువంటిది యేమి కనబడకము లేదు. వెంట్రట్ గవర్నమెంటువారు ఆమోదించి బిల్లులో సమాచారపరచిన compensation amount 230.4 లక్షల రూపాయలవైకను ఆంధ్రులు తీసుకొని మద్రాసు సగరము తమిళులకు వినాడు అయితే ప్రకారము చేయవలచాలో, అలాడే ఆ కాస్త compensation కు గూడా ఒప్పుకుంటున్నామని గుర్తించాలి. ఆంధ్రులయిన మాయం ఏమీ మిమ్మందు ముకు అవినాభావ సంబంధము హృదయ పరివర్తనము కుకరాలంటే, జిప్టిను వాంఛాగాదు సేవార్చుచేసిన మొత్తమువైకను మీరు అంగీకరించాలని అంటున్నాను."

MR. CHAIRMAN:—"The hon. Member's time is over."

* SRI M. SITHARAMA DASS:—"I want a little more time, Sir. అస్తి అప్పుల పంపిణీ విషయంలో ఆంధ్రులకు తమిళులు యీ విధంగా అన్యాయము చేయటానికి తలపెట్టుతున్నారని తెలిసియే మేము Financial Experts యొక్క arbitration కావాలని అడిగాము. ఈ ప్రభుత్వమువారు న్యాయబుద్ధితో అస్తి అప్పులు సక్రమంగా పంపిణీచేస్తే, arbitration కు అవసరమే వుండేదికాదు. ఈ నాడు యీ సభలో ప్రభుత్వానికి majority వున్నదనే కారణముతో minority చార్జీని త్రోసివేసి, తమకు కావలసిన తీర్మానాలు చేసుకొంటున్నారు. ఈ తీర్మానాలన్నియు ఆంధ్రులకు అన్యాయము చేసేవేనని చెప్పక తప్పదు. ప్రతి చిన్న విషయములోనూ యీ ప్రభుత్వము వక్షపాతం పాటించి మాట్లాడుతున్నారు. కాబట్టి యిప్పటికైనను నేను రాజగోపాలాచారిగారికి విజ్ఞప్తి చేసేది యేమిటంటే, అన్యాయపు తీర్మానాలు చేయకుండా ఆపుచేయమనే. ఈ నాడు ప్రభుత్వమువారి తరపున వున్న కాంగ్రెసుపార్టీవారి సవరణలన్నియు ఆమోదింపచేయవద్దని శ్రీమం రాజగోపాలాచారిగారి కోరుతూ, వారు యింకా నాలుగుకాలాలపాటు ఆచంద్రార్థంగా చిరాయువుగా వుండాలని శ్రవణంబుడిని ప్రార్థిస్తూ, ఆంధ్రులయందు న్యాయబుద్ధి చూపమని కోరుతూ వారికి నేను హృదయపూర్వకముగా appeal చేస్తున్నాను."

"తదుపరి ఆంధ్ర స్నేహితుల సభ్యపరిహారముకింద 230.4 లక్షల రూపాయలు భవనములకుగాను యివ్వవలసిన సవరణను ప్యాసుచేయబడినది. గాన యీ House లో ఆంధ్రులకు స్థానము లేదు. అందులో నాటోటి న్యాయము చెప్పేవారికి అసలు స్థానము లేదు. కాని సవరణకు అనుకూలముగా సమర్థించిన శ్రీ రాజగోపాలాచారిగారి చర్య వల్ల అసమ్మతి సూచకముగా తాత్కాలికముగా ఈ సభనుండి వెడలిపోవుచున్నాను."

* THE HON. SRI C. RAJAGOPALACHARI:—"Long life apart, Sir, the hon. Member has, I think, misconceived the whole position. This question is about the permanent arrangements and the compensation for permanent arrangements. If Madras is not to be part of the Andhra State, it is because of other causes. It is not as if the residuary State is to pay a price and keep Madras. Either Madras in justice should be in the residuary State or it should not be. It is not a question of paying a price for it. If that is understood clearly, the question arises what should be done to make Andhra have a proper capital. Already the matter has been discussed and we have unanimously accepted the proposal that after the division the Government of India should help

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the Andhra State to build its capital. Now, I would like to know: can the residuary State be asked to offer a price for the City which they are entitled to? A State cannot get a price for something to which it is not entitled. Is it to be a punishment for the fact that Madras is not in the Andhra State? It cannot be a punishment. Then, why should so much heat be shown—not to get money as no money can be got from the residuary State—but only to put a liability on the residuary State? What can Andhra gain by putting an additional liability on the residuary State when we all join and ask the Government of India to help the Andhra State with whatever is necessary to build a capital? I have nothing more to say, Sir. I submit this explanation because my name was pronounced at least 20 times by Mr. Sitharama Dass and I am saying this independently because I did not quite follow his rapid Telugu. I say it is unfair. The residuary State did not ask the Andhra State to be formed. We did not ask them to go. Why should the residuary State be punished for nothing done by it? The Government to be punished, as pointed out by Mr. T. M. Narayanaswami Pillai, is the Government of India and they should pay for the better arrangements to be made for the new State. Why should residuary Madras be punished? It is no good either to the Andhra State or to the residuary State, to increase the liability of the residuary State."

MR. CHAIRMAN:—"I will now put the amendment moved by Dr. V. K. John to the vote of the House. The question is—

'That paragraph 12 (5) of the Seventh Schedule be omitted.'

The amendment was put and carried.

Paragraph 12, as amended, was put and carried.

Paragraphs 13 to 16 were put and carried.

Paragraph 17 (4).

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, I move—

'This House recommends that this paragraph may be recast so as to provide as follows in respect of pensions to officers retiring on or after the appointed day:—

(i) The portion of the pension attributable to the officers' service before the appointed day, should be allocated between the States of Madras, Andhra and Mysore in the proportion of 62.75:36:1.25; and

(ii) the balance of the pension should be allocated between the States in which he has served after the partition, in the proportion of the length of his qualifying service in those States.'

Sir, till the appointed day, the liability for the payment of pension to officers has to be shared by the two States in the ratio in which other assets or liabilities are shared. But with reference to the

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pension liability arising after the appointed day, it shall be shared according to the length of service of the officer in each State. These are covered by my amendment."

[At this stage, the hon. Member Mr. Sitarama Dass was seen standing.]

MR. CHAIRMAN:—"Are you speaking on paragraph 17 (4)?"

SRI M. SITHARAMA DASS:—"I wish to say a few words. As a protest against the passing of the amendment moved by Dr. V. K. John regarding the compensation for the Andhra State, I want to withdraw from the House."

(So saying, the hon. Member walked out of the House.)

MR. CHAIRMAN:—"The question is—

'This House recommends that this paragraph may be recast so as to provide as follows in respect of pensions to officers retiring on or after the appointed day:—

(i) The portion of the pension attributable to the officers' service before the appointed day, should be allocated between the States of Madras, Andhra and Mysore in the proportion of 52.75:36:1.25; and

(ii) the balance of the pension should be allocated between the States in which he has served after the partition, in the proportion of the length of his qualifying service in those States.'

The amendment was put and carried.

Paragraph 17 as amended and paragraph 18 were put and carried.

New paragraph after paragraph 18.

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, I move—

'This House recommends that the following may be inserted as paragraph 18-A of the Seventh Schedule immediately after paragraph 18:—

"18-A. All assets (including undisposed of stocks-in-trade) and liabilities in respect of State Trading Schemes shall be apportioned between the States of Madras, Andhra and Mysore in such manner as the President may by order direct:

'Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such assets or liabilities in any other manner if the States concerned so agree.'"

Sir, this is in respect of State Trading Schemes which will have to be treated on a different footing altogether. The President may order by a directive or the two States can come to an agreement without a directive from the President. This is provided for in this amendment."

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MR. CHAIRMAN :—" The question is—

' This House recommends that the following may be inserted as paragraph 18-A of the Seventh Schedule immediately after paragraph 18 :—

" 18-A. All assets (including undisposed of stocks-in-trade) and liabilities in respect of the State Trading Schemes shall be apportioned between the States of Madras, Andhra and Mysore in such manner as the President may by order direct :

Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such assets or liabilities in any other manner if the States concerned so agree." "

The amendment was put and carried.

Paragraph 19.

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, I move—

' This House recommends that the following may be added as a proviso to this paragraph :—

" Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such benefit or burden in any other manner if the States concerned so agree." "

Apart from clause 49, we are providing this provision in respect of matters which are not covered by any other provision. In such cases, it shall be decided by the order of the President or it shall be open to the respective States to come to an agreement."

MR. CHAIRMAN :—" The question is—

' This House recommends that the following may be added as a proviso to this paragraph :—

" Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such benefit or burden in any other manner if the States concerned so agree." "

The amendment was put and carried.

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p.m.

Paragraph 19 as amended was put and carried.

Schedule VII as amended was put and carried.

Clause 2 was put and carried.

Clause 1 and the Long Title were put and carried.

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I move—

' That the proposed Andhra State Bill, 1953, having been considered fully and approved, this House is of the opinion that the Bill should be amended on the lines indicated in the amendments and resolutions approved by the House.' "

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MR. CHAIRMAN :—" The question is—

' That the proposed Andhra State Bill, 1953, having been considered fully and approved, this House is of the opinion that the Bill should be amended on the lines indicated in the amendments and resolutions approved by the House.' "

The motion was put and carried.

MR. CHAIRMAN :—" The House will now adjourn and meet again at 3 p.m. to-morrow."

The House then adjourned.

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

(1) *Amendments to the Madras Motor Vehicles Taxation Act, 1931* [Laid on the table under section 133 (3) of the Madras Motor Vehicles Taxation Act, 1931]—

(a) G.O. Ms. No. 1562, Home, dated 11th May 1953.

(b) G.O. Ms. No. 1632, Home, dated 18th May 1953.

(c) G.O. Ms. No. 1711, Home, dated 25th May 1953.

(d) G.O. Ms. No. 1878, Home, dated 9th June 1953.

(e) G.O. Ms. No. 2015, Home, dated 23rd June 1953.

(f) G.O. Ms. No. 2033, Home, dated 24th June 1953.

(2) Pamphlet entitled " First Five-Year Plan—Questions and Answers ", published by the Planning Commission.

(3) Papers relating to the modified scheme of elementary education.

(4) Bills passed by the Assembly and received therefrom in the Council—

(i) *The Madras Entertainment Tax (Amendment) Bill, 1953* (L.A. Bill No. 18 of 1953).

(ii) *The Madras Buildings (Lease and Rent Control) Amendment Bill, 1953* (L.A. Bill No. 19 of 1953).

(iii) *The Tuticorin Port Trust (Application to Mangalore) Bill, 1953* (L.A. Bill No. 22 of 1953).

(iv) *The Mettur Canal Irrigation Cess Bill, 1953* (L.A. Bill No. 20 of 1953).

(v) *The Madras Tenants and Ryots Protection (Amendment) Bill, 1953* (L.A. Bill No. 21 of 1953).

[29th July 1953]

APPENDIX.

[Vide answer to starred question No. 262, asked by Sri T. Purushothama Mudaliar at the meeting of the Legislative Council held on 29th July 1953, page 539 supra.]

Qualifications and period of training prescribed for compounders of Modern Medicine and Indigenous Medicine and the scales of pay given to them in Government and in Municipal Service.

<i>Qualifications.</i>	<i>Period of training.</i>	<i>Scales of pay.</i>
(1)	(2)	(3)
RS.		
<i>Compounders—Modern Medicine.</i>		
(1) A successful course in Compounders' training as may from time to time be prescribed by the State Government.	One year.	Government service— 45—2—55—1—75. Municipal service— 40—2—50—1—65.
(2) A pass in the Matriculation examination of the Madras or Andhra University or possession of the English School-Leaving Certificate of Travancore State.		
(Candidates who have completed the S.S.L.C. with Chemistry or Physics as optional subject or completed S.S.L.C. holders who have taken General Science under the 1948 Scheme are admitted to the training temporarily up to 31st September 1954.)		
(3) Must not have completed 40 years of age.		
(4) Ability to read and write the language or one of the languages where there is more than one language recognized for the district in which the employment is sought.		
<i>Compounders—Indigenous Medicine.</i>		
(1) Diploma of qualified Compounder in Indigenous Medicine issued by the Government Board of Examiners in Indigenous Medicine.	One year.	Government service— 35—1—50. Municipal service— Do.
(2) Ability to read and write English up to the standard of III Form of a recognized school.		
(3) Age 25 years.		

Issued—24-10-1953

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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

THURSDAY, 30TH JULY 1953

VOLUME V—No. 10

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THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 30th July 1953

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. CHAIRMAN:—"Question No. 259."

THE HON. SRI C. SUBRAMANIAM:—"I think, Sir, the Assembly is still going on and I do not know if it has been adjourned. The Education Minister is not here and I am sorry a slight dislocation has been caused."

MR. CHAIRMAN:—"We shall take this up after the other questions are over. The next question also is in the name of the Education Minister."

Community Projects in Andhra areas.

* 261 Q.—SRI G. VENKATA REDDI: Will the Hon. the Chief Minister be pleased to state—

(a) the amount spent on the administrative side with regard to the Community Projects in Andhra areas, ever since the inception of this scheme;

(b) the amount spent on the works till this day;

(c) what works have been taken up so far; and

(d) the number of works and the estimated amounts sanctioned?

THE HON. SRI C. SUBRAMANIAM (on behalf of the Hon. the Chief Minister):—" (a) Rupees 1,56,800 (up to end of May 1953).

" (b) I presume parts (b), (c) and (d) also relate to Community Projects in the Andhra area and I give the information below accordingly:—

Rupees 1,07,200 (up to end of May 1953).

" (c) (1) Wells (new works and improvements) ...	12
(2) Road works. Pucca	9
Katcha roads and culverts	1
(3) Primary Health Centre New Buildings ...	1
centre.	
Repairs to old buildings	2
(4) Pumping scheme for irrigation (Extension of electricity)	1

26

" (d) 39 works. Estimated cost Rs. 3,64,358."

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Admission to Medical and Engineering Colleges.

* 264 Q.—SRI K. SURYANARAYANA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the pupils from Scheduled Castes and Tribes are granted the concession of 40 per cent of marks for admission into medical and engineering colleges whereas pupils from Backward Classes are required to secure 45 per cent of marks; and

(b) if so, whether the Government have any proposal to remove this discrimination?

THE HON. SRI N. RANGA REDDI:—“(a) So far as the Engineering Colleges are concerned, it has been prescribed that only candidates who have obtained not less than 50 per cent of the total marks in Part III should be considered for admission. For admission into Medical Colleges, the candidates should obtain not less than 45 per cent of the total marks in Part III. These limits apply to candidates belonging to all communities including Backward Classes, other than the Scheduled Castes and Scheduled Tribes. No such limits have been fixed in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

“(b) The answer is in the negative.”

SRI K. SURYANARAYANA:—“May I know how the Government propose to secure admission for the un-represented and under-represented communities such as Setti Balijas, Gowdas and fishermen in these technical colleges?”

THE HON. SRI N. RANGA REDDI:—“I believe they are entitled to get admission if they get a particular number of marks. If they want to get themselves admitted by virtue of their community being backward, then they should be in the list of Scheduled Classes.”

SRI K. SURYANARAYANA:—“In view of the fact that none of these communities mentioned by me in the supplementary question have been admitted into those colleges owing to the restrictions imposed, will the Government consider the question of relaxation of rules so far as these communities are concerned?”

THE HON. SRI N. RANGA REDDI:—“I am afraid the rules cannot be relaxed to favour particular communities. If they belong to the backward classes, they can by virtue of belonging to such classes get admission for their seats and also they can compete for the seats in the general pool on the basis of merit.”

SRI T. PURUSHOTHAMA MUDALIAR:—“May I know how many marks the Members of the Committee are allowed to give in addition to the marks obtained by the candidates in the examinations?”

[30th July 1953]

THE HON. SRI N. RANGA REDDI:—“It is fifty marks; I do not know what obtained previously; this is the position since this Government took charge.”

SRI T. PURUSHOTHAMA MUDALIAR:—“Was it not 150 marks some time ago, Sir, and if so when was the reduction effected and why?”

THE HON. SRI N. RANGA REDDI:—“As I said, I do not know what it was previously, Sir.”

THE HON. SRI C. SUBRAMANIAM:—“I may inform the hon. Member that at no time it was 150.”

SRI T. PURUSHOTHAMA MUDALIAR:—“100?”

THE HON. SRI C. SUBRAMANIAM:—“Not even 100.”

DR. V. K. JOHN:—“Are the Government satisfied with the proportion allotted to various communities and sub-communities in the matter of admission?”

THE HON. SRI N. RANGA REDDI:—“I do not know what the hon. Member means by asking whether the Government are satisfied. That is the quota fixed for the various communities.”

Index of the cost of living.

* 265 Q.—DR. V. K. JOHN: Will the Hon. the Chief Minister be pleased to state—

(a) what is the present index of the cost of living both maximum and minimum in the State and in which district is the maximum and in which district the minimum;

(b) what are the causes which have contributed to the rise in the cost of living;

(c) whether the cost of living in Madras compares favourably with other parts of India particularly States adjoining Madras State; and

(d) whether the Government propose to take any steps to bring down the cost of living and if so, what they are?

THE HON. SRI C. SUBRAMANIAM (on behalf of the Hon. the Chief Minister):—“(a) The Cost of Living Index in the nine urban centres including Madras City is not comparable and it is therefore not possible to answer the question.

“(b) Three causes have contributed to the rise in the cost of living namely (1) a temporary rise in the price of second sort boiled rice in fair price shops, (2) seasonal rise in the price of commodities like vegetables and betel leaves, and (3) erratic rise in the prices of commodities like jaggery and chillies.

“(c) For the same reasons given in answer to clause (a) no valid comparison can be instituted between the costs of living in Madras City and the States adjoining Madras.

[30th July 1953]

“(d) The reduction in the price of second-sort boiled rice in the fair price shops to Re. 0-11-6 is a definite step taken by Government to bring down the Cost of Living.”

SRI M. P. GOVINDA MENON:—“Is it a fact that in Kozhikode the cost of living index is the highest and if so, may I know what are the special reasons for that?”

THE HON. SRI C. SUBRAMANIAM:—“I am sorry, Sir, I do not have the figures but I know that it heads the list.”

SRI V. CHAKKARAI CHETTI:—“May I know if the cost of Living Index for Coimbatore is even higher than that of the City of Madras?”

THE HON. SRI C. SUBRAMANIAM:—“I do not exactly remember but Coimbatore is fairly high.”

SRI V. CHAKKARAI CHETTI:—“A committee of which I was a Member with regard to the grant of dearness allowance to the mill workers went into this question and it was stated on the basis of certain facts that the index was higher than even in the City.”

THE HON. SRI C. SUBRAMANIAM:—“I am thankful for the information given by the hon. Member.”

SRI V. GURUNANDAN ROW:—“Is the price of rice in reckoning the cost of index figure based upon the fair price shop price of rice even though people are able to take only four ounces from a fair price shop?”

THE HON. SRI C. SUBRAMANIAM:—“It is based upon the fair price shop price of rice of the second sort.”

DR. V. K. JOHN:—“May I know, Sir, what is the difference between the price of rice sold in the fair price shops and the price of the stuff outside in the open market?”

THE HON. SRI C. SUBRAMANIAM:—“It varies according to the seasons.”

DR. C. NATHAMUNI NAIDU:—“Does it not vary also according to the quality of rice?”

THE HON. SRI C. SUBRAMANIAM:—“It depends also upon quality but in working out the cost of living index the price of second sort rice only is taken into account.”

DR. V. K. JOHN:—“Is not the other kind of rice selling at approximately double the price of the second sort rice?”

THE HON. SRI C. SUBRAMANIAM:—“I do not know to what quality of rice the hon. Member is referring, I suppose, not to the quality which flourishing lawyers purchase in the market.”

DR. V. K. JOHN:—“Ministers also could be added to that list.”

THE HON. SRI C. SUBRAMANIAM:—“We take the poorest quality rice.”

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DR. V. K. JOHN:—“May I know whether the cost of living index is the highest in Madras State compared to any other State in the Union, Sir?”

THE HON. SRI C. SUBRAMANIAM:—“There can be no comparison between place and place because the factors involved vary from locality to locality and therefore, there can be no comparison at all.”

DR. V. K. JOHN:—“Whatever be the reason, may I know what is the actual fact?”

THE HON. SRI C. SUBRAMANIAM:—“That is why I am saying that it cannot be said that it is the highest here or there.”

Admission to technical colleges.

* 267 Q.—SRI K. SURYANARAYANA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that 40 per cent of admissions in technical colleges have been reserved for Backward Classes of which in the subdivision 25 per cent are allotted for Backward Classes and 15 per cent for Scheduled Castes and Tribes, and the unfilled quota of the Scheduled Castes and Tribes is being transferred to the general pool; and

(b) if so, whether the Government have considered the desirability of merging the unfilled quota of the Scheduled Castes and Tribes in the quota of the Backward Classes?

THE HON. SRI N. RANGA REDDI:—“(a) Presumably the Member refers to the Government Engineering Colleges in which 40 per cent of the seats have been reserved for the Backward Classes including the Scheduled Castes and Scheduled Tribes as stated by him.

“(b) Yes. The Government have carefully considered the matter and have decided that the unfilled quota of the Scheduled Castes and Scheduled Tribes need not go to the Backward Classes but that they should go to the general pool, available for all communities.”

SRI K. SURYANARAYANA:—“Is it not a fact, Sir, that 40 per cent is reserved only for the Backward Classes, and that the Backward Classes are subdivided into Scheduled Castes and Tribes?” 3-10 p.m.

THE HON. SRI N. RANGA REDDI:—“Forty per cent is not reserved for the Backward Classes. It is reserved for Backward Classes, the Scheduled Castes and the Scheduled Tribes.”

SRI K. SURYANARAYANA:—“Do not Scheduled Castes and Tribes form part and parcel of the Backward Classes?”

THE HON. SRI N. RANGA REDDI:—“I do not know whether they are part and parcel of the Backward Classes but they are different and they have been treated differently.”

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Reserve Fund in 1946.

* 258 Q.—DR. V. K. JOHN: Will the Hon. the Minister for Finance be pleased to state—

(a) the amount of Reserve Fund when the Congress Government took over in 1946;

(b) what are the main items of expenditure incurred out of this Reserve Fund year after year;

(c) what results have been achieved by such expenditure; and

(d) how much of the fund is still remaining?

THE HON. SRI C. SUBRAMANIAM:—“(a) Rs. 31 crores.

“(b) A statement* showing the transactions in respect of the Fund from 1946-47 to 1952-53 is placed on the table of the House. A sum of Rs. 5 crores was diverted in 1946-47 to the Revenue Account to make up the deficit occasioned by the large net outlay on State Trading Schemes debited to the Revenue Account in that year. But this diversion was recouped to the Fund almost in full by the transfer of a like sum from the Revenue Account in the next year 1947-48. A small sum of Rs. 5 lakhs was again transferred to the Revenue Account in 1948-49 to meet the revenue deficit in that year. The entire balance in the Fund has been utilized mainly for meeting in part the capital expenditure on larger irrigation projects and electricity schemes undertaken as post-war development measures and to clear the overdraft from the Bank that arose on account of the revenue deficits from 1950-51.

“(c) The Irrigation and Electricity Projects that have been completed are beginning to yield results. When the bigger ones, which are in progress now, are fully completed, substantial returns will accrue both to the State and the people.

“(d) The Fund was completely drawn upon by the end of 1952-53.”

DR. V. K. JOHN:—“May I ask, Sir, whether there were any losses in State Trading Schemes and what were the approximate losses and did they not amount to many crores of rupees?”

THE HON. SRI C. SUBRAMANIAM:—“I do not have the figures separately for the State Trading Schemes, but my impression is we have gained a little there and not lost.”

MR. CHAIRMAN:—“Questions to be answered by the Hon. Minister for Education will have to lie over till the next meeting. (An hon. Member: ‘When?’) I do not know yet.”

SRI K. SURYANARAYANA:—“May I know whether the answers to questions put to the Hon. Minister for Education will be printed?”

* Printed as Appendix I on page 639 infra.

[30th July 1953]

MR. CHAIRMAN:—“I said just now that they will lie over till the next meeting.”

DR. C. NATHAMUNI NAIDU:—“May I know why so many short notice questions are put?”

MR. CHAIRMAN:—“Whatever come in the normal course are allowed to be put.”

SRI M. P. GOVINDA MENON:—“Instead of the answers to questions put to the Hon. Minister for Education being allowed to lie over, can they not be printed in the proceedings so that we may have the answers earlier?”

MR. CHAIRMAN:—“Only answers to questions passed over for want of time are printed in the proceedings. That is the usual practice.”

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1953
(L.A. BILL NO. 18 OF 1953).

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—“Mr. Chairman, Sir, I beg to move—

‘That the Madras Entertainments Tax (Amendment) Bill* 1953 (L.A. Bill No. 18 of 1953), as passed by the Assembly be taken into consideration.’

In moving this Bill, I beg to state that there is an existing Act, the Madras Entertainments Tax Act, 1950, under which, at present we are able to collect from the various shows, exhibitions, and various film houses both in the City and mufassal, tax fixed under the Act. That Act expires by tomorrow and hence the need for this amendment to extend the life of that Act till 31st March 1955. The idea underlying the extension of the life of the Act is that very shortly the composite State would be divided and after division, the Andhra State and the residuary State could discuss the provisions of the Act and make changes, if necessary, leisurely. Since the existing Act expires by tomorrow, we have come forward with this Bill to extend the life of the existing Act till 31st March 1955. I therefore request that the Bill may be taken into consideration.”

MR. CHAIRMAN:—“The motion is—

‘That the Madras Entertainments Tax (Amendment) Bill, 1953 (L.A. Bill No. 18 of 1953), as passed by the Assembly be taken into consideration.’”

* DR. V. K. JOHN:—“Mr. Chairman, Sir, I must enter a very strong protest against the way in which this Council is treated in the matter of legislative measures. What is envisaged in the Rules of Procedure of the Madras Legislative Council which

* Printed as Appendix II on pages 639-640 infra.

[Dr. V. K. John] [30th July 1953]

which are based on the practice obtaining in the British Parliament and the Parliaments of various other civilised countries of the world is that sufficient time must be given for consideration and discussion of the measures brought before the House. When a Bill is passed by the Assembly there is a rule which says that the Bill as passed should be placed on the table of this House. Not less than three days later there must be a motion for taking the Bill into consideration. I refer you, Sir, to Rule 105 which says: 'As soon as possible, after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council'. Rule 106 says: 'At any time after copies have been laid on the table in the case of a Government Bill, any Member acting on behalf of Government and in any other case any Member may give notice of his intention to move that the Bill be taken into consideration'. I want your kind attention also to Rule 107 which says: 'Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of the notice.' The general Rule therefore is that only after three days you must take up a Bill for consideration. If you turn to Rule 109, the Rule regarding business originating in the Council are applicable to Bills coming up from the Assembly. Now let me read Rule 94. It says: 'When a motion has been agreed to by the Council that a Bill be taken into consideration, any Member may propose an amendment of such Bill'. Rule 95 says: 'Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered.' I may also refer to Rule 98 (2), namely: 'If, when a Bill is considered, any amendment is made, any Member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed'. This is the procedure which as a rule should be adopted. The exception ought not to make the rule.

3-20 p.m. "Sir, first of all, what is passed in the Assembly must be placed on the Table of the House. Three days later the Member in charge of the Bill may move a motion 'that the Bill be taken into consideration'. Then it may be discussed on that day, and general principles are discussed. After that discussion, more than three days should be allowed to bring in amendments. Amendments can be tabled only after a thorough discussion of the principles of the Bill. That is the procedure adopted in all civilized Legislatures in the world. In this House what happens is quite different. It was only day before yesterday that some of these Bills were passed by the Assembly. They were brought here and placed on the Table of the House. They were on the Agenda yesterday. Fortunately they were not reached yesterday! To-day the Government want this House to pass all the Bills into law. They want the general discussion, consideration of amendments and the passing of Bills to be completed to-day. Sir, there is so much of haste in it and I do not know why we should rush through these Bills in this hasty manner. This attitude of the Government

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in rushing through legislation makes certain Members complain that this House is only a sort of Post Office and no useful function is discharged by the House. I protest against the procedure adopted by the Government. You, Sir, ought to be very careful in promoting the usefulness of this House. You must insist on the correct procedure being followed by the Government. I can understand the Government rushing through a Bill if there is some urgency about it but that can only be an exception and it cannot be the rule."

Mr. CHAIRMAN:—"What about Rule 107."

* Dr. V. K. JOHN:—"We must certainly follow the procedure that is laid down in the Rules of Procedure of this House. If that is not followed, then the discussion in this House becomes useless and this House will not be of any use and assistance to the Government. This is the first protest I make to the Government.

"Sir, there are five Bills for discussion to-day and every one of them could have been brought in time. The original Act, The Madras Entertainments Tax (Amendment) Act was passed in 1949. It was a temporary measure for one year. In 1950 it was extended for three years more. Now this Bill has come to extend the life of the Act by another three years. Why do you come just the previous day to seek a fresh lease of life for the measure? Where were you all these days? Have you not got the machinery to enable this Bill to come here much earlier? For instance, take the Tuticorin Port Trust (Application to Mangalore) Bill. In this Bill the Government want simply to incorporate 121 sections of an Act passed in 1924 and they expect this Bill to be passed. Sir, Members of this House are not even supplied with copies of the Acts mentioned in some of the Bills which are coming up for discussion to-day. This is an extraordinary procedure. Another Bill, the Mettur Canal Irrigation Cess Bill is also brought in. There is also yet another Bill, the Madras Tenants and Ryots Protection Bill, which could have been brought much earlier for discussion in this House. Whatever be the urgency and the mistake made, you cannot make it a rule to bring in Bills at the last moment. I make an earnest appeal to the Hon. Ministers in charge of the Bills and other Members of the Cabinet that this is not the way to treat this House. Once again, I say, if this House is to be of any assistance to the Government, the procedure prescribed must be followed. You, Sir, must insist on the Government adopting such a procedure.

"Sir, now I want to say a few words on the general principles of the Bill under discussion. It has been recognised all over the world that there should not be any tax on amusements because amusement is very beneficial to the public. But in spite of this principle, tax on amusements or entertainments has been levied. First of all we had the Madras Local Authorities Entertainment Tax Act of 1926 for the benefit of local bodies and the Government had no share in that tax at all. Then in 1939 the Government

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decided to have some little share in it—I think 10 per cent of the collections—and they passed another Act. Again in 1949 they decided to amend that Act and passed the Madras Entertainments Tax (Amendment) Act of 1949 which is under discussion to-day. First it was a temporary measure for one year and the principle that you should not levy a tax on amusement was accepted. Then the Government were short of money—not local bodies—and they came forward with another Act for one year. Then, the very next year they somehow extended it for three years more. If they want that this Act should become a permanent one, they must honestly say that they want to make it a permanent measure and they want to depart from the principles accepted in all parts of the world. Actually in Australia a Commission was appointed to go into this question and they came to the unanimous conclusion that there should be no tax on amusements. Now, what is happening is, after accepting the principle that a tax on amusement is wrong and it should not be a permanent tax, they want to make it a permanent tax by extending the Act indefinitely. I protest against this extension. It is not an extension for six months or one year but an extension for three years. It is a wrong thing to do. If the principle underlying the Bill is accepted, a man walking on the beach to have air may also be taxed. I want to know the principle on which the extension is made.

“Sir, argument is also advanced that it is only the proprietors and exhibitors who pay this tax and not the general public. But can it for one moment be said that the capitalist will not put the burden upon the poor man? Is there any country in the world where such an economic structure of society is prevailing, that the capitalist does not put the burden on the poor man? Therefore, what will really happen is, the poor man who gets entertainment will have to bear the burden. The Government collect Rs. 7 lakhs and they are always in need of money. What is the necessity for extending this Act for three more years and why it should not be allowed to lapse? Actually the Government are going to make it a permanent measure. They do not have a rational structure of taxation. They must consider, what is the rational structure of taxation.

3-30
p.m.

“The Government have not considered the tax structure. These taxation measures should be brought at the time of the Budget and Government should not come up with extensions for two and three years. This should be discussed along with other items of taxation when the Budget is being discussed. I therefore say that it is a wrong thing for the Government to seek an extension now and I submit that the Government must realise that they must follow some principle in introducing taxation. It is wrong for this House to allow temporary measures to be extended from time to time. This Act is being extended from 1949 and now the Government want it to be extended up to 1955.

“Sir, I do not want to speak on the amendment of which I have given notice when it is taken up. I will simply move the

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amendment as I am dealing with the purpose of it now. The Government want to extend this Act up to March 1955. I do not see any reason why the Act should not be extended only up to March 1954 when we could sit in the Budget Session and discuss it and, if the principles are acceptable, we can extend it further. We can do it more honestly and we can even make it a permanent measure. This extension by two years is wrong in principle but, I am afraid, that what has been passed in the other House must be passed in this House also, and rushed through it. Whatever the reasons that may be adduced by the Opposition and the Members do understand and appreciate them, still they have got to vote as one according to the party discipline without even looking into the question of national welfare. The subjection of individual judgment to party discipline is party tyranny and is not the proper thing in a democratic structure. Every man must be free to vote as he wishes and not according to the dictates of the party. This is not a question of expressing no confidence in the Government but it is a question of voting according to the merits of the Bill. I, therefore, request every Member of this House on both sides to exercise their vote according to their conscience.”

* SRI K. BHASHYAM:—“Mr. Chairman, I join with Dr. V. K. John in regard to the protest he made in respect of the procedure adopted in placing Bills before this House. We have not got enough time to go through all these Bills. It is also true that it is a breach of privilege of the House in that it has not been made convenient for the Members to study the Bills. I am saying all this for the purpose of pointing out that there are certain instances in which the Chairman, to simplify the procedure, can in his discretion under rule 114, dispense with the period of notice required under rule 107. The question, therefore, is whether, in the present instance, simply because it is an extension of a certain Act by two years, the Chairman should not exercise his discretion. At any rate, he has done it and we could not go back on it. It is a difficult matter but I join, however, in the protest because in other cases as well there must be sufficient time given and all the rules must be followed for placing the Bill before the House and also for necessary amendments to be moved.

“As far as this Bill is concerned, it is a very simple principle that is involved, namely, whether it should be made a permanent measure or a temporary one. But, I want to say that it has always to be held as a permanent measure. Previously the collection was made through the local boards. Now, the Government have taken up the burden of collection on themselves and distributing these things to the various local boards according to a certain proportion. The question now is, if it is to be a permanent measure, who should be the collecting agency, whether the local boards or the Government? If the Government consider that the present change in agency is more efficient than it was under the local boards, I think it must be made a permanent measure. If, however, they think that they have not sufficiently experimented

[Sri K. Bhashyam] [30th July 1953]

on this collection system and they want further time for deciding one way or the other, they must come up with temporary enactments like this. I take it that the Government have not yet made up their mind as to which system of collection is the better one. I am, therefore, supporting the motion that the Bill be taken into consideration while I certainly join in the protest that more time should be given to us for studying the Bills."

THE HON. SRI C. SUBRAMANIAM:—"Sir, with regard to the protest by Dr. V. K. John and Sri K. Bhashyam, but for the fact that they have come from hon. and learned Members like them, I would have considered it as casting a reflection on the decision of the Chairman himself because, rule 114 gives discretion to the Chairman to waive notice on appropriate occasions. After all he took into consideration the nature of the Bill and the urgency in passing it and then exercised his discretion and it is wrong to cast any reflection on the Chair. He can go into the merits in each case and exercise the discretion vested in him."

SRI K. BHASHYAM:—"Sir, I have not meant to cast any reflection on the Chair."

THE HON. SRI C. SUBRAMANIAM:—"But, it still bordered on that and I respectfully submit that the Chairman is right in acting in his discretion under rule 114."

* SRI K. BHASHYAM:—"Mr. Chairman, Sir, what I said in the course of my speech was that the Chairman has got full power to waive some of the requirements as required by the rules of procedure, and when once he has done so we cannot go back. We only made a request to the Government to see that the Chairman is not placed in such a position that he has to exercise his discretion, and the Government must take sufficient care to see that the Bills are prepared in time and laid before the House so that the ordinary rules of procedure may be followed."

THE HON. SRI C. SUBRAMANIAM:—"I thought an insinuation was made against the Chairman."

SRI K. BHASHYAM:—"Mr. Chairman, Sir, I say it is most uncharitable that the Hon. the Finance Minister should say so. I have the greatest respect for the Chair and I have always adhered to it. No hon. Member can say anything about me in this regard. I only said the Chairman's position should not be jeopardised and he should not be put to any embarrassment. I am entitled to ask that the Chairman should not be placed in such a position and my request was quite reasonable and I hope the Government will take note of it, and they will act accordingly."

* DR. V. K. JOHN:—"It is most uncharitable on the part of the Hon. the Finance Minister to make this allegation and when he has no defence to make, he tries to go behind the back of the Chair."

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MR. CHAIRMAN:—"There are no allegations and no reflections."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"Mr. Chairman, Sir, apart from the heat generated in the House, you are aware of the extraordinary times through which we are passing and in the circumstances in which the Bill has been brought forward before this House, we have done the best we could. We have been sitting in the Legislature from morning till night and that is exactly the reason why we have come before you with a request to waive the notice, and, I am sure, you have exercised your discretion in the best way possible."

MR. CHAIRMAN:—"The question is—

'That the Madras Entertainments Tax (Amendment) Bill, 1953 (L.A. Bill No. 18 of 1953), as passed by the Assembly be taken into consideration.'"

The motion was put and carried.

Clause 2.

* DR. V. K. JOHN:—"Mr. Chairman, Sir, I move the amendment standing in my name."

'For the words "31st March 1955", substitute the words "31st March 1954".'

"I move this amendment without making any speech to enable the hon. Members of this House to say something on the Bill because so many want to speak on the general principles underlying this Bill."

MR. CHAIRMAN:—"As the Hon. Minister has already replied to the general discussion, hon. Members can now talk only on clause 2."

SRI K. BALASUBRAMANYA AYYAR:—"I support the amendment moved by my hon. Friend, Dr. V. K. John. We should consider whether we should not place the Bill permanently on the Statute Book, and therefore, we should have an opportunity again to discuss the measure next year. That is why I am supporting the amendment moved by Dr. V. K. John. Hon. Members know very well that tax on entertainments has been supported in all civilized countries. In fact according to well-known principles of taxation, enunciated by Dr. Adams in his book 'Wealth of Nations', all enjoyments and things like that, should be taxed first before the poor man is taxed. It is absolutely necessary that this tax should be made permanent. We know the amount of havoc caused to the poor people by these entertainments. A poor coolie earning Rs. 1-8-0 spends away Rs. 1-4-0 on cinemas. My own servant does like that. I therefore urge on the Government that the Entertainments Tax Act should be made a permanent measure."

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* SRI T. PURUSHOTHAMA MUDALIAR:—" Sir, I rise to support the motion moved by the Hon. Minister that the Bill be taken into consideration and I oppose the amendment moved by Dr. V. K. John. Hon. Members are aware that we had the Madras Local Authorities Entertainments Tax Act previously. Now this has been made a State Act and the Government are collecting the tax and a major portion of the proceeds is distributed to the various local bodies. Hon. Members are also aware of the financial position of the local bodies and the Government should make over the proceeds of the present tax also to the local bodies, or else, they will be put to great hardship. The Government ought not to make an additional revenue by this measure. There is every reason for making this Bill a permanent measure and transferring the proceeds to local bodies.

" If the amendment moved by Dr. V. K. John is accepted Government will have to bring forward another Bill before the 31st March 1954. As we have to be busy in connection with the Budget during the month of February and March, it will not be possible to take the Bill once again for consideration by that date. I therefore urge that the Bill be passed as it is and that the amendment moved by Dr. V. K. John be rejected."

* SRI G. KRISHNAMURTHI:—" I oppose the amendment moved by Dr. V. K. John. I think, this Bill relates to the levying of show-tax payable by proprietors and exhibitors. The revenues derived from this tax go entirely to the coffers of the Government and not to the local boards as has been the case with respect to the Entertainments Tax where 10 per cent goes to the Government and 90 per cent to the local boards. The proprietors and exhibitors of cinemas are making huge profits and therefore we need not worry ourselves whether this Act should be extended up to 1954 or 1955 or 1956. This Act may continue for any length of time. According to this Bill, the cinema-goers are not taxed. The cinema proprietors can bear the tax levied under this Bill. I submit, therefore, that the life of the Bill can be anything and it can be what has been stated in the Bill."

SRI M. P. GOVINDA MENON:—" Mr. Chairman, I am not in agreement with Dr. John that the tax is not necessary. It is a tax levied on the rich people and I am entirely for the tax. Dr. John's amendment seeks to reduce the life of the Bill by one year. There is a provision in the Andhra State Bill that the Legislatures of both the States should meet before December 1953 to pass the Budget. I want the Government to convene the Legislature as many times as possible, and I want that the Government should again come before the Legislature with a Bill to extend further the life of the Bill. It is for this reason, I am supporting the amendment moved by Dr. John."

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—" Mr. Chairman, Sir, I am much obliged for the suggestions made by the various hon. Members, but I am sorry, I cannot accept the

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amendment moved by Dr. V. K. John. All hon. Members know very well that the Andhra State is going to be formed shortly and the Government will have to pass through two Budgets, one before December 1953 and the other before March 1954. So the Government will not have time to look into Bills. At any rate the new State will be very busy with other work to build itself in the beginning. Considering all these aspects, the Government thought it best and reasonable to extend the life of the Act till March 1955. Then there will be enough time for both the States to consider whether any changes are necessary to be made in a consolidated permanent enactment. Hence we thought we would be erring only on the right side, under the existing circumstances, in extending the life of the Act by one and a half years more. I trust that the amendment moved by Dr. V. K. John will be withdrawn and that the Bill will be passed as it is.

" I would also like to clear one or two doubts raised by hon. Members. Some Members seem to think that part of the proceeds from this tax will go to the local boards. It is entirely a different tax, the entertainments tax the proceeds of which go to the local boards, as was rightly pointed out by the hon. Member, Sri G. Krishnamoorthi. The entertainments tax is collected from the cinema-goers, and 90 per cent of the proceeds of this tax go to the local boards and municipalities, and 10 per cent to the Government towards collection charges. But the tax which the House is now discussing is a show-tax and the revenue we derive from it will go entirely to the coffers of the Government. This is derived from proprietors and exhibitors and not from cinema-goers. Dr. V. K. John is not right when he says that this tax is paid by poor people. It is but fair that proprietors and exhibitors who make reasonably large profits should pay a very negligible part of it as tax to the State. In course of time, after the two States are formed, both their Governments may revise the rates of tax in accordance with their needs and requirements. It is better, therefore, to accept the rates of tax as mentioned in the Bill for the present.

" One hon. Member, I think it is Mr. Balasubramania Ayyar, raised the question whether the collection of tax through Government agency was preferable to that by the local boards. As I pointed out earlier, the revenues derived from this tax go entirely to the coffers of the Government and not to the local bodies. Therefore there is no question of handing over the collection agency to the local bodies.

" Considering the times through which we are passing and the busy time we will have immediately after partition and the formation of the two States—the Andhra State and the Residuary State—it will be fair to extend the life of the Act by one and a half years. I request the hon. Member, Dr. V. K. John, to withdraw the amendment moved by him and allow the Bill to be passed into law."

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3-50
P.m.

DR. V. K. JOHN:—"I am not withdrawing my amendment."

MR. CHAIRMAN:—"The question is—

'In clause 2, for the words "31st March 1955" substitute the words "31st March 1954".'

The amendment was put and lost. Clause 2 was put and carried. Clause 1 and the Preamble were put and carried.

* THE HON. SRI S. B. P. PATTABHI RAMA RAO:—"I move—

'That the Madras Entertainments Tax (Amendment) Bill, 1953, be read a third time and passed.'

MR. CHAIRMAN:—"The question is—

'That the Madras Entertainments Tax (Amendment) Bill, 1953 (L.A. Bill No. 18 of 1953), as passed by the Assembly be read a third time and passed.'

The motion was put and carried and the Bill was read a third time and passed.

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1953 (L.A. BILL NO. 19 OF 1953).

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Mr. Chairman, Sir, I move—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953 (L.A. Bill No. 19 of 1953), as passed by the Assembly be taken into consideration.'

In moving this Bill, I would like to submit that this is a very simple measure and it is only an extension that is being asked for. Anticipating possible objections that may be raised, let me assure the House that it is not our intention to continue this Act beyond a very reasonable time. The State is to be partitioned and it may be that there may not be any necessity to continue this Act and it is very likely we will be repealing the Act as early as possible if the circumstances warrant. As such, I feel that there cannot be much objection to this measure. I do not want to be troubling the House and with that object only I have asked for the extension of the life of the Bill for two years."

MR. CHAIRMAN:—"The motion is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953 (L.A. Bill No. 19 of 1953), as passed by the Assembly be taken into consideration.'

* SRI K. BHASHYAM:—"Mr. Chairman, Sir, on a point of information. This Act has been in force for a number of years and now it is proposed to extend it for a period of two years. Not that there is much difficulty about continuing this measure but

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[Sri K. Bhashyam]

I want to know that after the separation in October, what the position will be in Madras City and elsewhere and whether there will be any change in the circumstances at least so far as Madras City is concerned in regard to accommodation. Will Government at that time consider the position and have the Act withdrawn from the Statute Book. I am willing to give the extension up to 1955 but certainly the Hon. Minister must give us an assurance that at any rate after October 1953, the Government will re-consider the position and bring in if necessary a measure for withdrawing the Bill from the Statute Book."

* SRI T. PURUSHOTHAMA MUDALIAR:—"Mr. Chairman, Sir, I wish to offer a few remarks before this Bill is accepted by this House. Decontrol, Sir, is the order of the day and we are now called upon to pass a Bill to extend the life of the Madras Buildings (Lease and Rent Control) Act for a further period of two years from 1st October 1953. We have removed almost all controls including cloth control in all aspects and I wish that accommodation control also should be removed and in due course rent control as well."

THE HON. SRI C. SUBRAMANIAM:—"May I inform the hon. Member that while we have decontrolled in respect of certain articles, we have introduced control in respect of lands."

* SRI T. PURUSHOTHAMA MUDALIAR:—"That may be, but I firmly believe that if controls are removed, things will adjust themselves and it is in that belief that I have suggested that all State controls should go. The Hon. Minister for accommodation while introducing the measure has however, said that the accommodation position in Madras has not improved as anticipated and hence the justification for extension of the present system of control with regard to accommodation both residential and non-residential for a period of two years from the 1st October 1953. He also stated that after the 1st October 1953, with Andhra separation there is a possibility of an improvement in the accommodation position and that we may also have a fall in building rents. I hope the Government will watch the situation and though the Government have come forward with this measure they will, as soon as possible, as conditions improve, take steps to repeal the measure.

"In this connection, I have to refer to one other important matter and that is the lease of private residential buildings by figures. Such leases are taken by private firms evidently for the accommodation of their officers and staff. But when such buildings are vacated by the persons occupying them, no report is made to the Accommodation Controller but the buildings are allotted by the firms themselves to whomsoever they please. This, I submit, is not fair. Such institutional allotment of residential buildings is not contemplated by the Act. I submit that the lease should be in the name of the persons and any re-allotment should be made with the concurrence of the Accommodation Controller after the

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consideration of priorities laid down by Government. Commercial establishments have to provide their own buildings or quarters for their staff and officers and it is of course encouraging to see that several of these firms and companies are having their own housing schemes. It is regrettable to note that even when quarters are provided by the firms they continue to retain private houses which have been allotted to them and they do not surrender them. I submit that such irregularities should be checked. The outright allotment of residential quarters in the name of private firms on a par with the arrangement made for the requisition of buildings for Government servants should not be encouraged as it works a great hardship on other applicants seeking accommodation. The Accommodation Controller should in every case be notified and consulted before the re-allotment is made. I hope that this aspect of the accommodation control will be considered by the Government, and with these remarks I support the Bill which the Hon. Minister for Accommodation has introduced."

* SRI A. M. ALLAPICHAJ:—"Mr. Chairman, Sir, people are undergoing lot of difficulties in spite of control and even today there is much difficulty in getting houses for accommodation. The question, I submit, should not be viewed from the point of view of landlords and house-owners but from the point of view of the other people, the tenants who will otherwise be mulcted with exorbitant rents, the accommodation position being much short of the actual demand. The suggestion has been made that soon after partition of our great State into the Andhra State and the Madras Residuary State, the housing position will ease and there will be very many houses vacant. But for my part, Sir, I do not think so. Our population is about 1,400,000 or something more than that and even in spite of the partition I am positively sure that our Andhra friends are not going to leave the City and they are entitled to live here. Except a few lawyers and a few judges, some Government officials and perhaps a few merchants, the other Andhra friends are going perhaps permanently to live here. So, let us not too much bank upon the possible effects of partition and let us not be in a hurry and remove the controls and I will even venture to suggest that even making a suggestion of that nature will go a long way to do some harm."

"Therefore I should think that when the time comes, when there are a large number of houses falling vacant, that fact, would come to the notice of the Government, and the Government would then consider the question of abolishing the control. Till that time comes I think it would be better to give the Act not only the extension of time no wasted for but more extension of time."

* DR. V. K. JOHN:—"Mr. Chairman, Sir, I must at the outset say that this Bill does not reflect much credit on Government. In the year 1945 this control was introduced. When a control is introduced, Government must have a measure for decontrol. Now what does the Act provide? It has three main provisions;

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one is that fair rent should be fixed, which I think must be a permanent measure. The second is that the tenant should not be unreasonably evicted. I think this also must be a permanent measure. The third thing is that the Government must have the option to ask for any house vacated. Such a provision as this is not found in any other enactment. In fact this Act in other respects is similar to a Statute in England passed after the first World War. But nowhere in the world would you find the Government taking power, to take over houses. The Government here are taking over about 30 per cent of the houses which are vacant. The landlord cannot give the house to whomsoever he likes.

"Now, Sir, the Act has been in force from 1945, for eight years. Why should not the Government have a measure for decontrol? Why did they not provide houses for their servants and their offices? They have done nothing and the provision is still in the Act. I say it is a very unjust provision. Why should Government have the right to take over every house that falls vacant? To extend this provision in the Act on the ground that the Government even after eight years are still unable to find accommodation is a very wrong thing to do. Government ought to have deleted Section 3 of the Act long ago. The Hon. Minister who introduced the Bill has not said a single word about what the Government have done so far and what measure of decontrol was planned and executed and why they still want the right to take over buildings. Perhaps some hon. Members may not know that the Government are having this provision from the year 1945."

"Then, Sir, why should the Government want that the life of the Bill be extended for two years? I have given an amendment to reduce this term and I am not speaking on that now. But why not the Government introduce a comprehensive legislation which they promised last time when extension was sought for for the present Act? Every time extension is sought, a statement is made on the floor of this House that a comprehensive measure is coming up. As the hon. Member Sri Bhashyam said, the Courts have dealt with the provisions of this Act. They have found it defective in regard to various provisions. These defects have to be corrected. Why did not this Government come forward with a comprehensive Bill even earlier and why do they want two years' extension? At the end of two years they will again say they are thinking of introducing a comprehensive Bill and ask for extension for two more years. I want an explanation from the Hon. Minister as to what steps were taken to decontrol the Government right to take over buildings. I ask why Section 3 of the Act should not be repealed and why a comprehensive Bill should not have been introduced earlier? The measure seeks to extend the life of the Act by two years. I say it is to make the Government idle. So this House should not allow this Bill to have two years' extension. Government must bring in a comprehensive measure instead of asking for extension. I say the principle contained in Section 3 is entirely wrong."

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* SRI P. N. MARTHANDAM PILLAI:—“ Mr. Chairman, Sir, it is the middle class people that suffer greatly for want of houses in the City of Madras. The population of Madras has almost trebled from what it was in 1941. Therefore it is not a surprise that there are more people in Madras than what possibly one could have expected not only in normal times but in abnormal times too. How to accommodate these people is rather a most difficult and important question for the Government. The only way of providing accommodation for the middle class people is to make them retain the houses they have already occupied at fair and reasonable rent. If nothing more could be done by the Government I cannot blame the Government because no Government however clever or strong can do anything unless they have the finances to waste upon these buildings. The money spent on building houses would be a waste because their houses may fall vacant all of a sudden owing to certain new conditions which may happen any day. Therefore the present system of control though it may affect the landlords to some extent is a very necessary thing. The extension asked for by the Hon. Minister is therefore very modest because I do not expect prices would really come down for another three or four years in spite of the removal of control over foodgrains. Therefore the extension of the life of the Act for two years is a very cautious step. During this period the Government may come forward with a measure either for removing control or for further extending the life of the Act.

“ The poorer sections of the people suffer for want of accommodation. Government have a scheme for building small houses for these people. Of course that is entirely a different scheme. But if this control is removed, I say most of the people in the City will find it very difficult to stay in the City. Therefore the control should continue for at least two years more. Therefore I support this Bill.”

SRI K. BALASUBRAMANYA AYYAR:—“ Mr. Chairman, Sir, I want to say a few words. So far as accommodation is concerned I think the Government have done something in the City of Madras. For example I may mention the Gandhi Nagar Colony. There they have built a large number of houses in which many officers live. Therefore it may not be right on our part to say that the Government have not done anything for solving this problem of accommodation. I feel that this control applies to the whole of this State and people should not imagine that the problem exists only in Madras City. It exists in other places also. I am of the view that the Control Act should be there permanently because it controls the rent and it controls also evictions. The landlord also is benefited, I should say, because he gets the rent properly. Before this Act was passed it was difficult to recover the rents. I am a landlord and I have experienced difficulty in recovering the rents. Now I find the rents are regularly paid. Therefore it is helpful to the landlord also. The Act is helpful to the landlord

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and the tenant. Therefore the provisions in the Act regarding rent and eviction are good. Regarding accommodation, as the Hon. Minister has himself said, the whole matter will be considered and necessary provisions made later.”

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ Mr. Chairman, Sir, I am thankful to the hon. Members for the remarks that they have made on the floor of the House. The hon. Member, Mr. Bhashyam at the outset said that we should attempt at decontrol. I actually referred to it when I introduced this Bill, and said that the Government are not anxious to keep control beyond a time needed to keep it. 4-10 P.M.

“ Then, my hon. Friend Mr. Purushotham pointed out ‘ certain irregularities ’, as he chose to call them, in the firms taking over buildings and not making them available for residential accommodation. Some of the big houses had been taken away by the firms long before we came into office. They had taken them in the name of their firms and put up their officers successfully. There is no provision in the present Act to tamper with their rights. We cannot get hold of them. Once they report that their buildings are available for accommodation, nobody takes them over without our permission. Hereafter, we will see that the firms do not get them on lease. Further, these buildings are very big buildings and there is demand only from a very few people for the same as the rent is very high. The Government servants cannot afford to take them. It is possible that one or two private persons could not get them but that cannot be helped. I can only assure the hon. Member that hereafter such a state of affairs will not come into existence.

“ The hon. Member Mr. Allapichai has pointed out that I am an optimist and that it would not be possible for the Government to repeal the Act or do anything of that sort. I did not definitely say that we are going to repeal it. I only said that we shall be making an honest effort in that direction.

“ Sir, Dr. John has made a very scathing criticism against the Act. He agrees that controls should be there, equitable rent should be there and the security of tenants should be there but he is against giving priority to the Government servants. Does he want the Government servants to be at the mercy of the landlords? After all, the landlord should get his rent and it does not matter whether he gets it from a tenant or a Government servant. Sir, you are aware that some landlords demand black-market rent and *pugree* and the Government servants need some priority in the matter of accommodation. In this connexion, I may point out that the housing accommodation in this City is not ample. No doubt it is the duty of the Government to provide more accommodation but it is well-known to the hon. Members of this House that under the present circumstances, it is not possible for the Government to provide more accommodation within a reasonable time. Sir, I do not see any reason why Dr. John has taken exception to the Government

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servants being given priority in the matter of accommodation. I emphatically protest against it. The Government servants need protection. After all, the statistics show that we have reserved only 30 per cent and 70 per cent of the accommodation is left over for private people. I do not agree with him in this respect. The extension of time, I have asked for, is very reasonable and I urge that the House should not object to this simple measure."

MR. CHAIRMAN:—"The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1953 (L.A. Bill No. 19 of 1953), as passed by the Assembly be taken into consideration.'

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

Clause 2.

* DR. V. K. JOHN:—"Sir, I move the following amendment that stands in my name—

'For the words "30th September 1955" substitute the words "30th September 1954".'

I think the Government will be alert and bring forward a comprehensive measure within a year. The present Act should not be extended for two years. It should be extended for only one year."

The amendment was duly seconded.

MR. CHAIRMAN:—"The question is—

'For the words "30th September 1955" substitute the words "30th September 1954".'

The amendment was put and lost.

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

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"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) Amendment Bill, 1953 (L.A. Bill No. 19 of 1953), as passed by the Assembly, be read a third time and passed.'

The motion was put and carried and the Bill was read a third time and passed.

(3) THE TUTICORIN PORT TRUST (APPLICATION TO MANGALORE)
BILL, 1953 (L.A. BILL NO. 22 OF 1953).

MR. CHAIRMAN:—"The House will now take up the Tuticorin Port Trust (Application to Mangalore) Bill, 1953."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"On a point of order, Sir. I submit that there is no Bill before the

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House. The Bill that must embody the adaptations and modifications set out in the schedule to the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, is to be prepared by the Secretary to Government, Legal Department, and published in the *Fort St. George Gazette*. This House has, therefore, no Bill before it. Secondly, I must also take exception to the manner in which such an important measure is brought before the House, without any opportunity being given to the Members to study all the implications of this Bill. The Tuticorin Port Trust Act is composed of 13 different chapters, extending over 27 printed pages. I submit that it is not possible for all hon. Members, unless they be active practitioners in a Court of law, to have a Civil Court Manual. (Interruption.) I thought at least advocates may have some advantage over me. I am glad that they have no such advantage."

THE HON. SRI C. SUBRAMANIAM:—"They have got copies of the Act but they do not use them."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"We have not got even copies of the Act. The Government which want to introduce a Bill called, 'The Tuticorin Port Trust (Application to Mangalore) Bill', should at least have the courtesy to send us copies of the Bill in advance. Secondly, it is certainly worthwhile considering whether an Act of 1924 can be straightaway adopted here with all the provisions of the Act. In my opinion merely asking this House to dot the i's and dash the t's is not a fair method of dealing with an important piece of legislation. I find also there is an amendment to the Port Trust Act which was passed in 1929, to which there is no reference whatsoever. I want your ruling on this point, viz., the manner in which this Bill has been presented, apart from the fact that this House has been given no opportunity whatsoever to study it. Also, some amendments as may be found necessary may be introduced consequent upon the fact that the original Act was passed nearly 30 years ago. Sir, if this tendency is to be pursued by the Government, we will only have to say, 'The Bill may be deemed to have been passed by this House'. We wish to discharge our duties and responsibilities and we also expect the Government to help us in the discharge of those responsibilities. I would very earnestly submit to the Government and to you in particular not to proceed with this Bill just now. Let this House be supplied with copies of the Tuticorin Port Trust Act of 1924—we have every right to claim them—and then let this House move such amendments as may be found necessary. When the Government say that the provisions of the Tuticorin Port Trust Act are to be adopted, we have every right to move amendments to every clause of this Act. I do not see how we can move amendments without these relevant provisions being placed before us.

"Secondly, it will be a bad precedent for this House to pass legislation in this hasty manner taking it for granted that there is nothing worthwhile to change in an old Act passed 30

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years ago. For all these reasons, Sir, I raise a point of order, namely, that this is not a Bill in the sense in which Bills are defined and, secondly, that the principle that this House should be afforded opportunities to examine every clause of the Bill and not allow all the sections of the Tuticorin Port Trust Act to be incorporated *mutatis mutandis* has not been observed. Surely, Sir, this House must be given an opportunity for a full and fair consideration of this Bill and for that purpose we have to be supplied with all the materials that are necessary. I feel that we on this side cannot accept a position which merely relegates us to saying 'ditto' to whatever the Government are pleased to place before this House."

SRI V. CHAKKARAI CHETTI:—"Mr. Chairman, Sir, I heartily support what Dr. A. Lakshmanaswami Mudaliyar has stated just now. My Friend, Sri K. Balasubramanya Ayyar, drew my attention to a very curious feature of this Tuticorin Port Act, namely, that on the Trust which is to be set up in Mangalore on the basis of the Tuticorin Port Trust Act at least a third shall be Indian citizens."

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, the point to be decided is whether this Bill is going to be taken into consideration or not. First of all, there is no motion before the House which is under discussion. The Hon. Minister in charge should be given an opportunity to move the motion that the Bill be taken into consideration and explain any variations there may be. Without a motion being under consideration, there is no point of order."

SRI K. BHASHYAM:—"Mr. Chairman, Sir, hon. Members may speak on the point of order."

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, there is no motion before the House but a point of order has been raised. As I said, the Hon. Minister must be allowed to move his motion and then explain whatever he has got to say. Then only the question arises whether the motion that the Bill be taken into consideration is in order or not and no point of order could arise even before the motion has been moved."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Mr. Chairman, Sir, I am sorry that the Hon. the Finance Minister has not understood the correct position. In all Assemblies the correct position is that when the Chairman asks a Minister to get up and move a particular resolution or move a certain Bill every Member is entitled to ask whether it is in order. If only it is in order it can be moved. It is not the correct procedure to say that the Minister should be allowed to move his motion before a point of order could be raised. A point of order can therefore be raised at any time when the House is seized of a particular proposition and the House is seized of that proposition

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the moment the Chairman says 'We shall now consider the Tuticorin Port Trust (Application to Mangalore) Bill, 1953.' I submit, Sir, my point of order is quite appropriate at this stage."

* THE HON. SRI N. RANGA REDDI:—"Mr. Chairman, Sir, I would like to reply to some of the points raised by Dr. A. Lakshmanaswami Mudaliyar and also move—

'That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Legislative Assembly be taken into consideration.'"

DR. V. K. JOHN:—"Sir, this can be moved only after the Hon. the Chairman has dealt with the point of order."

* THE HON. SRI N. RANGA REDDI:—"Mr. Chairman, Sir, with regard to the point of order raised by Dr. A. Lakshmanaswami Mudaliyar, there are two things which we have to consider. One is that there is a provision in the Bill which says that it is the Secretary to Government, Legal Department, that ought to prepare the Bill and not the Members of the Legislature. I may submit, Sir, that so far as this clause is concerned, there is an amendment which has been passed in the Assembly. Before I read this amendment, let me straightaway mention that it is very true that this clause as provided for in the original Bill which was published gave rise to some misunderstanding and some confusion. Probably, it was taken to mean that it was the Secretary to the Legal Department that was authorized to prepare the Bill and to pass the Bill. The idea was not that this Council or the Assembly should delegate the function of legislation to the Secretary. It was an administrative direction given to the Secretary saying that the Bill as passed with the amendments proposed now and any modifications or adaptations as applied to the Tuticorin Port Trust Bill should be prepared by the Secretary and placed on the table of the House in both the Assembly and the Council. It was only an administrative direction and not a delegation of the legislative functions to the Secretary and it is in conformity with legislative procedure. With the amendment that I referred to above, this Bill has been passed by the Assembly and I am introducing it here.

"So far as the second point is concerned that the copy of the Tuticorin Port Trust Act has not been supplied to the Members and they are therefore unable to table amendments to the present Bill, I submit, Sir, that it is true that copies of the Tuticorin Port Trust Act have not been supplied. But I would like to mention one thing. So far as the scope of the present Bill is concerned it is only in regard to the application of the particular Act which has been worked for the last 26 or 28 years. It is practically an extension of this Act to the Mangalore Port which is also a minor Port like Tuticorin. In 1950, the National Harbour Board appointed one, Sri Nanjundaiah, as Special Officer to go into the question of suggesting improvements for all the minor ports

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in the Madras State. I may submit that barring the two major ports of Madras and Visakhapatnam, the other ports that are in existence are all minor ports."

MR. CHAIRMAN:—"The point is that copies of the Tuticorin Port Trust Act have not been supplied."

THE HON. SRI N. RANGA REDDI:—"Yes, Sir, they have not been supplied."

SRI T. M. NARAYANASWAMI PILLAI:—"The question is whether it is therefore in order to consider this Bill."

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, two points were raised by the Hon. the Leader of the Opposition, namely, one, whether the Bill is in order by itself and second, whether without copies of the Tuticorin Port Trust Act being made available to the hon. Members, it is good to ask them to proceed with this Bill."

"As far as the first point whether this Bill is a proper Bill or not is concerned, I respectfully submit that when a certain Bill has been passed by the Assembly and comes up before the Council for purpose of ratification, I am afraid that it is too much for us to say at this stage that it is not a proper Bill and we will not therefore consider it. This stand, I am afraid, will not be justified in view of Rule 105 which states that 'as soon as possible, after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council.' It is not a Bill which has originated in this House for the first time to which any objections can be taken. Secondly, it is not as if, simply because we want a certain Act to be extended either to another institution or to another area, such a Bill should contain in itself all the provisions in the other Bill. Suppose, for instance, a certain Act in its application is limited to a certain area. Later on, when we wish to extend the provisions of this Act to the neighbouring area, it does not mean that in the Bill extending this Act all the provisions contained in the Act should again be repeated in the extending Bill. Similarly, here there are certain provisions in respect of the minor port of Tuticorin. We want to see that these provisions are extended to all minor ports in this State but, in the first instance, we are extending them only to Mangalore, another minor port. Therefore, there is nothing wrong in the form in which the Bill has been placed before this House."

"I quite realize that in the absence of a copy of the Tuticorin Port Trust Act, it will be difficult for hon. Members to discuss this and I therefore request that this Bill may be taken up tomorrow, and in the meanwhile, hon. Members will be provided with a copy of the Tuticorin Port Trust Act. I also wish to point out that we have worked the Tuticorin Port Trust Act for the last 29

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years and it has been amended from time to time to suit changing conditions and it is not as if some ancient Bill is being brought forward in 1953. It has been amended four times during the course of these twenty-nine years to suit changing circumstances. I quite realize that it is difficult for hon. Members to proceed without a copy of the Tuticorin Port Trust Act though I know that Dr. V. K. John has come prepared while Dr. A. Lakshmanaswami Mudaliyar may not be so well prepared. I therefore suggest that we meet to-morrow to consider this Bill."

* DR. V. K. JOHN:—"Mr. Chairman, Sir, there is no need 4-30
for passing the Bill hurriedly. At present the Mangalore Port p.m.
is being administered under the Indian Ports Act, 1908 and it can continue to be so administered for some more time. Meanwhile let the Government bring forward a properly drafted Bill for the consideration of this House. We have got no time to bring in amendments. I also wish to move that the Bill be referred to a Select Committee."

* SRI S. NARASAPAYA:—"Mr. Chairman, Sir, coming from Mangalore, I may be in a better position to stress the necessity to pass the Bill as urgently as possible. Repeated representations have been made for the last three or four years to the Government, urging the constitution of a Port Trust for Mangalore. At present the port at Mangalore is administered by the Mangalore Conservancy Board consisting of officials only. The Port Officer is the Chairman of the Board and some of his subordinate officials are Members of the Board. For the past several years the port has not received the attention it deserved and it has been very much neglected. We have been urging for a long time that the Conservancy Board should be converted into a Port Trust. People who are interested in the Port are neither consulted by the Port officials nor are they given any representation in the Conservancy Board. (Interruption from Sri K. Balasubramanya Ayyar. 'Does the Conservancy Board mismanage the affairs?') The British Government did not mismanage the affairs but still the people wanted that the country should be ruled by themselves and not by foreigners. The Port Trust is a public institution and it must be managed by the representatives of the people. Repeated representations have been made to the Government for the last four years for constituting a Port Trust at Mangalore and the Bill has come not too early. I appeal to the Members of this House not to put it off. I do appreciate and realize the spirit and purpose behind their opposition. Many of the amendments which they may consider necessary may be considered at a later stage. It has been pointed out by the Opposition that copies of the Tuticorin Port Trust Act have not been supplied to hon. Members of the House and therefore they are not in a position to go through the various clauses in that Act which are going to be applied to the Mangalore Port Trust. I may say for the satisfaction of the House that the persons that are really

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interested in this matter have gone through the Bill very carefully. The Kanara Chamber of Commerce, the Municipal Council, Mangalore, the Western India Tiles Manufacturers' Association, who are very closely associated with the exports and imports of this port have all taken care to go through the various details of the measure and they are quite satisfied with it. If the Bill is now put off, it will come before the Council in January or February 1954. I agree with the suggestion made by the Hon. the Finance Minister that copies of the Tuticorin Port Trust Act which is made applicable to the Mangalore Port will be made available to the Members this evening and that the Bill may be taken up to-morrow. Once again I request hon. Members not to put it off for any reason."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Mr. Chairman, Sir, I fully appreciate the urgency but let me point out to the hon. Member the anomalies in the Bill. Section 73 of the Port Trust Act says: 'The Crown shall have, in respect of loans made by it to the Board the same remedies as debenture holders; and it shall not be deemed to possess any prior or greater rights in respect of such loans than debenture holders.' Section 74 says: 'The Board may apply any sum not less than ten thousand rupees which can be so applied without prejudicing the security of the other debenture holders of the Board, in repaying to the Crown any sum which . . . same.' The very language used in these sections is out-moded and passing of such an Act . . ."

THE HON. SRI C. SUBRAMANIAM:—"The hon. Member is reading from an old edition of the Act."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"That shows the necessity to supply hon. Members the latest copy of the Act so that they may have an opportunity to move amendments to the substantive portions of the Bill, if necessary."

* DR. V. K. JOHN:—"The hon. Member Sri S. Narasapaya has raised the question of urgency. Let me inform him that Section 7 of the Indian Ports Act, 1908 says that 'the Government shall appoint some officer or body of persons' to be constituted into a Board. The Section does not say that only officials can be appointed. Non-officials also can be appointed to the Mangalore Port Conservancy Board."

* THE HON. SRI C. SUBRAMANIAM:—"The powers given under the Indian Ports Act and under the Tuticorin Port Trust Act which is being applied to Mangalore vary considerably. As I suggested previously, the Bill may be taken up for consideration to-morrow. Meanwhile copies of the Tuticorin Port Trust Act will be supplied to Members of the House."

MR. CHAIRMAN:—"This Bill will be taken up to-morrow afternoon."

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THE HON. SRI C. SUBRAMANIAM:—"The Assembly is not meeting to-morrow. Therefore the Council can meet to-morrow morning."

MR. CHAIRMAN:—"We shall consider when we should meet to-morrow at the end of to-day's proceedings."

SRI M. P. GOVINDA MENON:—"Since we are sitting to-morrow and since the whole of the day is at our disposal, we may take up the consideration of other Bills to-morrow itself. There is also a tea party in the evening."

* THE HON. SRI C. SUBRAMANIAM:—"We can go through one Bill now. Our intention is to have some valedictory speeches to-morrow, as we had in the other House. To that extent, we will save some time."

(4) THE METTUR CANAL IRRIGATION CESS BILL, 1953
(L.A. BILL NO. 20 OF 1953).

* THE HON. SRI M. A. MANICKAVELU NAICKER:—"I beg to move—

'That the Mettur Canal Irrigation Cess Bill, 1953 (L.A. Bill No. 20 of 1953), as passed by the Legislative Assembly be taken into consideration.'*

The object of the Bill is simply to provide for the extension of the provisions of the Bhavani Reservoir Irrigation Cess Act, 1933, which was recently amended by the Legislature to lands under the Mettur Canal. After first-hand enquiry and visit to the area, the Select Committee on the Bhavani Reservoir Bill fixed the rates and these were approved unanimously. Water is now sought to be taken from the Mettur Reservoir to certain areas in the Coimbatore and Salem districts. A channel from the Mettur Reservoir is now dug up at a cost of about two crores of rupees, and it is proposed to let down water for irrigating about 7,500 acres, i.e., up to the 20th mile. The object of the Bill is to levy the water-cess when water is taken from the canal for raising crops at the same rates as those prescribed for the lands under the Lower Bhavani Project. The ryots are quite willing to pay the rates. The Bill cannot be delayed because it is proposed to let out water for irrigation purposes early and if it is not passed we will not be able to collect the cess money. I request hon. Members to pass the Bill."

MR. CHAIRMAN:—"Motion moved—

'That the Mettur Canal Irrigation Cess Bill, 1953 (L.A. Bill No. 20 of 1953), as passed by the Legislative Assembly, be taken into consideration.'"

* SRI K. BHASHYAM:—"Mr. Chairman, Sir, I wish to submit to you as I have done more than once that legislation by 4-40 p.m.

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reference, that is legislation based upon a previous enactment saying that a particular clause of a particular Bill shall be taken to apply to a similar case, is a very difficult thing. For one thing we do not know how the circumstances are similar and we are also not aware of what the particular provisions of the other measure are. It is difficult unless people are expected to carry in their minds what the provisions of the various measures are. Amendments are proposed in respect of the Bhavani Reservoir Irrigation Cess Act of 1933, but we are not in a position to know what the provisions of that Act are. I am not able to find it even in my copy of the Civil Courts Manual."

THE HON. SRI C. SUBRAMANIAM:—"It was passed very lately."

* SRI K. BHASHYAM:—"It is so recent that it does not find a place in my copy and that is why I wish to bring to the notice of the Government that even for people who want to examine and go into the various provisions that have a bearing on this question, it is difficult to get at them and it is not even known to people who ought to know. I submit that it causes us much inconvenience and much embarrassment. I believe that there are certain provisions which take away the jurisdiction of civil courts in the matter of levy even though the ryot may feel justifiably hurt by any action that may be taken by the Revenue authorities."

THE HON. SRI C. SUBRAMANIAM:—"These have been considered by the House and the measure was passed."

* SRI K. BHASHYAM:—"Some of the provisions, I am afraid, are not quite so innocuous as the Hon. Minister has stated. According to section 2, the Government are entitled to levy the cess whether such lands are actually irrigated with water from the Mettur Canal or not. In paragraph (4) of section 3 it is stated that a registered holder may within three months of the order apply to the Collector for the cancellation of the order. The Government take upon themselves the issue of what they call a permit to the landowner and he is bound if he does not object to it, to pay the cess that is imposed upon him. That, I wish to bring to the notice of the House, is a very extraordinary measure. The ryot does not come and ask for water and the permit is not thereupon given to him. Now the Collector thrusts, so to say, the permit upon the landowner and if he does not object, he has no remedy thereafter. The permit is thrust on him and if he does not try to get rid of it, you are going to make him pay. That, I must submit, is not fair. It is a bad thing even if it were in the original Act and it must be objected to. If the landowner does not get the necessary benefit of water, the question will arise whether he is not entitled to go to the court. Very often what happens is the supply is not direct but the land gets the benefit of percolation and on that basis the Collector levies the cess and it is disputed. The difficulty has arisen in many cases and the people are obliged to pay such cesses even in cases where they are not really

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benefited. To include such a provision and shut out the Courts from going into the matter I submit is a very serious interference with the rights of people. I should like therefore that the Bill be further considered and it could be taken up for further consideration later."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, there is not only reference in the Bill to the recent Act but also reference to the Act of 1933 and there is reference to the Madras Irrigation Cess Act, 1865, and naturally we must have time to go into all those Acts to find out the implications of this Act. For instance, it is stated in the rules: 'Notwithstanding the provisions of the Act of 1863, it shall be lawful . . .'. In another place, namely, sections 1 (a) and 2 (a) similar phrase finds a place. Therefore, we must look into those things. We are here to understand; we need not oppose. As legislators we must understand the various things that are placed before us because I must remind the House we are paid Rs. 150 per mensem for that purpose. We must do that much to earn that amount. It is not a question of asking that the Government must give all those things but it is only for the purpose of enabling us to devote some time to it and contribute whatever help we can in the matter of shaping the Bill."

* DR. V. K. JOHN:—"Mr. Chairman, Sir, I wish only to submit to you that there is no urgency in the matter and I move that under rule 109 the measure may be referred to a Select Committee. At this stage I can make such a motion because it has not been referred to a Select Committee by the Assembly."

DR. C. NATHAMUNI NAIDU:—"Mr. Chairman, Sir, might I ask if a Bill can at this stage be referred to a Select Committee?"

* DR. V. K. JOHN:—"I invite the attention of the hon. Member to rule 109 of our rules; we are perfectly within our rights to make such a motion as I explained when I made the motion."

"The Madras Irrigation Cess Act of 1865 enables the Government to collect cess not only in respect of existing rivers and other sources of water but also of works which they have constructed. This Bhavani Irrigation Cess Act was passed in 1933, twenty years ago and there is a provision in section 3, sub-section (2) stating that whether such water was used for actually irrigating the land or not, the cess can be imposed and that is a fundamental difference between the Act of 1865 and the Act of 1933. They do not want to act upon the provisions of the Act of 1865 but they want to go by the Act of 1933. This, Sir, is a question which has to be thoroughly gone into because it involves a principle which has been set at nought. Certain principles have to be considered in this connexion. First of all we must consider whether it is better to have

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a cess or a betterment contribution, During recent years betterment contribution is collected. It is an old idea to collect cess. Secondly, the question is whether the cess, if you collect a cess, should be based on the benefit conferred on the cultivator or on the expenses incurred by the Government. There may be a principle in collecting the cess on the basis of the benefit conferred on the cultivator or expenses incurred by the Government or on both. All these things have to be considered calmly, leisurely and not hurried through saying that the provisions of one Act will be applied to another Act. We must fully consider all aspects of the legislation and then pass it.

"In this connexion I want to tell the Government that what is wanted is a new measure which will apply not only to Bhavani and the Mettur canal area but to all places served by irrigation projects. We have a Five-year Plan. We may have many other minor irrigation schemes. Therefore let us have a comprehensive Act which will apply to all irrigation project areas including the Bhavani and the Mettur canal areas. That is the kind of measure that the Government must bring forward.

"Now Government come forward with a Bill to apply the Bhavani Act to this area. We do not know what that Act is, on what principles the Act is based and whether those principles are acceptable or not. An hon. Member even from the other side said that this is not the proper way of dealing with the matter. The proper way is to examine the principles underlying these provisions and then to pass a comprehensive Act which will not only apply to Bhavani Canal and the area now proposed in the Bill but also to other minor irrigation works which the Government may construct, under the Five-Year Plan or under any other plan. Instead of bringing forward such a measure, they have brought this and want to rush it through this Council as they have rushed it through the Assembly. I say this must go before a Select Committee. What is the hurry about this? They can collect at the existing rates or they can give retrospective effect to the collection of cess. What I submit is this is a very important measure which will apply to all minor irrigation projects executed in the future also. Therefore, we must have a comprehensive Bill. At any rate this Bill must be thoroughly examined by a Select Committee. Therefore, I move under rule 109 of the Council Rules—

"That this Bill be referred to a Select Committee."

*THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, I will come to the question of referring this Bill to a Select Committee later. As far as this Bill is concerned it only seeks to extend the provisions of an existing Act to this area also. The existing Act was only considered during the last session, Act V of 1952. When that was under consideration it was referred to a Select Committee in the Assembly and the whole matter was gone into. After modifications in the Select Committee it came up before the Assembly where it was passed and then it came before

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this House also. Of course, hon. Member, Dr. John, was not here then. When that Act was considered by this House, the whole matter was gone into by this House. The area to which the provisions of the Act are proposed to be extended is round about Bhavani taluk but served by the Mettur reservoir. It is almost the same area. So whatever is applicable to the Lower Bhavani area is applicable to this area. That is why the same Act is being extended to this area also. Therefore there is nothing new about it. It is not open to hon. Members to plead that they did not know anything about this Bill. That was an Act which was passed by this Council and not by the previous Council. It is only the extension of that Act that is now sought for. Therefore there is no use saying: 'I know nothing about it, I have not gone through it, therefore give time to study the provisions of the Bill' and all that. That kind of plea cannot apply to an Act which was passed by this very Council.

"With reference to the motion for referring this Bill to a Select Committee, you have admitted it and so I do not want to say anything. There is a provision in the Rules of Procedure for the Council and any Member can move at any time that the Bill be referred to a Select Committee. But proper notice of it should be given to the Government. At least this morning the hon. Member could have said that he is going to move an amendment for referring the Bill to a Select Committee. But that is a different matter altogether. I submit the provisions of the present Act which is proposed to be extended, was considered by a Select Committee of the Assembly and then only passed by the Assembly and the Council. Therefore no further scrutiny by a Select Committee of the provisions of this Bill is necessary. The only question which we have to decide now is whether it is good enough or bad enough, to this area also. Therefore, I request that the Bill may be taken into consideration even now and I oppose the motion for referring it to a Select Committee."

MR. CHAIRMAN:—"I have admitted the motion of the hon. Member, Dr. John, as we have been admitting similar motions during the course of the meeting. I shall now put it to the vote of the House. The question is—

'That the Bill be referred to a Select Committee.'"

The amendment was put and lost.

MR. CHAIRMAN:—"The question is—

'That the Mettur Canal Irrigation Cess Bill, 1953 (L.A. Bill No. 20 of 1953), as passed by the Legislative Assembly be taken into consideration.'"

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

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

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THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir,
I beg to move—

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

The motion was put and carried and the Bill was read a third time and passed.

MR. CHAIRMAN:—"The House will now adjourn and meet again at 11 A.M. tomorrow."

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 268 asked by Dr. V. K. John at the meeting of the Legislative Council held on 30th July 1953, page 610 supra.]

Statement showing the transactions connected with the Revenue Reserve Fund from 1946-47.

(Figures in round lakhs of rupees.)

	1946-47.	1947-48.	1948-49.	1949-50.	1950-51.	1951-52.	1952-53.
Opening balance	31,21	26,57	32,17	32,81	33,50	23,32	9,42
Receipts—							
(i) Transfer from the Revenue Account. ..	4,90	..	..	..	..	..	..
(ii) Interest on the investments made out of the surpluses of the Fund. ..	42	70	69	69	70	65	6
Total, Receipts	42	5,60	69	69	70	65	6
Disbursements—							
(a) Regular transfer to the Revenue Account to cover deficit. ..	5,06	..	5	..	..	..	..
(b) Transfer to the Contingency Fund. ..	..	..	..	..	1,00	..	..
(c) Utilization of the Reserves for meeting capital expenditure and to clear overdrafts with the Bank. ..	..	..	..	..	9,88	14,55	9,48
Total Disbursements	5,06	..	5	..	10,88	14,55	9,48
Closing balance	26,57	32,17	32,81	33,50	23,32	9,42	..

APPENDIX II.

[Vide item II (1) at page 611 supra.]

A Bill further to amend the Madras Entertainments Tax (Amendment) Act, 1949.

L.A. BILL No. 18 of 1953.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act XVII of 1949), for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Madras Entertainments Tax (Amendment) Act, 1953.

[30th July 1953]

2. *Amendment of Section 1, Madras Act XVII of 1949.*—In section 1 of the Madras Entertainments Tax (Amendment) Act, 1949 (Madras Act XVII of 1949), as amended by the Madras Entertainments Tax (Amendment) Act, 1950 (Madras Act XIII of 1950), for sub-section (3) including the proviso thereto, the following sub-section shall be substituted, namely:—

(3) This Act shall cease to have effect on the 31st March 1955; and section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply upon such cesser of operation as if this Act had been repealed by a Madras Act."

APPENDIX III.

[Vide item II (2) at page 620 16 supra.]

A Bill further to amend the Madras Buildings (Lease and Rent Control) Act, 1949.

L.A. BILL No. 19 OF 1953.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Madras Buildings (Lease and Rent Control) Amendment Act, 1953.

2. *Amendment of section 1, Madras Act XXV of 1949.*—In section 1, sub-section (3) of the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), for the words, figures and letters "up to and inclusive of the 30th September 1953", the words, figures and letters "up to and inclusive of the 30th September 1955" shall be substituted.

APPENDIX IV.

[Vide item II (4) at page 633 supra.]

A Bill to provide for the extension of the provisions of the Bhavani Reservoir Irrigation Cess Act, 1933, to lands which may be irrigated from the Mettur canal.

L.A. BILL No. 20 OF 1953.

(As passed by the Assembly.)

WHEREAS the State Government are excavating a canal from the Mettur Reservoir for the irrigation of certain lands in the districts of Coimbatore and Salem;

[30th July 1953]

AND WHEREAS the conditions of such irrigation are similar to those of lands from the Bhavani Reservoir and it is consequently necessary to extend the provisions of the Bhavani Reservoir Irrigation Cess Act, 1933 (Madras Act XVI of 1933), to irrigation from the said canal; It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Mettur Canal Irrigation Cess Act, 1953.

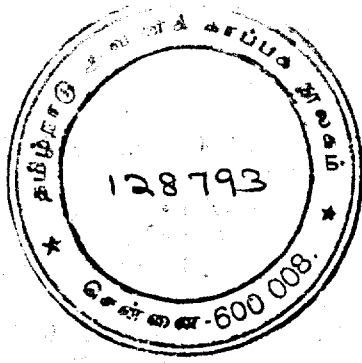
(2) It extends to all lands the irrigation of which from the Mettur canal is allowed by or under the orders of the State Government but does not extend to any land which on the date on which this Act comes into force is entitled to irrigation with water of any source (other than the Mettur Canal) belonging to or constructed by, or on behalf of, the Government.

(3) It shall come into force at once.

2. *Application of the Bhavani Reservoir Irrigation Cess Act, 1933, to the lands irrigated from the Mettur canal.*—The provisions of sections 2 to 7 of the Bhavani Reservoir Irrigation Cess Act, 1933 (Madras Act XVI of 1933), as in force for the time being shall apply in respect of all lands to which this Act extends, as if—

(1) references to the "reservoir" in the said Act were references to the "Mettur canal";

(2) in section 5 of the said Act, in the proviso, for the words "Irrigation with water of the Bhavani river or any other source belonging to or constructed by, or on behalf of, the Government", the words and brackets "irrigation with water of any source (other than the Mettur canal) belonging to or constructed by, or on behalf of, the Government" had been substituted.

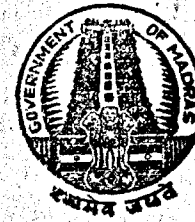


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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

FRIDAY, 31ST JULY 1953

VOLUME V—No. 11

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, 31st July 1953.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Income limits for educational concessions.

* 259 Q.—SRI K. SURYANARAYANA: Will the Hon. the Minister for Education be pleased to state the reasons for the discrepancy in regard to the income limit in respect of educational concessions granted to the pupils of Backward Classes and the children of non-gazetted officers?

THE HON. DR. M. V. KRISHNA RAO :—“ The fee concessions granted to children of non-gazetted officers and those admissible under rule 92 of the Madras Educational Rules are different types and cannot be compared with each other.”

SRI K. SURYANARAYANA :—“ In the case of the children of non-gazetted officers, the pay of the non-gazetted officer alone is taken into consideration for the grant of educational concessions, whereas in the case of the pupils of Backward Classes, pay and other sources of income are also taken into consideration. How do the Government reconcile this difference between one class of people and another? ”

THE HON. DR. M. V. KRISHNA RAO :—“ This concession is given to the non-gazetted officers irrespective of their other sources of income but in the case of servants of Local Boards and Municipalities, a maximum limit of Rs. 300 is fixed.”

Exemption from payment of fees in Elementary Schools and Secondary Schools.

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

(a) whether it is a fact that the children and dependants of persons belonging to the barber, fishermen, dhobi and potter communities residing in rural areas are exempted from payment of fees in Elementary Schools and Secondary Schools up to and inclusive of III Form; and

(b) if so, whether the Government have any proposal to extend the same concession to all the backward classes and raise the III Form limit to that of S.S.L.C.?

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THE HON. DR. M. V. KRISHNA RAO :—“(a) Yes.

“(b) No, Sir.”

SRI K. SURYANARAYANA :—“Will the Government consider the desirability of extending the same concession to ex-tappers and weavers also?”

THE HON. DR. M. V. KRISHNA RAO :—“At the moment, it is difficult to extend it further.”

SRI K. SURYANARAYANA :—“In view of the fact that tappers are thrown out of employment consequent upon the policy pursued by the Government, will the Government reconsider their decision?”

THE HON. DR. M. V. KRISHNA RAO :—“Backward Classes are already eligible for some concessions and for the persons belonging to the barber, fishermen, dhobi and potter communities, full concession has been given up to III Form. Anyhow, the suggestion of the hon. Member will be considered in the light of the financial conditions in the future.”

DR. (MRS.) S. MUTHULAKSHMI REDDI :—“May I know whether the Government are giving exemption to orphan destitutes from the payment of fees in the Elementary and Secondary Schools?”

THE HON. DR. M. V. KRISHNA RAO :—“It is a separate question.”

DR. (MRS.) S. MUTHULAKSHMI REDDI :—“This point was raised by me during the Budget debate. We have made representation to the Director of Public Instruction that the orphan destitutes should be exempted from the payment of fees both in the Elementary and Secondary Schools. It is a great hardship to them if they are not given exemption.”

THE HON. DR. M. V. KRISHNA RAO :—“The matter is being considered by the Government.”

DR. V. K. JOHN :—“Are the Government aware of the fact that there is provision in Article 45 of the Constitution of India for free and compulsory education. Therefore, is it in order for the Government to charge fees, if they believe in free and compulsory education?”

THE HON. DR. M. V. KRISHNA RAO :—“That is a very desirable thing for which we are working. At the moment we are trying to extend it according to our capacity.”

SRI K. SURYANARAYANA :—“At present the concession is only applicable to rural areas. Will the Government consider the desirability of extending it to the urban areas also?”

THE HON. DR. M. V. KRISHNA RAO :—“Not at present.”

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Panel of Headmasters.

* 266 Q.—SRI S. RAMAKRISHNAIAH : Will the Hon. the Minister for Education be pleased to lay on the table of the House a copy of the Government Order and the connected departmental proceedings issued from time to time regarding the selection of B.Ed. teachers as panel of headmasters (1) in District Boards, (2) Municipalities, (3) aided secondary institutions; and to state—

(a) the competent authority that selects the teachers to the panel in Local Boards and aided institutions respectively;

(b) whether the Government are aware of the abuse of powers by these selection bodies in the Local Boards and aided institutions and if so, the steps taken to remedy the same; and

(c) whether any specific cases in which gross injustice has been done in the matter of selection to the panel have been brought to the notice of the Government and if so, the action taken thereon?

THE HON. DR. M. V. KRISHNA RAO :—“(a) A copy of the rules relating to the preparation of panel of headmasters in the District Board and Municipal High Schools as brought up to date is placed in the library of the House.

“(b) No panel of candidates is prepared for aided high schools. The appointments are made by the managements concerned.

“(c) (b) & (c) The Government are not aware of abuse of powers or specific cases of gross injustice in this matter. Any instance of alleged injustice to individual assistants will be dealt with if and when it is brought to the Government's notice.”

SRI T. PURUSHOTHAMA MUDALIAR :—“May I know whether the District Educational Officer and the Divisional Inspector of Schools sit and decide the issue, and that the Municipal authorities have no voice in the selection of Headmasters who have to serve under them and who are in their pay roll?”

THE HON. DR. M. V. KRISHNA RAO :—“As regards the authority competent to select teachers to the panel of Headmasters in the Local Board Schools, the Divisional Inspector of Schools, sitting with the President of the District Board and the District Educational Officer in the case of the District Boards, and with the Appointment Committee of the Municipality and the District Educational Officer in the case of Municipal High Schools, prepares the panel for boys' schools. Similarly the Inspectress of Girls' Schools sitting with the President of the District Board or the Appointment Committee of the Municipality, as the case may be, prepares the panel for the girls' schools.”

SRI T. PURUSHOTHAMA MUDALIAR :—“Will the Government consider the desirability of revising the rules so that the Local Authorities—I mean the Presidents of District Boards

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or the Municipal Chairmen as the case may be—may have a voice in the selection of Headmasters. They should be on the Committee and so may I request the Hon. Minister to consider the revision of the rules accordingly?"

THE HON. DR. M. V. KRISHNA RAO :—" I have already stated that the Divisional Inspector of Schools sitting with the President of the District Board and the District Educational Officer in the case of the District Boards, and with the Appointment Committee of the Municipality and the District Educational Officer in the case of Municipal High Schools, decides this matter."

SRI S. RAMAKRISHNAIAH :—" Sir, last August I made some representation to the Hon. Minister for Education regarding irregularities committed by some managements of schools?"

THE HON. DR. M. V. KRISHNA RAO :—" I do not remember to which of the irregularities the hon. Member is referring to. I will be able to give information if he makes any specific reference. But, under the rules relating to the appointment of headmasters of Municipal and District Board High Schools, there is at present no provision for interference in any case of alleged injustice or victimization brought to the Government's notice. The question of amending the rules so as to vest in the Government the power of reviewing cases if any, of palpable injustice in the preparation of the panels is under consideration. Also, there was a High Court writ in this behalf and the rules are being revised in the light of what is contained in it."

SRI S. RAMAKRISHNAIAH :—" I have brought to your notice specific instances wherein teachers who have put in 18 or 20 years of service have not been included in the panel?"

THE HON. DR. M. V. KRISHNA RAO :—" These cases have been gone into by the Director of Public Instruction and disposed of on the merits of each case."

SRI S. RAMAKRISHNAIAH :—" May I know whether any one of them was included in the panel subsequently?"

THE HON. DR. M. V. KRISHNA RAO :—" I require notice."

DR. C. NATHAMUNI NAIDU :—" Are there any cases brought to the notice of the Government where the Presidents of District Boards have abused their powers by overlooking the claims of teachers to become Headmasters?"

THE HON. DR. M. V. KRISHNA RAO :—" No, Sir."

SRI S. RAMAKRISHNAIAH :—" May I know why 10 years of service required for inclusion in the panel was reduced to seven years?"

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THE HON. DR. M. V. KRISHNA RAO :—" It was reduced because of the non-availability of people with some experience. At one time we proposed to get candidates from outside the district, but there was a lot of dissatisfaction and it was given up. Therefore, in order to give opportunities to those who have put in some service but not sufficient to bring it up to 10 years, that relaxation was made."

Minimum balanced diet.

* 269 Q.—DR. C. NATHAMUNI NAIDU : Will the Hon. 11-10
the Minister for Health be pleased to state what steps have been a.m.
taken to advise people about the minimum balanced diet and to provide adequate amounts of such foodstuffs in terms of a national formulary?

THE HON. SRI A. B. SHETTY :—" There is a Nutrition Bureau in the Public Health Department of this State. One of the chief activities of the Nutrition Bureau is to educate the public on balanced diet and other nutritional matters. Such education of the people is done through Nutrition exhibitions, educative lectures and talks, cinema shows, distribution of booklets and leaflets, radio talks, etc. In addition the staff of the three Nutrition Units functioning in the Poonamallee Health Unit (Chingleput district) Hindu-pur firka (Anantapur district) and Musiri taluk (Tiruchirappalli district) the last one since transferred to Gandhigram (Madurai district)—explain to the people in the course of their lectures and group talks, the defects in their diets, as revealed by the diet surveys and how to make good the observed deficiency in their diet, cheaply by the inclusion of locally available food stuffs. People are also persuaded to grow locally and consume more quality foodstuffs, and to raise kitchen gardens in the backyards and vacant places available for providing them vegetables especially the leafy varieties. Besides, the Nutrition Bureau has been arranging for supplementary feeding of vulnerable groups—Children under 14 years of age and expectant and nursing mothers for combating malnutrition by the distribution of skim milk powder and other food supplements received as free gifts from the UNICEF and other sources."

DR. C. NATHAMUNI NAIDU :—" Sir, May I know whether the Government are still distributing vitamin tablets to all these school children and to the poor mothers?"

THE HON. SRI A. B. SHETTY :—" Sir, the UNICEF has recently made a further offer of skimmed milk powder for two years and a scheme to cover 9 lakhs of children under 14 years and 20,000 expectant and nursing mothers has been drawn up and submitted to the Director-General of Health Services. I cannot say whether multi-vitamin tablets are now distributed."

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DR. (MRS.) S. MUTHULAKSHMI REDDI :—“ May I know, Sir, whether this balanced diet has been introduced in any of the Government hostels because it is very difficult to change the habits of the people by propaganda and leaflets alone? ”

THE HON. SRI A. B. SHETTY :—“ Sir, some time back there was a Committee that went into the question of diet in hospitals and some of the recommendations of that Committee have been implemented.”

DR. (MRS.) S. MUTHULAKSHMI REDDI :—“ Sir, my question was with reference to Government hostels? ”

THE HON. SRI A. B. SHETTY :—“ Nothing has been done so far.”

DR. (MRS.) S. MUTHULAKSHMI REDDI :—“ Sir, will the Government consider the advisability of introducing it in some of the Government hostels to set an example to the general public because mere propaganda, as I have seen, is of no avail? ”

THE HON. SRI A. B. SHETTY :—“ The matter is under the consideration of the Government.”

Implementation of Article 48 of the Constitution of India.

* 270 Q.—DR. V. K. JOHN : Will the Hon. the Minister for Agriculture be pleased to state whether the Government have taken any steps to implement the provisions of Article 48 of the Constitution of India for prohibiting the slaughter of cows and calves and other milch and draught cattle?

THE HON. DR. R. NAGAN GOUDA :—“ The question of undertaking legislation for the prohibition of slaughter of useful cattle is under consideration.”

DR. V. K. JOHN :—“ May I know, Sir, for how long it has been under the consideration of Government? ”

THE HON. DR. R. NAGAN GOUDA :—“ Sir, very recently the Government of India have sent us a copy of a draft Bill for prohibiting the slaughter of useful animals. In view of this proposed Central legislation and also in view of the work that is done in the Key Village Schemes, where we are now trying out artificial insemination, we are awaiting the report of the Director of Animal Husbandry. As we all know, the Key Village Schemes are worked out by castrating a large number of scrub bulls so that we could improve the breed of cattle. The question of the prohibition of the slaughter of draught cattle, etc., is linked with the Key Village Scheme and we are therefore awaiting the report of the Director of Animal Husbandry.”

DR. V. K. JOHN :—“ Will the Government realize, that it is one of the imperative duties of the Government as provided for in Article 48 of the Constitution to take steps for prohibiting the

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slaughter of cows and calves and other milch and draught cattle and let us know what is their difficulty in introducing legislation for this purpose? ”

THE HON. DR. R. NAGAN GOUDA :—“ Sir, it is a question of the prevention of the slaughter of useful animals and now we are trying to make all the animals useful by removing scrub bulls and since both are linked together we are awaiting the report of the Director of Animal Husbandry.”

DR. C. NATHAMUNI NAIDU :—“ Sir, will the Government supply to all municipalities stud bulls instead of artificial insemination schemes so that the condition of the livestock may be improved? ”

THE HON. DR. R. NAGAN GOUDA :—“ Yes, Sir. We are supplying stud bulls also to our municipalities. I think it will be worthwhile if the municipalities should start artificial insemination centres. I would suggest to the hon. Member to go and visit the four artificial insemination centres in the Madras City maintained by the Corporation which are doing very good work.”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, is the Hon. Minister aware that in Mangalore there is a slaughter house very near the residential quarters and that representations made to the Government have been of no avail? ”

THE HON. DR. R. NAGAN GOUDA :—“ I believe Sir, it is the responsibility of the municipality.”

SRI T. G. KRISHNAMURTHY :—“ May I know what is the meaning of draught cattle? ”

DR. V. K. JOHN :—“ That is the language used in Article 48 of the Constitution.”

DR. (MRS.) S. MUTHULAKSHMI REDDI :—“ May I know from the Hon. Minister whether this Government will support the Bill that has been introduced in the Council of States for the Prevention of Cruelty to Animals and whether this Bill will be extended to this State? ”

THE HON. DR. R. NAGAN GOUDA :—“ Sir, when we have good animals, no cultivator or anybody else will be cruel to them and our Department of Animal Husbandry is therefore trying to improve the quality of our animals, the cows and bulls. Instead of trying merely to prevent cruelty to animals we are improving the quality of our animals and when we do so there will be no cruelty.”

DR. V. K. JOHN :—“ Sir, is it a fact that the Government are unwilling to legislate in this regard for the implementation of Article 48 of the Constitution because the Government do not want to prevent a section of the public from eating cow's flesh? ”

THE HON. DR. R. NAGAN GOUDA :—“ Sir, under the Constitution we are all free to eat whatever we like.”

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Promotion of Municipal Public Works Supervisors.

* 271 Q.—SRI T. PURUSHOTHAMA MUDALIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) why the Municipal Public Works Supervisors with L.C.E. qualifications are not promoted as III grade Municipal Engineers; and

(b) whether the Supervisors in the Public Works Department or the Highways Department with similar qualifications are not selected for appointment as Assistant Engineers (Gazetted posts)?

THE HON. SRI N. SANKARA REDDI:—“(a) Prior to 1st January 1952 Municipal Engineers were non-Government servants included in a State-wide service called the Madras Municipal Engineering Service and they were governed by regulations framed under the Madras District Municipalities Act, 1920. These regulations did not provide for the promotion of Municipal Public Works Supervisors with L.C.E. qualifications as III Grade Municipal Engineers. Municipal Engineers were made Government servants with effect from 1st January 1952 and separate services namely, the Madras Municipal Engineering Service (Gazetted) and the Madras Municipal Engineering Subordinate Service (non-gazetted) have been constituted for them in Government service. The question whether Municipal Public Works Supervisors possessing such qualifications may be made eligible for appointment as III Grade Municipal Engineers will be considered in connexion with the framing of rules relating to the new Municipal Engineering Services.

“(b) Supervisors in the Public Works Department or in the Highways Department with L.C.E. qualifications are eligible for appointment as Assistant Engineers.”

*Implementation of Article 40 of the Constitution of India.*11-20
a.m.

* 272 Q.—DR. V. K. JOHN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the steps taken by the Government to implement the Directive Principle of State Policy embodied in Article 40 of the Constitution of India;

(b) what results, if any, have been achieved by the steps taken;

(c) whether any panchayats in the State are endowed with such powers and authority as is necessary to enable them to function as units of self Government; if so, whether the Government will be pleased to place on the table of the House a list of such panchayats;

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(d) whether any steps have been taken by the Government to decentralise the administration; and

(e) if no steps have been taken under Article 40, whether the Government propose to take any steps in the near future to constitute self-governing village panchayats; and if so, what they are?

THE HON. SRI N. SANKARA REDDI:—“(a) The enactment of the Madras Village Panchayats Act, 1950, is in effect the implementation by this Government of Article 40 of the Constitution of India.

“(b) The work of reconstitution of existing panchayats by holding fresh elections to them under the Madras Village Panchayats Act, 1950, has been taken up first and will be completed shortly.

“(c) The powers and functions of all the panchayats in the State have been generally enlarged under the Madras Village Panchayats Act, 1950.

“(d) Under the provisions of the Madras Village Panchayats Act, 1950, the panchayats have been invested with large powers in all matters relating to village life and village economy, with the minimum of outside control, consistent with efficiency and integrity in working.

“(e) The question does not arise in view of the answer to clause (a).

“The question of constituting new panchayats for villages in non-panchayat areas under the provisions of the Madras Village Panchayats Act, 1950, will be taken up shortly.”

SRI T. PURUSHOTHAMA MUDALIAR:—“May I know whether the Government propose to introduce any legislation to amend the Madras Village Panchayats Act, 1950, in the light of experience gained in the working of the Act during these three years?”

THE HON. SRI N. SANKARA REDDI:—“The Madras Village Panchayats Act, 1950, is being implemented just now only. All the old panchayats except a few have been reconstituted. After some more time, necessary changes in the Act can be made.”

SRI T. PURUSHOTHAMA MUDALIAR:—“In view of the various difficulties experienced in the conduct of elections to panchayat boards, may I know whether the Government will consider the desirability of revising the rules relating to the election of President and Members of panchayat boards?”

THE HON. SRI N. SANKARA REDDI:—“Elections to panchayat boards are just now over and I think almost all panchayat boards except a few have been reconstituted. There was not much trouble as anticipated. Elections have

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gone on very smoothly. Necessary changes relating to the election of President and Members of panchayat boards can be made after some time."

DR. V. K. JOHN :—" Will the Government realise that the wording used in Article 40 of the Constitution is, ' The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government? ' Does the Hon. Minister say that the Madras Village Panchayats Act, 1950, has created village panchayats as units of self-Government? I wish to know whether the panchayats have any self-governing powers at all? "

THE HON. SRI N. SANKARA REDDI :—" I have already answered that under the present Madras Village Panchayats Act, panchayat boards are invested with large powers including panchayat court powers and registration powers.

" If the hon. Member says with what more powers the village panchayats may be invested the Government will consider them."

DR. V. K. JOHN :—" May I know from the Hon. Minister whether the officers in charge of the affairs of the Panchayat Boards are appointed by the Government? "

THE HON. SRI N. SANKARA REDDI :—" Yes, Sir. There is a department to check and control the administration of the various panchayats."

DR. V. K. JOHN :—" Does the appointment of officers of panchayat boards by the Government mean that the panchayat boards are units of self-government? "

THE HON. SRI N. SANKARA REDDI :—" Only for some big major panchayats and second-class panchayats, executive officers are appointed by the Government. These officers will have to implement the resolutions and orders of the panchayat boards."

DR. V. K. JOHN :—" May I know whether panchayats have got the power to levy a tax? "

THE HON. SRI N. SANKARA REDDI :—" They have to levy certain taxes compulsorily namely house tax, cart tax, and profession tax. They can levy any other tax also which they can contemplate."

SRI A. GAJAPATHY NAYAGAR :—" There is a feeling outside the House that Article 40 of the Constitution is as well as non-existent. Will the Government consider the proposal to appoint a Committee to report on the working of the panchayats? "

THE HON. SRI N. SANKARA REDDI :—" A Cabinet Sub-Committee has gone into the whole matter. They have made certain recommendations and they will be considered by the Government later on."

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DR. C. NATHAMUNI NAIDU :—" Am I right, Sir, in suggesting that the appointment of a Committee to go into this question at this stage is not necessary? "

THE HON. SRI N. SANKARA REDDI :—" In view of the partition of the State, it is not necessary now."

SRI V. GURUNANDAN ROW :—" Are the Government aware of the fact that for spending Rs. 100 and more the panchayat boards have to obtain the sanction of the Government? "

THE HON. SRI N. SANKARA REDDI :—" When the panchayat boards have to make any contribution they have to obtain the sanction of the Inspector of Local Boards and if the amounts are large, they will have to get the sanction of the Government also. For incurring ordinary expenditure they can sanction it themselves. But there will be control and check over such expenditure."

DR. C. NATHAMUNI NAIDU :—" Am I right, Sir, in presuming that for incurring an expenditure of Rs. 100 and above they must get the sanction of the Inspector of Local Boards and for incurring an expenditure of Rs. 99 and below they need not get any sanction from anybody? "

THE HON. SRI N. SANKARA REDDI :—" I think, for incurring expenditure below Rs. 250 they will have to get sanction from the Inspector of Local Boards and for sums above Rs. 250 they will have to get the sanction of the Government also."

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

II.—DIFFERING VERDICTS OF THE ASSEMBLY AND THE COUNCIL ON THE MODIFIED ELEMENTARY EDUCATION SCHEME— CHIEF MINISTER'S STATEMENT.

* SRI T. PURUSHOTHAMA MUDALIAR :—" Mr. Chairman, Sir, I wish to raise a point affecting the rights of this House. A resolution moved by a Member of the Opposition the other day with regard to the present educational policy of the Government was defeated by a vote of this House. An amendment to the main resolution was also withdrawn by the Deputy Leader of the Opposition who moved the amendment. It is, however, seen that another resolution was adopted in the other House which is diametrically opposite in view to what has been passed in this House and a claim is made in the other House that the resolution should be given effect to. Also a question of constitutional issue on the resolution of the Assembly has been raised in the other House. I wish to point out, Sir, that in view of the diametrically opposite views expressed in the two Houses the resolution of the Assembly should be referred back to this House for consideration. This question is one of great constitutional importance, and I would ask whether a resolution of this House is not to be respected. I believe the constitutional issue to

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be decided is whether this House should be consulted before Government can act upon the resolution of the other House. I request you, Sir, to give a ruling or, may I appeal to the Chief Minister to make a statement on this issue."

MR. CHAIRMAN :—" According to the Rules, no reference should be made in this House to what happens in the other House. If there is any complaint that something has gone wrong, I, as the custodian of the liberties and rights of the House, would go into it. But the question raised by the hon. Member being very important, I am making an exception and I will ask the Hon. the Leader of the House to make a statement."

SRI V. CHAKKARAI CHETTI :—" It is for the Government to decide whether they are going to give effect to the resolution of the Assembly or of the Council. So far as we are concerned, we are helpless. We cannot discuss a resolution passed by the Assembly."

MR. CHAIRMAN :—" We are not going into that."

11-30 a.m. * THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Chairman, Government are giving anxious consideration to the views expressed in this as well as the other House. The reorganization of the elementary schools in the State has proceeded apace in accordance with the modified scheme and it will be most undesirable at this stage to interrupt and disturb the working of the schools in the middle of the school year. Government have already assured the Opposition here as well as in the other House that an expert committee will be appointed to appraise results and make its considered recommendations. Government are intending to do this as soon as possible.

" The executive power of the State extends to all matters with respect to which the Legislature has power to make laws. Under item 11 of List II of the Seventh Schedule, the State Legislature has power to make laws in regard to elementary education. There is no Act of the Legislature prescribing courses or hours of study in elementary schools. On this subject, therefore, the Government are free to make such regulations from time to time as they consider best suited to serve the true ends of education. In the exercise of that power, the Government have put in train the modified scheme of elementary education.

" The Legislative Council has negatived a proposal to disapprove the Government's action. The Legislative Assembly after full debate rejected an amendment to the effect that the scheme should be dropped. The Legislative Assembly has passed a resolution that the scheme be stayed and an expert committee be appointed.

" Laws are made by acceptance of Bills in the two Houses and assent of the Governor. Resolutions passed by the Assembly

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fall under three categories : (1) Resolutions which become part of the law of the land ; (2) Resolutions passed by the House in the matter of control over its own proceedings ; and (3) Resolutions which are mere expressions of opinion.

" To the first category of resolutions, that is, resolutions which have statutory effect, belong resolutions to which the Constitution or enactments passed by the Central and State Legislature, attach certain consequences. For example, Article 213 (2) (a) states, in regard to an Ordinance made by the Governor, that, if a resolution disapproving the Ordinance is passed by the Legislative Assembly and agreed to by the Legislative Council, the Ordinance shall cease to have effect. Another example is Article 252 (1) which says that, on resolutions being passed by the Houses of Legislature of the State, the Central Legislature shall be competent to enact, let us say, a law authorising the levy of estate duty in respect of agricultural land in the State of Madras. Similarly, section 3 (4) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) says that rules framed under that section shall not come into force unless they are approved by a resolution of the Legislative Assembly.

" The second category of resolutions are resolutions passed by the House of Legislature in the matter of control over its own proceedings.

" The third category of resolutions are resolutions through which either Government or private members obtain an expression of opinion so as to assist Government in the framing of their policies. The resolution of the Legislative Assembly regarding the elementary education scheme falls under the third category. It is in regard to such resolutions that Dicey says ' The resolution of neither House is a law '. In regard to the resolution passed by the Assembly, the Government were free to decide, and have decided, that it would be most undesirable at this stage to interrupt and disturb the working of the schools and that an expert committee would be appointed to appraise results. If the Assembly desires strict adherence to the letter of the resolution, it has to take steps to place some other Government in power.

" A resolution of the Assembly, which is not a law, but which is an expression of its opinion may, though devoid of legal effect, that is to say, though not having the effect of altering or adding to the laws of the State, may yet have political effects if the resolution is a decision on a motion which the Government treated as a motion of confidence. In that event, the passing of the resolution against the Government's opposition would amount to a vote of no-confidence which, according to established conventions of the working of parliamentary institutions, would entail resignation of the Government or a recommendation to the Governor that the Assembly be dissolved. But, in regard to

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this resolution of the Assembly, members who exhorted the Assembly to pass the amendment to the Government's motion, expressly told the Assembly that the amendment was not intended to have the effect of a motion of no-confidence in the Government. In passing the resolution, therefore, the Assembly did not express want of confidence in the Government. Constitutional conventions do not require that the Government should either accept the resolution or resign or advise dissolution of the Assembly.

"The Labour Government of Mr. Ramsay MacDonald was defeated in the House of Commons ten times between January and August 1924 and did not resign or advise dissolution for that reason. Mr. Balfour's Government was defeated in Committee of Supply on an Irish question, but neither resigned nor dissolved Parliament. The Opposition can always test the opinion of the House by a vote of no-confidence.

"This, Sir, is the political implication of the resolution. As for the legal effects of the resolution referred to, I have, Sir, explained the correct position at the outset."

MR. CHAIRMAN :—"We shall now take up the Tuticorin Port Trust (Application to Mangalore) Bill."

(Dr. V. K. John rose.)

THE HON. SRI C. RAJAGOPALACHARI :—"On my behalf the Finance Minister will make a motion regarding the order of business."

THE HON. SRI C. SUBRAMANIAM :—"Sir, I move that the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 be taken up now before the Tuticorin Port Trust (Application to Mangalore) Bill, 1953."

The motion was put and agreed to.

III.—GOVERNMENT BILLS.

(1) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1953 (L.A. BILL NO. 21 OF 1953).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—Mr. Chairman, Sir, I move—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 (L.A. Bill No. 21 of 1953) as passed by the Legislative Assembly be taken into consideration.'

Sir, this Bill seeks to extend the operation of the Act for one year because there are still certain estates to be taken over and certain other estates which have not yet been notified and protection to ryots against eviction and the sale of holdings is quite

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necessary. We have been extending the Act from year to year and I hope hereafter, it will not be necessary because by the time the operation of the present Act ceases, all the estates will have been notified or taken over. But now it is absolutely necessary to extend it because the ryots have to be protected against eviction and it is for that purpose that I have brought in this Bill."

MR. CHAIRMAN :—"The motion before the House is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 (L.A. Bill No. 21 of 1953) as passed by the Legislative Assembly be taken into consideration.'"

SRI M. P. GOVINDA MENON :—"Mr. Chairman, Sir, I support the Bill because it is absolutely necessary to extend the life of the Madras Tenants and Ryots Protection Act, 1949 so as to afford protection not only to the areas covered by the estates but also to Malabar till final shape is given to the Malabar tenancy legislation. You are aware, Sir, that a Bill is pending before the Legislature regarding the Malabar tenancy problem. The extension of this Act is absolutely necessary for Malabar also. In that connection I wish to bring to the notice of the Hon. Minister the anomalous position in which we are situated. Section 55 of the Malabar Tenancy Act says that all pending suits shall be stayed till the final Act is passed. This section was interpreted by many of the mufassal courts as absolute stay without a deposit under this Act, which is now under contemplation with the result many suits were stayed. Now there was a recent decision of the High Court that no stay is contemplated under section 55 of the Act, unless there was a deposit made. As a result there are a number of suits filed in Malabar. I am sorry the Hon. Minister has not taken this question into consideration and moved for the extension of time. In another place the Hon. Minister remarked that there is provision for the restoration to properties from which a person has been evicted. But that does not apply to these cases. That applies to evictions under sections 14 and 20. Suppose there is an eviction for failure to deposit under the Act, as a result of the interpretation of section 55, no tenant is given protection. Government must take steps to remedy these things. With these remarks I support the Bill."

MR. CHAIRMAN :—"The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 (L.A. Bill No. 21 of 1953), as passed by the Legislative Assembly be taken into consideration.'"

The motion was put and carried.

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

* THE HON. SRI M. A. MANICKAVELU NAICKER :—
"Mr. Chairman, Sir, I beg to move—

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

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Sir, I am glad that the hon. Member has given me support for the extension of this life of the Act. No doubt he pointed out a difficulty arising out of the working of the Malabar Tenancy Act in regard to the recent decision of the High Court. We are aware of it and we are examining it. Being a Member of the Select Committee which is to meet on the 27th August and being an able lawyer—there are other able lawyers too in the committee—

SRI M. P. GOVINDA MENON :—" I am not a Member of the Select Committee."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" If he were a Member of the Committee he could give only restricted views. Being outside the Committee, he can give better advice in a calmer atmosphere. I think human ingenuity is sufficiently resourceful to make provision to see that there is no hardship caused to the ryot in Malabar."

MR. CHAIRMAN :—" The question is—

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

The motion was put and carried and the Bill was read a third time and passed.

(2) THE TUTICORIN PORT TRUST (APPLICATION TO MANGALORE)
BILL, 1953 (L.A. BILL NO. 22 OF 1953)—cont.

MR. CHAIRMAN :—" We shall now take up the Tuticorin Port Trust (Application to Mangalore) Bill, 1953."

* DR. V. K. JOHN :—" Mr. Chairman, Sir, before this Bill is taken into consideration I would like to raise certain points of order. The first is: whether this Bill to enact a Statute for the purpose of creating another Statute, is in order. The second point is: if this is in order should not the Tuticorin Port Trust Act, 1924 be read clause by clause and passed for the purpose of creating a Mangalore Port Trust Act. The third point is: is not the introduction of a Bill for the enactment of the Mangalore Port Trust Act, 1953 the legal and proper course to adopt. Now speaking on the first point of order, I must mention that this is substantially the same as the point of order raised by the Leader of the Opposition yesterday. You were kind enough to direct the Government to give us a copy of the Tuticorin Port Trust Act. We find that what was distributed is not the copy of the Tuticorin Port Trust Act, but what is called the Mangalore Port Trust Act. Now if you go through the Bill to be introduced in this House, you will see in the short title the statement that this Act may be called the Tuticorin Port Trust (Application to Mangalore) Act, 1953. That is the Act we have to pass. But in sub-clause (2) of clause 2 you find, I am reading it, the following: 'The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924) with the adaptations and modifications set out in the Schedule, incorporated in the said Act, shall be called the Mangalore Port

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Trust Act, 1953. A copy of the Mangalore Port Trust Act, 1953 shall be prepared by the Secretary to Government, Legal Department and published in the *Fort St. George Gazette*. So we have got two Acts, the Tuticorin Port Trust (Application to Mangalore) Act and the Mangalore Port Trust Act, 1953. The Secretary to the Legal Department has already edited this Act under the name 'The Mangalore Port Trust Act, 1953'. This is a most extraordinary thing, to introduce one Bill to create one Act and by that Act to create another Act. We are, so to say, creating two acts, one is the Tuticorin Port Trust (Application to Mangalore) Act, 1953. The other is the Mangalore Port Trust Act, 1953. I can say with confidence, Sir, that nowhere in the world is such a procedure adopted under which a Bill is introduced to create an Act and that Act providing for the creation of another Act by a third party. This is most extraordinary, illegal and unparliamentary. Nobody except the brain behind the Government that advised them could have ever thought of passing an Act called the Mangalore Port Trust Act, 1953 containing more than 121 sections without placing the Act before the House. To get an Act passed indirectly through another Act, I say, is thoroughly improper and illegal. The proper procedure to adopt is to place before the House the Bill for enacting the Mangalore Port Trust Act, 1953. It may not matter much whether some provisions in some Act are bodily copied in another Act. The question of adaptation is different. Now we have no 'Crown'. The word 'Crown' in various enactments may be given up. It is adaptation. But you cannot bodily remove from one Act all the 121 sections for another Act and call it adaptation. Is this the way of saving time which the Government want to adopt? Is it proper for the Government to do so? Are there precedents for doing like this? There is no precedent for this in any parliament of the world. This is a most extraordinary way of doing the thing and it should not be allowed.

" It is surprising that this Government headed by Rajaji and including eminent lawyers should have adopted this procedure. Sir, it might set up a bad precedent. What will happen hereafter is, in the beginning of a session they will produce a Bill authorizing the Law Secretary to produce half a dozen Acts. One hen will be enough to produce half a dozen chicken and this legislation by reference is just like hatching eggs. One Bill will not only produce an Act but will also produce other Acts. I submit that this kind of procedure ought not to be allowed in this House and I appeal to you, Sir, as the custodian of the privileges of the House and its rules of procedure, that this procedure should not be allowed. I say, it is illegal. If not illegal, it is very improper. It shuts this House from discussing 121 Sections of what is called, 'The Mangalore Port Trust Act, 1953'. Such a kind of thing should never be done. Therefore, my first point is that this Bill to enact a Statute for the purpose of creating another Statute is not in order.

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"My second point is, if this is in order, should not the Tuticorin Port Trust Act, 1924, be read clause by clause and passed for the purpose of creating the Mangalore Port Trust Act, 1953? It is self-explanatory. I do not want to comment upon it. It is quite clear. If you are not going to consider clause by clause the Tuticorin Port Trust Act, 1924, you are not doing justice at all.

"My third point is, is not the introduction of a Bill for the enactment of the Mangalore Port Trust Act, 1953, the legal and the proper course to be adopted? Sir, the Government should not stand on prestige. If there are mistakes we are here to point out. They should never think that they never make mistakes. In fact, it is the expectation of not only the Members of the Opposition but other Members of this House also and the general public that this Government headed by Rajaji would certainly not stand on prestige and if a mistake is pointed out, he will accept it. The other day he withdrew a Government amendment to Clause 42 of the Andhra State Bill suggesting that the Budget for the rest of the year need not come up for discussion here till April 1954. So also in this Bill we expect that he would not be obstinate but will follow the proper procedure. The proper procedure to be followed is the introduction of a Mangalore Port Trust Bill. It may be that all the 121 Sections or most of them are borrowed from the Tuticorin Port Trust Act but it does not matter and we must discuss them thoroughly. Then only it is possible for this House to offer suggestions and correct mistakes if any. I do not want to deal at length on the point, how this has been copied and I do not think the Hon. Chief Minister at that time looked into it. Section 6 (1) of the Mangalore Port Trust Act which is copied from the Tuticorin Port Trust Act says—

'The Chairman and Vice Chairman shall be appointed by the State Government provided one of them at least shall be a citizen of India.'

Section 8 (1) (a) which is also copied says—

'No person shall be qualified to be a Trustee who is not a Citizen of India, or a Commonwealth citizen.'

I think, somebody will explain the definition of a 'Commonwealth citizen'. Is there citizenship for the Commonwealth as a whole? I have never heard of that term 'Commonwealth citizen' before but here I find a mention of it. Sir, there are these defects and we cannot introduce a Bill by simply copying down the provisions of the other Act and without giving an opportunity to discuss it clause by clause. This is a very shabby way of doing things and does no credit to the Government and they should be—if you permit me to use strong language—(The Hon. Sri C. Subramaniam: 'Ashamed') ashamed over it."

SRI T. PURUSHOTHAMA MUDALIAR:—"Is the word 'ashamed' parliamentary?"

MR. CHAIRMAN:—"Yes, it is parliamentary."

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SRI C. NATHAMUNI NAIDU:—"Is the word 'ashamed' parliamentary?"

MR. CHAIRMAN:—"Yes, it is."

* DR. V. K. JOHN:—"It is only the Hon. Minister for Finance who prompted me to use that word 'ashamed'."

"I am very sorry that this Bill should have been brought here in this form. Sir, a mistake has been made and they must correct it and should not stand on prestige."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Mr. Chairman, Sir, when I rose to a point of order on this Bill yesterday, I never realized that we will be going into deeper and deeper waters. Now the whole thing seems to be, in the light of the new pamphlet that has been given to us, so complicated that if we are to accept the Bill in its present form, we shall be setting up a bad precedent in regard to the passing of a legislative measure. First of all, may I submit that the pamphlet that was originally given to the Members of this House as a Bill, is not a Bill. In the first place, clause 2 (2) of the Bill says—

'The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), with the adaptations and modifications set out in the Schedule, incorporated in the said Act shall be called the Mangalore Port Trust Act, 1953. A copy of the Mangalore Port Trust Act, 1953, shall be prepared by the Secretary to Government, Legal Department and published in the Fort St. George Gazette.'

Sir, no Legislature can pass a Bill which is yet to be prepared by the Secretary and whose contents we do not have. Even granting that it is mere adaptation, it cannot be so called, when you give it to the Secretary to prepare the Bill. Secondly, clause 2 (3) says—

'Copies of the Mangalore Port Trust Act, 1953 as so published, shall, as soon as may be, be laid before each House of the State Legislature.'

In other words, we are not in a position to know what the Act is. The Secretary has to prepare the Act and then only it becomes something of which we can take cognizance. In the new pamphlet, it is said—

'The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924) as applied to the Port of Mangalore, with the adaptations and modifications set out in the Schedule to the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, reads as follows:—

The Mangalore Port Trust Act, 1953.'

That is far from elegant, that one Act reads like the other Act.

"Sir, the Hon. Minister yesterday said that when once the Legislative Assembly has passed a Bill and sent it on to this House, this House should take note of it as a Bill. I respectfully submit that that is not the position. Unfortunately we find that under the rules governing legislation, this is not a Bill that is presented to us. Now, my point is, if this is a Bill, as Dr. John suggested every clause in this Bill has to be debated. It may be that there may be no discussion at all. It may be that we are thoroughly in agreement. But, once again, I submit for your

[Dr. A. Lakshmanaswami Mudaliyar] [31st July 1953]

consideration that this Bill that you are going to pass consists of the Short Title, clause 2 and the Schedule. That cannot be considered as a Bill. I realize that there may be urgency in the matter of setting up the necessary machinery but, as our Deputy leader has pointed out, there are already powers with the Government in regard to these matters which they can invoke without any hesitation.

12 noon. "Moreover, Sir, one would have thought that once we passed a Bill like this it would apply to all minor ports and it is a matter for consideration whether the Government cannot, instead of passing at each stage a Tuticorin Port Trust Bill, a Mangalore Port Trust Bill and probably a Cuddalore Port Trust Bill, bring a comprehensive legislation to cover all minor ports under one Act. I submit respectfully that both on the side of constitutional procedure as well as in the substance of the Act, it will not at all be anything that will cause delay or obstruction if the Government will now postpone consideration of this Bill at the hands of the Council and bring in a comprehensive Act for all minor ports."

* SRI K. BALASUBRAMANYA AYYAR :—"Sir, on a point of procedure, I have asked that the Mangalore Port Trust Bill, 1953 should be placed before us. I have given notice of an amendment to Clause 5. Therefore, I would like the Hon. the Chairman to enlighten us whether the provisions which are mentioned in this pamphlet would be placed before this House and passed clause by clause so that we may consider the amendments that we have given notice of."

MR. CHAIRMAN :—"The Bill before us is one which has only two clauses and a schedule and nothing else."

* THE HON. SRI C. RAJAGOPALACHARI :—"Mr. Chairman, Sir, very powerful arguments couched in very powerful language have been presented to the House; but, at the very outset, let me say that I accept the general position as put forward by Dr. V. K. John and the hon. the Leader of the Opposition. Anyhow, in the present case let me explain the particular characteristics and the cause why, as Dr. Lakshmanaswami Mudaliar pointed out, we have not got a general Port Trust Act. It would be very advisable, no doubt, that we look into the matter and prepare an Act which would cover the entire field and all that would be necessary for all minor ports. Unfortunately, we have not too many minor ports which could be developed like this and, so one has led to another and that is the present position. There is hardly any likelihood of any more important minor ports which would require a Trust as proposed in this case."

"The legal position is this. Once upon a time Tuticorin was organised on the basis of this Tuticorin Port Trust Act. The Government at that time went into the whole position and prepared the Tuticorin Port Trust Act which is before this House as an appendix or an annexure. The Tuticorin Port Trust Bill was

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passed Clause by Clause and only after full consideration it was passed into an Act. It has been working well and it is found satisfactory. The ambitions of the people of Mangalore had to be taken into account and recently they said 'here is a port which could be developed on the same lines as Tuticorin' and they wanted a Port Trust and an Act to govern the Port Trust,—a statutory provision for the Port Trust. Now, the Government did not, as suggested by Dr. A. Lakshmanaswami Mudaliyar, seeing that one has become two and it is time to have a general Act, proceed to frame a Minor Port Trusts Act. They thought it would be enough to make the Tuticorin Port Trust Act applicable to Mangalore also."

SRI K. BALASUBRAMANYA AYYAR :—"Sir, there can be a specific Act for Mangalore also."

* THE HON. SRI C. RAJAGOPALACHARI :—"There is already a specific Act for the Tuticorin Port Trust and I do not know whether I have made a mistake in regard to the names of the two places. The Mangalore people wanted a Port Trust and when the Government took it into consideration they found that practically every detail that is covered by the Tuticorin Port Trust Act would have to be repeated in respect of Mangalore and that is the position in substance."

"After the war, in recent years, administrative Acts of this kind have been passed in large numbers where minute details have to be covered and we would have some 200 or 300 sections. This habit has been sanctioned by custom and recent practice is to pass Acts in a somewhat comprehensive way, in a somewhat loose way which may not appeal to conservative lawyers like Dr. V. K. John or myself. In recent times a name has also been found for such Acts wherein we have to refer to another Act when we pass an Act. It is found even in Halsbury; it is called 'referential legislation', and there have been discussions as to how far it should go and how far it should not go. Anyhow, this referential legislation has come to have a permanent place in modern statutory procedure because of the more and more increasing amount of material which gets within the scope of legislative activity. All sorts of things have become legislative, laws have to be passed and Government have to look after them. Let us take, for instance, some State Trading Schemes, say, coal, and we want a law for it. After great consultation, scrutiny and close examination, we find that an Act has been passed in Calcutta for the purpose of dealing with coal. Suppose, after a few years, the Nagpur Legislature wants to have an Act to deal with coal in its area. It has now become the practice and it is permissible for the Legislature to say 'Let us repeat the Calcutta Act. There is no need to go through the whole thing because it has already been discussed and the exact circumstances and situations are here and this Act has been found to be excellent.' Of course, if necessary, certain changes may be made. Therefore when they

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bring in an Act like this they refer to another Act and produce what is known as referential legislation and ask the House to accept it. It is open to the House to make any alterations on merits with reference to Clause after Clause of the referred legislation and include them in the Bill under consideration. Nobody can say that the Bill should be read and passed against the wishes of the Opposition. Therefore, the present objections should be divided into two parts. One is the point of order as a point of order and the other is a question of merit as to whether all or any or everyone of these Clauses should be accepted or not.

"The first thing is the point of order. Strictly speaking, I submit, there is no valid point of order about the Bill. We may say it is clumsy, we may say it is shabby and I would go even one step further and say we should be ashamed of it as Dr. John remarked, but that does not matter. It is true, Sir, that the State legislatures have a limited time for business but, at the same time, we are greedy to take up all business within our scope and naturally the result is the present tendency in legislation. We cannot help it. Here, the Mangalore people are perfectly satisfied with the Tuticorin Port Trust Act. The Government who examined the Tuticorin Port Trust Act found definitely nothing wrong in it and experience had also shown that the sections and the regulations governing the Tuticorin Port Trust have proved successful. They have therefore produced this Bill. Let us therefore not make it a point of order or principle. Principles regarding procedure, and principles regarding the substance of things and equity change from time to time and therefore in respect of legislation in modern times, we have to deal with it in this manner. So, there is no point of order."

"Even on the merits of the Bill, I wish to give the assurance that the Bill may be gone into Clause by Clause and covered but there will be nothing much to make a point of. Of course, the objection can be raised that we have not the time to go into the whole thing like this. But, legislators must behave as if there were time, as if they have considered everything and then proceed to vote on it. There is no harm in it. No ship is going to be sunk either in Mangalore or Tuticorin for want of a fuller discussion on the clauses. I would go even a step further. In course of time, we may take the suggestion of Dr. A. Lakshmanaswami Mudalivar. These two Bills may be consolidated into a Minor Ports Bill and may have a schedule attached to it specifying the ports, Tuticorin and Mangalore, and we take powers to add more ports to the schedule as ports develop. That should be done and will probably be done if we are allowed to do it in course of time. Meanwhile, if at any time, amendments are immediately necessary or if it is found that errors have occurred, the Government will take immediate action to make any changes that are necessary."

12-10 p.m. "For instance, I do not like the words in Clause 2 which says that a copy of the Mangalore Port Trust Act, 1953, shall be

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prepared by the Secretary to Government, Legal Department and published in the *Fort St. George Gazette*. I would have really liked the words 'under the direction of Government' introduced in this provision. I would have pushed this amendment through and there would have been no complications, and the Members in the other House also would have accepted it. Unfortunately I was prevented from attending to this matter and so the provision has come in the present form. I intend, if it is permitted, to bring later on an amending clause in respect of this as well as any other matter which, in the course of the debate, comes to our attention. I can give that assurance on behalf of the Government."

* DR. V. K. JOHN :—"May I make a submission, Sir, that if by chance you are persuaded by the eloquent speech of the Hon. the Chief Minister and you consider that the Bill is in order, I want you to say that this procedure should not ordinarily be adopted and that you are allowing it to be moved under exceptional circumstances."

MR. CHAIRMAN :—"An assurance on behalf of the Government has been given."

* DR. V. K. JOHN :—"Otherwise, Sir, one Bill will produce two Acts. Certain assurances have been given. At any rate I cannot accept one assurance. This House is not considered with great respect by the Government."

THE HON. SRI C. RAJAGOPALACHARI :—"I belong to this House."

* DR. V. K. JOHN :—"That is my real difficulty. Our Constitution and Rules of Procedure of this House provide that amendments can be moved and passed by this House. When I was in the previous Council, I used to give some useful suggestions and amendments when Bills were discussed. Though the Government then thanked me for my suggestions, still they would not accept my amendments. They would prefer to bring in a new Bill. They would not have a Select Committee here. Such kind of treatment is not very respectable to this House. This House is entitled to carry out amendments and then these amendments must be sent to the other House for approval. I am quite sure that the other House will accept them. The Hon. the Chief Minister said that he would bring in later a comprehensive legislation and that this Bill might be passed as it is without any amendment. I protest against the suggestion that no amendment will be accepted because some amending Bill will be brought forward later on. We are going to move some amendments. If by any chance you are persuaded by the Hon. the Chief Minister's arguments that this Bill is in order, I say this, Sir, that this kind of procedure in bringing forward this Bill should not be repeated. If this procedure is not illegal, it is improper. As a student of constitutional law I might say that this House is the master of its own procedure. It can change its own procedure from time to

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time. An abnormal procedure has been adopted with regard to the introduction of this Bill. You, Sir, should not allow one Bill producing two Acts. That is my complaint."

* THE HON. SRI C. RAJAGOPALACHARI:—"I may be permitted to say on behalf of the Government that in the present times and under present conditions, as I have already pointed out, we are bound to bring in 'referential legislation'. So, the question is whether the Bill is in order, and I hope the H.n. the Chairman will agree that it is in order. But whether the Bill is good or bad is a different matter. I hope, Sir, I have been able to persuade Dr. John though he won't explicitly admit it that it is in order."

MR. CHAIRMAN:—"In view of the explanation and assurances given by the Leader of the House, I have to rule out these points of order."

SRI T. PURUSHOTHAMA MUDALIAR:—"Sir, I find one hon. Member is carrying an umbrella inside the House."

MR. CHAIRMAN:—"We do not expect any foul play here. The Hon. Minister may move the motion standing in his name."

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

'That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Legislative Assembly be taken into consideration.'

Sir, I would like to make a few remarks with regard to the objects of the Bill. Even before the introduction of the Bill, some discussion has taken place in the House with regard to the need for the introduction of this Bill and with regard to certain provisions contained in this Bill. There has been a demand from the citizens of Mangalore that a Bill on the lines of the Tuticorin Port Trust Act should be framed and that it should be made applicable for the Mangalore Port. There is now an organization in charge of the Port, created under the Indian Ports Act, 1908, whose members are nominated by the State Government. The powers of the present organization are also very limited in scope. The Bill provides for a new Board consisting of not less than 13 members and not more than 17 members. Members will also notice that the Bill seeks to introduce the elective principle in the constitution of the Port Trust. The Mangalore Municipal Council, the Kanara Chamber of Commerce and the Western India Tiles Manufacturers' Association are entitled to elect a certain number of trustees to this Port Trust. All these three bodies have been provided with eight seats in the Port Trust. There is also provision for representation of labour in the Port

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Trust. One trustee shall be appointed by the Government from a panel consisting of persons elected by trade unions of workers of the port.

"I may submit for the information of hon. Members that the Board which is proposed to be constituted under this Bill has got large powers. It has got powers to sanction expenditure up to a certain limit. It has got a large amount of autonomy. It does not work under a State Officer as it were. Hitherto complaints have been made that the present Mangalore Port Conservancy Board is a nominated body and therefore it is subservient to the wishes of the Government and that the working of this nominated Board is not in consonance with a democratic form of Government. So far as the body contemplated in the Bill is concerned, it is an elective body. I therefore submit that there is nothing extraordinary in the Bill which requires postponement of consideration. As stated by the Leader of the Opposition, the Tuticorin Port Trust Act is made applicable to the Mangalore Port. The Tuticorin Port Trust Act has been worked successfully for the last 28 or 29 years.

"All those provisions are made applicable to the Mangalore Port. I move that the Bill be taken into consideration." 12-20 p.m.

MR. CHAIRMAN:—"The motion is—

'That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Legislative Assembly be taken into consideration.'

* DR. V. K. JOHN:—"I move the motion that I gave notice of and this is the proper time to make such a motion. I move—

'That under Rule 109 of the Council Rules the Bill be referred to a Select Committee.'

I will not make any long speech but for the edification of certain Members I will read the rule—

'Any Member may (if the Bill has not already been referred to a Select Committee of the Assembly or to a joint Committee of both Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee and if such a motion is carried, the Bill shall be referred to a Select Committee.'

There is no urgency about the Bill and a Select Committee only can consider the Bill properly because it is not as if only the few clauses of this Bill have got to be examined but the 121 sections of the other Act also and I do not see why the Government did not have a Select Committee over this Bill in the other House. I express the hope that the Government will not be obstinate or stand on considerations of prestige. There is Rule 109 and I wish to ask if it is to be scrapped or kept always in abeyance. That must be brought into operation with regard to some Bill or other and I say, Sir, this is the one Bill for which a Select Committee may be constituted because that will go into each and every provision of the Bill and give us a report. It is not enough for the

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Government to say that somebody has passed the Bill and, therefore, this must also go through here without a Select Committee and without any amendments thereto. I say, Sir, that is an injustice done to this House and I appeal to you that you should not allow it; you should not encourage that attitude on the part of anybody that many of the rules of procedure obtaining for this House should remain a dead letter and should not be put into operation at all and no amendments however reasonable they may be, must be accepted and no Select Committee should be constituted by this House on any measure that comes before it. I appeal to the Government that what I have suggested is the most proper thing to do and I make the motion for the reference of the Bill to a Select Committee."

* SRI T. M. NARAYANASWAMI PILLAI :—" Mr. Chairman, Sir, the Hon. Chief Minister was pleased to say that the arguments of Dr. John and of the Leader of the Opposition were very powerful but how powerful the arguments have been has to be judged by the way in which they are accepted. But so far as I could see, however powerful the arguments may be, they do not seem to carry any weight with the Government. The circumstances have been explained to the House, and the Hon. the Chief Minister admitted that the Government have not been able to bestow on the Bill that amount of attention that it deserves. The mistake committed by the Secretary to Government is allowed to continue in the Bill and under those circumstances, we are entitled to assume or presume that all the 121 sections of the Act which are now bodily incorporated here have not received sufficient attention at the hands of the Government. No doubt, the urgency of the matter has been explained and that is why the Government have not been able to apply that kind of caution and that kind of circumspection that is required in the case of legislation such as this. Apart from the point of order which has been raised and which you have ruled out, I think justice requires that this should be considered in greater detail by the Select Committee. I, therefore, support the motion for referring the Bill to a Select Committee."

* SRI S. NARASAPAYA :—" Mr. Chairman, Sir, I am sorry that this Bill must have been the cause of these technical and constitutional issue regarding the manner in which this House had been treated, the way in which the powers of this House had been curtailed and the precedents that ought to guide the relationship of the Government to this House. I quite appreciate the points raised by hon. Members opposite and the fund of legal acumen that they have brought to bear on the examination of the various clauses of the Bill and let me assure my hon. Friends that I am one with them when they say that this House should not be neglected and should be treated well and let me reiterate the fact that we are within our rights in making a motion under Rule 109 of the Legislative Council Rules to refer the Bill to a Select Committee. But the question is whether such a course

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[Sri S. Narasapaya]

is necessary seeing that the Hon. Minister has explained to the House that the people of Mangalore have been repeatedly agitating for such a Bill and they have been making representations to the Government for the last three years for this purpose and the result of this action on our part will be that the people of Mangalore would be denied of what they want because the Bill will be held up for at least six months. The issue now is not whether this House is given the respect which is due to it or whether this House is entitled to refer a Bill to a Select Committee or what is the purpose of Rule 109 if this House does not refer the Bill to a Select Committee. But the issue is whether the Bill affects the right of the people who want it. The people are very much satisfied with the provisions of the Bill and the only thing that they want is that the measure should be passed through very urgently. The Opposition is no doubt sponsoring the cause of the people, the people that want the measure to be passed urgently and in their anxiety to do justice and to see that everything is properly done, by the proposal that they make they forget the fact that they are defeating the very purpose that they have so earnestly in mind, viz., the very cause that they are championing. When an amendment is made in the Bill or when the Bill is referred to a Select Committee, there is every likelihood that the Bill will not be passed into law for at least six months. Therefore, I appeal to the hon. Members not to insist upon their rights and even if any change is to be made as the Hon. the Chief Minister pointed, an amending measure may be brought in at a later stage and there is no need at present to delay the measure by insisting upon making amendments to it and by referring it to a Select Committee. As a matter of fact, in substance there is no need to make any amendment in the Bill. I appeal, therefore, to the hon. Deputy Leader of the Opposition that while I appreciate the manner in which the provisions of the Bill have been subject to searching criticism by the Opposition and the stand that they have taken with regard to the constitutional powers, duties and responsibilities of the House and concede that this House has every right to refer a measure to a Select Committee, having as he does the interests of the people of Mangalore at heart and championing as he does their cause, pleading as he does that there should be no injustice done to anybody, I appeal to him not to press his motion because the people are satisfied that they want the measure and merely on technical grounds and for asserting the powers of the House, the motion need not be pressed because that would have the effect of delaying the Bill by a year. I, therefore, beg to oppose the motion before the House."

* SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, the one thing that struck me after hearing the speech of the Deputy Leader of the Opposition was that because there is Rule 109 of the Legislative Council Rules we should have occasion to use it and it must be used with reference to this measure. It is quite clear that the Government have been attempting to bring in legislation in respect of the Mangalore Port on the lines of the

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12-30 P.m. Tuticorin Port Trust Act which has been in force for some decades. They have brought in this measure for this purpose. It has been found sound to extend the provisions of the Tuticorin Port Trust Act to the Mangalore Port as well. As the Hon. the Chief Minister pointed out, it is only a referential legislation and it does not matter if all the details are not placed before the House. That ought not to stand in the way of our passing this legislation. The fact all that we have not made use of the provisions contained in Rule 109 of the Council Rules should not come in the way of this legislation because there is urgency for passing this measure. So I would request the hon. Member to look at this from the business point of view and see that this Bill brought forward by Government to meet urgent necessities is not obstructed."

SRI M. P. GOVINDA MENON :—" I agree with the observations made by hon. Member Dr. John, regarding the treatment meted out to this House. We must also be taken seriously. But as far as this Bill is concerned, I support the Government and oppose the amendment because there is an urgent demand for passing this Bill into an Act as the hon. Member Sri Narasapaya stated. I have to support the West Coast and therefore I oppose the amendment."

* SRI K. BHASHYAM :—" Mr. Chairman, Sir, in view of the urgency pressed upon us as the excuse for not observing all the rules I do not support the motion for a Select Committee. However I want to make a few suggestions because the Government have promised to look into the matter later on and do the needful. The first is, in the constitution of the Board they have got one representative out of 13 to represent labour. In view of the importance of labour, I should think, a further increased representation is necessary for labour in the Board. Work in the port trusts is really run by labour and it would be in the fitness of things that labour should be given better representation."

" Then, Sir, according to Section 53 of the Act the whole or any portion of the balance left over, after meeting expenses, in the hands of the Board should be taken over under the Indian Ports Act. It is a Central Act and therefore all the money goes to the Central Government probably to be expended by them. I do not know whether it is or it is not a fact because I speak subject to correction. Is it the idea that money earned by the Mangalore Port should be paid to the Central Government to be expended by them? I want clarification in respect of this matter."

" There is one more point, with regard to the penalty clause, it may not be in keeping with the modern ideas of things. Section 108 says: ' Any person who, when duly required so to do by any auditor of accounts under Section 85, shall refuse or neglect to appear before such auditor or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable

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for every such neglect or refusal with fine which may extend to one hundred rupees'. Merely because he refuses to appear before the auditor he is made liable for punishment. This is a thing which certainly looks odd. The provision has been made for the Tuticorin Port and I do not know whether there has been any complaint about this provision, whether people refused to appear before the auditor or anything like that."

THE HON. SRI C. RAJAGOPALACHARI :—" Section 85 gives power to the auditor to summon witnesses and produce accounts."

SRI K. BHASHYAM :—" That is what I am saying. I can understand a judicial person being authorized to send for persons to give evidence."

THE HON. SRI C. RAJAGOPALACHARI :—" The auditor is given judicial powers."

SRI K. BHASHYAM :—" The auditor is not a judicial person. Government give him power and make him a judicial officer to summon witnesses and also punish those who refuse to appear before him. That is something odd which has to be gone into."

" These are the points I could gather on a cursory examination of the Act. If there are more they should be examined and the Act suitably amended."

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, there are one or two difficulties which I submit Government must consider before they take this Bill into consideration. (Interruption)—I am speaking on the general principles of this Bill. Sir, this Bill is concerned with the Port of Mangalore and when we look into the lists in our Constitution for the purpose of legislation, ports are not included in the State List. It is in the Concurrent List. In the Union List also there is no reference about minor ports. Minor ports except those ports which have been declared by Parliament by law as major ports are in the Concurrent List. So far as the Union List is concerned all major ports which are declared by Parliament by law to be major ports are there. Therefore this Port Bill does not come under the State List. It can come only under the Concurrent List."

" Then the Indian Ports Act, 1908, brings in another difficulty. In the Schedule to that Act all ports are mentioned, Calcutta, Bombay, Mangalore and every other port in India. No distinction is made between minor and major ports. Therefore the difficulty arises whether we have to consider this as a minor or a major port. My submission is, even if this is passed by this House, it should be in consonance with the Indian Ports Act. I am not raising technical objections for the sake of saying something against the Bill. I am also anxious like my hon. Friend Sri Narasapaya that we should make it into law as soon

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as possible. But there is the fact that we are under a new Constitution and the functions as between the State and the Union legislatures are divided. It is only on that point I am speaking. Then in so far as the Indian Ports Act is concerned, Conservators are appointed by the Government of India. Now we have a Board elected by various associations and all that to administer the ports. The provisions are not therefore the same. If they are not the same and are conflicting with the Indian Ports Act passed by Parliament then this Bill should be reserved for consideration by the President. That should be done."

* THE HON. SRI C. RAJAGOPALACHARI:—"That is exactly why the position stands like this. This matter comes under the Concurrent List. We examined it from that point of view and we got legal opinion. Legal opinion was taken and the position is that the proposed legislation falls within the Concurrent List and legislation can be enacted in consultation with the Government of India and if necessary, concurrence will be got afterwards. Provision is made for that. Because this Bill is not inconsistent with the Constitution we have produced this, and the Assembly has passed this Bill. I hope this House also will agree to pass this.

"The next question is whether it is a major or a minor port. Entry 31 in the list if carefully read will show 'Ports other than those declared by or under law made by Parliament or existing law to be major ports.' The fact that the old Ports Act applies to these ports does not make a difference. Ports have to be declared as major ports and Mangalore has not been declared as a major port. Therefore it does not fall under entry 31. It falls under the concurrent legislation list and that procedure will be followed."

12-40 p.m. MR. CHAIRMAN:—"I will put the amendment of Dr. V. K. John to the vote of the House. The question is—

'That under Rule 109 of the Madras Legislative Council Rules, the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), be referred to a Select Committee.' "

The amendment was put and lost.

MR. CHAIRMAN:—"I will put the main motion to the vote of the House. The question is—

'That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Legislative Assembly be taken into consideration.' "

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

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Clause 2.

* SRI T. PURUSHOTHAMA MUDALIAR:—"Sir, I move the amendment that stands in my name—

'In clause (2) for the words "shall be . . . Legal Department", substitute the words "shall be prepared under the direction of the Government"' "

Sir, in no legislation is any reference made to a Secretary to Government. He is only a functionary of the Government and I feel that whatever should be done, should be in the name of the Government."

DR. V. K. JOHN:—"I support the amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"It was promised that that ugly phrase would be omitted in course of time very soon. It is a pity that it is there. I hope the hon. Member will not press his amendment."

* SRI T. PURUSHOTHAMA MUDALIAR:—"I withdraw my amendment."

The amendment was by leave withdrawn.

* SRI K. BALASUBRAMANYA AYYAR:—"Sir I move the following amendment to the Mangalore Port Trust Bill, 1953, viz.:—

'That the words beginning with "The Tuticorin Port Trust Act, 1924" and ending with the words "reads as follows" may be omitted.' "

DR. V. K. JOHN:—"I second it."

* SRI K. BALASUBRAMANYA AYYAR:—"The words 'The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), as applied to the Port of Mangalore, with the adaptations and modifications set out in the Schedule to the Tuticorin Port Trust (Application to Mangalore) Bill, 1953, reads as follows' are unnecessary. The words 'The Mangalore Port Trust Act, 1953' are enough. Therefore, my amendment may be accepted."

* THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Balasubramanya Ayyar is again trying to tidy up the thing which cannot be done unless we wait for a year. That is the position. I can understand that. If I had only heard him before this Bill was passed in the other House, I would have very gladly accepted it. He suggests that instead of referring to another Act it would be enough if we restrict it to the present enactment. It would have been easy but the method of referential legislation is adopted here by simply referring to the Tuticorin Act and making it applicable to Mangalore. It is only like an adopted son being called a son without referring to his adoption at all. It is a regular open adoption, that is what is going on. There is nothing wrong

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in principle. It would have been tidier in form if we had considered the whole thing. I submit that it would mean a change only in form without any consequential substantial result. I hope the hon. Member will not press his amendment."

SRI K. BALASUBRAMANYA AYYAR :—" I withdraw my amendment."

The amendment was by leave withdrawn.

* DR. V. K. JOHN :—" Sir, I move my two amendments—

(1) *In Section 6 (1) of the Tuticorin Port Trust Act, 1924, omit the words " provided one of them at least shall be a citizen of India "*.

(2) *In Section 8 (1) (a) of the Tuticorin Port Trust Act, 1924, omit the words " or a Commonwealth Citizen ".*

Sir, I will not take much time of the House. Section 6 (1) says—

" The Chairman and Vice-Chairman shall be appointed by the State Government provided one of the n at least shall be a citizen of India."

In section 8 (1) (a) it is provided that ' no person shall be qualified to be a Trustee who is not a citizen of India or a Commonwealth citizen '. If we accept the Bill as passed by the Assembly, we have also to accept the position that one of the trustees should be a citizen of India. It is rather absurd. It shows that we must now provide that either the Chairman or the Vice-Chairman should be a citizen of India. There is also provision that he must be a ' Commonwealth citizen ', a term unknown to law. I do not know why the Hon. Chief Minister or any Member of the Government should support the proposition that there is also Commonwealth citizenship. Are we citizens of the Commonwealth? No, there is no Commonwealth citizenship. This is absurd. Is it necessary to retain the words ' Commonwealth citizen ' in the present Bill because somebody copied it? Nobody has gone into it. No Select Committee has gone into it. The Government were not helped by any one in this matter. They have produced something and now it has come as a Bill. I regret very much the attitude of the Government in this respect. The Hon. Chief Minister has been honest to say that Mr. Balasubramanya Ayyar's amendment is quite good but the difficulty is, this Bill has already been passed in the Assembly and it is not now possible to accept the amendment, and there would be delay if this amendment is accepted. If this is the argument that no amendment to a Bill can be accepted in this House, why not we delete the appropriate clause in the rules governing the procedure in this House and say that no amendment shall be brought forward here and only suggestions should be made to the Government so that they may introduce new Bills. Therefore, Sir, we must have a clause saying that we shall not move for a Select Committee and we shall not move any amendment but only humble suggestions may be made by Members of this House to the Government, then they will be considered and thereafter they might move an amending

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Bill. I say this attitude is very derogatory to the dignity of this House of which you, Sir, have the honour to be the Chairman and the Hon. the Chief Minister and my Friends have the honour to be Members. I do not know how the Hon. the Chief Minister, a Member of this House, can say in this House itself, that there should not be any amendments and there should not be any Select Committee but we must make only humble submissions to the Government which they will consider. I protest against it, Sir, as it is most derogatory. I hope, Sir, the Hon. the Chief Minister will say whether he will accept the amendment and send this Bill back to the Assembly and whether the Government will support the amendment in the Assembly and then have this Bill passed according to law. This is the attitude which ought to be taken in every case. I can understand it if the Government say that an amendment is not accepted by them or the amendment is wrong but the Government take up the position that an amendment by Sri K. Balasubramanya Ayyar and by myself is in order and that they themselves would have moved it in the Assembly if they had known of it but that it would only delay the passing of the Bill if it is accepted at this stage. If this argument is put forward now, I should say that perhaps the argument of my learned Friend, the Communist Member, that this House is of no use whatsoever will gather strength. I therefore submit, Sir, that the Government ought to accept this amendment and send back the Bill to the other House."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, if it is a matter of substance, even though the Bill has been passed in the Assembly and has come up before the Council, the Government will certainly not stand in the way of the Bill being sent back to the Assembly. It has therefore got to be considered now whether the amendments suggested by Dr. V. K. John relate to matters of any substance and whether they are necessary for the purpose of carrying out the objects of the Bill. I respectfully submit that they do not relate to matters of any substance but are merely one of form and there is no harm in leaving the Bill as it is.

" With regard to Clause 5 we should bear in mind that this relates to the constitution of an administrative Board to administer the port. It is not as if in all cases we may have competent men in our own country. We may have to bring in some experts. Whether such a need arises or not, we have to bear in mind this possibility and therefore Clause 5, even as it was in 1924, reads—

' *Constitution of the Board*—(1) The Board shall consist of such number of Trustees, not being less than thirteen or more than seventeen including the Chairman and Vice-Chairman, as the State Government may notify :

Provided that the Chairman or Vice-Chairman, if absent on leave for more than a fortnight and if another Chairman or Vice-Chairman is appointed to act for him, shall cease to be a Trustee and shall, on return to duty, again become a Trustee.'

" With regard to the Chairman or Vice-Chairman, according to Clause 6 (1), at least one of them shall be a citizen of India, so

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much so even if we want some experts from outside, two outsiders cannot be brought in to be the Chairman and Vice-Chairman. At least one of these two offices is to be held by an Indian. Probably in 1924, this clause was introduced for the purpose of protecting the rights of Indians. We will now have to look at it from another angle. The Government may feel that it is necessary to have some experts on the Board. Simply because we are now independent, it does not mean that we should not appoint non-citizens of India. Where experts are concerned, even in a free country it is sometimes necessary to requisition their services. It is clearly laid down that both the offices of Chairman and Vice-Chairman should not be held by outsiders who may be appointed in the name of bringing in experts. If competent Indian citizens are available it is equally open to us to have Indian nationals as Chairman and Vice-Chairman. This clause does not preclude such a possibility. Even from this angle, this clause is quite all right, and it is not necessary to delete the words in Clause 6 (1), viz., 'provided one of them at least shall be a citizen of India'.

"In regard to the other amendment of Dr. V. K. John to omit the words 'or a Commonwealth citizen' in Clause 8 (1) (a), I am really surprised that Dr. V. K. John should have mentioned this question about the Commonwealth citizen. In spite of the fact that we are a Republic we still continue to be a member of the Commonwealth. This fact has been proclaimed from house-tops and there is nothing to hide about it, and however much Dr. V. K. John may profess himself to be a greater Republican we still continue to be in the Commonwealth. There is also what is recognized as Commonwealth citizenship. Therefore, when outsiders are to be appointed, it is limited only to those who are Commonwealth citizens. We need not be ashamed to mention the 'Commonwealth citizen' here. We may get out of the Commonwealth, but as long as we are continuing in the Commonwealth, why should we feel ashamed to mention the words 'Commonwealth citizen'. Dr. V. K. John or his representatives may press upon the Government of India to come out of the Commonwealth but, as long as we continue to be a member of the Commonwealth, the wording of this clause is quite appropriate and I respectfully submit that it is quite unnecessary to send this Bill back to the Assembly for this purpose."

SRI T. M. NARAYANASWAMI PILLAI:—"Mr. Chairman, Sir, what was the Commonwealth citizenship in 1924?"

* THE HON. SRI C. RAJAGOPALACHARI:—"In 1924, the Commonwealth citizen was different from the citizen of India. Also, even the Collector or the Sub Divisional Officer of the place who was to be a Member was not a citizen of India and so they provided that at least one citizen of India should be either the Chairman or Vice-Chairman. In order to provide that the Chairman, who was an Englishman and not a citizen of India, could

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also be one of the trustees, the words 'or a Commonwealth citizen' were introduced in Clause (8) (1) (a) in 1924. We need not go into these things. Very probably both these extra provisions can simply be deleted and nothing more need be said about these. Probably, it can be done after examination and it need not delay poor Mangalore just now."

* SRI K. BALASUBRAMANYA AYYAR:—"Sir, so far as this Commonwealth citizen question is concerned, there is one point of substance. Clause 8 (1) (f) reads—

'Not being an Indian by birth, is domiciled in any British possession or colony as defined in the Interpretation Act of 1889, the laws of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents.'

So far as this is concerned, it is mainly intended for the purpose of banning people from South Africa. It is a place where the laws do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents. We all know, Sir, what is meant by apartheid. If we retain the words 'or a Commonwealth citizen' in Clause 8 (1) (a), the difficulty arises because South Africa, which is neither a British possession nor a colony but being a Dominion is a Member of the Commonwealth, also comes in. It is therefore a question of substance and no amount of argument can ever make us believe that it is not a question of substance.

"If we retain the words 'Commonwealth citizen' we introduce the South African citizen and it ought not to be so. The Indian people in South Africa will say that we are doing a wrong thing. After Independence, we should not retain any provision which gives power to appoint South Africans."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, it is a matter of policy, for tomorrow we may become so friendly with South Africa that we may prefer South Africans only."

SRI K. BALASUBRAMANYA AYYAR:—"That is not going to happen in the Hon. Minister's lifetime."

* THE HON. SRI C. SUBRAMANIAM:—"Apart from probabilities and possibilities, Sir, are we going to get out of the Commonwealth because South Africa continues to be a Member of the Commonwealth? It need not be presumed that because the provision is there we are going to appoint Commonwealth citizens and non-citizens of India, especially when there is the enabling provision that all the conditions in Clause 8 should be fulfilled. I may even give an assurance that we will not go outside the boundaries of our State even and import anybody from other States."

* DR. C. NATHAMUNI NAIDU:—"I presume, Sir, that the term 'qualified to be a trustee who is not a citizen of India or a Commonwealth citizen,' apply to instances where, for example a

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citizen of Canada which is in the Commonwealth is appointed as an Engineer and, by virtue of his office he is made Chairman or Vice-Chairman of the Board."

* THE HON. SRI N. RANGA REDDI:—" Mr. Chairman, Sir, the demand for a Port Trust for Mangalore was urgent and therefore the Government had to adapt the provisions of the Tuticorin Port Trust Act. The latter Act was passed in 1924. Some amendments had been made to that Act off and on. Some of the provisions pointed out by hon. Members were found necessary at that particular time. I and the Government feel that some of these provisions are strange and need amendment. But unless they are amended in the Tuticorin Port Trust Act, we cannot incorporate them here. That is the difficulty. Let me give the assurance on behalf of the Government that it is under the consideration of the Government and some of these provisions will be amended when the Tuticorin Port Trust Act is amended. Then these amendments will be incorporated in the Mangalore Port Trust Act."

DR. A. LAKSHMANASWAMI MUDALIYAR:—" I am afraid the Hon. the Minister in charge of Finance was not quite fair to my Friend Dr. John when he referred to the larger question of Commonwealth and stated ' we are not concerned with it.' All that Dr. John said was, ' there is no such thing as Commonwealth citizen '. Because we are in the Commonwealth, we do not consider ourselves Commonwealth citizens for the simple reason that South Africa which is also in the Commonwealth will not admit either the Hon. the Minister in charge of Finance or myself in their territory."

THE HON. SRI C. SUBRAMANIAM:—" That is an anomaly but there is Commonwealth citizenship."

DR. A. LAKSHMANASWAMI MUDALIYAR:—" If that is so, the words used in the provision, ' who is not a citizen of India or a Commonwealth citizen ' are redundant. The whole thing may be a verbal redundancy but all the same it is redundant. The objection raised should not be brushed aside by the Government. I think, sufficient thought has not been given by the person responsible for making this particular provision."

" Let us now examine Section 8 (1) (f) which reads as follows:—

' Not being an Indian by birth, is domiciled in any British possession or colony as defined in the Interpretation Act of 1889, the laws of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents.'

For us to put into a legislation, a thing like that would naturally provoke anybody to consider, ' are we swallowing all these with so little grace? ' I submit that that is a matter which should really be considered by the Government because of the implications of that particular provision."

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* THE HON. SRI C. RAJAGOPALACHARI:—" Mr. Chairman, Sir, I think reference is made to a part of Section 8 of the old 1924 Act which has been introduced here and it should be carefully examined."

" Section 8 of the Tuticorin Port Trust Act which is now to become the Mangalore Port Trust Act deals with a number of things. It is rather a complex clause. It deals with disqualifications for office of Trustee and runs as follows:—

' 8 (1) No person shall be qualified to be a Trustee who—

(a) is not a Citizen of India, or a Commonwealth citizen, or,

" That was, as I pointed out earlier, intended to provide for certain contingencies like a British Sub-Collector who might be a citizen of Australia or New Zealand being a Member of the Board."

' (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government disqualifies him from being a Trustee, if such sentence has not been reversed, set aside, or remitted, or

(c) is an uncertificated bankrupt or undischarged insolvent, or

" I think these disqualifications have been mentioned in the case of Members of the Legislature also."

' (d) holds any office or place of profit under the Board :

Provided that this disqualification shall not apply to the Chairman or Vice-Chairman who may, subject to the sanction of the State Government, be permitted to hold any of the offices under the Board referred to in section 28, or

(e) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract or employment with, by, or on behalf of, the Board."

" Then a new sub-paragraph begins which reads :

' No person shall be deemed to have a share or interest in such work, contract, or employment by reason only of his,'

and then follow sub-clauses (i) to (vii) of this sub-paragraph."

" Then we come to sub-clause (f) which reads as follows:—

' (f) Not being an Indian by birth, is domiciled in any British possession or colony as defined in the Interpretation Act of 1889, the laws of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents :

Provided that the decision of the State Government shall be final as to whether the conditions of the clause are fulfilled."

This clause does not confer a favour on the South African. Rather it provides against him here."

* SRI K. BALASUBRAMANYA AYYAR:—" It does not effectively do it. Unfortunately, the words used in the clause are ' in any British possession or colony ' and South Africa is neither a colony nor a British possession."

THE HON. SRI C. RAJAGOPALACHARI:—" In the adaptation clauses all these have been provided for."

* DR. V. K. JOHN:—" It is clear, Sir, that mistakes have been made by the draftsmen of this Mangalore Port Trust Act. If only the Government, in all humility, had stated that mistakes

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had been made and that sufficient thought was not given by persons responsible for producing this document, we could have said, 'All right. Let us excuse them.' If they had humbly and in all humility submitted to this House that they had made a mistake it would have added to their credit. I thought when Sri Rajaji got up, he would say, 'This is a mistake. The Government would correct it.' This is an attitude which this House can appreciate. But the attitude taken, that 'every thing is correct. No mistake is made, and the Government stick to it' is not fair to this House."

* THE HON. SRI C. RAJAGOPALACHARI:—"Dr. John is building a big structure of indignation on a wrong basis. I want to stop that. That toppling down process will be very much more difficult if the structure is going to become taller and taller. He may please read Section 8 (1) (f) which says—

'No person shall be qualified to be a trustee who—

(f) not being an Indian by birth, is domiciled in any British possession or colony as defined in the Interpretation Act of 1889 . . . residents:

Provided that the decision of the State Government shall be final as to whether the conditions of the clause are fulfilled."

'Not being an Indian by birth, is domiciled in any British possession or colony', etc., is a prohibition against the people of South Africa as it was then."

* SRI K. BALASUBRAMANYA AYYAR:—"This prohibition may not cover the citizens of South Africa now because it is an independent country and is no more a colony or a British possession."

* THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member's objection is that we have in this Act made a prohibition against the citizens of South Africa as it was then but we have not made a prohibition against the citizens of South Africa as it is now. It is quite easy for us not to include them without any prohibition because to-morrow they may come to an agreement with us and we may have to admit them. Therefore we need not make any statutory prohibition."

* DR. V. K. JOHN:—"If the attitude taken by the Government is that no amendment should be passed or accepted by the Government, then it is a different matter. I do not withdraw my amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"It is not right to put such an interpretation. In this particular clause, there are reasons for withdrawing the amendment, apart from procedure and other things."

MR. CHAIRMAN:—"The question is—

(1) In section 6 (1) of the Tuticorin Port Trust Act, 1924—omit the words "Provided one of them at least shall be a citizen of India".

31st July 1953] [Mr. Chairman]

(2) In section 8 (1) (a) of the Tuticorin Port Trust Act, 1924, omit the words "or a Commonwealth citizen".

The amendments were put and lost.

* SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, in 1924, they were anxious that at least one-third should be Indians but there is no point in mentioning it here now saying that one-third shall be citizens of India. In a country which has attained a definite status since 1924, to say that not less than one-third of the number shall be citizens of India seems to me not quite proper. It is all right to say that not more than one-third shall be Government officials. I move—

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In section 5 (2) the words beginning with "not less than one-third" and ending with "at Mangalore and" may be deleted and the clause recast as follows:—

Not more than one-third of the number of trustees shall be Government officials and all the trustees shall be citizens of India."

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, the point is that this relates to exporting and importing firms and unfortunately many of them are foreign firms and therefore, we have to appoint a certain number of non-Indians also who do export and import business as we have done even in the major parts. When the entire export and import business is in the hands of foreigners, it is not as if you can appoint all foreigners but we have provided that not less than one-third shall be citizens of India. The foreign share of business in the line of export and import is more than a half and it is not as if they are going to be appointed on this basis, but citizens of India are getting not less than one-third; it does not mean it will always be restricted to one-third; you may appoint two-thirds even and even three-fourths. I do not know what will happen if Dr. John becomes the Chief Minister and the House also may not know; but so far as we are concerned it is our policy to appoint citizens of India only wherever possible. In this case, the rest of the State is also interested in the port. For those engaged in the trade in that locality provision is made for local people who are doing sea-borne trade so that outsiders may not monopolize the whole board to the exclusion of the local people. Then the maximum number is fixed for Government officials. Thus it will be seen that institutions elect a certain number of trustees, a certain proportion has been fixed for those engaged in the trade, both outsiders and people of the locality doing sea-borne trade."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"It would have been of better grace if it had been stated that not more than one-third shall be non-Indians."

* SRI K. BALASUBRAMANYA AYYAR:—"If you say that not less than one-third shall be citizens of India, does it not mean that these people are yet in a stage where reservation has to be made for them in their own country?"

[31st July 1953]

* DR. V. K. JOHN :—" Might I know whether this term ' not less than one-third ' was examined by the Government and deliberately put into the Bill? "

MR. CHAIRMAN :—" I shall put the amendment to the vote of the House. The question is—

'In section 5 (2) the words beginning with " not less than one-third " and ending with " at Mangalore and " may be deleted and the clause recast as follows:—

Not more than one-third of the number of trustees shall be Government officials and all the trustees shall be citizens of India.' "

The amendment was put and lost.

Clause 2 was put and carried.

The Schedule was put and carried.

DR. V. K. JOHN :—" On a point of order, Sir, is it in order for the Members of the other House occupying the Treasury Bench to cry ' Aye ' when you put a motion for the vote of the House as they have done just now? "

SRI K. BALASUBRAMANYA AYYAR :—" They have been consistently doing this for the last one year, Sir. It must be stopped and they should not do it, Sir."

THE HON. SRI C. SUBRAMANIAM :—" They are doing it by force of habit, Sir."

THE HON. SRI C. RAJAGOPALACHARI :—" But I am making up for it by not voting myself."

Clause 1 and the Preamble were put and carried.

THE HON. SRI N. RANGA REDDI :—" I move, Sir—

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

MR. CHAIRMAN :—" The motion is—

' That the Tuticorin Port Trust (Application to Mangalore) Bill, 1953 (L.A. Bill No. 22 of 1953), as passed by the Legislative Assembly be read a third time and passed. ' "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, in view of the discussions that have taken place on the Bill, I wish to assure the Government that it is not with a spirit of obstruction that the Deputy Leader of the Opposition has raised certain points on the floor of the House. I think it will be better if in future the Cabinet as a whole will take more responsibility in regard to any measure that they propose to introduce in this House. Let me tell you, Sir, that our position is very painful in some respects when we are asked to deal with a measure because certainly the public expect from this House at any rate, a more critical attitude to be adopted in regard to measures placed before it. I do not go into the reasons why the public anticipate such an

[Dr. A. Lakshmanaswami Mudaliar]

attitude but we shall not be fair to ourselves if on every occasion this sort of argument is put forward which leaves a sense of frustration in the minds of many of my Colleagues. I would, therefore, suggest to the Government that they will seriously consider all proposed measures even those measures that have been passed by the other House and see to it that as far as possible there is no reason for such misunderstandings and no cause for a certain amount of painful impression produced on this part of the House. I want to feel and hon. Members sitting on this side of the House want to feel that they had an effective voice in regard to every piece of legislation and no legislation can be accepted unless this House has also given its assent to it. On this occasion, Sir, in spite of what all had been said, because my friend made such a passionate appeal we did not want to delay the measure any more and I hope that this will not be treated as a precedent for the future."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Chairman, Sir, I most cordially and in a full measure accept the suggestions made by the Leader of the Opposition in regard to the importance of the House functioning in fact as a limb of the Legislature. I may at once say that difficulties arise because our draftsmen are not as good as they could be and our legislators are sometimes better draftsmen than they need be. That is why sometimes our draftsmen who have to do a lot of things all at once, make a mistake and the legislators are keen enough to point out defects in a few cases here and there and hence difficulties arise. We must be tolerant and have a sense of honour about it so that we may get through our work. The substance of the point that has been emphasised is that this House must function as a legitimate and active part of the Legislature. I and all Members on this side of the House who cry ' Aye ' to the discomfiture and irritation of the hon. the Deputy Leader of the Opposition and his colleagues have on a motion that this House be abolished, voted that this House should continue to exist because they realise its importance as much as the Leader of the Opposition does. The thing, however, has to be viewed in a slightly different way in one respect. Where there is a very urgent measure, we should rule out the application of the delaying procedure that provides for dealing with the differences arising between this House and the other House.

" The Andhra Members the other day voted that they must have a Second Chamber for Andhra. We know where we should ask for delay and where we should not delay. This particular case falls under the type of urgent measures. It should not be delayed. Where there is reason for making a substantial alteration one way or the other and the measure is of permanent importance and we have the time, we shall certainly ask for reconsideration. The Leader of the Opposition said we would be laying down a precedent if we hurry through like this. I too would very much like a few references back with some amendments accepted in this House, so as to create a precedent the other way. But where there is emergency, it is good policy to accept what has

1-20
p.m.

[Sri C. Rajagopalachari] [31st July 1953]

been done in another place. In this case an old Statute has been utilised. Hence the difficulties have arisen where the language does not fit in with the times. The Chief Whip belongs to Mangalore and he put the matter with emotion pointing out the urgency of the legislation. The substance of what he said is that Mangalore should be assisted at once in this matter with a law.

"I promise once again that in regard to these difficulties either in form or in substance that were referred to, namely, the citizenship question—these are matters of substance besides being ugly in form and unsuitable to the present status of India—and other matters, we shall deal with them in a comprehensive way by an amending Bill. I do not make this promise simply to stave off the present difficulty. An amending Bill is necessary. We must bring in a comprehensive Bill for minor ports.

"I hope, Sir, there will be no sense of frustration. We want the House to assist and there is no doubt they will assist. If we had no serious harm consequent upon delay we would certainly co-operate with the Opposition that wants to have the amendments accepted and a re-examination made by the other House."

MR. CHAIRMAN :—"The question is—

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

The motion was put and carried and the Bill was read a third time and passed.

IV.—GOVERNMENT RESOLUTION *RE* AMENDMENTS UNDER
SECTION 8 OF THE COTTON TRANSPORT ACT, 1923
(CENTRAL ACT III OF 1923).

* THE HON. DR. R. NAGAN GOUDA :—"Mr. Chairman, Sir, I beg to move the resolution standing in my name, namely—

This Council recommends to the State Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act, 1923 (Central Act III of 1923), be issued in the form submitted :—

NOTIFICATION.

In exercise of the powers conferred by section 3 of the Cotton Transport Act, 1923 (Central Act III of 1923), the Governor of Madras hereby makes the following amendments to Development Department Notification No. 278, dated 19th September 1928, published at pages 1455-1461 of Part I of the Fort St. George Gazette, dated the 25th September 1928, as subsequently amended.

31st July 1953] [Dr. R. Nagan Gouda]

Amendments.

In the said notification—

(1) in Schedule I, for clause (3), the following clause shall be substituted, namely :—

"(3) The Tirunelveli area consisting of the Tirunelveli district and portions of the districts of Madurai and Ramanathapuram lying to the south of the bridle path from Kothagudi to Bodinaickanur, thence to the south of the road connecting Bodinaickanur and Theni via Kodangipatti, thence to the east of the road connecting Theni and Periakulam, thence to the south of the road connecting Periakulam and Ammainaickanur touching Devadanapatti, Battlagundu, Nilakottai and Silukkuvarapatti, thence to the west of the road connecting Ammainaickanur and Thallakulam via Andipatti and Madurai, thence to the south of the road from Thallakulam to Melur via Tamaraipatti, thence to the west of the road from Melur to Partipanur via Sivaganga and Manamadurai, thence to the south and west of the road from Partipanur to Ramanathapuram via Paramakudi and thence to the east of the road from Ramanathapuram to Deripatnam ;"

(2) in clause 2 of Schedule II—

(i) for the words "from Mayavaram to Aranthangi both inclusive", the words "from Mayuram to Karaikudi both inclusive" shall be substituted;

(ii) for the words "from Tiruchirappalli to Vadipatti both inclusive", the words "from Tiruchirappalli to Ambathurai both inclusive" shall be substituted;

(iii) for the words "from Tiruchirappalli to Sivaganga both inclusive", the words "from Tiruchirappalli to Danushkhodi Pier both inclusive, except Nedungulam, Parayankulam, Manamadurai Junction and Partipanur" shall be substituted;

(3) in clause 3 of Schedule II—

(i) for the words "from Nedungulam to Dhanushkodi pier both inclusive", the words "from Madurai Junction to Dhanushkodi Pier both inclusive, except Manamadurai and Partipanur" shall be substituted;

(ii) for the words "from Karupatti to Madurai Junction both inclusive", the words "from Vadipatti to Madurai Junction both inclusive, except Samayanallur, Vilangudi and Madurai Bridge" shall be substituted;

(iii) the words "from Madurai Junction to Manamadurai both inclusive" shall be omitted."

[Dr. R. Nagan Gouda] [31st July 1953]

"The notification has already been circulated. The object is to change the boundary between the two areas where two different kinds of cotton are grown. As hon. Members are aware we have various types of cotton grown in Madras State and especially in the South we have what is called Cambodia cotton, and Tinnevelles cotton grown. Now we are also growing what is called the Madras Uganda No. 1, a most important variety. The areas are as described in the Act. We have been getting lot of complaints from time to time about the illegal and unauthorised transport of cotton from Cambodia area into the Tinnevelli areas as there are no police out-posts or stations effectively to check these. This illegal transport has considerably increased now. The reason for this will be evident to hon. Members when I state that the ceiling price has been fixed for the Cambodia cotton and such a price has not been fixed for the new variety of cotton. As a result, the difference in prices is sometimes of the order of Rs. 300 to 400 and this works out to Rs. 150 per acre. In order to make this boundary more effective we have marked out new boundaries which pass along the main roads. The Director of Agriculture examined this question and has made a recommendation, that a new boundary should be adopted. The change in the boundary has this advantage that there are out-posts and police stations along the boundary and illegal transport could be effectively checked. The new boundary will bring into the Tirunelveli area portions of Periakulam and Nilakottai taluks where after the spread of M.U.I. cotton seed, one of the finest varieties of cotton, a good quality of both rainfed and irrigated cotton is grown as winter and summer crops.

"Sir, this is a very simple matter, and I hope the House will adopt the resolution."

MR. CHAIRMAN:—"I shall put the Resolution to the vote of the House. The question is—

'This Council recommends to the State Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act, 1923 (Central Act III of 1923), be issued in the form submitted:—

NOTIFICATION.

[Vide pages 684-685 supra] "

The resolution was put and carried.

V.—VALEDICTORY SPEECHES.

MR. CHAIRMAN:—"There is one last item to be finished before the House adjourns. Hon. Members know this is the last meeting of the composite Council. Our Andhra and Kanarese brethren will be leaving us soon. Hon. Members would like to say a few words of farewell to them."

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AN HON. MEMBER:—"We may now adjourn and meet again at 2-30 p.m."

DR. V. K. JOHN:—"I suggest that we sit continuously for another half an hour and finish it. If we are to adjourn now and re-assemble after lunch the attendance will be poor."

Sri M. Sitharama Doss began to speak in Telugu.

HON. MEMBERS:—"You can speak in English."

* SRI M. SITHARAMA DOSS:—"If I speak in English in the new Andhra State I may be sent out. That is why I want to speak in Telugu.

"అధ్యక్షా, నేటికీ ఈ ఆంధ్ర - తమిళ శాసన సభ్యుల సమిష్టి సమావేశము 1-27 P.M.
చూర్తి అవుతున్నవనే కాగణంచేత ఈ సందర్భమున సభ్యులు వీడ్కోలు ఉపన్యాసము వాసంగుడుకు Chairman గారు సావకాశమిచ్చినందుకు వారికి నా హృదయపూర్వక కృతజ్ఞతాధి వందనము లర్పించుచున్నాను. ఆంధ్రేశాక, వారు గత 15 మాసముల నుంచి ఈ జాయింటు రెజిస్ట్రేటిఫ్ కాన్సిల్ కు అధ్యక్షులుగాయుండి, ఎంతో జయ ప్రదంగా, సభ్యులందరికీ హితకరంగా యుక్తముగా ఈ సభ కార్యక్రమములన కొనసాగించినందుకు వారిని అభినందిస్తున్నాను. ఈ శాసనసభయొక్క అధ్యక్షత పదవికి ఉండవలసిన లక్షణాలన్ని వారిలో మూర్తీభవించియున్నవని చెప్పక తప్పదు. ఈ అధ్యక్షత పదవికి ఎవరైతే సరియైన ఆర్హులో ఎవరైనా అటువంటి లక్షణములున్నవో అటువంటి చెరియకొనరు ఈ పదవిని పొందినందుకు చాలా సంతోషిస్తున్నాము. వారి యొక్క personality లోను గుణములలోను, వారి వినుకీస్తుయొక్క highest సిద్ధాంతమైనటువంటి సహనము, శాంతిత్వము భేజిల్లుచున్నవి. ఎటువంటి సందర్భములయందుకూడ సభ్యులు మాట్లాడునపుడుగాని, మరెచుడుగాని. వారి వోటినుంచి order, order, అనే పదము కూడ రాకుండా సభ్యులయొక్క ఉద్దేశాన్ని అనుసరించి సమయోచితంగా, సభ్యుల కోర్కెలు మన్నిస్తూ వచ్చారు. ఏ సందర్భంలోకూడ సభ్యులను అసంతృప్తిపరచడం గాని, కోపం చేసుకోవడంగాని మనము చూడలేదు నిజముగా వారు బుద్ధదేవుడా, బుద్ధదేవుడు నురల వారిలో అవతరించి యున్నాడా అన్నట్లుగా ఎల్లికృషుడు మహా శౌరమురై అందరి సభ్యుల పట్ల సమాన భావము చూపుతు సమానావకాశం లాసంగుడూ మమ్ములనందరిని సంతోషపెట్టినందుకు వారికి నా కృతజ్ఞతాధి వందనము లర్పిస్తున్నాను.

"తదుపరి, మన దేశము స్వతంత్ర భారత రిపబ్లిక్ అయిన తర్వాత నూతన భారత రాజ్యాంగ చట్టం ప్రకారం తొలిసారిగా ఏర్పడిన ఈ మద్రాసు రాష్ట్ర ప్రభుత్వమునకు రాజగోపాలాచారిగారు ముఖ్యమంత్రిగా వచ్చి, ఈ 15 మాసములనుండి ఈ రెజిస్ట్రేటిఫ్ కాన్సిల్ కు చీఫ్ గాయుండి వారి కరిపాలనా నైపుణ్యతను, సిద్ధాంతాలను చూపుతూ, మాకు తగినక్షణము, అనుభవాన్ని చేపూర్వమువంటి వారిని మేము వినాటికిని మరచిపోలేము. నేను రెజిస్ట్రేటిఫ్ కాన్సిల్ కు సభ్యుడుగా రావడం ఇదే ప్రథమ పర్యాయం అయినప్పటికీ, ఈ 15 మాసములలోనే వారు ఈ సభకు లీడరుగా ఉన్నందువల్ల, ఈ కొద్దికాలంలోనే నేను ఎంతో అనుభవాన్ని సంపాదించి వారివల్ల ఎన్నో గణపాతములు నేర్చుకొన్నాను. నిజముగా వారి గుణములను పొగడవలెనంటే నాకు భగవద్గీత జ్ఞానమువస్తున్నది. భగవద్గీతలో, పాంథ్యయోగమున ఆర్జునుడు ధీతప్రజ్ఞుడు అంటే ఎటువంటివాడు, ఆతని లక్షణములేమి, ధీతప్రజ్ఞస్యకా భాషా సమాధిస్థస్య కేశవ ధీతధిః కిం ప్రభావేత

[Sri M. Sitharama Doss] [31st July 1953]

కిమానీత ప్రజేతకిమ్, అని శ్రీకృష్ణుని ఈ విధంగా అడుగుతాడు. అప్పుడు శ్రీకృష్ణ భగవానుడు స్థితప్రజ్ఞునియొక్క లక్షణాలను ఆరవనికి తెలియజేస్తాడు. నిజముగా ఆ లక్షణాలన్ని రాజగోపాలాచారిగాయ దు మూర్తిభవించినామని చెప్పక తప్పదు. స్థిత ప్రజ్ఞుడు ఎటువంటి వాడుంటే అందుకు రాజగోపాలాచారిగారే మనకు ప్రత్యక్షముగా దృష్టాంతము ఈ విషయంలో వారు మనకు ఆదర్శపురుషుని చెప్పవచ్చు. అటువంటి వారు, ఈ మద్రాసు రాష్ట్రమునకు ముఖ్యమంత్రిగా రావడం, మరియు మన రెజిస్ట్రే టిపు కాన్సిలరు లీడరుగా ఉండడం మన ఆదర్శం. దాన్ని గురించి మన మెంతో సంతోషపడవలసియున్నది. వారు ప్రతి విషయాన్ని ఎంతో చక్కగ పరిశీలించి అన్ని rules study చేసి, సభ్యులను, ప్రజలను ఒప్పించి తృప్తిపరచగలిగియుంటుంటారు. ఈ 15 మాసములనుంచి, ఎన్నో ప్రజాహిత కార్యములు, శాసనాలు ప్రవేశపెట్టారు. మొన్న Revised Elementary Education Scheme ప్రవేశపెట్టే సందర్భం లో, ప్రాన్నిగురించి ఎంతో study చేసి, ఎంతమంది experts తోనో consult చేసి, argue చేసి, ఆ విధానం సరియైనటువంటిదని తాను దృఢపరచుకొనిన తరువాతనే దానిని ప్రవేశపెట్టాడు. ఈ విషయమే మొన్న ఎన్నికలలో అధిక సంఖ్యకులు వ్యతిరేకించారు. అది గవర్నమెంటు ఓటమి అని ప్రచారంచేస్తూ ఉంటే దానిని ఇతర దేశముల సామెతలతో అనెంట్ ప్యాసుచేసిన విద్యావిభాగముగా మార్చవలసి నపునరంలేదంటూ తన వాదనను సమర్థించుకొన్నారు. అంటే, కాళిదాసు సంగన చేపను పెట్టుకొని వెళ్ళుచుండగా ఎవరోచూచి అది యేమిటి అని అడగగా, పుస్తకము అని చెప్పినాడట. ఆ మాట ప్రకారమే అది పుస్తకము అయిపోయినదట రాజాజీ కాళిదాసువర వాక్కుదగ్గిలవారు అయిఉండవచ్చు లేదా విషయాన్ని ప్రజ్ఞావంత ముతో ప్రజలకు నచ్చచెప్ప సమర్థత గలిగినవారయినా అయిఉండవచ్చు ఆ విధంగా వారు, ప్రతి విషయంలోని వారి చతురతను నైపుణ్యాన్ని, స్థితప్రజ్ఞత్వాన్ని చూపుతూ, అందరిని అంగీకరింప చేయగలిగియుంటుంటి శక్తిగలవారు, వారు మా ఆంధ్రులకు ఎన్నో విషయాలు సిద్ధాంతాలు నేర్పి మాకు ఎంతో అనుభవాన్ని కలుగజేసిందనుకు మా కృతజ్ఞతను వారికి తెలియపరచక తప్పదు. అటువంటివారిని మేము విడిచి పోతున్నా మంటే మేము చాలా విచారిస్తున్నాము. ఈ రోజున ఆంధ్రులు విడిపోతున్నారంటే రాజకీయ కారణాలవల్లనేగాని, విలాటి ద్వేష భావంతోగాదని మనవి చేస్తున్నాను. మాకు ఇంతవరకు పరిపాలనా విధానాన్ని నేర్పి ఎంతో అనుభవాన్ని కలుగజేసి, మైన రుగా ఉన్నటువంటివారిని మేజర్లుగాచేసి ఇక మీ రాష్ట్రాన్ని మీరు పరిపాలించుకోండి అన్నట్లుగా, మత్తులను ఆకిర్పించి చంపుచున్నందులకు వారికి మేము వేవోళ్ళ కృతజ్ఞ తాభివందనములు చెప్పకతప్పదు. తదుపరి, వారి నాయకత్వంక్రింద తతిమా మంత్రిలు గూడ వారివరనే, ఆంధ్రులతోటి ఆకృత్యముగా, అది నాభావముతో పనిచేసి మాకు తోడ్పడిందనుకు వారికి గూడ మా కృతజ్ఞతాభి వందనములు అర్పించకతప్పదు. ఒకటి, రెండు విషయాలు ఈ సందర్భమున దృష్టాంతముగా చెప్పదలచుకొన్నాను. రెవెన్యూ మంత్రిగారైన మాజీకృపేలు నాయకగారు, ఆంధ్ర ప్రాంతంలో ఉన్నటువంటి రెవెన్యూ డిపార్టుమెంటులోని కష్టాలన్నీ తప్పకుండా చూచి విచారింప వల సిందని కోరికే అప్పుడు వారు వెంటనే ఆంధ్ర దేశంలో పర్యటన చేసి ఎక్కడెక్కడ ఆంధ్ర ప్రజలకు, విలాటి చిక్కులు, కష్టాలు ఉన్నవో గమనించి, వాటి నన్నింటి దృష్టిలో పెట్టుకొని, వాటిని తొలగించుటకు వెంటనే తగిన చర్యలు తీసుకొని ఆంధ్రులకు సహాయం చేసినందుకు వారిని మేము కొనియాడక తప్పదు. రెండవది Finance Minister అయినటువంటిని అనెంట్ లో లీడర్ అయినటువంటిని శ్రీ సుబ్రహ్మణ్యంగారు ఈ 15 మాసములలోనే ఎంతో అనుభవాన్ని సంపాదించి, గత బడ్జెటును ఎంతోచతురతో తయారుచేసి బడ్జెటు

31st July 1953] [Sri M. Sitharama Doss]

సమావేశంలో వారి నైపుణ్యాన్ని వ్యక్తపరచారు. అందుకు వారిని అభినందిస్తున్నాను. ఆంధ్ర లిల్లులోగూడ, అనేక విషయాలలో వారి సామర్థ్యాన్ని, నైపుణ్యాన్ని చూపారు. ఆ లిల్లులో అనేక లోపాలన్నవని, ఆంధ్రులకు ఆ ప్రకారం చేయబడినదని అంటున్నారు. కాని, విమానపుడైనా ఇతరులకు అపకారము చేస్తున్నాడంటే తనకుతానే అపకారం చేసుకొంటున్నాడని శాస్త్రములు చెప్పుచున్నవి. తనకు అపకారం చేసుకొనకనే, విమానపుడైనా ఇతరులకు అపకారము చేయవలెదని మనవి చేస్తున్నాను. తరువాత ఆంధ్రులు తమిళుల పట్ల చాలా అనుమానంతో వ్యవహరిస్తున్నారని చెప్పారు. కాని, విడి వి మైప్పటికిని, గతించింది విలాగు గతించింది. గడచినదాన్ని గురించి ఇప్పుడు యోచించిన లాభము లేదు. ఈ సందర్భమున, ఆంధ్రులు విడిపోయేటటువంటి ఈ రోజున, Cabinet సభ్యులు, ఆంధ్ర దేశమునకు, ఆంధ్ర ప్రజలకు చేసినటువంటి మేలును పురస్కరించుకొని మాట్లాడుతున్నాను. కాబట్టి ఎన్నో విషయాలలో ఈ సభకు లీడర్ అయినటువంటి ముఖ్యమంత్రి రాజాగోపాలాచారిగారు ఆంధ్రులకు తగిన కావలసిన అనుభవాన్ని చేపూర్చి, ఎన్నో విషయాలు నేర్పి మైనరులుగా ఉన్నవారిని మేజరులుగా చేసినందుకు ఆంధ్రప్రజల తరపున, ఆంధ్రసభ్యులతరపున వారికి మాకృతజ్ఞతాభి వందనములర్పిస్తున్నాను. నాకు వారు గురుతుల్యులు, మేము బైలులోఉండినప్పుడు, నాకు వారు భగవద్గీతను బోధించి దాన్ని పఠించే ఆలవాటు చేసినటువంటివారు వారినుండి అనేక విషయాలు నేర్చుకొన్నాను. వారు ఎప్పుడును గాంధీగారి సిద్ధాంతాలనే అనుసరించేటటువంటివారు. కాని అనేక విషయాలలో, రైతాంగంగురించిగాని, ఆంధ్రప్రజల గురించిగాని, తదితర విషయాలలోను, అనేకసార్లు ఉకస్యసిస్టు వారి ఆభిప్రాయానికి వ్యతిరేకంగా మాట్లాడవలసివచ్చినది. అందుకు విచారిస్తున్నాను కాని, నేను వ్యక్తిగతంగా ఆ విధంగా మాట్లాడలేదని, అది నాస్వంత ఆభిప్రాయముబట్టి ప్రజలకొరకు. ఆవిధంగా మాట్లాడవలసి వచ్చిందని, ప్రజాప్రతినిధిగా నావిద్యుక్తధర్మాన్ని ఆవిధంగా నెరవేర్చవలసి వచ్చిందని మనవి చేస్తున్నాను. అంతేగాని, వి విషయములోగాని నేను స్వంతంగా నావ్యక్తిత్వంతో వారిని వ్యతిరేకించి మాట్లాడలేదు. గాంధీగారిసిద్ధాంతాలను అనుసరిస్తున్నటువంటి, 30 సంవత్సరాలుగా నాకు గురువులుగా ఉన్నటువంటివారిని, వారి శిష్యుడైనటువంటి నేను, ఎప్పుడైనా వివిధంగా నైనా వారి మనస్సు నొప్పించి యుండినట్లయితే, నన్ను భగవంతుడు క్షమించుగాక అని ప్రార్థిస్తున్నాను.

“తరువాత, 3, 4 రోజులనుంచి ఈ సభకు లక్షణస్వామి ముదలియారుగారు Opposition Leader అయినారు. వారు ఎంతో విజ్ఞానవంతులు, విద్యావంతులు, అనుభవజ్ఞులు అటువంటివారు ఇప్పుడే Opposition leader గా వచ్చినారంటే, వారి యొక్క విధానాన్ని అనుభవాన్ని మేము నేర్చుకోనేందుకు మాకు వ్యధిలేకుండా ఉన్నది. ఈవిచారము తప్ప మేము విడితున్నందుకు! మరేవిచారములేదు. క్రిశిశ్మనైన పాటి శ్రీరాములు త్యాగపలితముగా ఈ రోజు మాకు ఆంధ్రరాష్ట్రం లభిస్తున్నదంటే, ఈ సందర్భమున, సములను శక్తిపరులుగాచేసి మైనరులుగా ఉన్నటువంటి మమ్ము మేజరులుగా చేసి మాకు తగిన శక్తిసామర్థాలు ఇచ్చి మీరాష్ట్రాన్ని మీరు పాలించుకోండి అని ఆకిర్పి దిస్తున్న భగవంతుని, మరియు శ్రీరాజగోపాలాచారిగారికి, మాహృదయ పూర్వక కృతజ్ఞతాభి వందనములర్పిస్తూ, మరల Chairman గారికిగూడ మాకృతజ్ఞతను తెలుపుతూ నేను నైపుణ్యముకొంటున్నాను.”

DR. A. LAKSHMANASWAMI MUDALIYAR:—“Mr. Chair- 1-40
man, Sir, this is an occasion when those of us who have been so p.m.
long connected with the Upper House, wherein we have had the

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pleasure of mixing with so many of our representatives from the Andhra area, cannot but view the present situation with a certain amount of mixed feelings. So far as I am concerned, Sir, it has been my great privilege to have had a great deal of personal contact with the leading citizens of Andhra not only in the Legislative Council but also in other walks of life. Fortunately, in spite of many difficulties, we have now come to a stage when we can more calmly consider the whole position. I wish to say that it is our hope and it is our sincere prayer that the new Andhra State which is to be formed on the 1st of October, will be a model of its kind, from which we may derive many useful lessons. I know there are very many great leaders in Andhra and it is our sincere hope that they will be in a position to work democracy in such a spirit that every one of us will probably find something which we can copy. It is true that we are physically divided, but I do hope and trust, nay, I am sure, that we are not divided in spirit. We shall continue still to be citizens if not of the old Madras State but of the Indian Union and we shall continue to have the fellow feeling which we have had in the old Madras State. I hope and trust that every occasion will be availed of to cement those bonds of friendship in whatever sphere of public activity we may indulge in. It is not necessary for a legislation to be made for many useful activities of co-operation. On the other hand, I am one of those who sincerely feel that legislation brings about more obstacles and more differences than points of agreement and it is when we discard legislation and take a far-off look beyond legislation, we shall be sincerely co-operating with each other. I am sure, that I am voicing the feelings of those sitting on this side of the House when I say that it is our sincere hope and prayer that although we may be, as I said, physically divided, we shall continue to be, what we have been for so many, not only decades but centuries, people with a common ideal and common purpose, eager to help each other and come to the assistance of each other. I wish the new Andhra State every success not in a patronising sense but because of self-interest and enlightened self-interest demands that unless our Andhra friends are in a position to utilize all their resources for the good Government of the Andhra State, even the Residuary State will be in trouble. I wish such an eventuality will never occur and I wish and pray that the Andhra State will be a model of its kind and that its leaders will be looked upon by all our citizens of India as leaders of a Democratic Republic." (Cheers.)

* SRI MAHOMED USMAN :—" Mr. Chairman, Sir, I rise to speak on this occasion with feelings of great sorrow because I have been in this Council from 1921 for about 18 or 19 years, I still remember the day when this Council was inaugurated and we all sat under the leadership of three Andhra gentlemen as the first Ministers under the Montagu-Chelmsford Reforms. Sir, at that time we had no differences. There was no question of Telugu or Tamil. There was no rivalry, although there was some agitation for an Andhra Province. Whatever that might be, it is not right for us now to think about what had happened. The Andhra State has now become a reality. Very soon we are going to have an

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Andhra State. Therefore, there is no use of saying whether a right thing has been done or a wrong thing has been done. But I should like to point out one thing. If the Andhra State has become to-day a reality, it is due to the much-abused Chief Minister of the Government of Madras. Our Andhra friends do not realize the great services he has rendered to the Andhra Movement. If Rajaji had not become the Chief Minister of this State, there would have been to-day no Legislative Council or Legislative Assembly and the Governor's rule would have been introduced. The Governor would have governed this State. Then what would have happened? The Government of India would never think of having an Andhra State when there was no democratic institution, when there was no Legislative Council and when there was no Legislative Assembly. Therefore, my Andhra friends should realize that if to-day the Andhra State is going to become a reality, it is due to the fact that Rajaji has come and joined the Government and has become the Chief Minister of the Government of Madras. I sincerely hope and trust that Rajaji will not desert the Residuary State and his services will be available to the Residuary State because the Residuary State will have a lot of difficult problems to solve. It is very essential that a gentleman of the eminence and intelligence of Sri Rajagopalachariar should be here in order that the Residuary State may be a great success.

" Sir, I am glad the other day this House has recommended an Upper Chamber for the Andhra State. I am glad also that our Andhra friends who will leave this House will be Members of that Chamber. I sincerely trust that Rajaji will use his great influence with the Government of India to see that a Second Chamber is provided for the Andhra State. Otherwise, the services of the gentlemen who have been Members of this House will be lost to the country. If an Upper Chamber comes into existence there, all these Members belonging to the Andhra country will go and work in that Chamber for the good of the country. In this connexion, I should like to say that we have been very fortunate in having as our Chairman, the Hon. Dr. Cherian. I sincerely trust that the Andhra Members will find another Dr. Cherian, when the Andhra Upper Chamber comes into existence.

" Of course, Dr. Cherian and myself have been friends for the last 25 years. I did not know that Dr. Cherian would become such a successful Chairman of this House. We all know that during the last fourteen months, Dr. Cherian has been holding this office with great dignity. He has been absolutely impartial and absolutely fair to every section of this House. I take this opportunity to congratulate Dr. Cherian.

" Sir, I hope that Rajaji will use his influence in another direction also. He must see that the Andhra State comes into existence at a very early stage. Possibly the Government of India, on account of certain difficulties, may try to postpone it. I think, this period of transition is doing a lot of harm. We are living in the days when in the Legislative Council and the Legislative Assembly, Ministers vote against Ministers and members of the

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same party vote against one another not out of conviction but for political reasons. This state of affairs should come to an end as early as possible. I sincerely hope and trust that Rajaji will use his influence to see that the Andhra State comes into being as early as possible.

"Sir, I am sure that the Andhras who remain in the Residuary State will continue to enjoy the same privileges under the Constitution as the other people in the Residuary State. It is the duty of the people of Madras City and the Residuary State not only to be just to the Andhras but also to be generous. That is the attitude I expect from the Tamilians towards Andhras. After all, they are our brethren. We all belong to the same country. We owe allegiance to the same Constitution. I sincerely trust that we would be just and generous to them in the matter of their political claims, appointments and admission into colleges and universities. I am sure that there will be reciprocal feelings from the people of the Andhra State also. I wish the Andhra State every success and every good luck.

"The Residuary State will have to face very many difficulties and I sincerely hope and trust that Rajaji will make up his mind to continue as our Chief Minister and give the State the benefit of his self-sacrificing service. I, once again, wish the Andhra State every success."

* SRI S. NARASAPAYA :—"Mr. Chairman, Sir, it is with mixed feelings of both sorrow and joy that I rise to speak a few words. I am sorry on account of the parting of our Andhra friends. In every parting there is some sorrow. But here the parting in one respect is for good because the Andhras have been fighting for their own State and it has been their cherished dream and they are now going to attain it. We, the Kannadigas, who are also asking for a Karnataka State, are really glad that the Andhras at least have got their own State. But it is a fact that a great responsibility is laid on the shoulders of our Andhra gentlemen because their State is the first State formed on a linguistic basis and the possibility and future of any linguistic State depends upon the successful working of the Andhra State. It is only when the Andhra State is prosperous and successful, we the Kannadigas can hope to get our State. So, I wish them well and I wish all prosperity to the Andhra State. Sir, in this composite State there is a mixture of various people and one important component part of it is being taken away. There will be a void felt for some time and we will certainly miss some of our friends.

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p.m.

"The Hon. Sri Ranga Reddi, ever since he took up the Public Works portfolio, has been acquitting himself with great efficiency and distinction and we the people from South Kanara are specially thankful to him because it was during his regime that agreement for the supply of power to South Kanara from Jog was finalized. We will certainly be missing the Hon. Dr. M. V. Krishna Rao, our Minister for Education, who along with the Hon. the Chief Minister has been responsible for the introduction

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of the new educational policy and who has pushed it through in spite of some opposition. We shall also be missing the other Hon. Ministers though they are not Members of this House.

"Coming to the Members, we shall be missing Sri M. Sitharama Das with his very vehement exposition in very chaste Telugu which I can neither understand nor follow; the sweet eloquence of Sri D. Venkata Rao, which at times was unnecessarily provocative, violent and critical; then the studied statements and questions of Sri S. Ramakrishnaiah on behalf of the teachers whom he very ably represents all the while strictly adhering to his party's mandate and discipline and my friend, the staunchest co-operator, Sri N. Satyanarayana whose words though not of learned length were certainly of thundering sound, who would bring every aspect and every question into the field of co-operation and ask for more powers and more help to the co-operative movement in the villages and we shall also be missing the large number of our other Andhra friends, who, though unobtrusively, have been taking very active part in the deliberations of the House and attending the meetings very regularly. It is really regrettable, as matters stand at present, that there is no possibility of there being an Upper Chamber in the Andhra State. I really hope that our resolution here would be given due weight and consideration by the Parliament at the time of passing the Andhra State Bill and the Andhra State will also have an Upper Chamber so that all these gentlemen who have got a very great part to play in the formation of the Andhra State, a very great contribution to make for the success and prosperity of the Andhra State may find themselves in the Legislative Council there and contribute their portion to the deliberations of the Legislature. With these few words, I wish my Andhra friends and the Andhra State all prosperity and all success."

* DR. V. K. JOHN :—"Mr. Chairman, Sir, if an Andhra State is to be formed, let me wish that State all prosperity and success. If the Andhra State is to be formed, let me also wish that the Government of India take into consideration the recommendations that this House has made. Sir, there has been a very high level discussion in this House. It was very dispassionate and you, Mr. Chairman, as usual gave scope for full discussion and full expression of opinion and I must thank every Member of this House for the discussion that has been of a very high order and also very helpful. Let the Government of India read through the discussions and the conclusions we have arrived at except the conclusion that the Bill be introduced in Parliament. (Laughter.)

"Let me also express the hope that, if an Andhra State is to be formed, there should be no repercussions, no bad feelings and no bitterness between the Andhras and non-Andhras and no repetition of the form of agitation or rioting or unpleasantness. It is my hope that either side will see reason. On the one hand, the Andhras are very very anxious for their State to come into existence and, on the other, the present Ministry and particularly the Hon. the Chief Minister, is very very anxious to meet the

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Andhras full way, not half way, and see that there is agreement in every matter and there will not be even any question of any Commission or enquiry. Let us have peace and then only there will be prosperity for either side. I have said all these things only in case the Andhra State is to be formed.

“ But, let me quote the poet who said—

‘ Hope springs eternal in the human breast.

Man never is, but always to be, blest.

and let me express my sincere and ardent hope that the Andhra State will not be formed and the Andhras themselves, in the face of the new problems their State will have to face, will give up their demand. Only, I do not want the Andhra State should be given up on account of any desire or agitation on the part of non-Andhras or even on account of any action taken by the Government of India against the wishes of the Andhra public. It is my hope that the many events which have happened and the problems which have arisen after this reference was made to us under Article 3 of the Constitution of India, will persuade the Andhras to believe that it is better for them to continue where they are, that it is more advantageous for them to continue where they are and that this partition will not be of advantage to them but will be of great disadvantage to them. I say this, Sir, not as a mere expression of hope. I have had discussions with many Andhra leaders and they have found that many quarrels are brewing in Andhra, rivalries between communities—I do not want to mention their names—rivalries between various political parties leading to decisions the opposite of what have already been arrived at. These Andhra friends feel that there might not be even a stable Government if things develop in the way they threaten to develop. It is therefore for the Andhras to consider deeply, after all these discussions, whether it is not better for them to remain with the Tamilians and others and whether it will not be to their advantage.

“ I know that my Andhra friends, though emotional, are sincere people and I hope they will reconsider the question and come to right conclusions at the end. It is not too late to tell the Government of India that the considered opinion, not of mob leaders, but of administrators, men who know something about administration and progress of the State and, at any rate, it is the considered opinion of a major portion of Andhras that the formation of the Andhra State in the circumstances in which it is formed will not be in the interests of the country as a whole or in the interests of the Andhra State itself or of the Residuary State. I leave alone the Residuary State and looking at the interests of the country as a whole and of the Andhras as a whole dispassionately and with a feeling which is very strong in me, I express the hope that the events which have since happened, the events which are certain to happen, the problems which have arisen and which are bound to arise will persuade my Andhra friends and the leaders of the Andhra State to revise their opinion and ask the Government of India not to form the State they contemplate.

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[Dr. V. K. John]

“ Sir, I expressed in my opening speech that it would have been very much better for the Andhras to have the Andhra districts incorporated in the Hyderabad State without seeking to disintegrate Hyderabad and I find—I could even mention the names—that during the last few days many Andhra leaders have been asking me to push forward the idea that the Andhra districts should be incorporated with Hyderabad and Hyderabad should be converted into a Part-A State with the Nizam as the Governor. Sir, these friends of mine are very unhappy over the formation of the Andhra State. They know what problems will arise and they know it is not good to the Andhras to form a State as contemplated in the Bill. I am also suggesting, though it is not the occasion for it, that the Residuary State should not be left alone, a very small State. We should have the Travancore-Cochin and the Mysore State integrated with it. This is an occasion for wishing the Andhras all success and I hope, Sir, that either the Andhra leaders will give up the Andhra State as it is proposed to be formed or they will ask for integration with the Hyderabad State. There is already an agitation for Visala Andhra. Let there be no agitation for this purpose. It creates bad blood, bitterness, animosity and minority problems which we should avoid. I am quite sure, Sir, the Residuary State, headed as it is by Rajaji, will try to see that amicable relations are brought about between the Andhra State and the Madras State, if the Andhra State is to be formed but he will not put much hope in their ability to solve the problems which confront them. Therefore, let me express the hope that the Andhra State will not be formed in the manner in which it is proposed to be formed. Sir, one word more and I will finish. Let me also wish my friends from the Andhra areas who have 2p.m. contributed so much to the debates in this House and who have also endeared themselves so much to us that they will go back to a similar Legislative Council in the new State. I hope, the Government of India will take into consideration the very strong recommendation we have made for providing the new State with an Upper House. If at all any State requires an Upper House it is the new Andhra State. I hope when that Council functions in the new State, some of us will go to that Council and watch the proceedings sitting in the Distinguished Visitors' Gallery, and see how the Andhra Legislative Council functions. I hope it will function perhaps more effectively than our Council is functioning.”

* SRI M. BHAKTAVATSALAM:—“ Mr. Chairman Sir, if I cannot claim to be one of the youngest Members of this Council of elders, I can certainly claim to be one of the juniormost Members of this august House and, perhaps, on behalf of that small group, I shall speak a few words. I have been sitting in this House only for eleven days. I am glad to tell you that my experience has been most happy and I have begun to like every hon. Member of this House. There are differences, Sir, among the Members. There are parties among them. There have been divisions in this House. Even during these eleven days, we have witnessed divisions and participated in them. There have also been even walks-out in this House. But still, Sir, you have noticed

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and I have noticed, that whatever be the bitter controversies that raged, whatever be the hot speeches that were delivered by hon. Members against this or that hon. Member or against this or that institution, the bitterness disappeared totally within a second after the event. That is how, Sir, we have been carrying on in this House. I assure you, Sir, I am echoing the feelings of every hon. Member in this House that we have the greatest admiration for the able and affable manner in which you have been conducting the proceedings of this House and contributing to the high reputation of this House. I do hope, Sir, that the decision of this House to have an Upper House for the Andhra State would be considered favourably and accepted by the Parliament. I do also hope that along with the partition of this State this Council will also be equitably divided. The justification for a Council has been amply vindicated during the discussions in this House, just now, on the Mangalore Port Trust Bill. Sir, as hon. Members have pointed out, I do not share either the hope of the Deputy Leader of the Opposition or his pessimism. I have no doubt that the Andhra State will be formed on the 1st of October. But as hon. Members have pointed out, there is not going to be absolute separation between the Andhra and the non-Andhra areas and between the Andhra people and the non-Andhra people. Several common bonds will continue even after separation.

"In every Tamil district of ours there are people who speak the Telugu language and they live happily along with others whose mother-tongue is Tamil. They have been living like that for centuries without any difference, and they will continue to be so even after the partition of the State, and that will be the common tie on which basis this State is being partitioned.

"Sir, a fervent plea was made in the House for the appointment of an impartial and neutral Commission to allocate assets and liabilities between the two States. I would like to say that the most impartial judicial tribunal that may be appointed by the Government of India for the allocation of assets and liabilities of this State between the two States could not take away the great Thyagaraja from the Residuary Madras State. I am sure, the Andhra people, even after separation, would have still to come all the way to Tamil Nad to listen and enjoy the sweet and soul stirring music of Thyagaraja. There will thus be several common bonds which will continue to bind the Andhras and non-Andhras.

"I need not emphasize the need for mutual goodwill and co-operation between the two States. I offer to my parting friends my warmest felicitations and wish them all good luck, prosperity and happiness."

* SRI D. VENKATA RAO :—"Mr. Chairman Sir, this occasion of parting is the moment when one's feelings would be very mixed. My heart is full of a variety of feelings at a time when I have got to bid good-bye to you and go.

"Firstly, people of the Residuary State and those of the Andhra State have all been living together as one people all these

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years and shared everything together. Above all, ours is one culture. The division of the State is really painful. You will excuse me, Sir, if I have to come forward with a bit of my confessions or outpourings. Dr. John has just now told us that even now if there is a chance people should go and tell the Central Government not to give us a separate State. I agree with him in a way and you will wonder how. If really there is a possibility of our not getting a separate State, I would be happy. But separation becomes necessary for political, economic and other reasons. Therefore, some of us have fought for it and in fighting for it we may have made provocative speeches as my hon. Friend Sri Narasapaya said about me. All that was politics. Personally, I have nothing to say against anybody. Personally, I feel I am one with the Tamilians, Malayalees and Kannadigas. We are one family and one people. Ours is one culture. Last night all of us were sitting and enjoying a particular entertainment. I was wondering then why we are separating and why there was a division of the State. Two sweet dancers were dancing with their light steps on the platform and while they were performing Bharathanatyam mixed with Kathakali a lady was singing a song in the Telugu language. It was a composite thing which we all enjoyed together. However much we may fight, we cannot dispense with Telugu language for our music. However much we may fight, we cannot dispense with our culture.

"Under those circumstances, Sir, you will believe me when I confess that really at heart I did not like a division; we should not have it if we could get on all right, but we could not get on and facts proved that we could not and we had to carry on a long agitation for separation and separation has now come and there is no going back on what has been done. Thus though we would not like partition, partition must be there for political reasons and when it is there, let us part with the best of goodwill on either side. I must first say something with regard to the non-Andhra Members of this House: they have been uniformly good and kind to us. There might have been a few provocative words but there was no venom in them; there was nothing personal about them and they were needed for the occasion because politics required it and we had to do it and we did it. But we did not keep any of those things in mind and we forgot them and only remember the sweetness and the goodness that has been existing between us on either side. The Andhras felt it a proud privilege to belong to this House, this Upper House of Madras because it has the reputation of being the most elegant, eloquent and intellectual House among the Upper Houses of the Union, if not all over the world. Men of culture, learning and eminence are here and it is indeed a privilege to belong to a House of this type. I, for one, along with other hon. Members of the House have heard many beautiful and eloquent speeches and we have had the benefit of good lessons in Parliamentary procedure and proceedings and we have been given so much of helpful instruction on these matters that must stand us in good stead when we have to carry on in our own State.

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"So far as our Chairman is concerned, he has been known for his patience and sympathy. He has always been kind, considerate and lenient to us; even when he was provoked, he would not get provoked; once or twice or even four times he would ring the bell but he would not pounce upon us and he gave ample opportunities to every one of us to speak; he was pleasant in his remarks and even when he had to reprimand, he did it sweetly and nicely and nobody ever took it as a reprimand. I am paying my open compliment to the Chairman because he will no more be ours when we get away. I am not sure if there will be an Upper House for the Andhra State but if there should be one, we should certainly wish for one of the stamp of Dr. Cherian, to be our Chairman to conduct the affairs of the Upper House in our State. Then, Sir, coming to the Ministry, particularly the Hon. the Chief Minister, I am one of those who offended him even in spite of my utmost admiration for him and I yield to none in my admiration and appreciation of Rajaji and his political acumen. Unfortunately, the occasion required it and what I sincerely felt I had to give expression to; it may have been provocative but still it came out of absolute sincerity and where there is sincerity, provocation must melt away. Personally, I have the greatest admiration for him. But for him there would not have been a Ministry in the Madras State and there would have been the Governor's rule. But I do not quite agree when it is said that if Rajaji had not been here, we would not have got the Andhra State. The movement for the State had been carried on for the last forty years and very many leaders had plunged themselves in the movement and consistently pressed for it and Rajaji has helped to some extent in this process and we, therefore, cannot believe that we would not have had the State but for him. I can say we would have got the State in spite of anybody. But still I have to express my gratitude to Rajaji for both his commissions and omissions and I am sure we will have his co-operation in making the working of our State a success. Though we may be leaving this State and our Legislature may be functioning elsewhere, I am sure he will forget all that had been said against him and a great and a good man as he is, he will remember only the sweetness and the sincerity of our relationship with him and he will always have a soft corner for us in his heart and his advice will always be available to us. I hope his advice and counsel will be at the disposal of men who lead our State because it is very essential for us. So far as the non-Andhra Members are concerned let me tell you, Sir, that we had occasions to differ, we had occasions to protest and we had to say hard words one to the other; but the partition has after all come and we are separating and I hope that they would render to us for a long time to come their help in so many ways. On behalf of the Andhra Members of the House, let me thank all hon. Members for the goodness that they had shown to us and for the good company that they had given to us all these months. Even when we get away, we shall wish well of you. Let this feeling subsist among us even when the Kannadigas get their own Samyukta Karnataka, or the Malayalees get their Aikya Kerala or when the Andhras as a result of the

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disintegration of Hyderabad and by the addition of its eight districts to the Andhra State develop a big and magnificent State, biggest in area, in finance and population in the whole of the Union. Nothing separated us really but it is only language that did it. When my hon. Friend Sri Sitarama Doss was speaking, though it was musical and so nice, most of the hon. Members could not understand him and they hankered for English speeches so that they may understand them. It was language really that separated us. I have for a long time felt that it is language that separates people. In gatherings where I used to meet many Tamilians, there would be mutual respect and regard for each other but when one Telugu word was uttered, there was contempt and ridicule for the language and the speaker and so also in Andhra gatherings there would be ridicule if Tamil was spoken, but let me tell you that as a person serious in his attitude towards life, I could never tolerate such ridicule and it was never in my mouth to say anything derogatory. But that is the sort of thing that has happened on account of the difference of language. Our language has got the reputation of sweetness and mellifluity just like Italian of the West, and there is no reason why such a language should be disliked. Since language has been the cause of a jar in our relationship, when the languages are separated, there would not be any more of such opportunities for looking down upon the other person's language; we speak our language and you speak your language and we shall be happy in our own respective places and we shall be quite good to one another. With these words, I bid good bye to you all, Sirs."

SRI N. ANNAMALAI PILLAI:—"கனம் அக்கிராசனர் அவர்களே, தெலுங்கர்கள் போய்க் கொண்டிருக்கிறார்கள். தமிழர்களாகிய நாங்கள் அவர்களை முக்கியமாக வாழ்த்துகூறி அனுப்பவேண்டியவர்களாக இருக்கின்றோம். இங்குள்ள தமிழர்கள், மலையாளிகள், கன்னடியர்கள், தெலுங்கர்களாகிய அவர்கள் வாழ்த்துகூறி அனுப்பவேண்டும். நண்பர் சிதாராமதாஸ் அவர்கள் பேசும்போது ராஜாஜியை அவர்கள் மிகவும் திட்டி விட்டதாகவும், அதையெல்லாம் மன்னித்த விடவேண்டுமென்றும் கேட்டுக் கொண்டார். ராஜாஜியைத் திட்டாமல் யார் தான் இருக்கிறார்கள்? நான் தமிழில் சில வார்த்தைகளில் தெலுங்கர்களை வாழ்த்தியனுப்பவேண்டும். அதற்கு அவகாசம் அளிக்கவேண்டுமென்று உங்களைக் கேட்டுக்கொள்ளுகின்றேன்."

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DR. C. NATHAMUNI NAIDU:—"தமிழில் பேசினால் இங்கிருக்கும் எல்லோருக்கும் விளங்காது."

SRI N. ANNAMALAI PILLAI:—"டாக்டர் நாதமுனி நாயுடு அவர்கள் தெலுங்கர். தெலுங்கில் ஏற்கனவே நண்பர்கள் பேசியதைக் கேட்டுவிட்டார். நான் தமிழில் பேசுவதைக் கேட்க அவர்களுக்கு சிக்க வில்லை போலும்!"

* **THE HON. SRI N. RANGA REDDI:**—"Mr. Chairman, Sir, I am indeed thankful to you for giving me an opportunity to speak this afternoon. This will be the last occasion that I may have to speak in this Council. It is indeed a very sad occasion. I have been a Member of the Madras Legislature either as a Member of the Assembly or as a Member of the Council from the year 1937. It is indeed my good fortune that I was elected a Member of

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the Legislative Assembly when Rajaji, the present Chief Minister, was the Premier of the Madras Province in the year 1937. Therefore Rajaji is known to me though he does not know me personally or intimately for a very long time. I know how Rajaji was conducting the affairs of the Province then and I know also how Rajaji was looked upon as a Dictator in the year 1937. A Member like me got few opportunities to speak on the floor of the Legislative Assembly. Even today I know, Rajaji holds the opinion that it is not necessary to speak either in the Assembly or in the Council. It is very much better that the person does some work rather than waste his time in speaking on the floor of the Council or Assembly. But then there is the constituency which looks to us and judges us by our utterances in the Legislature, whether we speak there to ventilate their grievances or not. It is in that way I made bold in 1937 to speak on the floor of the House and for the two years I was in the Assembly I got only two occasions to speak. I do not regret it. His administration drew the admiration of the people in the whole of India.

"In 1946 I again entered the Legislative Council. I got many more occasions to speak in the Legislative Council. I participated in a good number of debates. I was a member of a number of Select Committees also. Then it was my good fortune to be selected a Member of the Cabinet in the year 1952. I should really thank Rajaji for having taken me into his Cabinet. I should say I have learnt very much by being a Member of his Cabinet. My hon. Friend Sri Narasappaya paid a handsome compliment to me and I am really thankful to him for that compliment though I do not deserve it. If really I have done anything it is due to Rajaji. It is with Rajaji's co-operation that anything could be done by this Cabinet. Sir, I have been a Member of the Council from the year 1946 to 1952 and in 1952 I was made a Member of the Cabinet. Now if I were to say anything it would be taken as mere flattery because the person about whom I am going to speak is here. But it should not be understood like that because in public affairs when anything has to be said, it should be said. It is not said for the sake of flattery or compliment. It is for the sake of encouragement, so that the services rendered by the person complimented should be an object lesson as it were for the persons who come after him. It is in that respect I speak about the administration of Rajaji. He is a great man and after he assumed office and took over the administration, the standard of administration went up so high that every one said 'here is a Chief Minister who is a model'. I say he should be taken as a model and I wish that in the new Andhra State that is going to be formed we have a Chief Minister like Rajaji. It does not matter who are there as Ministers. But then, only very few people can be like Rajaji. I know the difference in the tone of the administration. When I go to the mufassal I am not bothered with personal requests. When I do my work here I am not bothered with personal requests. I am able to dispose of every file I get in the Secretariat itself. Only when I go on tour, some files get accumulated and they are sent to my house and I dispose of my files there. Otherwise I had no

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trouble at all. I did not get this kind of feeling from any other administration. Everyone should be proud of it and it is a thing to be copied. Well, Sir, my hon. Friend Sri Venkata Rao said that Rajaji was abused for political reasons. But there is so much to admire in him. I do not know whether I am to follow the policy of my hon. Friend Sri Venkata Rao. I think Mahatma Gandhi has introduced one departure in politics and that was, that the end does not justify the means. We should see what our means are. If you think there is a particular end to be achieved, you should also take care of the means you adopt to achieve it. Therefore I do not like the calumny and vituperation showered on Rajaji in season and out of season. I know the Andhras have been fighting for their State for the last so many years. Whoever can stand in their way? The ushering in of the State cannot be stopped. The Prime Minister made a statement on the 19th of December 1952 and strengthened it by another statement made on 25th March 1953. Why then go on abusing Rajaji? We are getting our State and we are going to have the assets and liabilities divided. Let us have them. If we are not satisfied with the kind of division that is proposed in the Bill, all right, we will propose another. Therefore it is unnecessary to abuse, and say that Rajaji stands in the way of separation of the State. Let me tell you, probably I would not be considered as giving out a Cabinet secret that no one is more anxious than Rajaji and the Tamilian Members that the Andhra State should come into existence

"Everything is at a standstill. We have not been able to take up new works. If a new work is taken in one area of the State, the people belonging to the other area will naturally raise a cry why it is being done there and why it is not being done in their area. So, nothing is done now. This is democracy. People will raise such cries, whatever the democratic form of Government that may exist. I would say, Tamilians are more anxious that the Andhras should part with grace, good feeling and sympathy. Therefore, it is unnecessary for any people to raise such cries or to write in the Press in season and out of season that the formation of the Andhra State is being delayed for reasons best known to themselves and that the Tamilians want to exploit us still more.

"Sir, I am also anxious to get out. I have got my own profession and I want to build up that profession. I do not hope to become a Minister in the Andhra State. Pardon me, Sir, for making this personal digression.

"It is true the composite Legislative Council has unanimously passed a Resolution that there shall be a Legislative Council for the Andhra State also. Well, Sir, various motives are attributed. There are some people who do not want a Legislative Council for the Andhra State. There are many more who think that we want a Legislative Council to fulfil our ministerial ambitions. They look at it from that narrow point of view. Excuse me, Sir, for making mention of it.

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p.m.

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"Sir, when the new State comes into being, I am sure all disinterested people would say, this is a new infant State, a State which is being born under so many difficult circumstances, and naturally we feel that we want the co-operation of our friends here. Some friends asked me to remember the year 1947 when India got her Independence from the Britishers. When we attained our freedom we had stalwart leaders like Mahatma Gandhi and Sardar Patel and now we have our Prime Minister Mr. Jawaharlal Nehru and our revered leader Rajaji and a number of other leaders. In spite of them, India has been experiencing many difficulties and even today the relationship between Pakistan and the Indian Union has not been quite cordial. Now our Prime Minister has gone and returned from Karachi and he has done something to improve the relationship between the two countries. When I look at that, I really wonder what kind of Government we will have for the Andhra State. When I say this, please forget for a moment that I have any misgivings about the success of the future Andhra Government. I have my own misgivings but, at the same time, with the co-operation of our great leaders, I feel that our State will certainly be a success. We have experienced men but they are fighting amongst themselves. When they do not look for outside support, they have to patch up their quarrels. Sir, we have to build up our own State. We have to build our own traditions. I do not share the pessimism of Dr. John, and the Andhras will certainly be a great people.

"Sir, it is my good fortune also to be associated with the Hon. Chairman of this House for the last two or three years. I know he was first returned to the Legislative Council in a bye-election. He had held distinguished offices in the Medical department. I would say he had equally distinguished himself as an ordinary Member of the Legislative Council and his participation in the debates had been quite useful. I know also that when the Bill relating to the Medical Council was on the floor of the House, it was at his instance that the Bill had probably to be withdrawn or some important changes had to be made. Subsequently both he and myself have been returned to this House again and it was his good fortune that he was elevated as the Chairman of this House. I know during his tenure of office, he has been quite successful and he has been very accommodating and I wish him godspeed.

"I do not want to take much of the time of the House. I have had occasion to move with other friends in this Legislature. I have had very intimate contact with many Tamilians. I really regret that I have to part company. I have to bow to the inevitable. Yesterday when I read the speeches made on the floor of the Legislative Assembly, it gave me much hope that after all this is only a physical separation and that all those contacts which are now available will be available in times to come also. Therefore, we need not regret at this separation. Sir, I really thank you once again for having given me this opportunity to speak."

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* SRI P. N. MARTHANDAM PILLAI:—"Mr. Chairman, Sir, on this occasion, I remember the day when the Raja of Panagal once told us, Tamilians, in a jocular manner, 'After all, you have been conquered by us, Andhras, and you are not a great people. We have colonized here and we have our own colony in Madurai.' Our answer has always been, 'no doubt, to some extent, as you say, you have conquered us but you do not know the manner in which you have come here. Granting that you have conquered us, we equally claim that we have conquered your men who have come here. We have civilised them.' Excuse me for mentioning the word 'civilised'. Sir, when the Andhras came here they did not behave in the right manner. After they have settled here—they have built up a number of colonies in Madurai and Tirunelveli districts—they have become the most well-behaved people to-day. They have taken to agriculture and they are the cotton-growers in these districts. We have made them civilised people. Let my Andhra friends not mistake me for saying so. I only recapitulated a joke which was common in those days. I am really sorry that the Andhras are going away to their own State.

"Sir, this separation will make us suffer to some extent. After separation, the Tamilians will be the only dominant group in this State. No doubt, there are Malayalees and Kannadigas but they are almost negligible. But I am afraid that the Tamilians may quarrel among themselves. At least the presence of Andhras here has bound them together. Then we had occasions to quarrel with them and therefore we were united among ourselves. So, we lose our unity on both grounds by the going away of the Andhras to Andhradesha.

"Another ground on which I really feel sorry is our being divided into small bits—though the Residuary State is not such a small bit. There are many dangers to which we will be subjected and for which we are not prepared as a country or as a State. I wish to recall this story about Ranjit Singh. Though blind of one eye and illiterate, when a map of India was brought and shown to him and he saw bits of red in various places, he exclaimed 'The whole of India will soon be red'. I am afraid this division of our country into small bits will make the country into little red bits—'red' in a different sense altogether. We should therefore be on our guard against the map of India being painted red.

"This apart, I am really sorry that we are parting from our Andhra friends in this House. I cannot easily forget either Sri N. Satyanarayana or Sri D. Venkata Rao or Sri M. Sitharama Das who always spoke eloquently in Telugu which we did not understand. To a little extent this gave us freedom to meditate upon things. It is indeed a great experience to listen to a person and yet not understand him. To speak of the 'Thirumurthis' in front of us, Sri Ranga Reddi, Dr. R. Nagan Gouda and Dr. M. V. Krishna Rao, I have had occasion to meet at least two of these gentleman more frequently than the other and my feeling is that they are the best of friends we have ever had whether as

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Tamilians or as Andhras. It is a great thing that we exchanged our views and the Andhras are generally very simple and receptive though the Tamilians are accused of being calculating and clever. I have found the Telugus to be simple and straight and I therefore greatly appreciated their qualities. Though I regret to part with them, I feel the time has come when these things have got to be endured.

"I shall take very little of your time, Sir, as even the few Members that are sitting may go away. I wish not only the Andhra friends and the Andhra Ministers well but I also wish you well, Sir, because I take it that though you are going to be with us, some of us have paid tributes to you. I must also join in paying a tribute to you because a few of us may not have an occasion to do so."

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p.m.

* SRI N. ANNAMALAI PILLAI:—“கனம் தலைவர் அவர்களே, இன்றைய தினம் ஆந்திரர்கள் நம்மை விட்டுப் பிரிந்து போகின்ற கடைசி கூட்டமாக இருக்கிறபடியால் அதில் நான் தமிழன் என்ற முறையிலே சில வார்த்தைகள் சொல்ல விரும்புகிறேன். ஏனென்றால் தமிழ் நாட்டிலிருந்து ஆந்திரர்கள் இன்று சுனியாகப் பிரிந்து போவதற்கு அவர்கள் பல முயற்சிகள் செய்து, அவர்கள் வெளிப்போய் போவதற்கு நாமும் சம்மதித்து அனுப்புகிறோம். அனுப்புகிற நேரத்தில் அவர்களுக்கு வாழ்த்துக் கூறி அனுப்பவேண்டியது தமிழனாகிய கடமையாகும். அதனால் நான் தமிழன் என்ற முறையில் அவர்களுக்கு நல்வாழ்த்து கூற நின்று கொண்டிருக்கிறேன்.

“இருக்கச் சபை இன்றைய தினம் ஒரு நல்ல அந்தஸ்தை அடைந்திருக்கிறது. இந்தச் சபையில் இருப்பவர்களை பிற்காலத்தில் அவர்கள் சந்ததியார்கள் என்றால் புகழ்ந்து பாராட்டுவார்கள். இன்றைய தினம் கனம் ராஜாஜி அவர்களுடைய தலைமையிலும், இந்த மேல் சபையின் அக்கிராசனர்கள் கனம் டாக்டர் செரியன் அவர்கள் தலைமையிலும், கீழே இருக்கின்ற மற்ற மந்திரிகள் அனைவருடைய தலைமையிலும், இந்தச் சபையில் இருக்கின்ற அனைவருடைய முன்னிலையிலும் பிரிந்துபோகின்ற ஆந்திரர்களுக்கு என்று வாழ்த்துக் கூறி அனுப்பவேண்டிய பாக்கியம் நமக்கு கிடைத்திருக்கிறது. இதற்குப் பியத்தனம் செய்கவர்கள் எவ்வளவோ பேர்கள் இருப்பார்கள். ஆனால், அவர்களுக்கெல்லாம் இந்த பாக்கியம் கிடைக்கவில்லை. நம்முடைய நாட்டில் அவர்கள் நம்மைவிட்டுப் பிரிந்து தனியாகப் போய் ஆட்சி புரியப் போகின்றார்கள். அந்த ஆட்சி சுபிட்சமாகவும், கேசுமமாகவும், மங்களகரமாகவும் இருக்கவேண்டுமென்பது என்னுடைய அண். அதனால் நான் சபையின் அக்கிராசனராகிய உங்களுடம், தமிழனாகிய நான் அவர்களுக்கு தமிழில் வாழ்த்துக் கூறவேண்டியிருக்கிறது என்று வற்புறுத்தி வேண்டிக் கொண்டேன். என் நண்பர் டாக்டர் நாதமுனி நாயுடு அவர்கள் ‘இங்கு தமிழில் பேசினால் எல்லோருக்கும் புரியாது; ஆனதினால் ஆங்கிலத்தில் பேசுவது தான் சரி’ என்று சொன்னார். டாக்டர் நாதமுனி நாயுடு அவர்களைப் பொறுத்தவரையில் அவர் கெலுங்கராயிருந்தாலும், ஏறக்குறைய தமிழ் நன்றாகத் தெரியுமென்று நினைக்கின்றேன். சபையில் உள்ளவர்களுக்கு தமிழ் தெரியாது என்று என்னைத் தமிழில் பேசுவதற்கு தடை சொல்லும் முறையில் அக்கிராசனருக்கு ஒரு விண்ணப்பம் விடுத்தார். தமிழ் தெரிந்த நான் இந்த இடத்தில் பேச்சு நிறுத்தி விட்டுப் போவதற்கு விரும்பவில்லை. கனம் அக்கிராசனர் அவர்கள் எனக்கு இந்தச் சந்தர்ப்பத்தைக் கொடுத்த தற்காக நான் நன்றி செலுத்துகிறேன்.

“தெலுங்கு, மலையாளம், கன்னடம் என்ற அடிப்படையில் பாஷாவாரி மாகாணங்களைப் பிரித்துவிடுவது என்று கராச்சி காங்கிரஸில் தீர்மானம் செய்யப்பட்டிருக்கிறது. சுகந்தரம் வந்தவுடன் அவைகளைப் பாஷாவாரியாகப் பிரித்திருக்கவேண்டும். அப்படிப் பிரிக்காமல் இருந்ததற்கு சில

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குழந்தை குறுக்கிட்டுக்கொண்டிருந்தது. ஆந்திர தேசத்தில் கம்யூனிஸ்டுகளின் அட்டகாசம் தலைவிரித்தாடிக்கொண்டிருந்தது. அங்கே கொலை, கொள்ளை போன்ற பல அபாரமான கொல்லைகளையெல்லாம் கம்யூனிஸ்டுகள் செய்தார்கள். ஆந்திரத்தில் கம்யூனிஸ்ட் தோழர்கள் வலுத்திருப்பதால் ஒரு புறத்தில் நாசம் ஏற்படும். அதனால் சென்னை மாகாணத்திற்கும் கம்யூனிஸ்டுகளினால் ஆபத்து ஏற்படலாம் என்பதற்காக மேலே இருக்கின்ற தலைவர்கள் சற்று நிதானித்தார்கள். ஆந்திரர்கள் ஆந்திர மாகாணத்தைப் பிரித்துக்கொள்ளக்கூடாது என்ற அபிப்பிராயம் காங்கிரசிலே யாருக்குமே கிடையாது.

“கனம் ராஜாஜி அவர்களை ஆந்திர மாகாண அமைப்புக்கு குறுக்கே நிற்கின்றார் என்று பல பேர்கள் பல முறையில் திட்டியும் தூறியும் இருக்கிறார்கள். உதாரணமாக இன்று இங்கு பேசிய நண்பர் ஸ்ரீ சீதாராம தாஸ் அவர்கள் ராஜாஜி அவர்களைப் பற்றி ஒரு கலையை உபமானமாகச் சொன்னார். நான் அந்தக் கலையை சொல்ல விரும்பவில்லை. மனதிலே ஒன்றை வைத்து வெளியிலே ஒன்று பேசுகிறார் என்று பொருள்பட கனம் ராஜாஜியைப்பற்றி நண்பர் பேசக்கூடியது வருந்தத்தக்கது. நண்பர் அவர்கள் கனம் ராஜாஜியிடம் ஒரு மன்னப்பும் கேட்டுக்கொண்டார்: ‘தலைவர் ராஜாஜி அவர்களை நான் இந்த ஆந்திரப் பிரிவினையில் பல முறையில் பல விதமாகப் பேசியிருக்கிறேன், தூஷித்து இருக்கிறேன்; ஆனால், சொந்த முறையில் அப்படிச் சொல்லவில்லை; அதையெல்லாம் கனம் ராஜாஜி அவர்கள் மன்னித்துவிடவேண்டும்’ என்று சொன்னார். ஆம், கனம் ராஜாஜி அவர்கள் யாரைத்தான் மன்னித்து விடாமல் இருக்கிறார்?

‘நல்லாளை இடைமருவும் தியாகைய்யா உன்னிடத்தில் நியாயம் காணோம் கல்லாலே அடித்தோர்க்கும், கால்செருப்பால் உதைத்தோர்க்கும், கடிந்துபேசி வில்லாலே அடித்தோர்க்கும் கொடுத்திரேயல்லாமல், விழிநீர் சோர எல்லாம் உன் செயலென்று எண்ணியிருந்தோர்க்கு யாதொன்றும் ஈகலீரே.’

என்று ஒரு கவிவாணர் பாடினார். தியாக மூர்த்தியைப்பற்றி, தியாக ஸ்வரூபமாகிய ராஜாஜியை யார் தான் திட்டாமல் இருக்கமுடியும்? திட்டப்பவர்கள் நரகத்திற்குத்தான் போய்ச் சேருவார்கள் என்பது என்னுடைய அபிப்பிராயமாகும். ஆகையால், கனம் ராஜாஜி அவர்களை இவ்வளவு திட்டியும் அவர் இவ்வளவு பொருமையாக இருப்பதற்குக் காரணம் என்ன? ‘காய்க்கின்ற மரத்திற்கு கல்லால் அடி விழும்’ என்ற பழமொழிக்கிணங்க, கனம் ராஜாஜி அறிவும், புத்தியும், திறமையும், செல்வாக்கும், சீரும், சிறப்பும் உள்ளவர். அப்படி நல்ல குணங்களையும் ஆற்றலையும் அவர் பெற்றிருப்பதனால் தான் காய்க்கின்ற மரத்திற்கு கல்லடி விழுவது போல் அவருக்கும் தொல்லைகள் சொல்லடிகள் கொடுக்கின்றார்கள். தோட்டத்திற்கு எஜமானனே மரத்தின் மேல்கோலை எடுத்து அடிக்கிறான்; வழியே போகிறவர்கள் கல்லால் அடிக்கிறார்கள்; அதேபோல் எல்லாவற்றிற்கும் பொருமை யாக சேவை செய்பவரை தூற்றுவது, திட்டுவது சகஜம்தானே. தலைவர் ராஜாஜி அவர்கள் பிரதம மந்திரியாக இருக்கின்ற காலத்தில் ஆந்திரர்களைப் பிரிந்து போகும்படி அவர்கள் மனமுவந்து ஆசைவாதம் செய்து அனுப்புவதைக் கண்டு நான் அளவில்லாத சந்தோஷப்படுகிறேன். ஆனால், ஆந்திரர்கள் பெற்றுக்கொண்ட ஆந்திர மாகாணத்தை நன்றாக, சீராக, சிறப்பாக நடத்தவேண்டும். அப்படியில்லாமல் ஏதாவதும் குதர்க்கமும், குழப்பமும் உண்டாக்கி பலருக்கும் இடம் ஏற்படும்படியான நிலைமை ஏற்படாமல் ஆந்திர நண்பர்கள், தலைவர்கள் ஜாக்கிரதையாக ஆந்திர மாகாணத்தைக் காப்பாற்றவேண்டுமென்று நான் அவர்களைக் கேட்டுக் கொள்வதுடன், ஆண்டவன் அவர்களுக்கு நல்வாழ்வும், சகல நன்மைகளும் தந்தருள வேண்டுமென்று கடவுளைப் பிரார்த்திக்கின்றேன்.

[Sri N. Annamalai Pillai] [31st July 1953]

“இப்பகை வசதிகள் ஆந்திரர்களுக்கு எவ்வளவோ இருக்கின்றன. துன்பத்திதான், கோதாவரி, கிருஷ்ணா போன்ற ஜீவநதிகள் ஆந்திர மாகாணத்தில் ஓடிக்கொண்டிருக்கின்றன. வட பெண்ணையார் அல்லது வட பிணிகிளி என்ற ஒரு உபநதியும் அங்கு ஓடிக்கொண்டிருக்கிறது. ஆகவே, அவர்கள் சீரும், சிறப்பும் நிறைந்து ஒற்றுமையாகவும் கட்டுப்பாடாகவும் இருக்கவேண்டும்.

“தலைவர் ராஜாஜி அவர்கள் பிரதமராக இருக்கும்போதே ஆந்திரர்கள் இந்த ராஜ்ய மக்களை, பட்டினி போடக்கூடிய ஒரு காரியத்தைச் செய்திருக்கிறார்கள். மூன்று கோடி ரூபாய் நஷ்டம் ஏற்படும்படியான ஒரு கிளர்ச்சியை ஆந்திரர்கள் செய்தார்கள். அந்த மூன்று கோடி ரூபாய் நஷ்டத்தையும் கனம் ராஜாஜி அவர்கள் பொருட்படுத்தாமல் இன்று ஆந்திரர்களை ஆசீர்வதித்து அவர்களுக்கு ஆந்திர மாகாணத்தைக் கொடுக்க அவர் ஒப்புக் கொண்டார். இது எவ்வளவோ பெரிய புகழுக்குரிய ஊரியும் ஆகும். ஆந்திரர்களை வழி அனுப்பும் இந்த வேளையில் இயதயெல்லாம் சொல் து பொருத்தமில்லை யானாலும், பிற்காலத்தில் ஆந்திரர்கள் தங்கள் செய்கையைப்பற்றி தாங்கள் நொந்துகொள்ளாமல் இருக்கமுடியாது.

“இந்த தேசம் சுதந்திரம் அடைந்துவிட்டது. நம் பாரத தேசத்தைக் காப்பாற்ற வேண்டிய பொறுப்பு நம் எல்லோருக்கும் இருந்துவருகிறது. கிடைத்த சுதந்திரத்தை பிறருக்குப் போய்விடாமல் ஜாக்கிரதையாகப் பார்த்துக்கொள்ளவேண்டுமென்று ஆந்திரர்களைக் கேட்டுக்கொள்கின்றேன்.

“ஆந்திரர்கள் மாகாணத்திலே தான் கம்யூனிஸ்ட் ஆதிக்கம் அதிகமாக இருக்கிறது. கம்யூனிஸ்ட்கள் யாருடைய ஆட்கள் என்பது நமக்கு நன்றாகத் தெரிந்தது தான். ரஷ்யா ராஜ்யத்தின் நிலைமைக்கு நம்மைக் கொண்டு போய்விடுவார்கள். ஆகையால் ஆந்திர நண்பர்கள் எல்லோரும் ஒற்றுமையாக இருந்து தங்கள் ராஜ்யத்தை கம்யூனிஸ்ட் ஆதிக்கத்தில் போய்விடாமல் வெகு ஜாக்கிரதையாக பாதுகாக்கவேண்டுமென்று கேட்டுக்கொண்டு, அந்த சக்தியை எல்லாம் வலவ ஆண்டவன் அவர்களுக்கு தந்தருள் வேண்டுமென்று என் இஷ்ட தெய்வத்தை வேண்டிக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்ளுகின்றேன்.”

2-54 P.M. SRI M. P. GOVINDA MENON :—“ Mr. Chairman, Sir, on this occasion of bidding farewell to the Andhras, I do not feel sad but I am really happy that this new Andhra State is going to be formed on the 1st October 1953. Ever since the achievement of Independence, I am one of those who have been dreaming of the formation of linguistic States throughout India. I sincerely believe that if there is to be a real Government of the people, for the people and by the people, it can be achieved only through linguistic States. I am therefore really happy that the Andhra State is to be formed. This is not the occasion to feel sad or sorry but it is an occasion for pleasure and happiness. In this connexion, I should state that the successful working of the Andhra State is an important thing. The others who are anxious for the creation of other linguistic States are looking with interest to the future of the Andhra State as, for example, my friend, Sri S. Narasapaya, who wants the Karnataka Province to be formed and perhaps, the others who want to have a Samyuktha Maharashtra and Aikya Kerala are also wishing and hoping that the Andhra State would be a success.

“The All-India Congress Committee has stated in its resolution that they would be anxiously awaiting how the Andhra State would work. Perhaps, the Government of India too are waiting

[31st July 1953] [Sri M. P. Govinda Menon]

to see how this new linguistic State is going to function. So, I request my Andhra friends in the Legislature and, in fact, the whole of the Andhra people, to so conduct the affairs of their State that they will set a good example so that other linguistic States may follow and also prove that linguistic States will be conducive to the wellbeing of the people. May I say, that the Andhra State will be a good example of the Sarvodaya State for which the Father of the Nation strove and died, a State where the whole business of administration will be conducted in their own language, a State where the cottage industries will thrive, a State where there will be no mutual discrimination and a State where there will be no problem of Harijans. I hope that this will be the ideal which the Andhra State will put forth before itself. I therefore appeal to all the Andhra Members here and to those who belong to different political parties to unite under one banner and work for their State, because any disaster to the new Andhra State will be a disaster to the whole of India.

“The Andhras have got a mighty personality, a giant with a large heart in Sri T. Prakasam and, if as stated in the Assembly Chamber, friendly feelings are established between these two giants of South India, Sri C. Rajagopalachari and Sri T. Prakasam, with the absolute hold that Sri T. Prakasam has on the Andhra masses and under his leadership the Andhra State will set a good example. I wish the Andhras all success and hope that they will lead the linguistic States in India, and will also lead the country in the path of Mahatma Gandhi.”

* SRI T. PURUSHOTHAMA MUDALIAR :—“ Mr. Chairman, Sir, I wish to reciprocate the feelings of goodwill and friendliness expressed on this occasion by our Andhra brethren. I know the Andhras very intimately and as our veteran Member here, the hon. Sir Muhammad Usman would tell you and as you yourself know, Sir, I have been actively connected with the Andhras and the first Andhra Ministry under the Raja of Panagal. I know the Andhras too well. They are a very emotional sort but they are very good friends. As expressed by our Andhra brethren we have been a happy family in this House and they have all my good wishes on this occasion of the fruition of their long-cherished Andhra State.

“Doubts have been expressed as to whether the proposal that has been adopted in this House that the Andhra State might have a Legislative Council would be accepted by Parliament. I sincerely hope that Parliament would accept it and all the experienced Members of the Council here would continue to be Members of that body and the experience that they have had here would stand them in good stead.

“I also hope, Sir, that when the new State is formed on the 1st of October, the Andhra Members would invite us all and at

[Sri T. Purushothama Mudaliar]

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least you, Mr. Chairman, and some of the Members of the Legislative Council would be present on that momentous occasion as their guests to witness the inauguration of the new State at Kurnool.

“ I take this opportunity of congratulating the present Andhra Ministers on their creditable record of good work and thanking them for the same. I hope and trust, Sir, that all of them will continue as Ministers in the new Andhra State and that Dr. R. Nagan Gouda practical and experienced agriculturist that he is, will be the Minister for Agriculture in the Mysore State. We have had very cordial relationships with them, and we will miss them in this House, especially the Education Minister Dr. M. V. Krishna Rao who had to reply to the maximum number of questions. I think he was heavily bombarded from all sections of this House by endless supplementary questions and he has been replying to all of them quite unruffled and with a pleasant and smiling face. I have, no doubt, that we part with our Andhra Ministers with a feeling of sorrow. I wish the Constitution could allow them to continue here, but as it could not be, I hope they would continue to enjoy a long term of office as Ministers in the new Andhra State.

“ One word more, Sir, and I am done. I wish the Andhra State to be formed, all success. I hope the happy relations subsisting between the Andhras and non-Andhras in the composite State would continue even after the division of the State. I also hope and trust that the trade and commercial relationship between the two States will not in any way be affected as a result of the partition of the State. I wish the Andhra Members, the Andhra Ministers and the new Andhra State a glorious future.”

* **SRI MARISWAMAIAH MATADA PATEEL:**—“ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಅಂಧ್ರ ಪ್ರಾಂತ ಪ್ರತ್ಯೇಕವಾಗಿ ಈ ಕೌನ್ಸಿಲಿನಿಂದ ಹೊರಗೊಳಗಾಗಿರುವ ಅಂಧ್ರ ಸದಸ್ಯರೂ ಹಾಗೂ ಮೈಸೂರು ಕರ್ನಾಟಕಕ್ಕೆ ಹೋಗುತ್ತಿರುವ ಕೆಲವು ಕನ್ನಡಿಗರ ಬೇಡಿಕೆಯು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಕನ್ನಡಿಗರ ಪರವಾಗಿ ಕೆಲವೊಂದು ಕಬ್ಬಿಗರನ್ನು ಹೇಗೆ ಬಯಸುವೆ ನಮ್ಮ ನಮ್ಮ ಬೇಡಿಕೆ ಅಭಿಪ್ರಾಯ ಭೇದಗಳು ಬಂದು ಪರಸ್ಪರರೂ ತಮ್ಮ ತಮ್ಮ ಹಕ್ಕು ಬಾಧ್ಯತೆ ಗಾಗಿ ಹೋರಾಡಿದುದು ಅವರವರ ತಾಯ್ನಾಡಿಯ ವಿಕೇಕರಣಕ್ಕಾಗಿ. ಇಂದು ಆ ಸನ್ನಿವೇಶವು ಬಂದಿ ನನ್ನ ಅಂಧ್ರ ಮಿತ್ರರು ತಮ್ಮದಾದ ಪ್ರಾಂತಕ್ಕೆ ಹೋಗುತ್ತಿರುವರು. ನಮ್ಮ ವಿಕೇಕರಣ ವಾಗದಿದ್ದರೂ ನಮಗೆ ಅಲ್ಲ ಸಮಾಧಾನವೇನಿರುವರೆ, ಒಳಗೆ ದಿನಗೂ ಆಗಲಿ ತಾಯಿಗರವಾದ ನಾವು ತಾಯಿಯ ಸ್ಥಾನವಾದ ಮೈಸೂರಿಗೆ ಸೇರಿ ಕರ್ನಾಟಕ ವಿಕೇಕರಣದ ಪ್ರಥಮ ಹೆಜ್ಜೆ, ಇಟ್ಟಿವೆಯ ಘನ ಹೆಮ್ಮೆಯು ನಮಗುಂಟಾಗಿದೆ. ಮಾತ್ರವಲ್ಲ, ಅದರ ಜೊತೆಗೇ ಇಂದಿನ ಪರಗೊ ಕರೆತು, ಬೆರೆತು, ಪರಸ್ಪರರೊಂದಾಗಿ ಈ ಮನೆಯ ಕಾರ್ಯ ಕ್ರಮಗಳಿಗೆ ಸಹಕಾರ ಮತ್ತು ನಿಮ್ಮಲ್ಲರನ್ನೂ ಆಗಲಿ ಹೋಗುವ ದುಃಖ ಮಾತ್ರ ನಮ್ಮನ್ನು ಬಾಧಿಸುತ್ತಿದೆ. ನನ್ನ ಅಂಧ್ರ ಸಹೋದರರು ಪ್ರತ್ಯೇಕ ಪ್ರಾಂತ ಕಲ್ಪಿಸಿಕೊಂಡು ಸ್ವತಂತ್ರ ಬಾಳುವೆ ಮಾಡಲು ಅನುಮತಿದಕ್ಕೆ ನಮಗೆ ಒಳಗೆ ಸಂತೋಷವಾಗಿದೆ. ಆದರೆ, ಅವರು ಇತ್ತೀಚೆಗೆ ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ ತಮ್ಮದಲ್ಲದ ಸ್ವತಂತ್ರ ಸುಂಗಳು ಮಾಡುತ್ತಿರುವ ದಬ್ಬಾಳಿಕೆಯನ್ನು ಬಂಡಿಸಿ, ಆಕ್ರಮಣವನ್ನೋದುತ್ತಿ, ಬಿಡಬೇಕೆಂದು ಕೋರುವೆ. ಇನ್ನು ನಮ್ಮ ಈ ರಾಜ್ಯದ ಸುಗಮ ಆಡಳಿತ ಕಾರಣವಾದ (ಭಾರತ)ದ ಗುರು ದೋಷಾಚಾರ್ಯರಂತಿದ್ದ ಶ್ರೀ ಚಕ್ರವರ್ತಿ ರಾಜಗೋಪಾಲ ಅಚಾರ್ಯರು ತಮ್ಮ ಈ ಗುರುಕುಲದಲ್ಲಿ ನಮ್ಮ ಜಿಲ್ಲೆಗೆ ಪ್ರಾತಿನಿಧ್ಯವಿತ್ತು ನನ್ನ ಮಿತ್ರರಾದ ಶ್ರೀ ಮಾನ್ಯ ನಾಗನ ಗೌಡರಿಗೆ, ಆಡಳಿತಯ ಯಾವತ್ತು ವಿಜ್ಞಾಪ್ಯನ

[31st July 1953]

[Sri Mariswamaiah Matada Pateel]

ಮಾಡಿಸಿ, ನಿಮ್ಮ ತಾಯ್ನಾಡಿನಲ್ಲಿ ನೀನೋರ್ವನ ದಕ್ಷ ಆಡಳಿತಗಾರನಾಗೆಂದು ಅನೇಕವರಿಸಿ, ಅವರನ್ನು ಸರ್ವ ವಿದ್ಯಾಪರಂಗತರನ್ನಾಗಿ ಮಾಡಿದ ಗುರು ದೋಷಾ ಸಮಾನ ಶ್ರೀ ಮಾನ್ಯ ರಾಜಗೋಪಾಲರನ್ನು ನನ್ನ ಜಿಲ್ಲೆಯ ಪರವಾಗಿಯೂ, ಅಖಂಡ ಕರ್ನಾಟಕದ ಪರವಾಗಿಯೂ ಅಭಿನಂದಿಸುವೆ. ಇಂದಿನ ವಂಗೂ ಈ ರಾಜ್ಯದಲ್ಲಿ ಕೇವಲ ಬೆರಳಿನಿಂದ ಎಣಿಸುವಷ್ಟು ಪ್ರಾತಿ ನಿಧ್ಯವಿದ್ದ ಬಳ್ಳಾರಿ ಮತ್ತು ದಕ್ಷಿಣ ಕನ್ನಡದ ಜಿಲ್ಲೆಗಳು ಎರಡು ಇದ್ದವು. ಸಮೋರ್ವರಲ್ಲಿ ಹಿರಿ ಅಣ್ಣ ಸಂತಿದ್ದ ದಕ್ಷಿಣ ಕನ್ನಡದ ಮತ್ತು ವಿದ್ಯಾನ್ ರಾಜ್ಯದ ಇತರ ನನ್ನ ಅಣ್ಣಂದಿರಾದ ಕನ್ನಡಿಗರನ್ನು ಯಾವತ್ತು ಒಂದೇ ಸಲ ಬೇಳ್ತೊಟ್ಟಿದ್ದರೆ ಅತಿಶಯ ಅನಂದವಾಗುತ್ತಿದ್ದಿತ್ತು. ಚಿಂತಿ ಕಲ. ಕಿರಿಯರಾದ ತಮ್ಮಂದಿರು ಸ್ವತಂತ್ರ ಬಾಳುವೆ ಮಾಡುವದು ನೋಡಿ, ಕೆಲ ಸಮಯದಲ್ಲಿ ನಾವು ಅರೇಬಿಯಕ್ಕೆ ಸೇರುವೆವೆಂದು, ನಿರ್ಧರಿಸಿ, ನಮ್ಮನ್ನು ಮೊದಲು ಕಳು ಹಿಸುತ್ತಿರುವದು ಸಂತೋಷದ ವಿಷಯ ಇನ್ನು ಇಂದಿನ ಮಗೂ ಈ ಸನ್ನಿವೇಶಕಾರ್ಯ ಕ್ರಮಗಳನ್ನು ಸುವ್ಯವಸ್ಥಿತವಾಗಿ ನಡೆಸಿಕೊಂಡು ಬಂದ ಮಾನ್ಯ ಶ್ರೀ ತಾತ್ಪರ್ಯ ಜಯನ್ ಛೇರ್‌ವಾನ್‌ವರೂ ಯಾವ ವಕ್ಷ ಪಂಗಡಗಳ ಅಭಿಪ್ರಾಯವಿಡದೆ, ಫಜನಾತ್ಯಕವಾಗಿ ಮನಿ ಯನ್ನು ನಡೆಯಿಸಿಕೊಂಡು ಒಂದುದಕ್ಕೆ ನಾನವೆಂದೆ ವಂದಿಸುವೆ. ನನ್ನ ಈ ಮನೆಯ ಅನುಭವ ಕೇವಲ 11 ದಿನಗಳಷ್ಟು ಮಾತ್ರ ನನಗೆ ಇದೆ: ಪ್ರಥಮ ಅಧಿವೇಶನ, ಇದೇ ಕೊನೆಯ ಅಧಿವೇಶನ. ಕೇವಲ 11 ದಿನಗಳಲ್ಲಿ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷ ಮಾನ್ಯ ವಕ್ಷದ ಮುಂದಾಳು ಹಾಗೂ ವಿರೋಧಿ ವಕ್ಷದ ಮುಂದಾಳುಗಳ ಶಾಂತಿ, ಶಿಸ್ತು, ಸೌಹಾರ್ದಗಳಿಗೆ ನಾವು ಅಭಿನಂದಿಸುತ್ತಾ ಯಾವತ್ತು ನಮಗೆರವಾಗುತ್ತಿರುವ ಅಂಧ್ರ, ತಮಿಳು ಮತ್ತು ಮಲೆಯಾಳ ಸದಸ್ಯರ ಅಗಲುವಿಕೆಗಾಗಿ ಕೊರಗಿ ಕಂಬನಿ ಸುರುವು, ಅನಿವಾರ್ಯವೆಂದು ಮುಂದಡಿ ಇಡಿಯಾತ್ಯಾ ಯಾವತ್ತರಿಗೂ ನೆನಕು ಬಿಡುವುದಿಲ್ಲವೆ ಅಂತಿ ಅಭಿನಂದಿಸಿ, ನನ್ನ ಭಾಷಣ ಮುಗಿಸುವೆ ”

* **SRI A. GAJAPATHY NAYAGAR:**—“ Mr. Chairman, Sir, I congratulate my Andhra brethren on their getting a State of their own. The day of their getting a State has been fixed and they are surely going to have an Andhra State.

“ The Andhras, the Malayalees, the Kannadigas and the Tamilians form one family group. Therefore, it was only in the fitness of things that the foremost Tamilian, the Hon. Minister in charge of Finance—Sri C. Subramaniam—should have come forward to pilot the Andhra State Bill, ably assisted as he was by the Hon. the Chief Minister with his tact, wisdom and knowledge.

“ Some people have been saying that the adoption of adult franchise is a bold experiment. But we have shown to the world that we can conduct elections under adult franchise successfully. In the same way, some people have been saying that the formation of the Andhra State is a bold experiment. I think, the Andhras with their wisdom will be able to carry on the administration of their State successfully. Especially as great lovers of their language they are bound to succeed. I feel with their zeal for their language, they will be able to see that every man, woman and child in their State is educated, so that with an educated population they will be able to put their State administration on a democratic basis, that is, every man, woman and child intelligently participating in the affairs of this State. I therefore wish them God-speed.

“ I also congratulate the Members on the Treasury Benches who have helped in the passing of the Andhra State Bill and also the Members of my party who have been able to contribute their own quota to the discussion on the Bill.

[Sri A. Gajapathy Nayagar] [31st July 1953]

"Finally I wish to say that our Chairman, being a gentleman every inch,—I do not think he will blush at it—was able to conduct the deliberations perfectly well.

"Once again I wish my Andhra brethren God-speed and prosperity. Thank you, Sir, for giving me this opportunity to speak."

* SRI V. BASHYAM AYYANGAR :—"Mr. Chairman, Sir, I belong to a bilingual area. My official service has been almost in equal proportion in the Andhra and the Tamil districts. I feel at home both among Tamilians and Andhras. I cannot say I am sorry nor can I say I am very glad at the partition of the State. It is with mixed feelings that we have to part with one another on this occasion. I wish the Andhras who want to have a State of their own all success and prosperity. I also hope, Mr. Chairman, that you will continue to be the Chairman of the future Legislative Council of the residuary State."

* SRI A. M. ALLAPICHAJ :—"Mr. Chairman, Sir, I beg to say at the very outset that I am extremely sorry that the Andhras are going away from us. During the last 150 years, the Andhras, Malayalees, Kannadigas and Tamilians have all been living together, adjusting all differences among themselves and have been able to do a lot for the whole State. Soon after the attainment of independence, people in different areas of the State wanted to have States of their own formed on a linguistic basis. The Congress organization had itself agreed to the reconstitution of the various States on a linguistic basis after the attainment of independence and therefore no one could help yielding to the demand for the formation of linguistic States. Whatever may be the doubts and feelings of the hon. Member Dr. John, the Andhras are undoubtedly going to have a State of their own very soon. No doubt there will be difficulties in the beginning which the Andhras may have to face. But I ask, does not an organized State, like ours particularly with Rajaji at its head, have difficulties? Similarly the Andhras also will have difficulties. But they are a brave people. They are a generous people. They are a good and straightforward people. All their good qualities will come to their help in times of their difficulties. In addition to that, I want to impress upon the Members of this House the fact that the Andhras have got very eminent leaders, like Sri T. Prakasam. Sri T. Prakasam, whatever may be his politics and whatever may be our politics, has done much for our country and we cannot forget that fact. He is a great patriot. When there are friends like Sri T. Viswanatham and Sri Sanjeeva Reddi, I am not afraid of Communists. Why should anybody be afraid of Communists? If they believe in constitutional methods and get power through constitutional means, they cease to be Communists.

"Whatever may be the pin-pricks here and there between the Tamilians and Andhras on account of this partition issue, I appeal to the Members to forget all those things. We Tamilians may

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have our defects, but we have got our virtues also. We are a very tolerant and patient people and we know how to adjust ourselves to changing circumstances. We see an ideal Tamilian in the person of our Chief Minister and our Leader Rajaji.

"I belong to a community which may rightly fear partition. We all know the great partition of our country into India and Pakistan. We know what the partition has led to. Even after the partition of this State, there will be a large number of Tamilians in the midst of Andhras and the Andhras will have to look after them very carefully. The Andhras are a generous people and I am sure they will not do anything against the Tamilians. As far as the Andhras in the residuary State are concerned, they are quite safe in the hands of our beloved Leader Rajaji.

"The Andhra State is coming. We are not going to say a word against it. On the other hand, it is our imperative duty to do whatever lies in our power to see that the Andhra State is a great success. But let us remember this. Let us not think of further linguistic States. Once upon a time our country was divided into fifty-six bits. What was the result? Let us remember that. The whole world is attempting to come closer together. Even warring nations, the Russian people on the one side and the American and other people on the other side are trying to come closer together. When people all over the world are trying to come together, is it difficult for us living in one country to come together? Language is after all a vehicle of our expression. Is not patriotism more powerful than linguism? I think there are very many other factors which do keep us together and make us one people.

"Sir Mahomed Usman said that Rajaji did a great deal to bring about this happy state of affairs, and I agree with him.

"I join with my other friends in giving you, Mr. Chairman, my meed of praise. You have always been very fair to every Member, be he on the Government side or on the Opposition side. Sometimes there might have been a feeling of dissatisfaction, but everyone of us used to forget it at once. I am grateful to you, Sir, for giving me this chance to speak."

* DR. C. NATHAMUNI NAIDU :—"Mr. Chairman, Sir, my position to-day is unique. I am speaking on a day when we are bidding farewell to Andhras. I am a Telugu man in a Tamil area. My Friend Mr. Sitarama Das said that Madras City without Andhras would be like Ayodhya without Rama, a river without water and a bank without finances. Let me assure him that the goodwill expressed by so many Tamilians here and on the floor of the Legislative Assembly have infused in us the confidence that the position of the Telugu minority in the Tamil area will be safeguarded. I feel happy over the expression of that goodwill. Let me tell my Telugu-speaking brethren in the Tamil area that our interests will be very well looked after by our Tamilian brothers.

[Dr. C. Nathamuni Naidu] [31st July 1953]

On that score our Andhra friends need not entertain any doubt. Our State as well as the Indian Union are making all possible endeavours to safeguard the interests of minorities. Therefore I want to din into the ears of my Andhra friends that they need not entertain any doubt with regard to the safety of the Telugus in the Tamil area. -I feel proud to remain in the residuary area to which I belong. I feel glad that the separation of the Andhra area has come about, though it is much against our wish. It would have been much better if a provision had been inserted in the Constitution to the effect that the Indian Union should not be disintegrated at least for a period of fifteen years. I entirely agree with the sentiments expressed by Dr. V. K. John with regard to the disintegration of the Indian Union. There has been a cry from the Andhras for the formation of the Andhra State. What is the use of having an unwilling partner and running a concern? Somehow or other, rightly or wrongly, some suspicions have entered into the minds of our Andhra friends that the Tamilians are not ruling the State properly. The other day my hon. Friend Mr. M. Bhaktavatsalam gave certain facts and figures. They were not taken by certain Andhra friends in the proper spirit. They said that those facts and figures were not correct. An ex-Minister, who was holding a certain portfolio and who fortunately has come in our midst as a Member of this Council, was bold enough to give actual facts and figures. They were not accepted by my hon. Friend Sri M. Sitarama Das. I really regret it. Anyway the State is going to be formed on 1st October and I am sure that from that day at least goodwill will prevail between Andhras and non-Andhras.

"I am very sorry that the Andhra State will not have the advantage of a Legislative Council, because the Andhra State Bill as it has been sent to us by the Union Government does not recommend a bicameral legislature. When a small State like Mysore is allowed to have a Legislative Council, it does not appeal to reason that a big State like the Andhra State, whose Assembly will have a strength of 198 members, should be deprived of the great privilege of having a Legislative Council. Anyhow, I hope that this Government will strongly recommend to the Union Government to provide for a Legislative Council for the Andhra State and I also hope that the Hon. Chief Minister will use his influence in that direction.

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"Something has been said by the speaker who preceded me about the great leader Prakasam. I may say, Sir, that we had the privilege of having two eminent leaders of our Mother India, Sri Rajaji and Sri Prakasam. Sir, we have been deprived of the privilege of listening to Sri Prakasam because he has been taken away by the other House. What has been a loss to one House has been a gain to the other House. Yesterday when I read his speech, I found that he had composed many of his differences with Rajaji and was agreeing with him on several matters. Of course, this State is not going to be so prosperous as

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the Andhra State is going to be, because they have taken away the two deltaic areas which have been supplying rice to the residuary State. Sir, the other day charges were levelled against our Government by my hon. friend Mr. Satyanarayana that 85 or 90 per cent of the Godavari and Krishna waters is wasted by being allowed to go into the sea. So I think that when they are able to harness that 85 or 90 per cent of the water, they may allow some water to flow into our State.

"There has been a lot of controversy at the time when we discussed the Andhra Bill. Now, of course, we are going to part. We are not going to meet again as a composite body. I therefore wish my Andhra friends all happiness and prosperity. Lastly, Sir, I must congratulate you for the patience with which you conducted the deliberations of this House. We have tired you out in season and out of season. Some hon. Members of the other House asked me one day as to how we were progressing in this House. I asked them 'Why do you put this question?'. One gentleman said 'We are called to order by the Speaker very often'. I said that such a thing was not going on here. You, Sir, have put up with all our idiosyncrasies. I thank you, Sir, for the opportunity given to me to speak."

SRI SYED MAHBOOB :—“అధ్యక్షా, ఆంధ్ర రాష్ట్ర ఉద్భవములో

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దాదాపు ముప్పది సంవత్సరాలుగా ఆంధ్ర రాష్ట్రముకొరకు ఆంధ్రులు ఏ విధంగా పోరాడుతున్నారో, మనం చరిత్ర తెలిసిన విషయమే. ఈ ఆంధ్ర రాష్ట్రోద్భవముకు మన ఆంధ్ర సభ్యుల హయాంశానే యింత successful గా ఫలిస్తున్నందుకు మన మంతా గర్వపడవలసిన విషయము. ఇక డ ఫున్న తమిళ మిత్రులు కొందరు యీ రాష్ట్రోద్భవము జరుగుతున్నందుకు చాలా విచారకరంగా భుజని చెప్పారు. అలాంటి విచారాన్ని గురించే ఇదే పదే మన మిత్రులు చెప్పడమనేది జరుగుచున్నది. కాని మనకు విచారకరంలే సంక్షేమ ఆధికంగా భుజుదని నా అభిప్రాయము. ఎందుచేతనంటే, ముగ్గుటి ఆంధ్ర ప్రజాసేకం దాదాపు ముప్పది సంవత్సరాల వాంఛ యిప్పటికి ఫలిస్తున్నదనే విశ్వాసము మన కందరకు కలుగుతున్నది. వారి యొక్క పోరాట ఫలితమే యీ ఆంధ్ర రాష్ట్రోద్భవతరణ అని గుర్తించాలి ఆంధ్ర రాష్ట్రోద్భవతరణ కాబోతున్నదని ఆంధ్రుల యొక్క సంతోషాన్ని తెలియజేస్తున్నామే గాని, ఆంధ్రులు విడిపోవలసి వచ్చిందే అనే ఆతురత మా ఆంధ్రులకు ఎంతమాత్రం లేదని సభ్యులు గుర్తించాలని విజ్ఞప్తి చేస్తున్నాను. ఆంధ్రుల పురోభివృద్ధి కొరకున్న ఆర్థికాభివృద్ధి, విద్యుత్ పెంపొందించు కొనుటకున్న, ఆంధ్రుల పరిపాలనా సౌలభ్యము చక్కపరచుకో గలందులకున్న, పరిపాలనలో లోటుపాట్లు చక్క దిద్దుకో గలందులకున్న, మా ఆంధ్రులు వేరే రాష్ట్రము విర్వరచుకొంటున్నారేగాని, ఆంధ్రులు తమిళ మిత్రులనుండి విడిపోతున్నందుకు వేరు కారణాలుగాని, అనుమానాలు పెట్టుకో నవసరంలేదని చెబుతున్నాను. ఆంధ్రజాతి పురోభివృద్ధి తృప్తికరంగా లేనందుకల్లానే, ఆంధ్రులకు వేరు రాష్ట్రము కావాలని యిన్నియేడుగా ఆందోళన చేసి, మన రాష్ట్రము ధంపజేసుకున్నారేగాని, వేరు కారణంవల్ల కాదు. తమిళ మిత్రులు ఆంధ్రులయందు యితర కారణాలున్నవని అనుమానించ నవసరము లేదు. ఆంధ్ర రాష్ట్ర యావద్భారతంలోనే ఒక రాష్ట్రంగా ఉండాలదు. మనక ఆంధ్రులు విడిపోతున్నారని ఎవరు చింతపడ నక్కరలేదు. భారత జాతి అంతయు ఏక

[Sri Syed Mahboob]

[31st July 1953]

జాతిమేనని మన మండరము గుర్తించాలి. ఇంతవరకు జరుపబడిన పరిపాలనా విధానము సక్రమముగా లేనందున, యిదిమీదటనైనను ఆంధ్రులయొక్క వికృత, దౌర్జన్యము, విజ్ఞానము అభివృద్ధి పరచుకోటానికి భాషా ప్రయత్న రాష్ట్రాలు కావాలనే ఉద్దేశ్యముతో ఆంధ్ర ప్రజానీకము ఆరోగ్యవంతుగా, యశస్విను మొదటి భాషా రాష్ట్రముగా విప్పడబోయే ఆంధ్ర రాష్ట్రావతరణ తదుపరి, దేశములో నిజమైన ప్రజారాజ్యము ఏర్పడుతుందని ఆశిస్తున్నాను. భాషా ప్రయత్న రాష్ట్రాలలో మొదటిదిగా ఆంధ్ర రాష్ట్రము ఏర్పడుతున్నందున, ఆంధ్రులు ఒక్కరే కాకుండా, భాషా ప్రయత్న రాష్ట్రాలు కావాలనే వారందరుకూడా సంతోషింపవలసి యున్నది.

“ఆంధ్ర రాష్ట్రములో కమ్యూనిస్టులన్నారని మనలో కొంతమంది మిత్రులు అన్నారు. అంతేకాకుండా ‘యీ కమ్యూనిస్టులవల్ల భయపడవలసి వస్తున్నదని గూడా వారు ఒక విధమైన ఆరోగ్యనను వెలిబుచ్చారు. ఈ విషయములో ఆలా భయపడే మిత్రులకు నేనొక విషయము చెబుతున్నాను. కమ్యూనిస్టులను వ్యతిరేకులుగా తన్న ప్రదేశాలలోనే కమ్యూనిస్టులు వచ్చారు. కమ్యూనిస్టులవల్ల భయమన వస్తున్న స్వలాభపరులు పదవి వ్యాపారపరులు దేశాన్ని నాశనంచేసే కార్యము వాడులతో భయపడాలి. కమ్యూనిస్టు పార్టీ దేశములో ఎంతకాలము ఉంటుందో అంతకాలం పరిపాలన సక్రమంగా నడవగలదని నేను పూర్తివిశ్వాసముతో చెబుతున్నాను. పరిపాలనలోని లోబుబాటులు వెలిబుచ్చుటకొరకే కమ్యూనిస్టు పార్టీ ఏర్పడింది. ప్రజలను మభ్యపరచి ప్రజలను అన్యాయముచేసే యీ పరిపాలనను ఎదుర్కొనుట కోసమే, యీ కమ్యూనిస్టు పార్టీ ఏర్పడింది. ప్రజలకు యీ కమ్యూనిస్టు పార్టీవల్ల లాభకరమే గాని, నష్టములేదని చెప్పగలను. ‘Urdu’ ఇందు నిదర్శనముగా ఒక ఉదాహరణ చెప్పొంటున్నాను. కార్యకర్తల పరిపాలనను గురించి ఒక ఆభ్యుదయకవి యీలా అన్నాడు. “భుత్తికి హెవ్ అక్లా మెజిన్ సెమస్ నవ్ బి ఛామైరెహా”. తెనుగు అనువాదం : మీరు బ్రతికిన కాలాని అసిస్టురెయిన్నారు, జాగ్రత్త ఆ ఎముకల పింజరములలో ప్రాణివుంజుకుంటుంది”

“అందువల్ల ప్రజా వికృతన, ప్రజా శక్తిని, ప్రజా will power ను ఎవరైనా అరికట్టగలిగితే, అదినియంత్రుత్వానికి ప్రధాన సోపానం ఆవుతుందని ఆంధ్రుల కందరికీ చెబుతున్నాను. ఆంధ్ర రాష్ట్రావతరణలో, ఆంధ్రుల దీర్ఘకాలవాంఛను, సాధించుకోగలిగితే ఆంధ్రులు తమిళ సోదరులనుండి విడదీపాతున్నారనే చింత, ఆతురత తమిళులకుగాని, మరెవరికిగాని ఆక్కిరలేదు. ఆంధ్ర రాష్ట్రమువస్తే, ఆంధ్రుల ఆర్థిక స్థితిగతులు యెంతోవారు పడతవని దృఢముగా నమ్మండి. ఆంధ్రుల చిరకాలాశయాలు శీఘ్ర గతిని నెరవేర్చుకోగలరని ఆశిస్తున్నాను. ఆంధ్ర రాష్ట్రము ద్వీజయముగా ముందుకు సాగిపోగలదు. తమిళ సోదరులనుండి ఆంధ్రులు విడదీపావడము ఆంధ్రుల కాని కొరకేగాని వేరుకాదు. ఆంధ్రులు, తమిళులు సుహృద్భావంతో, అన్నదమ్ములలాగు విడదీపి పోజాలని ఆశిస్తూ, నా ఉపన్యాసమును యింతటితో ముగిస్తున్నాను.”

* THE HON. DR. M. V. KRISHNA RAO :—“Mr. Chairman, Sir, I am extremely grateful to you for having given me this opportunity to express my sense of gratitude to all the friends who have spoken to-day in this House on the last day of the session and before the division of this composite State into the residuary and Andhra States. In the first place, Sir, let me express my

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sense of privilege of being in this House with you as our Chairman. I had the privilege of association with you, Sir, for a number of years in other councils such as the Medical Council and as a leader of our profession. But I had the unique privilege of working in this House under your Chairmanship which has been gentle, firm and always associated with high distinction. Further, Sir, I had the privilege of working in a team under a great captain the Hon. the Chief Minister who is one of the greatest statesmen of our country. Long afterwards, Sir, I will remember the time and the privilege I had in being a Member of this House under his leadership and in the team in which I have worked and in the company and comradeship of friends from all parts of South India in this House. It may not be out of place if I say, Sir, that in the Hon. the Chief Minister I have found a great exemplar and an inspirer in regard to the sense of duty and the standard of performance of our duties. I and my friends have tried our best to discharge our duties to the satisfaction of our conscience and to the satisfaction of the members of this House and the people at large. One hon. Member was referring to different votes cast by members of the party and some Ministers. May I mention, Sir, that the greatest thing that I had occasion to appreciate as a member of the party and as a member of the Cabinet was this, namely, that our leader showed the greatest consideration to those who happened to view a thing from a different angle from his own, whether he be a member of the Cabinet or whether he be a member of the party. Particularly, Sir, after the question of the formation of the Andhra State came into the picture and as we were going on with the various preliminary measures for the formation of the Andhra State and more especially during this period of the consideration of the Bill in the two Houses, I must acknowledge, on behalf of everyone, that he has shown the greatest consideration to the members of this Cabinet and to the members of the party.

“He said : ‘Here is an issue on which Members of all parties must be free to express themselves and vote as they please.’ That is itself a great example of his statesmanship and we have learnt under his captaincy how to work together with a sense of oneness. We will always cherish his memory and I will particularly cherish it as I have benefited much from his experience.”

“Sir, there is likely to be no Upper House or a bicameral Legislature in the Andhra State. I had the privilege of coming into this House from the Graduates’ Constituency of the 12 Andhra districts. My experience in the last one year has impressed on my mind that the new composition of the Upper House in accordance with the Constitution is a great asset to any State. In this House, I have found educationists and teachers and it has been quite an education to me to work with them and quite pleasant to move with those distinguished gentlemen. So, having a House in which we could have men distinguished in various walks of life—not only education but several others—is a great

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benefit. But We in Andhra are going to be more democratic (laughter) and, therefore, we may not have this House. Particularly, Sir, I will be missing the question hour for a very long time. As soon as the Chairman takes his seat his first business would be to call Mr. Purushothama Mudaliar or Mr. T. G. Krishnamurthi or Dr. Nadamuni Naidu and it was always a great pleasure to me to stand before them and to learn several things. I think we have had a record number of interpellations in this House and I feel if there is to be a prize for the Member who has put the largest number of questions, that will go to my esteemed Friend, Mr. Purushothama Mudaliar.

"Sir, so much has been said about linguistic States and so on. I shall not be tempted to go into that question now. But I am one of those who believe that it is inevitable, natural and best to reorganise our boundaries on the basis of language as far as possible. It involves risks. It creates problems. But those problems have to be solved and the risks have to be faced. The benefit that will accrue in the long run in the shape of integration of the country and security of our country will be greater if that policy is adopted. From this point of view, I do not see any danger in the future and I hope and trust that there will be the greatest amount of co-operation and fellow-feeling between these two Sister States.

"Coming to the Madras City, Sir, I studied here as a student of the Presidency College and I always consider it a privilege to come to Madras where I studied and rubbed off my angularities in association with various friends who used to come from various linguistic areas. I am afraid that the Andhra students, if they begin to feel that localism or parochialism, will miss that opportunity. I am confident that this great City of Madras which gives shelter to people from various parts of the country, speaking various languages, and which is a great educational centre will continue for long as the meeting place for students from the various parts of South India where all the languages would be studied and where all will join together in the pursuit of knowledge. But that will not be and that cannot be, as the distinguished Vice-Chancellor of the Madras University has said and also as our Chief Minister has said, achieved merely as a result of stipulations and understandings and Statute and all that. But I have not the least doubt in my mind that Madras will be the rallying point for all students and will continue to be the confluence of the cultures and languages of South India.

"I am sure that this question of education in the bilingual areas will be solved and it will not present any difficulties. If this is done there will be great understanding between the neighbouring people who speak different languages. The historic links of culture and social life cannot be broken. There is a continuous belt of over 200 miles along the borders of the two States which has people who speak both Tamil and Telugu. They can never

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be separated from one another. Great exchanges of population have occurred over thousands of years and nobody can set aside what has taken place during this period. Sir, the present separation is only an administrative arrangement. It is a historical fact that Tamil Nad has a larger number of Andhras than there are Tamils in the Andhradesa. It may be that the Andhras have assimilated the Dravidian culture thousands of years old and they are still called Dravids and they have forgotten their old consciousness. The Telugu people who live in Tamil Nad live comfortably and happily and I do not agree with Dr. Nadamuni Naidu that they would need protection here and the sympathy and care of the Andhras outside, because they have been in Tamil Nad for centuries and do not need any special protection now. So far as Andhras are concerned, there is neither a question of pessimism nor a question of too much optimism. They have to go ahead with a spirit of sober optimism and determination to discharge their duties and to promote the welfare of our country—the Indian Union. I am sure Andhras will learn by error, by experiment, by the difficulties that they have to face. I hope when the Krishna and the Godavari waters are harnessed to the full, they will overflow the boundaries of Andhra and will certainly make rich the soil of Madras and that food in South India will be plenty and will be equitably distributed. And also with the confluence of cultures and languages here, I am confident, there will not be the least ground for us to feel any tinge of sadness that linguistic States have come about.

"Sir, with these sentiments I once again express my deep sense of gratitude to all the Members of this House and others who gave me this privilege of being Member of this House and a Member of the Cabinet under our distinguished Chairman and under our great Captain, the Chief Minister, respectively. Thank you, Sir."

* SRI S. RAMAKRISHNAIAH :—"Mr. Chairman, Sir, I am sure that the people of Andhra and of the Tamilnad will as ever be united as before even as it was possible for the Ganges and Jumna to unite and form themselves into a mighty river. So also here it is possible for us to unite into a mighty people in spite of the separation. Though these States may be separate they are not going to be separate States so far as their dealings with the other States are concerned. Separate as they are, I am sure they will provide a united stand when they go to the Centre and they will unite and put up fight with the Centre on all common matters affecting them. Let me thank those hon. Members who have showered their blessings on the Andhra State and on behalf of the teachers of the Andhra let me express my gratitude to them for their best wishes."

* THE HON. SRI C. RAJAGOPALACHARI :—"Mr. Chairman, Sir, we have taken perhaps more time in parting than we took in the other House. I endorse every word of what

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was said by the Leader of the Opposition at the outset and by Dr. Krishna Rao towards the end; they have said very true things and they have said very important things and we cannot emphasize those things too much and we should remember them all through. A great deal has been said with reference to partition itself, with reference to the advisability of partition and the future of the State and the like but I do not think we need go into all those matters. Our best wishes are there and history is waiting for the fulfilment of expectations. As has been observed by more than one Member, we should have hope, we should have courage and we should be humble and we should work hard and set an example in achievement to other States by working the new State. In that no one can wish the new State better luck than I wish them on this occasion. We are dividing by language but I believe in having small units for Government, small units for administration whether it is in commerce or industry or in other activities. I agree with Dr. John that we should not divide on the basis of language because dividing on the basis of language after thousands of years during which period trade and commerce have grown give rise to big problems and difficulties. There are quite a huge number of Telugu-speaking people throughout the Tamil country going up to Ramanathapuram beyond which there is the sea for crossing which we would have to take the services of Hanuman; there are whole masses of people, clans of people, people doing cobbler's work, people doing dhoby work and the like, there are whole communities of people speaking Telugu but they do not know that they are speaking Telugu. The poison of self-consciousness has not entered their souls and like Adam and Eve they had been walking about without knowing anything about sin, till this question came up and their eyes have been opened to the fact that they were speaking a language different from the rest. Sri Nathamuni Nayudu said that Andhras who were living here should be treated with tolerance, condescension and graciousness by the ruling Government in the Residuary State because they were minorities. I am not sure if Sri Nathamuni Nayudu can talk as good Telugu as I. I say, Sir, that it is all non-sense. What is this language? It is only a medium of communication but flesh and blood are the same. Let me go further like a third-rate scholar. What is the difference between Telugu, Tamil or Kannada; they are dialects of one language and are not really different languages. If a mother wants to ask her child whether it wants milk the Telugu mother says 'palu' and the Tamil mother calls it, 'pal' while the Kannada mother says 'halu'. Even a Tamil child would cry 'palu' because the child wants to pronounce a full vowel at the end. The Kannada 'balu' is not different from 'palu' or from 'pal', there is a rule which is a very simple rule which can be easily understood, 'u' becomes 'o' in Kannada. We should all be really proud of the mother language which is the mother of all these dialects. We are fighting like sisters born of one mother and instead of recognizing unity we are not only lost in diversity and self-consciousness but we are also trying to divide States on

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the basis of language. I can speak for hours on this question. We should not imagine that we are different people on account of language. People do not become different because of language but for other reasons. We are parting now. As a man belonging to an older generation than many here, I can remember many Andhra friends who had passed away but their figures come before me, Sri B. N. Sarma, a giant, Konda Venkatappaya, Nyapati Subba Rao, Mocherla Ramachandra Rao, Jogayya Pantulu, the father of Sri V. V. Giri, and there are others whom I can mention, Gopalakrishnaiah who died very young; all these people are gone and they were such great friends of mine. There was no feeling of distinction and difference between us at that time. There was Nageswara Rao a man who scattered his money like a hero of the Mahabharatha, like Karna, but now we have men who are too self-conscious in regard to their affairs. That is my complaint; we should not be so self-conscious; on this occasion, I hope I may be permitted to give that advice. Look at the people in Tamilnad in the ancient days. In the old days 2,000 years ago, it is mentioned that Kaverippomattinam, which was at the mouth of the Cauveri, was a city where people of various countries, Romans, Greeks not to speak of Telugus, Kannadigas and Malayalees and others gathered for trade and commerce. It may be, there are not so many Tamils in the Telugu country as there are Telugus in the Tamil territory. The reason is historical. The Telugu country was not peopled so long as Tamil country. The Tamil country is much older as an occupied country than the Telugu country and that is why there are more Telugus in the Tamil country than there are Tamil people in the Telugu country. The Tamil people took religion and piety to the Telugu people. They did not bother about their own language; they did not bother about giving up their language; they took to the language of their disciples. Let us take Sri Ramanuja; I think he had more disciples in the Telugu country than in the South. Though in pursuit of commerce they did not go to the Telugu country, religion took them there. Though by conquest the Tamils did not go north, we know the Telugus came down here. We know what conquest meant in those days. It was a very simple thing. An elephant or a horse was sent round and if it was well received on account of the coming army, it was enough and it was called a conquest. That was how conquests took place in those good old days. The conquest of the South by the Telugu people was a conquest of peace, friendship and civilization. But there is also an example of the conquest by a Chola King of the Telugu country and that was Raja Mahendra Chola after whom is named Rajahmundry. It was more an extension of trade and commerce and civilization which carried with it political government.

To-day more Telugu people are in the South. They have not only been tolerated but nobody knows the difference between Telugu and Tamil. In fact when I lived in a village, I spoke to the cobblers there and to the dhobis there. When I asked them

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what their language was, they said they did not know. But when I gave a few Telugu words they understood. When I said టెలుగు, తెలుగు, అది, they said: 'Yes, that is our home tongue.' They knew nothing else. They say టెలుగు, తెలుగు, అది and that means they are Telugu-speaking men. There is no other difference. A beautiful synthesis which was a joy in itself has now become a matter for quarrelling. It is a pity and it is unnecessary in my opinion and it will be forgotten soon. There are some things people want and they get it. After getting it, they see nothing in it at all. Things should be enjoyed without too much consciousness. I hope it will be enjoyed in that way. There should not be the notion of any division.

"They are dividing assets, liabilities. But how can they divide the Speaker and the Chairman? These two great assets they cannot divide. Members can be divided, money can be divided, property can be divided. All that can be done. But the Speaker cannot be divided, the Chairman cannot be divided. Both of them have to remain here. I think the Andhras have lost a great deal in that. They may quarrel over assets. But they have lost the most in the Chairman and the Speaker, left behind in the Residuary State without a claim made for dividing them. (Laughter.) I hope they will get as good a Speaker there, and I hope they will get as good a Chairman there. I also hope they would get as good a Chief Minister. I would be tempted to press the claims of an old man like myself but it won't be right on this occasion to do such a thing. I would be misunderstood. I hope they would get a Chief Minister who, if I may say so, will claim the qualities which have been attributed by others to me and having heard which I claim them for myself in this context. I wish they would get a Chief Minister, who will have consideration for the feelings of the other side, a Chief Minister who will understand the viewpoint of others, I wish they would get a Chief Minister who would be as kindly as I feel towards those who differ from me whatever may be the sphere. I do hope God will bless them with such a Chief Minister. Leaders are passing away one after another. They are the greatest asset and nothing else. Any other asset will be spent off in a year or two and there will be nothing left.

"We are parting. Let nobody think that we in the Residuary State are losing nothing. Who can replace Dr. Krishna Rao in our Cabinet? (Applause.) Who can replace Sri Ranga Reddi in our Cabinet? (Applause.) Dr. Krishna Rao's speech was itself a proof and an illustration of the loss. I need not describe what Dr. Krishna Rao was to me. He has without meaning it explained it himself. Sri Ranga Reddi is the simplest of men. He does not look simple. But he is a wonderfully simple man. I think he is as simple as a child, I can say, and I am sorry that some of the Andhra brothers do not understand that valuable quality in him. That is the most valuable quality in a man—to be as simple as a child and Sri Ranga Reddi is that. You can get him to do nothing wrong and that is the greatest thing that one

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can ask for. It is a pity we are losing these people for no cause. We do not want them to go. Even if the Andhra State passed a resolution and gave them both to us, so far as I am concerned, I would be glad to take them and the Residuary State will be better and richer for it. I am sorry they are going away. It is all right and I can understand politically why Dr. Krishna Rao goes and why Sri Ranga Reddi goes. But why on earth should Sri Nagan Gouda be taken away from us, I cannot understand. (Laughter.) The Andhra claim is there and the Andhra Ministers may go away and Andhra Members may go away. But why on earth should Sri Nagan Gouda be dragged away in this inundation so to say? He is not an Andhra. But somehow on account of the fact that Bellary was a bilingual district we lose Sri Nagan Gouda also. I am sure that it is one of the greatest losses that we have sustained because at no time did we have a Minister really so good and well-equipped, well-equipped in the subject with which he was dealing, namely, Agriculture. He is one of the best men that we could possibly pick out to deal with Agriculture. Look at his qualities and manners, how he combines in himself knowledge with gentleness and humility, not only inside but even making other people believe that he knows nothing. That is the utmost pitch of humility wherein even others do not see how well-equipped he is. He is lost to us for no cause. I am very angry with the Andhra partition for that reason. The Andhras go. I do not mind. But why take away this man? I think it is a great injustice perpetrated by the Andhras upon the Residuary State. Unfortunately that has happened. But Mysore is not a stranger and I am very glad he is going there. I wonder whether Mysore will appreciate Sri Nagan Gouda as we have been going and make full use of him as we have been trying to make. I hope they will do it and it will be all for the good.

"Once upon a time, long ago, it is not very long ago, when I was in Delhi as Governor-General, Dr. Pattabhi Satharamaiah another old colleague of mine who is, thank God, still there, pressed upon me the desirability of my signing the Andhra Act, the partition Act when I was Governor-General. He said: 'It should be done. Let it go to your credit. Please hurry it up. At least introduce in the Schedule, the name Andhra. Put off if you like the actual partition, but at least put it in the Schedule of the Constitution. It would be a great thing if in your time you do it. That is what he told me. I said: 'Well it is not possible. What is the good of putting a name in the Schedule? That is not really what you want. To help you to get what you want really, so many other things have to be done, this, that and so many other things'. I never thought at that time that I would be the Chief Minister here when finally the partition is to take place. What he wished for me has happened in a different way. I think it is my good luck that the fulfilment of the wishes of the Andhras is somehow associated with me in this manner. It is a good thing to be associated with the gratification of the desires of a big people.

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A longstanding desire of theirs is being gratified and being associated with it is good luck for me. But with joy there is always pain. Kalidasa depicted it when the foster father Rishi sent the heroine to the Maharaja's palace hoping that he would receive her with open arms. He sent her to the Maharaja's palace and then the poet describes the joy of sending the girl to her husband's house. It was mixed with so much pain also. Said Kanva Rishi, 'If a Rishi like me should feel so much sorrow and pain on a foster daughter like her being sent to her husband the Maharaja's palace how much more grief the householders and fathers should feel when they send away their daughters to their husbands' houses. That is one of the finest passages in Sakuntala. This going away of the Andhras reminded me of that. They are going to their husbands' houses and may they have better luck than the heroine of Kalidasa.

"We are sorry. We are glad. We are happy that Andhras' desire is fulfilled. We are happy that she is going to a king's house, that she has got her own State. It is as good as a daughter going to the king's house as a queen. We are sorry we are parting; we are sorry because though we were only a foster father as Andhras imagine us, we were together for a long time and have generated a feeling of mutual affection and blood relationship. The whole House is happy about the fulfilment of the longstanding desire. But still there is the pain of parting. So far as we are concerned we have lost good Members.

4 p.m. "Mr. Venkata Rao has asked me to forgive and forget. I do not think there is anything to forgive and forget. I am blessed with a gift from God to forget things. So I forget without attempting to do it. I forget because my memory is short. I do not think there is anything to forgive and let us part like that. Let us all develop by effort, this capacity to forget. That is what we have to do. Thank you, Sir, for giving me this opportunity to express my thoughts on this occasion."

MR. CHAIRMAN :—"Hon. Members, it is now my turn to say a few words to you at this last meeting of our composite Council. Before I say anything about our Andhra friends, I want to thank all the speakers who made very kind references to me and my presiding over this august body. I must thank Janab Mahomed Usman particularly for his very kind words. He knows himself that he is mostly responsible for the position I have been occupying here. I have never taken any important step in my life without consulting Janab Mahomed Usman and he has always given me the correct advice. He is a man with great commonsense, who understands and discriminates things. I never had any hesitation in following whatever advice he has given me.

"Several of you also talked about the way in which I have conducted the proceedings in this House. I must confess that nobody can conduct a meeting or preside over a meeting unless he has got

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the co-operation of the Members present. I have had this in very great abundance from you. Sometimes I had been very, very worried and I did not know how to deal with certain questions. My friends asked me, 'How do you manage things.' I told them, 'I have always the comfort and satisfaction that whenever any difficult or intricate questions come up, Rajaji is there to help me. He will get me out of them and he has always done that. I do not bother and I have not taken the trouble to study them properly'. I told them the honest truth. Rajaji has also got a very important lieutenant in Mr. Subramaniam. I told him yesterday, 'I knew that you were a clever man but I never knew that you were a brilliant man'. That is what I actually meant (applause). You will have noticed the way in which he has been deputising for the Hon. Chief Minister, his wonderful grasp of things and the way he puts things to you and manages things with people like you (pointing towards the Opposition Bench). It is not an easy task.

"I do not know why you have said all those good things about me. Probably as we are parting you have said them and I very much appreciate what you have said. I thank you most sincerely and pray God will give me courage and strength to do the good work which, you say, I am doing.

"Now coming along to the parting of our Andhra brethren, I have been associated with the Andhras for many years. I have not understood any difference between Tamilians, Andhras and Malayalees. It was, as years went by, when I heard about the agitation for an Andhra province, I found there is some difference between Andhras and Tamilians. But one great thing I have found among the Andhras is their great sincerity. Some of you have talked about them as being emotional. Well, 'emotion' is really, according to me, an alternative word for 'honesty'. Because the moment you hear a thing, the immediate response is emotional response and that is the correct attitude which your brain dictates to you. They do not indulge in equivocation or evasion or mental reservation. The truth comes out straightaway. More than that, they have the great quality of forgiveness. Three days ago, Mr. Sitarama Das was very angry with me and walked out of this House. Yesterday I met him and we are good friends again and we shall continue to be friends. With this quality in the Andhras, I am sure, they have a very great future before them.

"Sometimes I wonder why there should be this difference between Andhras, Tamilians and Malayalees. If all of us think that we all belong to this great Indian Union and we stand for the Indian Union, then these differences will become very, very small. After all, according to the Fundamental Rights guaranteed under the Constitution, you have a right to reside and settle in any part of India. So, if you do not divide like this and if you feel you are all Indians, all of us will be very, very happy, but you are now going away from the Residuary State with all the goodwill

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that anybody can command. You go away with all our best wishes. Now, I remember a story, it is not quite a story, about a letter which George Bernard Shaw wrote to Mr. Winston Churchill when one of his very important plays was being acted in London. He sent to Mr. Churchill two complimentary tickets and said, in his letter, 'To-morrow is the first night of my play. I hope you will be able to come and please bring a friend along with you, if you have one'. Mr. Churchill, being a clever man, replied, 'Thank you very much for the complimentary tickets. I am afraid I will not be able to come on the first night but I will come for the second night if you have one.' I want to tell our Andhra friends: you have promoted good feeling among the people you are leaving behind. We hope you will have a successful future. You have very many leaders of eminence. You have very experienced men. You have great character and great wealth. You have been trained here under a very, very great man, one of the finest men India has produced (hear, hear) and, I am sure, you will always have the greatest respect for that great man, our Chief Minister Mr. Rajagopalachari. But if by any chance it should happen, as Dr. John hopes, that this division does not take place and if by any chance you come back, I do not think anyone will object to that. On the contrary, I think, everybody will be happy. We shall receive you back just like the prodigal son who came back. The father will be there not with one fatted calf but with several fatted calves. You will find a very happy home among us again.

"The Hon. Speaker of the Assembly, while wishing the Andhras well, said the other day, 'I shall not say goodbye to you because it is very, very difficult and it is very sad to say goodbye and therefore let me say "Au revoir"'. Before I say that, I would like to thank one of the Ministers, particularly a Member of this House, Mr. Ranga Reddi, whom I knew from the time I stepped into the Council. I said to him then, 'I am not boasting; I have some intuition and I think you are going to become a Minister.' He actually became a Minister.

"I know Dr. M. V. Krishna Rao for many years. He is one of those very scholarly type of people and he, therefore, naturally presides over Education in our State. We shall be very sorry to leave him but the time has come and, I suppose, we must part. Therefore let me wish you all the best that God and this country can give you. Let your light, which is very, very bright, shine forth among men that they may see your light and learn all that is good from you. Thank you very much, *Au revoir*. (Applause.)

"The House will now adjourn *sine die*."

The House then adjourned *sine die*.

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APPENDIX I.

[Vide item III (1) at page 656 supra.]

L.A. BILL No. 21 OF 1953.

(As passed by the Assembly.)

A Bill further to amend the Madras Tenants and Ryots Protection Act, 1949.

WHEREAS it is expedient further to amend the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title*.—This Act may be called the Madras Tenants and Ryots Protection (Amendment) Act, 1953.

2. *Amendment of section 1, Madras Act XXIV of 1949*.—In section 1, sub section (3), of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1953", the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1954" shall be substituted.

APPENDIX II.

[Vide item III (2) at page 666 supra.]

L.A. BILL No. 22 OF 1953.

(As passed by the Assembly.)

A Bill to provide for the regulation, conservancy and improvement of the port of Mangalore.

WHEREAS it is expedient to provide for the regulation, conservancy and improvement of the port of Mangalore, and for that purpose, to apply the provisions of the Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), to the port of Mangalore with certain adaptations and modifications; it is hereby enacted as follows:—

1. *Short title*.—This Act may be called the Tuticorin Port Trust (Application to Mangalore) Act, 1953.

2. *Application of Madras Act II of 1924 to the port of Mangalore*.—(1) The provisions of the Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), shall apply to the port of Mangalore subject to the adaptations and modifications set out in the schedule.

(2) The Tuticorin Port Trust Act, 1924 (Madras Act II of 1924), with the adaptations and modifications set out in the schedule, incorporated in the said Act, shall be called the Mangalore Port Trust Act, 1953. A copy of the Mangalore Port Trust Act, 1953, shall be prepared by the Secretary to Government, Legal Department, and published in the *Fort St. George Gazette*.

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(3) Copies of the Mangalore Port Trust Act, 1953, as so published, shall, as soon as may be, be laid before each House of the State Legislature.

THE SCHEDULE.

[See section 2 (1).]

1. In the Tuticorin Port Trust Act, 1924, for the words 'Tuticorin' and 'Tinnevely District Gazette,' wherever they occur, the words 'Mangalore' and 'South Kanara District Gazette,' shall respectively be substituted.

2. In the provisions of the Tuticorin Port Trust Act, 1924, set out in the first column of the table below, the modifications set out in the corresponding entries in the second column thereof shall be made.

TABLE.

Provisions of Act.	Modifications to be made.
(1)	(2)
Preamble	Omit the words "And WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act".
Section 1	For "1924" substitute "1953".
Section 3	In clause (1), after the words "bed of the sea", insert the words "and river".
Section 6	For clause (a) of sub-section (2), substitute the following:— " (2) (a) The members of the time being of each of the following bodies shall be entitled to elect the number of trustees specified against it, at a meeting of the body held in accordance with its rules as then in force:—

- (i) The Mangalore Municipal Council 2 trustees.
 (ii) The Kanara Chamber of Commerce 4 Do.
 (iii) The Western India Tiles Manufacturers' Association. 2 Do.

Provided that a person who is a member of either of the bodies referred to in items (ii) and (iii) shall not vote except as a member of one of those bodies chosen by him, such choice not being revocable for a period of two years reckoned from the date on which he last so voted, whether he continues to be a member of that body or not."

Section 28	For "Schedule I", substitute "the Schedule".
Schedule I	For "Schedule I and the entries thereunder", substitute the following:—

THE SCHEDULE.

(See section 29.)

The properties vested in the Board.

1. All that piece or parcel of land known as S.R. No. 1696/1 (T.S. No. VII-108/1) in the Casba Bazaar village of the Mangalore town enclosed by compound wall with Port Officer's bungalow and out buildings thereon with St. Ann's Convent on south and partly west, Municipal road on the east and patta land (warfi land) on north and partly west.

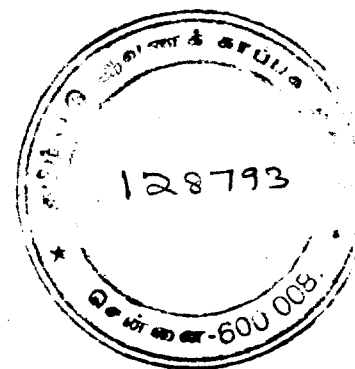
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2. All that piece or parcel of land between the north and south reclamations enclosed by Customs Wall, with buildings, structures and appliances thereon excepting land demarcated as customs land and the buildings thereon.

3. All that piece or parcel of north reclamation area between the Varthaka Villas to the north and the Customs Wall to the south including the buildings, structures and appliances thereon excepting buildings and structures erected thereon by the licensees or grantees according to the terms of respective licences and grants.

4. All that piece or parcel of south reclamation area between the Customs Wall to the north and the key wall adjoining the railway goods yard to the south with all buildings, dry dock, structures and appliances thereon excepting buildings, oil installations erected thereon by the licensees or grantees according to the terms of respective licences and grants.

5. All that surveyed and unsurveyed piece or parcel of land other than those mentioned in items 1 to 4 above, backwater, sandspit and swamp that lie within the limits of Mangalore Port published under Marine notification issued in G.O. No. 85, Marine, dated 3rd March 1903, with buildings, structures and appliances erected thereon excepting Fisheries yard and school and other buildings and structures erected or constructed by licensees, grantees or lessees according to the conditions of respective licences, grants or leases."



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