

MADRAS LEGISLATIVE ASSEMBLY DEBATES

FIFTH SESSION OF THE LEGISLATIVE ASSEMBLY
UNDER THE CONSTITUTION OF INDIA.

Volume XI (Nos. 1 to 7).

4th to 9th and 11th January 1954.

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THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 4th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Gandhi Statue at Avalurpet.

* 272 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state whether the demolition of the wall constructed between the dwelling house and the Gandhi Statue at Avalurpet, Gingee taluk, South Arcot district, ordered by the High Court, has been carried out; and if so, when?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“ Yes, Sir. On 12th October 1953.”

SRI K. R. VISWANATHAN:—“ May I know why and by whom the wall was constructed and what was the basis for the order of the High Court? ”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“ The wall was constructed by some local residents. It was objected to. It was a matter of proceedings both before the Subdivisional Officer and the High Court. Finally, the High Court ordered that it may be demolished and it was demolished.”

SRI V. GOPALA GOUNDER:—“ May I know whether the persons responsible for the construction of the wall were prosecuted? ”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“ I want notice, Sir.”

Subsidy for the construction of wells in the South Arcot district.

* 273 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many wells were constructed in the Cuddalore taluk of South Arcot district in 1952-53 with the help of Government subsidy or loans;

(b) how much amount was granted as subsidy for sinking wells;

(c) what is the amount of loan granted for sinking wells; and

(d) whether any agriculturists belonging to the Harijan Community received such benefits from the Government and the particulars of such benefit?

[4th January 1954]

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) Eleven wells.

“(b) It is presumed that the hon. Member refers to subsidy loans granted. The figures are—

Rs. 85,000 for 1950-51 and Rs. 1,02,500 for 1951-52.

“(c) It is presumed that the hon. Member refers to takkavi loans. The figures are—

Rs. 2,950 for 1950-51 and Rs. 4,800 for 1951-52.

“(d) No Harijan agriculturists received the benefit in those two years.”

SRI A. RATNAM :—“ஹரிஜனங்களிடமிருந்து குடிதண்ணீருக்காக கிணறுகள் வெட்ட வேண்டும் என்றும், எத்தனை கிணறுகள் வேண்டும் என்றும் எத்தனை மனுக்கள் வந்தன? அதில் எவ்வளவு மனுக்கள் கவனிக்கப்பட்டன? எவ்வளவு மனுக்கள் நிராகரிக்கப்பட்டன?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“If a separate question is put, I will answer it.”

DR. K. B. MENON :—“May I know on what basis these loans are determined, who determines these loans, and are these loans available to-day for distribution all over the State?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Yes, Sir, these loans are available for distribution all over the State. Local revenue officials enquire into applications and if the rules are satisfied, they sanction the loan.”

SRI A. RATNAM :—“1952-53-ம் ஆண்டுதான் எவ்வளவு ஆர்டிசன் கிணறுகள் வெட்டப்பட்டிருக்கின்றன?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“I cannot say whether there are any artisan wells at all under that category.”

Minimum wages for plantation workers.

* 274 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Industries and Labour be pleased to state whether there is any proposal under consideration of the Government to implement the minimum wages paid to the plantation workers in Travancore-Cochin State to the Plantation workers in Madras State and if so, when this will be implemented?

THE HON. DR. U. KRISHNA RAO :—“No proposal of the kind mentioned in the question is under consideration.”

SRI K. P. GOPALAN :—“Some of the plantation owners of Travancore-Cochin State have plantations in this State also. Whereas they pay Rs. 1-9-6 for first grade workers and Rs. 1-4-0 for second grade workers per day in Travancore-Cochin State, they pay only Rs. 1-5-0 for first grade workers and Re. 1 for the second grade workers in this State. Will the Hon. Minister for Industries and Labour be pleased to ask these owners to pay the same wages to the workers working in this State, as they pay to those working in the Travancore-Cochin State?”

[4th January 1954]

THE HON. DR. U. KRISHNA RAO :—“The Government do not propose to fix the same wages to workers in this State as those obtaining in the Travancore-Cochin State. This question has become an industrial dispute and has been referred to the Tribunal for plantation workers.”

SRI K. P. GOPALAN :—“The State Government did not enforce the provisions of Minimum Wages Act according to which the workers will have to get one day's holiday with wages. May I know why this Government have not enforced the provisions of this Act till now and whether they will take early steps to do it?”

THE HON. DR. U. KRISHNA RAO :—“A separate question may be asked, Sir. However, I wish to submit that this has nothing to do with the original question.”

SRI C. KANDASAMY :—“திருவிதாங்கூரில் அதிகமாக கூலி கொடுப்பதற்கு காரணம் என்ன? இங்கு ஏன் குறைவாகக் கொடுக்கப்படுகிறது?”

THE HON. DR. U. KRISHNA RAO :—“The answer is evident. The minimum wage was fixed on the basis of physical capacities, efficiency, outturn and scales of wages in surrounding areas of the Madras State.”

SRI S. RAMA LINGAM :—“கனம் மந்திரி அவர்கள் பதில் சொல்லியது விருந்து நம்முடைய தேயிலை தோட்டத் தொழிலாளிகளுக்கு வேலை திறமையே இல்லாமல் இருப்பதாகத் தோன்றுகிறது. அது எப்படி இருந்தாலும், அவர் சொல்லக்கூடிய இண்டஸ்டிரியல் டிஸ்பூட் டிரிப்யூனலுக்கு அவர்களுக்குள் ஏற்பட்டிருக்கிற தகராறுகளை ‘refer’ பண்ணிவிட்டார்களா? அப்படி ‘refer’ பண்ணி இருக்கிறார்களா? அதற்கு என்ன நடவடிக்கைகள் எடுத்திருக்கிறது?”

THE HON. DR. U. KRISHNA RAO :—“I do not agree with the conclusions the hon. Member is arriving at. I have not said anything disparaging about the capacity of the workers. This question was stayed because of a writ petition before the High Court and was dismissed. The whole question is now before a Tribunal.”

SRI V. BALAKRISHNAN :—“Irrespective of the proceedings before the Tribunal, if the Government are satisfied that the basic wages that these plantation workers are now getting are not human wages, will the Government take early steps to provide them with human wages?”

THE HON. DR. U. KRISHNA RAO :—“That is why the Government have referred the matter to a Tribunal, which, I am sure, will take all these points into consideration while arriving at a conclusion.”

MR. SPEAKER :—“When the matter is pending before a Tribunal, I do not think it is proper to put too many questions on it. There are many rulings on this point and I have also previously quoted the rulings from other places. The consideration of the subject should not be prejudiced by too many questions.”

[4th January 1954]

Construction of an anicut across the Kandaka stream in South Kanara.

* 275 Q.—SRI K. VENKATARAMANA GOWDA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have any proposal for constructing an anicut across the Kandaka stream in South Kanara;

(b) whether this proposal includes the construction of a bridge over the stream;

(c) whether that bridge work is included in the Post-war Road Development Scheme; and

(d) whether it is a fact that the public have been urging Government to construct this bridge?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) The proposal was examined by the Government but deferred as being very uneconomic the estimated cost being Rs. 3 lakhs for irrigating an area of only about 100 acres.

“(b) Yes.

“(c) No.

“(d) Yes. The question of constructing this bridge will be considered at the time of preparing the next list of works to be financed out of the States allocations from Central Road Fund.”

Community Projects in Palghat.

* 276 Q.—SRI A. APPU: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total amount placed at the disposal of the officer in charge of the Community Projects in Palghat;

(b) the total amount spent so far; and

(c) whether there is any proposal to withdraw the unspent balance and allot it to other Community Projects in the State?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) Rs. 13.60 lakhs was placed at the disposal of the Project Executive Officer, Palghat, for one year ended 30th September 1953.

“(b) Rs. 3.48 lakhs.

“(c) No, Sir.”

SRI A. APPU:—“May I know the reason for not spending the full allotment during the year? In answer to a supplementary question put by me last month, the Hon. Minister stated that the question of reviving the post of Project Officer will be discussed and the Government will come to a decision. May I know whether the Government have come to any decision in regard to this matter?”

[4th January 1954]

THE HON. SRI M. BHAKTAVATSALAM:—“With reference to the first part of the question, I have already answered in reply to another question that some months had been spent in undertaking a survey of this area and in attending to certain preliminaries which had to be settled. Further, the people's enthusiasm had to be roused so as to make them come forward with their contribution. Without such contributions, the allotment amount could not be spent. That is why the full allotment amount could not be spent during the year.

“With reference to the second part of the question, I have discussed the question of having a separate Project Executive Officer for the community project area in Palghat. I have now found that it would be advantageous and it would be in the interests of the project itself if the Revenue Divisional Officer was also functioning as Project Executive Officer. In this connexion, I have been assured that there will be definite advantage and the work of the Project Officer will not suffer on any account.”

SRI R. KRISHNAN:—“പാലക്കാട് പ്രോജക്ട് ഏരിയയിൽ എലക്ട്രിസിറ്റി സൗകര്യം എന്തു തുക ചെലവാക്കിയിട്ടുണ്ട്?” 11-10 a.m.

THE HON. SRI M. BHAKTAVATSALAM:—“I would like to have notice, Sir.”

SRI C. KANDASAMY:—“ஒதுக்கப்பட்டிருக்கும் ஆறு லட்ச ரூபாயைக் கூட உபயோகப்படுத்திக்கொள்ள உற்சாகம் இல்லை என்று சொல்வதால் அது மக்களுடைய குற்றமா அல்லது திட்டத்தின் குற்றமா?”

THE HON. SRI M. BHAKTAVATSALAM:—“That refers to the particular feature of the scheme. That also means that people's enthusiasm has to be roused both by the officers and non-officials.”

Survey and Settlement of Estates in the Chingleput district.

* 277 Q.—SRI V. K. RAMASWAMY MUDALIAR: Will the Hon. the Minister for Land Revenue be pleased to state when the Survey and Settlement of estates in Chingleput district will be completed?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“The survey and settlement operations have been completed in respect of a few estates notified under the Abolition Act in the Chingleput district. The work already done was attended to before partition of the State by the Range office, and the Branch Settlement Office, Chittoor. The operations are carried on according to a programme drawn up in advance. There is a proposal to convert the detachment at Pattukottai into a full survey party. The staff that will be sanctioned for this party will be trained and put into Chingleput district for survey. The settlement work will be taken up after the survey is over. It is not possible to say now when the survey and settlement work in the Chingleput district will be completed.”

[4th January 1954]

SRI K. VINAYAKAM :—“ May I know what the estates are that have yet to be surveyed and settled? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I will mention the estates that have so far been surveyed. Kachanad estate . . . ”

SRI K. VINAYAKAM :—“ I want to know the estates yet to be surveyed . . . ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ If I furnish information regarding estates that have been surveyed, the hon. Member may from that information know the estates to be surveyed yet. The total number of estates in the district are : Zamin estates—334; under-tenure estates—22; inam estates—217. Now the survey of the Kachanad estate belonging to the Tirumalai-Tirupati Devasthanam as well the 22 under-tenure estates attached to it and the single village zamin estate called Surumbudur have been surveyed. The rest have not been surveyed.”

SRI S. RAMALINGAM :—“ எடுத்துக்கொள்ளப்பட்ட ஜமீன் கிராமங்களும், இனாம் கிராமங்களும் பல வருஷங்களாக சர்வே செட்டில்மெண்ட் செய்யப்படாமல் இருப்பதால் சாதாரணமாக விவசாயிகளுக்கு அவர்களுடைய சாகுபடிக்குக் கடன் வாங்கக்கூட வசதி இல்லாமல் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். அதனால் ஒவ்வொரு ஜில்லாவிலும் சர்வே ஆண்ட் செட்டில்மெண்ட் செய்து முடிக்க ஒரு யூனிட்டை துரிதமாக ஏற்படுத்த சர்க்கார் முயற்சி எடுப்பார்களா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Yes, Sir. We are taking all possible steps and in one of our orders we have also stated that the whole thing should be carried on on a war-footing.”

SRI S. DEIVASIGAMANY :—“ When did the survey work actually commence and what is the amount that has so far been spent? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Surely, Sir, my hon. advocate Friend must know that I require notice to answer this question.”

SRI S. C. C. ANTHONY PILLAI :—“ According to the estimate of Government, when will this work be completed? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I have already said it is not possible to say exactly when this work will be completed. I can only give a rough idea but that won't satisfy hon. Members.”

Postponement of the collection of takkavi loans.

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

(a) whether any memorandum by Sri K. Aranganathan was submitted for the postponement of the collection of takkavi loans during the month of July 1953; and

(b) what action the Government have taken on that?

[4th January 1954]

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ (a) Yes.

“ (b) Government have issued orders that coercive processes for the collection of loan instalments be stopped till 30th November 1953 in the drought-affected areas of Gingee and Tindivanam taluks of South Arcot district.”

SRI K. ARANGANATHAN :—“ தக்காவி லோன்களை ஒத்து வரக்க வேண்டும் என்று ஜூலைமீல் மெ.மாராண்டம் கொடுத்ததினமீது நவம்பர்மீ 30-ம் தேதிவரையில் பலாத்கார முறையில் வசூல் செய்யாமல் நிறுத்தி வைக்க வேண்டும் என்றும், சாசில்தாருக்கு தாக்கீது வந்துள்ளது. அதன்மீது தாசில்தார் கொடுத்திருக்கக்கூடிய பிமானடை நிறுவேற்ற வேண்டாம் என்று மணங்காசாரங்களுக்கு கொடுத்த உத்தரவு டிசம்பர் மாதத்தில் சாத செய்தப்பட்டிருக்கிறது. இது ரண் சிங்ஸ் வெற்றகரம் ஆனால் நோயாளி இறந்துவிட்டார் என்பதை ஒக்கும் அல்லவா? ஏன் இவ்வளவு கால தாமதம்? ஏன் இந்த உத்தரவை சம்பந்தப்பட்ட சங்கதனை ருக்கு தெரிவிக்கவில்லை? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The hon. Member is giving me much information, Sir. I shall look into the matter.”

SRI R. V. SWAMINATHAN :—“ May I know, Sir, who is this Ranganathan, who has submitted the memorandum to Government? ”

SRI Y. MANJAYA SHETTY :—“ Will the Government consider the desirability of postponing collection of takkavi loans as is done in other cases of debts under Ordinance 5 of 1953 so as to benefit the agriculturists? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Postponement of collection of these loans are ordered on the merits of each case.”

SRI S. RAMALINGAM :—“ 1953-ம் ஆண்டு நவம்பர்மீ 30-வ வரையில் இந்த கடன்கள் வசூல் பண்ணுவதற்கு கெடுபிடி செய்யக்கூடாது என்று சர்க்கார் உத்தரவிட்டிருப்பதாக கனம் மந்திரி அவர்கள் சொன்னார்கள். 30-ம் தேதிக்குப் பிறகு கெடுபிடி செய்து, வீடு வாசலை ஜப்தி செய்து கடனை வசூல் செய்யலாம் என்பது அந்த உத்தரவின் அர்த்தமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I do not exactly understand the question, Sir.”

SRI S. RAMALINGAM :—“ 1953-ம் ஆண்டு நவம்பர்மீ 30-வ வரையில் சர்க்கார் தக்காவி கடன்களை வசூல் செய்வதில் கெடுபிடி செய்யக்கூடாது என்று சர்க்கார் உத்தரவு இருப்பதாக கனம் மந்திரி அவர்கள் சொன்னார். 30-ம் தேதிக்குப் பிறகு என்றால் 1953-ம் ஆண்டு டிசம்பர்மீ 1-வயிலிருந்து கெடுபிடி செய்து விவசாயிகளுடைய வீடு வாசலை ஜப்தி செய்து கடனை வசூல் செய்யலாம் என்பது இந்த உத்தரவின் அர்த்தமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ No, Sir. That is not the meaning of what I said. The ryots are given a breathing time. During that time, they may have a crop and they may be able to pay the debts after 1st December 1954. ‘Gadubadi’ won't come all at once. It will come only in due time.”

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SRI R. V. SWAMINATHAN :—“ In answering a supplementary question the Hon. Minister said that postponement of collection of these loans are ordered on the merits of each case. May I know the basis the Government propose to adopt to sanction postponement of collection in individual cases? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Famine conditions and the incapacity of the people to pay and so many other considerations of which hon. Member is himself aware.”

SRI V. GOPALA GOUNDER :—“ May I know the amount that was outstanding on the date when the memorandum was received by Government and how much was collected by the time the order was issued by the Government? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ A separate question may be put, Sir.”

Special judicial tribunal for settling disputes between the workers and owners of plantations.

* 279 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have any proposal at present to appoint a special judicial tribunal for settling disputes between the workers and owners of plantations in this State?

THE HON. DR. U. KRISHNA RAO :—“ Yes, Sir, the matter is under the consideration of Government.”

SRI K. P. GOPALAN :—“ Will the Hon. the Minister be pleased to state whether Government have taken any definite decision to appoint the Tribunal? ”

THE HON. DR. U. KRISHNA RAO :—“ Yes, Sir, I expect orders to be passed within a week at the most.”

SRI S. C. C. ANTHONY PILLAI :—“ Have Government received any representations or complaints about the existing Tribunal? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, Sir, I cannot answer that question.”

Plight of the ex-employees of the tramways.

* 280 Q.—SRI M. PALANIYANDI : Will the Hon. the Minister for Industries and Labour be pleased to state what steps the Government have taken to find a solution to the plight of the 1,500 tramwaymen who have become unemployed on account of the stoppage of trams?

THE HON. DR. U. KRISHNA RAO :—“ The Transport Commissioner has been instructed to absorb in his department as many ex-employees of the tramways as possible in vacancies

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in posts for which they may be suitable, excluding posts like those of clerks in which employees of the State Government, discharged as a result of the partition, could be employed.”

SRI M. PALANIYANDI :—“ இதுவரையில் எத்தனை தொழிலாளர்கள் வேலைக்கு எடுத்துக்கொள்ளப்பட்டிருக்கிறார்கள் என்று சொல்ல முடியுமா? ”

THE HON. DR. U. KRISHNA RAO :—“ Fifteenth December 1953, I think, was the last date before which application for employment should be received by the Transport Department. A committee consisting of the Joint Transport Commissioner, the Deputy Commissioner of Police, the Assistant Commissioner or the Mechanical Engineer is to examine and select candidates for appointment.”

SRI C. KANDASAMY :—“ தொழிலாளர்களுக்கு பாதுகாப்பு அளிப்பது போல் டிராமில் பிரயாணம் செய்யப்பட்ட லட்சக்கணக்கான மக்களுக்கு பாதுகாப்பு அளிக்கப்பட்டிருக்கிறதா? அவர்களுக்கு நிவாரணம் அளிக்க எவ்வளவு பணிகள் சிட்டியில் அதிகப்படுத்தப்பட்டிருக்கிறது? ”

MR. SPEAKER :—“ I think the hon. Member is straying away from the main question.”

THE HON. DR. U. KRISHNA RAO :—“ I will answer the question if permitted by the Hon. Speaker.”

MR. SPEAKER :—“ This does not at all arise out of the main question.”

THE HON. DR. U. KRISHNA RAO :—“ Then I shall bow to your decision, Sir.”

SRI S. C. C. ANTHONY PILLAI :—“ Will the Hon. Minister be pleased to state the qualifications that are expected to be possessed by these tramway workers and if a minimum qualification is insisted upon whether it will not reduce the number of workers being re-employed? ”

THE HON. DR. U. KRISHNA RAO :—“ From the details available in the note before me, I am not aware whether any minimum qualification has been prescribed. If the hon. Member puts a separate question, I shall answer, Sir.”

SRI M. PALANIYANDI :—“ கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது ஏதோ ஒரு கமிட்டிக்கு இதை அனுப்பி வைத்து அவர்களுக்கு வேலை கொடுக்கவேண்டும் என்று சொல்லியிருப்பதாகச் சொன்னார். அவர்கள் இவர்களை வேலைக்கு எடுத்துக்கொள்ளாததால் அநேகம் பேர்கள் வேலை இல்லாமல் தற்கொலை செய்துகொள்ளும் நிலைமையும் ஏற்பட்டிருக்கிறது. ஆகையால் இன்மேலாவது அவர்கள் தற்கொலை செய்துகொள்ளாமல் இருக்க அவர்களை வேலைக்கு எடுத்துக்கொள்ள ஏதாவது சீக்கிரம் நடவடிக்கை எடுக்குமா? ”

THE HON. DR. U. KRISHNA RAO :—“ If by that, the hon. Member refers to suicide, I am not aware of any such case.”

SRI T. ANANTA PAI :—“ May I know how many of these 1,500 men are likely to be absorbed? ”

THE HON. DR. U. KRISHNA RAO :—“ It may be about a couple of hundreds or a little more.”

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SRI K. VINAYAKAH :—“ Is it not a fact that in the matter of recruitment to the Transport Department, only applicants sponsored by the Indian National Trade Union Congress are encouraged and applicants sponsored by the Unions affiliated to the Communist Party are not properly encouraged? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, discretion must be given to the Committee which select these men. I am not aware of the discrimination referred to by the hon. Member. At any rate, no order from the Government has gone to that effect.”

SRI S. RAMALINGAM :—“ வேலையிலிருந்து நீக்கப்பட்டிருக்கக்கூடிய இந்த 1,500 டிராமவே தொழிலாளிகள் இதர தொழிற் சங்க காரியங்களில் ஈடுபட்டிருக்கிறார்கள் என்பதற்காக ஓரவஞ்சனையாய் நடத்தப்பட்டிருந்தால், அந்தக் காரணத்தைக் காட்டி அவர்களுக்கு வேலை கெடுக்கமுடியாது என்று சொல்லமாட்டோம் என்று சர்க்கார் அதற்கான உத்தரவுகளை அனுப்பிப்பார்களா? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, the hon. Member is asking a hypothetical question. If he gives any specific instance, I will answer it.”

SRI K. C. GOPALAN UNNI :—“ மலையாளத்தில் மிகவும் அதிகமான தொழிலாளர்கள் கைத்தொழில் தொழிலாளர்கள் என்று சொல்லுவார்கள். அவர்களுக்கு வேலை கெடுக்கமுடியாது என்று சொல்லமாட்டோம் என்று சர்க்கார் அதற்கான உத்தரவுகளை அனுப்பிப்பார்களா? ”

THE HON. DR. U. KRISHNA RAO :—“ No, Sir, at the present moment, we have got the Joint Transport Commissioner, The Deputy Commissioner of Police (Traffic and Licensing) and also, in the case of traffic staff the Assistant Transport Commissioner and in the case of technical staff, we have got the Mechanical Engineer. I do not know whether the category referred to by my hon. Friend will be qualified to select.”

SRI T. S. ARDHANARI :—“ டிராமவே தொழிலாளர்களுக்கு ஏதாவது நிவாரணம் கொடுப்பதற்கு சர்க்கார் யோசித்துக்கொண்டிருக்கிறதா? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid that this question has nothing to do with the main question.”

DR. K. B. MENON :—“ In view of the fact that the question was raised on the floor of this House, will the Government consider the desirability of issuing instructions that no discrimination should be made on the basis of parties to which these men belong? ”

THE HON. DR. U. KRISHNA RAO :—“ It is presumed that no discrimination will be made. The fact that the Government have not passed any such order is sufficient proof that they do not expect this Committee to show any discrimination. The Committee consists of responsible officers and I am sure, they will do justice.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Members should drop their natural apprehensions in this matter. The policy of the Government is to test the applicants only on the basis of the qualifications required for the new employment. It has nothing to do with their politics.”

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Collection of interest on the amounts due from P.C.C. Societies, Malabar.

* 281 Q.—**SRI K. C. GOPALAN UNNI :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received complaints from Producer-cum-Consumers Co-operative Societies of Malabar regarding the collection of interest by the Collector on the amounts due from them;

(b) whether it is a fact that the Societies are asked to pay interest for the period of delay which occurs in the Collector's Office for entering the collections made from the Societies; and

(c) what action the Government propose to take to remove this inconvenience?

THE HON. SRI C. SUBRAMANIAM :—“ (a) Yes.

“ (b) No.

“ (c) In view of the answer to clause (b), this does not arise.”

SRI K. C. GOPALAN UNNI :—“ എന്റെ അനുഭവത്തിൽ പല സൊസൈറ്റികളിൽനിന്നും പണമടച്ചിട്ടും കണക്കിൽ വെച്ചിട്ടും പണം ചിലവടത്തിലായിരുന്നെങ്കിലും അവർക്ക് അതിനെക്കുറിച്ചുള്ള ഗവണ്മെന്റ് എന്തു നടപടി എടുത്തിട്ടുണ്ട്? ”

THE HON. SRI C. SUBRAMANIAM :—“ In addition to the language difficulty, I am afraid, the hon. Member has got the throat difficulty also.” (Laughter.)

SRI M. NARAYANA KURUP :—“ Due to exigencies of import, sometimes the societies are asked to stock far more than is necessary and the Government collect interest from them at 4½ per cent. At the same time, stocks are released through them which take months if not years for the Government to account for. While they claim interest, they do not allow interest on cross claims. Will the Government be pleased to consider this aspect of the question.”

THE HON. SRI C. SUBRAMANIAM :—“ As regards the stocking of foodstuffs, the question of interest does not arise up to a period of three months. As a matter of fact, the margin allowed for the wholesalers include interest for these three months. After three months, four per cent interest is provided for the co-operative societies also. I do not think, as far as the societies are concerned, there is any difficulty with regard to this interest.”

Palmyra tax in Tirunelveli district.

* 282 Q.—**SRI N. K. PALANISAMI :** Will the Hon. the Minister for Land Revenue be pleased to state the amount collected as palmyra tax in 1952-53 in Tirunelveli district?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The demand under palmyra tree tax in Tirunelveli district for the year 1952-53 is Rs. 1,82,269-6-0. The tax is collected along

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with land revenue. It is not shown separately in the collection accounts at the taluk and district levels. It is therefore not possible to give the amount of palmyra tax actually collected in 1952-53 out of the total demand of Rs. 1,82,269-6-0."

SRI N. K. PALANISAMI :—" இராமநாதபுரம், திருநெல்வேலி ஆகிய இரண்டு ஜில்லாக்களில் மட்டும் பனைமரத்தின்பேரில் வரி வாங்கக் காரணமென்ன? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" That is ancient history. I cannot go into the matter now."

SRI P. SELVARAJ :—" In view of the fact that the Government have collected both the land tax and the palmyra tax, may I know whether the Government will consider the desirability of giving a rebate? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The new rule will come into force from the current *fashi*. Even by that, the Government will be losing an income of about two lakhs of rupees."

SRI K. R. SAMBANDAM :—" பனைமரத்தின்மீது விதிக்கப்படும் வரி சம்பந்தமாக மேல்சபையில் ஒரு அங்கத்தினர் ராஜினாமா பண்ணியதை சர்க்கார் அங்கீகரித்துவிட்டதா அல்லது அது சம்பந்தமாக என்ன நடவடிக்கை எடுக்கப்பட்டிருக்கிறது? "

MR. SPEAKER :—" This has nothing to do with the main question. We should not also take cognizance of what has happened in the other House."

SRI R. V. SWAMINATHAN :—" Is it not a fact that the Government have abolished this palmyra tax? If it is not so, will the Government come forward at least now to abolish this tax in view of the fact they are going to lose only about two lakhs of rupees? "

THE HON. SRI C. RAJAGOPALACHARI :—" The tree tax has been abolished by this new rule. The land will, however, remain with the pattadar. Before this, the tax on the land had been assessed taking into account the palmyra tax that was paid. When the tax on the trees is now abolished, we will have to consider, what classification the land assessment should receive from now on. The question will depend, therefore, on a resettlement of the nature of the land and the soil and it is not possible to do that now. In order to speed up the relief that is to be given, it has been decided that, for the moment, the highest dry rate should be paid by the pattadar for the land if it is less than what the pattadar had been paying hitherto. But the question, whether the highest dry assessment is or is not right, will be considered. We may perhaps accept even the average dry assessment in that area. This question will be looked into by the Government."

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SRI V. BALAKRISHNAN :—" Was the imposition of this so-called double tax peculiar to the Tirunelveli district or common to all the districts of the Madras State? "

THE HON. SRI C. RAJAGOPALACHARI :—" It was peculiar to the palmyra area."

SRI S. C. C. ANTHONY PILLAI :—" Was an assurance ever given that when this tax is abolished, there would be no increase in the land tax? "

THE HON. SRI C. RAJAGOPALACHARI :—" There is no increase in the land tax. As a matter of fact, no question of assurance can arise because it was the policy of the Government that was stated in the House. There was no question of bargain or promise."

SRI S. SWAYAMPRAKASAM :—" The Hon. the Minister for Revenue said that the total amount of tree tax collected was Rs. 1,80,000. But when the question was put as to how much was collected as palmyra tax, no information was given. How could there be any difficulty for the Government to give the amount of palmyra tax when the total amount could be got at? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The difficulty is they are both mixed up. We have to gather these figures from the village officers and it takes lot of time. Figures have to be got not only for the district of Tirunelveli alone but for the two taluks of Ramanathapuram also."

SRI S. RAMASAMY NAIDU :—" விற்பனை வரியை ரத்து செய்வதன் மூலம் வருமானம் குறைகிறது என்ற காரணத்திற்காக நிலத்தின் தரத்தைக் கூட்டி, அதை ஈடுசெய்ய சர்க்கார் உத்தேசிக்கவில்லை என்று சர்க்கார் உறுதி கொடுப்பார்களா என்று கேட்கிறேன்? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Yes. That is right. We are not going to make it up by increasing the land tax. We are only adopting a course whereby we can have some reasonable land tax."

THE HON. SRI C. RAJAGOPALACHARI :—" I might add that I have made the matter quite clear. There is no question of making up the revenue lost but it is only a question of making a just arrangement. The person who held the patta of land on which dry tax had been paid should not get an undue advantage over other dry land assesses. Therefore, it is only a question of proper examination of what is due."

SRI C. KANDASAMY :—" முதல் மந்திரி அவர்கள் சொன்னதைப் போல் பனைமரம் இருக்கக்கூடிய நிலத்திற்கு வரி போடவேண்டுமென்று சொன்னது சரிதான். இருந்தபோதிலும், பனைமரம் இருக்கக்கூடிய இடங்களில் புஞ்சை சாகுபடி செய்யமுடியாது என்பதும் வாஸ்தவம். ஆகவே, அதிக புஞ்சை வரி போடுவதற்கு பதிலாக குறைந்தபட்ச புஞ்சை வரி போடுவதற்கு அரசாங்கம் கவனிக்குமா? "

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SRI K. V. RAMASWAMI :—“ இந்த வரியானது பனைமரத்திற்கு மாத்திரமா அல்லது பனைப் பழத்திற்கும் உண்டா ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ It is quite true that the land cannot be cultivated when there are quite a number of trees on it but not all lands are of that nature. Secondly, we have already issued an order that the assessee will not pay more than he has already been paying. In every case, his obligation is to pay only the lesser of the two amounts, between what he was actually paying and what he would have to pay on the dry assessment thereof. He will not be burdened with the higher assessment. The question is further complicated because those lands had always palmyra trees and palmyra trees are a regular feature of that district. We cannot mix it up with conditions in other areas.”

Unauthorised cultivation of poramboke lands.

* 283 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Land Revenue be pleased to state the total fine recovered for the unauthorized cultivation of poramboke lands for the fasli 1362 in South Arcot district?

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Rs. 1,27,320-7-0 (rupees one lakh, twenty-seven thousand three hundred and twenty and annas seven only). ”

SRI K. ARANGANATHAN :—“ (Unobjectionable) புறம்போக்கு நிலத்தை ஜாரி செய்து கொடுக்கவேண்டுமென்று போட்டிருக்கும் மனுமீது அரசாங்கம் எடுத்துக்கொண்ட நடவடிக்கை என்ன? உடனே ஜாரி செய்வதற்கு சம்பந்தப்பட்ட அதிகாரிகளுக்கு தாக்கீது அரசாங்கம் அனுப்புமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ The Government are already taking steps to assign lands in ‘ non-objectionable ’ cases. It takes time and if the hon. Member brings to my notice any specific case, I shall look into it.”

SRI M. PALANIYANDI :—“ சென்ற ஆண்டில் மாகாணமெங்கும் உணவு உற்பத்திப் பெருக்கத் திட்டத்தின்கீழ் கொடுத்த நிலங்களுக்குக் கூட இதுமாதிரி தண்ட வரி விதித்து எல்லா ஏழை மக்களிடமிருந்தும் தண்ட வரி வாங்கினது வாஸ்தவமா? அதை நிறுத்துவதற்கு அரசாங்கம் முன் வருமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ It is rather a sweeping statement. If the hon. Member brings to my notice specific cases, I shall look into them.”

Detention of certain State buses by the Police in Tirupati.

* 284 Q.—**SRI K. VINAYAKAM** : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that some buses belonging to Madras Government Transport Department plying between Madras and Tirupati were detained in Tirupati by local police after the formation of Andhra State; and

(b) if so, what were the reasons for such detention?

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THE HON. DR. U. KRISHNA RAO :—“ (a) & (b) Yes, for the alleged failure of the drivers to produce their driving licences which had been locked up overnight in the office room. After the licences were handed over, the vehicles resumed the service. The incident was on the night of 19th October 1953. There has been no trouble since 21st October.”

SRI K. VINAYAKAM :—“ In view of the fact that reports appeared in the Press that the detention of the buses was due to the fact that the Tirupathi-Tirumalai Devasthanam authorities refused to allow our State buses to be parked in the choultry compound and that our drivers were forced to get stranded on the roads, will the Government come forward with an enquiry into the matter in order to remove the misapprehension that has been created in the public mind? ”

THE HON. DR. U. KRISHNA RAO :—“ I hope the hon. Member will not give much credence to what appeared in the Press. The Government of Andhra were apprised regarding the seizure of licences from our drivers by the Police officials of the Andhra State on 20th October 1953. The Government of Andhra have been requested to institute an enquiry into the incident and let this Government know the result of that enquiry. As soon as that report is received, I shall be able to give more exact details of the incident.”

Relief to handloom weavers.

* 285 Q.—**SRI M. PALANIYANDI** : Will the Hon. the Minister for Industries and Labour be pleased to state—

(1) whether the Government forwarded to the Central Government the resolution passed by the Assembly on 4th November 1952 about the allocation of the yarn entirely to handloom weavers for the weaving of bordered sarees and dhotis;

(2) so, what is the reply from the Central Government;

(3) whether the Government have succeeded in persuading the Central Government to allocate the same to the handloom weavers;

(4) if not, what action this Government are going to take to help the handloom weavers?

THE HON. DR. U. KRISHNA RAO :—“ (a) The resolution passed by this House on 4th November 1952 supported the view of this Government that the weaving of all bordered dhotis and coloured sarees should be reserved to the handloom industry and urged that the Central Government should take steps to make available to the handloom industry sufficient quantities of yarn spun out of Indian cotton for the purpose. The resolution was forwarded to the Government of India in the Ministry of Commerce and Industry on 5th November 1952.

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"(b) The receipt of the resolution was acknowledged by the Government of India but no specific reply was received to the latter point urged in the resolution.

"(c) Subsequent to the passing of the resolution the control over distribution of yarn was lifted and yarn is now freely available. The need for persuading the Central Government to accept our request no longer exists.

"(d) This Government introduced in June 1952 a general scheme for affording immediate relief to weavers through the agency of co-operative societies in the districts. Under the scheme the weavers get a subsistence wage and continuous employment without the burden of marketing cloth. Co-operative primary weavers' societies which stopped functioning have revived. Weavers outside the co-operative fold have joined the existing and new primary weavers' societies."

SRI M. PALANIYANDI :—"மந்திரி அவர்கள் கொடுத்த பதிலிலே அந்தத் தீர்மானத்திற்குப் பிறகு கண்டிரோல் எடுக்கப்பட்டது என்றும், அதன் காரணமாக கைத்தறி நெசவாளர்களுக்கு நூல் கிடைத்தது என்றும் சொன்னார்கள். ஆனால், நூல் விலை இப்பொழுது எப்படி இருக்கிறது? கூட்டுறவு சொஸைட்டியின் மூலம் அவர்களுக்குக் கொடுக்கப்படும் சம்பளம் நாலாவாக இருக்கிறதே தவிர வேறென்றுமில்லை. ஆகையால், இந்த சட்டசபையிலே 375 அங்கத்தினர்கள் தீர்மானித்து அனுப்பிய தீர்மானத்தை மத்திய அரசாங்கம் கொஞ்சம் கூடவறகாது இருப்பதனால் இங்கிருக்கும் கைத்தறி நெசவாளர்கள் மிகவும் பாதிக்கப்பட்டிருக்கிறார்கள். ஆகையால், உடனடியாக கரை வேஷ்டிகளுக்கும், பார்டர் கலர் சேலைகளுக்கும் நூல் ஒதுக்குவதற்கு நமது அரசாங்கம் மத்திய அரசாங்கத்தை கேட்குமா?"

THE HON. DR. U. KRISHNA RAO :—"The hon. Member is aware that in reply to our request the Central Government suspended the production in mills of a certain percentage of dhotis and sarees. They have also instituted a mill cloth cess fund from out of the proceeds of sale of mill cloth which will benefit the primary societies. So far as the availability of yarn is concerned, my information is that there is plenty of yarn available. The difficulty now is want of sufficient off-take. With regard to wages, it was also decided that it should be four annas or whatever the current rate in the neighbouring areas is."

SRI K. R. VISWANATHAN :—"May I know whether the Government will stop the import of mill cloth into this State until the condition of the weavers improves and attains normalcy?"

THE HON. DR. U. KRISHNA RAO :—"There is no proposal now to prevent any mill cloth coming into our State. But I may tell the House that a Committee has been appointed by the Central Government under the chairmanship of Sri Nithyananda Kanunga which has gone round the country collecting statistics to find out how best we could help the industry to stabilize itself vis-a-vis the competition from the mill industry. The report is awaited and I hope when it is ready, it will reveal many interesting facts."

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SRI S. DEIVASIGAMANY :—"Arising out of the answer to clause (b) of the main question, may I know the amount that has been allotted to Madras from out of the mill goods cess fund? May I also know what the proposals of our Government are for relieving the distress of handloom weavers?"

THE HON. DR. U. KRISHNA RAO :—"The amount allotted to our State is in the neighbourhood of Rs. 85 lakhs. The Government of Madras have submitted a plan for the approval of the Government of India. When that is approved, it will give relief to nearly 50,000 weavers through the agency of co-operative societies."

SRI R. S. ARUMUGAM :—"நெசவாளர்களுடைய கஷ்டம் நீங்கி விட்டது என்பது சர்க்காருடைய எண்ணமா? அவர்களுடைய கஷ்டம் நீங்கி விட்டது என்ற காரணத்திற்காக கஞ்சித்தொட்டிகள் எடுக்கப்பட்டிருக்கின்றனவா? கஞ்சித்தொட்டிகள் ஏன் எடுக்கப்பட்டன என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பார்களா?"

MR. SPEAKER :—"நீங்கள் தனியாக ஒரு கேள்வி போடுங்கள்."

SRI C. KANDASAMY :—"அஸெம்பிளி தீர்மானப்படி பூரா நூலும் கரை போட்ட வேஷ்டிகளுக்கும், கலர் சேலைகளுக்கும் கொடுக்கவேண்டும் என்று சொல்லி கண்டிரோல் எடுத்ததற்குப் பிறகு, அதேமாதிரி பூராவும் செய்திருக்கிறதா என்பதை மந்திரி அவர்கள் பதில் சொல்வார்களா?"

Sir, the Hon. Minister said that after the removal of control on yarn, things had improved. I want to know what exactly the position now is."

THE HON. DR. U. KRISHNA RAO :—"I would like a separate question to be put. I am not quite sure of the present position. But I think that there is difficulty because it seems there is not enough off-take. I presume yarn made out of Indian cotton is available in plenty."

SRI M. NARAYANA KURUP :—"Sir, may I know the percentage of weavers who are members of co-operative societies to the total number of weavers in the State?"

THE HON. DR. U. KRISHNA RAO :—"Sir, to give an accurate answer, I should like to have notice of a separate question. But, I would like to say that roughly about 20 per cent of the weavers are in the co-operative fold."

SRI M. PALANIYANDI :—"மத்திய அரசாங்கம் இந்த அரசாங்கத் திற்காக எவ்வளவு செஸ் ஒதுக்கினாலும் கைத்தறி நெசவு தொழிலாளியின் நிலை உயரவில்லை. ஆகையால், இந்த சட்டசபையின் தீர்மானத்தை மத்திய அரசாங்கம் மதிக்க வில்லை. அவ்வாறு மதிக்கவில்லை என்பதை இந்த அரசாங்கம் மறுக்கமுடியுமா?"

THE HON. DR. U. KRISHNA RAO :—"Sir, the hon. Member must realize that the Centre, though not by way of implementing our resolution, has done its very best in so many other ways. I am told that so far as handloom cloth is concerned the off-take and the export have increased from

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about 25 million yards to 50 million yards last year and this year, for the first six months, I am told that the export is reported to be in the neighbourhood of 60 million yards. All these indicate that there has been a general improvement in the position of the handloom weaver."

SRI A. SAMBASIVAM :—"மத்திய அரசாங்கத்தினுடைய செல் நிதி மூலம் நெசவாளர்களுக்கு போதுமான நூல் வசதி செய்து கொடுக்கவில்லை என்பதற்காக நூல் நூற்றும் தொழிற்சாலைகளிலிருந்து வாங்குவதற்கு அரசாங்கம் எண்ணி இரக்கிறதா அல்லது முன்போல் சொசைடி மூலம் ஒத்தாசை செய்ய முடியுமா?"

THE HON. DR. U. KRISHNA RAO :—"Yes, Sir. One of the recommendations which the Central Government have accepted is the establishment of a spinning mill somewhere in the South for the purpose of making yarn, and sufficient finance has also been allocated for it. I am fairly certain that when this mill begins to produce it will help the handloom weavers to a considerable extent."

SRI S. RAMALINGAM :—"கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது இங்கு நெசவாளர்களுக்கு நிவாரணம் தேடித்தர பல முயற்சிகள் எடுக்கப்பட்டுள்ளதாக கூறினார்கள். அப்படியானால் ஹைபவர் கமிட்டி செய்த சிபார்சை நம் அரசாங்கம் மத்திய சர்க்காருக்கு அனுப்பி யுள்ளார்களா? மத்திய சர்க்காருக்கு அனுப்பியதில் எவைகளை ஒத்துக் கொண்டிருக்கிறார்கள். எவைகளை ஒத்துக் கொள்ளவில்லை என்று மந்திரி அவர்கள் தெரிவிக்கவேண்டும்."

THE HON. DR. U. KRISHNA RAO :—"Sir, many of the recommendations of the High Power Committee have been accepted by the Central Handloom Board and the Central Government. I would like to have notice of a separate question to give details but, I can assure this House that many of the recommendations of this Committee have been accepted both by the Central Government and the Central Handloom Board."

Medical concessions to N.G.Os.

* 286 Q.—**SRI K. ARANGANATHAN :** Will the Hon. the Minister for Health be pleased to state—

(a) whether any additional allotment has been made in addition to the usual allotment to the Government hospitals on account of free medical aid given to non-gazetted officers; and

(b) whether it is a fact that the Government have sent instructions to the District Medical Officers not to prescribe to non-gazetted officers any medicines which are not available in the hospital but to advise them to buy such medicines at their own cost from outside?

THE HON. SRI A. B. SHETTY :—"(a) No additional allotment has been made.

"(b) Instructions have been issued to the effect that medical officers should not prescribe expensive drugs, tonics, laxatives

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or other elegant and proprietary preparations for the use of Government servants and members of their families when drugs of equal therapeutic value are available in the medical institutions concerned. The Government servants are allowed refunds in respect of the cost of any drug or medicine which they may have to purchase owing to there being no stock in the hospital or for any other reason on the production of essentiality certificates signed by the medical officers and vouchers in support of the expenditure incurred by them."

SRI K. ARANGANATHAN :—"Sir, recently the Government have issued instructions regarding the persons from whom alone non-gazetted officers should get their bills signed and submitted for necessary sanction. Before these instructions were issued there were bills pending sanction in the different offices but sanction was refused because they were not in conformity with the recently issued instructions. Will the Government be pleased to issue instructions to the concerned authorities to sanction these bills also?"

THE HON. SRI A. B. SHETTY :—"Sir, if the hon. Member writes to me about this matter, I shall enquire into the matter."

SRI M. NARAYANA KURUP :—"Sir, it has come to our notice that the bills of non-gazetted officers who were treated in hospitals managed by local authorities were not sanctioned. In view of the fact that there are very few Government hospitals, will the Government be pleased to order that these officers may be given this free treatment in hospitals managed by local authorities also so that they may really benefit?"

THE HON. SRI A. B. SHETTY :—"Sir, the suggestion will be considered."

SRI S. PAKKIRISAMI PILLAI :—"Sir, is it not true to say that such special treatment to non-gazetted officers and their families deprives other patients of the usual and fair treatment?"

THE HON. SRI A. B. SHETTY :—"Sir, this concession was given to non-gazetted officers and employees of local bodies whose salary does not exceed Rs. 300 per mensem on account of the longstanding demands from them for better scales of salaries and better allowances."

SRI S. RAMALINGAM :—"சர்க்கார் ஆஸ்பத்திரிகளில் என்.ஜி.ஓ.களுக்கு அதிக விலையுள்ள மருந்துகளை சிபார்சு செய்யக்கூடாது என்று சர்க்கார் சர்க்குலர் அனுப்பி இருப்பதால் மெடிகல் ஆபிசர் என்.ஜி.ஓ.க்களை கவனிக்கமாட்டார் என்ற உவநம்பிக்கையால் பிரைவேட்டாக ஆனாரி சர்ஜன் அல்லது வேறு டாக்டரிடம் தங்களுக்கு வசதி செய்துக்கொண்டால் அதற்கான செலவுகளை சர்க்கார் கொடுக்க வசதி செய்யுமா?"

THE HON. SRI A. B. SHETTY :—"Sir, the instructions issued are to the effect that costly and expensive drugs should not be prescribed when drugs of equal therapeutic value are

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available and, where they are considered necessary, they can purchase them if they are not available in the medical institutions concerned and refund will be given."

SRI S. C. C. ANTHONY PILLAI:—"Sir, will the Government be pleased to give us a rough idea or rough estimate of the financial effect of this concession?"

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

Repairs to the sluice in Thachampattu tank in Gingee taluk.

* 287 Q.—**SRI K. ARANGANATHAN:** Will the Hon. the Minister for Land Revenue be pleased to state whether the sluice in Thachampattu tank in Gingee taluk, South Arcot district is leaky; and if so, what steps the Government have taken to repair it?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. The sluice is leaky. An estimate of Rs. 600 has been sanctioned for repairing the sluice, revetment and bund. Earth work to bund has been completed and repairs to sluice and revetment will be completed soon."

SRI K. ARANGANATHAN:—"இந்த மதகு எவ்வளவு நாளாக ஓட்டையாக இருக்கிறது என்று கனம் மந்திரி அவர்கள் சொல்லுவாரா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The hon. Member knows it much better."

Opening of a sub-treasury at Quilandi.

* 288 Q.—**SRI C. KUNHIRAMA KURUP** (on behalf of Sri P. Kunhirama Kidav): Will the Hon. the Minister for Land Revenue be pleased to state whether there is any proposal before the Government to open a sub-treasury at Quilandi in Kurumbranad taluk?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"There is no such proposal under the consideration of the Government."

SRI C. KUNHIRAMA KURUP:—"Sir, in view of the fact that Quilandi is the headquarters of Kurumbranad sub-taluk, will the Government be pleased to consider the question of opening a sub-treasury there?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. If the cash transactions warrant it, the Government will consider the question."

Single teacher schools.

* 289 Q.—**SRI K. ARANGANATHAN:** Will the Hon. the Minister for Finance be pleased to state the number of single teacher schools in 1952-53 in Madras State?

THE HON. SRI C. SUBRAMANIAM:—"1,806, Sir."

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SRI K. ARANGANATHAN:—"ஒரு ஆசிரியர் இருக்கக்கூடிய பள்ளிக் கூடத்திற்கு மாணவர்கள் ஏன் பெருக வில்லை? அரசாங்கம் அம்மாதிரி யான பள்ளிகளில் மாணவர்களைச் சேர்ப்பதற்கு நடவடிக்கை எடுக்க வில்லையா?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, the question of further recruitment is under the active consideration of Government. Out of about 2,000 schools, 1,806 are single-teacher schools. We have got to open some more schools and I am afraid that next year there may be some more single-teacher schools."

DR. K. B. MENON:—"Sir, how many students do these teachers handle on an average and for how many hours do they teach?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, the hon. Member knows that under the modified scheme the schools work for three hours in the morning and for three hours in the evening. The total number fixed for each teacher is about 30 and it is under the active consideration whether this number should be increased in view of the modified scheme."

SRI S. DEIVASIGAMANY:—"Sir, may I know how many classes these single-teachers have got to take per day?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, they have got to take five classes and that is one of the reasons why the modified scheme is said to be more beneficial to the students."

SRI M. PALANIYANDI:—"ஒரு உபாத்தியாயர் 30 பிள்ளைகளுக்கு சொல்லிக் கொடுப்பதாக மந்திரி அவர்கள் சொன்னார்கள். ஒரு உபாத்தியாயருக்கு 5 வகுப்புகள் இருந்தால் சாதாரணமாக 100 பிள்ளைகளுக்கு சொல்லிக்கொடுக்க வேண்டியிருக்கிறது. ஆகையால் அதிகப்படியான உபாத்தியாயர்கள் நியமிக்க அரசாங்கம் முன்வருமா?"

THE HON. SRI C. SUBRAMANIAM:—"If the strength warrants it, certainly the number of teachers will be increased."

SRI C. KANDASAMY:—"ஒரு உபாத்தியாயர் இருக்கக்கூடிய பள்ளிகளில் எத்தனை வகுப்புகள் இருக்கின்றன?"

THE HON. SRI C. SUBRAMANIAM:—"I have already answered it."

SRI S. C. C. ANTHONY PILLAI:—"Sir, I would like to know whether there are different classes in these single-teacher schools and, if so, how these teachers manage to teach the different classes?"

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, it is surprising the hon. Member's attention was not directed to this scandal so long and it is that scandalous situation that the modified scheme tries to remove."

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50 SRI T. C. NARAYANAN NAMBIAR:—" May I know whether it is a fact that teachers employed even in single-teacher aided elementary schools are not paid if the average attendance falls which fact is beyond the control of teachers?"

THE HON. SRI C. SUBRAMANIAM:—" I am afraid the supplementary question has nothing to do with the main question. The main question relates to the number of single-teacher schools in Madras State for which I have given the answer. The supplementary question does not arise out of the main question."

Promotion of officers in the Prohibition department.

* 290 Q.—SRI K. R. VISWANATHAN (on behalf of Sri S. Radhakrishnan): Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of officers promoted temporarily to the gazetted rank in the Prohibition department on the eve of the formation of the Andhra State;

(b) whether selection was done as per seniority; and

(c) the reasons for making the promotions only temporarily?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—" (a) Nil, Sir.

" (b) & (c) Do not arise."

Opening of a dispensary in the Cannanore Municipal area.

* 291 Q.—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received any request from the Cannanore Municipal Council for sanctioning staff required for opening a dispensary within the municipality; and

(b) when the communication from the municipal council was first received and if so, what order has been passed thereon?

THE HON. SRI A. B. SHETTY:—" (a) Yes, Sir.

" (b) The communication from the Municipal Council, Cannanore was received by Government in the middle of October 1953 and orders were issued on 1st December 1953 approving the proposal of the municipal council to open a dispensary of modern medicine and sanctioning the employment of the staff of one assistant surgeon, one compounder, two nursing orderlies and one water-man-cum-sweeper as asked for by the Municipal Council."

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Minor irrigation works for the Salem district.

* 292 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the amount allotted to Salem district for minor irrigation works for the year 1952-53; and

(b) what was the amount asked for by the Collector, Salem, in this respect?

THE HON. SRI M. A. MANICKAVELU NAICKER:—" (a) Rupees one lakh and eighty-eight thousand, four hundred and fifty, Sir.

" (b) Rupees two lakhs and forty-two thousand, seven hundred."

SRI K. V. RAMASWAMI:—" சேலம் ஜில்லா பின் தங்கிய ஜில்லாவாக இருந்தும் அதற்கு அதிகப்படியான தொகை நீர்ப்பாசனத்திற்கு ஒதுக்கப் படாமல் இவ்வளவு குறைவான தொகை ஒதுக்கப்பட்டிருப்பது ஏன்? "

THE HON. SRI M. A. MANICKAVELU NAICKER:—" I won't admit that Salem is a backward district. Of the amount allotted for minor irrigation works by the Government, I find that most of the amount has been spent and that only a sum of three thousand rupees has been surrendered."

The Pullambadi Project.

* 293 Q.—SRI M. PALANIYANDI: Will the Hon. the Minister for Public Works be pleased to state whether the Madras Government have taken steps to see that the Pullambadi Project is included in the list of irrigation projects newly to be taken up for execution?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—" The scheme has been deferred in view of the uncertainty of supplies in the Cauvery in recent years. It can be considered if the water position shows a marked improvement over a period."

SRI M. PALANIYANDI:—" தற்பொழுது காவேரியில் இருந்து சென்னைக்கு தண்ணீர் கொண்டுவர முடியும் என்று இன்றுள்ள என்ஜினியர்கள் சொல்லும் காலத்தில், புள்ளம்பாடி திட்டம் கடந்த 25 ஆண்டுகளாக இருப்பதால், அடுத்த ஆண்டு தண்ணீர் வந்ததும் அந்த திட்டத்தை எடுத்துக்கொள்ள அரசாங்கம் முன்வருமா? "

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—" Sir, I have stated the opinion of the engineers only. The hon. Member seems to have got more information from the engineers and if he supplies me with that information I shall be able to do better."

SRI K. R. VISWANATHAN:—" In answer to a previous question, the Hon. the Chief Minister was pleased to say that doubts were entertained with regard to the availability of water. It is not known whether these doubts have been cleared or not as a result of further investigation made by the Government. May I know whether the Hon. Minister for Public Works will be

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pleased to order the investigation of the project with reference to the availability of water and whether the Government will come to a decision either to abandon the scheme or to defer the scheme only after such an investigation is made?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"The hon. Member will please repeat the question."

SRI K. R. VISWANATHAN:—"The other day, the Hon. the Chief Minister was pleased to say that the scheme had to be deferred just because water was not available. He further stated that the scheme was not fully investigated into. I want that the scheme should be further investigated fully with reference to the availability of water and then only the Government should come to a decision whether it should be taken up or abandoned. Merely saying that the scheme has been deferred in view of the uncertainty of supplies of water has no meaning at all. I wish to know categorically whether the Government will take up further investigation of the scheme or not?"

THE HON. SRI C. RAJAGOPALACHARI:—"There is no question resulting from the speech of the hon. Member."

SRI K. R. VISWANATHAN:—"I want to know whether the Government are going to investigate the scheme with reference to the availability of water or not."

THE HON. SRI C. RAJAGOPALACHARI:—"The suggestion in the question is that we should come to an immediate decision and not take time to make a decision. This also will be taken into consideration."

Liquor permit-holders in Udayarpalayam taluk.

* 294 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether there are any liquor permit-holders in Udayarpalayam taluk, Tiruchirappalli district; and

(b) if so, the number of such holders with the periods of the respective permits?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—" (a) The answer is in the negative.

" (b) Does not arise."

New Well-subsidy Scheme for the South Arcot district.

* 295 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state the total number of wells in respect of which

(1) recovery of subsidy; and

(2) write off of proposals were sanctioned in South Arcot district during the fasli years 1358 to 1362 under the New Well-subsidy Scheme?

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THE HON. SRI M. A. MANICKAVELU NAICKER:—

" (1) 346.

(2) 2."

SRI K. ARANGANATHAN:—"Write off செய்யவேண்டிய அவசியம் என்ன? அதில் எத்தனை பேர் காங்கிரஸ்காரர்கள்?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The Government do not go into the political complexion of the applicants."

Liquor permit-holders in Madras City.

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

(a) how many liquor permit holders there are in the City of Madras; and

(b) whether it is a fact that the Minister recently appealed to the liquor permit holders to surrender their permits, and with what result?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—" (a) On 31st October 1953, there were 231 Indian and 602 non-Indian liquor permit-holders in the City of Madras.

" (b) Yes, Sir. When presiding over the Taluk Harijans' Conference at Pollachi on 1st November 1953, the Minister appealed to the liquor permit-holders to surrender their permits for their own benefit and co-operate with the Government to make Prohibition a success. The appeal has not so far produced any result."

SRI K. VINAYAKAM:—"Sir, without meaning any disrespect to the Hon. Minister for Prohibition, may I know whether the immediate ex-Sheriff of Madras has a permit for liquor and if so, has the appeal of the Hon. Minister no effect upon him?"

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—"I am afraid the hon. Member has collected very wrong information." (Laughter.)

Assignment of lands to Harijans in Tiruchirappalli district.

* 297 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state— 12 noon.

(a) whether it is a fact that, during this year, 400 Harijans were deprived of lands originally assigned to them at Tiruchirappalli;

(b) what was the extent of lands assigned to them;

(c) when the lands were assigned;

(d) whether it is a fact that more than hundred Harijans marched to the Collectorate at Tiruchirappalli with placards and slogans on 25th August 1953 protesting against the eviction orders passed on them;

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(e) whether it is a fact that 1,500 Harijans also were prevented from cultivating the lands which were assigned to them temporarily at Tiruchirappalli; and

(f) what are the reasons for evicting the permanent and temporary assignees belonging to the Harijan Community referred to above?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) to (f) The exact particulars required for answering this question are not readily available with the Government. The Member is, however, informed that the Government have been receiving representations from several persons stating that the land in their occupation had been taken over and assigned to political sufferers. On examining these representations, the Government have found that in many of the cases these assignments had been sanctioned according to the orders in force at the time of assignment and that the assignments cannot be cancelled now and the land returned to the previous sivoijamadars. It was also found that some of the sivoijamadars are really landless and poor persons engaged in direct cultivation. Such of those dispossessed sivoijamadars as are landless and poor persons likely to resort to direct cultivation, will be eligible for the assignment of land in accordance with the current rules on the subject. As a further measure of concession, the Government have decided that those among them that are poor and deserving Harijans should be exempted from the payment of market value in the assignment of valuable land.”

SRI A. RATNAM :—“கனம் மந்திரி அவர்கள் இது மூன்றுமாத காலமாக நடந்திருந்தும் கூட குறிப்பாக எல்லா விஷயங்களையும் அறிய வில்லை என்று கூறுகிறார். திருச்சி ஜில்லாவிலுள்ள ஹரிஜனங்கள் வசித்து வந்த நிலங்களை தியாகிகளுக்கு கொடுக்கப்படும் என்று சொல்லப்படுகிறது. அவர்களை அவ்வாறு விரட்டப்படாமல் அவர்கள் நிலங்களை அவர்களுக்கே ஆர்ஜிதம் செய்யப்படும் என்று அரசாங்கம் உத்தரவாதம் அளிக்குமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Sir, no one is evicted in order to give land to political sufferers. The difficulty is that we cannot legally interfere in the cases of most political sufferers who had already had lands assigned and pattas made out in their favour. Otherwise the Government's policy is not to give lands to political sufferers.”

SRI M. PALANIYANDI :—“சிறைய செல்லாத தன்பொருளையோ, சொத்தையோ ஒன்றும் இழக்காமல் காங்கிரஸ் ஹழியர் என்று சொல்லி ஒரு நபருக்கு ஹரிஜனங்களுடைய நிலங்களை கொடுத்திருந்தால் அதை திருப்பி அவரிடமிருந்து வாங்க அரசாங்கம் முன்வருமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“It amounts to a fraud. If it is brought to the notice of the Government they will enquire into it and do the needful as they have got powers to cancel such assignments.”

12 noon MR. SPEAKER :—“Questions over. I want to make certain announcement to the House.”

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

II.—ANNOUNCEMENTS BY THE HON. SPEAKER.

SRI K. T. KOSALRAM :—“Mr. Speaker, Sir . . .”

MR. SPEAKER :—“I shall allow the hon. Member to speak afterwards.”

“I have to announce to the House that I have received the following messages :—

(1) *Message, dated the 20th December 1953, from the Governor of Madras.*

“In pursuance of Article 207, clause (3) of the Constitution of India, I Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the State Co-operative Societies (Reconstitution and Formation) Bill, 1953.

(2) *Message, dated the 29th December 1953, from the Hon. Chairman, Madras Legislative Council.*

“In accordance with rule 111 of the Madras Council Rules, I transmit a copy of the Madras Co-operative Societies (Amendment) Bill, 1953 (L.A. Bill No. 25 of 1953), as passed and agreed to by the Council on the 29th December 1953 without any amendment and signed by me.”

(3) *Message, dated the 2nd January 1954, from the Hon. Chairman, Madras Legislative Council.*

“In accordance with rule 112 of the Madras Council Rules, I return the Madras Appropriation (No. 2) Bill, 1953 (L.A. Bill No. 26 of 1953), as passed by the Council on the 2nd January 1954 without any recommendation and signed by me.”

“I wish to inform the House that I have extended the time-limit for giving notice of amendments to the Malabar Tenancy Amendment Bill till 5 o'clock to-day. All amendments received till 5 o'clock to-day will be included in the Agenda.”

SRI K. P. GOPALAN :—“Sir, most of the Members, as far as I understand, have received notice only to-day.”

MR. SPEAKER :—“Some hon. Members have complained to me that they received notice only to-day. That is why I have extended the time-limit till 5 o'clock.”

SRI K. P. GOPALAN :—“Sir, we are supplied with the Select Committee report only to-day. We have to go through it. We have to study it thoroughly. Moreover the Assembly is in session to-day and as such, we may not have enough time at our disposal to go through the reports of the Select Committee. As such, I think it will not be possible for us to give all the amendments we want to give notice of before 5 o'clock to-day. I, therefore, want that the time-limit should be extended to to-morrow.”

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CHANGE IN THE HOURS OF SITTINGS OF THE ASSEMBLY.

SPEAKER:—"To-morrow! Hon. Member should know ready extended the time-limit in response to their request. I have also to announce to the House that the House will sit from to-morrow (5th January 1954) from 9 a.m. to 1-30 p.m."

* DR. K. B. MENON:—"Apart from the fact that we want some extension of time for submission of amendments, I wish to bring to the notice of the Hon. Minister and the Hon. Speaker that according to Rule 93 of the Assembly Rules, fifteen days are allowed for Members to study the Bill. In view of the fact that the Malabar Tenancy Bill is a very . . ."

MR. SPEAKER:—"But the time-limit can be waived by the Speaker."

* DR. K. B. MENON:—"In view of the fact that the Malabar Tenancy Amendment Bill is a controversial Bill, I would suggest that the time for consideration of the same be postponed till the end of the session so that parties may be given enough time to discuss with their members and arrive at conclusions. A little more time for submission of amendments may be permitted."

SRI K. VINAYAKAM:—"On a point of information, Sir."

MR. SPEAKER:—"Is it on this subject?"

* SRI K. VINAYAKAM:—"I will supplement the arguments so ably advanced by the two hon. Members. Some of us are not Malabarians. We do not know anything about Malabar, much less its tenancy."

MR. SPEAKER:—"So I would advise the hon. Member to keep quiet. (Laughter.)"

SRI K. VINAYAKAM:—"While I appreciate the sentiments expressed by you, Mr. Speaker, all the same I have the right as an hon. Member of this House . . ."

MR. SPEAKER:—"Nobody denies the hon. Member's right."

* SRI K. VINAYAKAM:—"As a member of this House, I have a right to speak on this Bill. As a matter of fact I can speak on any Bill that comes up before this House for discussion. I might contribute some sane arguments for the improvement of the Bill now under discussion, viz., the Malabar Tenancy Amendment Bill. So I crave your indulgence, Mr. Speaker, to extend the time-limit for submission of amendments at least till to-morrow evening."

* THE HON. SRI C. RAJAGOPALACHARI:—"I am making this appeal to the Members who are raising these points. This matter has been pending for a long time. There is a universal demand that it should be disposed of soon. We had a Joint Select Committee and all matters were thrashed out by Members who

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were interested in the same. If only hon. Members could apply their minds to it, they could draft the amendments more quickly. There is no doubt about it. Regarding the request for extension of time by the hon. Member leading the Praja Socialist Party, viz., Dr. K. B. Menon, for consultation among partymen in regard to this Bill, may I point out that the Joint Select Committee in fact heard the views of all parties interested in this Bill including Mr. Kelappan. In fact, only after hearing all their views, we have arrived at fairly agreed conclusions. I think if we delay, the House will be opening itself to the charge of improper delay of a very important matter."

* THE HON. SRI C. SUBRAMANIAM:—"May I also add that copies of the Report were distributed even on the 30th December 1953 to the hon. Members at their residences in Madras and despatched to their mufassal addresses."

MR. SPEAKER:—"There were holidays after the 30th December."

* THE HON. SRI C. SUBRAMANIAM:—"Every attempt has been made to supply copies of the Report to hon. Members as early as possible. As already pointed out by the Hon. the Chief Minister, when this Bill was originally introduced here, it was discussed thoroughly and then only referred to a Select Committee. Therefore, we should remember that this matter has been before us for a long time. The Joint Select Committee has made some changes. We have got to approve of it. Therefore I would support the Hon. Chief Minister in saying that we need not postpone the consideration of this measure."

MR. SPEAKER:—"They want time only for submission of amendments."

SRI R. V. SWAMINATHAN:—"Are we meeting at 9 o'clock from to-morrow onwards? If that is so, I would submit that it will cause great inconvenience to us. We cannot get 'iddlies' ready by that time, Sir." (Laughter.)

MR. SPEAKER:—"It is because the other House is meeting simultaneously."

* DR. K. B. MENON:—"Mr. Speaker, Sir, we are not trying to postpone consideration of this Bill. We are placing our difficulties before you and asking you for extension of time-limit so that if extension is granted we might participate more effectively when the Bill comes up for discussion. We had no time to study the Report of the Select Committee. I wish to bring to the notice of the Hon. Chief Minister that even our request to be supplied with four copies of the parent Act (Malabar Tenancy Act, 1929) has not been complied with. We have not been supplied with copies of the parent Act. As such it is not possible for us to follow certain of the amendments in the present Bill, which have a bearing on the parent Act. I would request that at least in respect of those clauses of the present Bill which have a bearing on the parent Act,

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copies of the relevant portions of the mimeographed parent Act may be supplied to us, so that we might participate effectively when the subject comes up for discussion. Let not the Hon. Finance Minister or Chief Minister think that we are trying to postpone consideration of an important measure."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" About the supply of the parent Act to hon. Members, let me inform Dr. K. B. Menon that we got it specially printed for this purpose and got it distributed to all hon. Members."

MR. SPEAKER :—" It has been distributed to hon. Members. In fact let me inform Dr. K. B. Menon that some hon. Members came to me and told me that they had received copies of the parent Act."

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—" Mr. Speaker, I would like to make some observations with reference to the announcement just now made, namely, that the Assembly will meet from 9 a.m. tomorrow onwards. This question raises an important issue. It affects the privilege of hon. Members of this House. In fact, I might say, it even affects the rights of the House. It has been our custom for a very long time to meet at a convenient hour, namely, from 11 a.m. and sit till 5 p.m. Sir, it has been announced to suit the convenience of members of the Upper House and Hon. Ministers, the Assembly will sit from 9 a.m. to 1-30 p.m.

" Sometime ago there was a doubt in the minds of hon. Members of this House whether the Upper House should exist at all. I am not one who would say that the Upper House should not exist. I feel the Upper House may exist so long as the Lower House tolerates it because this Lower House has been asked on a previous occasion to give its verdict whether the Upper House should continue or not. (Cheers.) Therefore let it be understood that this House is the sovereign body. (Cheers.) After all, Sir, the question involved is the question of location of the Legislature. If our Legislative Assembly moves into the old building at Fort St. George, the Legislative Council could move into the Committee Room there. Then it would be very easy for Hon. Ministers and it may not be difficult for them to attend both the Houses even though both Houses may sit simultaneously. Of course, that is a matter on which you, Mr. Speaker, cannot give a ready ruling for you have to write to the Government whether it would be possible for this House to sit in the Old Chamber and whether the Upper House could sit at the Committee Room. It may take sometime before any final decision is reached. All the same, there is not much of a difficulty so far as Hon. Ministers are concerned. We have now twelve Ministers and I do not think it would be difficult for them to allocate the work amongst themselves and attend both the Houses if both the Houses are to meet simultaneously. I think, Sir, it amounts to infringing our fundamental right, our privilege, to deviate from the practice of sitting from 11 a.m. to 5 p.m. Our timings cannot be reduced to school-level of 9 a.m. to 1-30 p.m.

4th January 1954] [Raja Muthiah Chettiar of Chettinad]

(Laughter.) We have got so many other urgent businesses to attend to in the morning and this kind of asking us to meet at 9 a.m. will cause us great inconvenience. (The Hon. Chief Minister was seen rising to answer.) Of course the Hon. Chief Minister will give an answer to every question. I hope and trust he will take into account the feelings of hon. Members of this House in this regard. It is of course true that he will give us a convincing answer. But, all the same, let me tell the Hon. Chief Minister that the fixing of question-hour between 9 a.m. and 10 a.m. will not only serve no useful purpose but would become a farce. I am sure that all the hon. Members might not be present at the House at that early hour. We may have a thin House. Hon. Members may not have sufficient time to put supplementaries. It will cause great inconvenience to us. In this connexion, I may bring to your notice, Mr. Speaker (perhaps you may be aware of it) that when the Legislature began to function in Madras, answers to starred questions of hon. Members used to be printed and depatched to the concerned hon. Members. It used to be circulated to all hon. Members. That was the practice previously. But when Mr. Rajagopalachari took over the Chief Ministership of this State in 1937, he adopted the practice of the Parliament (that is what he said) of reading out the answer to the questions in the House. The old practice of supplying printed answers was discontinued. So much so, if an hon. Member who had put a starred question was not able to be present in the House, he could not know what answer the Hon. Minister gave. Perhaps he must read the newspapers or the official report. That is the practice obtaining now. Inasmuch as the old practice had been discontinued, hon. Members do not have the requisite time to put supplementary questions. They do not know the answer previously. They must come to the House in time, hear the answer of the Hon. Minister and then put supplementary questions. When this is the sorry state of affairs at a time when we are meeting at the reasonable hour of 11 a.m., hon. Members may imagine what sort of difficulty we would be put to if we are asked to meet at the early hour of 9 a.m. in the morning. Asking us to come at 9 a.m. amounts to an infringement of our right to meet at the reasonable hour of 11 in the morning.

" As a result of questions and supplementary questions on important matters only, we will be able to decide whether we should raise the question of half-hour debates. Now, where is the time? It is prevented literally by having the sittings from 9 o'clock or 8 o'clock, etc., in the morning. Therefore, I would submit to the Hon. the Speaker to be good enough to change the hour of starting of the session from 9 o'clock in the morning to a reasonable time say, 11 o'clock."

12-10
p.m.

SRI R. V. SWAMINATHAN :—" Sir, if it is not possible to make any change, I would suggest that we may sit in the afternoons from 2-30 and the Upper House may sit in the mornings. They are old and elderly people, they can get up early and they can attend morning sessions."

[4th January 1954]

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Member, Sri Muthiah Chettiar, assumed in the course of his long and useful speech that 9 a.m. was not a right time to meet. I do not know with what standards he measures these things. I do not see any reason at all to think that the hours you have fixed for the Legislative Assembly meetings, namely, 9 to 1-30 is not the best time of the day for work. It is a time when every member is expected to be vigorous being the first part of the day. We cannot begin earlier than nine. You have fixed 9 to 1-30 and that is the best part of the day. The Upper Chamber will sit in the afternoons—in the fag-end of the day. I think it is a fair distribution. With regard to the views he has expressed on the importance of the interpellations, nobody denies the importance of interpellations. It is in fact the non-official time of the sittings, so to say, every-day for one hour when they have the whole House at their disposal. It is very important and it is a very useful part of the legislature's work. Therefore, it is that 9 to 10, is the best part of the day, is given to that work. I do not see why Mr. Muthiah Chettiar is imagining that 9 o'clock is a difficult time, for that work. But as far as one could judge from the proceedings of the House itself, all the Members are enjoying that one hour thoroughly and most energetically. Any other time would be less useful. As a matter of fact, if the House began at a later hour, the general impression would be that it is a dull House. Therefore, I think that 9 to 1-30 is the best time.

“ Sri Muthiah Chettiar went on to suggest various changes in the buildings, accommodation and all that. We can go through them leisurely. It is not possible to do it just now. The question now is whether we meet tomorrow at 9 o'clock. Any change now, Sir, is not convenient.”

IV.—POINT OF INFORMATION *RE* THE REPORTED ANNOUNCEMENT OF A VACANCY OF AN ASSEMBLY SEAT IN THE TIRUNELVELI DISTRICT.

SRI K. T. KOSALRAM :—“ இந்த சபையின் கௌரவத்தையும் கண்ணியத்தையும் பாதுகாக்கவேண்டிய பொறுப்பு கனம் சபாநாயகர் கையில் இருக்கிறது என்பதை ஞாபகத்தில் கொண்டுவந்து சில விஷயங்களை இங்கு சொல்ல விரும்புகிறேன்.”

MR. SPEAKER :—“ எழுதிக்கொடுத்துவிட்டால் மிகவும் சௌகரியமாக இருக்கும்.”

SRI K. T. KOSALRAM :—“ ஒரு தொகுதியில், அதுவும் திருநெல்வேலி தொகுதியில் ஒரு மெம்பர் ஸ்தானம் காலியாகப்போகின்றது. அதில் திரு. எஸ்.பி. ஆதித்தன் அவர்கள் நிற்கப்போவதாகவும் இந்த சபையில் தலைவராக இருக்கின்ற எனது நண்பர் கனம் மந்திரி ஸ்ரீ. சுப்ரமணியம் அவர்கள் சொல்லியிருக்கிறார். இந்த சபையில் இதுவரை ஒரு மெம்பர் ஸ்தானமும் இப்போது காலியாக இல்லை. கோர்ட்டிலிருக்கின்ற விஷயத்தை, இன்னும் அதுபற்றி ஒன்றும் தெரியாத விஷயத்தை இந்த சபை தலைவர் சென்ற மாதம் 31-ந் தேதி மேல் சபையில் பேசியிருக்கிறார். இது ஒழுங்கா? இவ்வாறு சபைத்தலைவர் சொல்வது நியாயமா? ”

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THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, as a matter of information, I would like to mention to you, that I was present at the time in the other House. No reference was made to Sri Kosalram's seat or his vacancy or the tribunal. I think, Sir, he is making matters worse by expanding on it.”

MR. SPEAKER :—“ The hon. Member may give it in writing to me. I shall call for the official report and examine it. At the same time I may say that the hon. Member should not take cognizance of matters that have taken place in the other House.”

SRI K. T. KOSALRAM :—“ என்னுடைய பெயர் வந்ததாகச் சொல்ல வில்லை. திருநெல்வேலியில் ஒரு மெம்பர் ஸ்தானம் காலியாகப் போகின்றது என்று சொன்னாளும்தான் இங்கு சொல்லுகிறேன். அந்த ஸ்தானம் எந்த ஸ்தானம் என்று நிச்சயமாக முதல் மந்திரி அவர்களுக்குத் தெரியுமா? இதுபற்றி கனம் சுப்ரமணியம் கோர்ட்டுக்கு ஏதாவது உத்தரவு போட்டிருக்கிறாரா? இவ்வாறு இந்தச் சபையில் பேசுவது கண்டடெம்ட் அப் கோர்ட்டு ஆகிறதே? கண்டடெம்ட் அப் தி ஹவுஸ் அல்லவா? நான் 6 வருஷமாக இந்த அசெம்பிளியில் இருந்ததற்காக இதைப்பற்றி சொல்ல உரிமையிலேயா? கனம் சபைத்தலைவர் அவர்கள் இந்த விஷயத்தில் பாரபட்சமின்றி ஒத்திப்போடாமல் இந்த முக்கியமான பிரச்சனையை விவாதத்திற்குக் கொண்டுவரவேண்டும். நானும் கன்வின்ஸ் (convince) படுத்தத் தயாராக உள்ளேன். இதுபற்றி உங்கள் அறைக்கு வந்தும் சமர்ப்பிக்கின்றேன்.”

MR. SPEAKER :—“ வரும்பொழுது பிரிவினெஜ் மோஷனை எழுதிக் கொண்டு வாருங்கள்.”

V.—PRIVILEGE MOTION *RE* SRI KOSALRAM'S SPEECH PUBLISHED IN THE DINAMANI—DISCUSSION *RE*.

SRI A. SAMBASIVAM :—“ 23-12-53-ல் இந்த சபையில் பேசியதை சென்னையில் வெளியாகும் ஒரு தினசரி செய்தித்தாள் திருத்தி வெளியிட்டதற்காக அதன்மேல் நடவடிக்கை எடுக்க வேண்டுமென்று சொன்னேன். கனம் சபைத் தலைவர் அவர்கள் அது விஷயமாக என்ன செய்தார்? அதன் முடிவு என்னவாயிற்று? என்பதை தெரிந்துகொள்ள விரும்புகின்றேன், தாங்கள் அதைத் தெரிவிப்பதாகவும் சொன்னீர்கள். அப்படியிருந்தும் இன்னும் ஒன்றும் தெரிவிக்க வில்லையே என்று கேட்கின்றேன்.”

SRI S. SWAYAMPRAKASAM :—“ Sir, the hon. Member is referring to the privilege motion moved the other day. The Speaker said that he would correspond with the editor and inform the House the result.”

MR. SPEAKER :—“ Yes, the editor has been addressed and I am awaiting his reply. As soon as it is received, I will inform the House.”

[4th January 1954]

VI.—GOVERNMENT BILLS.

(1) THE STATE CO-OPERATIVE SOCIETIES (RECONSTITUTION AND FORMATION) BILL, 1954.

MR. SPEAKER :—“ I pass on to the next item. The Hon. Dr. Krishna Rao will move his motion.”

* THE HON. DR. U. KRISHNA RAO :—“ Sir, I beg leave to introduce the State Co-operative Societies (Reconstitution and Formation) Bill^a, 1954, and move—

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

“ Sir, the partition of the State necessitated the reconstitution of the three State Co-operative institutions, namely, the State Co-operative Bank, the Co-operative Central Land Mortgage Bank and the State Handloom Weavers' Co-operative Society. An Ordinance called the Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953) was therefore promulgated, providing for the reconstitution of these societies by excluding from the area of co-operation the territory now comprised in the Andhra State. With the said territory as their area of operation, new societies have been formed. As the ordinance will cease to operate at the expiration of six weeks from the date of reassembling of the legislature, it is necessary to give permanent effect to any act done and decisions taken in pursuance thereof. The Bill is a non-controversial one and is intended to achieve the above objects. There is only one printers' mistake and I would like to point that out. In the Short Title the figure '1953' at the end of sub-paragraph (1) may be read as '1954.' I request that the Bill be taken into consideration at once.”

MR. SPEAKER :—“ Motion moved—

‘ That State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.’

“ The Bill is before the House for discussion. The hon. Sri Ramalingam has given notice of an amendment. He may move his amendment.”

SRI S. RAMALINGAM :—“ Sir, I beg to move—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be referred to a Select Committee.’

12-20 p.m. “ கனம் சபாநாயகர் அவர்களே, என் பெயரால் இருக்கக்கூடிய திருத்தத்தை நான் பிரேரேபிக்கிறேன். இந்த மசோதாவை ஒரு பொருக்குக் கமிட்டிக்கு விட்டு அவர்களுடைய ஆலோசனையைக் கேட்டு ஒரு உறுதியான முடிவு செய்யவேண்டும் என்பதுதான் இந்த திருத்தத்தின் தாத்தபரியம். இந்த திருத்தத்தை இந்த சபையின் முன்பு பிரேரேபிக்கிறேன். ஏற்கெனவே இருந்த சென்னை ராஜ்ய கோவாப்போடிவ் கிரெடிட் சொசைட்டிகளும், இன்னும் பல சங்கங்களும் ஆந்திர ராஜ்யம் பிரிக்கப்பட்ட பிறகு எவைகள் ஆந்திர மாகாணத்திற்கும் எவைகள் எஞ்சிய சென்னை ராஜ்யத்திற்கும் என்று நிர்ணயிக்க

4th January 1954] [Sri S. Ramalingam]

கப்பட்டு ஒரு அவசரச் சட்டம் கொண்டுவரப்பட்டது. சென்னை ராஜ்ய கூட்டுறவு சொசைட்டி ரிஜிஸ்திரார் அவர்கள் ஒரு ஜெனரல் பாடி கூட்டத்தைக் கூட்டி அவர்கள் என்ன வகுக்கிறார்களோ அந்த யோசனையை ஒத்துக் கொண்டால் அதை சட்டமாக்க வேண்டும் என்றும் அதை ஒத்துக்கொள்ளாவிட்டால் ஒரு ஹைகோர்ட் ஜட்ஜை நியமித்து அவர்களுடைய முடிவை சட்டத்தில் கொண்டு வரவேண்டும் என்று ஒரு யோசனை அந்த அவசர சட்டத்தில் கூறப்பட்டது. ஆனால் நம்முன் இருக்கக்கூடிய மசோதாவில் கனம் மந்திரி அவர்கள் பேசியபோது ஆந்திர மாகாணம் பிரிந்த பிறகு ஏற்பட்ட சங்கங்கள் என்னென்ன, அதன் மாறுதல்கள் என்ன, ஜெனரல் பாடி கூட்டம் கூட்டி ரிஜிஸ்திரார் அவர்களுடைய யோசனை என்ன, அந்த யோசனைகளை ஜெனரல் பாடி ஒத்துக்கொண்டதா, ஏதாவது விஷயத்தில் மாறுபட்ட அபிப்பிராயங்கள் இருக்கின்றனவா, யாராவது ஒரு ஜட்ஜை நியமித்து முடிவு செய்தார்களா, அந்த மாதிரியான விஷயங்களை நமக்கு அவர் தெரியப்படுத்தவில்லை. என்ன மாறுதல்கள் ஏற்பட்டிருக்கின்றன, இது அவசரம்தான், இந்த சட்டம் வேண்டுமா என்பதை இந்த சபையால் நிர்ணயிக்க முடியாது. ஆகவே ஒரு செலக்ட் கமிட்டியிடம் விட்டால் இந்த காரியங்களை கவனிப்பதற்கு ஓர் சந்தர்ப்பம் ஏற்படும், பிறகு கவனித்து ஒரு முடிவு செய்ய முடியும் என்பதை சொல்லிக்கொண்டு இதை பிரேரேபிக்கிறேன். அவசரச் சட்டத்தில் வந்தது என்ன, இந்த சட்டத்தில் என்ன மாறுதல் இருக்கிறது என்பது தெரியாமல் இருக்கிறது. அதை தெரிந்துகொள்ள வேண்டும் . . .”

MR. SPEAKER :—“ இதை யாராவது செக்ஷன்ட் பண்ணவேண்டும். அதன் பிறகுதான் நீங்கள் பேசலாம்.”

SRI R. KRISHNAN :—“ I second the amendment.”

MR. SPEAKER :—“ Motion moved—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be referred to a Select Committee.’

“ The motion as well as the amendment are now before the House for discussion.”

* SRI M. PALANIYANDI :—“ கனம் சபாநாயகர் அவர்களே, தோழர் கனம் எஸ். ராமலிங்கம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை ஆதரித்துப் பேசுகிறேன். அப்படி பேசும்போது கோவாப்போடிவ் சொசைட்டி மசோதாவை ஒரு பொருக்குக் கமிட்டிக்கு விடவேண்டும் என்று கொண்டு வரப்பட்ட பிரேரேபணையை ஆதரித்துப் பேசும்போது இந்த மசோதாவில் பல சட்ட திட்டங்கள் அல்லது கோரிக்கைகளை யெல்லாம் சரிவர உணர்ந்து ஏழை மக்களுக்கு . . .”

THE HON. SRI C. SUBRAMANIAM :—“ This Bill has nothing to do with that.”

MR. SPEAKER :—“ தயவு செய்து இந்த மசோதாவை படித்துவிட்டு பேசுங்கள்.”

SRI M. PALANIYANDI :—“ நான் இதை ஆதரிக்கிறேன்.”

* SRI K. VINAYAKAM :—“ Sir, before this House passes the Bill, I wish to have a small piece of information from the Hon. Minister. What are the new societies that have been formed and what are the societies that have been reconstituted after the promulgation of the Ordinance? ”

[4th January 1954]

* THE HON. DR. U. KRISHNA RAO :—" Sir, as regards the point raised by my friend Sri K. Vinayakam, the answer to it is contained in items (c) and (d) of clause 2 which are as follows :—

' (c) Reconstituted societies means the Madras State Co-operative Bank, Limited, the Madras Co-operative Central Land Mortgage Bank, Limited, and the Madras State Handloom Weavers' Co-operative Society, Limited, as reconstituted in pursuance of the Ordinance; (d) "new societies" means the Andhra Co-operative Central Land Mortgage Bank and the Andhra Handloom Weavers' Co-operative Society.'

" Sri Ramalingam wanted to know the purpose of the provisions in the Ordinance. The purpose was to enable the Registrar of Co-operative Societies to give a decision should any difference of opinion arise on any matter during the partition, and if his decision was not acceptable, to enable the reference of the matter to a High Court Judge. I am glad to announce that no objection was raised on any point during the partition and that there was no occasion for the Registrar to give any advice or for any High Court Judge to intervene. I feel that Sri Ramalingam will now be satisfied that this Bill merely reproduces the provisions of the Ordinance.

" As regards the point raised by my hon. Friend Sri M. Palaniyandi, I submit that what he said does not come within the scope of this Bill. He wanted to go into the merits of the Co-operative Societies Act. That can be done when the Government bring forward a Bill to amend that Act or the hon. Member himself can bring forward a private Bill. This is a simple Bill reproducing the provisions of the Ordinance. My friend need not entertain any apprehension that any new provision has been introduced. This is a simple and harmless Bill which, I hope, will be accepted by the House."

SRI S. RAMALINGAM :—" இதை (என்னுடைய நிருத்தத்தை) நான் வாபஸ் வாங்கிக்கொள்ளுகிறேன்."

The amendment was by leave withdrawn.

MR. SPEAKER :—" The question is—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

* SRI K. VINAYAKAM :—" Sir, in the name boards put up in the offices of the Andhra co-operative institutions referred to in clause 2 (d), the word 'limited' is there. As far as my information goes, all these are limited concerns. I want to know whether the omission of the word 'Limited' in respect of the institutions referred to in clause 2 (d) is a slip."

* THE HON. DR. U. KRISHNA RAO :—" With regard to the societies in the Andhra State, I have no information to give. I take the information from the hon. Member. But I do not think

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the omission of the word 'Limited' makes any difference whatever. If the hon. Member insists upon putting that word, I have no objection. But I suggest that we may leave the matter at that, and I will consider it."

* SRI K. VINAYAKAM :—" Without the addition of that word, the Bill may be a defective one."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, this is merely a question about the legal position. The description of the co-operative institutions as 'limited' may be right or wrong. If we do not say whether they are limited or not, there will be no difficulty whatsoever. Difficulty will arise only when we put in the word 'limited' when they are not limited."

Clause 2 was put and carried.

Clauses 3 and 4, the Preamble and clause 1 were put and carried.

THE HON. DR. U. KRISHNA RAO :—" Mr. Speaker, Sir, I move—

' That the Bill be passed into law.'

" I do not think I need make any speech now. I thank hon. Members for the suggestions and the co-operation they have given."

MR. SPEAKER :—" Motion moved—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.' "

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, . . ." 12.30 p.m.

MR. SPEAKER :—" The hon. Member ought to have stood up long before."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, this Bill is necessitated by the formation of the Andhra State, and beyond the districts that have been included in the Andhra State, some portion of the quondam Madras State has gone over to Mysore. Nothing has been stated in regard to that portion. Has it been affected by this Bill or not? I want to know that."

* THE HON. DR. U. KRISHNA RAO :—" Sir, so far as I know, no separate bank or handloom society or a land mortgage bank has been formed in Mysore as a result of the Andhra partition. There are already such institutions in the State of Mysore, and I submit, therefore, that question does not arise now."

* SRI K. VINAYAKAM :—" Sir, the Hon. Minister has not made the position clear. If my information is correct, there are co-operative societies in the abovementioned area. They were all

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inside the composite Madras State. What happens to them? They have gone to the Mysore State. What happens to the bank and societies that were in Bellary area that has gone now to Mysore State? The Bill does not speak anything about these cases."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I may be permitted to explain. We have to divide the banks and the handloom co-operative society into two separate institutions with reference to Andhra and with reference to the Madras State. That division has been made. For that purpose, we wanted legislative sanction. The House was not sitting then. So an Ordinance was promulgated. The partition has taken place, and two separate institutions have come into existence. The institutions are operating in their respective areas. As far as Bellary area is concerned, it has been tacked on to Mysore State where there is already a co-operative organization with reference to banking operations and also with reference to the handloom societies. Therefore, by an enactment of the Mysore Legislature, they have to take over the management of all these societies and their affairs in the Bellary area. As such, there is no question of constituting a separate bank or handloom society with reference to that area. There was, therefore, no necessity to go into that question when we divided the assets and liabilities to form separate societies and separate banks. That being so, any mention here of Bellary area will not be appropriate. Mysore will take care of it. That Legislature will pass an enactment extending the jurisdiction of the bank to the Bellary area, over which they have got jurisdiction."

* SRI P. S. KRISHNASAMY AYYANGAR :—" It was previously included in the State Co-operative Societies Bill. Is it not to be excluded when the Andhra districts are excluded? Is not the Bellary area to be excluded from the operation of this Bill? "

* THE HON. SRI C. SUBRAMANIAM :—" Sir, in no circumstances can our enactment have jurisdiction over the Bellary area. Now it does not form part of our State. The Ordinance is being validated with reference to our society only operating within our State, whatever might have been our jurisdiction before 1st October 1953. We have absolutely no jurisdiction now over Andhra and Bellary areas. If we are validating, it is only with reference to the state of affairs prevailing in our State. Whether we exclude Andhra area or the Bellary area, whatever is passed here cannot have any validity with reference to the Andhra area or the portion of the Mysore State. Therefore, we need not bother about mentioning the Andhra area or the Bellary area. It is only validating the affairs pertaining to our State."

SRI A. RAMACHANDRA REDDIAR :—" What about the assets and liabilities? "

* SRI C. SUBRAMANIAM :—" They have already been allocated and decided. Hon. Members may refer to the Andhra State Act, wherein, I believe, provision has been made with reference to assets and liabilities."

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* SRI S. RAMALINGAM :—" கூட்டுறவு கிழேடிச் சொசைட்டி, லான்ட் மார்ட்டேஜ் பாங்க் இவைகளில் நம்முடைய காபிடல் எவ்வளவு, எவ்வளவு பேர்கள் கடன் வாங்கி இருக்கிறார்கள், எவ்வளவு அங்கத்தினர்கள் இருக்கிறார்கள், பிரிந்துபோன ஆந்திர மாகாணத்தில் எவ்வளவு பேர்கள் இருக்கிறார்கள், எவ்வளவு கடன் இருக்கிறது, அவர்களுக்குக் கிடைக்கவேண்டிய தொகை என்ன இவைகளையெல்லாம் சொன்னால்தான் இந்த சட்டத்தை பாஸ் பண்ணமுடியும். இப்பொழுது இருப்பது வெளிச்சமாக இருக்கிறது. சுமமா குட்டையில் எருமை மாட்டை போட்டுக்கொண்டு விலை பேசுவது போல் இருக்கிறது. இதை யெல்லாம் தெரிந்து கொண்டால்தான் இந்த மசோதாவைப் பாஸ் பண்ணமுடியும்."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I wish better language is used with reference to the proceedings of this House. Apart from that, if the hon. Member wanted that information, certainly it would be given to him. But he was keeping quiet during the first reading stage and also the second reading stage. But when the Bill is in its third reading stage, and is put to vote, if the hon. Member should rise and ask for information, I am really sorry for it. If the hon. Member is interested, certainly we will give the information to him. Even if he asks for information in the form of a question, the information will be made available to him. The question was gone into by the directors concerned. That is why Mr. Ramachandra Reddiar referred to the assets and liabilities of the banks and societies. After all, the shareholders are interested in this. They have taken these things into consideration when they divided the assets and liabilities. The only thing is that we have to give legislative sanction for that. For that only we are validating the ordinance."

MR. SPEAKER :—" The question is—

'That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.' "

The motion was put and carried.

(2) THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL, 1954.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to introduce the Madras General Sales Tax (Amendment) Bill, 1954, and move—

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

" Sir, I may explain the necessity for this Bill. There was an amendment to the General Sales Tax Act in the year 1951, which introduced a new section—section 2-A. Thereby a Tribunal was constituted in order to hear appeals against the decisions of officials lower down. The Tribunal consisted of a Chairman, who was a District Judge, and two other Members of whom one was a Chartered Accountant and the other a Deputy Commissioner of Commercial Taxes. Under the Act, it was incumbent that all the three Members of the Tribunal should sit together and dispose of cases. But we found in the actual working of the Act some drawbacks and

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defects. For example, if one of the three members takes leave for one month—every member is entitled to privilege leave for a month every year—the work of the Tribunal will come to a standstill, because it is incumbent that all the three should sit together. Again, if one member takes casual leave then the Tribunal cannot function. Again suppose one of the assesses, is a relation of one of the members, then that member cannot sit, and that is the difficulty. Again, the departmental member, who is one of the three members, might have given a decision as the Deputy Commissioner, when he was a Deputy Commissioner, and when the same case goes before him, he cannot sit on the Tribunal. If one member cannot take part in the proceedings of the Tribunal, the Tribunal cannot function, as it is incumbent under the Act that all the three should sit together. Therefore, it was found necessary that some alteration in the rules should be made. Further, when the Andhra Partition took place, of the three members who constituted the Tribunal then, two were allotted to the Andhra State. This reduced the number of the Tribunal to one. Therefore the Tribunal could not function. It was very necessary to see that the hearing of the cases was not delayed and the Government issued the ordinance on 31st October 1953. The rule requires that when an ordinance is promulgated, within six weeks from the date of the first meeting of the Assembly, a Bill should be brought before the Legislature and passed. That is why we have brought in this Bill. I commend this motion for the acceptance of this House."

MR. SPEAKER :—" Motion moved—

'That the Madras General Sales Tax (Amendment) Bill, 1954, be taken into consideration at once.'

12-40 p.m. * SRI S. RAMALINGAM :—" Mr. Speaker, Sir, I beg to move—

'That the Madras General Sales Tax (Amendment) Bill, 1954, be referred to a Select Committee.'

"இந்த மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று இந்த திருத்தத்தைப் பிரேரேபிக்கிறேன். காரணம் என்னவென்றால் கனம் மந்திரி அவர்கள் இந்த மசோதாவை பிரேரேபித்து பேசும்போது இந்த டிரிபூனலில் மூன்று பேர்கள் இருந்தார்கள், அவர்கள் உட்கார்ந்து விசாரிக்கவேண்டிய இடத்தில் இரண்டு பேர்கள் உட்கார்ந்து விசாரிக்கவேண்டும் என்ற காரணத்தை எடுத்துக் கூறினார். ஆனால் வியாபாரிகளுக்கு கஷ்டங்கள், தொந்தரவுகள் இருக்கின்றன என்பதைப்பற்றி அவர் சொல்லவில்லை."

THE HON. SRI C. RAJAGOPALACHARI :—" வியாபாரிகளுக்கு தொந்தரவுகள் கிடையாது."

* SRI S. RAMALINGAM :—" வியாபாரிகளுக்கு நிறைய தொந்தரவுகள் இருக்கின்றன. ஆகையால் அவர்களுடைய அபிப்பிராயங்களையும் கேட்டு அதன் பிறகு ஒரு முடிவுக்கு வந்தால் நன்றாக இருக்கும். அது இல்லாமல் நாம் எதேச்சையாக சட்டம் செய்தால் அது நன்றாக இருக்காது. சம்பந்தப்பட்டவர்களைக் கேட்டு அவர்களுக்கு தங்களுடைய குறைகளைச் சொல்லிக் கொள்ள சந்தர்ப்பம் கொடுக்கவேண்டும். ஏற்கனவே இந்த விற்பனை வரி

4th January 1951] [Sri S. Ramalingam]

அதிகாரிகளால் வியாபாரிகளுக்கு அநேகம் தொந்தரவுகள் இருக்கின்றனவென்று இங்கும் வேளியிலும் எடுத்துச் சொல்லிக்கொண்டிருக்கிறார்கள். இவ்விதம் நாம் சட்டம் செய்தால் இன்னும் அவர்களுக்கு அதிகமாக தொந்தரவுகள் ஏற்படும், இதைப் பற்றி அநேகர் சாங்கோபாங்கமாக பேசி இருக்கிறார்கள். இன்னும் அதிகமான தொந்தரவுகள் ஆகாமல் இருப்பதற்காகவாவது அவர்களையும் கேட்டுக்கொண்டு இந்த சட்டத்தை நிறைவேற்றவேண்டும் என்பதற்காகத்தான் இதை பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்."

* SRI K. VINAYAKAM :—" Mr. Speaker, while supporting the amendment of the hon. Member Sri Ramalingam to refer this Bill to a Select Committee, I adduce different reasons for the same. Now, the Sales Tax Appellate Tribunal consists of three Members and the Government state that a difficulty has arisen since the decision in all cases referred to the Tribunal has under the Act, to be taken by all the three members sitting together. They also say that it is very difficult to get all the members together for a sitting so as to dispose of cases referred to it for decision and that it causes inconvenience to the Tribunal. My fear in this respect is this. After all, how many cases are disposed of by this Tribunal per year? There cannot be so many cases as to inconvenience the Members. The Hon. Minister must come forward with categorical instances showing that so many cases were brought up before the Tribunal with the result that in those days all the three Members could not be brought together for a sitting which caused a lot of harassment or undue delay in the disposal of cases. We feel that there may not be many appeals to be heard by this Tribunal because the members of the merchant community do not appeal in all cases. They appeal only in strong and hard cases where they feel that they have been harassed or overassessed. But, in many cases, I have found from experience that the ordinary merchants do not want to encounter all these practical difficulties by taking their cases to the appellate authorities, which, of course, on the face of it, may be justified as far as their cases are concerned. They rather willingly submit to the insane rulings of the officers concerned and pay the tax assessed in order to avoid trouble. Such being the natural tendency of merchants, there may not be many cases coming up before the Tribunal for decision. In view of the smallness of the number of cases to be decided by the Tribunal, would it not be possible to so adjust as to see that all the cases are brought up before it when the three Members are present? Really, they cannot be absent for the entire year. As the Hon. Minister was saying, each Member can take one month's privilege leave in a year. Assuming that all the three Members take leave in different periods of the year, three months in a year will be there when the Tribunal cannot function. But there are nine months in a year when they can dispose of all the cases. My fear is this. If power is vested with one Member to decide this case or that, it amounts to vesting more power or concentrating power in a few hands, whereas it should be diffused among three Members where there will be more of democracy than officialdom. That is the idea which prompts me to request the Government to refer this Bill to a Select Committee where this aspect can be looked into."

[4th January 1954]

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, hon. Members may know that the arrears were very considerable and it caused great inconvenience to parties and not merely to the Finance Department of the Government. It is necessary to dispose of taxation cases fairly expeditiously from the point of view of both the public exchequer and the merchant's exchequer. So far as the question whether it is better to have three Members on the Tribunal than having two is concerned, I may point out to the hon. Members that even in the High Court where very important cases are dealt with, generally two Judges dispose of most important matters and the Full Bench is not called in. Here, we have three Members on the Tribunal so that the matter may be disposed of without difficulty as and when occasion arises. Ordinarily, a Bench of two Members could be constituted out of the three Members, and it would be more than enough for disposal of cases pertaining to sales tax assessment. Further, provision is made that where there is a difference of opinion on any point, the original decision will stand where there is no upsetting by a majority. This is a simple provision in this Bill. I submit that the most important consideration is quick disposal and especially, members of the mercantile community and shop-keepers should be told what the final decision is. As a matter of fact, it was with very great difficulty that we were able to reduce the arrears this year."

* SRI K. VINAYAKAM :—" On a point of clarification, Sir. On a former occasion, a proposal for constituting such a Bench was brought forward in respect of cases coming up before the Taxation Appeals Committee of the Corporation. It was stated that difficulties were experienced by the assesseees as a result of the arrangement that the cases should be disposed of by a committee consisting of three members, inside the Corporation building. Then, the Hon. the Chief Minister came forward and pleaded that in view of the difficulties caused to the assesseees, an Appeals Committee consisting of two members, with the Chairman and another member, was enough to pass orders. Now, what is the experience that we are now gaining from the appeals referred to this Committee? I happen to be a Member of the Council of the Corporation. I may tell you, Sir, from my experience that as long as the entire Committee sat and decided cases, there was a little amount of justice meted out to the assesseees in the City of Madras. But since a law empowering a Committee consisting of only two members to pass judgments over these appeals was passed, the people have been experiencing great hardship and they have been feeling that the judgments passed by this kind of Appeals Committee are not justified. They have also no resource to go to the Court of law. They shrug their shoulders and say, 'May God help us'. They simply pay the tax that is assessed and wash their hands of the business. That is the difficulty which we have been experiencing and out of practical experience, I am saying what effect this kind of curtailment of liberties has upon the assesseees concerned."

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* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, the hon. Member, if I may be permitted to rise again, has given his own reasons. The comparison with the arrangement in regard to the Corporation affairs lends support to this Bill. Here, it is provided that two members shall decide the matter and that is what exactly the law relating to the Corporation affair also provides. Here, we have made a provision that two members may sit over these matters and an additional provision as to what should be done if there is a difference of opinion. If there is a difference of opinion, the original decision shall prevail. That is the principle governing the whole matter. I submit that there is no great point, as far as I am able to see, in what the hon. Member Sri Vinayakam has said."

* SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, கனம் 12-50
முதல் மந்திரி அவர்கள் சொல்லும்போது இரண்டு அங்கத்தினர்கள் p.m.
உட்கார்ந்து கொண்டு விசாரிக்கவேண்டுமென்று சொன்னார். இப்பொழுது
க்ளாஸ் 2 (சி)யில் படி இரண்டு அங்கத்தினர்கள் உட்கார்ந்து விசாரிக்கும்
போது இரண்டு அங்கத்தினர்களுக்கும் வித்தியாசம் ஏற்பட்டால் அவர்கள்
தனித்தனியாக தீர்ப்புக் கூறவேண்டும் என்றும் என்னென்ன விஷயங்களில்
அவர்கள் ஒப்புக்கொண்டிருக்கிறார்களோ அவைகளில் ஒருதலைத் தீர்ப்புக் கூற
வேண்டும் என்றும் அவர்களுக்கு வித்தியாசம் ஏற்பட்டிருக்கும்போது எப்படி
தீர்ப்புக் கூற வேண்டும் என்றும் இருக்கிறது. இதனால் வியாபாரிகளுக்குத்
தான் பாதகம் ஏற்படுவதோடு அவர்கள் அதிகப்படியான வரி
கொடுக்கவேண்டியதாக இருக்கும். அதிகாரிகள் கொடுக்கும் கணக்கை
வைத்துக்கொண்டுதான் அவர்கள் தீர்ப்புகள் சொல்லுவார்கள். அதனால்
தான் கண்டிப்பாக இந்த மசோதாவைக் கொண்டு வருவதற்கு முன்
வியாபாரிகளை விசாரித்து அவர்களுடைய அபிப்பிராயத்தைத் தெரிந்து
கொள்ளவேண்டும். அதனால்தான் இந்த மசோதாவை ஒரு செலக்ட்
கமிட்டிக்கு விட வேண்டும் என்ற திருத்தத்தைப் பிரேரேபிக்கிறேன்."

MR. SPEAKER :—" நீங்கள் இந்த திருத்தத்தை வாபஸ் வாங்கிக்
கொள்ளுகிறீர்களா ? "

SRI S. RAMALINGAM :—" நான் வாபஸ் வாங்கிக்கொள்ளவில்லை.
வற்புறுத்துகிறேன். I press."

MR. SPEAKER :—" I am now going to put the amendment of
hon. Member Sri S. Ramalingam to the vote of the House. The
question is—

'That the Madras General Sales Tax (Amendment) Bill,
1954, be referred to a Select Committee.' "

The motion was put and lost.

MR. SPEAKER :—" I am now going to put the original motion
to the vote of the House. The question is—

'That the Madras General Sales Tax (Amendment) Bill,
1954, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

MR. SPEAKER :—" The motion moved—

'That clause 2 do stand part of the Bill.' "

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SRI N. K. PALANISAMY :—“ Sir, I shall move my amendment.”

MR. SPEAKER :—“ நீங்கள் இரண்டு திருத்தங்கள் கொடுத்திருக்கிறீர்கள். எந்த திருத்தத்தை இப்பொழுது நீங்கள் பிரேரேபிக்கப் போகிறீர்கள் ? ”

SRI N. K. PALANISAMY :—“ Sir, I move my first amendment which reads,—

‘ In sub-clause (i), in line 3, after the words “ appoint ”, insert the words “ In consultation with the South Indian Chamber of Commerce ”. ’ ”

SRI S. RAMALINGAM :—“ I second the amendment, Sir.”

SRI M. NARAYANA KURUP :—“ Sir, I move the following amendments standing in my name :—

‘ (1) In the proposed new sub-section (1) of section 2-A, add at the end, the words “ but they shall be non-officials ”. ’

‘ (2) In the proviso to the proposed new sub-section (3) (a), for the word “ may ” substitute the word “ shall ”. ’

‘ (3) In the proposed new sub-section (3) (c), after the words “ appellant or applicant ” in the fourth line, insert the words “ if the Bench in its discretion does not think fit to post it before a Full Bench ”. ’ ”

SRI K. T. SREEDHARAN :—“ I second the amendments, Sir ”

SRI S. RAMALINGAM :—“ Sir, I move—

‘ In the proposed sub-section 3 (c), for the word “ against ” occurring in lines 4 and 7, substitute the words “ in favour of ”. ’ ”

The amendment was duly seconded.

MR. SPEAKER :—“ Clause 2 and the amendments thereto moved by hon. Members Sri M. Narayana Kurup, Sri N. K. Palanisami and Sri S. Ramalingam are now before the House for discussion.”

* SRI M. NARAYANA KURUP :—“ Sir, my intention in moving my first amendment is that there should be non-officials. As the provisions stand at present it may be that both the two members may be officials of the department. In regard to legal questions and technical matters, a man of the grade of District Judge and a man having knowledge of the department and its working may be essential. But let me submit that such a qualified man may be available outside, or we may even have retired officials. The danger of making the same person a prosecutor as well as a judge is inherent in any Committee or Tribunal. My amendment only says that there shall be non-officials. If the Government, however think that some qualifications are necessary for the people,

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such qualifications as the Government may think fit, may be prescribed. By doing this, their object can also be achieved with a certain amount of apparent fairness to the parties concerned, because they will not go in appeal before the same department which has assessed them or which has done them an injustice.

“ As regards my second amendment. I wish to submit that when complicated questions of law crop up, the matter should be referred to the Chairman and his opinion ascertained. It is possible that such questions of law may be discussed by a Bench of two members who are not at all conversant with law. Of course, this section gives them the option, or in other words, consultation with the Chairman is made optional. Inasmuch as two of the members are likely to be departmental officials, such complicated questions should be dealt with only after obtaining the permission or the opinion of the Chairman. That is why I want to substitute the word ‘ shall ’ for the word ‘ may ’ in this proviso.

“ Sir, the Hon. Chief Minister just now explained how cases are being disposed of. Now, this is a Tribunal of three judges. It is quite possible that questions may be discussed by two of them. If there is a dissenting voice, they cannot, according to the present provisions, refer the matter to a third judge or place it before a Bench. In important matters, where members themselves feel that it is a fit case that should be considered by a Full Bench, the discretion of the two members should not be tied down. The section does not make it obligatory on them to refer the matter to a third member or judge. When the members differ in fundamentals and at the same time feel that a particular matter is a fit case to go before a third judge, they may be allowed to refer it to a third judge. I think this is a very reasonable amendment. I see no reason why the Government cannot accept this amendment as well as the other two amendments which are after all formal ones and do not materially affect the provisions of the Bill or the intention of the Government.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, before you proceed to allow other hon. Members to speak on the amendments, I would like to know from hon. Member Sri Narayana Kurup what exactly he means by saying that there should be non-officials. Does he mean that the non-officials should be honorary members? Or is it his intention that in selecting the judges for the Tribunal we should select people who have no legal or other official qualifications and that we should select only non-officials? Let me inform the hon. Member that the Tribunal is a permanent Court. It is not an *ad hoc* courts sitting now and then. It is a permanent Court so to say.”

SRI M. NARAYANA KURUP :—“ Sir, I only wanted to know whether these other two persons will be connected with the department which taxes these people.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ They are persons with judicial or accounts qualifications. Non-officials would be without any qualification for such work.”

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SRI S. SWAYAMPRAKASAM :—" They should not be connected with the taxation department."

THE HON. SRI C. RAJAGOPALACHARI :—" They are permanently transferred to the Tribunal."

SRI N. K. PALANISAMI :—" Sir, I move—

" In clause (c) of the proposed sub-section (3), for the words " the point shall be found . . . points on which they are divided," substitute the words " the appeal or application shall be referred to the Tribunal consisting of all the three members for decisions " ."

" கனம் சபாநாயகர் அவர்களே, ட்ரிபுனலில் ஏற்கனவே மூன்று பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்க வேண்டும் என்று இருந்தது. இந்த மசோதாவைக் கொண்டு வந்த காரணம் நியாயம் கிடைக்கக் கூடாது என்பதற்காகத்தான். வியாபாரிகளுக்கு அப்படியே தொந்தரவுகள் இருக்கவேண்டும் என்பதற்காகத்தான் இதைக் கொண்டு வரப்பட்டிருக்கிறது. கண்டிப்பாக மூன்று பேர்கள் இருந்துகொண்டுதான் விசாரிக்கவேண்டு என்று இருக்கவேண்டும். இரண்டு பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்கலாம் என்று இருக்கக்கூடாது. வியாபாரிகளுக்கு ஏற்கெனவே சர்க்கார் அதிகாரிகளால் கொடுக்கப்பட்ட தொல்லைகள் பற்றி எல்லோருக்கும் தெரியும். இருந்தபோதிலும் அனுபவம் இல்லாத அங்கத்தினர்களைப் போட்டால் அவர்கள் அதிகாரிகள் செரல்லுவதைத்தான் ஏற்றுக்கொள்ளுவார்கள். அவர்களும் வியாபாரிகளுக்கு சாதகமாக தீர்ப்புச் சொல்லமாட்டார்கள். வியாபாரிகளுடைய வருமானம் என்ன, அவர்களுடைய வியாபாரம் என்ன, அவர்கள் என்ன வரி கொடுக்கவேண்டும், என்ன வியாபாரம் செய்கிறார்கள் என்பதை தெரிந்து கொள்ளமுடியாது. இவைகளைமெல்லாம் அவர்கள் யோசித்துச் செய்ய முடியாது. சர்க்கார் அதிகாரிகள் என்ன தொகை கொடுக்கிறார்களோ அதை வைத்துக்கொண்டுதான் அவர்கள் தீர்ப்பு சொல்லுவார்கள். வியாபாரிகள் சம்பந்தப்பட்டதைச் சொல்ல தென்னிந்தியா வியாபாரிகள் சங்கம்தான் வியாபாரிகளுடைய விஷயத்தை எடுத்துச் சொல்ல முடியும். ஆகவே அவர்களைக் கலந்துகொண்டு இந்த ட்ரிபுனலுக்கு அங்கத்தினர்களைப் போடவேண்டும் என்று இந்த தீர்மானத்தை பிரேரேபிக்கிறேன்."

The amendment was seconded.

MR. SPEAKER :—" Motion moved—

" In clause (c) of the proposed sub-section (3), for the words " the point shall be found . . . points on which they are divided," substitute the words " the appeal or application shall be referred to the Tribunal consisting of all three members for decision " ."

DR. K. B. MENON :—" I understand the point made by the Hon. the Chief Minister. But I do believe that the induction of a non-official with qualifications into the Tribunal will be a healthy factor."

THE HON. SRI C. SUBRAMANIAM :—" Once he is put on the Tribunal, he will become an official."

* THE HON. SRI C. RAJAGOPALACHARI :—" We are now appointing many tribunals. The hon. Member knows what is going on. We select people with judicial experience who are fairly free and have retired from service but are not too old. We

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provide that at least one should be a judicial officer. If it is possible to get more people with judicial qualifications, we would certainly prefer them. But at least one should be there and that is what is put down in clause 2. As regards others, we shall prescribe such qualifications as will secure us the right type of men. Hon. Members should also remember that in dealing with large trade matters and assessment matters, it is no use creating a state of things where public suspicion will be roused. So, there is no question of having non-officials in a semi-official position. They become officials as soon as they are put on the job. It will be exceedingly difficult to open out the Tribunal to non-officials as if it were a committee. I think that is the position. We have canvassed all probable difficulties and have dealt with them. We cannot improve on the terms of the Bill. This is all the assurance I can give. We have tried our best to constitute a proper court."

SRI K. VINAYAKAM :—" May I know from the Hon. the Chief Minister whether the Government had any difficulty in the matter of choosing members with proper qualifications from among non-officials for the present Tribunal? Had they any practical difficulty? Otherwise, why should they relax the qualifications in the Bill?"

* THE HON. SRI C. RAJAGOPALACHARI :—" We have not made any change in that respect. As far as I know, the position is this. The qualifications required are two-fold. One is they should be legally trained and they should have a judicial temperament. The other is that they should know something about the nature of the work that they have to do—namely, accounts, money, trade, business and the like. These are kept in mind in choosing members. It is not easy to get non-officials with judicial qualifications. There are several difficulties in making the selection. Even for a judge's post, we find difficulties. As regards the membership of the Tribunal it is not considered as good as a High Court judgeship to which with some difficulty we get the right type of people to help to some extent. Therefore, we have reduced the minimum number of judicial members to one, a district judge or a man like him. The other two will be carefully chosen with reference to other qualifications. Very likely, the other person will be one who has got accounts experience and experience in trade and commercial transactions. I do not think we can improve the position by opening out the Tribunal to non-officials. The great danger is that if we create a situation as exists in the case of the City Corporation with which my friend, Mr. Vinayakam, is conversant, persons concerned will try to go to the judges themselves, and we are anxious to avoid such things happening."

SRI M. NARAYANA KURUP :—" My only anxiety was whether the officials of the department would be transferred as Members of the Tribunal."

THE HON. SRI C. SUBRAMANIAM :—" Once they go into the Tribunal they will not revert to their original jobs."

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SRI S. SWAYAMPRAKASAM :—“ They should not be connected with the taxation department.”

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SRI N. K. PALANISAMI :—“ Sir, I move—

In clause (c) of the proposed sub-section (3), for the words “ the point shall be found . . . points on which they are divided,” substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all the three members for decisions ”.

“ கனம் சபாநாயகர் அவர்களே, ட்ரிபுனலில் ஏற்கனவே மூன்று பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்க வேண்டும் என்று இருந்தது. இந்த மசோதாவைக் கொண்டு வந்த காரணம் நியாயம் கிடைக்கக் கூடாது என்பதற்காகத்தான். வியாபாரிகளுக்கு அப்படியே தொந்தரவுகள் இருக்கவேண்டும் என்பதற்காகத்தான் இதைக் கொண்டு வரப்பட்டிருக்கிறது. கண்டிப்பாக மூன்று பேர்கள் இருந்துகொண்டுதான் விசாரிக்கவேண்டு என்று இருக்க வேண்டும். இரண்டு பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்கலாம் என்று இருக்கக் கூடாது. வியாபாரிகளுக்கு ஏற்கெனவே சர்க்கார் அதிகாரிகளால் கொடுக்கப்பட்ட தொல்லைகள் பற்றி எல்லோருக்கும் தெரியும். இருந்தபோதிலும் அனுபவம், இல்லாத அங்கத்துணர்களைப் போட்டால் அவர்கள் அதிகாரிகள் சொல்லுவதைத்தான் ஏற்றுக்கொள்ளுவார்கள். அவர்களும் வியாபாரிகளுக்கு சாதகமாக தீர்ப்புச் சொல்லமாட்டார்கள். வியாபாரிகளுடைய வருமானம் என்ன, அவர்களுடைய வியாபாரம் என்ன, அவர்கள் என்ன வரி கொடுக்கவேண்டும், என்ன வியாபாரம் செய்கிறார்கள் என்பதை தெரிந்து கொள்ளமுடியாது. இவைகளைமெல்லாம் அவர்கள் யோசித்துச் செய்ய முடியாது. சர்க்கார் அதிகாரிகள் என்ன தொகை கொடுக்கிறார்களோ அதை வைத்துக்கொண்டுதான் அவர்கள் தீர்ப்பு சொல்லுவார்கள். வியாபாரிகள் சம்பந்தப்பட்டதைச் சொல்ல தென்னிந்தியா வியாபாரிகள் சங்கத்தான் வியாபாரிகளுடைய விஷயத்தை எடுத்துச் சொல்ல முடியும். ஆகவே அவர்களைக் கலந்துகொண்டு இந்த ட்ரிபுனலுக்கு அங்கத்தினர்களைப் போடவேண்டும் என்று இந்த தீர்மானத்தை பிரேரேபிக்கிறேன்.

The amendment was seconded.

P.M. MR. SPEAKER :—“ Motion moved—

In clause (c) of the proposed sub-section (3), for the words “ the point shall be found . . . points on which they are divided ”, substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all three members for decision ”.

DR. K. B. MENON :—“ I understand the point made by the Hon. the Chief Minister. But I do believe that the induction of a non-official with qualifications into the Tribunal will be a healthy factor.”

THE HON. SRI C. SUBRAMANIAM :—“ Once he is put on the Tribunal, he will become an official.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ We are now appointing many tribunals. The hon. Member knows what is going on. We select people with judicial experience who are fairly free and have retired from service but are not too old. We

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provide that at least one should be a judicial officer. If it is possible to get more people with judicial qualifications, we would certainly prefer them. But at least one should be there and that is what is put down in clause 2. As regards others, we shall prescribe such qualifications as will secure us the right type of men. Hon. Members should also remember that in dealing with large trade matters and assessment matters, it is no use creating a state of things where public suspicion will be roused. So, there is no question of having non-officials in a semi-official position. They become officials as soon as they are put on the job. It will be exceedingly difficult to open out the Tribunal to non-officials as if it were a committee. I think that is the position. We have canvassed all probable difficulties and have dealt with them. We cannot improve on the terms of the Bill. This is all the assurance I can give. We have tried our best to constitute a proper court.”

SRI K. VINAYAKAM :—“ May I know from the Hon. the Chief Minister whether the Government had any difficulty in the matter of choosing members with proper qualifications from among non-officials for the present Tribunal? Had they any practical difficulty? Otherwise, why should they relax the qualifications in the Bill? ”

* THE HON. SRI C. RAJAGOPALACHARI :—“ We have not made any change in that respect. As far as I know, the position is this. The qualifications required are two-fold. One is they should be legally trained and they should have a judicial temperament. The other is that they should know something about the nature of the work that they have to do—namely, accounts, money, trade, business and the like. These are kept in mind in choosing members. It is not easy to get non-officials with judicial qualifications. There are several difficulties in making the selection. Even for a judge's post, we find difficulties. As regards the membership of the Tribunal it is not considered as good as a High Court judgeship to which with some difficulty we get the right type of people to help to some extent. Therefore, we have reduced the minimum number of judicial members to one, a district judge or a man like him. The other two will be carefully chosen with reference to other qualifications. Very likely, the other person will be one who has got accounts experience and experience in trade and commercial transactions. I do not think we can improve the position by opening out the Tribunal to non-officials. The great danger is that if we create a situation as exists in the case of the City Corporation with which my friend, Mr. Vinayakam, is conversant, persons concerned will try to go to the judges themselves, and we are anxious to avoid such things happening.”

SRI M. NARAYANA KURUP :—“ My only anxiety was whether the officials of the department would be transferred as Members of the Tribunal.”

THE HON. SRI C. SUBRAMANIAM :—“ Once they go into the Tribunal they will not revert to their original jobs.”

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SRI M. NARAYANA KURUP :—“ Once they go, I know they will become independent. But I want to know whether they will be appointed at all as Members.”

THE HON. SRI C. SUBRAMANIAM :—“ One Member will be from the Department because, otherwise, the Tribunal cannot know the nature of the work it has to do.”

THE HON. SRI C. RAJAGOPALACHARI :—“ How can we turn the scale entirely against the Government!”

MR. SPEAKER :—“ I shall now put the amendments to the vote of the House. The question is—

‘ In sub-clause (i), in line 3, after the word “ appoint ”, insert the words “ in consultation with the South Indian Chamber of Commerce ”.’ ”

THE HON. SRI C. RAJAGOPALACHARI :—“ I think the hon. Member, Mr. Palanisami, will withdraw the amendment for the sake of his party.”

SRI N. K. PALANISAMI :—“ I withdraw the amendment.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

“ In the proposed new sub-section (1) of section 2-A, add at the end, the words “ but they shall be non-officials ”.’ ”

SRI M. NARAYANA KURUP :—“ In view of the assurances pressed upon me, I do not press my amendment, Sir.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

‘ In the proviso to the proposed new sub-section (3) (a), for the word “ may ” substitute the word “ shall ”.’ ”

‘ In the proposed new sub-section (3) (c), after the words

‘ In the proposed new sub-section (3) (c), after the words “ appellant or applicant ” in the fourth line, insert the words “ if Bench ”.’ ”

SRI M. NARAYANA KURUP :—“ I withdraw the amendment.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

‘ In clause (c) of the proposed sub-section (3) for the words “ the point shall be found . . . points on which they are divided ”, substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all the three members for decisions ”.’ ”

SRI N. K. PALANISAMI :—“ I withdraw my amendment.”

The amendment was, by leave of the House, withdrawn.

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MR. SPEAKER :—“ I shall now put Mr. Ramalingam's amendment to vote.”

SRI S. RAMALINGAM :—“ Sir, the Government are considering my amendment. I want the proposed sub-section (3) (c) to be so amended as to provide that, where the Bench consisting of two members are divided in their opinion, the point shall be found in favour of the applicant or appellant.”

THE HON. SRI C. RAJAGOPALACHARI :—“ That is, if there is difference of opinion, the appellant should succeed? This would be a very unique proposal in the whole of the Statute Book?”

* SRI S. RAMALINGAM :—“ நான் என்ன சொல்ல விரும்புகிறேன் என்றால், சாதாரண கரிமினல் கேஸ்களில் கூட benefit of doubt is given to the accused.” 1-10 p.m.

THE HON. SRI C. RAJAGOPALACHARI :—“ Here the Government is the accused.”

* SRI S. RAMALINGAM :—“ Here the aggrieved party is the merchant, வியாபாரிகள் இவ்வளவு தொகை கொடுக்கவேண்டுமென்று அதிகாரிகள் நிர்ணயித்திருக்கும் தொகையானது அதிகம், அதைக் குறைக்க வேண்டுமென்று அப்பெல்லட் ட்ரிபுனலுக்கு அப்பீல் பண்ணுகிறார்கள். அதே நிலை அப்பீலுக்குப் போயும் நீடிக்குமானால் வியாபாரிகள் பாதிக்கப்படுகிறார்கள். அதனால், வியாபாரிகள் தான் ‘aggrieved party’ என்ற முறையில் இருக்கிறார்கள். ஆகவே, ‘benefit of doubt’ வியாபாரிகளுக்கு காட்டுவதுதான் நல்லது. அதுதான் நியாயம் என்றும் நினைக்கிறேன்.”

“இரண்டாவதாக வியாபாரிகளும் மற்றவர்களும் கிளர்ச்சி செய்து கொண்டு வருகிறார்கள். அவர்கள் கிளர்ச்சிசெய்து வருவதினால், இதை அவர்களுக்குச் சாதகமாகச் செய்யலாம். அதனால் சர்க்காருக்கு நஷ்டமில்லை.”

“மூன்றாவதாக இருந்த அங்கத்தினர் ட்ரிபுனலில் விஜாரிக்கட்டும். ஏற்கனவே உள்ள பிரிவு கூறுவதாவது.

‘ Provided, that if any case which comes up before a Bench (of which the Chairman is not a member) involves a question of law, the Bench may, in its discretion, reserve such case for decision by a Bench of which the Chairman shall be a member.’ ”

“Judicial point இவை இருவருக்குள் வேற்றுமை ஏற்பட்டால், தலைவராக இருக்கக்கூடியவருக்கு அந்த மாதிரி கேஸ் ரிசர்வ் செய்துவிடலாம் என்று மசோதாவில் இருக்கிறது. அந்த மாதிரி இருக்கும்போது இருவருக்குமிடையே வித்தியாசமோ மாறுபட்ட அபிப்பிராயமோ ஏற்பட்டால், அவர்கள் முடிவு பண்ணட்டும் என்று இருப்பது நியாயம் அல்ல. இல்லையென்றால், வியாபாரிகள் மேலும் கஷ்டப்படுவதற்கே இந்தக் களாஸ் இருக்கும். ஆகையால், சர்க்கார் இதை கவனித்து புனராலோசனை செய்து, ஒத்துக் கொள்வார்கள் என்று நினைக்கிறேன்.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am speaking informally. The proposal is that not only in questions of law but also in questions of fact also—I think it comes to that—the Bench may have discretion to refer the case to another Bench with the Chairman on it, the Chairman is not in the original Bench as in the proviso to the sub-clause. I do not think the hon. Member is pressing the other point, that wherever there is a difference of

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opinion the appellant shall be enabled to succeed. It is so unreasonable and I think he would not press it. His proposal is definitely a different one, namely, not merely on a question of law but even on a question of fact, the Bench should have discretion to refer the case to another Bench with the Chairman. The point is the person who is judicially qualified is bound to be the Chairman, and therefore, provision is made that where it is a question of law, it should be sent to a Bench with the Chairman. Difference of opinion may arise on points of fact because there are two in the Bench and how can we say that the Bench shall have discretion to refer the case again to another Bench. Even on that they would again differ, one from the other. It will be impossible to get a unanimous verdict on questions of fact. The existing provision is well-conceived. It would not be possible easily to improve upon it. If there is any difficulty in the working of the law, we will try to improve it by and by. As it is, we cannot improve it by adopting the amendment now proposed by the hon. Member."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment."

SRI S. RAMALINGAM :—" No, Sir. I am pressing my amendment."

MR. SPEAKER :—" The question is—

' In the proposed sub-clause (3) (c), for the word " against " occurring in lines 4 and 7, substitute the words " in favour of " . '

The amendment was put and lost.

MR. SPEAKER :—" There are no amendments to Clause 3. I am now going to put the Preamble and Clauses 1, 2 and 3 to the vote of the House."

Clauses 3, 2, 1 and the Preamble were separately put and carried.

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

' That the Bill be passed into law. ' "

MR. SPEAKER :—" Motion moved—

' That the Bill be passed into law. ' "

* SRI K. VINAYAKAM :—" Mr. Speaker, Sir, I rise to oppose this Bill. I know I have very little chance of convincing the Government and make them withdraw this Bill. The object of constituting the Tribunal is to dispense justice to the parties concerned. The suspicion of the Opposition is gradually increasing that the intention of the Government is to create a departmental clique. The departmental demi-gods will be enabled to control the Tribunals. Whenever there is difference of opinion, the power to decide the issue is vested with the Chairman because he has judicial knowledge. The point which this side of the House was pressing upon the Government was that the appellant must have

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some scope to get justice from the Tribunal. But here the object with which the Bill has been drafted seems to be to create a ' steel frame.' Tribunal so that the man who goes before the Tribunal is only drawn into a series of appeals, just given a show-down, and finally he succumbs to the ruling of the Tribunal. This is the reason why, I once again appeal that the Bill should be referred to a joint Select Committee."

MR. SPEAKER :—" This is not the stage to make such a recommendation."

* SRI K. VINAYAKAM :—" Then I appeal to the Government to reconsider the position and recast the Bill giving effect to the amendments moved by hon. Members."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, in spite of the great emphasis laid by the hon. Member in his speech, he has not convinced me of the necessity for his voting against this Bill. I am afraid he has too much of the departmental phobia. The Tribunal will consist of three members. One will be a District Judge, a man possessing judicial knowledge and experience. The second will be a non-official, a chartered accountant. When he is appointed he will become a full-time servant of the Government. He will be coming with all his non-official experience and sympathies. The third will be a departmental man. He is being put in the Tribunal because, with his departmental experience he can advise the Tribunal on assessment and all such matters. Once he is appointed to the Tribunal he will cease to owe any allegiance to the Department. Probably after he becomes a Member of the Tribunal, with a vengeance he may turn the other way. One cannot say exactly.

" Sir, I request that in Clause 1, the year 1953 may be changed to 1954."

MR. SPEAKER :—" The question is—

" That the Madras General Sales Tax (Amendment) Bill, 1954, be passed into law."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Mr. Speaker, Sir, with regard to the provision in sub-clause (3) (a) giving discretion to reserve cases . . . "

MR. SPEAKER :—" I have already given a chance to the hon. Member. As a special case I shall allow him to speak again now."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, I was not able to keep pace with the speed of the House and therefore I request I may be given an opportunity. According to the sub-clause, when difference of opinion on a question of law arises before a Bench, discretion is given to the Bench to reserve the case for decision by another Bench. Is the discretion confined only to reserve it for decision by some other Bench or is the right to determine the Bench which has got to decide it finally, also given to the

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Bench before which the question of law arises? It is not clear here. Conflict may later on arise. The Bench before which the question of law arises may say: 'I have got to determine the Bench which has got to finally decide this case.' The Chairman may say: 'I have the exclusive right to appoint such a Bench. The position is not clear in the Bill. To avoid such conflicts between one Bench and the Chairman of the Bench, I want that the point should be made clear.'

THE HON. SRI C. RAJAGOPALACHARI :—"The point made by the hon. Member Sri Krishnasamy Ayyangar is this. In the proviso a note should be made to the effect: 'in its discretion reserve any such cases for decision by a Bench to be constituted by the Chairman and the Chairman shall be a Member.' We may probably accept that, Sir."

MR. SPEAKER :—"There is no amendment before the House. If it is only a verbal amendment, I have no objection to accept the amendment proposed by Government. The Hon. Minister may move the amendment."

* THE HON. SRI C. SUBRAMANIAM :—"I move, Sir, that, clause 2 be re-opened for consideration and

'in proviso to sub-section (3) (a) after the word "Bench" occurring in line 4, insert the following words, namely, "to be constituted under this clause".'

The motion was carried and the consideration of the clause was re-opened.

MR. SPEAKER :—"With the permission of the House, I am re-opening clause 2. There is a verbal amendment to sub-clause (3) (a). The motion is—

'That in proviso to sub-section (3) (a) after the word "Bench" occurring in the line 4, insert the following words "to be constituted under this clause."'

"I am going to put the amendment to the vote of the House."

1-20 p.m. SRI S. RAMALINGAM :—"Let the Hon. Minister explain it."

* THE HON. SRI C. SUBRAMANIAM :—"Since Mr. Ramalingam wants an explanation, I shall explain the position. A doubt has arisen as to who are to constitute the new Bench when the original Bench refers a question of law to another Bench. It is not as if discretion is given to the original Bench itself to decide this matter. So, for this purpose, I moved—

'That in proviso to sub-section (3) (a) after the word "Bench" occurring in line 4, insert the following words "to be constituted under this clause".'

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MR. SPEAKER :—"The question is—

'That in proviso to sub-section (3) (a) after the word "Bench" occurring in the line 4, insert the following words "to be constituted under this clause".'

The amendment was put and carried.

* SRI P. S. KRISHNASAMY AYYANGAR :—"Sir, in sub-clause 3 (c) mention has been made about the difference of opinion between the members constituting the Bench on any 'point.' The 'point' may be a 'point of law' or a 'point of fact'. With regard to a 'point of law' provision is made in the proviso to the sub-clause but with regard to a 'point of fact' no provision is made. If there is difference of opinion as to whether a point is on a 'point of fact' or a point of law what is to be done? Therefore, instead of the word 'point' the words 'point of fact' should be there."

THE HON. SRI C. RAJAGOPALACHARI :—"Many more difficulties will be raised. We may leave them to the lawyers concerned."

Clause 2 as amended was put and carried.

MR. SPEAKER :—"The question is—

'That the Bill as amended be passed into law.'

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

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

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

(3) THE MADRAS CONTINGENCY FUND BILL^a, 1953.

* THE HON. SRI C. SUBRAMANIAM :—"Sir, I beg leave to introduce the Madras Contingency Fund Bill, 1953 and move—

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

"This is a very formal Bill. As hon. Members are aware, the Government cannot draw money from the Consolidated Fund except under the authority of the Legislature. It is only for that purpose, after we vote the various Grants, we pass, what is known as the Appropriation Bill, giving authority to the Government to draw money from the Consolidated Fund of the State. But, apart from the Budget proposals, for which sanction is granted by the Legislature, the Government may have to undertake new schemes which have not been contemplated at the time of making the Budget proposals and those cases have to come up before this House again by way of Supplementary Demands. Before we get authority from the Legislature, it is necessary to incur some expenditure. For that purpose, we constitute, what is known as, the Contingency Fund. From that Fund, the Governor is

^a Published in the Fort St. George Gazette, dated 9th December 1953.

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authorized to advance money to the Government for being utilized on New Services. Later on, when the Legislature sanctions the expenditure and votes the Grant, this money is put back into the Contingency Fund so that the Contingency Fund, at the end of the year, will remain at the same figure. We had the Contingency Fund Act of 1950 with reference to the State as a whole, providing one crore of rupees for this Fund. After the separation of the Andhra State, the balance left over is only about forty or fifty lakhs of rupees which will go back to the Consolidated Fund. That is why a new Bill with reference to our residuary Madras State has been brought forward, and it is proposed that a sum of Rs. 75 lakhs may be constituted as the Contingency Fund. Therefore, I would request the hon. Members to pass this Bill."

MR. SPEAKER:—"Motion moved—

'That the Madras Contingency Fund Bill, 1953, be taken into consideration at once.'"

SRI K. P. GOPALAN:—"Sir, I move—

'That the Madras Contingency Fund Bill, 1953, be referred to a Select Committee'."

SRI S. RAMALINGAM:—"Sir, I second the amendment."

MR. SPEAKER:—"Amendment moved—

'That the Madras Contingency Fund Bill, 1953, be referred to a Select Committee.'"

The motion and the amendment are now before the House for discussion.

SRI K. P. GOPALAN:—"Sir, the Statement of Objects and Reasons appended to the Bill is very vague and not at all clear. In that statement, it is merely stated that 'it is proposed to re-constitute the Contingency Fund for the residuary State of Madras consisting of a sum of Rs. 75 lakhs to be transferred from the Consolidated Fund of the State'. Even the Hon. the Minister for Finance, in his speech, did not give full explanation as to the purpose of this Bill. In the Budget, there is already provision for discretionary grants. Moreover, the sum of Rs. 75 lakhs is a very huge amount though I may say that there should be some amount left in the hands of the Governor for discretionary purposes. We are meeting very often,—I think every two or three months—and whenever any emergency arises, we can meet and consider any Resolution or Bill that the Government may bring forward.

"Also, I want to know from the Hon. the Finance Minister whether this amount is accountable or not? I also want to know whether the money spent by the Governor also will come up before this House for approval. I want to get all this information and that is why I moved this amendment."

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SRI S. RAMALINGAM:—"Sir, it is stated in the Statement of Objects and Reasons that

'Expenditure incurred from the fund from April to September 1953 on account of the composite State of Madras could not be recouped to the fund as required by section 2 (3) of the Act due to the partition of the State.'

"முன்னமேயே சொல்லியது போல ஒரு கோடி ரூபாயில் கவர்னர் எவ்வளவு செலவு செய்தார். இதெல்லாம் ஒன்றும் சொல்லுவது இல்லை. ஆந்திர தேசம் பிரிந்த பிறகு ஏன் ஒரு கோடி ரூபாய் ரிப்ளேஸ் (replace) பண்ணவில்லை என்பதை தெளிவு படுத்தினால் நன்றாக இருக்கும்."

* SRI K. VINAYAKAM:—"Sir, I am not harping on the point that this Bill should be referred to a Select Committee and I dissociate myself from that motion. But, by way of information, I would like to know what is the amount now in the Consolidated Fund with the Government of Madras?"

* THE HON. SRI C. SUBRAMANIAM:—"Sir, it is a daily 2-4
account of the cash balance standing to the credit of the Madras P.
Government. I am not able to give the information off-hand. It
will be about Rs. 6 crores now."

"The difficulties raised by hon. Members, Sri K. P. Gopalan and Sri S. Ramalingam, have some importance because there seems to be a misapprehension that this sum of Rs. 75 lakhs is intended for use as discretionary grants to be spent at the discretion of either the Governor or the Government. There is absolutely no such thing. If only the hon. Members would go through Articles 204, 205 and 206 of the Constitution, I am sure that all these doubts will be very easily cleared. The point to be remembered in this connexion is that we cannot draw any amount from the Consolidated Fund except under the authority of the Legislature. The Governor is there only representing the Government and this has nothing to do with the discretionary grants of the Governor or any such thing. The Government as such could draw monies from the Consolidated Fund only with the authority of the Legislature. It is the Appropriation Act which gives this power to the Government but the monies could be drawn only with reference to the various items and schemes mentioned therein for which specific Grants have been made by the Legislature. But, sometimes unforeseen expenditure on new schemes have to be incurred. I will mention to the House an instance which happened last year before the partition of the State. We had to incur large expenditure over the location of the Andhra Capital. There was no Budget provision but the amounts had to be spent. We had to meet this expenditure from the Contingency Fund. So also, a new scheme may have to be started suddenly which was not contemplated before. It may be that a new health scheme may have to be started or, take for instance, expenditure on famine relief work. Suppose that sufficient provision has not been made in the Budget and we have to start new schemes of famine relief works. We cannot be summoning the Legislature immediately for getting its authority. So, we spend the money towards these new services from the Contingency Fund. It is not as if the amounts

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spent from the Contingency Fund do not come before Legislature for scrutiny and sanction. Every item has got to be placed before the Legislature under Articles 204, 205 and 206 of the Constitution and specific sanction obtained later on. Every amount has got to be ratified by the Assembly and then only the amount expended from the Contingency Fund can go back into the Fund. The discussion on these Supplementary Demands takes place as in regard to any other Demand during the General Budget Discussion. There have been no Supplementary Demands this year because every item of expenditure has been ratified by the Andhra State Bill. This is a peculiar situation which may not arise hereafter. I can assure hon. Members that whatever amounts the Government spend outside the Budget will be brought for ratification before the Assembly. There is no question, therefore, of this Fund being utilized for any unauthorized purpose without the proper sanction of the Legislature. This Fund is something like what we call in business a 'Suspense Account'. Money is spent immediately the need arises and subsequently the ratification of the Assembly is obtained. In regard to such expenditure, proper safeguards have also been laid down in the Constitution in Articles 205 and 206. I can assure hon. Members that by the creation of this Contingency Fund no irregularities can occur. It is only in pursuance of Article 206 of the Constitution that we are setting up this Fund and apart from this, there is nothing else. I would, therefore, request the hon. Member Sri K. P. Gopalan to withdraw his amendment to refer this Bill to a Select Committee which is absolutely unnecessary."

SRI S. RAMALINGAM :—" Sir, on a point of explanation. Sir, இதிலே 1953 ஏப்ரல்-செப்டெம்பர் மாதங்களில் தனியாக எவ்வளவு தொகை செலவழிக்கப்பட்டிருக்கிறது என்று எடுத்துச் சொல்லப்படவில்லை. எதற்கு எதற்காக செலவுசெய்யப்பட்டது. என்பதைத்தான் நான் கேட்கிறேன். பொதுவாக கொள்கை பற்றி ஒன்றும் குறிப்பிடவில்லை.

* THE HON. SRI C. SUBRAMANIAM :—" Sir, a sum of Rs. 77 lakhs was spent out of this one crore of rupees in the first six months. Out of this Rs. 77 lakhs, Rs. 40 lakhs were spent on expenditure incurred in connexion with the location of the Andhra Capital and about Rs. 20 to 25 lakhs were spent on various other small schemes. About Rs. 23 lakhs being the balance available will go back to the Consolidated Fund of our State and we will be constituting a new Contingency Fund with Rs. 75 lakhs. All the details regarding the expenditure met from the Contingency Fund will be placed item by item at the next Budget session."

SRI K. P. GOPALAN :—" Sir, I withdraw my amendment." The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—" I will now put the original motion to the vote of the House."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, I have not given notice of any amendment but I would like to suggest a verbal alteration."

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MR. SPEAKER :—" The hon. Member need not move any amendment now. He has got every right to do so when the Bill is taken up clause by clause. The question is—

'That the Madras Contingency Fund Bill, 1953, be taken into consideration at once.'"

The motion was put and carried.

Clause 2.

* SRI P. S. KRISHNASAMY AYYANGAR :—" Mr. Speaker, Sir, in sub-clause (2) of clause 2, the Governor is given the authority to make advances from the Contingency Fund 'pending authorization' of the same by the State Legislature. The word 'pending' would indicate that the matter is already under consideration by the State Legislature and I think that the Hon. the Minister in charge of the Bill means by that expression 'in anticipation of'. So, the words 'in anticipation of' would be better than 'pending'. 'Pending' would indicate that the matter has already been brought before the Assembly and it is being actually considered by it when the expenditure is incurred. Suppose the Assembly is not in session when an expenditure is incurred and it is then brought before the Assembly for ratification. The Assembly could then say that it was never put before them for their consideration and it was never pending their consideration and therefore they would not authorize the particular expenditure. So, to obviate such difficulties, the better expression would be 'in anticipation of'. This is the verbal alteration that I want to suggest."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not think it would be proper to put the expression 'in anticipation of authorization' for the words 'pending authorization'. The words 'pending authorization' are quite proper and when we say 'pending authorization' it does not mean that the matter should be actually pending before the Legislature. It is only the authorization that has to come later on. I think it is quite proper as it is."

Clause 2 was put and carried.

Clause 3.

SRI S. RAMALINGAM :—" Sir, I want the words 'and the rules be placed before the State Legislature' be included at the end of clause 3."

THE HON. SRI C. SUBRAMANIAM :—" Sir, it is a very simple Bill and I do not think such a provision is necessary."

Clause 3 was put and carried.

Clause 4 was put and carried.

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Clause 1.

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

'That for the figures '1953', the figures '1954', be substituted.'"

The amendment was put and carried.

Clause 1 as amended was put and carried.

The Preamble was put and carried.

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

'That the Madras Contingency Fund Bill, 1953, as amended be passed into law.'"

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

(4) THE MADRAS HEREDITARY VILLAGE OFFICES (EXTENSION TO PUDUKKOTTAI) BILL, 1953.

50 * THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to introduce the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, and move—

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

" Sir, when the three States—Pudukkottai, Banganapalli and Sandur—were merged with our State, the laws applicable in the area other than the merged States were not applied to those States. As far as application of Central laws to those merged States were concerned, the Central Government stated that they themselves would undertake necessary legislation in the matter and as far as the State laws were concerned, the Central Government left it to the State Government to enact suitable legislation for extending the State laws to the merged States. By the Madras Merged States (Laws) Act, 1949, certain important laws were extended by the Government of this State to the merged areas. But the Madras Hereditary Village Offices Act, 1895 was not extended to the merged territory of Pudukkottai State. In order to bring in line the law that is prevalent in most parts of the State other than the merged areas, this Bill is brought forward to extend that law to the former Pudukkottai State also. In this connection, I may also state that the previous Pudukkottai Durbar made some of the village offices, for example the office of karnam, in the Pudukkottai area hereditary in character. If the present Madras Hereditary Village Offices Act is not extended to the Pudukkottai area to cover those village offices of karnams which have been declared as hereditary by the previous Pudukkottai Durbar, there will be an anomaly because there will be no suitable law governing those offices. In order to regularise this and also to extend the prevailing law to that small area of the old Pudukkottai State, this Bill has been brought forward."

[4th January 1954]

MR. SPEAKER :—" Motion moved—

'That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, be taken into consideration at once.'"

SRI K. P. GOPALAN :—" Sir, I move—

'That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.'"

SRI S. RAMALINGAM :—" I second the amendment."

MR. SPEAKER :—" Motion moved—

'That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.'

"Both the amendment and the main motion are now before the House for consideration."

* SRI V. BALAKRISHNAN :—" கனம் சபாநாயகர் அவர்களே, இந்த சென்னை பரம்பரை கிராம அதிகாரிகள் சட்டத்தை நான் ஆட்சேபிக்கிறேன். புதுக்கோட்டை விஷயங்களைப்பற்றி எனக்குப் பல ஆண்டுகளாகப் பல துறைகளில் தெரியும். புதுக்கோட்டை 1948-ம் சமஸ்தானத்திலிருந்து சென்னை ராஜ்யத்தில் இணைக்கப்பட்டது. 1948-லிருந்து 1953 வரையில் இல்லாமலிருந்த இந்த ஒரு சட்டம் திடீரென்று சரியான காரணம் கூறாமல் கொண்டுவருவது ஏனென்று தெரியவில்லை. 1893-ம் ஆண்டிலே ஒரு அன்னிய ஏகாதிபத்தியத்தின் கீழ் இருக்கும்போது தங்களுக்கு ராஜவிஸ்வாசம் உள்ளவர்களாக இருக்கவேண்டும் என்பதற்காக இந்தப் பரம்பரை பாத்தியம் பிரிட்டிஷ் ஏகாதிபத்தியத்தால் கொண்டுவரப்பட்டது. மன்னர்களும் ஜமீன்தார்களும் விரட்டப்பட்டபின் அவர்களுக்கு உடைந்ததையாக கிராம உத்தியோகஸ்தர்களுக்கு பரம்பரை பாத்தியதை கொடுப்பது ஒழுங்கல்ல. ஆனால் இப்பொழுது கொண்டுவருவதன் அவசியம் என்ன வென்று புரியவில்லை. நடந்த பட்ஜெட் விவாதத்தின்போது ரெவின்யூ மான்யத்தைப்பற்றி பேசுகையில், இந்த பரம்பரை பாத்தியதை சட்டத்தை சென்னை ராஜ்யத்திலுள்ள மக்கள் பூராவும் ஆட்சேபிக்கிறார்கள் என்று எடுத்துக்கூறி இதை எடுத்துவிட வேண்டுமென்று கனம் ரெவின்யூ மந்திரியை மன்றாடிக்கேட்டுக் கொண்டேன். ஆனால் அதைப் பொருட் செய்யாமல் அதற்குப் பதிலாக இந்தப் பரம்பரை பாத்தியதை சட்டத்தை கனம் ரெவின்யூ மந்திரி கொண்டு வந்திருப்பது மிக ஆச்சரியமாக இருக்கிறது. கேணி வெட்டப்போய் பூதம் புறப்பட்ட கதையாய் இருக்கிறது. சுமார் 60 ஆண்டுக்கு முன் இருந்த சட்டத்தை, மக்களுக்கு நீதிக்கும் புரம்பான சட்டத்தை 1954-ம் ஆண்டில் கொண்டுவருவது சரியா, நியாயமா, முறையா, ஜனநாயக ரீதியா என்று கேட்கிறேன். ஜனநாயக முறையில் ஜனங்கள் சுகமாக வாழ இந்தச் சட்டம் அரசாங்கத்தால் கொண்டுவரப்படுகிறது என்று சொல்வது வியப்பாகத் தான் இருக்கிறது. வேடிக்கையாகவும் இருக்கிறது. கிராமாந்திரங்களில் கணக்குப் பிள்ளைகள், கிராம அதிகாரிகள் இவர்களின் கை லஞ்சம் பற்றி எல்லோருக்கும் தெரியும். அவர்கள் பேரில் கம்பளெய்ன்ட் வந்த காலத்திலும் அவர்களைச் டிரான்ஸ்பர் செய்வது கிடையாது. அவர்களின் குற்றத்திற் காக சஸ்பன்டு செய்வதும் கிடையாது. உத்தியோக முறைக்கு புறம்பாக குற்றங்கள் செய்த போதிலும் 24 மணி நேரத்தில் அவர்களைச் சஸ்பன்டு செய்து நீக்குவதோ விசாரிப்பதோ கிடையாது. அவர்களின் பேரில் டிசிப் பிளினரி ஆக்சன் எடுப்பது கிடையாது. கிராமங்களில் கணக்குப் பிள்ளைகள் எதேச்சாதிகாரத்தன்மையில் தங்கள் இஷ்டம் போல் நடந்து வருகிறார்கள். எந்தக் காரியமும் கை லஞ்சம் கொடுக்காமல் நடைபெறுவது

[Sri V. Balakrishnan]

[4th January 1954]

கிடையாது. இந்தக் காலத்திலும், அதுவும் ஜனநாயகம், குடியரசு இருக்கிற காலத்திலும் எல்லா கிராமங்களிலும் இவ்விதமாக நிகழ்ந்து வருகிறது. பரம்பரை பாத்தியதையாக இருந்தஜமீன்தாரி முறை நாடு பூராவும் எடுக்கப்பட்டது. இயற்கையால் வகுக்கப்பட்ட மன்னர்கள் முறை ரத்து செய்யப்பட்டது. ஆனால் இந்தப் பரம்பரைப் பாத்தியதைச் சட்டம் புதுக்கோட்டைப் புண்ணிய பூமியில் மாத்திரம் கொண்டுவருவதன் காரணம் என்ன என்று புரியவில்லை.

“எனக்குத் தெரிந்த ஒரு கணக்குப்பிள்ளை கை லஞ்சம் மிகவும் வாங்குவார். கம்பளெய்ன்ட் கொடுத்தாலும் அவருக்கு எதிராக சாட்சி சொல்லுவதற்கு ஒருவரும் முன்வருவதில்லை. அவர் கிராமத்தில் அதிக செல்வாக்கு உள்ளவராய் ஏகாதிபத்தியம் செலுத்திவருகிறார். உதாரணமாக தஞ்சை, திருச்சியில் புயல் ஏற்பட்ட காலத்தில் சர்க்கார் பண உதவி பொது ஜனங்களுக்கு அளித்தார்கள். அந்தப் பணத்திலிருந்து இந்த கணக்குப் பிள்ளை ஒரு பங்கு கை லஞ்சம் வாங்கியதாகச் சொல்லப்பட்டது. இந்தப் புகாரைப் பற்றி சர்க்காருக்குத் தெரியப்படுத்தியும் கூட உண்மை எதுவும் வெளிவரவில்லை. இந்தக் கணக்குப்பிள்ளையை யாராவது எதிர்த்துப் பேசினாலும், எதிரே சாட்சி சொன்னாலும் அவர்கள் நிலங்களுக்குப் பட்டா வாங்கமுடியாது. நிலங்களைக் கிரயம் செய்யமுடியாது. சொத்துக்களை வைத்துக் கடன் வாங்கவும் முடியாது. கிணறு மான்யம் பெறமுடியாது, தக்காலிக்கடன் வாங்க முடியாது, ஆதலால் அவர்களின் தயவு கட்டாயம் பொதுமக்களுக்கு குறிப்பாக விவசாயிகளுக்கு மிகவும் அத்தியாவசியமாயிருக்கிறது. ஆகையால் எதிராக சாட்சி சொல்லவும் யாரும் வருவதில்லை. இந்தக் கணக்குப் பிள்ளையின்பேரில் டிசிபிளினரி ஆக்ஷன் எடுத்து வேறு இடத்துக்கு டிரான்ஸ்பர் செய்து அங்கே விசாரிக்கப்பட்டால் பணம் கொடுத்தவர்களும் சாட்சி சொல்லுவதற்கு தைரியமாக முன் வருவார்கள். அது மாதிரியான நடவடிக்கைகள் எடுக்காத காரணத்தினால் இந்தக் கணக்குப் பிள்ளை கிராம அதிகாரிகளிடம் சவால் விட்டுக்கொண்டு இருக்கிறார். காரணம் இந்தப் பரம்பரையை சட்டத்தின் முடிவு என்கிறது சர்க்கார். இன்னும் சொல்லப்போனால் இந்த சட்டம் அவர்கள் மேலும்மேலும் அக்கிரமமும் அநியாயமும் செய்துக்கொண்டேபோவதற்கு உடந்தையாக இருக்கிறது. இதுவரையிலும் புதுக்கோட்டையில் இந்த சட்ட நோக்கு இல்லாமல் நிர்வாகம் நடத்தி வந்திருக்கிறது. இந்தப் புதிய சட்டம் வருவதனால் எந்த விதமான மாறுபாடுகளும் ஏற்படப்போவதில்லை என்பது நிச்சயம். இந்த சட்டம் இல்லாததனால் என்ன ஆபத்து வந்துவிடும் என்று தெரியவில்லை. இந்த பரம்பரை பாத்தியதை கொடுப்பதனால் ஒழுங்கான நிர்வாகம் ஏதாவது ஏற்படப்போகிறதா என்பது சந்தேகம். நமது அரசியல் சட்டத்தின் உணர்ச்சிக்கு இந்த பரம்பரை சட்டம் விநோதம். இணைப்பிற்குப்பின் புதுக்கோட்டையில் மக்களுக்கு அவதி பலதிறங்களிலும் வளர்ந்துக்கொண்டே வருகிறது. அந்த அவதி வளர்ச்சிக்கும் இந்தப் பரம்பரைச் சட்டம் ஓரம் போடுவதேயாகும். இணைப்பினுடைய புண் கொஞ்சம் கொஞ்சமாக காலச்சக்கரத்தினால் ஆறிக்கொண்டு வருகிறதற்குள்ளத்தில் ரெவின்யூ மந்திரி அவர்கள் ஆறுகிற புண்ணில் குச்சியினால் குத்துவது போல் இதைக் கொண்டுவருகிறார்கள். இந்தச் சட்டம் புதுக்கோட்டை மக்களுக்கு வேண்டாம். அவர்கள் விரும்பாத சட்டம். அவர்களுக்கும், நியாயத்திற்கும் விரோதமான சட்டம். இந்த மசோதாவை ஆட்சேபிக்கிறேன்.”

3 p.m.

* Sri C. KANDASAMY:—“கனம் சபைத்தலைவர் அவர்களே!

இந்த மசோதா பற்றி விவாதிக்கையில் நாம் சில விஷயங்களை நினைவுக்கு கொண்டு வரவேண்டும். அதிலும் இரண்டு விஷயங்களை கவனிக்க வேண்டும். இந்த மாகாணத்தில், கிராமத்திலே இருக்கக்கூடிய பரம்பரை பாத்தியதை சட்டம் இருக்கிறதே அது ஒரு சில பிரதேசங்களில் அமுலில் இருக்கிறது. சில ஜில்லாக்களுக்கு விதிவிலக்கு அளிக்க சட்டம் செய்யப்பட்டிருக்கிறது என்பதை இந்த சமயத்தில் எடுத்துக்காட்ட விரும்புகிறேன். புதுக்கோட்டையிலுள்ள எல்லா கிராமங்களுக்கும் இந்த பரம்பரை பாத்தியம் தர்பார் அதிகாரத்தினால் சொல்லப்பட்டிருக்கிறபடி கொடுக்கப்படவில்லை. சில கிராம உத்தியோகஸ்தர்களுக்குத்தான் இந்த பாத்தி

4th January 1954]

[Sri C. Kandaswamy]

யதை கொடுக்கப்பட்டிருக்கிறது. இப்படிப்பட்ட ஒரு நிலைமையை வைத்துக் கொண்டிருக்கும்போது, புதுக்கோட்டைக்கு இந்த பரம்பரை பாத்தியம் அனுஷ்டானத்திற்கு கொண்டுவருவது அவசியம் இல்லையென்று நினைக்கிறேன். இப்படிப்பட்ட ஒரு அஸ்திவாரம் ஜனநாயகத்திற்கு முரண்பட்டது என்று நான் கருதுகிறேன். சென்ற 60 வருஷங்களாக ஒரு அந்நிய ஏகாதிபத்தியத்தின்கீழ் இருக்கும்போது தங்களுக்கு ராஜவிசுவாசம் உள்ளவர்களாக இருக்கவேண்டுமென்பதற்காக இப்பரம்பரை பாத்தியம் பிரிட்டிஷ் ஏகாதிபத்தியத்தால் கொடுக்கப்பட்டது. ஆனால் இன்று இருக்கக்கூடிய காலத்தை எடுத்துக்கொண்டு பார்க்கும்போது, இன்றுள்ள அரசியலில் இப்பரம்பரை பாத்தியதை ரத்து செய்யப்படவேண்டும். புணராலோசனைச் செய்யப்படவேண்டிய இன்றுள்ள நிலைமையில், 4 வருஷங்களாக அமுலில் இல்லாத இந்த பரம்பரை பாத்திய சட்டத்தை இப்போது அமுல் செய்ய வேண்டுமென்று நினைப்பது ஏன் என்று தெரியவில்லை. கிராமத்திலுள்ள முன்சீபு, கர்ணம் இவர்கள்தான் ஆட்சியின் அஸ்திவாரம். இந்த நிலைமையில் திரு கே. பி. கோபாலன் அவர்கள் கொண்டு வந்திருக்கக்கூடிய அமெண்ட்மென்டை ஆதரித்து, இந்த சட்டத்தை எதிர்க்கிறேன்.”

* Sri K. VINAYAKAM:—“Mr. Speaker, Sir, in supporting the arguments adduced by my hon. Friend Sri V. Balakrishnan, I wish to know from the Hon. Minister who moved the Bill what are the extra benefits derived from the system of having hereditary village offices which are not found in the system of having non-hereditary village offices. If the hereditary system of transferring offices from father to son is more beneficial to the State, then Sir, there is much logic in extending this Bill to the merged Pudukkottai area. We know, from practical experience, that these village officers, even with the limited powers vested in them, barring a few exceptions have been behaving very cruelly towards the people. I know an instance of a village officer who was almost a powerful demi-God in his village and who was removed from his office because he was involved in a criminal case. Since the hereditary system is prevalent in that village, his son has got into his father's office. As his father has not been properly treated by the Government, he wants to wreak vengeance against those people who have been responsible for the removal of his father from the office of village munsif. He is maintaining the same attitude towards the erstwhile enemies of his father. By having this system of hereditary village offices, we are perpetuating anti-social elements in the country. I request the Hon. Minister for Land Revenue who moved the Bill to explain to the House the beneficial effects of having the hereditary system of village offices. If the Hon. Minister can make out a case for perpetuating the hereditary system of village offices, then there is meaning in extending the present Hereditary Village Offices Act, 1895 to the Pudukkottai area also.

“The Hon. Minister himself has admitted that the hereditary system is prevalent only in some parts of the State and not all over the State. What kind of logic can this Government advance for extending this Hereditary Village Offices Act to the Pudukkottai area when they have not extended this Act to several parts of this State itself where it is not working? Some hon. Members have pointed out that this is the only office for which the hereditary system is followed. Even Ministers of Government are not given

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that opportunity of transferring their office to their sons even though the latter may be very capable. It is ridiculous to have this system and there is no logic behind the perpetuation of this system. If the Hon. Minister can give us convincing reasons for perpetuating the hereditary system, then we will consider the desirability of extending the Hereditary Village Offices Act to the merged areas under reference."

SRI S. SWAYAMPRAKASAM :—" Mr. Speaker, Sir, I rise to support the arguments advanced by Sri Balakrishnan. The reasons adduced by the Hon. Minister for Land Revenue for extending the Hereditary Village Offices Act to the Pudukkottai area are not at all sufficient. The Hon. Minister advanced two reasons for bringing forward this Bill now under discussion before the House. One argument is that this Hereditary Village Offices Act is in force in most parts of the State. Another argument which the Hon. Minister put forward is that the hereditary system recommended by the Bill has been in a way recognised by the previous Pudukkottai Durbar itself by virtue of a declaration that they had made to the effect that some village offices in the Pudukkottai area are hereditary in character. The Madras Hereditary Village Offices Act which is now being extended to the Pudukkottai area by this Bill has been in existence from the year 1895. (Interruption from an Hon. Minister: 'Matured wisdom!') After the lapse of so many years, the matured wisdom of the Government has not enabled them to extend the hereditary system to the other parts of the State before extending it to the merged areas. The Hon. Minister was careful enough to say that the system was in existence in most parts of the State and not the whole State. Even in my own district of Tanjore the system has not been extended. While the Government have not got the courage to extend the system to those parts of the State where it is not prevalent, they have come forward to extend it to the Pudukkottai area. The Pudukkottai Durbar had introduced several beneficial reforms but our Government have not taken them into account except this hereditary system which they had applied to certain village offices. Nobody can deny that the hereditary system has many disadvantages and is out of date.

3-10 p.m. "There is an agitation against the introduction of this Act. But the Hon. Revenue Minister states that whereas some of the village offices in the Pudukkottai area are hereditary in character by virtue of a declaration made to that effect by the previous Durbar and whereas consequent on merger of that State according to the directive of the Centre all the State Laws have to be extended to the State of Pudukkottai, this Act which extends throughout the whole State of Madras is now being introduced. I ask this Government whether they have continued some of the beneficial Acts of the previous Durbar of Pudukkottai? No, surely the answer is in the negative. This piece of legislation extending the present Act to the State of Pudukkottai is only to suit their own purpose and the Hon. Revenue Minister has not made out a convincing case. That

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is how I understand it. The very fact that this Act, whose origin dates as far back as 1895, is not faithfully implemented in all parts of the State goes to show that it is existing only in name. Even in my own place it is not followed. I have already said that. When such is the case, why should it be extended to Pudukkottai and that too in the teeth of public opposition? So I oppose this Bill."

SRI K. P. GOPALAN :—" Mr. Speaker Sir, I moved my amendment on a question of principle. I agree fully with the sentiments expressed by my hon. Friend Mr. Balakrishnan, who hails from Pudukkottai and as such is fully conversant with the subject. I oppose this hereditary system. It is against all canons of democracy. It shuts the door for Harijans and backward communities to occupy the posts of village munsifs. Such sort of discrimination should not be permitted. Hereditary system is a theory of the fifteenth century. But we are now in the twentieth century. The Hon. Minister has put his case. Let it be remembered that we are now living in an age of democracy. This Act was introduced by the British Government to suit their own purpose, viz., to exploit our country. It was done with a political purpose. Even the Congress, I remember it distinctly, opposed this Act. They said that they would repeal the same once they came to power. But what is it that we find now? The same Congress Government are now coming before us for extension of this anti-democratic Act to the State of Pudukkottai. The Act introduced by the bureaucratic British Government to exploit us, is now being patronised by the very Congress which said previously that they would repeal the same the moment they came to power. Of course, the Hon. Revenue Minister has his own theory. He says that this measure is a formal and simple one seeking extension of the present Act to the merged State of Pudukkottai. Let the Hon. Minister understand that this Act is anti-democratic, anti-people and is against all canons of democracy. I am sure that if the Hon. Revenue Minister were to take a referendum not only in Pudukkottai but also throughout the State, he would find that this Act would be thrown out by the people. As I said previously this Act prevents the backward-class people and Harijans from occupying the posts of village munsifs to which they ought to be entitled. Therefore I oppose the extension of the Act to the State of Pudukkottai and also request that the same may be circulated for eliciting public opinion. With these words, I resume my seat."

* **SRI K. R. VISWANATHAN :—**" கனம் தலைவர் அவர்களே! இந்த கிராம உத்தியோகஸ்தர்கள் பரம்பரை சட்டத்தின்கீழ் கொண்டுவரப்பட்ட திருத்தத்தை ஆதரித்துப் பேச விரும்புகின்றேன். இந்த திருத்தத்தின்கீழ் மந்திரி அவர்கள், இந்த மாகாணத்தில் பெரும்பாலான இடங்களில் இந்த சட்டமானது அமுலில் இருப்பதாகவும், ஆகையால் இதைப் புதுக்கோட்டைக்கு அமுலுக்கு கொண்டு வரப்படுகிறது என்றும் சொன்னார்கள். ஆனால் அந்த பெரும்பாலான இடங்களின் விவரம் கூறினால் இல்லை. அந்த விவரம் கூறினால் எது பெரும்பாலானது, சிறுபான்மையது என்பதை நிர்ணயிக்க முடியும். ஆகவே, அதை கூறும்படி மந்திரி அவர்களைக் கேட்டுக்கொள்ளுகின்றேன்.

[K. R. Viswanathan]

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“அடுத்தபடியாக, திரு. பாலகிருஷ்ணன் அவர்கள் கிராமத்திலுள்ள முன்சீபு, கணக்கப்பிள்ளைகள் அங்குள்ள கிராம மக்களுக்கு தொந்தரவு கொடுத்துக் கொண்டிருக்கிறார்கள் என்று கூறினார்கள். அதை நான் ஓரளவு ஒப்புக்கொள்ளுகிறேன். ஆனால் எல்லா கணக்கப் பிள்ளைகளும் இவ்வளவு தூரம் தொந்தரவோ கொடுமையோ செய்கிறார்களா என்பது தான் கேள்வி. தவிர இம்மாதிரி மிகவும் தொந்தரவு செய்வதற்கு அவர்களுடைய தாழ்ந்த பொருளாதார நிலையே காரணம். இதற்கு சர்க்கார் காரணமாகும். அவர்களுடைய வாழ்க்கைநிலை உயர்வடைவதற்கு வேண்டிய சம்பளம் கொடுப்பதில்லை. ஆகையால் அவர்கள் கிராமங்களிலுள்ள மக்களிடத்தில் பலவழிகளில் தங்கள் வாழ்க்கை நடத்த பணம் வாங்குகிறார்கள். சர்க்கார் இதைப் போக்க முன்வரவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

“அடுத்தபடியாக, புதுக்கோட்டை விஷயத்திற்கு போவதற்கு முன்னால் அதிலுள்ள சில கிராமங்களில்தான் இந்த முறை அமுலில் கொண்டு வரப்பட்டிருக்கிறது என்று மந்திரி அவர்கள் சொன்னதை கவனிக்க வேண்டும். அம்மாதிரி சில கிராமங்களில் அமுலில் இருக்கிற சட்டத்தை, அது இல்லாத பெரும்பாலான கிராமங்களில் அமுல் செய்வது ஆராய்ந்து செய்யப்படவேண்டும். எல்லா கிராமங்களிலுமே இந்த சட்டம் அமுல் செய்யப்படுவதால் என்ன நன்மை ஏற்படும் என்று கவனியாது இந்தச் சட்டத்தை கொண்டுவரக்கூடாது என்று கேட்டுக்கொண்டு, இந்த சட்டத்தின் கீழ் கொண்டுவரப்பட்ட திருத்தத்தை ஆதரித்து கூறுகிறேன்.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—
“Sir, I do not know why there is opposition to this Bill. The hereditary system is working satisfactorily in our State. The Act as such applies to the whole State. It may be in some parts of the State, this hereditary system is not in operation. But all the same, the Act as such applies to the whole State of Madras. When the State of Pudukkottai was merged with Madras, the Centre took upon itself the responsibility of extending all the Central laws to Pudukkottai. They asked us similarly to extend all our State laws to Pudukkottai. Accordingly by the Madras Merged State Laws Act of 1949, almost all our State laws were extended to Pudukkottai. But this Act was not extended then. Now we want that in the working of this Act, a different state of affairs than the one existing at present in Madras State should not be allowed to continue in Pudukkottai. I do not know why hon. Members anticipate any trouble if this Act is extended to Pudukkottai, when we have had no trouble so far here in Madras. Moreover, as I said previously, by a declaration of the previous Durbar in Pudukkottai, some of the village offices have become hereditary in character. If we do not extend the present Act to Pudukkottai, after its merger into the Madras State, those appointments will not be governed by our Act and as such, they do not want to have such an anomalous position. That is the reason why we have introduced this Bill. I feel that it is democratic and not anti-democratic as the the hon. Member Mr. Gopalan put it.

“As regards the observation of Mr. Vinayakam that an extension of this Act to Pudukkottai would promote the carrying on of vendetta by the son against the enemies of his father, let me inform the hon. Member that it is not only in Pudukkottai but even in

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several parts of our own State, the vendetta spirit is going on. Let him not imagine that only in Pudukkottai alone the vendetta would spring up. (Laughter.)

“Presumably Mr. Balakrishnan had been badly handled by the village-heads. That is why he has spoken in that vein. He has been saying that the village officials there are altogether a different lot as compared to ours and that they are corrupt to the core. I do not know the reason. I think he is speaking from past experience. I am sure that it will not be the same after the merger. (Sri V. Balakrishnan : Only after merger it is so). That is why we want to extend this Act to Pudukkottai to set matters right, if there is anything wrong. As I said, this is being done in accordance with the directive of the Centre to extend all the State Laws to the merged State. But judging from the speeches of hon. Members, I find that they have not yet come to my frame of mind. I think it will take some time. Therefore I have no objection to agreeing to the amendment of Mr. Gopalan for circulation of this Bill to elicit public opinion.”

SRI K. VINAYAKAM :—“Sir, are the Government withdrawing the Bill. If so, I want to speak, . . .”

MR. SPEAKER :—“The Government have accepted the amendment of the hon. Member Mr. Gopalan. The Bill will be circulated for eliciting public opinion, if the amendment of Mr. Gopalan is approved by the House. I shall put the amendment of Mr. Gopalan to the vote of the House. The question is—

‘That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.’”

The amendment was put and carried.

I shall now take up the Malabar Tenancy Amendment (Bill), 1953.

VII.—GOVERNMENT MOTIONS.

(1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES.

THE HON. SRI C. SUBRAMANIAM :—“Sir, I would like to submit that the Malabar Tenancy Amendment (Bill), 1953, be taken up tomorrow. Other business may be taken up now. Sir, I move—

‘That under rule 22 (3) of the Madras Assembly Rules, item No. II (5) on the agenda, namely, The Malabar Tenancy Amendment Bill, 1953 (L.A. Bill No. 12 of 1953), be taken up tomorrow and that the Government Motions (item III on the Agenda) be taken up now.’”

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MR. SPEAKER :—" The question is—

' That under rule 22 (3) of the Madras Assembly Rules, item No. II (5) on the agenda, namely, The Malabar Tenancy Amendment Bill, 1953 (L.A. Bill No. 12 of 1953), be taken up tomorrow and that the ' Government Motions (item III on the Agenda), be taken up now.' "

The motion was put and carried.

(2) AMENDMENTS TO THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

3-20 * THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir,
I beg to move—

' That the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the Fort St. George Gazette, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by Section 3, sub-sections (4) and (5) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved. Amendment (1) relating to rule 4-A (ii) shall be deemed to have come into force on the 1st January 1951. Amendments 3 (i) and (ii) relating to sub-rules (4) and (6) of rule 5-A shall be deemed to have come into force on the 1st April 1953.'

DRAFT AMENDMENTS.

In the said rules—

(1) in rule 4-A, clause (iii) shall be omitted;

(2) in rule 5, sub-rule (1)—

(i) in the opening paragraph, for the brackets, letters and word '(a) to (k)', the brackets, letters and word '(a) to (l)' shall be substituted;

(ii) in clause (j), the word 'and' occurring at the end shall be omitted;

(iii) for clause (k), the following clause shall be substituted, namely :—

" (k) in the case of a registered manufacturer of groundnut oil (other than refined groundnut oil) and cake, the amount which he is entitled to deduct from his gross turnover under rule 18 subject to the conditions specified in that rule; and "

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(iv) after clause (k), the following clause shall be added, namely :—

" (l) all amounts for which a licensed tanner bought untanned hides and skins which he sold as such but which were included in column (3) of the return in Form A-4 in a previous month."

(3) in rule 5-A—

(i) to sub-rule (4), the following proviso shall be added, namely :—

" Provided that nothing contained in this sub-rule shall apply to applications for registration from persons dealing exclusively in handspun yarn and/or in cloth woven on handlooms wholly with handspun yarn "

(ii) in sub-rule (6), after the words 'Every Registered dealer' occurring at the commencement, the words 'other than a person dealing exclusively in handspun yarn and/or in cloth woven on handlooms wholly with handspun yarn' shall be inserted;

(iii) to sub-rule (7) (ii), the following proviso shall be added, namely :—

" Provided that if he discontinues his business during the course of a year he shall pay in full the amount or amounts collected by him by way of tax or taxes to the State Government within sixty days from the date of such discontinuance "

(4) in rule 11—

(a) to sub-rule (1), the following proviso shall be added, namely :—

" Provided that every dealer who discontinues his business during the course of a year in which he has been provisionally assessed under rule 7 or 8 shall submit to the assessing authority concerned a return in Form 'A' for the period up to and inclusive of the date of discontinuance of business, in the manner prescribed in this sub-rule, within thirty days from the date of such discontinuance "

(b) in sub-rule (2), the following shall be added at the end, namely :—

" or for the year to which the return relates, as the case may be "

(5) in rule 13—

(a) in sub-rule (1), for the words, figures and brackets " in sub-rules (2) to (6) " the words, figures and brackets " in sub-rules (2) to (7) " shall be substituted;

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(b) in sub-rule (2), for the words "The dealer shall submit" occurring in the beginning, the following shall be substituted, namely:—

"Subject to the provisions of sub-rule (5), the dealer shall submit";

(c) in sub-rule (4), for the words and figures "if no return is submitted in respect of any month before the 25th day of the succeeding month" occurring in the beginning, the following shall be substituted, namely:—

"If no return is submitted in respect of any month before the 25th day of the succeeding month or before the expiry of the period prescribed in sub-rule (5)";

(d) sub-rules (5) and (6) shall be renumbered as sub-rules (6) and (7) respectively and after sub-rule (4), the following shall be inserted as sub-rule (5), namely:—

"(5) Every dealer who discontinues his business during the course of a year in which he is assessed under the method provided in these rules shall submit to the assessing authority concerned within thirty days of such discontinuance of business, a return in Form A-3, in the manner prescribed in sub-rule (2) for the month in which his business was discontinued";

(e) in sub-rule (6), as so renumbered—

(i) for the words, brackets and figures "as laid down in sub-rule (3) has been made", the following shall be substituted, namely:—

"as laid down in sub-rule (3) or (4) has been made or in the course of the year to which a return submitted under subrule (5) relates";

(ii) the following shall be added at the end, namely:—

"or for the year to which the return submitted under sub-rule (5) relates, as the case may be";

(f) in sub-rule (7) as renumbered,—

(i) for the brackets and figure "(5)" the brackets and figure "(6)" shall be substituted;

(ii) for the brackets and figure "(3)" the brackets, word and figures "(3" or "(4)" shall be substituted.

(6) in rule 15, for sub-rules (2) to (5), the following sub-rule shall be substituted, namely:—

"(2) Every person licensed to deal in hides or skins whether as tanner or otherwise, whose net turnover for a year has been or is expected to be not less than Rs. 10,000 shall submit so as to reach the assessing authority on or before the 25th day of every month, a return or returns in Form A-4 or Form A-5 or in both showing his transactions for the preceding month.

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Along with the return or returns he shall also submit a receipt from a Government Treasury or a crossed cheque in favour of the assessing authority for the full amount of the tax or taxes payable for the months to which the return or returns relate under section 3, 5 or 8-B (2) or under any notification issued under section 6 (1).

(3) The return or returns so submitted shall, subject to the provisions of sub-rule (4), be provisionally accepted.

(4) If no return is submitted in respect of any month before the 25th day of the succeeding month, or if any return is submitted without a receipt or crossed cheque for the full amount of the tax payable, or if any return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer an opportunity as prescribed in rule 9 of proving the correctness and completeness of his return or returns, determine the turnover to the best of his judgment and provisionally assess the tax or taxes payable for the month and shall serve upon the dealer a notice in Form B-1 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.

(5) After the close of the year in which the provisional assessment as laid down in sub-rule (3) or (4) has been made, the assessing authority shall, after such scrutiny of the accounts and after such enquiry as he considers necessary, satisfy himself that the returns filed are correct and complete, and finally assess under a single order on the basis of the returns, the tax or taxes payable under section 3, 5 or 8-B (2) or under any notification issued under section 6 (1) for the preceding year:

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (2), or if any return or returns submitted by him appear to the assessing authority to be incorrect or incomplete, the assessing authority shall after making such enquiry as he considers necessary, and after giving the dealer an opportunity as prescribed in rule 9 of proving the correctness and completeness of the return or returns submitted by him determine the turnover to the best of his judgment and finally assess under a single order the tax or taxes payable under section 3, 5, or 8-B (2) or under any notification issued under section 6 (1) for the preceding year.

(6) If the final assessment made under sub-rule (5) is greater than the provisional assessment made under sub-rule (3) or (4) the assessing authority shall serve upon the dealer, notice in Form 'B' and the dealer shall pay the sum demanded, at the time and in the manner specified in the

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notice. If the final assessment is lower than the provisional assessment, he shall serve upon the dealer a notice in Form 'C'";

(7) in rule 16, sub-rule (5) shall be omitted;

(8) in rule 18—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely:—

" (2) Every such registered manufacturer of groundnut oil will be entitled to a deduction under clause (k) of sub-rule (1) of rule 5 equal to the value of the groundnut and/or kernel purchased by him and converted into oil and cake if he has paid tax to the State on such purchases :

Provided that the amount for which the oil is sold is included in his net turnover :

Provided further that the amount of the turnover in respect of which deduction is allowed shall not exceed the amount of the turnover attributable to the groundnut and/or kernel used in the manufacture of oil and included in the net turnover.

Explanation.—For the purpose of this sub-rule—

(a) 143 lb. of groundnut shall be taken to be equivalent to 100 lb. of kernel.

(b) 143 lb. of groundnut or 100 lb. of kernel when converted into oil will normally be taken to yield 40 lb. of oil; and

(c) One candy of oil shall be taken to be equivalent to 500 lb. of oil ";

(ii) for sub-rule (3), the following sub-rule shall be substituted; namely:—

" (3) Every such registered manufacturer shall submit so as to reach the assessing authority not later than the 25th day of every month an application in Form A-9 in respect of the transactions relating to the previous month.";

(iii) for sub-rule (3-A), the following sub-rule shall be substituted, namely:—

" (3-A) If any manufacturer of groundnut oil fails to register himself under sub-rule (1), or any such manufacturer registered under sub-rule (1) submits the application in Form A-9 referred to in sub-rule (3) after the 25th day of the month, or if he omits to furnish therein any of the particulars required by that form, the Commercial Tax Officer of the district concerned may, in his discretion, after making such

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enquiry as he considers necessary, condone the omission or delay or both, provided that such manufacturer of groundnut oil has maintained a true and correct account of his business showing all the particulars prescribed in Form A-9.";

(9) in Forms A, B and C, for the words and figures ' the year ending the 31st March 19 ' wherever they occur, the following shall be substituted, namely:—

" The year ending 31st March 195 .
the period up to and inclusive of the date of discontinuance of business."

(10) in Form A, after Note (1), the following shall be inserted as Note (1) (a), namely:—

" (1) (a) If the business has been discontinued in the course of a year, give the turnover up to and inclusive of the date of the discontinuance of business ";

(11) In Form A-3, in the heading for the brackets, words and figures "[see rule 13 (2)]" brackets, words and figures "[See rule 13 (2) and (5)]" shall be substituted.

(12) In Form A-4, for the statement, the following statement shall be substituted, namely:—

" Statement.

Column number.	Particulars.
1	Name (s) and postal address (es) as tanners.
2	Place or places of business.
3	Amount for which hides and skins were purchased for tanning by the assessee (s).
4	Amount for which the tanner (s) bought the untanned hides and skins issued for tanning by him (them during the month out of those included in column (8) of the return in Form A-4 of the previous month. (Separate figures should be given for each month).
5	Total of columns (3) and (4).
6	Amount for which the tanner (s) bought the untanned hides and skins which he/they sold as such in the month. but which were included in column (3) of the return in Form A-4 for the previous month.
7	Net turnover liable to tax [column (5) minus column (6)].
8	Amount for which untanned hides and skins were purchased for purposes other than the purpose specified in column (3) ";

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(13) for Form A-9, the following form shall be substituted,
namely :—

"Form A-9.

*Application for deduction under rules 5 (1) (k) and 18 of
Turnover and Assessment Rule [See rules 18 (3)].*

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The Assessing Authority.

SIR,

I/We , registered manufacturer (s) of groundnut oil at request that I/we may be granted deduction under rules 5 (1) (k) and 18 (2) of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, in respect of the sale of oil (manufactured by me/us) during the month of 195 , particulars of which are furnished below :—

- 1 Opening stock of groundnut and/or kernel
- 2 Quantity of groundnut and/or kernel purchased during the month.
- 2 (a) Quantity of groundnut and/or kernel purchased during the month for which the dealer was not liable to tax under the Act for some reason or other.

Total ..

- 3 Rate at which purchased
- 4 Value of groundnut and/or kernel purchased during the month.
- 5 (a) Amount of sales tax paid on the quantity in item 2 above.
- 5 Quantity of groundnut and/or kernel sold during the month.
- 6 Actual quantity of kernel crushed for conversion into oil during the month.
- 7 Closing stock of groundnut and/or kernel for the month (item 1 plus 2 minus 5 plus 6).
- 8 Opening stock of manufactured oil ..
- 9 Quantity of oil manufactured during the month

Total ..

- 10 Opening stock of purchased groundnut oil
- 11 Quantity of oil purchased in the month

Total ..

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- 12 Quantity of purchased oil sold in the month
- 13 Closing stock of purchased oil ..
- 14 Quantity of manufactured oil sold during the month
- 15 Closing stock of manufactured oil (item 8 plus 9 minus 14)
- 16 Percentage of yield (item 9) to the quantity of kernel crushed (item 6) ..
- 17 Quantity of kernel for which deduction is claimed under rule 5 (1) (k) ..
- 18 Rate at which deduction is claimed on the quantity shown in items 1 and 2 ..
- 19 Purchase value of kernel for which deduction is claimed

Signature of the dealer.

NOTE.—(1) 500 lb. of oil is equivalent to one candy.

(2) The application should be submitted so as to reach the assessing authority not later than the 25th day of every month in respect of the transactions of the previous month."

(14) In Forms B and C, in the heading, for the brackets, words and figures "[See rule 12 and rule 13 (5)]" the bracket, words and figures "[See rules 12, 13 (7) and 15 (6)]" shall be substituted;

(15) In Form B-1, in the heading, for the brackets, words and figures "[See rule 13 (4)]", the brackets, words and figures "[See rule 13 (4) and rule 15 (4)]" shall be substituted.

(16) In Form B-2, for the words "year ending" the following shall be substituted, namely :—

"Year ending
the period up to and inclusive of the date of discontinuance of business."

"Sir, the amendments have been already printed and circulated. All these amendments are proposed on the experience gained in the working of the General Sales Tax Act. I will give one or two instances.

"We have omitted one clause. I think it is clause 4. Under the Central Act, newspapers are exempt from the Sales Tax. So that clause is not necessary in the Rules. I have included one more clause, instead of sub-clauses (a) to (k) read sub-clauses (a) to (l). This is necessary because of some verbal changes and consequential amendments.

"In calculating the turnover, now the practice is the turnover for the whole year is taken and on that basis the tax is levied. It happens that before the expiry of the whole year, say within four

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or five months, a business may come to a standstill, that is, the dealer could not continue his business or he may stop it of his own accord. If his accounts are to be taken up after one full year, assessment and collection of tax will be difficult. So, provision has to be made even where the business has been carried only for five or six months, for that period assessment should be calculated and a demand made. The amendments have been before the House for long and I move that they be considered."

The motion was put and carried.

(3) AMENDMENTS TO SCHEDULE IV TO THE MADRAS DISTRICT
BOARDS ACT, 1920.

* THE HON. SRI K. RAJARAM :—" Sir, I beg to move—

That the following draft of certain rules proposed to be made by the Governor of Madras in exercise of the powers conferred by section 201 of the Madras District Boards Act, 1920 (Madras Act IV of 1920), altering Schedule IV to that Act, be approved :—

DRAFT RULES.

In the said Schedule—

(i) for rules 32 and 33, the following rules shall be substituted, namely :—

" 32. (1) Where any amount not being a tax in respect of which a notice has to be served under section 96, nor school fees nor rents for lands and buildings demised by the district board, is due from any person to the district board under this Act or any other law or rules or by-laws made thereunder, for the recovery of which there is no special provision in this Act, the Executive Authority shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 33.

(2) A notice under section 96 and a bill under sub-rule (1) shall be signed by the Executive Authority or some person authorized by him in that behalf and shall contain—

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged or the amount is claimed; and

(b) a notice of the liability incurred in default of payment.

(3) No tax for any half-year or the amount due for a year shall be recovered from any person in the manner laid down in rule 33 unless the notice or bill is served upon such person either within that half-year or year or in the succeeding half-year or year as the case may be :

Provided that where the assessment books have been amended under sub-rule (4) of rule 5, the notice or bill

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as the case may be, may be served either in the half-year in which the amendment was made or in the succeeding half-year.

(4) Nothing contained in this rule or in rule 33 shall preclude the district board from suing in a civil court for any tax or amount due to it under this Act or any other law.

33. (1) If the amount due on account of tax or other amount due is not paid within fifteen days from the service of the notice or bill and if the person from whom the tax or other amount is due, has not shown cause to the satisfaction of the executive authority why it should not be paid, the executive authority may recover, by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax or other amount due together with the warrant fee and the distraint fee with such further sum as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained :

Provided always that the movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

(2) If, for any reason, the distraint or a sufficient distraint of the defaulter's property is impracticable, the executive authority may prosecute the defaulter before a magistrate.

(3) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant a fee of two annas shall be levied.

(4) Under a special order in writing of the executive authority, any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of any building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated to women, until he has given three hours notice of his intention and has given such women an opportunity to withdraw ;

(ii) in rule 34, after the word ' tax ', wherever it occurs, the words ' or other amount ' shall be inserted ;

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(iii) in rules 35 and 39, after the word 'tax', wherever it occurs, the words 'or other amount due' shall be inserted;

(iv) in Appendix A—

(a) for the words and brackets below the entry (Name of officer charged with execution of warrant), the following shall be substituted, namely:—

'(State tax or taxes or other amounts due and particulars thereof inclusive of those of the premises, if any, in respect of which the amounts are due';

(b) after the words 'tax or taxes', wherever they occur, the words 'or other amounts due' shall be inserted;

(v) in Appendix B, after the words 'tax or taxes' the words 'or other amounts due' shall be inserted."

"Sir, under section 221 of the Madras District Boards Act 1920, all costs, damages, penalties, etc., which are due by any person to the District Board may be demanded by bill as provided in the rules in Schedule IV and recovered in the manner provided therein. The relevant rules in schedule IV referred to are rules 32 to 39-A. Before the Madras District Boards Act, 1920, was amended by the Madras Village Panchayats Act, 1950, with effect from 1st April 1951, rules 32 and 33 of those rules provided for the service of a bill on persons from whom taxes, penalties, etc., are due before distraining movable properties for collection of the dues. As a result of the amendment by the Madras Village Panchayats Act, 1950, the provision for service of such bills was deleted in the rules. Consequently there is at present no provision in the existing Madras District Boards Act, 1920, for recovery of penalties and other dues referred to in section 221 of the Act.

"Practical difficulties have thus arisen in the enforcement of the provisions of the Act. As an example, it has been found that though a District Board can levy a penalty for occupation of any District Board land, under section 164 of the Madras District Boards Act, it has been found impossible to recover the penalties under section 221 of the Act, except by resorting to Courts. It has, therefore, become necessary to restore the original provisions in the rules for the service of bills so that such dues may be recovered by distraint of movable properties of the defaulters after serving a bill. Rules 32 to 35 and 39 of Schedule IV to the Act have to be amended suitably for the purpose, restoring the original provisions. I accordingly move that the proposal be approved."

SRI A. RATNAM:—"Sir, I beg to move—

'(1) In proposed rule 32 (3) for the words "any half-year or the amount due for a year", substitute the words "any one year or the amount due for two years".'

SRI A. GOVINDASWAMY NAYAGAR:—"Sir, I second the amended."

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SRI A. RATNAM:—"ஸ்தல ஸ்தாபனங்களுக்கு வரி கொடுக்காத காரணத்திற்காக நாம் மற்றவர்களை தண்டிக்கலாம் என்று இந்த புதிய சட்டத்தில் போடப்பட்டிருக்கிறது. ஸ்தல ஸ்தாபனத்திற்கு அரை வருஷத்திற்கு வரி கொடுக்கவில்லையென்றால், உடனடியாக அவர்கள் மீது நடவடிக்கை எடுக்க வேண்டுமென்று சட்டம் கூறுகிறது. சாதாரணமக்கள் அதற்குள் வரி கொடுக்கமுடியாமல், ஒரு வருஷத்திற்குள் கொடுக்கிறார்கள். இந்த முறையிலே ஆறு மாதம் என்பதை ஒரு வருஷமாக திருத்த வேண்டுமென்று பிரேரேபிக்கின்றேன். அதை அரசாங்கமும், மந்திரி அவர்களும் ஆதரிக்குமாறு கேட்டுக்கொள்ளுகிறேன்."

THE HON. SRI K. RAJARAM:—"Sir, it cannot be accepted. By some mistake it was deleted previously, thinking that this provision related only to Panchayat Boards. Now it is found that unless this provision is made in the Statute, District Boards cannot execute the penalty-levying-clauses and therefore it must be there."

* THE HON. SRI C. SUBRAMANIAM:—"Sri Ratnam seems to be under the impression that six months or one year should be allowed for paying the tax. The amendment has nothing to do with that. There are taxes which become due every half-year and there are taxes which become due every year. What is referred to is not the half-yearly or annual tax, but the tax due under the main Act. If the tax-payers want time, it is open to the District Board to give some time. This is only descriptive in the sense that it refers to the half-yearly or annual tax with reference to which a bill has got to be served. The amendment does not at all carry out the intention of Sri Ratnam. So I request him not to press the amendment. This has absolutely nothing to do with what he has in mind."

SRI A. RATNAM:—"Sir, I beg leave of the House to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI A. RATNAM:—"Sir, I move—

'(1) In proposed rule 33 (1) for the words "fifteen days", substitute the words "one month", and delete the words "With such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained".

'(2) In proposed rule 33 (3), for the words "and for each such warrant a fee of two annas shall be levied", substitute the words "and for each such warrant form a fee of one anna shall be levied".

'(3) In proposed rule 33 (4) for the words "sunrise and sunset", substitute the words "8 a.m. and 5 p.m."

'(4) In the proviso to proposed rule 33 (4) for the words "until he has given three hours' notice", substitute the words "24 hours' notice".'

SRI S. RAMALINGAM:—"I second the amendment."

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THE HON. SRI K. RAJARAM :—“ These provisions were there in the Act from 1920 to 1950, and we are only re-introducing the provisions. There is no need for these amendments.”

SRI A. RATNAM :—“ கனம் தலைவர் அவர்களே ! அமைச்சர் சொல்லும் காரணம் திருப்திகரமாக இல்லை. காலே 6 மணி முதற்கொண்டு மாலை 6 மணிவரையில் சொத்துக்களை பறிமுதல் செய்கிறது என்று சட்டம் கூறுகிறது. அதாவது மாலை 6 மணியிலிருந்து என்று இருப்பது இரவு வேலையில் வீட்டிற்குள் புகுந்து சொத்துக்களை பறிமுதல் செய்கிறது என்று சட்டத்தில் இருக்கிறது. பொதுவாக கடன்காரர்கள் பொதுஜன வரியைக் கொடுக்கவில்லை என்பதற்காக அவர்களுடைய சொத்துக்களை பறிமுதல் செய்யவேண்டும் என்று சட்டம் கூறுகிறது. பொழுதுபோகும் நேரங்களில் பறிமுதல் செய்கிறார்கள். அப்படி இருப்பதை ஏன் காலே 8 மணியிலிருந்து மாலை 5 மணிவரையில் என்று குறிப்பிடக்கூடாது என்று கேட்கிறேன். பொழுது விடிந்ததும் கடன்காரர்கள் சொத்துக்களை பறிமுதல் செய்வது”

THE HON. SRI K. RAJARAM :—“ இங்கே குறிக்கப்பட்டுள்ளது outer limit-கள் தான்.”

SRI A. RATNAM :—“ அது மட்டுமல்ல. அங்குள்ள பெண்களுடைய சொத்துக்களை அப்பறப்படுத்தச் செய்வதற்கு மூன்று மணி நேர நோட்டீஸ் கொடுக்கவேண்டும் என்று இருக்கிறது. அந்த மூன்று மணி என்பதை 24 மணி நேரம் என்று திருத்தம் கொடுக்கப்பட்டிருக்கிறது. மாதர்களுக்கு விதி விலக்கு அளிக்கவேண்டும் என்பதாகத்தான் இந்த திருத்தத்தைக் கெடுத்திருக்கிறேன். இரவில் 9 மணிக்கு முடிவாகும் இந்த நோட்டீஸ் பிரகாரம் அதை ஏன் காலையில் ஒத்தி வைக்கக்கூடாது என்பதுதான் என்னுடைய திருத்தத்தின் அம்சமாகும். எனவே அரசாங்கம் இதை கூர்ந்து கவனித்து என்னுடைய திருத்தம் திருப்திகரமாக இருப்பதால் அதை ஏற்றுக்கொள்ளவேண்டும். மூன்று மணி நேரம் நோட்டீஸ் என்பதை 24 மணி நேரம் என்று திருத்துவது அவசியமாக இருக்கிறது. மாதர்களுடைய பொருள்கள் காப்பாற்றப்படுவதற்காகத்தான் பிரஜைகளுடைய உரிமையைக் காப்பாற்றுவதற்கு இந்த திருத்தம் அவசியம். அப்பொழுதுதான் அவர்களுடைய உரிமையை காப்பாற்றுவதற்கு வேறுவாக இருக்கும். அவர்களை நசுக்கி அவர்களை ஜெயிலில் போட்டு அவர்களுடைய சொத்துக்களை விற்பனைசெய்து பலன் அடைய வேண்டும் என்பது அரசாங்கத்தின் நோக்கம் இல்லை. இந்த சட்டம் அதைத்தான் கேட்கிறது. ஆகவே பிரஜைகளுக்கு நேரம் கொடுத்து அவர்கள் நல்ல முறையில் வாழ்க்கையை நடத்தவேண்டும் என்பதுதான் அரசாங்கத்தின் நோக்கம். மக்கள் சுபிட்சமாக இருந்தால்தான் இந்த ராஜ்யம் நடக்கும், இந்த அசெம்பிளி நடைபெறும். ஆகவே அரசாங்கம் கட்டாயமாக இந்தத் திருத்தத்தை ஏற்றுக்கொள்ளவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

* **THE HON. SRI C. SUBRAMANIAM :—**“ Sir, Sri Ratnam wants that one month should be allowed instead of fifteen days for the recovery of the amount of tax after the service of the notice. The hon. Member is aware that notice is served only after the expiration of six months when the tax becomes due. After the service of notice, the tax-payer is allowed fifteen days to show cause why his property should not be distrained. If valid reasons are given, the property is not distrained. A warrant for the distraint of the property is not issued soon after the expiry of the period of notice. It takes some time—two to three months—in the office. At any time in the interval between the issue of a warrant and the distraint of the property, the tax can be

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paid and the warrant got cancelled. In view of these things, fifteen days' notice is quite reasonable. The hon. Member may take it from me that this provision of fifteen days' notice has not used any hardship.

“ His next amendment proposes a levy of one anna for each arrant instead of the proposed two annas. One anna or two annas does not make much difference and I am sure he will not be bargaining about it here. If we had proposed one anna, perhaps he would have suggested half an anna. Even for writing out the warrant, it will take labour worth two annas. Therefore we have proposed a fee of two annas.

“ The next amendment proposes that for the words ‘sunrise and sunset’ the words ‘8 a.m. and 5 p.m.’ be substituted. It is not as if an officer will go so early as the sunrise; he will go only at about 10 a.m. or after that. When we have put in ‘sunrise and sunset’, we have fixed only the outer limit before and after which no officer shall enter a building for executing a warrant of distress. The hon. Member need not improve upon this by substituting ‘8 a.m. and 5 p.m.’. The amendment is quite unnecessary.

“ The provision of three hours' notice is for enabling the owners who may be residing in a house to withdraw, so that no hardship may be caused to them. For withdrawing from the house, three hours' notice is more than enough. It is possible that there may be difference of opinion as to whether the period of notice should be three hours, five hours or even fifteen days or twenty days. This provision has been there in the other Acts relating to local bodies, and it has worked well.

“ I request the hon. Member to withdraw his amendments.”

SRI A. RATNAM :—“ கனம் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்கள் சொல்லக்கூடிய பிரகாரம் இந்த மூன்றுவது திருத்தத்தை நான் வாபஸ் பெறுகிறேன். ஆனால் 2, 4, 5 ஆவது திருத்தங்களை வாபஸ் பெற முடியாமல் இருக்கிறேன். காரணம் அவர் பதில் சொன்னது திருப்திகரமாக இல்லை. சாதாரணமாக கடன்காரர்கள் ஒரு மாதம் விண்ணப்பம் போட்டு அரசாங்கத்திற்கோ, ஸ்தல ஸ்தாபனங்களுக்கோ 15 நாள் நோட்டீஸ் கொடுக்கவேண்டும். கோர்ட்டு நடவடிக்கைகள் இரண்டு மூன்று மாதங்கள் நடக்கும். அதனால் பதினைந்து நாட்கள் என்பதை ஒரு மாதம் என்று திருத்தவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். அதுதான் என் றுடைய கோரிக்கை. 3-37 p.m.

“ மூன்றுவது திருத்தத்தில் ஒரு அணு என்பது இரண்டு அணுவாக இருக்கவேண்டும் என்பதற்கு கொடுத்த திருத்தம். இரண்டு அணுவாக இருந்தாலும் பாதகம் இல்லை. அதைப்பற்றி கவலை இல்லை. இந்த திருத்தத்தை நான் வாபஸ் வாங்கிக்கொள்ளுகிறேன்.

“ நாலாவது திருத்தம் காலே சூரிய உதயம் பிற்போகி மாலை சூரிய அஸ்தமனம் வரையில் என்று இருக்கவேண்டும் என்ற திருத்தம். இதை நான் வலியுறுத்த விரும்புகிறேன். காலே 6 மணி முதற்கொண்டு மாலை 6 மணி வரையில் என்று இருப்பதை நீக்கிவிட்டு காலே 8 மணி முதற்கொண்டு மாலை 5 மணி வரையில் என்று இருப்பதை அதாவது மூன்று மணி நேரம் குறைக்கக்கூடாது என்று கேட்க ஆசைப்படுகிறேன்.

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இந்த திருத்தத்தை அரசாங்கம் ஏன் ஏற்றுக்கொள்ளக்கூடாது? அதற்கு அரசாங்கம் காரணம் சொல்லவில்லை. இந்த திருத்தத்தை நான் அமுலுக்குக் கொண்டுவர வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

“கடைசியாக ஐந்தாவது திருத்தம். 24 மணி நேரம் ஏன் கொடுக்கக் கூடாது என்பதற்கு அமைச்சர் காரணம் கொடுக்கவும் இல்லை, அதற்கு தகுந்த சமாதானமும் சொல்லவில்லை. 24 மணி நேரம் வேண்டும் என்ற திருத்தத்தை நான் வற்புறுத்துகிறேன்.”

MR. SPEAKER:—“நீங்கள் 2, 4, 5 திருத்தங்களை மாத்திரம் வற்புறுத்துகிறீர்களா? மூன்றாவது திருத்தத்தை நீங்கள் வற்புறுத்த வில்லையா?”

SRI A. RATNAM:—“ஆம்.”

The following amendment was, by leave, withdrawn:—

‘In proposed rule 33 (3), for the words “and for each such warrant a fee of two annas shall be levied,” substitute the words “and for each such warrant form a fee of one anna shall be levied”.

THE HON. SRI K. RAJARAM:—“I am not accepting the other amendments.”

MR. SPEAKER:—“The question is—

‘In proposed rule 33 (1) for the words “fifteen days”, substitute the words “one month”, and delete the words “with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained”.

‘In proposed rule 33 (4), for the words “sunrise and sunset”, substitute the words “8 a.m. and 5 p.m.”.

‘In the proviso to proposed rule 33 (4), for the words “until he has given three hours’ notice”, substitute the words “24 hours’ notice”.

The amendments were put and lost.

The motion was put and carried.

(4) REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

3-45
p.m.

* THE HON. SRI C. SUBRAMANIAM:—“Sir, I move—

‘That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.’

“Hon. Members may be a little bit surprised to see that we are considering the accounts of the year 1949-50 only just now after nearly four years. But we could not avoid it, because copies of the Appropriation Accounts for 1949-50 and the audit report were received from the Accountant-General, Madras, only in April 1952. They were laid on the table of the previous Legislature in May 1952. The Public Accounts Committee which was constituted for the purpose of scrutiny of this report met in

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October 1952 and again in March 1953 when it finished consideration of the Appropriation Accounts. After that we were in the throes of Andhra partition. Therefore, even though the subject was on the agenda for very many days, we were not inclined to discuss it. Therefore I have to bring it before the House only now. The Andhra Legislature also will have to consider this report because it relates to the accounts of the Andhra area also. I am sure they will be taking action there. Hon. Members might remember that Mr. T. Viswanatham, who was the Chairman of the Public Accounts Committee, ceased to be a Member of this House and, therefore, ceased to be the Chairman of the Public Accounts Committee. This also caused some delay in the Public Accounts Committee meeting and submission of this report. Afterwards the Committee met under the chairmanship of Mr. R. V. Swaminathan, and finalised the consideration of the report. Let me take this opportunity of placing on record my sincere thanks to the Chairman who conducted the meeting, and also the members of the committee who carefully scrutinized all the items mentioned by the Accountant-General. The Report of the Public Accounts Committee is now before the House, and I am sure some of the hon. Members at least would have taken care to go through the report. Of course it is very old. But still certain things have been pointed out by the Public Accounts Committee for the future guidance of the Government. I give the assurance to this House that I will take note of all the points mentioned by the Public Accounts Committee and see that at least those mistakes do not recur. It is not as if no mistakes would be committed at all, because mistakes might creep in in spite of ourselves. But we shall try to avoid those mistakes which have been pointed out. We shall see that those mistakes do not recur. With his assurance, I hope the House would pass this motion. Since we are going to take up the Malabar Tenancy Bill only to-morrow, as soon as discussion on this motion is over, we will disperse immediately. (Laughter.) I hope this will be an inducement to hon. Members to be short and sweet.”

MR. SPEAKER:—“Motion moved—

‘That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.’”

SRI K. R. VISWANATHAN:—“Sir, I move the amendment standing in my name, namely,—

‘Add at the end of the following:—

“with special reference to the remarks under ‘Unprofitable Outlay, on the purchase of diesel buses and the appointment of an Estimates Committee (paragraphs 8 and 26 of the Report).’”

SRI S. RAMALINGAM:—“I second the amendment, Sir.”

[4th January 1954]

MR. SPEAKER:—"Motion moved—

"Add at the end the following:—

"with special reference to the remarks under 'Unprofitable Outlay, on the purchase of diesel buses and the appointment of an Estimates Committee (paragraphs 8 and 26 of the Report).'"

The motion and the amendment are before the House for discussion.

* SRI K. R. VISWANATHAN:—"கனம் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்கள் கூறியபடி அரசாங்க கணக்குகளை பார்வையிட்ட ஆராய்ச்சிக் குழு அறிக்கையானது நம் சபையின் முன்பு இப்பொழுது சமர்ப்பிக்கப்பட்டிருக்கிறது. இந்த குழுவின் வேலை என்ன என்பதைப் பற்றி நாம் அறிவோம். எந்தெந்த காரணங்களுக்காக வரவு செலவு திட்டத்தில் தொகைகள் ஒதுக்கப்பட்டிருக்கின்றனவோ அந்தந்த காரியங்களுக்கு அவைகள் செலவுதிக்கப்பட்டிருக்கின்றனவோ அல்லது லீனாக செலவுதிக்கப்பட்டிருக்கின்றனவோ என்று பார்த்து அறிக்கை அனுப்பிவிக்க வேண்டும் என்று ஆராய்ச்சிக் குழு அமைக்கப்பட்டது. அவர்களுடைய அறிக்கையும் நமது கையில் இருக்கிறது. அந்த அறிக்கையில் கனம் ஒரு சில விஷயங்கள் நம் எல்லோருக்கும் தெரிந்தவை. கனம் மந்திரி கூறியவாறு குற்றம் குறைகள் அங்கங்கே இருக்கின்றன. அவைகளை ஆராய்ச்சிக் குழு ஆராய்ந்து முடிவுகூறி இருக்கிறார்கள். அந்த மாதிரியான குற்றம் குறைகள் இனிமேல் நிகழாது இருக்கும்படி காரியங்களைச் செய்வோம் என்றும் குறிப்பிட்டார்கள். அந்த குற்றங்களுக்கு இப்பொழுதுள்ள சர்க்கார் காரணம் இல்லை என்றாலும் கூட பெரும் குற்றங்கள் இனிமேல் நிகழாது இருப்பதற்கு நாம் அவைகளை பரிசீலனை செய்வதன் மூலம் நம்முடைய கடமையைச் செய்ய இந்த தலைப்பை மாதிரம் எடுத்துக்கொண்டு நான் பேச விரும்புகிறேன்.

3-50
P-m.

"இந்த அறிக்கை 1949-50-ம் வருஷ வரவு செலவு கணக்குகளைப் பற்றியதாகும். எந்த வருஷத்திய கணக்காக இருந்தாலும் அப்பொழுது இருந்த மந்திரி சபையோ அல்லது உத்தியோகஸ்தர்களுடைய தான் அதற்குக் காரணமாக இருந்தார்கள் என்பதை மறக்க முடியாது. மந்திரிகளும் காரணமாக இருந்திருக்கலாம் அல்லது அப்பொழுதுள்ள உத்தியோகஸ்தர்களுக்கும் காரணமாக இருந்து இரக்கலாம். மந்திரிகள் இன்றைக்கு இருப்பார்கள் நாளைக்கு இருக்கமாட்டார்கள். ஆனால் நிரந்தரமாக இருக்கக் கூடிய உத்தியோகஸ்தர்களுடைய இவைகளுக்கு பொறுப்பாக இருக்கக் கூடாது என்பது தான் என்னுடைய வேண்டுகோள். அப்படி இனிமேல் இருக்க விடக்கூடாது என்பதும் தான் என்னுடைய வேண்டுகோள். இது மந்திரிகளுடைய பொறுப்பாக இருக்கவேண்டும். எந்த அரசாங்கமாக இருந்தாலும் உத்தியோகஸ்தர்கள் சரியான முறையில் ஒதுக்கப்பட்ட பணத்தை அந்தந்த வழிகளில் செலவுதிக்க பொறுப்பாளிகளாக இருக்கவேண்டும். பொறுப்புத் தவறி நடக்கவிடக்கூடாது. இந்த பொறுப்பையும் கடமையையும் அவர்கள் உணரவேண்டும் என்பதற்காகத்தான் இதை வற்புறுத்திச் சொல்ல விரும்புகிறேன்.

"முதலாவதாக எடுத்துக் கொண்ட தலைப்பின் கீழ் இந்த அறிக்கையில் கண்டபடி நம்முடைய மாகாண சர்க்கார் 1949-50-ல் '25 டீசல் பஸ்கள்' வாங்கி இருக்கிறார்கள். அதையும் இடாலியிலிருந்து வாங்கி இருக்கிறார்கள். அந்தக் கார் ஒவ்வொன்றும் ரூ. 50 ஆயிரத்திற்கு மேல் வாங்கப் பட்டிருக்கிறது. அம்மாதிரி வாங்கி அங்கிருந்து இங்கு கொண்டுவரப்பட்டன. அந்தக் கார்களில் ஏதாவது பழுது ஏற்பட்டால் அவைகளை திருத்தி அமைப்பதற்கும் அதை ஓட்டுவதற்கு வசதி செய்து கொடுக்கும்படிக்கும் அங்கிருந்து திறமையி்க பழுது பார்க்கும் இஞ்சினியர்களையும் கொண்டு வந்திருக்கிறார்கள். அவர்களுக்கு ரூ. 2,000 செலவு செய்திருக்கிறார்கள். அந்த முறையில் டீசல்கணக்கான ரூபாய் செலவுதிக்கப்பட்டிருக்கிறது.

[4th January 1954] [Sri K. R. Viswanathan]

அந்த 25 கார்களும் இந்த மாகாணத்திற்கு கொண்டுவந்த பிறகு என்ன நேர்ந்தது என்றால் அங்கிருந்து வந்திருந்த இஞ்சினியர்களுக்கும் கார்களுக்கும் செலவு செய்த பிறகு அந்த கார்கள் ரோடில் போவதற்கு தகுதியாக இல்லை. இந்த நிலையில் அவைகள் இருந்தன என்பதைப் பார்க்க வருத்தப்பட வேண்டியதாக இருக்கிறது. ரோடுகளில் போவதற்கு தகுதி இல்லாத கார்களை ஏன் வாங்கவேண்டும்? இதுபற்றி அக்கொண்டண்ட் ஜெனரல் கேட்ட கேள்விகளுக்கு சம்பந்தப்பட்ட இலாகாவின் கூறுகிறார்கள் 'சில கார்கள் ரோடுகளில் போகாமல் இருப்பது சகஜம் தான். அதுபோல் புதிய டீசல் கார்கள் நகராமல் இருப்பது ஒன்றும் புதிதல்ல' என்று கூறுகிறார். (அவருடைய சமாதானம் என்னவென்றால், 'It is a normal feature that buses are off the road for some reason or other for a time, that there was nothing exceptional about the diesel buses remaining idle for a period before they were put on the road. சாதாரணமாக கார்கள் பழுது ஆகி நிற்பது சகஜம்தான். டீசல் பஸ் 25 கார்கள் நிற்பது புதிது ஒன்றும் இல்லை. அவைகள் பழுதுபடாமல் நிற்பதும் மிகவும் ஆச்சர்யம் இல்லை என்று அவர் சமாதானம் கூறுகிறார். இதைத்தான் நானும் குறிப்பிட வேண்டி இருக்கிறது. டீசல் கணக்கான ரூபாய் பணத்தைப் போட்டு வாங்கி நிபுணர்களைக் கொண்டு வந்து அதன் பிறகு கார்கள் ஓடவில்லை என்றால் பொறுப்பற்ற முறையில் பணம் செலவுதிக்கப்பட்டிருக்கிறது என்பதைக் குறிப்பிட விரும்புகிறேன். இப்பொழுது டீசல் யந்திரங்களை எடுத்துவிட்டு பெட்ரோல் யந்திரங்களை வைத்து ஓட்டவேண்டிய அவ்வளவு அவசியம் ஏற்பட்டிருக்கிறது. இதற்காகவா டீசல் கணக்கான பணம் செலவுதிக்கப்பட்டிருக்கிறது. இந்த தரகு கம்பெனி முக்கியமாக கவனிக்கவேண்டும். இந்தியாவிலுள்ள ஒரு தரகு கம்பெனி மூலமாக இடாலியிலிருந்து இந்த பஸ்கள் வாங்கப்பட்டிருக்கின்றன. அந்த தரகு கம்பெனி சர்க்கார் உத்தியோகஸ்தர்களுக்கும் மந்திரிகளுக்கும் வேண்டியவர்களாக இருந்து இருக்கிறார்கள். அதன் மூலம் தமக்கு வேண்டியவர்களுக்கு செலவுதிக்க செய்யவேண்டும் என்ற இந்த ஒரே நோக்கத்துடன் இந்த கார் வியாபாரம் செய்யப்பட்டிருக்கிறது என்று தெரியவந்தது. ஆகவே அந்த தரகு கம்பெனியாருக்கு செலவுதிக்க செய்ய வேண்டும் என்ற ஒரே நோக்கத்தோடு இந்த காரியத்தை ஏன் செய்ய வேண்டும் என்று கேட்கிறேன். சர்க்கார் பணம் அதனால் விரயம் ஆக்கப் பட்டது என்பது தெரிகிறது. இது மறுபடியும் நிகழாமல் இருக்கவேண்டும் என்பதற்காகத்தான் இதை எடுத்துக் காட்ட விரும்புகிறேன். அது மட்டும் அல்ல. மூன்று நான்கு வருஷத்திற்கு முன்பு உள்ள கணக்குகளைப் பார்த்தால் பழம் கணக்காகி விடுகிறது அதைப்பற்றி பேசுவதில் பயன் ஒன்றும் இல்லை என்று பேச படுகிறது. அந்தந்த வருஷக் கணக்குகளை அந்தந்த வருஷத்தில் ஆராய்வதற்கு ஒரு 'எஸ்டிமேட் கமிட்டி' அமைக்க வேண்டும் என்று இந்த அறிக்கையில் கடைசி பாராவில் சொல்லப்படுகிறது. அதன்படி 'எஸ்டிமேட் கமிட்டி' அமைத்து அந்தந்த வருஷ கணக்குகளை ஆராய்ச்சி செய்வதற்கு வேண்டிய நடவடிக்கை எடுத்துக்கொள்ளவேண்டும் என்றும் கேட்டுக்கொள்ளுகிறேன்.

"அதற்கு அடுத்தபடியாக இந்தக் கணக்கு ஆராய்ச்சிக் குழுவில் இருக்கும் உறுப்பினர்கள் ஓரளவிற்கு இந்தக் கணக்குகளை ஆராய்ச்சி செய்யக்கூடிய அளவிற்கு திறமையுள்ளவர்களாக இருக்கிறார்களா என்றால் பலபேர்கள் கணக்குகளை அறிந்து கொள்வதற்கும் அரசாங்கக் கணக்குகளில் வரும் சொற்களின் பொருள்களை அறிந்துகொள்ள முடியவில்லை என்று தான் . . ."

MR. SPEAKER:—"அவர்கள் இந்த அசெம்பிளியால் தேர்ந்தெடுக்கப்பட்டவர்கள் தான். அவர்களுக்கு தெரியாது என்று சொல்வது தவறு. அவர்கள் திறமைசாலிகள் அல்ல என்று சொன்னால் அது இந்த சபையை அவமானப்படுத்துவதாகும். அப்படிச் சொல்லக்கூடாது. அப்படிச் சொல்வது தவறு."

SRI K. R. VISWANATHAN:—"அவர்கள் புரிந்துகொள்ள முடியாத பல சொற்கள் இருக்கின்றன."

[4th January 1954]

MR. SPEAKER :—“அப்பொழுது ஏன் அவர்களுக்கு வோட் போட்டார்கள். அப்பொழுதே தான் நீங்கள் இதை ஆட்சேபித்திருக்கவேண்டும்.”

SRI K. R. VISWANATHAN :—“இதில் என் போன்றோர் புரிந்து கொள்ளவேண்டிய சொற்கள் உதாரணமாக “unremedied excess suspense heads” போன்றவை இருக்கின்றன. இந்தத் துறையில் பழகினவர்கள் இல்லை என்று சொல்ல வருகிறேன். ஆகவே ஒன்று இரண்டு வருஷங்கள் இந்த ஆராய்ச்சிக் குழுவில் பழகினவர்கள் இதில் இருந்தால் நலமாக இருக்கும் என்பது என்னுடைய சொந்த அபிப்பிராயம் என்பதை தெரிவித்துக் கொள்ளுகிறேன். இத்துடன் என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

SRI K. VINAYAKAM :—“Sir, as the Hon. the Minister for Finance admitted in the beginning that we were considering only the Report of the Public Accounts Committee on the accounts for the year 1949-50 in the year 1954, after a lapse of four years, I am likely to be convinced by the arguments advanced by him in the later stages that the Report was submitted to the Government by the Accountant-General only in 1952. I do not see any inordinate delay on the part of the Government after it was received by them. There was scope for delay on the part of the Government because of the partition of the State. But could not something have been done to hasten the submission of the Report to the Government by the Accountant-General? What exactly was the cause for this kind of delay? The accounts must have been ready after the lapse of the year 1950. Then, is it necessary that two years should be taken to go through the accounts and certify that they may be brought before the Assembly? If the Hon. Minister could throw more light on this aspect of the question, we shall be grateful to him.”

4 p.m. **SRI S. RAMALINGAM :—**“கனம் சபாநாயகர் அவர்களே, 1949-50 வது ஆண்டிலேதான் நம்முடைய சர்க்கார் “அனுமார்” என்ற ஒரு ஏரோப்ளேனை வாங்கினார்கள். மந்திரிகளுடைய பிரயாணத்திற்காக அந்த ஏரோப்ளேனை வாங்கினார்கள். அந்த ஏரோப்ளேனை வாங்கினார்களே, அதில் பறந்தார்களா என்றால், அதிகம் பிரயாணம் செய்ததாகத் தெரியவில்லை. ஒரு தடவை இரண்டு தடவை பறந்திருப்பார்கள் என்று நினைக்கிறேன். அவர்கள் அதில் பறந்ததைவிட, அதற்காக ரிப்பேர் செய்த தொகை ரொம்ப அதிகம். அது பறந்ததைவிட இறங்கினதுதான் ஜாஸ்தி. பிறகு, அதை விற்பதற்கு முயற்சி செய்தார்கள். ஆனால், அதை வாங்குவதற்குக் கூட ஆள் இல்லை. கடைசியில் அதை இனாமாக மத்திய சர்க்காருக்குக் கொடுத்திருப்பதாக ரிப்போர்ட்டிலிருந்து தெரியவருகிறது. ஒரு பழமொழி ஒன்று சொல்வதுண்டு. ஒரு ஏழைக்கு யானையொன்றை தானமாக கொடுத்தது போதாதென்று அந்த யானையைப் பராமரிப்பதற்கான செலவுத் தொகையையும் கொடுக்க வேண்டியிருந்ததாம். அதுபோல, அந்த ஏரோப்ளேனை மத்திய சர்க்காருக்கு இனாமாகக் கொடுத்தது போக, அதற்கான நிர்வாகச் செலவையும் நமது சர்க்கார் கொடுத்திருக்கிறார்களோ என்னமோ தெரியவில்லை.

“ஸ்டேட் டிரோபிங் ஸ்கீம்கள்” என்ற முறையில் சர்க்கார் வியாபாரங்கள் நடத்தும்போது பலவிதமான நஷ்டங்கள் சர்க்காருக்கு ஏற்பட்டிருக்கிறது. குறிப்பாக நெல் அறைப்பதற்காக சில இயந்திரங்கள் வாங்கி, அதைப் பல இடங்களில் கூட்டுறவு சங்கங்கள் ஏற்படுத்தி, அதன் மூலமாக “எக்ஸ்-ஸெர்வீஸ்மென்” களுக்கு வேலை கொடுப்பதற்கென்று பல ஸ்டிக்கணக்கான ரூபாய்களை வீண் விரயம் செய்திருக்கிறது. அந்த இனங்கனில் லாபம் இல்லாதது தவிர, வேலை செய்யக்கூடிய தொழிலாளிகளுக்கு சரியான ஊதியம் கூட கிடையாது.

[4th January 1954] [Sri S. Ramalingam]

“கையினால் பேப்பர் செய்கிறோம் என்று 3 அல்லது 4 யூனிட்களை ஆரம்பித்து, அதில் எந்த விதமான லாபமும் சர்க்காருக்குக் கிடையாது. அதிலும் சர்க்காருக்கு பெரிய நஷ்டம் ஏற்பட்டிருக்கிறது. அதையும் சர்க்கார் கவனிக்கவேண்டும்.”

“விவசாய இலாகாவில் விவசாயத்திற்கு வேண்டிய கருவிகளெல்லாம் வாங்கி வைத்திருக்கிறார்கள். விவசாயிகளின் நன்மைக்கு என்றும், விவசாயிகளுக்கு வினியோகம் செய்கின்றோம் என்று சொல்லி வேண்டாத கருவிகளெல்லாம் பணம் கொடுத்து வாங்கி வைத்தார்கள். அவைகளெல்லாம் வினியோகிக்கப்படாமல் ஒன்றுக்கும் உதவாமல் சர்க்கார் விவசாய இலாகாவைச் சேர்ந்த கிடங்கில் கிடக்கின்றன.

“ஆகவே, இம்மாதிரியெல்லாம் பொதுமக்களுடைய பணத்தை 1949-50 வது ஆண்டில் போதுமான கவனம் செலுத்தாமல், பஞ்ச காலத்தில் ஜனங்கள் கஷ்டப்பட்டுக்கொண்டு செலுத்திய வரிப்பணத்தை, இவர்கள் தங்களுக்குத் தோன்றியதனமாக செலவழித்திருக்கிறார்கள். அந்தமாதிரி இருக்கக்கூடாது. இனிமேலாவது கனம் மந்திரி அவர்கள் ஒத்துக் கொண்டது போல மிகவும் கட்டுப்பாடுமூலம், கண்காணிப்புமூலம் செலவு செய்ய வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.”

* **THE HON. SRI C. SUBRAMANIAM :—**“Sir, I am grateful for the various suggestions put forward by the hon. Members. But I am unable to accept the statement made by the hon. Member Sri Viswanathan that the purchase of the diesel buses was put through to favour certain persons. There are no materials to warrant such a conclusion. Without such materials and especially when the Minister concerned is not alive now, it is uncharitable to make such a remark. Even though the Government might have incurred a loss on that account, without sufficient materials, we should not level a charge that some favouritism was practised by any particular Minister. Apart from that, we have to take into consideration the conditions prevailing in 1948 when the Government wanted to nationalise the City bus transport as such. The diesel buses were supposed to be very economical and they were not available from British sources which were supposed to be generally reliable. Therefore, the Government had to purchase all these buses from Italy. Unfortunately, we are wiser after the event. After some time, it was found that the diesel engines were not rendering useful service. Therefore, the Government had to change from diesel engines to petrol-driven engines. As a matter of fact, we are now changing many of the buses from petrol to diesel because the latter is more economical. But, unfortunately, in the cases referred to by the hon. Member, we had to change from diesel to petrol and consequently we had to incur an extra expenditure. To that extent, I agree it has been a loss to the public exchequer.”

SRI K. VINAYAKAM :—“It is stated that one such bus purchased during that period is still missing. Is it a fact?”

* **THE HON. SRI C. SUBRAMANIAM :—**“The hon. Member seems to have very useful information. If he has such information, he may pass it on to me. I shall verify and if it is true and if anybody is responsible for that, action will also be taken. It is true that we had to incur a certain extra expenditure in this

[Sri C. Subramaniam] [4th January 1954]

case. That is why we have now constituted an expert committee for the purpose of making these purchases. That expert committee goes into the entire matter and then makes recommendations to the Government. It is only after taking into account the expert committee's recommendations that we now make our purchases. Therefore I may assure the hon. Members that we will take as much care as possible so that in the purchase of these buses and other articles there may not be unnecessary loss to the public exchequer. He also referred to some of the new technical words with which the hon. Members were not conversant. I may tell the hon. Members that I too was finding some difficulty in regard to this matter. If only we make an attempt, we can understand them. Those are merely technical words. I only request the hon. Members to become conversant with those words. It is not as if it is very difficult to understand them. It is an easy job if only they refer to a dictionary. Or, if they pass on to me a list of such words with which they are not conversant, I shall have a note prepared in the Finance Department giving their meaning and explaining those words and terms, and circulate it to all the hon. Members.

"With reference to the caution given by the hon. Member Sri Ramalingam, I have taken note of it. I may give the assurance to the House that we shall try to be as careful as possible with regard to public money which is entrusted to us. We will try our best to see that no unnecessary expenditure is incurred and no unnecessary loss is incurred by the Government. With that assurance, I request the hon. Member Sri Viswanathan to withdraw his amendment. The point is no useful purpose will be served by discussing that particular item. There are three or four items as mentioned by hon. Member Sri Ramalingam. It is not as if there is only one particular item to take note of. We have to take note of all the items brought to our notice. Under these circumstances, I request him not to press his amendment."

SRI K. R. VISWANATHAN :—"What about the appointment of an Estimates Committee, Sir?"

* THE HON. SRI C. SUBRAMANIAM :—"With regard to the appointment of an Estimates Committee, I have just now got information about the procedure followed in Parliament. I will go through it. If I find that it will facilitate matters here, I will certainly take steps to constitute an Estimates Committee. However, I find there is a little difference between what is happening in the Central Government and in the State Government have. This point will have to be examined. After examination of this point is completed, I will certainly inform the House what action I am going to take in this regard."

MR. SPEAKER :—"Apart from that, if an Estimates Committee is to be appointed, our rules have got to be changed. We must make some amendment to our present rules. An amendment in this regard has already been proposed for consideration by

4th January 1954] [Mr. Speaker]

the Rules Committee. Members who are on the Committee will discuss it.

the hon. Members who are on the Committee will discuss it.

* THE HON. SRI C. SUBRAMANIAM :—"The Hon. Minister was not kind enough to say why the report was not brought to the notice of the Government in time by the Accountant-General."

that an Estimates Committee is necessary, certainly I will be the last person to object to its constitution."

grateful to the hon. Members who are on the Committee will discuss it.

SRI K. VINAYAKAM :—"The Hon. Minister was not kind enough to say why the report was not brought to the notice of the Government in time by the Accountant-General."

* THE HON. SRI C. SUBRAMANIAM :—"Sir, the Accountant-General has to go into the accounts after they are completed. The financial year ends with March 31st. But actually, the accounts are kept open till about October for the purpose of adjustment. We are able to submit the accounts to him by the end of that year and then he has to call for explanations from the various departments and there has been some delay, in respect of these explanations for which the various departments were taken to task during the proceedings of the Public Accounts Committee. We have issued instructions that as soon as explanations are called for by the Accountant-General, they should be immediately submitted and that there should be no avoidable delay. So we are already looking into the matter. With the best of efforts, it will not be possible for the Accountant-General to report before 15 or 18 months. That is the whole trouble. I have talked over the matter with the Accountant-General and have requested him to expedite the report as far as possible so that we may have some interest in the discussion. If the report relates to the past 3 or 4 years, we lose interest. I hope we will discuss the report relating to 1952-53 in the next year."

SRI K. R. VISWANATHAN :—"I withdraw my amendment, Sir."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—"The question is—

'That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.'

The motion was put and carried.

MR. SPEAKER :—"The House will now adjourn and meet again at 9 a.m. to-morrow."

The House then adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 5th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER :—“ I have put down as many as 39 questions and I want to go through them in time. We shall first take up short notice questions.”

SRI M. NARAYANA KURUP :—“ Sir, I was not informed that my question (No. 297-A) put down as the first short notice question to be answered, would come up for answer to-day. Generally we used to get notice. I would request you to take it up tomorrow.”

SRI T. C. NARAYANAN NAMBIAR :—“ My question also relates to the same subject as question No. 297-A.”

MR. SPEAKER :—“ If the hon. Members want that their questions should be taken up tomorrow, I have no objection. Short notice questions No. 297-A and No. 297-B will be taken up to-morrow.”

Promulgation of section 144 of Criminal Procedure Code in Vellore town.

* 297-C Q.—SRI A. GOVINDASWAMY NAYAGAR : Will the Hon. the Chief Minister be pleased to state—

(a) the reasons for bringing into operation section 144 in Vellore town, North Arcot district, recently; and

(b) why police constables are guarding the statue of Gandhiji?

THE HON. SRI C. RAJAGOPALACHARI :—“ (a) An order under section 144, Criminal Procedure Code, had been in force in parts of Vellore town consequent on a clash between Hindus and Muslims on 23rd November 1953. On 4th December 1953, the Municipal Council, Vellore, passed a resolution by a narrow majority to invite Sri C. N. Annadorai to unveil the statue of Gandhiji in the public park, Vellore, and it was reported that a number of Councillors of the Vellore Municipality resented this decision and were attempting to get it cancelled. It was also brought to the notice of the Government that a section of the public were agitated considerably over the decision of the Municipal Council. Fearing that all this may lead to breaches of peace, the Collector

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of North Arcot took steps to extend the operation of the order under section 144, Criminal Procedure Code, already in force to the other areas of the town where there was likelihood of trouble and at the same time banning processions and meetings excepting the function connected with the unveiling of the statue itself as also other customary and religious processions.

"(b) To prevent any possible unauthorized and secret attempt to interfere with the statue or the arrangements made for its unveiling before the date fixed for the function by any dissident groups and organizations, the Collector provided police protection for the statue. The Government also took unofficial measures to advise those who were expected to listen to their advice to let the decision of the Municipal Council be carried out peacefully."

SRI A. GOVINDASWAMY NAYAGAR:— "வேலூரிலே இப்போதும் கலவரம் இருக்கிறதா? கலவரம் அமைதியான பிறகும் எதற்காக 144 நீடிக்கவேண்டும்?"

THE HON. SRI C. RAJAGOPALACHARI:— "As to what is to be done hereafter will be decided by the Government and as soon as possible, orders will be withdrawn. But feelings continue and sometimes, advantage may be taken of the withdrawal of the order, which we do not like."

SRI A. GOVINDASWAMY NAYAGAR:— "காந்தி சிலையை அண்ணாதுரை திறப்பதால் காங்கிரஸ்காரர்கள் ஆத்திரம் அடைந்து அந்த சிலையை அவர்கள் திறக்கவேண்டுமென்று முயற்சி செய்தது சர்க்காருக்குத் தெரியுமா? அப்படித் தெரிந்தால் காங்கிரஸ்காரர்கள் மீது என்ன நடவடிக்கை எடுத்திருக்கிறார்கள் என்று தெரிந்துகொள்ள விரும்புகிறேன்."

THE HON. SRI C. RAJAGOPALACHARI:— "I am sorry the hon. Member does not seem to have followed my answer. I have dealt with the subject-matter of the question very fully."

SRI V. GOPALA GOUNDER:— "Was there any clash between the rival parties with reference to the question of unveiling of the statue prior to the issue of the order?"

THE HON. SRI C. RAJAGOPALACHARI:— "I am not quite sure. But I think that there was no clash but was only an apprehension of a clash. There was sufficient evidence to show that a clash might occur at any time."

SRI V. BALAKRISHNAN:— "To which political opinion was the threat to peace traced before the order under section 144, Criminal Procedure Code, was promulgated?"

THE HON. SRI C. RAJAGOPALACHARI:— "It is not a matter of opinion. Some people think that it is only out of opinion but it is not that. The actual feelings that have been developed have to be dealt with. That is the point and opinion becomes unimportant."

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SRI A. GOVINDASWAMY NAYAGAR:— "காந்தியாருக்கு விரோதப்பாவமான வெள்ளைக்காரர்களும், பாகிஸ்தான் தலைவர்களும் அவரது சுவச் சமாதிகமேல் மாலையிடும்போது, காந்தியார் சிலையை அண்ணாதுரை திறப்பதால் தீட்டு வந்து விடுமா? சிலையைத் திறக்கும்போது மூன்று காங்கிரஸ்காரர்கள் அங்கு நின்றனாக்கொண்டு கலவரம் செய்தது சர்க்காருக்குத் தெரியுமா? எகப்பட்ட போலீஸ் பந்தோபஸ்து இருந்ததும் சர்க்காருக்குத் தெரியுமா?"

THE HON. SRI C. RAJAGOPALACHARI:— "I have dealt with all that is being asked by the hon. Member, in advance in my original answer. He wants to know why Congress should object to the proposal. He asked why Congressmen should object unreasonably to Gandhiji's statue being unveiled by a person who might be differing in politics but who wished to pay his tribute of admiration to Gandhiji. I entirely agree with him and that is why I thought it was wrong on the part of the agitated members of the public to interfere with the statue and put policemen to prevent such interference."

SRI A. GOVINDASWAMY NAYAGAR:— "காந்தி சிலையைத் திறக்க அனுமதி கொடுத்த சர்க்கார், ஏன் என்னுடைய தலைமையில் நடக்க விருந்த கூட்டத்திற்கு மட்டும் 144 போடுவானேன்?"

THE HON. SRI C. RAJAGOPALACHARI:— "I did not know, Sir, that the hon. Member had a grievance." (Laughter.)

Report of the Tripartite Enquiry Committee.

* 297-D Q.—SRI N. K. PALANISAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the recommendations made by the Tripartite Enquiry Committee with regard to labourers;

(b) when the report of the Committee was received by the Government; and

(c) when it will be published?

THE HON. DR. U. KRISHNA RAO:— "(a) The recommendations of the Tripartite Enquiry Committee are numerous and cannot be answered to a question. Printed copies of the report will be placed in the Legislature library for reference by the members.

"(b) The report was received by the Government in April 1953.

"(c) Printing of the report is likely to be over by the middle of January 1954."

SRI N. K. PALANISAMI:— "அவைகள் எப்போது அமுலுக்கு வருமென்று மந்திரி அவர்கள் சொல்லவேண்டும்."

THE HON. DR. U. KRISHNA RAO:— "This is only a recommendation of the Committee. There is no question of the Government implementing it. It is open to managements and labour to implement as many of the agreed suggestions as they are willing to have implemented."

[5th January 1954]

1-10 * 297-E Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) why the Tripartite Committee report on the textile industry has not been published so far; and

(b) whether the Government have accepted the recommendations of this Committee in part or in toto and if so, when they will be implemented?

THE HON. DR. U. KRISHNA RAO:—“(a) The Report of the Tripartite Textile Enquiry Committee is under print and it is expected that final copies will be ready by the middle of January 1954.

“(b) The Committee is not a statutory Committee and the parties are not bound to implement the recommendations of the Committee.”

SRI K. P. GOPALAN:—“May I know, Sir, whether it is not a fact that because the report contains some favourable decisions on the side of the workers, the Government have delayed the publication of the report?”

THE HON. DR. U. KRISHNA RAO:—“There are favourable points both on the side of labour as well as management. The question of printing takes some time.”

SRI V. R. KRISHNA AYYAR:—“Anyway now that the recommendations of the above Committee are ready, may I know whether the Government are inclined to use their good offices to persuade the management to accept those recommendations?”

THE HON. DR. U. KRISHNA RAO:—“Sir, the Government are always available to use their good offices to bring an amicable and peaceful settlement on all disputed cases and at all times between management and labour.”

SRI P. RAMAMURTHI:—“இந்தக் கமிட்டி ஏற்படுத்தப்பட்டு மூன்று வருஷங்கள் ஆகின்றன. மூன்று வருஷங்கள் ஆன பிறகும் அந்த ரிப்போர்ட் இன்னும் பிரசுரிக்கப்படாமல் இருக்கிறது. அந்த ரிப்போர்ட்டின் சாராம்சத்தையாவது தவக்கமில்லாமல் வெளியிடுவதற்கு அரசாங்கம் யோசிக்குமா?”

THE HON. DR. U. KRISHNA RAO:—“As I said, the whole report is going to be published. What is the point in publishing a summary?”

SRI P. RAMAMURTHI:—“அந்த ரிப்போர்ட்டை தவக்கமில்லாமல் சுருக்கமாக உடனே வெளியிடவேண்டும். முக்கியமான என்ன திருத்தங்கள் செய்யப்பட்டிருக்கின்றன? அந்த ரிப்போர்ட்டின் சுருக்கத்தையாவது உடனடியாக தவக்கமில்லாமல் வெளியிடும் முறையை ஏன் அனுஷ்டிக்கக்கூடாது?”

THE HON. DR. U. KRISHNA RAO:—“We thought that we would be able to print it (report) quicker along with a summary. Perhaps I think the summary is also available.”

SRI M. PALANIYANDI:—“அந்த முக்கூட்டு கமிட்டியின் ரிப்போர்ட்டானது பிரசுரிக்கப்படாததன் காரணம், அதில் மின்சாரவெட்டின் காரணமாக வேலையிழந்த, வருமானமிழந்த தொழிலாளர்களுக்கு ஒரு வித சலுகை கொடுக்கப்பட்டிருக்கிறது என்பதற்காகவா? அது தெரிந்

[5th January 1954]

தங்கூட மேற்கண்ட ரிப்போர்ட்டை ஏன் இன்னும் வெளியிடவில்லை? அந்த ரிப்போர்ட்டின் சிபார்சை சுருக்கமாகவாவது வெளியிடுவதற்கு அரசாங்கம் முன்வருமா?”

THE HON. DR. U. KRISHNA RAO:—“I cannot accept the reasons put forward by the hon. Member for not printing the report. The delay is entirely due to the difficulties in the Government Press. As a result of partition of the Andhra State, many of the machinery of the Government of Madras had to be sent to the Andhra State and due to the difficulties in the Press, the delay has occurred. But now the difficulty is partially over. We have the proofs ready and I think, within a month, I mean before the end of January 1954, we will be able to publish the report finally.”

SRI P. RAMAMURTHI:—“சர்க்காருடைய அச்சகத்தில் இதை பிரசுரிப்பதற்கு சில கஷ்டங்கள் இருக்கின்றன என்று சொன்னால், அதை வெளியிலுள்ள அச்சகத்தின் மூலம் உடனடியாக பிரசுரிப்பதற்கு சர்க்காருக்கு கஷ்டம் ஏற்படாதல்லவா? இல்லாமல்போனால் அதில் என்ன கஷ்டம் என்பதைத் தெரிவிக்கவேண்டும்.”

THE HON. DR. U. KRISHNA RAO:—“When we gave the matter for printing, we did not anticipate any delay. We thought the work would be finished within a short time. But within a month afterwards, a big event in the State of Madras took place, viz., the partition of Andhra from the composite Madras State. We did not foresee it before. Therefore there was difficulty in the Government Press in regard to machinery, to which I had already referred. I must say I am sorry for the delay. We were not able to print it as quickly as possible. I think within a month, we will publish the report.”

SRI P. RAMAMURTHI:—“சர்க்கார் அச்சகத்தினுடைய ரூபரின் டென்டெண்டு அவர்களிடம் இதை ஒரு குறிப்பிட்ட காலத்திற்குள் அச்சிட்டுக் கொடுக்கமுடியுமா என்பதைத் தெரிந்துகொண்டு, அப்படி அச்சடிக்க முடியாமல்போனால் அதை வெளியிலுள்ள அச்சகத்திற்கு கொடுப்பதற்கு சர்க்கார் தயாராக இருக்கிறதா?”

THE HON. DR. U. KRISHNA RAO:—“I have already answered that we did not foresee that partition of the State would come so quickly. The difficulties with which the Government Press was faced consequent on partition had led to this delay in printing. Within a month from now, we shall publish the report.”

Memorandum from the Parry & Co. Labour Union, Nellikuppam.

* 297-F Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have received a memorandum, dated 8th December 1953 from the Parry & Co. Labour Union, Nellikuppam, about the increase in the basic wage of workers, grant of dearness allowance and additional bonus without any discrimination between pre-1948 and post-1948 workers, etc., and if so, the action taken thereon?

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THE HON. DR. U. KRISHNA RAO :—" The Government have received only a copy of the letter, dated 8th December 1953, from the Secretary, East India Distilleries and Sugar Factories, Limited, Labour Union, Nellikuppam, addressed to the General Manager, East India Distilleries and Sugar Factories, Limited, Nellikuppam. No action was taken on it as it was only a copy of a letter addressed to the management."

Dispute between the workers and the management of the Ambika Beedi Factory, Kollengode.

* 297-G Q.—SRI R. KRISHNAN : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the award of the Industrial Tribunal in the dispute between the workers and the management of the Ambika Beedi Factory in Kollengode, Palghat taluk, Malabar;

(b) whether the management have implemented the award: and

(c) if not, what action the Government propose to take in the matter?

THE HON. DR. U. KRISHNA RAO :—" (a) The award has been published at pages 10-11 of the Supplement to Part I of the *Fort St. George Gazette*, dated 15th April 1953. The Industrial Tribunal, Coimbatore, has awarded 15 days' salary in lieu of notice, gratuity at the rate of 15 days' salary per year of service and salary for the leave period to which the workers are entitled under the Factories Act.

" (b) No.

" (c) The claim petitions received from the affected workers are under consideration."

SRI R. KRISHNAN :—" ഒരു കൊല്ലമായിട്ടും അവാർഡ് നടപ്പിൽ വരുത്താൻ മാനേജ്മെന്റ് തയ്യാറായിട്ടില്ല. ഈ നിലക്കു കഴിയുന്നതും വേഗത്തിൽ അവാർഡ് നടപ്പിൽ വരുത്താൻ ഗവണ്മെന്റ് എന്തു നടപടി എടുക്കും ? "

THE HON. DR. U. KRISHNA RAO :—" മനസ്സിലായില്ല."

SRI K. P. GOPALAN :—" Sir, . . . "

MR. SPEAKER :—" Is the hon. Member trying to translate? "

SRI K. P. GOPALAN :—" Yes, Sir. According to the Industrial Disputes Act, as I understand it, within a month from the date of publication of the award, the Government should take steps to see that the award is implemented. Why have not the Government done so even though the award was published long ago? Will they take steps immediately to implement the award? "

[5th January 1954]

THE HON. DR. U. KRISHNA RAO :—" I must submit, Sir, that the hon. Member has read the Industrial Disputes Act defectively. It is not the duty of the Government but it is that of the management to implement the award within one month when it pertains to them. If within one month the management do not implement the award, then the labourers concerned should write to Government individually, complaining against the non-implementation of the award. There is no time-limit for Government's action."

SRI M. PALANIYANDI :—" தொழிலாளர்களிடமிருந்து எப் பொழுது (Claim petition) வந்தது? எவ்வளவு நாட்களாக பரிசீலனையில் இருந்து வருகிறது என்பதை சொல்லமுடியுமா? "

THE HON. DR. U. KRISHNA RAO :—" The award was published in the *Gazette* on 15th April 1953. I think the petition from the labourers concerned came only recently. I do not know definitely when it came. If the hon. Member were to put a separate question, I might be able to answer more definitely."

* 297-H Q.—SRI A. RATNAM :—" I request the question may be taken up tomorrow."

MR. SPEAKER :—" It can be done only if the hon. Member who has put the question, Sri Deivasigamany, had authorized the hon. Member to request on his behalf that it be taken up tomorrow.

" Since the hon. Member concerned is not here, the answers will be printed . . . "

SRI S. DEIVASIGAMANY :—" I just now came, Sir. I put the question, Sir."

Appointment of Assistant State Prosecutors in Madras City.

* 297-H Q.—SRI S. DEIVASIGAMANY : Will the Hon. the Chief Minister be pleased to state who is the appointing authority for Assistant State Prosecutors in Madras City?

THE HON. SRI C. RAJAGOPALACHARI :—" The State Government is the appointing authority.

Just as in the mufassal, the head of the district and the Sessions Judge recommend, in Madras, the Commissioner of Police and the Chief Presidency Magistrate appraise the fitness of the several applicants and send them to Government who make the appointment."

SRI S. DEIVASIGAMANY :—" Has the Commissioner of Police been delegated to appoint State Prosecutors? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I have already answered that it is the Government who is the appointing authority."

[5th January 1954]

SRI V. GOPALA GOUNDER :—“ The Hon. Minister stated that in the mufassal, it is the head of the district who appoints the Assistant State Prosecutors. Does the Hon. Minister mean by the term head of the district, the District Collector or the Judicial District Magistrate? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ The head of the district recommends the person to the Government. It is the Government who are vested with the power of appointment of Assistant State Prosecutors.”

SRI S. DEIVASIGAMANY :—“ Have the Government framed any rules and regulations for appointment of Assistant State Prosecutors? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Yes, Sir, Government have framed the rules and they have come into effect from November 1953 onwards.”

SRI V. GOPALA GOUNDER :—“ Will the Hon. Minister clarify the term ‘ district head ’? Is it the District Collector or Judicial District Magistrate? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ It refers to the District Judge and the Collector.”

Cholera in Walluvanad taluk.

* 297-I Q.—SRI KUNHI MOHAMED SHAFEE : Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received any information about the new outbreak of cholera in Walluvanad taluk, Malabar district, particularly in Perintalamanna range;

(b) if so, how many attacks and deaths have taken place so far in this area; and

(c) what actions, remedial and preventive, are being taken by the Government?

THE HON. SRI A. B. SHETTY :—“ (a) Yes, Sir.

“ (b) Eighty-eight attacks and seventy-two deaths have occurred in that range.

“ (c) Soon after the receipt of report of infection, the Range Health Inspector and the District Health Officer visited the villages and instituted control measures. In addition to the Range Health Inspector, four Special Inspectors have been deputed for cholera duty. Disinfection of infected houses and materials, chlorination of water-sources, inoculation of almost the entire population of the area and health propaganda among the public have been carried out.”

SRI KUNHI MOHAMED SHAFEE :—“ May I know the names of the villages and the dates on which this outbreak of cholera had taken place? May I also know the period during which it was prevalent? ”

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THE HON. SRI A. B. SHETTY :—“ The first notification of outbreak of cholera in Attapadi valley in Malabar district was on 26th September 1953. The place has been free from infection from 12th December 1953.”

SRI M. NARAYANA KURUP :—“ Sir, in this area cholera 9-20
was prevalent for about three months, while in other areas it was a.m.
for shorter periods, and subsequently the Government could control it within less than a month. Is it not a fact that in Attapadi and other areas, because the residents were aboriginals and Harijans, Government neglected for a very long time taking remedial measures and hence the disease continued to spread? ”

THE HON. SRI A. B. SHETTY :—“ On account of the scattered and hilly nature of the residences, timely intimation of new cases could not be obtained. However, all the people of Attapadi valley and other areas affected were given full relief.”

SRI K. C. GOPALAN UNNI :—“ അട്ടപ്പാടിയിൽ കോളറയുടെ മറ്റൊരു ഘട്ടം തുടങ്ങി. അതിന്റെ പേരിൽ മരണങ്ങൾ ഉണ്ടാകുന്നു. അത് വാസ്തവമാണോ? ”

THE HON. SRI A. B. SHETTY :—“ Sir, a separate question may be put.”

SRI V. R. KRISHNA AYYAR :—“ Sir, as one of the remedial and preventive measures, would Government try to distribute wholesome worm-free and insect-free rice to this area or supply insecticides along with rice? ”

THE HON. SRI A. B. SHETTY :—“ The question may be addressed to my Hon. Colleague, the Minister for Food, Sir.”

SRI KUNHI MOHAMED SHAFEE :—“ Sir, is it a fact that some time elapsed before the authorities in the area could go to the affected areas and will the Hon. Minister be also pleased to state the villages to which the disease had spread? ”

THE HON. SRI A. B. SHETTY :—“ Sir, I have already stated why it was not possible to obtain timely intimation of new cases.”

SRI M. NARAYANA KURUP :—“ Sir, recently a third taluk, Ernad, has also been notified as a cholera-affected area. Will Government enquire why cholera is spreading so rapidly in all the taluks of Malabar and would Government take necessary preventive measures? ”

THE HON. SRI A. B. SHETTY :—“ Sir, that is a very wide question. The spread of disease is due to a variety of causes, such as drinking of contaminated water, eating unwholesome food, poverty of the people, unsuitable and unhealthy living conditions, etc. But wherever an epidemic breaks out, immediate measures are taken by posting Epidemic Reserve Health Inspectors for taking all necessary control measures.”

[5th January 1954]

Black Flag demonstration during the visit of the Prime Minister to Madras.

* 298 Q.—SRI K. ARANGANATHAN: Will the Hon. the Chief Minister be pleased to state whether it is a fact that the Commissioner, Madras City Police, gave permission in writing to the Dravidian Progressive Federation to do Black Flag Demonstration in Mount Road during the recent visit of the Hon. the Prime Minister of India to Madras?

THE HON. SRI C. RAJAGOPALACHARI:—"No, Sir. No licence or written permission was given as put in the question, but the Commissioner of Police directed different groups to different places with the object of preventing clashes between them."

SRI R. V. SWAMINATHAN:—"Sir, may I know whether it is a fact that the Police in Madras gave protection and also made facilities for this demonstration to be conducted from convenient places?"

THE HON. SRI C. RAJAGOPALACHARI:—"I think the hon. Member's comment is rather long. But I can answer it only in substance. There was preparation for presenting welcome and there was preparation for presenting opposition. Government did not think it right or good or expedient to suppress any party. Therefore, Government's duty was to prevent a clash and all that was necessary was done to that end. There was no encouragement. On the other hand, arrangements made showed things in proper proportions."

SRI A. RAMASAMI TEVAR:—"Sir, may I know from the Hon. Chief Minister whether it is a fact that the Dravidian Progressive Federation have become sane and good boys to abide by the decision of the Police Commissioner?"

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, the hon. Member's construction is very liberal. Men obey when they cannot help obeying." (Laughter.)

SRI K. R. VISWANATHAN:—"May, I know, Sir, how many were injured and taken to the hospital as a result of the black flag demonstration?"

THE HON. SRI C. RAJAGOPALACHARI:—"In spite of those arrangements, the parties were moving away from their respectively allotted places. And as a result of some trouble during that movement, one man was injured and he, instead of going away, was exhibiting his injury to the people and there was apprehension that greater disturbance may be caused. Meanwhile, the Police arrived and kept the peace."

[5th January 1954]

Payment of compensation to the residents of Thandavankuppam village in Neiveli mine area.

* 299 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Industries and Labour be pleased to state the total amount of compensation paid to occupiers of the houses that have been acquired in Thandavankuppam village in Neiveli mine area, South Arcot district?

THE HON. DR. U. KRISHNA RAO:—"The compensation amount has not yet been paid to them pending completion of land acquisition proceedings. They have, however, been paid loans on an *ad hoc* basis up to 60 per cent of the compensation amount payable to them."

SRI K. ARANGANATHAN:—"அந்த நிலங்களை வாங்கித்தான் ஆகவேண்டுமென்ற கட்டாயம் ஏற்பட்ட பிறகு, அந்த நிலங்களை வாங்குவதற்கு அரசாங்கம் ஏன் அவர்களுக்குக் கடன் கொடுக்கவேண்டும்? அதுவுமன்றி கடனாக கொடுக்கப்பட்ட அந்தத் தொகைக்கு ஏன் வட்டி வசூல் செய்யவேண்டும்?"

THE HON. DR. U. KRISHNA RAO:—"Before land can be acquired various procedures have to be followed and they naturally take time. Sometimes, those who are to be evicted do not abide by the conditions of eviction."

SRI S. DEIVASIGAMANY:—"Would Government consider the desirability of giving annual royalties to those persons who have parted with their lands?"

THE HON. DR. U. KRISHNA RAO:—"For what purpose, Sir?"

SRI S. DEIVASIGAMANY:—"For parting with their lands."

THE HON. DR. U. KRISHNA RAO:—"Sir, we are working now only a Pilot Plant to quarry, and when the whole quarrying is finished, then we will have to consider what further must be done, who all will have to be paid and what amount is to be paid. The matter will have to be considered at a later stage. It is not possible to do anything now."

SRI S. RAMALINGAM:—"அவர்களுக்கு எவ்வளவு நஷ்ட ஈடு கொடுக்க முடியும் என்பதை கணக்குப்பார்த்து, அதைச் சர்க்கார் கடனாகக் கருதாமல் அட்வான்சாக அதாவது முன்பணமாக கருதி, அதை மீண்டும் வாங்காமல் இருப்பதற்கு சர்க்கார் யோசிக்குமா?"

THE HON. DR. U. KRISHNA RAO:—"I have already said that the decision of the Government is that they should be paid an *ad hoc* loan of 60 per cent of the compensation amount payable."

SRI K. ARANGANATHAN:—"அரசாங்கம் முன்கடன் என்பதைத் தவிர்த்து, அட்வான்சாக ஏன் கொடுக்கக்கூடாது?"

THE HON. DR. U. KRISHNA RAO:—"I have already answered that question, Sir."

[5th January 1954]

Reduction of rent in Koothali estate, Malabar.

* 300 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Law be pleased to state whether the Government have got any representation from the tenants of Koothali estate, Kurumbranad taluk, North Malabar, seeking reduction of rent for this year due to the recent flood havoc; and if so, what action has been taken?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"The answer is in the negative."

Construction of a bridge at Perimba ferry, North Malabar.

* 301 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Public Works be pleased to state at what stage the construction of the bridge at Perimba ferry, Payyanur, North Malabar, stands now?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"In respect of improvement works on the Bombay-Cape Comorin road the Government of India have agreed to meet 50 per cent of the expenditure. They have been requested to accord technical approval to the estimates and financial sanction for 50 per cent of the estimated expenditure. The work will be taken up as soon as the sanction has been received."

Purchase of new buses.

* 302 Q.—SRI A. RATNAM: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how many new buses were purchased during 1952-53 and their cost;

(b) how many half decker buses were constructed and the cost of each; and

(c) how many lorries are being used in the place of buses?

THE HON. DR. U. KRISHNA RAO:—" (a) & (b) Eight new Guy buses were purchased during 1952-53. Seven of them are single-decker buses and one is a 'half-decker'. The overall cost of a single-decker bus is Rs. 70,410 per bus. The overall cost of the half-decker bus is Rs. 73,620.

" (c) Fourteen lorries are used in addition to buses."

SRI A. RATNAM:—"இவைகளில் டீசல் வண்டிகள் எத்தனை? பெட்ரோல் வண்டிகள் எத்தனை? டிராம் வண்டிகள் நின்றபிறகு அதிகப்படியான பஸ்கள் தேவைப்படுகின்றன. எத்தனை பஸ்கள் வாங்க உத்தேசம்? அதற்கு எவ்வளவு செலவாகும்?"

THE HON. DR. U. KRISHNA RAO:—"Yes, Sir, these are diesel buses and the hon. Member may be aware, from the answer I gave to another question on a previous occasion, that we have bought 40 buses and we are going to buy 40 heavy buses. We have also changed the petrol vehicles into diesel vehicles by installing Perkin's engines."

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SRI A. GOVINDASWAMY NAYAGAR:—"புதியதாக வாங்கியுள்ள பஸ்களுக்கு பெயரிட்டது சர்க்காரா அல்லது பஸ்களைச் செய்தவர்களா? சிகப்பு பெண்ணிலுடைய விலை எவ்வளவு?"

THE HON. DR. U. KRISHNA RAO:—"As I said just now, the cost of a single-decker bus is Rs. 70,410. I am not aware of the man who gave the name to the bus, but the public appreciated the name." (Laughter.)

SRI V. R. KRISHNA AYYAR:—"Sir, were all the buses bought of the same dealer or were they purchased after calling for tenders and consulting other dealers?" 9-30 a.m.

THE HON. DR. U. KRISHNA RAO:—"Yes, Sir, tenders were invited from different people and the lowest tender and the suitability of the machine were considered in making the final selection."

SRI A. GOVINDASWAMY NAYAGAR:—"அந்த பஸ்களுக்கு பெயர் வைத்தது யார் என்று கேட்டேன். அதற்கு கனம் மந்திரி அவர்கள் பதில் சொல்லவேண்டும்." V211, 51 N54 N55-1133

THE HON. DR. U. KRISHNA RAO:—"I have no objection, Sir, if the hon. Member wants to take the credit." (Laughter.)

SRI R. V. SWAMINATHAN:—"Sir, I have purchased buses, may I know how many were purchased from Italy?"

THE HON. DR. U. KRISHNA RAO:—"None of the forty diesel buses are Italian; they are all Comor buses."

SRI A. RATNAM:—"புதிதாக வாங்கிய பஸ்களில் எவ்வளவு ஓட்டாமல் இருக்கின்றன. டீசல் பஸ்களை பெட்ரோல் பஸ்களாக மாற்றியதால் எவ்வளவு ரூபாய் செலவாகி இருக்கிறது. பெட்ரோல் பஸ்களை டீசல் பஸ்களாக மாற்றியதில் எவ்வளவு ரூபாய் செலவாகி இருக்கிறது என்பதை சொல்ல முடியுமா?" 61060

THE HON. DR. U. KRISHNA RAO:—"I am glad the hon. Member has asked that question, for there is a doubt in the public mind and I have an opportunity of clearing it. None of these new buses are out of order; they are all in good working condition. No diesel bus has been converted into a petrol bus. Many petrol buses have been converted into diesel buses. The cost of one Perkin's engine is nearly six thousand rupees. The total cost involved is nearly Rs. 4 lakhs."

Adjudication under the Industrial Disputes Act, 1947.

* 303 Q.—SRI A. RATNAM: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how many disputes were admitted and ordered for adjudication in the State under the Industrial Disputes Act, 1947, in the year 1953;

(b) how many Trade Unions and individuals applied for adjudication; and

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(c) how many were settled, how many judgments were delivered and how many judgments were honoured by the parties?

THE HON. DR. U. KRISHNA RAO :—“(a) During the period January to October 1953, 2,699 disputes were admitted and of these, 101 disputes were referred for adjudication in the Madras (Residuary) State, under the Industrial Disputes Act, 1947.

“(b) Of the 2,699 disputes admitted, 1,865 were raised by Trade Unions and 834 by individuals.

“(c) 2,598 disputes were settled, 1,586 by agreement and 1,012 by formal conciliation. During the same period 109 awards were given by the Industrial Tribunals, of which 59 have been implemented so far.”

SRI A. RATNAM :—“தாழ்த்தப்பட்ட மக்களிடமிருந்து அரசாங்கத்திற்கு அட்ஜூடிகேஷனுக்கு விடவேண்டும் என்று ஆயிரக்கணக்கான மனுக்கள் வந்தும் நூற்றுக்கணக்கான மனுக்களை மட்டில் அனுமதித்தது ஏன்? அட்ஜூடிகேஷனுக்கு அனுப்புவதில் அரசாங்கம் என்ன நிபந்தனையை கையாளுகிறது?”

THE HON. DR. U. KRISHNA RAO :—“As I said the other day, Government have got to consider whether a *prima facie* case has been made for reference to adjudication. In coming to a conclusion, the capacity of the industry to pay and the general wellbeing of society have to be taken into account. At the present moment, the Government have the right to decide whether a particular dispute should or should not be referred for adjudication.”

SRI N. K. PALANISAMI :—“சென்னை மெட்டல் பாக்டரி, நெல்லிக் குப்பம் பாரி அண்ட் கம்பெனி முதலிய கம்பெனிகளில் வெள்ளைக்காரர்கள் இருப்பதால் அவர்கள் அட்ஜூடிகேஷனுக்கு விடுவதில்லை. அப்படி வெள்ளைக்காரர்கள் இருக்கும் கம்பெனிகளை அட்ஜூடிகேஷனுக்கு விடக்கூடாது என்று சர்க்காருக்கும் அவர்களுக்கும் ஏதாவது ஒப்பந்தம் இருக்கிறதா?”

THE HON. DR. U. KRISHNA RAO :—“I do not agree with the suggestion of the hon. Member that we are not referring the cases that he referred to for adjudication because the concerns are European-managed. We have to look into the wage structure and see if the industry can bear the burden. I can tell the hon. Member that we have refused to refer disputes for adjudication in a number of cases where the concerns concerned are owned by Indian interests.”

A. RATNAM :—“அட்ஜூடிகேஷன் சம்பந்தமாக ஆட்சியாளர்களுக்கு பிரஸ்தாப ஆண்டில் செலவினங்கள் எவ்வளவு? அட்ஜூடிகேஷன் தீர்ப்புக்கு இணங்காத முதலாளிகளின் பேரில் அரசாங்கம் என்ன நடவடிக்கை எடுக்கிறார்கள் என்பதைச் சொல்லமுடியுமா?”

THE HON. DR. U. KRISHNA RAO :—“I require notice of this question, as I do not have the figures with me.”

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Price of paddy in Malabar.

* 304 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Finance be pleased to state—

(a) the price of paddy prevailing in free market in July 1953 in the Coimbatore zone and Malabar zone; and

(b) whether the Government have received any representation from any quarter to abolish the zonal system, and if so, what has been done?

THE HON. SRI C. SUBRAMANIAM :—“(a) The open market price of paddy in the Coimbatore zone was ranging between Rs. 17.84 to Rs. 20.38 per maund for first sort and between Rs. 16.56 to Rs. 17.96 per maund for second sort. The open market price of paddy in the Malabar zone was ranging between Rs. 21.87 to Rs. 21.97 per maund for first sort and between Rs. 21.12 to Rs. 21.23 per maund for second sort.

“(b) Yes. The Government have however decided to maintain the zonal divisions which serve to segregate the highly deficit districts and ensure that there is rational distribution of existing surpluses in each zone.”

SRI M. NARAYANA KURUP :—“In view of the fact that subsequently the disparity between the price in the two zones has been increasing still further, may I request the Government to give a second thought to their decision not to disturb the zonal system?”

THE HON. SRI C. SUBRAMANIAM :—“I have dealt with this matter at sufficient length during the budget debate. Anyhow, we will be on the watch and we will take sufficient action to put down the price.”

SRI KUNHI MOHAMED SHAFEE :—“Will the Government enquire into the causes for the difference in the price of rice in these two districts and do the needful to bring down the price of rice in the Malabar district?”

THE HON. SRI C. SUBRAMANIAM :—“According to the figures I have, there is not much of a difference between the price of first sort rice in the Coimbatore and Malabar zones. There is a difference in the price of second sort rice in the two zones. But I find that Malabar people do not make any distinction between first and second sorts. They pay almost the same price. That seems to be the difficulty.”

SRI V. R. KRISHNA AYYAR :—“There are two important factors of which the Hon. Minister may certainly be aware. One is that as against the price prevailing in Coorg, the tiny place Mahe and Coimbatore—all these three are places surrounding Malabar—the price of paddy and rice in Malabar is much higher. The second is that the rice sold in ration shops in Malabar is a free mixture of rice, insects and other foreign particles. Therefore will

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the Government see that either clean and cheap rice is sold in the ration shops or the free market price is depressed by a realignment of the zonal system?"

THE HON. SRI C. SUBRAMANIAM :—" If there is any defect in the quality of the rice, certainly I will look into it. I am interested in supplying clean and wholesome rice as far as possible. As regards the realignment of zones, the matter requires consideration. We have already considered the matter and taken a decision. If circumstances compel us to take a different decision, we will certainly take that into consideration."

SRI R. V. SWAMINATHAN :—" With regard to clause (b), I want to ask a question. The Government have abolished the zonal system except with reference to Malabar and South Kanara. The order giving effect to this arrangement has not been communicated to all departments, especially the Railways who are still insisting on the fulfilment of conditions that were prevailing before the new arrangement came into force. Are the Government aware of this fact?"

THE HON. SRI C. SUBRAMANIAM :—" We are issuing the order to all departments concerned. Perhaps it takes some time to reach them. I am sure that within a short time everything will be normal."

SRI S. RAMALINGAM :—" மலபாரில் இருக்கக்கூடிய அங்கத்தினர் களுக்கு இது ஒரு முக்கியமான பிரச்சனையாக இருப்பதால் இதற்கு அரை மணி நேரம் கொடுத்து விவாதத்திற்கு எடுத்துக்கொள்ளவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்."

THE HON. SRI C. SUBRAMANIAM :—" Sir, we had a full discussion during the budget debate."

MR. SPEAKER :—" To-day we are rising at 1-30 p.m. It is not possible to allow a half-hour debate. I am not going to allow it."

SRI V. R. KRISHNA AYYAR :—" There are two important factors which the Hon. Speaker may be pleased to bear in mind. The rice that is supplied in Malabar is very, very bad and unwholesome. Particularly in view of the epidemic that is spreading everywhere, this is very, very important. Secondly, the bitterness of the people of Malabar is so much because rice is sold cheaper in Mahe, Coorg and the neighbouring district of Coimbatore. The Government can at least see that rice from Coorg is got for sale in Malabar. All these considerations go to show that a half-hour debate is necessary, although the matter might have been covered in a general way during the budget discussion."

MR. SPEAKER :—" I will look into the matter and see whether a half-hour debate can be given to-morrow or day after to-morrow."

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Appointments of Scheduled Caste candidates in the Transport department.

*305 Q.—**SRI A. RATNAM** : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government received any representation from the members of the Scheduled Castes Federation Legislative Party, urging the Government to appoint more members of the Scheduled Castes in the Transport department in future vacancies;

(b) when the representations were made;

(c) whether instructions were given to the department accordingly and whether the departmental authorities carried out the orders of the Government;

(d) how many officers, clerks, drivers, conductors, cleaners, engineers, coolies, fitters and others were appointed after the date so far and how many among them were Harijans; and

(e) the percentage of Harijans in the cadre of officers, clerks, drivers, conductors, fitters, engineers, cleaners, coolies and others?

THE HON. DR. U. KRISHNA RAO :—" (a) Yes.

" (b) On 14th March 1953.

" (c) Yes and the Transport Commissioner has given adequate representation to Harijans to the extent possible, with reference to the qualifications required for the posts."

" (d) & (e) A statement^a is laid on the table of the House."

SRI A. RATNAM :—" அமைச்சர் பதில் அளிக்கும்போது டிரான்ஸ் போர்ட்டில் ஆயிரக் கணக்கான மனுக்கள் வந்தபோது ஒரு சத விதிகம் தான் தாழ்த்தப்பட்டவர்களுக்கு பிரதிநிதித்துவம் கொடுக்கப்பட்டிருக்கிறது என்று சொன்னார். ஆனால் இப்பொழுது 40 பேர்கள் வேலைக்கு அமர்த்தப் பட்டிருக்கிறார்கள். அந்த 40 பேர்களில் இரண்டு பேர்கள் தாழ்த்தப்பட்ட வகுப்பைச் சேர்ந்தவர்கள். அதில் ஒருவர் கண்டக்டர், ஒருவர் பியூன் வேலைக்கு அமர்த்தப்பட்டு இருக்கிறார்கள். ஏன் 15 சத விதிகம் அளிக்கப்படவில்லை என்று கேட்டதற்கு அவர்களுக்கு வேண்டிய பிரதிநிதித்துவம் கொடுத்திருப்பதாக அவர் கூறுகிறார். அது முறையில்தான் என்பதைக் கூறுகிறேன். ஆகவே அரசாங்கம் அதில் தலையிட்டு தாழ்த்தப்பட்டவர்களுக்கு அதிகமாக வேலை கொடுப்பார்களா என்று கேட்கிறேன்."

THE HON. DR. U. KRISHNA RAO :—" I am glad the hon. Member has put a question at the end. I said, 'Adequate representation, to the extent possible, with reference to the qualifications required.' The hon. Member did give me a petition along with three other hon. Members in March 1953. The Government examined the position on 6th July 1953 and gave instructions to the Transport Commissioner that, as far as possible, Harijans must be given adequate representation."

SRI K. VINAYAKAM :—" In view of the fact that the Transport Commissioner is the appointing authority and in view

^a Printed as Appendix I on page 172 infra.

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also of the fact that the Public Service Commission has no jurisdiction over appointments in the Transport Department, are the Government aware of the fact that the principle regarding communal representation for the members of the Backward Classes and the Scheduled Castes, other things being equal is not adhered to? Are the Government also aware of the fact that only persons coming from the West Coast, that is, outside our State, are encouraged in this Transport Department? Will the Government, therefore, pull up the officer concerned and give him proper instructions to rectify these defects? "

THE HON. DR. U. KRISHNA RAO :—" I am glad that the hon Member asked this question, because there is a misapprehension in the minds of some hon. Members which I would like to remove. The impression is that people from the West Coast are preferred for appointment. Well, this is a common complaint made to me by many people. I did make an examination into the matter and the facts do not warrant this accusation. Sir, I am prepared to say, and I am glad the hon. Member also has said, that the appointment is not made by me but that it is made by the Transport Commissioner under the powers delegated to him under the relevant Act. The question of referring all these appointments to the Public Service Commission is being examined."

SRI V. BALAKRISHNAN :—" In view of the frequent complaints of partiality with regard to appointments, will the Hon. Minister be pleased to consider the desirability of constituting an Appointing Board? "

THE HON. DR. U. KRISHNA RAO :—" As I said, these complaints have been examined and, so far as my knowledge goes, the facts do not warrant the accusation. As I said, the question of making these appointments will, in the near future, go to the Public Service Commission, when I hope all these doubts and misgivings will be removed."

SRI M. PALANIYANDI :—" கனம் சபாநாயகர் அவர்களே, மந்திரி அவர்கள் சொல்லும்போது வெஸ்ட் கோஸ்ட் என்ற வார்த்தையை உபயோகித்தார்கள். அப்படி உபயோகிக்கும்போது அது மலபார் மட்டுமே அல்லது திருவங்கூரும் கொச்சினும் சேர்ந்ததா என்று கேட்கிறேன்."

THE HON. DR. U. KRISHNA RAO :—" Those who make the allegation must know to which place they refer. As I said there is no such partiality as alleged. I am really unable to answer the question of the hon. Member Sri Palaniyandi."

SRI K. VINAYAKAM :—" While answering a supplementary question, the Hon. Minister was pleased to state that no discrimination was shown between people coming from our State and those coming from other States. Is the Hon. Minister aware of the fact that people coming from other States, especially, from the West Coast and Travancore-Cochin, give wrong addresses—they give their residential addresses in the Madras State—and thus score an advantage over others? "

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THE HON. DR. U. KRISHNA RAO :—" The West Coast is still in our State. It is not a foreign State. But if the hon. Member would give me any definite instance, I shall look into it."

SRI M. PALANIYANDI :—" வெஸ்ட் கோஸ்ட் நம்முடைய ராஜ்யத்தைச் சேர்ந்ததுதான். திரு வங்கூர்கொச்சினில் உள்ளவர்கள் இங்கே அட்ரஸ் கொடுத்து பதிவு செய்துகொண்டிருக்கிறார்கள். அப்படி பதிவு செய்து கொண்டிருப்பவர்களை வேலைக்கு எடுத்துக்கொள்ளுகிறார்கள் என்று சொல்லுகிறார்கள். அதை மறுக்கமுடியுமா என்று கேட்கிறேன்."

THE HON. DR. U. KRISHNA RAO :—" Mere assertion does not confirm the fact. I should like the hon. Member to give me names and addresses of such persons and I shall verify the matter."

Constitution of District Planning Boards.

* 306 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Chief Minister be pleased to state—

(a) the names in the case of non-official and the designation in the case of official personnel of Tiruchirappalli District Planning Board;

(b) the ameliorative and development works recommended by the Board for Udaiyarpalayam taluk for the first Five-Year Plan; and

(c) whether the Government will place a copy of the rules governing the constitution of these planning boards on the table of the House?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—" (a) to (c) A statement is laid on the table of the House."

SRI K. R. VISWANATHAN :—" Sir, this question was given notice of in April 1953. Already a period of eight months has elapsed. I think that there should be something wrong either with the Legislature Secretariat . . ."

MR. SPEAKER :—" There is nothing wrong with the Legislature Secretariat. As soon as we receive notice of a question, we pass it on to the concerned department of the Government? "

SRI K. R. VISWANATHAN :—" Or in the lower rungs of the department concerned . . ."

MR. SPEAKER :—" That is, the department of the Government."

SRI K. R. VISWANATHAN :—" Yes, Sir. If this is the fate of the questions emerging from the Assembly, it is no wonder that there is red tape in every department of the Government, especially, in the Revenue Department. So, may I suggest the Government to disclose the reasons for such delay and also to see

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their way to fix a time-limit within which the answers to the questions emerging from the Assembly should be given by the department concerned?"

THE HON. SRI C. RAJAGOPALACHARI:—"May I know, Sir, what the hon. Member is referring to? I am sorry I have not been following him."

MR. SPEAKER:—"The hon. Member says that he gave notice of his question in April 1953 and that the answer is given only now. So, he wants to know the reasons for the delay."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, I may inform the hon. Member that the question has been marked for me also. At the time when the question was given notice of, I was in charge of Planning. So, a statement has been prepared and placed on the table of the House. The delay is due to causes inherent in the question itself. When a very comprehensive question like question No. 306 is put, delay may naturally be expected. I shall read the question, Sir. The hon. Member wants to know—

- (a) the names in the case of non-official and the designation in the case of official personnel of Tiruchirappalli District Planning Board;
- (b) the ameliorative and development works recommended by the Board of Udayarpalayam taluk for the first Five-Year Plan; and
- (c) whether the Government will place a copy of the rules governing the constitution of these Planning Boards on the table of the House."

Naturally, all inquiries take time."

SRI K. R. VISWANATHAN:—"A simple perusal of the answer given will convince anyone that there need be no time at all to answer this question. But I do not want to dilate upon that. I only want that a time-limit should be fixed within which answers to questions emerging from the Assembly should come from any department whatsoever."

THE HON. SRI C. RAJAGOPALACHARI:—"A suggestion is made, Sir. I take it that it is a suggestion and not a supplementary question. But I might suggest also that when an answer gets ready but the House gets prorogued, the question has to be taken up only at the next session."

MR. SPEAKER:—"There are only ten minutes more left for questions and I have to cover the remaining questions within that time. I therefore pass on to the next question."

Multi-purpose co-operative societies in South Kanara.

* 307 Q.—SRI M. NARAYANA NAMBIAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) the number of multi-purpose co-operative societies registered so far in South Kanara district,

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- (b) the total amount of share capital collected; and
- (c) the number of societies working with share capital of less than rupees one thousand each?

THE HON. DR. U. KRISHNA RAO:—" (a) 21.

" (b) Rs. 22,222.

" (c) 14."

DR. K. B. MENON:—"Is it the policy of the Government to encourage the fixation of such heavy sums as share capital in co-operative societies?"

THE HON. DR. U. KRISHNA RAO:—"I would like the hon. Member to give notice of a separate question."

SRI M. NARAYANA NAMBIAR:—"Is it a fact that the Government have issued orders that no society with a share capital of less than a thousand rupees should be registered? If so, will they reconsider their decision and instruct the authorities concerned that societies with a share capital of Rs. 250 each may be registered?"

THE HON. DR. U. KRISHNA RAO:—"This is a supplementary question which has nothing to do with the original question. I would, therefore, request the hon. Member to give notice of a separate question."

Starvation deaths in Palghat town.

* 308 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received reports of starvation deaths (*Desabhimani*, dated 7th August 1953) in Palghat town;

(b) whether the Government have received reports from the district authorities of Malabar regarding the influx of destitutes from Malabar to Tamil Nad and from Tamil Nad to Malabar; and

(c) if so, what action the Government have taken to resettle these people in their home districts?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) The Government have perused the news report which appeared in the *Desabhimani*, dated 8th August 1953. The exact cause of the death which occurred in the Big Bazaar at Palghat is not known. The other death which occurred in front of the Post office is said to be of a beggar from Tamil Nad and that it was due to paralysis and old age and not due to starvation. It is reported that the allegation that instances of starvation deaths are quite common in Palghat town is unfounded.

"(b) The Government have received reports that there has been no migration of destitutes from the Malabar district into Tamil Nad but that there is some migration of beggars from Tamil Nad especially from the Coimbatore district into the Malabar district.

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" (c) The seasonal conditions in the Coimbatore district have improved considerably since and it is hoped that the destitutes will return to their native villages."

9-50
a.m.

SRI K. C. GOPALANUNNI :—“ വാഷംകൂടെ കടന്നിരിക്കുന്ന പതിനൊന്നാമത്തെ ജനാധിപത്യത്തെക്കുറിച്ചും കോൺഗ്രസ്സ് കമ്മിറ്റി ഒരു പ്രത്യേക പബ്ലിക്കേഷൻ പ്രസിദ്ധീകരിക്കുമെന്നും അയച്ചിട്ടുണ്ട്. അതിനുള്ള ഗവണ്മെന്റ് എന്തെങ്കിലും നടപടി എടുത്തിട്ടുണ്ടോ ?

THE HON. SRI M. A. MANICKAVELU NAICKER :—
 “ I have not seen any such report, Sir.”

SRI M. PALANIYANDI :—“ பட்டினியால் இறந்தாலும் சரி, வேலை யில்லா திண்டாட்டத்தால் இறந்தாலும் சரி, கைத்தறி நெசவு தொழிலாளி நோயால் இறந்ததாக பதில்சொல்லப்படுகிறது. தமிழ் நாட்டில் உள்ள வேலை யில்லாத திண்டாடும் பிச்சைக்காரர்கள் அங்கு சென்றிருக்கிறார்கள். நேற்று முன் தினம் கூட தமிழ் நாட்டுப் பிச்சைக்காரர்கள் டில்லிக்குக் கூட சென்றிருப் பதாக கனம் நிதி மந்திரி அவர்கள் சொன்னார். அவ்விதம் டில்லியில் போய் கூட பிச்சை எடுக்கும்படியான நிலையில் தமிழ் நாட்டு மக்கள் இருக்கிறார்கள். அதை நீக்குவதற்கு அரசாங்கம் முன் வருமா ? ”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
 "The Government are trying to relieve distress of this nature as far as possible."

SRI T. C. NARAYANAN NAMBIAR :—“ Just now the Hon. Minister was replying that he expected the destitutes from Tamil Nad who have migrated to Malabar to return to their home districts as a result of the improvement in seasonal conditions. Are the Government aware that these destitutes have migrated to far interior parts and even to the heart of Malabar and there is no hope of their returning back to their home districts and if so, may I know whether the Government will take immediate steps to see that these people are resettled ”

THE HON. SRI C. RAJAGOPALACHARI:—"I would ask the hon. Members to remember or at least assume that the jurisdiction for these destitutes is an all-India jurisdiction. It is impossible to create effective barriers and it is not also not humanitarian to create effective barriers."

SRI R. V. SWAMINATHAN :—" May I know whether the people from Malabar have migrated into the Madras City and they have gone even into the interior towns and villages? "

THE HON. SRI C. RAJAGOPALACHARI :—“ The hon. Member is probably referring to middle classes.”

SRI T. C. NARAYANAN NAMBIAR:—"Sir, I have no objection at all to Tamil destitutes coming into Malabar and as a matter of fact we are according them cordial welcome and giving them all sorts of help. The point is, these people are suffering a lot there, and some help should be given to them at Government level so that these people may be resettled."

SRI V. R. KRISHNA AYYAR :—“Precisely, as pointed out by Mr. Narayanan Nambiar, Tamilians are certainly welcome to

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Malabar. These poor destitutes are suffering a lot. The Government must make some more grant to the destitute homes in Malabar and places in Tamil Nad also so that they may take in these poor destitutes into these homes. Will the Government come forward to take this as a serious, immediate and urgent problem and sanction relief accordingly instead of expecting natural conditions to recall them to their own homes? "

THE HON. SRI M. A. MANICKAVELU NAICKER:—
 “ Yes, Sir, we have asked the Collector to house these beggars in the Kozhikode Poor Home until they can go back to their places and the Government have promised to meet the expenses thereto.”

SRI C. KANDASAMY :—“ பட்டினிச் சாவு என்பது கிடையாது என்று அரசாங்கம் பெரும்பாலும் கூறி வருகிறது. பட்டினி சாவுக்கு வியரடியானம் அரசாங்க தரப்பிலிருந்து என்ன தரப்படுகிறது என்பதை அறிந்து கொள்ள விரும்புகிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
 " The paraphrase is that starvation death is not death which the hon. Members think of."

Award of prizes for the best books in Tamil and Malayalam.

* 309 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have decided to award prizes for the best books in Tamil and Malayalam for 1952-53; and

(b) what is the value of each prize and what is the basis on which prize amounts are fixed?

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

“(b) According to the scheme relating to the award of prize for the best books, three prizes of the value of Rs. 500 each have to be awarded to the authors of the best books in Malayalam and six prizes of the value of Rs. 500 each to the authors of the best books in Tamil. But in 1952-53, the executive committee of the Pan-Kerala Academy decided to award prizes of Rs. 250 each for the six best books in Malayalam (instead of three prizes at Rs. 500 each, as the literary quality of the books selected did not deserve Rs. 500 each and also to encourage more authors. The Academy's recommendation was accepted.

As for the Tamil books, the Tamil Academy recommended the award of only five prizes for the best books selected by the judges appointed by it. The recommendation was accepted."

SRI M. S. MOGRAL:—“ May I know whether the Government have decided to award prizes for the best book written in Kannada? If not, what is the basis for such discrimination? ”

THE HON. SRI C. SUBRAMANIAM:—"In this question, reference has been made only to Tamil and Malayalam. I will consider the suggestion made by the hon Member."

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Unauthorized occupation of house-sites in Gingee taluk.

* 310 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state the amount collected as fine for unauthorized occupation of house-sites in fasli 1362 in Gingee taluk, South Arcot district?

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“The amount is Rs. 367-4-0.”

SRI K. ARANGANATHAN:—“1945-ம் ஆண்டிலிருந்து தொடர்ந்து பூராவும் மனை இல்லாதவர்கள் மனைகள் கொடுக்கவேண்டும் என்று அரசாங்கத்தைக் கேட்டுக்கொண்டு வருகிறார்கள். மனைகளை ஜாரி செய்யவேண்டும் என்று அரசாங்கத்திற்கு மனுக்கள் கொடுத்திருக்கிறார்கள். அதன்பேரில் ரெவினியூ டிபார்ட்மென்ட் எந்த விதமான நடவடிக்கையும் எடுக்காமல் இருக்கிறார்கள். ஆதலால் உடனடியாக நடவடிக்கைகள் எடுக்கும்படியாக தாசில்தார்களுக்கு சர்க்கார் தாக்கீது அனுப்புமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“We cannot regularize objectionable cases, but I may inform the hon. Member that these cases will be speeded up as far as possible.”

Import of foodgrains into the State.

* 311 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the quantities of foodgrains imported into Madras State for distribution in this State during 1952-53?

THE HON. SRI C. SUBRAMANIAM:—“The quantities of foodgrains imported into Madras State for distribution in 1952 and 1953 are as given below:—

Foodgrains.	1952 (in tons).	1953 up to date (in tons).
Rice	18,8417	156,376
Wheat and its products.	80,572	100,087
Millets	148,139	67,176

Report on the working of the Madras Preservation of Private Forests Act in Malabar.

* 312 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government receive periodical reports from the Collector of Malabar regarding the operation of the Madras Preservation of Private Forests Act;

(b) when the last report was received; and

(c) whether the Government will be pleased to place a copy of the same on the table of the House?

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“ (a) No. The Collector reports on the working of the Act as and when difficulties arise.

“ (b) The last report was received on 5th October 1951.

“ (c) A copy of the report is placed on the table of the House.”

• Printed as Appendix III on pages 174-179 infra.

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SRI K. C. GOPALAN UNNI:—“கவழ்க்கை ரிஜிஸ்ட்ரார் பள்ளிக்குள்ளாகக் கொண்டு வரவேண்டி வசதி செய்ய வேண்டுகிறார்களா?”

MR. SPEAKER:—“Probably the hon. Member wants to know whether the Government have taken any action on the report of the Collector.”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“Such action as was found necessary is being taken, Sir.”

Expulsion of an expectant mother from the Government Hospital, Tellicherry.

* 313 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Health be pleased to state—

(a) whether it is a fact that a woman named Ammini—an expectant mother—was admitted in the Government Hospital, Tellicherry on 10th August 1953 and was driven out of the hospital on the 19th and that the next day she died in her house at Palayad with labour pains unattended;

(b) whether it is a fact that another woman was admitted in the hospital simultaneously with the expulsion of Ammini; and

(c) whether the Government have received any representation or report from the public touching this incident, and if so, what has been done?

THE HON. SRI A. B. SHETTY:—“ (a) It is a fact that a pregnant woman (8 months) by name Ammini was admitted in the Government hospital, Tellicherry, on 10th August 1953 for treatment for glossitis and oedema of lower extremities. It is not correct to say that she was driven out of the hospital. She was discharged from the hospital after a week's treatment on 19th August 1953 at her own request, as she wanted to celebrate the Onam festival and come back for treatment after the festival was over. She was very much better after the treatment in the hospital. It is learnt that she died on the date subsequent to the day of her discharge from the hospital. The Government are not aware of the circumstances under which the patient died.

“ (b) No, Sir.

“ (c) Yes, Sir. A thorough enquiry into the case was made, but nobody can be blamed for the incident, as the treatment given to the patient in the hospital was fully adequate and as she was much better after the treatment and as her discharge from the hospital was made at her own request.”

SRI M. NARAYANA KURUP:—“May I know the nature of the enquiry that was made and whether it is not a fact that not even the husband and child of the deceased were asked a word about these happenings by the Committee or whoever it is that might have conducted the enquiry.”

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HON. SRI A. B. SHETTY :—" The District Medical Officer has personally enquired into the matter and he has also recorded the statement of the lady Assistant Surgeon who treated the patient."

DR. K. B. MENON :—" Shall I take it as a typical instance of white-washing by the Government? There has been such a considerable amount of agitation in the place on account of this incident. Is there any difference between discharge and driving out of the patient from a hospital? May I know whether any compensation was given to the family of the deceased and whether the Government will go into the case very carefully? "

THE HON. SRI A. B. SHETTY :—" My information is that she went out of the hospital at her own request along with some other patients who similarly wanted to avail themselves of the opportunity to celebrate the Onam festival in their own homes."

Flood relief in Malabar.

10 * 314 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Land Revenue be pleased to give full details of the extent of damage suffered by Malabar on account of July floods and the nature and extent of relief granted by the Government?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The answer * is placed on the table of the House."

SRI M. NARAYANA KURUP :—" From the answer placed on the table of the House, it is found that about 2,500 acres of land were damaged and that the loss of paddy was about 600 tons. But in the relief granted, nothing is mentioned about revenue remission. May I know whether the Hon. the Minister is in a position to state whether any remission of land revenue was granted on this account and, if so, what amount? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" A separate question may be put."

SRI V. R. KRISHNA AYYAR :—" Apart from the relief to ryots, the Hon. the Minister had been plied with various representations regarding revenue remission. May I know whether those cases also were taken into account and relief was provided? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The latest request of the hon. Member is partially conceded."

Hospital Advisory Committees in Malabar.

* 315 Q.—SRI K. KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Health be pleased to state—

(a) the names of medical institutions in Malabar district where Hospital Advisory Committees have been formed and are functioning; and

* Printed as Appendix IV on pages 179-180 *infra*.

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(b) the names of hospitals and dispensaries where such Advisory Committees have not yet been formed?

THE HON. SRI A. B. SHETTY :—" (a) Advisory Committees have been formed and are functioning in the following Government Medical Institutions :—

- (1) Government Headquarters Hospital, Kozhikode.
- (2) Government Women and Children Hospital, Kozhikode.
- (3) Government Hospital, Cannanore.
- (4) Government Hospital, Tellicherry.
- (5) Government Hospital, Manantody.
- (6) Government Hospital, Badagara.
- (7) Government Hospital, Manjeri.
- (8) Government Hospital, Palghat.
- (9) Government Hospital, Ponnani.

" (b) An Advisory Committee has not yet been constituted for the Government Hospital, Perintalmanna, as the Hospital was taken over by Government only in November 1952. The question has been taken up by the Director of Medical Services."

SRI K. KUNHI MOHAMED SHAFEE :—" May I know the authority who makes the selection or appointment of members of these committees? "

THE HON. SRI A. B. SHETTY :—" The Government make the appointment."

SRI A. APPU :—" How often do these committees meet, Sir? Can an individual member visit the hospital and record his opinion in the Visitors' Book? "

THE HON. SRI A. B. SHETTY :—" The Committee can meet as often as necessary. It is open to the Members to visit the hospital at any time during working hours."

Cases of suicide due to poverty and starvation.

* 316 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state whether it is a fact that at the inquest over the following cases of suicide, the panchayatdars have opined that suicide was the result of poverty and starvation :—

(a) suicide of Ammini Amma of Kollam near Quilandi, North Malabar, on 15th August 1953; and

(b) suicide of T. R. Ramakrishna Ayyar living in Venkitachalpathi Ayyangar's lane, Ramanathapuram Road, Madurai, on 25th August 1953?

THE HON. SRI C. SUBRAMANIAM :—" (a) The name of the deceased in this case was Nani Amma and not Ammini Amma. The opinion of the panchayatdars was that she

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deceased was having a sickly child and had been discarded by her husband, and that she committed suicide because she had no proper means of livelihood.

“(b) The name of the deceased in this case was T. R. Radhakrishna Ayyar, and not T. R. Ramakrishna Ayyar. The panchayatdars were unanimously of the opinion that the deceased died as the result of drinking coffee mixed with sodium nitrate.”

Scale of pay of Municipal Sanitary Inspectors.

* 317 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Health be pleased to state—

(a) the scale of pay sanctioned by Government for Sanitary Inspectors in municipalities; and

(b) whether any representation has been received from the Association of Qualified Sanitary Inspectors regarding increase of pay; and what action has been taken thereon?

THE HON. SRI A. B. SHETTY:—“(a) The scale of pay fixed for Sanitary Inspectors under Municipal Councils is Rupees 60—3—120.

“(b) Representations for the revision of the scale of pay of Sanitary Inspectors have been received by the Government and they are under consideration.”

SRI V. R. KRISHNA AYYAR:—“Could the Government give some indication when they would be able to make up their mind at all?

THE HON. SRI A. B. SHETTY:—“As early as possible.”

Improvements to the Badagara hospital.

* 318 Q.—SRI C. KUNHIRAMA KURUP: Will the Hon. the Minister for Health be pleased to state—

(a) what all improvements have been introduced in the Badagara hospital after the hospital was taken over by the Government; and

(b) whether the Government have under consideration schemes to construct a new building for the hospital and also to supply better equipment?

THE HON. SRI A. B. SHETTY:—“(a) After the hospital at Badagara was taken over by Government in 1951, a shed to accommodate 17 patients has been constructed by public donation and two nurses have been added to the staff of the hospital;

“(b) The acquisition of a plot of land for the construction of a new hospital building is under consideration. The employment of the additional staff and purchase of necessary equipment for the hospital will be considered by the Government in due course.”

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SRI C. KUNHIRAMA KURUP:—“May I know when the Government propose to construct the new building?”

THE HON. SRI A. B. SHETTY:—“It is a matter which has to be considered.”

DR. K. B. MENON:—“Are the Government aware that two sites were chosen for the hospital but were discarded? Will the Government please enquire whether there are interested persons who are obstructing construction?”

THE HON. SRI A. B. SHETTY:—“I will enquire into the matter.”

Construction of a channel from the Cauvery to Pudukkottai division.

* 319 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether a sum of rupees five crores has been earmarked, promised or provided by the Government of India to Madras State for the construction of a channel from the Cauvery to Pudukkottai division of Tiruchirappalli district;

(b) if so, when; and

(c) when the construction is likely to begin and the total cost of the scheme?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) No.

“(b) & (c) Do not arise.”

SRI V. BALAKRISHNAN:—“In view of the public accusation of the Member of Parliament representing Pudukkottai that this Government are not utilising the offer of help promised by the Government of India in terms of clause (a) of my main question thereby forming hostility against this Government, will this Government please consider the desirability of issuing a communique setting out the true position?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“There is no information available with this Government as to the allegations.”

Hand-book of Government Orders and circulars.

* 320 Q.—SRI A. RATNAM: Will the Hon. the Minister for Law be pleased to state whether the Government are publishing a hand-book annually compiling all the relevant Government Orders and circulars?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“No.”

SRI A. RATNAM:—“கல்வி சம்பந்தமான அறிக்கைகளையும் உத்தரவுகளையும் அரசாங்கத்தின் முக்கியமான குறிப்புகளையும் வருஷா வருஷம் புத்தக ரூபமாகக் கொண்டு வரவேண்டும் என்று மனுக்கள் வந்து கொண்டிருக்கின்றனவா? அப்படி வந்திருந்தால் அதன்மேல் அரசாங்கத்தின் நடவடிக்கைகள் என்ன?”

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The Government are considering that question."

Allotment of staff from the Harijan Welfare Department to Andhra State.

* 321 Q.—SRI A. RATNAM : Will the Hon. the Minister for Animal Husbandry be pleased to state how many persons from the Harijan Welfare Department were transferred to Andhra State under each of the following heads, viz., Director, Deputy Directors, Office Assistants, Supervisors, Upper Division Clerks, Lower Division Clerks, Typists, Special Inspectors, Overseers, Attenders, Watchmen, etc.?

THE HON. SRI V. C. PALANISWAMI GOUNDER :—" The number of persons ' allotted ' to the Andhra State is—

One Personal Assistant,

Three Office Assistants,

One Head Clerk (Agency Section),

Five Lower Division Clerks, and

One Typist.

" In respect of the other categories, no one was ' allotted '.

" The number of ' transferred Officers ' to the Andhra State is ' Nil '."

Purchase of coal for the Power House at Basin Bridge.

* 322 Q.—SRI A. RATNAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) how many tons of coal are purchased annually for the consumption of the Power House at Basin Bridge, Madras;

(b) whether the coal available at Neyveli, South Arcot district, has been tried in the Power House at Basin Bridge; and

(c) what is the cost of coal per ton purchased for the Power House last year?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" (a) About 120,000 tons on the average.

" (b) Large scale mining of lignite in Neyveli is yet to be started. But, as an experimental measure, some samples of lignite from Neyveli were tried in the Power Station in 1952, with encouraging results.

" (c) Rs. 34 to Rs. 36-6-3 per ton including freight charges."

Electricity Extension Scheme for the Gingee taluk.

* 323 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Public Works be pleased to state the programme of the Government for extending and supplying electric energy as

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mentioned in the Hon. Public Works Minister's reply to starred question No. 79 at page 564 of the Official Report of the Madras Legislative Assembly Debates, dated 19th March 1953?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" The Government have reviewed the policy regarding the financing of electricity extension schemes and have cancelled the voluntary loan contribution scheme introduced in 1952. They have also decided that certain extension schemes estimated to cost Rs. 54 lakhs which were stopped in 1952 on account of the cut in the budget grant should be proceeded with. New extension schemes estimated to cost Rs. 26 lakhs have also been ordered to be taken up in the current year. The schemes will be taken up in the order of priority and a provision of Rs. 50 lakhs will be made in the current year's budget for the purpose.

" Schemes for extension of supply and individual service connections will be taken up strictly in the order of priority and with reference to the availability of funds. Where, however, the prospective consumers offer loan contributions voluntarily to meet the full cost of an extension scheme or a service connection, that scheme or service connection as the case may be, will be taken up for execution out of turn under ' top priority '."

* 324 Q.—SRI K. R. VISWANATHAN :—" I want this question to be taken up to-morrow."

MR. SPEAKER :—" I have no objection."

Report of the Tripartite Committee on the Textile Industry.

* 325 Q.—SRI M. PALANIYANDI : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government are in receipt of the Tripartite Committee Report on the Textile Industry;

(b) if so, whether the Government will be pleased to place it on the table of the House; and

(c) when the Government propose to implement its provisions?

THE HON. DR. U. KRISHNA RAO :—" (a) Yes, Sir.

" (b) The Committee's report is under print and copies of the report will be placed in the Legislature Library for reference by the Members.

" (c) The Committee is not a statutory committee and the parties are not bound to implement the recommendations of the Committee."

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Calendar cases disposed of by the Chief Presidency Magistrate.

* 326 Q.—SRI S. DEIVASIGAMANY: Will the Hon. the Minister for Law be pleased to state—

(a) (i) the number of calendar cases disposed of by the Chief Presidency Magistrate from 1st January to 31st October 1953;

(ii) the number of cases in which only fines were imposed on the accused;

(b) (i) the number of those cases in which fines were paid by the accused;

(ii) the number in which fines were not paid; and

(c) the number of those cases in which distraint warrants were issued for collecting such fines?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“(a) (i) 3,955.

(ii) 3,344.

“(b) (i) 2,628.

(ii) 716.

“(c) 1.”

SRI R. V. SWAMINATHAN:—“This is an important question and I want to put supplementaries.”

MR. SPEAKER:—“It is 10-10 a.m. now. I cannot allow supplementaries.”

* 327 Q.—SRI P. RANGASWAMI REDDIAR: I want this to be taken up to-morrow.”

MR. SPEAKER:—“I have no objection. Questions over.”

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

II.—MESSAGE FROM THE GOVERNOR *RE* SLUM IMPROVEMENT (ACQUISITION OF LAND) BILL, 1953.

MR. SPEAKER:—“I have to announce to the House that I have received a message, dated 17th December 1953, from the Governor of Madras—

“In pursuance of Article 207, clause (3) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Slum Improvement (Acquisition of Land) Bill, 1953.”

10-10 a.m. SRI K. R. VISWANATHAN:—“On a point of information, Sir. May I know how long will the present session continue?”

MR. SPEAKER:—“I think the Hon. Leader of the House may be able to give an answer.”

THE HON. SRI C. SUBRAMANIAM:—“My expectation is that it will continue till 9th January 1954.”

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SRI P. RANGASWAMI REDDIAR:—“But 9th is a holiday. I think the Government have declared 9th January a compensation holiday.”

THE HON. SRI C. SUBRAMANIAM:—“We shall work on the 9th and declare some other day as compensatory holiday.”

III.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER:—“Sir, I beg leave to introduce the Madras Preservation of Private Forests (Amendment) Bill *, 1954, and move—

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

“Sir, the Madras Preservation of Private Forests Act was last extended in the year 1951 by Act XIII till 2nd December 1953. It was then thought that a comprehensive piece of legislation regarding the Forest Act would be completed by that time. But that could not be done. The Act expired on 2nd December 1953. So it was necessary to extend the life of the Act and it was done by the issue of an Ordinance on 2nd December 1953. We have now come here to regularize the Ordinance. When the matter is so simple, I am surprised to find one hon. Member, I mean Sri Ramalingam, moving an amendment that this Bill be referred to a Select Committee. I do not know what there is in this Bill to be referred to a Select Committee. What is sought to be done by the present Bill? We simply regularize the Ordinance and extend the life of the parent Act. That is all. There is already a Select Committee which is going into the provisions of the original Act to make suitable improvements. When such is the case, I do not know why an amendment that the present Bill be referred to a Select Committee should be moved.”

MR. SPEAKER:—“Motion moved—

‘That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be taken into consideration at once.’”

SRI S. RAMALINGAM:—“I am not moving the amendment I have given notice of to the effect that the present Bill be referred to a Select Committee.”

SRI V. R. KRISHNA AYYAR:—“Since the present Bill is one dealing with the preservation of private forests which are found mostly in Malabar and South Kanara, I wish to say a few words regarding how badly this Act is being worked and how it is abused in the actual working of it by the departmental officials. I shall point out the blemishes and pitfalls in the working of it. No doubt this Ordinance merely seeks to extend the life of the previous Act. Beyond that, it does not say anything. No new principle is now being enunciated. How is the Act worked in Malabar and South Kanara? It is well known that these two

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places are noted for their forest wealth. Even though the aim of the Act is a laudable one, in the actual working of it, it is put to all sorts of misuse by the officials in charge of its working. I am not casting aspersions against anyone in particular. By both the Revenue and Forest Departments being in charge of the work concerning the preservation of private forests, the result has been that two departments are running a sort of three-legged race. The Act is put to much abuse. Forest rangers and guards who are so meagrely paid and whose salaries are not sufficient for their subsistence easily fall a prey to big timber traders. There is no use blaming officials inasmuch as they are paid meagrely and as such easily succumb to the temptation of the bigwigs of the timber trade. Suffice it to say that the working of this Act, the Madras Preservation of Private Forests Act and the enforcement of it by the officials in charge, are far from satisfactory.

"I shall now come to the inordinate delay with which one comes across in the matter of issue of permits for felling of trees. Enormous amount of red-tapism has crept in. In spite of the fact that the D.F.O. (District Forest Officer) is at the top, who is it that actually scrutinizes the application for permits? It is the petty clerks at the bottom. Who is it that actually supervises the work of felling operations? It is the forest ranger. Can we say that he is above suspicion and that he would not succumb to the temptation of the rich timber traders? No, surely not. They are meagrely paid and it is but natural that they would succumb to the temptation easily. I can specifically say that when a permit is given to a private trader for the felling of 100 trees, it usually happens that taking advantage of the petty officials in charge of supervision and maintenance of forests, the trader, who is a wealthy man, usually gets away with a larger number—(of course he sees to it that the petty officials who helped him are sufficiently rewarded). Nobody seems to bother about the way in which our forests are exploited. Nobody takes care to preserve our forest wealth. More often than not they forget (I mean they who are put in charge of the work of preservation of forests) the fact that forests are our national wealth. Looking at the picture from one angle, we cannot blame the petty officials for it is but natural that due to poverty they succumb to the temptation of bribery. If an application for a permit is made, it usually happens that six months at least elapse before any investigation is carried out and as is but usual no tangible result is achieved. In the matter of issue of permits the Government adopts a circuitous procedure. What is the result? A permit usually reaches a man who has applied for it after the lapse of considerable time. If a man applies from a particular place, the application will go to Kozhikode, which is the official headquarters of District Collector. The journey will then proceed from the Forest to the Revenue Department. It will come to the Tahsildar, Deputy Tahsildar and to the village munsif. From the bottom, right again it will be sent back to the Forest Department and by the time it goes to the District Forest Officer, several months would have elapsed. It usually happens that the big merchants, I mean the timber traders,—I

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have referred to them as 'sharks' in my last speech—somehow get the permits, go on felling trees far in excess of the permit and go away unpunished. But the contrast is glaring when a petty villager who cuts down branches for either domestic or some other purpose or who tries to cultivate on a patch of reserved forest land is brought to book and is punished. These gullible folk, these poor ryots get frustrated, and are put to trouble while the rich walk off merrily with their bounty. That is the present state of affairs obtaining in our forest administration.

"I shall now come to the 'working plan'. The Madras Preservation of Private Forests Act requires that an owner of a private forest should submit a 'working plan' detailing the way in which the forest would be regenerated. But what is it that the authorities do with the 'working plan'? Do they approve them within a reasonable time? The answer is only in the negative. I am sorry to say it. But that is what is happening. I am sure that the 'working plans' are not properly scrutinized. The forests are not kept properly as is laid down under the Act. What is the result? The people are not at all satisfied with the way in which the Madras Preservation of Private Forests Act is enforced. It has become scandalous in its working.

"I, therefore, urge upon the Government to bestow their attention in rectifying the defects I have pointed out, viz., (1) the red-tapism prevalent in the issue of permits, (2) the abuse to which our Madras Preservation of Private Forests Act is put to, (3) the exploitation of forests by the permit-holders in excess of the permit quota and lastly (4) the rectification of the present labyrinthine and circuitous procedure adopted in the matter of issue of permits. Let the Government realize that our forests are our national wealth and any piece of legislation for the preservation of our natural wealth will go a long way in enriching our national wealth."

* SRI K. PARTHASARATHY:—"I support the motion moved by the Hon. Minister. Since I am interested in the provisions of the main Act, I shall make a few observations.

"I wish to draw the attention of the House to one thing and that is when the original Act was passed in 1949, it was said in the Preamble that the Act was passed 'pending further legislation'. So, when it was passed, the Act contemplated passing of further legislation to carry out the intentions of the Act, but so far no further legislation has come into being. This is a very sorry state of affairs. So from 1949 onwards, we have not been able to make any comprehensive Act. So, it is necessary that Government should take steps to pass legislation which is pending for a very long time, that is from 1949 and I may even say from 1946. Therefore, I request the Government to take steps to pass an enactment at a very early date.

"Section 5 of the original Act relates to suits and other execution proceedings and that section is now sought to be given a new lease of life by this Bill which we are now passing. It

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amounts to this that suits and other execution proceedings stayed from 1946 onwards till 1953 or 1954. My submission is that this state of affairs should not be allowed to continue. Now the question of customary rights is pending in civil courts and execution of decrees is also pending. We now seek to continue this state of affairs. I submit that proceedings should not be allowed to be stayed indefinitely for a long time. I know of cases where decrees were passed declaring the customary rights of the ryots in adjacent private forests. The existing rights are for the purpose of carrying on of agricultural operations better and for gathering green manure, fuel and other materials like bamboo, etc., for cottage industries. In these cases, the provisions of section 5 act as a restraint on the exercise of such rights. So it is better and desirable that a comprehensive legislation is passed at a very early date.

"Again, section 3, sub-clause (2) of the original Act has a proviso. This is not wide enough. The hon. Sri Krishna Ayyar said that this measure affected the district of Malabar more. It is not so. There are other areas in the State where the Act is enforced and it affects the life of so many persons there. As a matter of fact, to half the area of my constituency, this Act is made applicable and ryots are put to a lot of difficulties in the working of this Act. In my constituency, there are three hilly tracts, namely, Jadaya Gounden Jagir, Ariya Gounden Jagir and Kurumba Gounden Jagir, and these are full of forests. The ryots in the villages of the plain below have a right to gather green manure for agricultural operations. The ryots find it very difficult to enjoy the natural and customary rights. It is very difficult to exercise the rights with the consent of the Revenue Department and the Forest Officers. There is also delay, as pointed out by the hon. Mr. Krishna Ayyar, in getting permits. The headquarters of the Revenue Official is located in a distant place and the ryot has to go there and get a permit. All these things cause very great hardship to the ryots in carrying on agricultural operations. When the aim of the Government is to increase food production, the passing of this Act does not encourage the ryot to increase food production. So I request that at the time of passing the comprehensive Act, the proviso to sub-clause (2) of section 3 should be made wide enough to provide not only for the removal of forest produce for domestic purposes and for agricultural implements, but also for the removal of green manure and other materials necessary for agriculture and cottage industries.

"The Hon. Minister has given an assurance that the Select Committee is going to meet even to-day and that steps are being taken for passing a comprehensive legislation. In view of this, I support the Hon. Minister's motion and I am sure that the House also will support it."

* **SRI R. KRISHNAN** :—"സർ, ഹെഡ്ക്വാർട്ടേഴ്സ് നശിപ്പിച്ചുവരുന്നതിനെക്കുറിച്ചും ഇത് നിയമം കൊണ്ടുമാത്രം സംഭവിക്കില്ല. മലബാറിലെ സമീപി എന്നിങ്ങനെ അറിയപ്പെടുന്നതാണ്. അവിടെയുള്ള കാടുകളെ നശിപ്പിക്കുന്നത് ആ കാടുകൾ

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കൂടെ ഉടന്തുന്നതായ അവിടേക്കുവന്നതാണ്. മരമുറക്കുകയും നിലവിലുള്ള മലബാറിൽ കാണുന്നവർ കാടുകളെ കണ്ടുമാനം വെട്ടി നശിപ്പിക്കുന്നു. ധാരാളം മരങ്ങൾ അവർ മുറിച്ചു മാറുന്നുണ്ട്. അവിടേക്കു കാടുകൾ നിലനിറുത്താൻ അർഹം അല്ലെങ്കിൽ. അതുകൊണ്ട് ആ കാടുകളെ ഗവണ്മെന്റ് ഏറ്റെടുക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. പ്രസിഡന്റ് കൊടുക്കാൻ ഉടനെ പണമില്ലെങ്കിൽ പത്തോ പതിനഞ്ചോ കൊല്ലം കൊണ്ട് കൊടുത്തു കിട്ടാനുള്ള ഒരു പദ്ധതി നടപ്പിൽ വരുത്തണം. സ്റ്റേറ്റ് മുഴുവൻ ഇതു നടപ്പിൽ വരുത്താൻ സാധ്യമല്ലെങ്കിൽ മരമുറക്കുകയും നിലവിലുള്ള മലബാർ മുതലായ സ്ഥലങ്ങളിലെങ്കിലും അങ്ങനെ ചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. അതിനാവശ്യ വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തണമെന്ന് ഞാൻ അഭ്യർത്ഥിക്കുന്നു."

* **THE HON. SRI M. A. MANICKAVELU NAICKER** :—"Sir, with regard to the remarks made by the hon. Member behind me, I had already stated that a comprehensive legislation is under contemplation for amending the Madras Forest Act, and it will take some time. But the Madras Preservation of Private Forests Act came to an end on 2nd December 1953. Therefore, it had to be extended pending the regular Bill being brought here. By an Ordinance, the lifetime of the Act has been extended beyond that date. This is only to regularize the action under the Ordinance by a Bill and nothing more. As regards the amending of certain provisions of the Act, I wish to remind the hon. Sri Krishna Ayyar that there is a Select Committee meeting to-day at 5 o'clock and what all he has got to say, he may say then."

MR. SPEAKER :—"The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be taken into consideration at once.'

The motion was put and carried.

Clauses 2, 3 and 1 and the Preamble were put and carried.

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

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be passed into law.'

MR. SPEAKER :—"The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be passed into law.'

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

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES

THE HON. SRI C. RAJAGOPALACHARI :—"Sir, on behalf of the Hon. the Leader of the House, I move—

'That, under rule 22 (3) of the Madras Assembly Rules, item No. IV on the agenda, namely, the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be taken up before item No. III, namely, the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953).'

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MR. SPEAKER :—“ The question is—

‘ That, under rule 22 (3) of the Madras Assembly Rules, item No. IV on the agenda, namely, the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be taken up before item No. III, namely, the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953). ’ ”

The motion was put and carried.

III.—GOVERNMENT BILLS—cont.

(2) THE MADRAS SLUM IMPROVEMENT (ACQUISITION OF LAND) BILL, 1954.

THE HON. SRI A. B. SHETTY :—“ Mr. Speaker, Sir, I beg leave to introduce the Madras Slum Improvement (Acquisition of Land) Bill, 1954, and move—

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

“ This is a very useful legislative measure and the need for it is very urgent. The object of the Bill is explained in the Statement of Objects and Reasons—

‘ There are a number of slum areas in the City of Madras which are a source of danger to the public health and sanitation of the City. Slums existing on Government or Corporation lands can be improved by the Government or by the Corporation. But clearance of slums on private lands presents many difficulties. Private owners are not willing to carry out improvements to the lands which are really costly. The only method of solving this difficulty is to acquire the lands and provide the necessary amenities. Under the law, as it stands, land can be acquired under the Land Acquisition Act, 1894, the Madras Town-Planning Act, 1920, or the Madras City Improvement Trust Act, 1950; but all these enactments provide for payment of compensation on the basis of market value. Acquisition of land under these enactments is therefore very costly. Government consider it necessary to provide for the acquisition of slum areas on payment of reasonable compensation based on actual income from the land. The Bill is designed to achieve this object and it provides for payment as compensation of 20 times the net average annual income during the five years immediately preceding the acquisition. ’ ”

MR. SPEAKER :—“ Motion moved—

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be taken into consideration at once. ’ ”

SRI S. RAMALINGAM :—“ :என் திருத்தத்தை நான் பிரேரப் பிக்கிறேன். I move, Sir—

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be referred to a Select Committee. ’ ”

SRI A. RATNAM :—“ I second it. ”

MR. SPEAKER :—“ Motion moved—

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be referred to a Select Committee. ’ ”

The motion as well as the amendment is before the House for discussion.

* Published in the Fort St. George Gazette, dated 19th December 1953.

[5th January 1954]

* SRI P. RAMAMURTHI :—“ கனம் சபைத் தலைவர் அவர்களே இந்த மசோதா கொண்டு வருவதன் மூலமாக உடனடியாக சென்னை நகரத்திலுள்ள சேரிகளில் உள்ள நிலங்களை சர்க்கார் நேரடியாக தங்கள் வசப்படுத்திக் கொண்டு அங்குள்ள மக்களுக்கு ஒரு நியாயமான முறையில், சுகாதார முறையில் குடியிருப்புக்கு வேண்டிய வசதி செய்து கொடுக்கும் நோக்கத்தோடு கொண்டுவரப் பட்டது என்று சொல்லப்பட்டுள்ளது. ஒட்டுமொத்தமாகப் பார்க்கும் போது இந்த வசதி செய்து கொடுக்கும் நோக்கம் சரியான நோக்கமாக இருந்தாலும்கூட இதில் இருக்கக்கூடிய சில ஷரத்துக்களை நோக்கும்போது நிலைமை இன்று பயங்கரமாக, ஆபத்தாகத்தான் இருக்கிறது. குறிப்பாக அவர்களுக்கு என்ன நஷ்ட ஈடு கொடுக்க வேண்டுமென்று இதில் குறிப்பிட்டுள்ளது ஆட்சேபகரமானது. அதாவது இன்றைக்கு அவர்களுக்கு வருஷத்திற்கு கிடைக்கும் சராசரி வருமானம் போல் 20 மடங்கு நஷ்ட ஈடு கொடுக்க நிர்ணயிக்கப்பட்டுள்ளது. ஆனால் இன்று சென்னை நகரத்தின் நிலைமையை பார்க்கும்போது, சமீப காலத்தில் அதுவும் குறிப்பாக யுத்தம் ஏற்பட்ட பிறகு சென்னையில் ஜனத்தொகை அதிகரித்துவிட்ட காரணத்தால் இந்த சேரிகளில் உள்ள நிலங்களின் சொந்தக்காரர்கள் இங்கிருக்கக்கூடிய குடிசைகளுக்கு வாடகை உயர்த்தி இருக்கிறார்கள். சமீப காலத்தில் என்றால் இப்பொழுதிலே ; இந்த மசோதா வருவதற்கு முன்னதாகவே இந்த நிலை ஏற்பட்டுள்ளது என்று சொல்லுகிறேன். ஒரு குடிசைக்கு மாதமொன்றுக்கு 2 ரூபாய் முதல் 3 ரூபாய் வரை சாதாரணமாக இன்றைக்கு வாடகை வரங்கூடியிருக்கிறது. அப்படிப்பட்ட நிலைமையில் எடுத்துக்கொண்டால் குறைந்த பட்சம் வருஷத்திற்கு ரூ. 24-க்கு மேல் ஆகிறது. ஒரு கிரவுண்ட் நிலத்தை எடுத்துக்கொண்டால் ரூ. 2,400 முதல் ரூ. 2,800 வரை இன்று அவர்களுக்கு அதிகப்படியான நஷ்ட ஈடு கொடுக்க வேண்டுமென்றுகிறது. இந்த கணக்கை எடுத்துக்கொண்டு பார்த்தால் இம்மாதிரியான விலை சென்னையில் மவுண்ட் ரோடு போன்ற இடங்களிலுள்ள மார்க்கெட் விலையாக இருக்கலாம். மற்ற இடங்களில் ரூ. 2,000-க்கும் குறைவாகவே மார்க்கெட் விலை இருப்பதை கவனிக்கலாம். ஆகவே இந்த சட்டம் வர வேண்டுமென்று திறைவேற்றப்பட்டால், அதற்கு முன்பாக இந்த நஷ்ட ஈட்டுத் தொகையை அல்லது விகிதத்தை பெரிய அளவுக்கு குறைத்தாக வேண்டும். அதாவது இப்போது அவர்களுக்கு ஐந்து மடங்குக்குமேல் நஷ்ட ஈடு கொடுக்கக்கூடாது என்று ஒரு ஷரத்தை இந்த மசோதாவில் புதியதாக சேர்க்கப்பட வேண்டும். இன்றைக்கு இருக்கிற அரசியல் சட்டத்தின் கீழ் நஷ்ட ஈடு கொடுக்காமல் நிலங்களையோ, ஸ்தாவர சொத்துக்களையோ வசப்படுத்தக்கூடாது என்று இருக்கிறது. ஆகையால் கொடுக்கும் நஷ்ட ஈட்டை ஒரு குறைந்த விகிதமாக நியாயமாக கொடுக்க வேண்டும். ”

“ இரண்டாவதாக, இந்த மசோதா சென்னை நகருக்கு மட்டும் கொண்டு வரப்பட்டிருக்கிறது. அப்படியில்லாமல் தமிழ் நாட்டில் இருக்கின்ற முனிசிபாலிட்டிகளுக்கும் தொழிலாளர்கள் அதிகமாக வசிக்கும் கோயம்பத்தூர், திருச்சிராப்பள்ளி, மதுரை போன்ற இடங்களுக்கும் கொண்டு வர வேண்டும். இந்த இடங்களில் உள்ள நிலைமையை எடுத்துக்கொண்டால் இந்த பிரச்சனை இன்று முகவும் பயங்கரமாக இருக்கிறது. உதாரணமாக மதுரை நகரத்தில் சாதாரண மக்கள், தொழிலாளர்கள் வசிப்பதற்கு இடமில்லாமல் அவர்கள் திடீர் திடீரென்று பல இடங்கள் மாற வேண்டியிருக்கிறது. இவ்வாறு அங்கு திடீர் திடீரென்று பல இடங்கள் மாறி இன்று அங்கு ஒரு இடத்திற்கு ‘ திடீர் நகர் ’ என்ற பெயரே ஏற்பட்டிருக்கிறது. இங்குள்ள ஜனங்கள் வெளியேற வேண்டுமென்று சொல்லப்படுகிறது. அவர்கள் கடந்த இரண்டு வருஷங்களாக அதற்கு மறுத்துக்கொண்டு வருகிறார்கள். இது பற்றி யூஸ்டிரிக்ட் கலெக்டரிடம் இன்று வரை துது கோஷ்டிக்கு மேல் துது கோஷ்டி சென்ற வண்ணமாய் இருக்கிறது. இதைப்போல் இன்னும் திருச்சிராப்பள்ளி, கோயம்பத்தூர், இன்னும் பல இடங்களில் இந்த மசோதாவை கொண்டு வரவேண்டும். இந்த நிலைமையில் சென்னை நகரத்துக்கு மட்டும் உடனடியாக இந்த மசோதாவைக் கொண்டு வரவிருப்பது நியாயமில்லை. ஆகவே

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யால் முனிசிபல் ஏரியா, மற்றும் பல பிற்பட்ட இடங்கள், குறிப்பாக சென்னை நகரத்துக்கு சமமான மேற்சொன்ன மூன்று நகரங்களுக்கும் உடனடியாக இதை விஸ்தரிக்க வேண்டும்.

“இப்பேர்ப்பட்ட மசோதா கொண்டு வருவதற்கு முன்பு மாகாண சர்க்கார் இன்றுள்ள அரசியல் சட்டத்தின் கீழ் மத்திய சர்க்காரின் அங்கீகாரத்தை பெற வேண்டுமென்று இருக்கலாம். அம்மாதிரி இருந்தால் சீக்கிரத்தில் இந்த மாதிரியான மசோதாவை இந்த மூன்று நகரங்களும் போக, மற்றும் இருக்கக்கூடிய முனிசிபல் ஏரியா பூராவும் இதை அமுல் செய்வதற்கு உடனடியாக சட்டங்களை நிறைவேற்றி, அம்மாதிரியான ஒரு நியாயமான மசோதா மூலம் ஏழை மக்களுக்கும், தொழிலாளர்களுக்கும் வசதி செய்து கொடுக்க வேண்டும். அதோடு இந்த மசோதா கொண்டு வரும் அளவில் இங்கு குறிப்பிட்டுள்ள நஷ்ட ஈட்டுத் தொகையை உடனடியாக குறைக்க வேண்டும். அம்மாதிரி நிறைவேற்றப்படாவிட்டால் அது சர்க்காருக்கு பெரிதும் ஆபத்தாக ஏற்படும். ஆகையால் இந்த மசோதாவை முன் இதை கவனிக்க வேண்டும். அல்லது டிக்கு விட்டு பரிசீலனை செய்ய வேண்டுமென்று எனைய பிரேரேபிக்கின்றேன்.”

A GOUNDER :—“ Sir, I support the amendment of this Bill to a Select Committee. I wish to raise a few points as to why the Bill should be referred to a Select Committee. This Bill is intended to take all

necessary precautions against the danger from the existence of slums in the City. We must know that under the Constitution, no man can be deprived of his property without the payment of reasonable compensation. Under the existing Land Acquisition Act, some compensation is paid to the owners when private properties are acquired by the Government. The validity of even that Act has been questioned as being against the Fundamental Rights guaranteed under the Constitution. This Bill also is to a certain extent against the Fundamental Rights guaranteed to private parties under the Constitution. Sir, the provisions relating to the powers taken by the Government under this Bill regarding the acquisition of land, determination of compensation, mode of payment of compensation, etc., need redrafting. Then, even the term ‘slum’ cannot be applied strictly to all the slum areas in the City. Although this Bill may be intended to cover all such areas, some of the areas which are contemplated under this Bill may not strictly come under the term ‘slum’. Further, large powers are reserved to the Government under this Bill. Therefore, I submit that the whole Bill may be referred to a Select Committee so that that Committee may have the opportunity to go into all these provisions carefully, make suitable modifications and bring the revised Bill before the House for approval.”

* SRI C. RAJAM RAMASWAMI :—“ The House should feel very grateful to Hon. the Chief Minister for this very valuable Bill that has been introduced in the Assembly to-day. Hundreds of thousands of slum-dwellers in Madras City will be ever grateful to him for this measure. I know, Sir, from personal knowledge during the last two years, a number of slums that were about to be cleared and the dwellers evicted from their homes. The Chief

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Minister immediately after he assumed office initiated a new policy to be followed in this regard and that was that slums should remain where they were, and improved. He issued orders prohibiting the clearance of any slum by the City Improvement Trust or the Corporation. Improving of the slums in their existing locations presented many difficulties to the Corporation as many of them were situated on private lands. So this measure has been brought forward. I do not think there is any necessity to refer this Bill to a Select Committee. My own feeling is that we should get through this Bill as quickly as possible and see that the required amenities are provided as quickly as possible. There are over 241 slums in the City of Madras, with a population of 2,64,577 dwelling in 36,671 huts occupying an area of about 16,385 grounds. Over 102 slums are situated on private lands, and 44 are on Corporation lands, the others being ‘squatters’ on Government land.

“The Hon. the Leader of the Opposition Sri P. Ramamurthi referred to the question of payment of compensation. I agree with him to this extent that the payment of compensation at twenty times the nett average annual income actually derived from the land sought to be acquired during the period of the previous five consecutive years may be a little too much. But we could add a proviso to the effect that the compensation should not exceed Rs. 500 per ground and that the former or latter, whichever is lower, should be the amount. This is a very important aspect of the question that the Leader of the Opposition has raised and which I believe should be acceded to by Government.

“Clause 3 of the Bill gives power to Government to acquire any land in a slum area for the purpose of clearing and improving the area. Generally the authorities concerned are more interested in clearing the slum rather than improving it. I do not want this to take place. The authorities should be clearly told that they should improve the slum and not clear it. No doubt the interests of the slum-dwellers are very well protected in the hands of our Chief Minister, but a clear directive should be given to the authorities that no slum should be disturbed and they should be improved at the places where they stand. It has been the experience in the past that everytime a slum is cleared, the dwellers are evicted and made to shift for themselves. This is very wrong and the dwellers should not be asked to go away. The Chief Minister is against it. If at all any slum should be cleared for reasons of sanitation, alternative accommodation should be provided to the dwellers in the vicinity of the slum. This is the fundamental principle on which the Hon. Chief Minister has been laying emphasis and I hope that it will find practical expression in clause 3 by means of a suitable amendment.

“In regard to the improvement of the various slums in the City of Madras, the Government should also provide the necessary money to the Corporation to acquire the lands and to provide the essential amenities to the dwellers. The mere passing of a Bill without the necessary provisions for providing the essential

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amenities will be of no use. I earnestly appeal to the Government to give the Corporation sufficient money to improve the slums in the City of Madras, if necessary, by imposing an additional tax on the City Gardenhouse dwellers. As we all know, the Government are reaping a very rich harvest from sales tax in Madras City. I do not see any reason why we should not spend a portion of it in improving the lot of the slum-dwellers. In fact, the 14 lakhs of people living in Madras City contribute a very large sum of money by way of sales tax to the revenues of the State. There is no reason why the slum-dwellers should not expect a small portion of it to be diverted for the improvement and betterment of their lot.

"With these few words, I strongly support the Bill and oppose the amendment for reference to a Select Committee. I urge that the Bill should be immediately taken into consideration and speedily passed and the necessary money provided for improving the lot of the slum-dwellers."

* SRI S. C. C. ANTHONY PILLAI :—"Mr. Speaker, I welcome the introduction of this Bill as this tries to meet a long-felt need of the City of Madras. Ever since 1939, the population of the City of Madras has gone up by leaps and bounds. From seven lakhs it has increased to fifteen lakhs. The pressure on housing in the City has led to a large increase in the number of slums and also in the slum population. The Corporation of Madras has been attempting, to the best of its ability, to improve the slums. It has already spent during the last two or three years something like Rs. 30 lakhs to improve the slums on Corporation-owned lands. The second stage of the programme is to improve the slums on Government-owned lands. I am surprised to note that the Government have not taken adequate steps to improve the slums on their own lands and are proceeding to the third stage, namely, the acquisition of slums on private lands. Up till now, the Corporation had the authority to issue instructions to the owner of a land in a slum area to provide certain amenities to the slum-dwellers. But, in practice, it is found that no such thing is done. The Corporation is unwilling to provide the amenities because the provision of amenities will only lead to an increase of the rents payable by the slum-dwellers concerned. Therefore, while I welcome this particular piece of legislation which will create the basis for a radical solution of the slum problem of Madras, I would like to point out that this is only the mere beginning of a much bigger task. Unless and until the Government change their policy with regard to giving funds and financial support to municipalities and to the Corporation of Madras to provide the amenities which would be required after the acquisition of these lands, this will only be a mere nominal piece of legislation of very doubtful value. The only reason why I am supporting the amendment, that this Bill be referred to a Select Committee, is this. I myself was a little doubtful about the value of wasting time in referring such a Bill

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to a Select Committee. I have been persuaded by my Friends to support the amendment only on this ground, namely, that this is a piece of legislation which is likely to be contested very hotly in courts of law. Therefore, the greatest amount of caution should be exercised in regard to the wording of the Bill so that time may not be wasted on unnecessary litigation with regard to the validity of this legislation that is sought to be enacted.

"The second reason why I would like this Bill to be referred to a Select Committee is this. Unless the compensation that is payable is fixed at a low amount, I do not think anything useful is likely to emerge as a result of this particular piece of legislation. If the compensation is fixed at a low amount, it may be possible for some slum-dwellers to come forward and say, 'All right, we shall pay that amount provided the Government take over the slum.' But if the compensation is fixed at a high amount, the net result will be that the Government will have to bear the whole burden of the acquisition. If that happens, we are afraid from our past experience that the Government will always tell us that they have not the necessary funds to take particular steps under the enactment which they themselves have brought forward. Nevertheless, with this reservation, I welcome, on behalf of the citizens of Madras, this Bill and hope and trust that it will be passed expeditiously into law."

SRI A. RATNAM :—"கனம் சபா நாயகர் அவர்களே. இந்த ஸ்லம் 10-48] அக்விசிஷன் 'பில்'லை அரசாங்கம் கொண்டு வந்ததைப்பற்றி தாழ்த்தப்பட்ட வர்களின் சார்பாக நான் அரசாங்கத்திற்கு என்னுடைய பாராட்டுதலை தெரிவித்துக்கொள்ளுகிறேன். நானும் சென்னையிலுள்ள ஒரு சேரி வாசி. அந்தக் காரணமாக இப்பொழுது அவர்களுக்கு நிலம் வாங்கவேண்டும் என்று கொண்டு வந்திருக்கக்கூடிய இந்த மசோதாவை நான் ஆதரிக்கிறேன். சென்னையில் ஏறக்குறைய 500 சேரிகள் இருக்கின்றன. அவற்றில் கார் பொரேஷனுக்குச் சில, சர்க்காருக்குச் சில, தனிப்பட்ட நபர்களுக்குச் சில சொந்தமாக இருக்கின்றன. அந்த மாதிரி கார்பொரேஷனுக்குச் சொந்தமான சேரிகளை அவர்கள் எடுத்து சீர்திருத்தம் செய்திருக்கிறார்களா, அல்லது ஏதாவது முற்போக்கான வசதி செய்யப்பட்டிருக்கின்றனவா என்றால் அது மிகவும் குறைவாகவே ஏற்பட்டிருக்கிறது. ஏதோ ஒரு சில இடங்களில் கார்பொரேஷன் கடன் வாங்கி ஏதோ கக்கூசு கட்டி வைத்தும், சாக்கடை கட்டி வைத்தும், விளக்குகள் போட்டும் தான் முற்போக்கான வேலைகளைச் செய்திருக்கிறார்கள். ஆனால் குச்சுகளும் குடிசைகளும் பழைய நிலையில் தான் இருக்கின்றன. ரூப்பாயும் ரூப்பாயிகளும் சென்னை பிளாட்டாரங்களில் இன்னும் வசித்துக்கொண்டிருக்கிறார்கள். அவ்விதம் பல லட்சக்கணக்கான மக்கள் வசித்துக்கொண்டு வருகிறார்கள். சேரி நிலங்களை கார்பொரேஷன் அதிகாரிகள் எடுத்துக்கொண்டும் அவர்களுக்கு கக்கூஸ், சாக்கடை கட்டிக்கொடுப்பதோடு நிற்கிறார்களே யொழிய வேறு ஒரு சீர்திருத்தமும் செய்வதில்லை. இந்த நிலையில் அவர்கள் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். அங்கு இருக்கும் குடிசைகளை சென்னை கார்பொரேஷனில் எடுத்துக்கொண்டு வாடகை வசூல் செய்கிறார்கள். அவ்விதம் ஒரு ரூபாய், இரண்டு ரூபாய்கள் அல்லது குறைவாக இருந்தால் எட்டு அணு வரையில் வாடகை வாங்கிக் கொண்டு வருகிறார்கள். ஆனால் தனிப்பட்டவர்களுடைய சேரிகளாக இருந்தால் ஒரு குடிசைக்கு ரூபாய் மூன்று அல்லது இரண்டு என்று வாங்கிக்கொண்டு வருகிறார்கள். சென்னையிலுள்ள ஒரு மனை நிலத்தில் அதாவது ஒரு கிரௌன்ட் இடத்தில் ஏறக்குறைய 12 குடிசைகள் இருக்கின்றன. அந்தக் குடிசைகளின் விஸ்திர

[Sri A. Ratnam] [5th January 1954]

ணம் 12-க்கு 10 அடி இருக்கும். இந்த விஸ்தீரணத்தில் அவர்கள் குடிசைகளை அமைத்துக்கொண்டிருக்கிறார்கள். ஏறக்குறைய 200 சதுர அடிக்கு குடிசைகள் இருக்கின்றன. ஒரு மாதத்திற்கு இரண்டு ரூபாய் என்று எடுத்துக் கொண்டாலும் ஒரு வருஷத்திற்கு 240 ரூபாயாகிறது. இதை இந்த 'பில்'லில் கூறி இருப்பதைப் பார்க்கிறோம். அதில் மதிப்புக் கொடுக்கப்பட்டிருப்பது மூலம் ஒரு குடிசைக்கு 240 ஆகிறது. ஒரு கிரௌண்டில் 12 குடிசைகள் இருந்தால் ஒரு வருஷத்திற்கு ரூ. 2,880 ரூபாயாகிறது. இந்தப் பணத்தை அரசாங்கம் கொடுக்க வேண்டிய நிலை ஏற்படுகிறது. நம்முடைய ராஜ்யத்தில் முதல் மந்திரி அவர்கள் 1939-ம் வருஷத்தில் ஆலயப் பிரவேச மசோதாவும் சோஷல் டிசபிளிட்டி ஆக்டும் வருஷத்தில் ஆலயப் பிரவேச மசோதாவும் சோஷல் டிசபிளிட்டி ஆக்டும் கொண்டு வந்தார்கள். அது நடைமுறையில் எப்படி இருக்கிறது என்றால் அது எட்டளவில் தான் இருக்கிறதே ஒழிய செயலளவில் நடைபெறவில்லை என்பதை குறிப்பிட விரும்புகிறேன். அவ்விதம்தான் அவைகள் இப்பொழுது சொலவணியாகிறது. தாழ்த்தப்பட்டவர்களுக்கு சட்டம் வந்தால் அது அப்படியே தான் இருக்கிறது. ஆனால் தாழ்த்தப்பட்டவர்களை வெளியேற்றவேண்டும் என்று சட்டம் வந்தால் அது 24 மணி நேரத்தில் துப்பாக்கிகளையும் குண்டுகளையும் வைத்துக்கொண்டும் போலீஸ்காரர்களை வைத்துக் கொண்டும் அவர்களை வெளியேற்றுகிறார்கள். ஆனால் அவர்களுடைய வசதிக்காக ஒரு சட்டம் வருகிறது என்றால் அதை அமுல் நடத்துவதில் அரசாங்கம் முதல் கோர்ட்டு வரையில் அவர்களுக்கு உருத் துணையாக இருந்து அமுல் நடத்தாமலிருக்கிறார்கள். ஆனால் சேரிகளைப் பார்த்தால் சேறும் செகதியுமாக இருக்கிறது. மற்றும் குப்பையும் கூடமுமாக இருக்கிறது. மழை பெய்தால் ஒரே வேளாம், வெய்யில் காய்ந்தால் அவர்கள் வெய்யிலில் காய வேண்டியது தான். இந்த நிலையில் அவர்கள் பள்ளாப்பாங்களில் அவதிப்பட்டிருக்கொண்டிருக்கிறார்கள். அவர்களுடைய தொகை சுமார் ஐந்து லட்சத்திற்கு மேல் இருக்கிறது. சென்னை ஜனத் தொகை 15 லட்சம் பேரில் இவர்கள் ஐந்து லட்சம் பேர்கள். அவர்களுக்கு வீடுகள் இருக்கின்றனவா? அவர்கள் பள்ளாப்பாங்களில் பொங்கித் தின்று கொண்டிருக்கிறார்கள். இப்படிப்பட்ட தாழ்த்தப்பட்டவர்கள் வெளியூர்களிலிருந்து அதாவது செங்கற்பட்டு, திண்டிவனம், தென்னார்காடு, வட ஆர்காடு முதலிய இடங்களிலிருந்து இங்கு வந்து குடியேறி இருக்கிறார்கள். அவர்களுக்கு சேரிகளில் இடம் கிடைப்பது இல்லை. வீடுகள் கிடைப்பது கிடையாது. மற்ற வீடுகளிலும் அவர்களை அனுமதிப்பது கிடையாது. ஏன்? தீண்டாமை என்ற காரணத்தால் அவர்களை துன்புறுத்துகிறார்கள். ஆனால் மதவியார், ரெட்டியார், செட்டிகள், கோமுட்டிகள் என்றால் அவர்கள் வீடுகளில் சுமார் 50 குடும்பங்கள் வரையில் வைத்துக் கொள்ளுகிறார்கள். ஆனால் தாழ்த்தப்பட்டவர்களில் பி.ஏ. பட்டம் பெற்றவர்களாக இருந்தாலும் அதிகாரிகளாக இருந்தாலும் அவர்கள் அந்த வீடுகளில் வாசம் செய்வதற்கு அருகதை அற்றவர்கள் என்று கூறுகிறார்கள். இந்த நிலைமையில் அவர்கள் பிள்ளாப்பாங்களில் பொங்கித் தின்று கொண்டிருக்கிறார்கள். இப்பொழுது சென்னையிலுள்ள பீச் முதல் தெருவு, இரண்டாவது தெருவுகளில் சென்று பார்த்தால் மக்கள் புழுக்களைப்போல் நசுங்கிக்கொண்டு இருக்கிறார்கள். ஆயிரக்கணக்கான மக்களுக்கு சீர்திருத்தம் செய்வதற்கு அரசாங்கம் இந்தச் சட்டத்தை கொண்டு வருவதை நான் வரவேற்கிறேன். சட்டத்தில் சொல்லிய பிரகாரம் அந்தந்தச் சேரி சொந்தக்காரர்களுக்கு பணம் கொடுக்கவேண்டும் என்றால் ரூ. 2,880 ஏறக்குறைய ரூ. 3,000 கொடுக்கவேண்டும். அது அவர்களால் கொடுக்க முடியாமல் இருக்கிறது. அந்த நிலையில் அது மிகவும் மிகுதியாக இருக்கிறது. மெளன்ட் ரோடு, மைலாப்பூர், திருவல்லிக்கேணி முதலிய இடங்களில் எடுத்துக்கொண்டால் ரூ. 2,000க்கு வாங்கவேண்டும் என்று இருக்கிறது. அங்கு சேறும் செகதியுமாக இருக்கிறது. மற்றும் பள்ளத்தாக்குகளில் இருக்கிறது. அவைகளின் மதிப்பை அதிகமாக சொல்லுகிறார்கள். அது மட்டுமல்ல. அந்த இடங்களை வாங்குவதற்கு ஹரிஜனங்களால் முடியுமா என்பதையும் பார்க்கவேண்டும். ஆனால் அரசாங்கம் அதை எடுத்துக்கொள்ளவேண்டும் என்று சட்டத்தில் இல்லை. ஒரு குடிசைக்கு ஒரு வருஷத்திற்கு 240 ரூபாய் என்று ஒரு வருஷத்திற்கு ரூ. 2,880 கொடுக்கவேண்டியதாக இருக்கிறது. அந்தப் பணத்தை அவர்கள் கொடுக்க வேண்டும் என்று சட்டம் குறிப்பிடுகிறது. 1949-ம் ஆண்டில்

[Sri A. Ratnam] 5th January 1954]

ஹரிஜன வெல்பேர் கமிட்டி ரிபோர்ட்டு கொடுத்திருக்கிறது. அதில் கண்டபடி சென்னைக்கு அது பொருத்தம் இல்லை. சென்னையை அடுத்து மற்ற மாவட்டங்களில் ஹரிஜனங்களுக்கு மூன்று செண்டுகளும் மலபாரில் 15 செண்டுகளும் கொடுக்கவேண்டும் என்று ஆர்ஜிதம் செய்திருக்கிறார்கள். ஆனால் சென்னை நகரத்திலுள்ள ஹரிஜனங்களுக்கு கொடுப்பது இல்லை. ஆனால் கொடுக்கப்பட்டிருக்கிறதா வென்றால் ஒன்றுமே கிடையாது. இந்தப் படி திட்டம் வகுத்திருக்கிறார்கள். அந்த பணத்திலிருந்தோ அல்லது மாகாணத்தில் ஒதுக்கப்பட்ட பணத்திலிருந்தோ ஒரு தம்பிடிசை அனுபவிக்காதவர்கள் சென்னையில் இருக்கிறார்கள். அப்படி ஐந்து லட்சம் பேர்கள் இருக்கிறார்கள். அவர்களுக்கு இந்த நிலங்களை இனமாக அளிக்க வேண்டும். ஆனால் அரசாங்கம் அப்படிச் செய்ய முன் வரவில்லை. எல்லா வற்றையும் கொடுக்காவிட்டாலும் பாதி விலையை அரசாங்கம் ஏற்றுக் கொண்டு மற்ற பாதியை ஹரிஜனங்களிடத்திலிருந்து வசூலிக்க வேண்டும். அந்தப்படி இந்த சட்டத்தைத் திருத்த வேண்டும். மற்றொரு திருத்தமும் இருக்கிறது. அரசாங்கம் ஹரிஜனங்களுக்கு இதைச் செய்கிறோம் அதைச் செய்கிறோம் என்று சொல்லுகிறார்கள். குடிசைகளை கட்டிக் கொடுக்கிறோம், சுகாதார வசதி செய்து கொடுக்கிறோம் என்று கிட்டி இம்ப்ரூவ்மென்ட் போர்ட் கூறக்கொண்டு அரசாங்கத்திலிருந்து நிலங்களை ஆர்ஜிதம் செய்துகொண்டு வருகிறார்கள். நிலம் இல்லாதவர்களுக்கு, வீடு இல்லாதவர்களுக்கு, வசதி இல்லாதவர்களுக்கு எல்லாம் செய்து கொடுக்கிறோம் என்றும் வீடு கட்டிக் கொடுக்கிறோம் என்றும், வசதி செய்து கொடுக்கிறோம் என்றும், வாசல் கட்டிக் கொடுக்கிறோம் என்றும் சொல்லி வருகிறார்கள். ஆனால் என்ன நடக்கிறது? கட்டடங்களை கட்டி முடித்த பிறகு அதற்கு வாடகை 20 என்றும் 50 என்றும் 100 என்றும் சொல்லி வருகிறார்கள். அது மட்டுமல்ல, சென்னை ஹரிஜனங்களுக்கு எந்த செளகர்யமும் செய்தது இல்லை. இதை நாம் கண்கூடாகப் பார்த்திருக்கிறோம். இதைப்பற்றி அரசாங்கத்திற்கு மனுக்கள் அனுப்பியும் கூட ஒன்றும் நடப்பது இல்லை. ஆகவே இனி மேல் நிலங்களை சீர்திருத்தம் செய்யவேண்டும் என்று கார்பொரேஷன்கோ அல்லது சிட்டி இம்ப்ரூவ்மென்ட் போர்ட்கோ கொடுக்கக்கூடாது. அவைகளை நேரடியாக ஹரிஜன வெல்பேர் ஆபீசர் மூலமாகவோ அல்லது கலெக்டர் மூலமாகவோ சம்பந்தப்பட்டவர்களுக்கு கொடுத்து வீடு கட்டிக்கொண்டு இருக்கும்படி ஏற்பாடு செய்யவேண்டும். அவ்விதம் கொடுத்து பாதிப் பணத்தை தான் அவர்களிடமிருந்து வசூலிக்கவேண்டும். இப்பொழுது கார்பொரேஷன் காக்கல் சேரியில் வீடு கட்டியிருக்கிறார்கள். வீடு கட்டும்போது அங்குள்ளவர்களை 10 மைலுக்கு அப்பால் போகவேண்டும் என்று தூரத்திடுகிறார்கள். இரண்டு ரூபாய்க்கு வீடுகள் கட்டிக்கொடுக்கப் போகிறோம் என்று சொன்னார்கள். அதன் பிறகு லட்சக்கணக்கான பணத்தைச் செலவு செய்து ஐந்து வருஷங்களாக கட்டடம் கட்டியும் ஹரிஜனங்களுக்கு வீடுவசதி கிடைக்கவில்லை. ஆனால் வட நாட்டிலிருந்து வந்த மார்க்கெட்டிற்கும் பணக்காரர்களுக்கும் தான் ரூ. 40, 50-க்கு கொடுத்திருக்கிறார்கள். அப்படிக்கொடுக்கும்போது 'அவைகளுக்கு பைப் இருக்கிறது, கிச்சன் இருக்கிறது, வாருங்கள்' என்று அட்வர்டைஸ் பண்ணுகிறார்கள். இந்த போர்ட், மக்களுக்கு வீடுகள் கட்டிக்கொடுக்கிறோம் என்று வாக்களித்தும் கூட பிறகு மறுத்துவிடுகிறார்கள். ஆகவே கார்பொரேஷனுக்கும் போர்டுகளுக்கும் அந்த நிலங்களைக் கொடுக்காமல் அவர்களிடம் இருக்கும் நிலங்களையும் எடுத்துக்கொண்டு அரசாங்கமே வைத்துக்கொண்டு சீர்திருத்தம் செய்யலாம். அந்த இடங்களை எடுத்துக்கொண்டு அந்தந்த ஹரிஜனங்கள் வசிக்கும் இடங்களை அவர்களுக்கே குடிசைகள் கட்டிக் கொள்வதற்கு அவர்களுக்கே கொடுத்து விடலாம். அவர்களுக்கே அவைகளைச் சொந்தமாக்கப்படவேண்டும். இந்த திருத்தங்களை யெல்லாம் சட்டத்தில் புகுத்த வேண்டியதாக இருக்கிறது. இந்த திருத்தத்தை பிரேரணைக்குக் கொண்டு வந்து அதைப்பற்றி பேசும்போது தாழ்த்தப்பட்ட மக்கள் அடங்கிய ஒரு கூட்டுக் கமிட்டியை அமைத்து பரிசீலனை செய்யவேண்டும். ஆகவே இதை செலக் கமிட்டிக்கு விட வேண்டும் என்ற திருத்தத்தை எடுத்துக்கொண்டு இதை பரிசீலனை செய்வது மிக மிக அவசியம். இது முக்கியமான விஷயம். இப்பொழுது நூற்றுக்கணக்கான சேரிகள் கார்

[Sri A. Ratnam]

[5th January 1954]

பொரேஷனில் இருக்கிறது. அவர்களிடம் பணம் கிடையாது. வசதி கிடையாது. ஒரு மாதம் இரண்டு மாதம் ஆகும் அதன் பிறகு வசதி செய்து கொடுக்கிறோம் என்று சொல்லலாம். அதற்குள் வெளியேற்றி விடுவார்கள் என்று சொல்லலாம். அப்படி வெளியேற்ற முடியாது. அப்படி வெளியேற்றுவதாக இருந்தாலும் மூன்று மாத டயம் கொடுக்கவேண்டும். அது சட்ட பூர்வமாக இருக்கிறது. ஆகவே இந்த திருத்தத்தின்படி ஒரு செலக் கமிட்டிக்கு விரும்படி அரசாங்கத்தைக் கேட்டுக் கொள்ளுகிறேன். அரசாங்கம் அதில் கவனம் செலுத்த வேண்டும் என்றும் கேட்டுக் கொள்ளுகிறேன். இதை முதல் அமைச்சர் அவர்கள் செய்வார்கள் என்று எதிர் பார்க்கிறேன். வணக்கம்."

11 * SRI T. K. RAMA :— "கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை ஆதரித்து சில வார்த்தைகள் பேச விரும்புகின்றேன். பெரிய நகரங்களிலும், முனிசிபாலிட்டிகளிலும் சேரிகள் ஏற்படுவதை தடுக்க முடியவில்லை. பல ஆண்டுகளாக இந்த சேரிகள் பிரச்சனை தீர்க்க முடியாமல் இருந்து வருகிறது. இன்று அதற்கான ஒரு மசோதா கொண்டுவரப்பட்டிருக்கிறது. இந்த மாதிரி ஒரு மசோதா வெகு காலத்திற்கு முன்பே வந்திருந்தால் மிகவும் நல்லதாய் இருந்திருக்கும். ஆனால் இம்மசோதா மற்ற நகரங்களுக்கும் இடங்களுக்கும் விஸ்தரிக்கப்பட வேண்டுமென்ற விஷயம் கவனிக்கப்பட வேண்டியதாகும். இந்த மசோதா சட்டமாக ஆக்கப்பட்ட பின்பு, சென்னை நகரத்தில் அநேகமாக ஸ்லம் ஏரியா அதாவது சேரிகளே இல்லாமல்கூட போகலாம். ஏனென்றால் தனிப்பட்டவர்களுடைய நிலங்களை குடிசைகள் கட்டி குடி இருப்பவர்களுக்கு சட்டபூர்வமாக பாத்தியமாக்கிவிட்டால், நிலத்தின் சொந்தக்காரர்கள் மிகவும் பாதிக்கப்படுவார்கள். ஆகையால் தனிப்பட்டவர்கள் தங்களுடைய இடங்களில் இனி நல்ல முறையில் வீடுகள் கட்டிக்கொள்ளும்படி பார்த்துக்கொள்வார்கள். இம்மாதிரியான அனுசூலமான சட்டம் சென்னை நகரத்திற்கு மாதிரம் அமுலுக்கு வருவதைத் தவிர மற்ற நகரங்களுக்கும் இந்த சட்டம் கொண்டுவரவேண்டுமென்பது என்னுடைய கோரிக்கை. சென்னைக்கு அடுத்தபடி ஜனத்தொகையிலோ, அல்லது வேறு விஷயங்களிலோ மதுரை விசேஷமாக இருந்துவருகிறது. அங்கு ஐந்து நூற்பு மில்களும், பல தொழிற்சாலைகளும் இருக்கின்றன. 60 ஆயிரம் தொழிலாளர்கள் இருக்கிறார்கள், மேலும் 60 ஆயிரம் நெசவாளர்களும் வசிக்கும் நகரமாகும். அப்பேர்ப்பட்ட மதுரையில் குடிசைப்பிரதேசத்திற்கு பஞ்சமே இல்லை. சேரிகளில் வசிப்பவர்கள் படும்கஷ்டத்தைப் பற்றி ஸ்ரீ ராமமூர்த்தி அவர்கள் கூறினார்கள். ஆனால் அதைத் தவிர இன்னும் வேறுமாதிரியான சில பிரதேசங்களும் இருக்கின்றன. இந்த பிரதேசங்களில் வசிப்பவர்களைக் காப்பாற்றப்படவேண்டியது மிகவும் அவசியமாகும். இச்சட்டம் கொண்டுவர யூனியன் பிரசிடென்ட் அவர்களிடம் அனுமதி வாங்கும்பொழுது சென்னைக்கு மாதிரம் என்று அனுமதி வாங்கப்பட்டிருக்கலாம் என்று ஸ்ரீ ராமமூர்த்தி அவர்கள் சொல்வது சரியாக இருக்காது என்று நினைக்கிறேன். இச்சட்டத்தின் பெயர் மெட்ராஸ் ஸ்லம் என்று இருக்கிறதே தவிர, மெட்ராஸ் சிட்டி ஸ்லம் என்று குறிப்பிடப்படவில்லை. ஆகையால் இச்சட்டம் மெட்ராஸ் நகரத்திற்கு மட்டும் குறிப்பாக உள்ளது என்று சொல்வதற்கில்லை. ஆகையால் இச்சட்டத்தை மதுரை, திருச்சி, கோயம்புத்தூர் ஆகிய நகரங்களுக்கும் இப்போதே கொண்டுவருவதாக ஏற்றுக்கொண்டாலும் சரி, அல்லது சென்னை நகரத்திற்கும், சர்க்கார் அவ்வப்பொழுது அறிவிக்கும் மற்ற நகரங்களுக்கும் கொண்டுவருவதாக ஒரு திருத்தம் ஏற்றுக்கொண்டாலும் போதுமானதாகும். இந்த உதவி இந்த சந்தர்ப்பத்தில் செய்வதுதான் நல்லது. ஒரே மாதிரியான நிலமையிலிருக்கும் மற்ற நகரங்களை பாரபட்சமாக நடத்துவதுகூடாது என்பதை தெரிவித்துக் கொள்ள ஆசைபடுகின்றேன். ஆகையால் இவைகளை ஆலோசனை செய்ய இந்த மசோதாவை பரிசீலனை கமிட்டிக்கு அனுப்பலாம் என்று கேட்டுக்கொள்ளுகிறேன்."

* SRI K. VINAYAKAM :— "Mr. Speaker, I am aware of the good objects and laudable aims of this Bill that is now brought before this House. We thank the Government for having brought this good piece of legislation. I had a talk with the Hon. Chief

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Minister as to why this Bill should not be referred to a Select Committee. The Hon. Chief Minister was expressing his doubts whether people who work for this kind of reference to a Select Committee are on the side of the landlords. That is a wrong impression which he has gained out of our intention to refer this Bill to a Select Committee. We are not trying to pamper or encourage the owners of slums. Even in the first instance, I would like to clear this wrong impression. Sir, out of some practical experience which we have gained in the City of Madras, we are for the eradication of slums. There can be no two opinions as far as the necessity for the improvement of slums is concerned. But, how are we to do it? What are the legal lacunae in this Bill? These are things which I want the Government to ponder over. To clear all these troubles, I want this Bill to be referred to a Select Committee. I may assure the Government that we, the Opposition Members will not delay this Bill in the Select Committee for a long time. The Hon. Chief Minister was expressing his doubts that this Bill is likely to be hotly contested by the owners of the slums in the High Court and they are likely to get a favourable verdict. I am aware of such kinds of pitfalls in this Bill and that is the very reason why I want this Bill to be thrashed out properly by a Select Committee.

"Coming to the merits of the Bill, I want to expatiate on one or two points. In the first instance, the word, 'slum' is not properly defined in this Bill. I have perused the literature concerning this subject, viz., the City Improvement Trust Act, the Madras District Municipalities Act and the Town-Planning Act. Nowhere the term, 'slum' is properly defined. There is a misapprehension that slum means a cheri. It is not so. 'Slum' is an exhaustive term which includes cheri also. Slum is a place where not only Harijans but also other economically backward classes of people live. It is partially defined in the Bill as a place where sanitary facilities are not properly provided and is likely to cause danger to public health. This definition is not exhaustive. For instance, I will presently quote some cases out of my experience. In Kodambakkam, there are a few temples which own vast lands. They are lands donated to the temples and have now become slums. Originally, these were vast lands where there was no habitation of any kind. Some years back, some generous philanthropists donated these lands to the temples. Afterwards, due to the influx of population into the City, mostly poor people who had no means of livelihood, wanted to put up some houses on these lands. It is the natural tendency of anyone to own a house of his own. So, these people approach the trustees of the temple and get on lease a piece of land for putting up a hut. Then they put up huts. It is my experience that the trustees charge Rs. 2 or Rs. 3 per ground. I also know instances in which private slum-owners are charging Rs. 2 to Rs. 3 per hut which will be only 10 feet by 10 feet. So, the rates vary from Rs. 2

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per ground to Rs. 40 or Rs. 50 per ground. The Corporation is charging one anna per hut. Hon. Member Sri Ratnam has been posted with incorrect information. I may tell him straightway that the Corporation is not charging beyond 8 annas per slum. Even in those places where it charges 8 annas, it provides the dwellers with all amenities which any part of the City could boast of. In places where the Corporation does not provide any amenities, it charges only one anna. This is done only to get over some legal trouble. If the Corporation did not charge any money, it is likely to be contested by the dwellers after some years, say 12 years or so, that they have gained prescriptive rights. These are some of the practical difficulties which have got to be settled by a Select Committee.

11-10
a.m.

"It is not as if we are trying to delay the passage of this Bill and see that landlords get fat amounts from the Government by way of compensation. Sir, there is another 'slum' in Kodambakkam owned by the Government called Thiruvalluvarpuram Colony. The landlords are the Government. I have been approaching the Government authorities including the Collector of Madras on behalf of the dwellers, if they cannot make out pattas in favour of these people. The Government are aware that there is a ban in force on making out pattas and leasing out lands within a radius of ten miles around the city of Madras. The G.O. stares at the Collector whenever he takes up the question of leasing out lands with the result that it has been possible neither to give the slum-dwellers the land free nor to lease it out to them. What is happening now? There are two hundred huts on this land with no amenities provided to the dwellers. We cannot find fault with the Corporation because they cannot effect any improvements on Government-owned or private-owned slums. If they do anything, there will be audit objections and so the Corporation cannot spend its own money on slums other than their own. The Government also have not done anything to the slum-dwellers. These are the defects in the Bill which we want to rectify at the Select Committee stage. In fact, we help the Government by asking them to refer the Bill to a Select Committee. Sir, there is yet another slum near the Kodambakkam Railway station with nearly 400 huts. Round about this slum have sprung up beautiful colonies like the United India Colony. The owner of this vast slum is harassing the dwellers and is collecting a rent of two rupees per hut. The landlord has not provided them with amenities like flush-out, latrines, water-supply, electric light and passable roads. Therefore, the Government should not rush with this legislation, however laudable its objects may be. If they proceed with it in haste, they will be put in a very inconvenient position later on of having to defend themselves in the High Court against suits. Of course, they may then bring in an amending legislation to rectify the defects contained in the original Act. But we want that such a thing should not happen. These are the factors which have actuated our motion for reference to a Select Committee. The Hon. the Chief Minister was saying that Communists

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were a large-hearted people and were for this good piece of legislation and that we, meaning me and people of my way of thinking, were for the landlords getting more money. Sir, I say that the Government benches are more for the landlords. If we were in power, we would not give any compensation to zamindars and the rest of them. So, Sir, the factors which have actuated us to take up this attitude are equally laudable as those of Congressmen, if not more laudable.

"With these words, I would commend the motion for referring the Bill to a Select Committee."

* DR. K. B. MENON :—"Mr. Speaker, Sir, I certainly welcome the principle of the Bill as it has been welcomed by many a Member of this House. Nobody contests the principle of the Bill. It is very good that the Government have brought out such a Bill. The very fact that they have done so is an acceptance on the part of the Government of the responsibility of taking care of the poor in the City. To that extent, the Bill is all right and only to that extent, I would like to compliment the Government for bringing forward the Bill.

"Sir, I do not believe that the Bill is so innocuous or so innocent as it seems. It certainly is an important measure and deserves to be carefully gone into. The Hon. the Minister in charge of the Bill, in introducing it, did not give us sufficient information. He was very brief in his remarks and I must confess that we are unable to say much about the Bill itself. This is what happens not only with regard to the present Bill but with regard to every Bill that is presented in this House. Members take a leap in the dark. Members do not have information. They do not have facts. So, I commend it to the Government that when measures of this kind are introduced, full facts must be given to the Opposition. The Government have the advantage of having the information but the Opposition has not got the advantage of having the information. So, the Opposition is unable to express a considered opinion on important measures of this nature. I claim that the Bill before the House is not so innocuous because—I do not wish to question the motives of the Government—one suspects that the Bill, since it is in the interests of the landlords, might have been even suggested by the landlords themselves. The reason is the slums may be depressing the value of lands nearby and the landlords may make an effort to increase the value of their lands by doing away with the slums. But we have no facts. We do not know where the slums are located and how many of them exist in the City. We do not know what the Government propose to do for the poor people. We are not interested in the compensation paid to the landlords. The appreciation in land values in the City is in fact an unearned increment for landlords. It is a social contribution and therefore, the Government would be perfectly justified in confiscating this increment by not paying any compensation at all. But, however, if they decide to pay, they should take a normal year as

[Dr. K. B. Menon] [5th January 1954]

the basic year and determine the compensation amount on that basis. I do not think that any heavy compensation need be paid to landlords. We have not had any guarantee from the Government that, when the slums are cleared, the slum people will be provided with accommodation elsewhere. We do not know, if they will be provided, how they will be provided, how many of them will be provided and all that. We do not know how many of them will be thrown into the street. We want to know the plan of the Government. These are the facts we want the Government to place before us before they press a measure of this kind to be passed. The measure in itself may be good. But once it is brought into force, what would be its social effects, economic effects, upon the people? That is the question that is to be considered. We want more details before we consider this measure. I, therefore, commend that the Bill be referred to a Select Committee and even to an expert committee, if need be, and not immediately pressed here."

11-20 *Sri B. K. NALLASWAMI :—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவானது நகர பிரதேசத்திற்கு மிகவும் நன்மை அளிக்குமென்பதில் சந்தேகமில்லை. இந்த மசோதா எல்லா கிராமப் பகுதிகளுக்கும் விஸ்தரிக்கப்பட வேண்டுமென்பதைச் சொல்வதற்காகவே நான் இங்கு எழுந்திருக்கிறேன். குறிப்பாக, பவானி, திருச்செங்கோடு தாலுகாக்களை எடுத்துக்கொண்டால் 20, 30 வருஷங்களாக பட்டா பூமிகளில் ஹரிஜனங்கள் குடியிருந்துகொண்டு வருகிறவர்களுடைய நிலங்களை இன்னும் பட்டா செய்து கொடுக்காமல் இருக்கிறது. ஒவ்வொரு வீட்டிலும் சராசரி 10 பேருக்குமேல் 20 தலை வரை இருந்துகொண்டிருக்கிறார்கள். அங்கே அவர்கள் குடியிருந்துகொண்டு வருவதற்குப் பதிலாக அங்குள்ள கிராம மிராசதாருக்கு வருஷந்தோறும் ஆயிரம், இரண்டாயிரம் ரூபாய் பெரும்படியான குப்பையை கடந்த 20, 30 வருஷங்களாகவே கொடுத்துக் கொண்டு வருகிறார்கள். பழைய தர்மப்படி பார்த்தாலும்கூட, கடங்காரர்கள் கணக்குப்படி பார்த்தாலும்கூட, ஒரு அசலானது கொஞ்ச நாட்களில் இரண்டு மடங்கு வட்டி கொடுத்துவிட்டால் அந்த கடன் ஒழிந்துவிடும் என்றுள்ளது. ஆகையால் அம்மாதிரி அங்குள்ளவர்கள் 500 முதல் 1,000 ரூபாய் வரை பெருமானமுள்ள குப்பைகளை வருஷந்தோறும் கடந்த 20, 30 வருஷங்களாக மிராசதாரர்களுக்கு கொடுத்தும்கூட இன்னும் அந்த பூமிகள் ரூ. 500 பெருமானமானதாயிருந்தாலும் அங்கு வாழும் மக்களுக்கு பட்டா செய்யப்படாமல் இருக்கிறது. அது மாதிரிம் அல்ல. அவர்கள் அடிமையாக வாழக்கூடிய மக்களாகவும், அவர்கள் சொல்லுகிறபடி நடக்கும்படியும் செய்யப்படுகிறார்கள். ஆனால் நம் அரசியல் நிர்ணய சட்டத்தின் கீழ் பெரிய சுதந்திரம் பெற்றுவிட்டதாக சொல்லப்படுகிறது. இந்த அநீதிகளை நீக்க மட்டும் செய்யவில்லை. அந்த சேரிகளிலுள்ள மக்கள் அவர்கள் சொல்லுகிறபடி ஒட்டு போபாவிட்டாலும்கூட அவர்களை அப்புறப்படுத்துவதின் மூலம் ரொம்ப துன்பமெல்லாம், மனித தன்மைக்கும் கேவலமான கொடுமைகளால் துன்பங்களை அனுபவித்துக் கொண்டிருக்கிறார்கள். இந்த மாதிரி இடங்களில் இந்த மசோதா விஸ்தரிக்கப்பட வேண்டுமென்று கூறுவதற்குத்தான் நான் பேசுகின்றேன். காலையிலே கேள்வி நேரத்திலே பார்த்தால்கூட பெரும்பாலான கிராமச் சேரிகளில் தொத்து நோய்கள் பரவுகின்றன என்பதை அங்கத்தினர்கள் தெரிவித்தார்கள். அதிலும் மலபாரை எடுத்துக்கொண்டால் காலரா, டைபாயிடு போன்ற தொத்து வியாதிகள் ஸ்லம் ஏரியாவில் அதாவது பொதுவாக சேரிகளில் அதிகமாக பரவுவதைக் காணலாம். அப்படி இருக்கும்போது இதை நகரத்திற்கு மட்டும் கொண்டு வருவது என்பதில்லாமல், எல்லாப் பிரதேசங்களுக்கும் இந்த மசோதா விஸ்தரிக்கப்பட்டால், அங்குள்ள மக்கள் இந்தமாதிரியான

5th January 1954] [Sri B. K. Nallaswami]

துன்பங்களுக்கு ஆளாக வேண்டியதில்லை என்பதைத் தெரிவித்துக்கொண்டு இந்த மசோதா மற்ற பிரதேசங்களுக்கும் குறிப்பாக கிராமங்களுக்கும் கொண்டுவரவேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொண்டு இதை ஆதரிக்கின்றேன்."

SRI V. R. KRISHNA AYYAR :—"I rise to warmly welcome this particular legislation which has been introduced by Government. There is hardly to be any opposition to measures of social amelioration of the sort that is now proposed. Certainly there will be unanimous support of the House to the present measure. But all the same I would like to make some suggestions to make the Bill more efficient and more sensible in its working. I join in the criticism that has been made just now, I cannot call it a criticism but rather a constructive suggestion, that Government should not always be city-conscious but should extend these amenities, these ameliorative measures, to those slums outside the City of Madras. There are various places in the districts and mofussil towns where slum-dwellers live in large numbers. It is imperative that the municipalities and other towns should improve their lot. They should be given financial assistance by the Government. I would urge upon this Government to extend the present piece of legislation to other mofussil towns also, where the slums are in large number. They should not concentrate their attention on the city alone. Of course I should admit that I have not personally examined the pros and cons of such a legislation for the improvement of slums in the mofussil towns also. There may be constitutional difficulties. But those difficulties could be overcome if only Government were to apply their minds to them and take necessary action."

"Coming to the subject of compensation, that is now suggested in the present Bill, I find the present rate proposed is rather too high. Government may find themselves ultimately in a position when on calculating the amount of compensation, they would arrive at a large figure and they may say that because such a huge amount is involved, they cannot proceed with the improvement of the slums. I do not want that such a situation should arise in future. That is why I plead that the quantum of compensation now proposed may be reduced. There is a proposal in the schedule to the present Bill that the average annual income for five consecutive years multiplied by 20 shall be paid as compensation. That works out to 20 times the income from the land. It should be realised that the income from the land is derived by extorting huge rents from these poor slum-dwellers. That should not be lost sight of. Take the case of the Madras Buildings Lease and Rent Control Act. How does it work? How does the controller fix fair rent? When that is the case for buildings, it is all the more necessary that fair rent should be first fixed for these slum dwellings and then on that basis, compensation should be calculated. Otherwise, if we proceed with the present method of calculation, I am afraid that the total compensation to be paid will hit our finances too much. Fair rent is fixed at 25 or 50 per cent in excess of the rent

[Sri V. R. Krishna Ayyar] [5th January 1954]

obtaining a year before 1940 (viz., the outbreak of war). That is how the calculation of fair rent is arrived at under the Rent Control Act. The landlords have got no scruples. They extort from these poor slum-dwellers any rent they choose. Poor slum-dwellers have no chance to voice forth their grievances. Who is there who fixes fair rent for them? Therefore if we are to pay compensation to the already rich landlords by adopting this principle of taking the average annual income from the land for five consecutive years and then multiply it by 20, not only will we be exploiting our own meagre resources but at the same time we will be giving the landlords some more bounty. That is why it is better to adopt the principle followed in the case of the Rent Control Act. Take the average rent prevailing a year before 1940 viz. 1939 (just before the war broke out and rents shot up) and then multiply that fair rent by a smaller multiple than the present 20. Let the multiple be say 15 or 18. After all this piece of legislation is for social amelioration of these poor slum-dwellers. Instead of spending our resources for their uplift, why go on feeding the landlords by way of paying very high compensation?

"This Slum Improvement Bill is not a final say in the matter. Mere acquisition of lands in slum areas in the City of Madras is not going to confer everlasting benefit on the slum-dwellers or usher in a millennium. What is the cry of the hour? Slum improvement. That is where we should concentrate more. Let me not be mistaken as though I am against Government acquiring the lands wherein the slums are now situated. No doubt, it is a laudable object. But they should not overlook the prime need of the hour. I do not find any mention in the Bill as to the manner in which they are going to improve the condition of the slums. No authority has been specifically entrusted with the work of slum improvement. I do not find either the City Corporation or the City Improvement Trust entrusted with the working of carrying out improvements to the slums by way of provision of electric lights, better roads, suitable provision for clearance of refuse and other civic amenities. I would request the authorities concerned to prepare at least a 'minimum plan'. (I mean the plan which will cost us the minimum) for providing better housing for these slum-dwellers. Let not the spectacle of inordinate delay in the matter of land acquisition proceedings repeat itself here also in the matter of acquisition of lands for slum-dwellers. Let the men in charge of enforcement of this work be asked to be vigilant in their work and let the Government carry out both in letter as well as in action the spirit behind this Bill, viz., the improvement of social condition of our slum-dwellers, who deserve our sympathy."

11-29 *SRI R. S. ARUMUGAM:—“கனம் சபாநாயகர் அவர்களே, எழை களுக்கு மனைக்கட்டுகள் கொடுக்கும் விஷயமாக இப்பொழுது இந்த சட்டசபையில் விவாதிக்கப்பட்டு வருகிறது. அவர்கள் இருக்கும் இடங்களை நஷ்ட ஈடு கொடுத்து வாங்கி அவர்களுக்கு அந்த இடங்களைக் கொடுத்து விடவேண்டும் என்று சொல்லப்படுகிறது. இந்த திட்டத்தை என்னைப் போல் உள்ளவர்கள் பாராட்டாமல்

5th January 1954] [Sri R. S. Arumugam]

இருக்க முடியாது. இப்பொழுது பல ஏழைகள் சொந்த வீடுகள் இல்லாமல் இருக்கிறார்கள். ஏழை மக்கள் வேலைக்கு போய்விட்டு வீட்டுக்கு வந்தால் வீடு தன்னுடைய சொந்த வீடாக இருக்கவேண்டும் என்ற கவலை ஏற்படாமல் இருக்காது. தன்னுடையதாக இருக்க வேண்டாமா என்று எண்ணம் தோன்றத்தான் செய்யும். ஏழைகளுக்கு சொந்த வீடு ஒன்று வரப்போகிறது என்பதைக் கேட்க என்னைப் போன்றவர்களுக்கு மிகவும் சந்தோஷமாக இருக்கிறது.

“அதே நேரத்தில் ஒரு வருஷ மொத்த நில வருவாயைப் போல் 20 மடங்கு அவர்கள் நஷ்ட ஈடு செலுத்தவேண்டும் என இருக்கிறது. அது அவர்களால் கொடுக்க முடியாது என்பதைப்பற்றி முன்பு பேசிய பலரும் சொன்னார்கள். அதையே தான் நானும் அபிப்பிராயப்படுகிறேன். அந்தத் தொகை முழுவதையும் அந்த வீட்டில் வசிப்பவர்கள் கொடுக்கவேண்டும் என்றால் அவர்களால் அவ்வளவு தொகை செலுத்த முடியுமா? என்பதை சிறிது யோசித்துப்பார்க்கவேண்டும். அதைக் குறைத்து 10 மடங்குக்குமேல் எவ்விதத்திலும் அதிகப்படாமல் செய்யவேண்டும்.

“அடுத்தபடியாக நண்பர் ரத்தினம் அவர்கள் சொன்ன மாதிரி தொகை எல்லாவற்றையும் அவர்களே கட்டவேண்டும் என்பதை ஓரளவு தளர்த்தி சர்க்கார் அதில் ஒரு பகுதியை செலுத்தினால்தான் அந்த மக்களுக்கு ஒரு அளவு கஷ்டம் இல்லாமல் இருக்கும் என்பதை இந்த இடத்தில் சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

“மேலும் கிராமங்களில் இருக்கும் தாழ்த்தப்பட்டவர்களை விட நகரங்களில் இருக்கும் தாழ்த்தப்பட்டவர்கள் ஓரளவு அதிகமாக கஷ்டப்பட்டுக் கொண்டிருக்கிறார்கள் என்பதை யாரும் மறுக்க முடியாது. நகரங்களில் வாழும் தாழ்த்தப்பட்டவர்களைவிட கிராமங்களில் வாழும் தாழ்த்தப்பட்டவர்கள் சிறிது விஸ்தாரமான இடத்தில் வசிக்கிறார்கள் என்று கூட நான் சொல்வேன். நகரத்தில் தாழ்த்தப்பட்டவர்கள் பத்து அடி அகலமுள்ள குடிசைகளில் 2, 3 பேர்கள் கூட வாழ்ந்து வருகிறார்கள். இந்த நிலை நகரங்களில் இருந்து வருகிறது. ஆகையால் சகல விதத்திலும் அவர்களுக்கும் பாதுகாப்பு அளிக்க வேண்டியதுதான்.

“சென்னை நகரத்திற்கு மாத்திரம் தான் அது அமுலுக்கு வரப்போகிறது என்றால் அதை நான் ஒத்துக்கொள்வதற்கில்லை. பல நண்பர்கள் சொல்வது போல் இதை எல்லா இடங்களுக்கும் கொண்டுவரவேண்டியதாக இருக்கிறது. இந்த கஷ்டம் சென்னை நகரத்தில் மட்டும் அல்ல, மதுரை, திருநெல்வேலி, கோயம்புத்தூர், போன்ற நகரங்களிலும் இருக்கத்தான் செய்கிறது. ஆகவே இந்த சட்டத்தைச் செய்யும் போது எல்லா இடங்களுக்கும் தான் செய்யவேண்டும். அதைவிட்டு விட்டு சென்னை நகரத்தோடு மட்டும் நிறுத்தி விடக்கூடாது. மற்ற இடங்களுக்குக் கொண்டு வராமல் சென்னை நகரத்திற்கு மட்டும் கொண்டு வந்தால் அங்கங்குள்ள நிலச் சொந்தக்காரர்கள் முன்ஜாக்கிரதையாக இப்பொழுதே அங்கு வசிப்பவர்களை வெளியேற்றி விடுவார்கள். அவ்விதம் அப்புரப்படுத்தும் நிலைமை ஏற்படும். இதற்கு அவர்களுக்கு இடம் கொடுக்காமல் சட்டம் செய்யவேண்டும். தஞ்சையில் விவசாயிகளுக்கு அனுசூலமாக ஒரு சட்டம் வருகிறது என்றால் உடனே அந்த சட்டம் மற்ற இடங்களுக்கும் வந்து விடுமோ என்று அங்கங்குள்ள நிலச்சுவான்தார்கள் முன் ஜாக்கிரதையாக இருக்கிறார்கள். அதுபோல் சென்னை நகரத்தில் சட்டம் வரும்போது மற்ற இடங்களில் வராமல் இருந்தால் மற்ற இடங்களில் இருக்கும் தாழ்த்தப்பட்டவர்கள் அவதிப்படுவார்கள். அந்த நிலைமை ஏற்படாமல் ஒரே சந்தர்ப்பத்தில் தூத்துக்குடி திருநெல்வேலிபோன்ற சென்னை மாகாணத்தில் இருக்கக்கூடிய எல்லா முனிசிபல் நகரங்களுக்கும் இது அமுலுக்கு வரும் படியாக ஏற்பாடு செய்யவேண்டும். இல்லா விட்டால் இப்பொழுது 20 மடங்கு நஷ்ட ஈடு கொடுக்கவேண்டும் என்று இருப்பதைவைத்துக்கொண்டு இப்பொழுதே 4, 5 வருஷமாக அதிகமாக வருமானம் வந்ததாக அவர்களிடமிருந்து எழுதி வாங்கிக்கொண்டிருக்கிறார்கள். இதற்கு இடம் கொடுக்கக்கூடாது என்று கேட்டுக்கொள்ளுகிறேன். மேலும் கிராமத்துக்கும்

[Sri R. S. Arumugam] [5th January 1954]

நகரத்துக்கும் ஹரிஜன பராமரிப்பில் வித்தியாசம் கூடாது. இப்பொழுது ஹரிஜன டிபார்ட்மென்ட்டை எடுத்துக்கொண்டால் கிராமங்களிலுள்ள தாழ்ந்தப்பட்ட மக்களுக்குத் தான் சர்க்கார் மனைக்கட்டுகள் கொடுக்கிறார்கள். ஆனால் நகரங்களில் அப்படிக் கொடுப்பது இல்லை. அவர்களுக்கு நகர பணம் கிடையாது என்று சொல்லிவிடுகிறார்கள். கிராமத்திலுள்ள ஹரிஜனங்களுக்கு எப்படி மனைக்கட்டுகள் கொடுக்கிறார்களோ அதைப் போலவே நகரங்களில் இருக்கிறவர்களுக்கும் கொடுக்கவேண்டும் என்பதே நான் தெரிவித்துக்கொள்கிறேன்.

“அது ஒருபுறமிருக்க. இந்த மசோதாவில் நிலச் சொந்தக்காரர்களுக்கு கொடுக்கப் போவதாக இருக்கும் நஷ்ட ஈட்டைக் குறைக்கவேண்டும் என்றும் அதிலும் சர்க்கார் ஒரு பகுதியைக் கொடுக்க ஏற்றுக்கொள்ளவேண்டும் என்றும் தெரிவித்துக்கொள்கிறேன். ஏழைகளுக்கு பாதுகாப்பு அளிக்க வேண்டியதற்காக சகல வசதிகளையும் செய்வதற்கு சர்க்கார் முன்வரவேண்டும். எல்லா நகரங்களுக்கும் முதலிலேயே விஸ்தரிக்கும் ஒரு முடிவுக்கு வரவேண்டும். இந்த முறையை ஆலோசனை செய்வதற்கு ஒரு கமிட்டியை நியமித்து அதன் மூலம் நல்ல முடிவுக்கு சீக்கிரமாக வருவதும் தவிரானது அல்ல என்ற என்னுடைய அபிப்பிராயத்தைத் தெரிவித்துக் கொண்டு என்னுடைய பேச்சை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

11-35 *SRI K. R. SAMBANDAM:—“கனம் சபாநாயகர் அவர்களே, ஸ்ரீ ரத்னம் அவர்கள் கொண்டு வந்த திருத்த பிரேரணையை ஆதரித்து நான் சில விஷயங்களை சர்க்காருடைய கவனத்திற்குக் கொண்டுவர ஆசைப்படுகின்றேன்.

“இந்தப் பிரச்சனையானது சென்னை நகரத்தில் மட்டுமல்லாமல் இந்த ராஜ்யம் பூராவிலுமே தாழ்த்தப்பட்ட மக்களும் சரி, பிற்பட்ட வகுப்பினரும் சரி, மற்ற ஏழைகளாக இருக்கக் கூடியவர்களும் ஸ்லம் ஏரியாக்களில் திண்டாடுகிறார்கள். அவர்களுக்கு எந்த விதமான பாதுகாப்பும் கிடையாது. சென்னை நகரம் போன்ற மற்ற முனிசிபல் ஏரியாக்களிலும், பஞ்சாயத்து ஏரியாக்களிலும் வசிக்கும் ஏழை மக்களுக்கு, எந்த விதமான பாதுகாப்பும் கிடையாது. அவர்களுக்கு பாதுகாப்பு அளிக்காவிட்டால் அந்த சமுதாயமானது மிகவும் கீழான நிலையிலே போய்க்கொண்டிருப்பது, சமுதாயமானது மிகவும் கீழான போல் பரவி ஜனசமுதாய மாதிரமல்ல. அது ஒரு தொத்து நோயைப் போல் பரவி ஜனசமுதாயத்தை அரித்துக்கொண்டிருக்கக்கூடிய நிலைமைக்கு கொண்டுவரப்படும் விதம் என்பதை நான் சொல்லவேண்டியில்லை. ஏனென்றால், இப்பொழுது இந்த மசோதாவை சர்க்கார் கொண்டுவந்திருப்பதிலிருந்தே ஸ்லம்களில் வாழும் ஏழை மக்களின் நிலைமை எந்த அளவுக்கு மோசமாகிக்கொண்டு என்பதை உணர்ந்தே கொண்டு வந்திருக்கிறார்கள் என்பதை தெரிந்துகொள்ளலாம். இந்தப் பிரச்சனையானது உடனடியாகக் கவனிக்கப்படவேண்டிய விஷயம். அதுவும் சென்னை நகரத்தில் மாதிரி மல்ல; இந்த ராஜ்யம்பூராவிலுமே இதே நிலைமைதான் இருக்கிறது.

“சில நிலங்கள் சர்க்காருக்குச் சொந்தமான புரம்போக்கு நிலமாகவும் இருக்கலாம். வேறு யாருக்காவது சொந்தமாகவும் இருக்கலாம். அந்த மாதிரி இருக்கும்போது, சர்க்காருக்குச் சொந்தமான புரம்போக்கு நிலத்தைப் பொருத்த வரையில் எந்த விதமான கஷ்டமும் சர்க்காருக்கு ஹரி செய்து கொடுப்பதில் இருக்க முடியாது. தனி நபர் யாருக்காவது சொந்தமாக உள்ள நிலங்களை சர்க்கார் ‘acquire’ பண்ணும் போதுதான் சில கஷ்டங்கள் ஏற்படுகின்றன.

“கூட்டுறவு சங்கங்கள் மூலமாக வசதியுள்ளவர்களுக்கும் பணக்காரர்களுக்கும் இம்மாதிரி நிலங்கள் acquire செய்யப்பட்டு அவர்கள் வீடு கட்டிக் கொள்வதற்கு கொடுக்கப்பட்டு வருகின்றன. அதேசமயத்தில், தங்குவதற்கு வீட்டு வசதியில்லாமல் தவிப்போருக்கும், பிழைப்புக்கும் வழியில்லாமல் திண்டாடிக் கொண்டிருக்கின்ற ஏழை மக்களுக்கும் கூட்டுறவு சங்கம் எந்த விதமான பாதுகாப்பும் கொடுக்க முன்வர வில்லை.

[Sri K. R. Sambandam] 5th January 1954]

ஆகையால், அந்த மாதிரி இனிமேல் வசதியுள்ளவர்களும் பணம் உள்ளவர்களும், வீடு இருக்கிறவர்களும் இம்மாதிரி நிலங்களில் வீடு கட்டிக்கொள்ளலாம் என்ற நியதியை மாற்றி, வீட்டல்லாமல் இருப்பவர்களுக்கு மட்டும் கொடுக்கவேண்டுமென்ற முறை வரவேண்டும். அதற்கு அதிகமாகப் பணம் செலவழிக்கத் தேவையில்லை. ஒரு வீட்டிற்கு ரூ. 1,500 லிருந்து ரூ. 2,000 வரையில் செலவு செய்து சிறு வீடுகளாகக் கட்டி வீட்டல்லாத ஏழைகளுக்குக் கொடுத்து, குறிப்பிட்ட சில வருஷங்களில் அந்தத் தொகையை அவர்களிடமிருந்து வசூலித்துக்கொள்ளலாம். அப்படி ஒரு நிலையை ஏற்படுத்தினால், சமுதாயத்திலே அவர்களுக்கும் ஒரு status உண்டாகும். அந்த நிலைமையை ஏற்படுத்துவதற்கு இந்தக் கூட்டுறவு சங்கங்களை நன்றாகப் பயன் படுத்திக்கொள்ளவேண்டுமென்று நான் சர்க்காருடைய கவனத்திற்கு கொண்டு வர விரும்புகின்றேன்.

“இந்தத் திட்டம் எல்லா இடங்களுக்கும் விஸ்தரிக்கப்படவேண்டும். அப்படி விஸ்தரித்தால்தான் இதனுடைய நலன்களை எல்லோரும் அடைந்ததாகக் கருத முடியும்.

“மனைக்கட்டுகளில் தங்கி இருக்கும் குடும்பங்களின் எண்ணிக்கை பெருகும்போது இட நெருக்கடி ஏற்படுகிறது உதாரணமாக, ஒரு இடத்தில் 100 குடும்பங்கள் இருந்தால், பிறகு ஜனத்தொகை அதிகரித்து, குடும்பங்கள் அதிகரிக்கும்போது, அந்த 100 குடும்பங்கள் இருந்த இடத்திலேயே அதிகப்படியான குடும்பங்களும் இருக்க வேண்டிய நிலை ஏற்படுகிறது. அந்த மாதிரி இருக்கும் போது, அவர்கள் தங்குவதற்கு வசதியில்லாமல் பல விதமான கஷ்டங்களுக்குள்ளாகிறார்கள். அந்த மாதிரியான நிலையை மாற்றியமைப்பதற்கு கிராமங்கள் தோறும், பஞ்சாயத்து ஏரியாக்களுக்கும் இந்த ஸ்லம் சட்டத்தைக் கொண்டுவந்து, அதற்காக ஒரு நிதியை ஒதுக்கி, அவர்களுக்கு வீடு கட்டிக்கொடுக்கும் திட்டத்தை கொண்டு வந்தால், இந்த வீட்டுப் பிரச்சனையும், மனைக்கட்டிலிருந்து வெளியேற்றப்படும் பிரச்சனையும் உடனடியாக தமிழ்நாட்டிலிருந்தே விரட்டிவிடலாம் என்று நினைக்கிறேன். சர்க்கார் இந்தப் பிரச்சனையை உடனடியாக மனதில் கருதவேண்டும். வீட்டல்லாமல் ஏழை மக்கள் ரோட்டுகளிலும், நடைபாதைகளிலும் படுத்துக்கொண்டு அவர்கள் குடும்ப வாழ்க்கையை நடத்திக் கொண்டு வருகிறார்கள். இது மிகவும் கேவலமாக இருப்பது மட்டுமல்ல. அந்த மாதிரி இருப்பவர்கள் ஒரு தனி கூட்டமாக ஏற்பட்டு - ஷெட்யூல் வகுப்பினர், தாழ்த்தப்பட்டவர்கள் போல மிகப் பெரிய ஒரு தனிக்கூட்டம் ஏற்பட்டுவிடும் என்று நினைக்கின்றேன். அதில் ஜாதி பாகுபாடு இல்லை. தங்குவதற்கு குடிசையில்லாத ஏழைகள் என்ற அந்த ஒரு முறையில்தான் இந்தக் கூட்டம் நாளுக்கு நாள் வளர்ந்து வருகிறது. இந்த நிலைமையை சர்க்கார் முக்கியமாக கவனத்தில் வைத்து, இந்த மசோதாவானது மற்ற இடங்களுக்கும் விஸ்தரிக்கப்பட்டு, அவர்களுடைய நிலைமையையும் மாற்றியமைக்கவேண்டும்மென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

*SRI C. KANDASAMY:—“கனம் சபாநாயகர் அவர்களே, 11-40 இந்த மசோதா சம்பந்தமாகப் பேசிய பல அங்கத்தினர்கள் இதை ஒரு a.m. பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று பேசிவிட்டார்கள். அவர்கள் சொன்ன விஷயங்களையே நான் இப்பொழுது திருப்பிப் பேச விரும்ப வில்லை. இது ஒரு முக்கியமான பிரச்சனை. சென்ற காலத்தில் அரசாங்கத்தின் நடைமுறையைக் கணக்கில் எடுத்துக்கொண்டு நான் இதைப்பற்றி விளக்கம் கூறுவதற்கு எழுந்து நிற்கின்றேன்.

“சேரி வாழ்வோரின் எண்ணிக்கை நாளுக்கு நாள் பெருகிக்கொண்டு வருகிறது. இந்த நகரத்தில் மாதிரமல்ல, இந்த ராஜ்யத்தில் இதைப் போன்ற அனேக பெரிய நகரங்களில் சேரி வாழ்வோர் பெருகிக்கொண்டிருக்கிறார்கள். இந்தப் பெரிய நகரத்தின் சேரிகளில் வசிக்கும் ஏழைகள் பரம் கஷ்டங்கள் கொஞ்ச நஞ்சமல்ல என்பதை நான் இங்கு எடுத்துக் கூறத் தேவையில்லை.

[Sri C. Kandasamy] [5th January 1954]

“அரசாங்கத்திற்குச் சொந்தமான பல நிலங்களில் ஏழைகள் வசிக்கின்றார்கள். அந்த மாதிரி இடங்களை இந்தச் சர்க்கார் எந்த அளவுக்கு அபிவிருத்தி செய்திருக்கிறார்களென்பதைப் பார்க்கும்போது, சென்ற இரண்டு வருஷங்களாக அவர்கள் எந்த நடவடிக்கையும் எடுத்ததாக எனக்குத் தெரியவில்லை. இந்த முக்கியமான பிரச்சனையில் சென்ற இரண்டு வருஷ காலத்தில் சர்க்கார் ஒரு நடவடிக்கையும் எடுக்காத ஒரு காரணத்தினால், சர்க்காருக்குச் சொந்தமான நிலங்களில் வசிக்கும் ஏழைகள் மிகவும் கஷ்டப்பட்டுக்கொண்டு வருகிறார்கள். சட்டத்தைப் பூராவும் படித்துப்பார்க்கும்போது, சட்டத்தில் அவர்கள் கோரக்கூடிய அதிகாரம் உடனடியாக சேரிகளை அபிவிருத்தி செய்வதற்கு எந்த விதமான ஒரு அதிகாரமும் சட்டத்தில் இல்லை. சேரிகளை அபிவிருத்தி செய்வதற்குப் பதிலாக, அதற்கு நேர்மாறான முறையில் இந்த மசோதாவில் அதிகாரம் கோரப்படுகிறது. இந்த மசோதாவில் ஒவ்வொரு பகுதியிலும், சேரியைக் காலி செய்யவும், அபிவிருத்தி செய்யவும் அதிகாரம் கோரப்படுகிறது. இந்த அதிகாரம் இரண்டு பக்கத்திலும் உபயோகப்படலாம் என்பது இயற்கையே. சென்ற கால நடைமுறையைப் பார்க்கும்போது இது எந்த முறையில் ஏழை மக்களுக்கு அனுகூலமாக இருக்கும் என்பதை தெரிந்துக்கொள்ள முடிய வில்லை. ஆகவே, *Provision for improvement* என்ற பகுதிகளைப்பற்றி யெல்லாம் அரசாங்கத்தின் அபிப்பிராயம் என்ன என்பதைத் திட்ட வட்டமாக கனம் மந்திரி அவர்கள் தெரிவிக்கவேண்டும். இந்தச் சட்டமானது பெரும்பாலும் சேரி அபிவிருத்திக்காகவே உபயோகப் படுத்தப்படும் என்று சொல்லக்கூடிய அளவுக்கு சர்க்கார் உறுதியளிக்கவேண்டும். கனம் மந்திரி அவர்கள் இதற்கு விளக்கம் கூற வேண்டுமாய்க் கேட்கக்கொள்ளுகிறேன். இம்மாதிரி பல பிரச்சனைகள் இந்த மசோதாவில் இருப்பதால், இதைக் கூடுமானவரை பரிசீலனை செய்வது அவசியம். ஆகவேதான் இந்த மசோதாவைப் பொறுக்குக் கமிட்டிக்கு விட்டு, அந்தக் கமிட்டி இதை உடனடியாகப் பரிசீலனை செய்து, வெகுவினவில் சட்டசபைமுன் இது வரும்படியான ஏற்பாட்டை சர்க்கார் செய்யவேண்டும். திருத்தத்தை நான் ஆதரிக்கின்றேன்.”

* SRI A. RAMASAMY TEVAR:—“Mr. Speaker, Sir, I want to say a few words on the Bill brought by the Hon. Chief Minister. It is a very good measure. But from my own experience I say in practical application there will be much difficulty. Just like so many hon. Members, I too want that this legislation should be extended to the rural parts. I have got some experience of the Tiruchirappalli Municipal Council. It is very difficult to spend money for the improvement of slums. I know Hon. Ministers visit municipalities, but go away even without looking at the slum areas. Now that Government have chosen a young Minister for Local Administration, if ever he visits Tiruchirappalli, I request that he should necessarily visit some of the slum areas and try to understand the difficulties there. Some hon. Member said that the Madras Corporation charges rent at Rs. 2 per hutment while in other municipalities, no rent is charged but free land and free huts are provided. It is very difficult to improve the slum areas unless Government spend some money.

“Of course, this is a good measure and a welcome measure. The Hon. Chief Minister has come forward to improve the slums in the Madras Corporation area. I would request him to kindly visit slum areas within municipal limits also whenever he goes to maffassal areas and extend this Act to municipalities also. Thereby we could do something for the betterment of Harijans and backward classes living in slum areas.”

5th January 1954]

SRI S. VADIVELU:—“மதிப்புக்குரிய சபாநாயகர் அவர்களே, இப்பொழுது கொண்டுவந்திருக்கும் பிரச்சனை மிகமிக முக்கியமானது. குறிப்பாக இந்நாடு சுதந்திரம் அடைந்து ஆறு ஆண்டுகள் ஆகியும் ஆதி திராவிட மக்கள் ஒருவித உரிமையும் இல்லாமல் இருப்பதை மிக மிக வருத்தத் துடன் சொல்லவேண்டியதாயிருக்கிறது. இருந்தாலும் கனம் சுகாதார மந்திரி அவர்கள் இந்தச் சென்னை சேரி அபிவிருத்தி மசோதாவைக் கொண்டு வருவதற்காக சந்தோஷப்படுகிறேன். ஆதிதிராவிட மக்களின் நலம் கருதி தீர ஆலோசித்துக் கொண்டுவர வேண்டுமேயல்லாது அள்ளித் தெளித்த அவசரக் கோலமாக இருக்கக்கூடாது. நண்பர் ராமலிங்கம் அவர்கள் இந்த மசோதாவை பரிசீலனைக்குப் பொறுக்கு கமிட்டிக்கு விட வேண்டும் என்பதை நான் ஆதரிக்கிறேன். இன்று பாடுபடக்கூடிய பழங் குடி மக்களின் அவலநிலையைப் போக்குவதற்கு இம்மசோதா பேருதவி யாயிருக்குமென்று நினைக்கிறேன். இப்பொழுதிருக்கும் நெருக்கடியைப் போக்கவேண்டுமென்றால், இம்மசோதாவை மற்றெல்லா நகரங்களுக்கும் விஸ்தரிக்கப்பட வேண்டும்.

“தஞ்சை ஜில்லாவை எடுத்துக்கொண்டால் ஆதிதிராவிடப் பழங்குடிமக்கள் அதிகப்படியாக இருக்கிறார்கள். கடந்த 1952-ம் ஆண்டு பட்ஜட் விவாதத்தின் போது நான் “அங்கு இருக்கும் நிலப்பிரபுக்களும், ஜமீன்தாரர்களும், மிராஸ் தாரர்களும் அங்கு குடியிருந்த ஆதிதிராவிட பாட்டாளி மக்களை விரட்டி அவர்கள் வீடுகளைக் கொளுத்தி இருக்கிறார்கள்” என்று சொல்லி இருக்கிறேன் இன்றைக்கும் அவர்களை வெளியேற்றிக்கொண்டிருக்கிறார்கள் என்பது கனம் முதல் மந்திரி அவர்களுக்கும் தெரிந்த விஷயம். இன்றைக்கு இந்தச் சட்டம் சென்னை நகருக்கு மட்டுமின்றி மற்றெல்லா இடங்களுக்கும் கொண்டுவந்தால் வீடின்றி வாடும் ஆதிதிராவிட மக்கள் பயன் அடை வார்கள் என்பதைச் சபையின் கவனத்திற்குக் கொண்டுவருகின்றேன். இந்த நாட்டிலே உழைக்கக்கூடிய மக்களுக்கு அவர்கள் குந்தி இருக்கக்கூட குடிசையில்லாமல் கிராமத்திரங்களிலே தவிக்கிறார்கள். இது கிராமங் களுக்கு முக்கியமாகத் தேவைப்படுகிறது. ஆதலால் நண்பர் ராமலிங்கம் கொண்டுவந்திருக்கும் இந்தத் ஆலோசனையை எந்த விதமான எதிர்ப்பும் இல்லாமல் ஆதரிக்குமாறு எல்லா அங்கத்தினர்களையும் கேட்கக்கொள்ளுகிறேன்.”

* SRI M. JAGANNATHAN:—“Mr. Speaker, Sir, while supporting this Bill, I would like to make some observations. This Bill seeks to provide for the acquisition of lands in slum areas in the City of Madras. By introducing this Bill, Rajaji has shown his courage of conviction, as the benefit of this Bill goes to the vast mass of Harijans who are slum-dwellers in the City of Madras. Rajaji is worth his weight in gold for all his generosity, sympathy and goodness towards Harijans. This legislation is a clear indication of all his best intentions for the uplift of the Harijans in the City. By this legislation, the living condition of the Harijans in Madras will be improved. Most of these people are living under very insanitary conditions which are heart-rending to see. Their huts are mere mud and slush during rainy seasons; their huts are half in ruins and they lead a sort of sub-human life. This Bill will, therefore, be a panacea to them.

“Sir, I do not want to dilate upon the merits or demerits of this Bill, excepting to make a few remarks regarding clause 4. This clause provides for the transfer of land in a slum area by Government. As hon. Mr. Ratnam remarked, if the land is handed over to the Corporation or the City Improvement Trust or the Board of Trustees, the improvement will not be satisfactory. For

[Sri M. Jagannathan] [5th January 1954]

these agencies are not interested in the uplift of the Harijans as such. Therefore, it is the duty of the Government to see that they themselves take over the lands and deal with matters of improvement, etc., directly.

"Again, with regard to payment of compensation, it is provided that 20 times the net average annual income be paid. This is rather harsh to the slum-dwellers. Therefore, I suggest that Government may reduce this amount and make it ten times instead of 20 times. I also request that Government should not only reduce the amount, but also bear at least half the cost of acquisition of such lands. Therefore I support this Bill, whole-heartedly with these few words."

11-25
a.m.

SRI S. RAMALINGAM :—"கனம் சபாநாயகர் அவர்களே, இதன் பேரில் இருக்கக்கூடிய திருத்தப் பிரேரேபணையை ஆதரித்துப் பேசுவதற்கு முன்னதாக கனம் (Public Health) சுகாதார மந்திரி கொண்டு வந்திருக்கும் இந்த மசோதாவை வரவேற்கிறேன். ஏனென்றால் சென்னையில் இருக்கக்கூடிய சேரிகளை அபிவிருத்தி செய்வதற்காக நடவடிக்கை எடுக்கவேண்டுமென்று கொண்டுவந்திருக்கிறார்கள். இதே சமயத்தில் சென்னைப்போன்ற நகரங்களுக்கு மட்டுமல்லாமல் மற்ற முனிசிபல் நகரங்களிலும் இந்த நிலைமையே நிலவி வருகிறது. ஆகையால் இந்த மாதிரி அபிவிருத்தி செய்வது சென்னை நகரத்திற்கு மட்டுமல்லாமல் மற்றெல்லா முனிசிபல் நகரங்களுக்கும் விஸ்தரிக்கவேண்டும்.

"இதில் காணப்படும் முக்கியமான அம்சங்களிலே ஒன்று சர்க்கார் இந்த சேரிகளை எடுத்துக்கொண்டால் சேரிவாசிகள் நஷ்ட ஈடு கொடுக்க வேண்டுமென்று காணப்படுவது. சர்க்கார் எடுத்துக்கொண்டால், சர்க்காரே நஷ்டஈட்டை ஏற்றுக்கொள்ளவேண்டும். இல்லையேல் கார்ப்பொரேஷன் எடுத்துக்கொண்டால் அவர்களே அந்த நஷ்ட ஈட்டை கொடுக்கவேண்டும். சேரியில் வாழும் மக்கள் மிகவும் கஷ்ட நிலையில் இருப்பதனால் அவர்கள் இந்த நஷ்ட ஈட்டைக் கொடுக்க வேண்டுமென்பது பொருந்தாது. மேலும் சேரி வாசிகள் எவ்வளவு கொடுக்க வேண்டுமென்பதுபற்றி சர்க்கார் என்ன நினைக்கிறார்களோ அது நிர்ணயிக்கப்படவில்லை. அதைப்பற்றி ஒன்றும் சரியாகத் தெரியவில்லை. இந்த நஷ்ட ஈடு எவ்வளவு என்பதில் இந்தச் சேரியின் சொந்தக்காரர்களுக்குள் அபிப்பிராய வேதம் ஏற்படுகிறது. ஒரு வருஷத்தில் கிடைக்கக்கூடிய மொத்த வருமானத்தைப்போல் 20 மடங்கு கொடுக்கவேண்டுமென்று இருக்கிறது. அந்த 20 மடங்கு என்று சொல்லுவது மிகவும் அதிகம்தான் என்று நினைக்கிறேன். சேரிகளைப் பார்த்தால் சில இடங்களில் 10, 12 குடிசைகள் இருக்கின்றன. ஒவ்வொரு குடிசைக்கும் இரண்டு மூன்று ரூபாய் வாடகை வசூல் பண்ணுகிறார்கள். இந்தத் தொகை இந்த மசோதாமூலம் கொடுக்க வேண்டி வருகிறது. அவர்கள் மிகவும் ஏழைகளாக இருப்பதால் இந்த அதிகமான தொகை குறைக்கப்படவேண்டும். சாதாரணமாக இவ்வளவு அதிகமான தொகை இந்த மசோதாவின் பிரகாரம் பார்த்தால் சேரியில் வாழும் ஏழை மக்கள் கொடுக்கும்படியான நிர்ப்பந்தம் ஏற்படுகிறது.

"இதைப்பற்றி ஆராய்வதை பொறுக்குக் கமிட்டிக்கு விட்டால் அது நன்றாகப் பரிசீலனை செய்து ஒரு முடிவு ஏற்படுமென்று நினைக்கிறேன்.

"The gross rent shall be determined by the prescribed authority by local enquiry, and if necessary, by obtaining certified copies of extracts from the property-tax assessment books of the Corporation showing the rental values of any such lands, huts or buildings.

"கார்ப்பொரேஷன் தஸ்தாவேஜியிலுள்ள வாடகை மதிப்பு அவர்களின் மொத்த வருமானத்தின்மேல் விதிக்கப்படும் வரி முதலியவைகள்

[Sri S. Ramalingam] 5th January 1954]

மூலமாக அவர்கள் கொடுக்கவேண்டிய வாடகை, இதற்காக நியமிக்கப்பட்டிருக்கும் அதிகாரிகளால், நிர்ணயிக்கப்படுகிறது என்று நினைக்கிறேன். இது அவசியம் இல்லை என்று தோன்றுகிறது.

"பல அங்கத்தினர்கள் இங்கு சொன்ன மாதிரி சேரிகள் அபிவிருத்திக்காகவும், அங்கே தொத்து நோய் பரவாமலிருக்க வேண்டிய சுகாதார வசதிகளை செய்யவேண்டும். இதற்காக அவசியம் செலவிட வேண்டியிருக்கிறது.

"அபிவிருத்திச் செய்யவேண்டிய இடங்களை அங்கு குடியிருப்போர் காலி செய்தால் அவர்கள் தற்காலிகமாக குடியிருப்பதற்கு என்ன வசதி அளிக்கப்பட்டிருக்கிறது என்பதை தெளிவு படுத்தவில்லை. அவர்கள் குடியிருக்கும் இடங்களிலிருந்து நெருக்கடியான இந்தக் காலத்தில் அவர்களை திடீரென்று காலி செய்துவிட்டால் அவர்கள் என்ன செய்வார்கள். அதனால் அவர்கள் மிகவும் கஷ்டப்படும்படியாக இருக்கும். ஆதலால் சேரிகள் அபிவிருத்தி வேலை ஆரம்பிக்குமுன் அவர்கள் குடியிருக்க வசதியுள்ள இடங்களை ஏற்படுத்திவிட்டு பிறகு அபிவிருத்தி வேலைகளை ஆரம்பிக்க வேண்டும். இதுபற்றி எதும் இந்த மசோதாவில் காணப்படவில்லை.

"இதில் முக்கியமான இரண்டு ஆட்சேபணைகள் இருக்கின்றன. முதலாவதாக சேரியில் குடியிருப்போர் வாழும் இடத்திற்கு நஷ்ட ஈடுத் தொகை மிகவும் அதிகமாகக்கொடுக்கப்படுகிறது. ஆகையால் அது குறைக்கப்படவேண்டும். அதற்காக ஒரு குறிப்பிட்டத் தொகையை நிர்ணயிக்கவேண்டும்.

"இரண்டாவதாக இந்த மசோதா சென்னைக்கு மட்டு மல்லாமல் மற்றெல்லா முனிசிபல் நகரங்களுக்கும் இதை விஸ்தரிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இதை நன்கு பரிசீலனை செய்வதற்காக பொருக்குக் கமிட்டிக்கு விடவேண்டும். இதற்கு சர்க்கார் வேண்டிய ஏற்பாடுகள் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

* **SRI N. GOPALA MENON :—**"Mr. Speaker, Sir, I think this is one of the best measures that has been introduced in this session. If a prize were to be awarded for the best measure introduced in this session, I think the Hon. Minister for Public Health will walk away with that prize. Slum clearance has been engaging the attention of the Government and the Corporation of Madras for a very long time, and it has baffled all attempts at a satisfactory solution. There are in the City of Madras a large number of Government slums, Corporation slums and private slums. Government slums are almost equal in number to the slums that are owned by private parties and also the Corporation. For a very long time, the Government have not taken any step for clearance of their own slums. When they introduce a Bill like this, they should see that their own slums are put in order. Every time the Corporation or other public bodies came forward saying that the slums ought to be cleared, the question of finance always stood in the way. I know that for the last twenty or thirty years every Mayor and every Corporation Councillor has been saying that their paramount duty is the clearance of slums. They were not able to make much headway because of financial difficulties and possibly also because of the absence of a measure like this enabling the Government to acquire lands belonging to private parties. Whenever the Government initiate proceedings under the Land Acquisition Act, they are practically stirring up the hornets' nest.

12
noon.

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We find a large number of persons immediately claiming a right to the huts and superstructures and for benefits under the City Tenants Protection Act and so on and so forth. So it takes a very long time for acquiring the lands and clearing the slums. Therefore the Corporation and the Government have been very hesitant in launching proceedings under the Land Acquisition Act. This measure will certainly expedite the acquisition of land, and I hope the Government will take early steps for the acquisition of slum areas.

"There is a provision in the Bill which, I think, may not get public support or at any rate the support of the owners of slums, and that is the provision for the determination of compensation in respect of these slums. The Bill provides that the compensation shall be twenty times the net average annual income during the five years immediately preceding the acquisition. In most of the slums, the owners may get practically no income at all. It is all a vast tract of land where there are numerous huts, the land being uneven, and slushy during the rainy season. The slum owners may agitate for market value as compensation. When their income from the slums is nothing, they may say that twenty times nothing is nothing and that they may not get any compensation at all. It is not fair to acquire lands without paying any compensation. It is better that the Government reconsider that provision and provide for the payment of market value as compensation.

"I find in this Bill a clause barring the jurisdiction of civil courts in respect of matters coming under the purview of this Act. Unfortunately in Bill after Bill we find that the jurisdiction of civil courts is taken away. When the jurisdiction of civil courts is barred, the public feel that there is something wrong, something which is not proper or fair and which therefore cannot be placed before a court. That feeling must be dispelled, and we cannot dispel it as long as we introduce a clause like this in the Bills. If a person feels really aggrieved, it is for the judiciary to go into his grievance, see whether the Government have applied the provisions of the law properly and then decide. Why should we fight shy of placing the matter before a court for proper adjudication? I feel that a measure like this should not contain a provision barring the jurisdiction of civil courts.

"Several speakers who preceded me have said that the condition of slums in the City of Madras and in other cities is extremely bad. People who have been doing social work either in Madras or elsewhere will agree with me that these miserable and unfortunate people are living in places which are not fit for even cattle to live in. When the rains come, the whole place is flooded, and the belongings of the slum-dwellers have to be removed as otherwise they are washed away. Slum dwellers do not have even ordinary public conveniences and bathing places. They are suffering for want of even the ordinary amenities of life. The Government

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should implement this Act quickly, acquire the slums and provide them amenities so as to enable the slum-dwellers to live in better and healthier surroundings."

* THE HON. SRI C. RAJAGOPALACHARI :—"Mr. Speaker, Sir, I am grateful for the very warm reception that has been given to the Bill. I am grateful in spite of the doubts expressed and the questions raised along with the appreciation, because the totality of appreciation is very important in a measure of this kind.

"Coming to the proposal for reference to a Select Committee, I am earnestly pleading that it should not be pressed. I am extremely anxious that this Bill should not be delayed. Though it may be thought that we can get the report of the Select Committee very quickly and dispose of the whole matter, it will not always work. The question is full of very delicate difficulties. I think this is the first time that a measure of this kind providing for acquisition of very valuable property has been attempted, and all sorts of difficulties can be raised. Without going into details, I would appeal to hon. Members, who are all at one with us in getting this measure through, not to press for a Select Committee. We shall go into the reasons for some Members pressing for a Select Committee. The first point mentioned was that this should not share the fate of many other well-meaning legislative measures which were not really put into practice on account of the difficulties that had to be overcome. I am humble enough to accept what Mr. Ratnam has urged that we do many things hoping to achieve something, but we fail on account of practical difficulties in achieving as much as we expected. While I admit that, I do not think that that should be a reason for our not attempting to do things. All social reform measures are difficult and are not as easy as they look on paper. A thing may look very simple, but there may be difficulties in actually working it. We have to tolerate one another and work for overcoming the difficulties.

"Most of Sri Ratnam's observations are based on the notion that all these slum-dwellers or squatters are Harijans. It is not so. Quite a number of non-Harijans are also there. It is not as if Harijans have migrated from the mufassal. Their residences in the villages are much better than the huts they have got in the City. It is poverty, business in the City and occupational necessity that produce these slums. It is poverty and pressure of work that brings people here. All communities who are prepared to do manual work are involved in this, and we need not give it the colour of any sub-communal character. The problem is quite different from a communal question.

"With regard to the actual difficulties that have been pointed out and the doubts that have been raised, I would like to mention this. Reference was made to, what are called, Government slums. The difference between the Government slum and the private owner's slum is this. In the latter case, the slum dwellers pay to

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the owner something, whether it is small or big, regular or irregular. But in the case of the Government land, they occupy it without any permission, simply as invaders. To that extent, they have so to say held the land like conquerers and not like tenants. Therefore, the Government have naturally not been in a position to regularize such a matter because we do not take any rent and we do not claim to take any rent; we do not even expressly permit it. That is my answer to what has been urged, namely, that the Government are even more remiss in this matter than private people. I do not at all support the attitude and I have always stood against that attitude, namely, that we can clear these people out. The entire phraseology adopted in this connection is, in my opinion, wrong. The phraseology of slum clearance is wrong. Of course, we have to clear these people out in some places. But their improvement and the question of providing housing accommodation for these manual labourers who are in the City for a very essential purpose of society should be prominent before us rather than anything else. That is why this Bill has been introduced. At the same time, some hon. Members have spoken as if every squatter should be given the right to squat. That would be a dangerous thing to do. It should not be accepted as a universal proposition that anybody may go and squat anywhere, that he has only to wait for a little time and that then we must give him the right to continue there. That would not be right. We would be undermining the very foundation of order and social peace if we do such a thing. Therefore, we should steer in between and see what is right and just to do. Every squatter should not be entitled to remain where he is. There are instances where really the so-called slum should be cleared. But, as a matter of fact, in most cases, the men and women who live in such slums in the City of Madras do so in order to do very essential work. They have chosen those places in spite of the inconveniences involved because they have to work in the neighbourhood and they have to live near the place of their occupation. Therefore, we must protect their right of residence in the City and we must, as far as possible, recognize the desirability to let these men live in that locality. Then, we must improve their living conditions. For that purpose, nothing can be done unless we acquire the land from those who own the private property. If we acquire these sites, then the whole picture will be clear to us and we can improve the general position. It is with this object that this Bill has been introduced. I do not mitigate the charges that have been levelled against whosoever it may be, who are responsible for and who have permitted this kind of thing. I am only explaining how it has arisen. Our policy clearly is (1) a bias in favour of improvement rather than clearance, and (2) a bias in favour of providing a place to live in to the persons who are working in the City and who are not merely speculators but who have come in and who are really engaged in some occupation in the City. Taking all these into account, I submit that the proposals that have been made in the Bill are good enough and elastic enough for the purposes of effective execution.

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" It has been stated, first of all, that an amendment is necessary to extend the provisions of the Bill to the other municipalities also. That is No. 1. Personally, I have no objection to do it. It can be done by the insertion of a suitable clause. But I would rather that hon. Members do not launch out to do something that will delay matters. We would rather pass this Bill and we can bring in an amendment at the next session for the purpose of having an enabling clause to extend it to the other municipalities. We have gone through a certain procedure in order to make this Bill regular and proper. I would not now like to open that subject by adding substantially to the jurisdiction of the Bill. I would, therefore, request hon. Members to be content with the Bill as it is and to wait for an amending Bill for extending it to other municipalities from time to time. I promise to do that if I have any connection with Government then. I promise to do that in the next session. I would rather like the present Bill to get through in the form in which it stands.

" Then, the question of compensation comes up. I may not be able to take hon. Members into all the ramifications of this delicate question. There is an article in the Constitution which binds us and we have to give reasonable compensation. We cannot be unreasonable in any case. Therefore, we have evolved a formula. Now, I want hon. Members to examine that formula closely along with the Schedule that is attached to the Bill. The formula is that we take the average of the previous five years' actual returns, not paper returns, to the owner of the property and the compensation is calculated on that basis. It is likely that fictitious accounts come into existence after this discussion. So, not only the present returns but the previous five years' returns will have to be taken into account. We will make the best of the situation and where there are no documents, the Government will always make presumptions as to the returns to the owner from whom they have to acquire the land. There is no difficulty about that. Therefore, the formula that has been put down here is sufficiently reasonable so far as the law is concerned, so far as the article in the Constitution is concerned and so far as the finances of the Government and the Corporation are concerned.

" Then, with regard to the formula, I give this assurance that there is nothing to be afraid of and that the principle of fixing the compensation at twenty times the net average annual income actually derived from the land during the previous five years is a fairly just and reasonable one. But if, in the course of the discussion, it appears necessary to reduce it to any lower figure, the Government would have no objection whatsoever to it. If it comes to that, we would agree to a compromise. For this purpose, we need not set up a Select Committee.

" Regarding the other matter, I understand that the hon. the Leader of the Opposition has just given notice of an amendment that there should be a limit placed on the amount or proportion of

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the cost of acquisition that has to be recovered from the allottee of the land. Now, I submit, with all the earnestness that I can command, that it is not necessary or even desirable to have this limitation because once we put a limitation, it becomes the minimum and that is the tendency always. Hon. Members will remember that there are two sub-clauses in clause 4 of the Bill, which deal with the transfer of land in a slum area by the Government. Sub-clause (2) provides for the cost of acquisition being transferred as a liability to the Corporation and there too, the State fixes the proportion, taking into account the finances of the body concerned and the merits of the particular land and the situation created by the acquisition. Sub-clause (3) deals with the allotment of the land by the Government, when they themselves take over the area by means of acquisition, and how the burden should be distributed. We have in both the cases provided a very flexible rule. Where the land is transferred to the Corporation or the Board of Trustees, it shall be liable to pay such portion of the cost of acquisition as the State Government may fix in each case. In the case of the private allottee, the squatter, so to say, will bear the burden which, in the particular case, may be found suitable for the situation. Now, the Government have already provided in the Bill that it shall only be a proportion that is transferred and not the whole. The Government have taken power to fix the proportion thereof. Now, there are squatters of all kinds. We do not know who may be, in any particular case, the person involved as the allottee. It is better that we provide a very wide and flexible rule rather than fix a percentage like 50 per cent as the hon. the Leader of the Opposition Sri Ramamurthi proposed just now. I am afraid that will not really benefit the allottee. It will work the other way about and it is not good or desirable to fix, even by way of caution, an excess or top limit, because the maximum has a tendency to become the average. I would rather that the flexible rule remains as it stands and I would beg of the hon. the Leader of the Opposition not to press his amendment of which he has just now given notice. Therefore, I earnestly beg that no delay need be caused by referring the Bill to a Select Committee. These are too very small matters. On the question of extension of the Bill to the other municipalities, I am appealing to hon. Members not to press for it now but to wait for the next session and it may be provided then by a comprehensive clause in the form of an amendment that the Government may extend it to various municipalities from time to time. This assurance of mine should be deemed enough instead of getting a clause inserted and still depending on the Government for extending the Bill to the other municipalities later on. There will be no great difference within the short period that has to elapse for the next sitting of the Assembly. If this Bill is passed now, we will make a concrete first step in the direction of the progress of slum work.

12-20 P.M. "It is necessary to get this law passed and it is necessary to get it as early as possible. The danger lies in the manufacture of all

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sorts of accounts. If we now discuss it in the House and put it off for execution at a later date, what will happen is, incomes will be shown and accounts will be produced. We will have to go into all sorts of these difficulties. I submit that we should not do that, but get through this Bill now. If we succeed in getting a workable scheme for the City of Madras based upon this legislation which is now before the House, I am sure it will be the first step towards improvement of slums throughout the State of Madras. With this assurance of mine, I hope all the amendments suggesting the consideration of this Bill by a Select Committee and other amendments will not be pressed by the hon. Members who have moved them or who might have given notice of them, and that all of them will be withdrawn."

SRI S. RAMALINGAM :—"கனம் ஸ்பாநாயகர் அவர்களே, கனம் பிரதம மந்திரி அவர்கள் இந்த மசோதாவை, இதர முனிசிபாலிட்டிகளுக்கும் அடுத்த செஷனில் கண்டிப்பாக விஸ்தரிக்க நடவடிக்கை எடுத்துக்கொள்வான் என்று உறுதியாக சொன்னதின்பேரிலும், நஷ்ட ஈடு கொடுக்கும் தொகை அதாவது காம்பன்சேஷன் தொகையை ஓரளவு குறைக்க யோசனை செய்யலாம் என்று சொன்னதின்பேரிலும் என்னுடைய திருத்தத்தை வாபஸ் வாங்கிக் கொள்ளுகிறேன்."

MR. SPEAKER :—" I hope the House gives the hon. Member Sri S. Ramalingam permission to withdraw his amendment."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—" I am now going to put the original motion to the vote of the House. The question is—

'That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be taken into consideration at once.'

The motion was put and carried.

Clause 3.

MR. SPEAKER :—" I am now going to take the Bill clause by clause. The Preamble and clauses 1 and 2 will be taken up at the end. Now, the motion before the House is—

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

"Hon. Member Sri T. K. Rama may move his amendment to this clause."

SRI T. K. RAMA :—" Mr. Speaker, I move . . ."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, before the hon. Member proceeds further and speaks on the amendment, may I suggest to him one thing? His amendment would exceedingly complicate the whole thing far too much. 'Undeveloped area' will be practically any area. The whole scheme under this Bill, I may tell the hon. Member, is worked around the slum area and slum improvement. That being so, it would not be right for us to have a general acquisition procedure, so to say at present which will rather complicate matters far too much. Moreover,

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the considerations that would be brought to bear upon compensation for slum area would be totally different from considerations that would be brought to bear upon undeveloped areas. Therefore, I would ask the hon. Member not to propose his amendment."

* Sri T. K. RAMA :—" Sir, I move the following amendment standing in my name :—

' At the end of sub-clause (1) add the words " or an undeveloped area " . '

12-22 p.m. கனம் சபாநாயகர் அவர்களே, " ஸ்லம் ஏரியா " என்ற பதங்களுக்கு அடுத்தாப்போல் " அன்டெவலப்ட் ஏரியா " என்ற வார்த்தைகளைச் சேர்க்க வேண்டும். இவ்வார்த்தை கால கிராமத்தில் ஒரு வியாக்யானத்தை கொடுக்கும். இதுவே சரியான வார்த்தை என்று நினைக்கிறேன். பொருத்தமாகவும் இருக்கும். ஸ்லம் ஏரியா என்று சொல்லும் பிரதேசங்களிலும் சில வீடுகள் இருக்கும் அற்றகுப் பக்கத்தில் பல நூறு குடிசைகளும் இருக்கும். தனிப்பட்டவர்களுக்கு சொந்தமான பல இடங்களில் நல்ல வீடுகள் கட்டப்பட்டிருந்தாலும் அங்கு ரோடு, குடிதண்ணீர், விளக்கு, சாக்கடை முதலிய வசதிகள் கிடையாத பல பிரதேசங்கள் ஒவ்வொரு நகரங்களிலும் இருக்கின்றன. இட சொந்தக்காரர்கள் இவ்வசதிகள் தங்கள் சிலவில் செய்து கொடுக்க வேண்டுமென்று முனிசிபல் கவுன்சில்கள் சட்ட பூர்வமான நடவடிக்கைகள் பல காரணங்களால் எடுக்க முடியவில்லை. உதாரணமாக மதுரையிலுள்ள ஒரு பிரதேசத்தைப்பற்றி கூறுகிறேன்.

" மதுரையில் தைக்கால் என்று ஒரு இடம் இருக்கிறது. இந்த ஸ்தலம் முஸ்லீம்களின் பொது சொத்தாகும். அங்கு 48-ம்வருடம் என்று நினைக்கின்றேன், சுமார் 400 குடிசைகள் இருந்தன. ஒரு குடிசைக்கும், மற்றொரு குடிசைக்கு மிடையே இரண்டு அல்லது இரண்டரை அடி இடை வெளிதான் இருக்கும். தற்செயலாக இக்குடிசைகள் தீப்பற்றி எரிந்து போகவே, நகர சபையார் அந்த இடத்தை ஸ்லம் ஏரியா என்று டிக்லேர் செய்திருந்தால் அந்த எரிந்த குடிசைகளை போலீஸ் பந்தோபஸ்துடன் தரை மட்டமாக்கப்பட்டது. அங்கு இன்று 400 குடிசைகளுக்கு பதிலாக 60 வீடுகளை இருக்கின்றன. இந்த 60 வீட்டுக்காரர்களும் இந்த 400 குடிசைகாரர்கள் கொடுத்து வந்த மனை வாடகையை பங்கிட்டுக் கொண்டு கொடுக்கிறார்கள். அதனால் ஒவ்வொரு வீட்டுக்காரருக்கும் வாடகை மிக அதிகமாயிற்று. வாடகை அதிகமாக கொடுக்கிறோம் என்பதால், அவர்கள் நல்ல வீடுகள் அமைத்துக் கொள்ள வேண்டுமென்று ஆசைப்பட்டார்கள். ஆகவே அந்த வீட்டுக்காரர்கள் தங்களுடைய மூலதனத்தில் ரூபாய் 4 ஆயிரம் முதல் ரூபாய் 10 ஆயிரம் வரை செலவு செய்து வீடுகள் கட்டிக் கொண்டனர். ஆனால் இன்றுவரை அந்த பிரதேசத்தில் ரஸ்தா வசதி இல்லை. குடிதண்ணீர் கிடையாது, சாக்கடை கிடையாது, மற்ற நகரத்தின் வேறு பாகத்தில் கிடைக்கும் எந்த வசதியும் கிடையாது, கக்கூஸ் வசதி கூட கிடையாது. இந்த பிரதேசத்தை ஆர்ஜிதம் செய்து ரோடு, சாக்கடை வசதி செய்து கொடுக்க நகர சபையார் நடவடிக்கை எடுக்க முன் வர முடியவில்லை. குடிசைகள் அப்புறப்படுத்த வேண்டுமென்று நடவடிக்கைகள் எடுக்கும்பொழுது குடிசை போட்டுக் கொண்டிருந்த இடத்தை காலி செய்து விட்டு, அந்த குடிசையிலுள்ள கல்லையும் மண்ணையும் மூங்கிலையும் ஒலையையும் கொண்டு வேறு இடங்களில் குடிசைகள் கட்டிக் கொள்வார்கள். ஆனால் மேலே விவரித்த மாதிரியான வீடுகள் கட்டிக் கொண்டிருப்பவர்களை காலி செய்து விட்டுப் போகச் சொன்னால் என்ன செய்வார்கள். தங்களுக்கு நிலம் ஆர்ஜிதத்தின்மூலம் பின்னால் கிடைக்கும் என்று நம்பி, கடன் வாங்கி பணம் செலவு செய்து வீடு கட்டிக் கொண்டுள்ளவர்களின் கதி என்னாவது? நிலத்தின் சொந்தக்காரர்கள் போ என்று சொன்னால் அவர்கள் எங்கு, எப்படிப் போகமுடியும்? கட்டியுள்ள வீடுகளை இடித்துக்கொண்டு வேறு எங்கேயாவது கட்டிக்கொள்ளத்தான்

5th January 1954] [Sri T. K. Rama]

முடியுமா? இம்மாதிரியான வீடுகள் மதுரையில் இரண்டாயிரத்துக்குமேல் இருக்கின்றன. அவைகளின் மொத்த மதிப்பு சுமார் 4 அல்லது 5 லட்சமாகும். இவர்கள் நல்ல முறையிலே கஷ்டப்பட்டுள்ளனர் ஆகையால் இவர்களுக்கும் முக்கியமாக பாதுகாப்பு அளிக்கப்படவேண்டும். அவர்கள் கட்டிக்கொண்டிருக்கும் வீடுகள் உள்ள நிலங்களை அவர்களுக்கே ஆர்ஜிதத்தின் மூலம் சொந்தமாக்கப்படவேண்டும். இந்த ' ஸ்லம் இம்புரூமென்ட் பில்லில் ' அபிவிருத்தியடையாத பிரதேசங்களும் சேர்த்துக்கொள்ள முடியாது என்று சொல்வது ஏனென்று எனக்கு விளங்கவில்லை. அபிவிருத்தியடையாத பிரதேசங்களையும் இந்த பில்லில் சேர்த்துக்கொண்டால்தான் பல இடங்களில் நல்ல வீடுகள் நல்ல முறையில் ஏற்பட சௌகரியங்கள் ஏற்படும். இதை அவசியம் செய்ய வேண்டும். ' அன்டெவலப்ட் ஏரியா ' என்பது அன்பில் (unbuilt) ஏரியா என்று நினைப்பது சரியல்ல. முதல் சப்-செக்ஷன் ஜனங்களுக்கு குடிதண்ணீர் சுகாதார வசதிகளைப்பற்றி சொல்லுகிறது. இந்த நிலையே சீர்திருத்தம் செய்யப்படாதபிரதேசங்களிலும் இருந்துவருகிறது. ஆகையால், ' அன்டெவலப்ட் ஏரியா ' என்று சேர்த்துக்கொள்ளுவதினால் இந்த பிரிவின் கருத்திற்குள் இப்பிரதேசத்தையும்கொண்டு வரமுடியுமென்று நினைக்கிறேன். சர்க்கார் ஏற்று ஆவன செய்யுமென்று நம்புகிறேன் பிரதம மந்திரி அவர்கள் மனது வைத்து இந்த திருத்தத்தை ஏற்றுக் கொண்டால் மிகவும் அனுசூலமாக இருக்குமென்று நம்புகிறேன்."

Sri AYYANAR :—" நான் ஸ்ரீ டி. கே. ராமா அவர்கள் சொன்னதை ஆதரிக்கிறேன்."

MR. SPEAKER :—" Motion moved—

' At the end of sub-clause (1), add the words " or an undeveloped area " . '

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I want the hon. Member, Sri Rama, to remember these things in connection with the amendment that he had proposed. He should remember that it will be extended to other municipalities later on by an amending Bill. The Bill before the House does not apply to the conditions he refers to. Secondly, it is not anywhere in this Bill or elsewhere defined that a slum should be a slum having thatched huts or anything of that kind. Clause 2 (e) defines ' slum area ' as an area so declared under clause 3 (1). Clause 3 (1) says—

' Where the State Government are satisfied that any area is or may be a source of danger to the public health, safety or convenience of its neighbourhood by reason of the area being low-lying, insanitary, squalid or otherwise, they may . . . declare such area to be a slum area. '

Therefore, if as Sri Rama pleads the huts he refers to are really as bad as the slum area huts contemplated in the Bill, then there is enough provision in the Bill itself to meet the case. But if, on the contrary, he wants to have a general Housing Plan Bill which would cover the middle-class gentlemen's houses, I think it is not right to introduce it sideways into this Bill. I would, on the whole advise him not to press his amendment but to rely on the definition contained in the Bill. We may make such use of it as may be necessary."

[Sri K. Vinayakam] [5th January 1954]

whatever it is. He cannot travel by train because he will have to spend a few annas which he cannot afford. The result is not more than ten huts are there in Kodambakkam even though there are facilities like roads, electric lights, etc., provided to them. We must consider the practical difficulties that the slum dwellers are faced with.

12-40 P.m. "The Hon. Chief Minister was attacking us for trying to delay the Bill. In this connection, let him realize that this kind of hasty legislation cannot find an easy passage through the House. Before clearing slums we must first of all decide on alternative steps to meet the demands of the slum-dwellers immediately. I already referred to the untold sufferings to which the slum-dwellers were put to when the City Improvement Trust launched upon the project (in 1917) of slum clearance and rehabilitating the slum dwellers in some other decent locality. But ultimately the locality decided upon by the Trust did not prove to be decent. These are all problems that have to be dealt with whenever any question involving slum-improvement or slum-clearance is taken into account. Acquisition proceedings may take some time. We have had the experience in land acquisition proceedings. That is why I say let the Bill be referred to a Select Committee. Let the Select Committee go into the pros and cons of the problem and suggest any improvements they like. Let us not come to hasty conclusions ourselves. Any problem connected with slum-improvement cannot be rushed through so quickly by passing a Bill as the present one. Let the practical difficulties involved by bringing in a measure of this sort be gone through by the Select Committee.

"We have had the example of Cox cheri. The City Improvement Trust launched upon a big scheme of building tenements for slum-dwellers in Cox cheri. They constructed the tenements. But did they realize the fact that the poor slum-dwellers could not pay the rent which was demanded? No, they had their own notions. What is the result? The slum-dwellers, not only were they cleared off from their original places but were stranded. A day or two before, I read from the papers that the Trust had advertised in big columns that these tenements in Cox cheri would be let out on a rent they have fixed. They had also stated in the advertisement about the neatness of the locality and about the modern conveniences provided therein. But I ask did they ever pay heed to the needs of the Law College students who were all the time clamouring for a hostel. They put in some sort of legal difficulty. The Law College students had to suffer. They could not be provided with a good hostel. Of course that is a different question. There is no use asking one to go to Tambaram or Guindy, far away from the city. That will not satisfy the people. What is the prime need of the hour? The minimum conditions of housing and living should be provided for the poor slum-dwellers. A provision to that effect is not found in the present Bill. Therefore I request that this Bill may be referred to a Select Committee."

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* THE HON. SRI C. RAJAGOPALACHARI :—"Sir, I am rising again because this is a legal matter. Any provision that we put into a Bill should be a justiciable provision. A provision of this kind will be practically impossible for the Judge to decide what the Legislature has asked him to do. The provision now sought to be introduced is no doubt good. I admit it. But it should be left as a policy to be executed by Government and not made into a legislative provision. As a matter of fact the hon. Member who spoke last knows very well that it is because the Government, I am referring to the present Government, did not like the idea of clearing these slum-dwellers from their place, disturbing them from their place of habitation irrespective of the requirements of their occupation, this Bill has been sponsored. Government have taken into account the difficulties mentioned by hon. Members and the present Bill is the result of their desire that people should not be evicted and driven from one place to other. The object of this Bill is to fulfil the very purpose which the hon. Member wants, namely, to allow these people to remain where they are and at the same time try to improve conditions without sending them out. It may be taken for granted that we want these people not to shift from one place to some other place outside, which is not reasonable from their standpoint. On the other hand, we consider it desirable that they should be retained in the City itself close to the place where they work and where they could live with contentment and comfort. It is because we think it desirable to give these people some sort of proprietorship in the place where they live in and not allow them to be continuously fleeced by bad characters who profit by intimidating and exploiting them, we have brought forward this Bill. These are the causes which have led to the introduction of the present Bill. I am asking Mr. Palanisami not to press his amendment for what he suggests is the accepted policy of the Government and what he has in mind would be properly carried out by the policy of Government rather than by making a judicial provision which simply says that unless and until such and such accommodation is given for the slum-dweller, he shall not be evicted. Where and what kind of accommodation should be given and by whom it should be given are all difficult things to say in a Court of Law. So I would request the hon. Member Mr. Palanisami to leave it to the Government to execute their policy and not to introduce a clause as the one he had suggested which in fact is not right. I would beg of him to withdraw his amendment. At the same time, I assure him that the object of keeping this law is to carry out the very principle embodied in his amendment."

SRI N. K. PALANISAMI :—"கனம் பிரதம மந்திரி அவர் கள் சொன்ன வாக்குறுதியின்பேரில் நான் என்னுடைய திருத்தத்தை வாபஸ் வாங்கிக்கொள்ளுகிறேன்."

The amendment of Sri Palanisami was, by leave of the House, withdrawn.

Clause 3 was put and carried.

[5th January 1954]

Clause 4.

SRI P. RAMAMURTHI :—" I would request clause 6 dealing with compensation be taken up first and then clause 4."

MR. SPEAKER :—" I have no objection if the Government agree to it."

THE HON. SRI C. RAJAGOPALACHARI :—" I have no objection, Sir."

MR. SPEAKER :—" So clause 6 will be taken up for consideration."

Clause 6.

* THE HON. SRI C. RAJAGOPALACHARI :—" Due to the intervention of many hon. Members in the House on the ground that the compensation amount now fixed, viz., 20 times the average annual income from the land during five consecutive years, is too large and unreasonable a limit for the City of Madras, though our appreciation of the actual income derived by the land-owners may differ, on behalf of the Government I would suggest that instead of the figure '20', '12' may be substituted. I accordingly move the amendment, viz.—

'That in line 3 of clause 6 for the words "twenty" the words "twelve" may be substituted.'"

MR. SPEAKER :—" Motion moved—

'That in line 3 of clause 6 for the words "twenty" the words "twelve" may be substituted.'"

The motion was put and carried.

The Clause as amended was then put and carried.

Clause 4.

MR. SPEAKER :—" I am ruling the following amendments given notice of, viz., 5 (a), 5 (b) and 5 (c) by Messrs. T. K. Rama, M. S. Muniswamy Pillai, A. Ramaswami Tevar, A. S. Subbaraj and S. Ramasami Naidu as out of order because those amendments are outside the scope of the Bill :—

5. (a) In sub-clause (1) after the words "City of Madras" in the seventh line, add the words "or the Municipal Councils of Madurai, Tiruchirappalli and Coimbatore".

(b) In the last line of sub-clause (1), after the words "Board of Trustees" add the words "or the Municipal Councils of Madurai, Tiruchirappalli and Coimbatore".

(c) In the second line of sub-clause (2) after the words "Board of Trustees" add the words "or the Municipal Councils of Madurai, Tiruchirappalli and Coimbatore".

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THE HON. SRI C. RAJAGOPALACHARI :—" In view of what I had stated I think these amendments are not necessary."

MR. SPEAKER :—" Not only that, I have ruled them out of order because they are beyond the scope of the Bill."

* SRI P. RAMAMURTHI :—" 3-வது சப்-க்ளாஸ்க்குப் பிறகு

'but in no case shall the proportion of the cost recoverable from the persons referred to above exceed 50 per cent of the cost of acquisition.'

என்ற வார்த்தைகளைச் சேர்க்கவேண்டுமென்று மூவ் செய்கிறேன்.

"வாங்கின தொகையில் 50 பர்செண்டிக்கு மேல் சர்க்கார் வசூல் செய்வது 12-50 சரியல்ல என்று சட்ட பூர்வமாக போடுவதைக் காட்டிலும் நெளிவு சுருவு இருக்கக்கூடிய முறையில் இருந்தால் நல்லது என்று சொன்னார். அந்த வாதத்தைக் கேட்ட பிறகும் கூட இது சரி இல்லை என்று சொல்லுகிறேன். மந்திரிகள் ஒவ்வொரு குடிசைக்கும் போய் நஷ்ட ஈட்டுத் தொகையை நிர்ணயிக்க முடியாது. இந்த அளவிற்கு இன்று குடிசைக்காரர்கள் கொடுக்க வேண்டும் என்று நிர்ணயிக்கும் பொறுப்பு சட்டத்தில் இருந்தாலும்கூட நடைமுறையில் அதை அதிகாரிகள் எந்த விதத்தில் நிர்ணயிக்கப் போகிறார்கள்? அவர்கள் இருந்த இடத்திலேயே இருந்துகொண்டு நிர்ணயிப்பார்கள். அப்படி அவர்கள் நிர்ணயிக்கும்போது பல விதமான தொந்தரவுகள் ஏற்படும். அதற்குப் பிறகு ஒவ்வொரு குடிசையிலிருந்து சர்க்காருக்கு தூது கோஷ்டி வரும். அந்த வேலையை கவனிக்கத் தான் சர்க்காருக்கு இடம் இருக்கும். ஆகவே 50 சத விதத்திற்கு மேல் அதிகம் போகாமல் வசூல் செய்யவேண்டும் என்று சட்டத்தில் நிறைவேற்றப்படவேண்டும். அதுதான் நியாயம் என்று நினைக்கிறேன். இதை சர்க்காரும் ஒப்புக் கொள்ளுவார்கள் என்று நினைக்கிறேன்."

SRI A. RATNAM :—" Sir, I second the amendment."

MR. SPEAKER :—" Motion moved—

'After sub-clause 3, add the following at the end :—

"but in no case shall the proportion of the cost recoverable from the persons referred to above exceed 50 per cent of the cost of acquisition."

* THE HON. C. RAJAGOPALACHARI :—" Sir, I beg again that the hon. Member may be pleased not to press this amendment. Apart from what I said when I spoke on the general debate, I wish to add this. It is open to Government and likely that they will lay down a policy from time to time regarding the principle and with due regard to the particular area with which it is concerned. If we lay it down here in the Act itself as 50 per cent what will happen is just what the hon. Member is afraid of. Officers would act on that basis and it would be unreasonable for Government to fix less than 50 per cent, say 30 per cent or even one-eighth. Therefore, I would request him to leave this without specifying in the Act. It is not possible for the Government to extort money from people who are living in slum areas and people squatting on slums are not likely to be very rich clients. So, it is better to drop the amendment."

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SRI P. RAMAMURTHI :—“நாம் இல்லாமல் போனாலும் பின்னால் வருகிறவர்கள் கட்டாயமாக 50 சத விதம் வாங்குவார்கள். அப்ப - யில்லாவிட்டால் 100 சத விதம்கூட வாங்குவார்கள். அதனால் இதற்கு வரையறுக்கப்பட வேண்டும் என்ற காரணத்திற்காகத்தான் இந்த திருத்தத்தை நான் பரஸ் பண்ணுகிறேன்.”

The amendment was put and lost.

MR. SPEAKER :—“The question is—

‘That clause 4 of the Bill do stand part of the Bill.’”

Clause 13 was put and carried.

MR. SPEAKER :—“The question is—

‘That clause 5 of the Bill do stand part of the Bill.’”

The motion was put and carried.

MR. SPEAKER :—“The question is—

‘That clauses 7, 8, 9 and 10 do stand part of the Bill.’”

The motion was put and carried.

MR. SPEAKER :—“The question is—

‘That clauses 11 and 12 do stand part of the Bill.’”

The motion was put and carried.

Clause 13.

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“Mr. Speaker, Sir, I would like to raise a very important point of privilege of the public which is being trampled down day in and day out by the legislature—not by the legislature primarily, but by the Ministry, whoever the Ministers that hold office. This practice of completely ignoring the judiciary is not fair. I would ask the Government straightway to announce, ‘Let us have no judiciary at all in the State and the country.’ It would be much cleaner politics to say that we shall not have any judiciary and we shall carry on justice by executive orders, we shall dispense with justice and carry on with majority rule. The effect of clauses 13, 14 and 15 as also the earlier clauses comes to that only, whereby legal proceedings under this Act is limited. Only appeal lies with the High Court on points of law. Clauses 13 and 15 say that no further proceedings are possible. There are distinguished lawyers here and they will realize what a grave injustice it would be to the public. Sir, why should Government fight shy of proper proceedings. Sir, now that the Constitution is proposed to be amended, let the Madras Government suggest to the Government of India that the Constitution be amended providing for the abolition of the High Courts. If there are no High Courts, the trouble about the location of the Andhra High Court will also not arise. The Hon. Chief Minister is himself a distinguished jurist and was an eminent lawyer long before he entered politics. Today we are very proud of him. If a World Court is established, I

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am sure he would be invited to occupy the seat of the Chief Justice of the World Court. But the provisions of this Bill do no credit to him—I am not attacking him sitting behind him. Just because he wants to show to the slum people that something wonderful is done, this is brought forward. I want to stress that later on the provisions of this Bill will put the slum people into greater difficulties. I have already expressed to him that there are many things which are not of a beneficial nature. Government themselves owe an explanation to the House and the State. There are many slums in Government lands. I want an assurance from the Hon. Chief Minister and the Government that their slums would be improved first. When they have not improved these slums, what is the good of talking about other slums? (The Hon. Chief Minister : ‘I have given an assurance during the general debate.’)

“I do not know. It is because the Assembly meets at 9 o'clock and I have not been able to attend. Government should take up for improvement slums in Government lands first, then in Corporation lands, then City Improvement Trust lands and fourth in order only other slums. Government should provide the necessary money for these things. Money is the most important thing needed.”

“As for compensation, I feel that by the time the compensation is paid, there might be even legal objection to the nature of acquisition itself. If we go to the Court on that point, as lawyer Members here know, the judge may say, ‘it is not a point of law, but it is a point of fact’ and so on.”

“It has been provided in the Act that Government may make rules as they like. Of course, it is the Governor who will make rules. But the Governor approves whatever the Ministry recommends. It will be a grave injustice to the public, because the rules framed by the Government are not placed before the legislature. Some 30 or 20 years ago, what was happening was whenever rules were framed under any section of an Act, they were placed on the table of the House, a resolution would be moved that the rules be approved and they will be approved by the legislature. So, I would request the Government to place the rules on the table of the House and move a resolution for the approval of those rules by the Legislature. I request an assurance from Government that they will no longer interfere with the dignity of the Courts. It is a very important matter. It is designed to restrict the right of the public. Here there is no question of the poor man and the rich man. It is a question of property and acquisition of property. Of course, improving slums is a laudable object. I congratulate the Hon. Chief Minister and the Government on this Bill. But they should do things in a realistic way. Let them provide money for the Corporation for carrying on the necessary improvements, etc. I am glad that the Hon. Chief Minister has given an assurance.”

“Incidentally, I may say that Government should issue general orders to the Legal Department not to provide for such

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clauses in future in any Act. It would be only doing real justice to the public and it would redound to the credit of our Chief Minister, the great jurist that he is."

1. * THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I do not accept the compliments paid to me. But I must answer his point. It is my unfortunate lot to answer points raised by Members on these Benches. But he is perfectly within his right in raising the point. The reason for introducing clause 13 which bars the jurisdiction of civil courts is not want of confidence in the judiciary. I have absolutely no doubt in my mind that the judiciary should be supported, that the prestige of the judiciary and people's confidence in it should be maintained, and I have said this more than once. I believe that the judiciary itself has no doubts in regard to that point. But confidence in the judiciary is different from belief in litigation. There are some matters in which we should not encourage litigation. The judiciary cannot help receiving litigation once litigation is permitted. In this case we are interested in removing the scandal of squatting on vacant land which is going apace in the City of Madras along with the growth of population and consequent unemployment and the invasion of the entire population of the State into the City of Madras to get employment. Also in consequence of the laziness of people who depend upon other people to do manual work, we have allowed the slums to develop apace. We are in a hurry to improve the slums and make the City of Madras presentable to our own conscience and to the outside world. The landlord has been allowing all these days huts to be built and occupied by people and the development of slums."

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—" In spite of himself."

* THE HON. SRI C. RAJAGOPALACHARI :—" In some cases; the landowner has entered into an agreement with the slum-dwellers. 'In spite of himself' may be true so far as the Government are concerned. That was what I said when the hon. Member was absent. The position of a squatter on Government land is different from the position of a squatter on private land. In the case of a private owner, there is the considerable advantage of getting a revenue from these unfortunate people who, because their holding is insecure, are willing to pay anything that is demanded of them from month to month. Should we allow litigation by the high power landlord—I say this because money is power—the value of whose land in the city has gone up just because of the growth of population? The value of the land has increased not on account of any exertion on the part of the landlord but simply on account of the activity of the people in giving birth to children and the unemployment that is prevailing in the country side. Why should we allow the land value to go up? That is why we want to acquire the slum areas as soon as possible. We have provided in clause 13 that we should not be stayed in this good activity of ours by the filing of petitions in courts which may make the whole matter get stuck up

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for years and years. We have provided a similar clause in other Bills barring particular kinds of litigation. Here, litigation in respect of the acquisition itself is not to be allowed. That is why clause 13 is inserted. I hope the House will not accept the suggestion that the clause should be given up."

Clause 13 was put and carried.

Clause 14 was put and carried.

Clause 15.

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—" Mr. Speaker, Sir, clause 15 is another instance of interference by Government with the existing law. They have no respect for the existing laws. If they have no respect for the Land Acquisition Act, let them repeal it. If the Act is good enough for other purposes, why should the proceedings taken under that Act be declared void under this Act? This takes my breath away. I cannot understand how the lawyer-Members of the Cabinet came to think of an unlawful provision like this. The proceedings already started under the Land Acquisition Act are wiped out by this provision. I have no doubt that the validity of this will be contested. Some lawyer-Members of this House are nodding their head. Any person can request the Governor of Madras and the President of India not to give their assent to this Bill. But I do not think that anybody will be so serious in the City of Madras. If anybody were to write a petition to the Governor of Madras and the President of India, I am almost certain that this Bill will be held up and the object of the Hon. Chief Minister to expedite the passage of this Bill will not be fulfilled. Let him think over this at this stage. No doubt, the clause will be passed with the majority that the Government have got. Let this House which adjourns at 1-30 p.m. be re-assembled at 2-30 p.m. and the third reading stage of this Bill be taken up in the after-lunch session. In the meantime, let the Hon. Chief Minister consult the Law Secretary. After all, there may not be many cases of acquisition proceedings under the Land Acquisition Act pending in the City of Madras. If this provision is to form part of the statute, all I can say is that it is awful."

* SRI K. VINAYAKAM :—" Sir, I have made it clear that it is not my intention to delay the Bill. We feel that there are some clauses introduced in this Bill only to create a lot of confusion in working the Act. The clause barring the jurisdiction of civil courts, over which there was some discussion, is dictatorial in character. It goes against the fundamental rights of human beings. The clause under discussion is also similar in character. I want information on these points. What are the cases which the Government have in mind about which they harbour such apprehensions or suspicions? What is the number of pending cases and if there are no pending cases, why should this clause be introduced? "

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THE HON. SRI C. SUBRAMANIAM :—" If no cases are pending, the hon. Member need have no worry."

* SRI K. VINAYAKAM :—" Our fear is that this clause is introduced to safeguard the position of Government against any decision that may be given by Courts of Law or by the Collector of Madras. To dispel that fear, why should not the Government be more explicit and give us information about the number of cases pending in the courts? As the Member who preceded me remarked, the Government with the majority that they have may carry the day. But do they not owe a rudimentary obligation to the Opposition to give the latest position about the number of pending cases? I request clarification on these points."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, when this Bill was drafted, every necessary examination was made as to the legality and propriety of the measure. The hon. Member who preceded the last speaker referred to the need or the desirability of our consulting legal opinion before proceeding with the Bill, I submit that all that consultation has taken place and this is a good and proper form in which the Bill has emerged from the Legal Department of the Government. There is nothing improper or illegal in the matter. Clause 15 was provided because we did not know how long it would take for this Bill to be passed into law, as it would have to be published and introduced in the Assembly and possibly there could be committees examining it. We could not anticipate that hon. Members would appreciate our arguments for hurrying through it so quickly, and I am grateful for that. But at the time when the Bill was drafted, it was necessary to provide this clause 15 that if anything should take place in the interval, it should not serve to stop the acquisition proceedings. Therefore, clause 15 is here. There may be some case or other but I am not able to say offhand whether there is any stray case pending before the Collector for acquisition or not. There are bound to be cases. If there is a case like that, it is not an oppressive condition but it is to provide that the same procedure should apply to it also. Otherwise, totally different rules would apply to such a case. Therefore it is that clause 15 provides that the provisions of this legislation shall apply to such cases also. I submit that there is nothing wrong in it. On the contrary, no advantage should be gained by a particular landowner when we introduce a law like this. There are certain areas where cases are pending and certain other areas where this law would be applicable. There should be no discrimination between the two. Clause 15 provides that the provisions that apply to cases of new acquisition will apply to pending acquisition cases also. Therefore, there is nothing very extraordinary in this and nothing to make the President or the Governor stop the whole business as a scandal, as was suggested by my hon. Friend Raja Muthiah Chettiar of Chettinad. I submit that this is a very proper provision. If time were given to me, I could satisfy hon. Members that there are precedents for this and Acts like this in other countries passed

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for this purpose, and that in all these places so far as the acquisition of land is concerned, there is no question of litigation being permitted. It is only in our country that everyone hangers to go to the High Court on every matter."

Clause 15 was put and carried.

Clause 16.

MR. SPEAKER :—" The motion is—
' That clause 16 do stand part of the Bill.' "

SRI S. RAMALINGAM :—" Sir, this clause read as follows :—

' If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.'

I would like, Sir, that the words ' and shall place such orders on the table of the House ' be added at the end."

THE HON. SRI C. RAJAGOPALACHARI :—" That means the order may be delayed."

SRI S. RAMALINGAM :—" I do not want to delay it. But such orders can be placed on the table of the House so that amendments may be suggested within fifteen days after they have been so placed."

THE HON. SRI C. RAJAGOPALACHARI :—" I give that assurance."

SRI S. RAMALINGAM :—" That assurance can be expressed in the Bill itself."

Power to remove difficulties.

' Sir, if any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do any thing which appears to them necessary for the purpose of removing the difficulty.'

" இந்தக் கருத்தில் இந்தக் க்ளாஸ் இருக்கிறது. சர்க்காருக்கு எல்லா அதிகாரங்களையும் கொடுக்கக் கூடிய நிலைமையில் இந்தக் க்ளாஸ் இருக்கிறது. இவ்வளவு அதிகாரத்தை சர்க்காருக்குக் கொடுப்பது சரியல்ல. கொடுக்கப்பட்ட திருத்தங்களை சர்க்கார் ஒத்துக்கொண்டால் நன்றாக இருக்கும் அதாவது

' and shall place such orders on the table of the House for fifteen days.'

" இந்த மாதிரியே க்ளாஸை திருத்தி விடலாம். ஏற்கனவே இருக்கும் க்ளாஸுக்கு இந்த திருத்தம் செய்வதில் கஷ்டம் இல்லை. அதிகாரத்தை சர்க்காரிடத்தில் கொடுத்தால் பல விவகாரங்கள் வரும். காம்ப்ளென்சேஷன் கொடுப்பதைப்பற்றி எந்த நிர்ணயிப்பும் கிடையாது. ஆகையால் 50 சதவிகிதம் என்றும் பின்னால் 75 சதவிகிதம் கொடுக்கவேண்டும் என்று உத்தரவு போட்டால் அந்த உத்தரவின்பேரில் எந்த விதமான நடவடிக்கைகளும் எடுத்துக்கொள்ளமுடியாது. ஆகையால் எந்த உத்தரவு போட்டாலும் அதை சட்டசபையின் மேஜையின்மேல் வைக்கவேண்டும். அப்படி

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வைத்து 15 நாள் அவகாசம் கொடுத்தால் அங்கத்தினர்கள் அதன்மேல் திருத்தங்கள் கொடுக்க சௌகரியமாக இருக்கும். அதற்கு சந்தர்ப்பம் கொடுக்கமாட்டோம் என்று சொன்னால் என்ன பிரயோசனம் இருக்கிறது.”

* HON. SRI C. RAJAGOPALACHARI:—“ Sir, here also I beg my assurance to be accepted. It is only when difficulties arise that the Government will have to pass orders. Difficulties will certainly arise in these cases and the sooner they are removed the better. The hon. Member may take the assurance from me that any such orders will, as a matter of course, be placed on the table of the House, and even if we do not do so, the newspapers will be publishing them and everybody will understand them.”

Clause 16 was then put and carried.

THE SCHEDULE.

MR. SPEAKER:—“ The hon. Member Sri T. K. Rama has given notice of an amendment. It is out of order because it seeks to enlarge the scope of the Bill. It reads like this—

‘I paragraph 2 of the Schedule, after the word “corporation” in the fourth line add the following words:—

“or of the Municipal Councils of Madurai, Tiruchirappalli and Coimbatore.”’

* SRI T. K. RAMA:—“ மிஸ்டர் ஸ்பீக்கர், ஸார், என்னுடைய திருத்தத்தில் . . . ”

‘It extends to the whole of the City of Madras.’”

MR. SPEAKER:—“ It extends to the whole of the City of Madras ” என்று இந்த மசோதாவின் ‘short title’ இல் சொல்லப்பட்டிருக்கும்போது, மதுரை, திருச்சி போன்ற நகரங்களுக்கெல்லாம் இது வராது. This clearly out of order. . . . ”

SRI T. K. RAMA:—“ நான் சொல்வதைச் சிறிது தயவு செய்து கேளுங்கள்.”

MR. SPEAKER:—“ When the Chair is on its legs, the hon. Member should resume his seat. நீங்கள் தயவு செய்து உட்காருங்கள். Scope of the Bill ஐயே நீங்கள் மாற்றவேண்டுமென்று சொல்லுகிறீர்கள். ‘Title’ ஐயும் ஐயும் Preamble’ நீங்கள் பார்க்கவேண்டும். . . . In the long title, it is stated that this is a Bill to provide for the acquisition of lands in slum areas in the City of Madras. In the Preamble, it is stated, ‘Whereas there are a number of slum areas in the City of Madras which are likely to become a source of danger to the public health and sanitation of the City; . . . Therefore, the amendment of the hon. Member is out of order.’”

* SRI T. K. RAMA:—“ ‘Preamble’ ஐ மாற்றவேண்டும்.”

MR. SPEAKER:—“ ‘Preamble’ ஐ மாற்றமுடியாது.”

* SRI T. K. RAMA:—“ ‘Preamble’ ஐ மாற்றவேண்டுமென்று திருத்தம் கொடுத்திருந்தேன். ‘Preamble’ ம், முதல் clause இலே இரண்டாவது sub-section ஐயும் சேர்த்து யோசித்தால் என்னுடைய திருத்தமானது out of order ஆக இருக்கமுடியாது.”

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MR. SPEAKER:—“ உடம்பு எல்லாம் வைத்தாய்விட்டது. தலை ஒன்றுக்குத்தான் இப்பொழுது தொப்பி வைக்கவேண்டியிருக்கிறது. ஆகையால், அதற்குத் தகுந்த தொப்பியாக நாம் பார்த்து வைக்க வேண்டும்.”

“தலைக்கு தகுந்தபடிதான் தொப்பி இருக்க வேண்டுமென்பதையே தொப்பிக்குத் தகுந்த தலை இருக்க முடியாது; நீங்கள் சொல்வது அப்படித்தான் இருக்கிறது.”

SRI T. K. RAMA:—“ ‘Preamble’ இன்னும் முடியவில்லை. அது இன்னும் சபை முன்னாலே இருக்கிறது.”

MR. SPEAKER:—“ I rule this amendment out of order.”

The Schedule was put and carried.

MR. SPEAKER:—“ All the following amendments of hon. Members Sri T. Rama, M. S. Munisami Pillai, A. Ramasami Tevar, A. S. Subba Raj and S. Ramaswami Naidu in respect of clauses 2, 1 and the Preamble are out of order, because they seek to enlarge the scope of the Bill. For instance, one of his amendments reads—

‘After the words “slum area” in sub-clause (1) of clause 3, add the words “or an undeveloped area”.’

Already the hon. Member has withdrawn that amendment. If the House had accepted that amendment, I can allow the present amendment as a consequential one. As he has withdrawn his previous amendment, these amendments are out of order. So, these amendments are also out of order—

‘In the Preamble (a) after the words “slum area” add “and undeveloped areas.”’

(b) after the words “City of Madras” add “and in the municipal towns of Madurai, Tiruchirappalli and Coimbatore.”

(c) in the third line, for the word “City” substitute the words “respective areas”.

Clause 1.

‘In sub-clause (2) after the words “City of Madras” add the words “and to the municipal towns of Madurai, Tiruchirappalli and Coimbatore”.’

Clause 2.

‘In item (a) after the words “Madras City Civil Court” add the words “and the Civil Courts in the towns of Madurai, Tiruchirappalli and Coimbatore”.

(b) ‘In item (c) after the words “Slum area” add the words “or undeveloped area”.

(c) In item (f) after the words, figures and brackets “(Madras Act IV of 1919)” add the words, figures and brackets “the District Municipalities Act, 1920 (Madras Act V of 1920)”.

Clause 2, the Preamble and clause 1 were put and carried.

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

‘That the Bill, as amended, be passed into law.’”

MR. SPEAKER:—“ Motion moved—

‘That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, as amended, be passed into law.’”

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1-20
p.m.

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Mr. Speaker, though I had not the opportunity to listen to the assurances given by the Hon. the Chief Minister with reference to carrying out the objects of this Bill in respect of Government slums, Corporation slums and other slums, I trust that the assurances have been given fairly clearly. I would also like the Hon. Minister who has now moved that the Bill be passed into law to tell us that the Government will not indiscriminately act *Ek Dham* and announce the application of this law to the hundred odd slums straightway and not take any action afterwards, for I can say from experience that it will take some time—I won't say a long time—for the Government to make up their mind to place large sums of money in the hands of the Corporation and also any Government official who may be asked to improve the Government slums. So, I do hope that till such time as the Government actually carry out the improvements to the Government and the Corporation slums by providing money and other facilities, they will not merely issue notices under this Bill with reference to other slums unless for matters of an urgent nature. Suppose there is a private slum adjoining a Government slum or Corporation slum which the Government are now trying to improve. Let them by all means issue notices. This Bill says that notices shall be given. My only point is that long time should not be taken in disposing matters connected with this. It will not be a healthy proposition and we will be doing injustice. From the moment the Government issue notice to the owner of a private slum, that land vests with the Government of Madras and the owner of that land has no responsibility at all. If the Government leave him alone without issuing a notice to him, I know there are many provisions in the City Municipal Act by which the Corporation will ask him to carry out certain improvements and keep his place and its surroundings in a perfect sanitary condition, until such time the Corporation has got enough funds to take up the improvement of the area. Therefore, by having a provision in this Bill to issue notices to such people '*Ek Dham*' they will be preventing the Corporation from taking action in this regard. Let me not get the usual reply. I want the Government to carefully consider this point. Let them not come forward with their usual reply which we have been accustomed to get nowadays, viz., 'Everything is all right. There is no need for any change' and so on. I am suggesting this only from the point of view of expediency in furtherance of the objects of this Bill itself. Let us not prevent the slight improvements that are capable of being carried out by the Corporation. Until they are in a position to take up the improvement work slum by slum, let us allow the Corporation also to do it. That is my point."

* **THE HON. SRI A. B. SHETTY** :—" Mr. Speaker, the Government are grateful to the hon. Members for the very warm welcome that they have accorded to this Bill, and the spirit of accommodation that they have shown on account of the appeals

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made to them by the Hon. Chief Minister and the assurance that he has given in regard to several of their doubts. The suggestion made by my hon. Friend Sri Muthiah Chettiar will be borne in mind and given due consideration."

MR. SPEAKER :—" The question is—

'That the Madras Slum Improvement (Acquisition of Land) Bill, 1954, as amended, be passed into law.'"

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

The House then adjourned to meet again at 9 a.m. the next day.

The House then adjourned.

V—PAPER LAID ON THE TABLE OF THE HOUSE

* G.O. No. 2024, L.A., dated the 29th September 1953, regarding the changes in the taluks within the jurisdiction of the Bellary District Board.

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APPENDIX I.

[Vide answer to starred question No. 305 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 5th January 1954, page 105 supra.]

Statement showing details of appointments made in the Nationalization Branch of the Transport Department after 6th July 1953, including number of Harijans appointed.

Gazetted Officer	...	...	...	...	1
Works Clerk	...	...	...	...	2
Peon	...	...	...	...	1
Foreman	...	...	...	...	1
Electrician	...	...	...	...	1
Fitters	...	...	...	...	7
Welder	...	...	...	...	1
Hammerman	...	...	...	...	1
Conductors	...	...	...	...	15
Drivers	...	...	...	...	4
Cleaners	...	...	...	...	6

40

[Out of these 40, 2 are Harijans (conductor 1 and peon 1).]

Statement showing the percentage of Harijans in the cadre of clerks, etc., in the Nationalization Branch of the Transport Department.

Serial number and category.	Percentage of Harijans.
1 Clerks	1.2
2 Shroff	5.3
3 Attender	27.8
4 Peon	10.5
5 Checking Inspectors, Time-keepers and Works Clerks	6.25
6 Driver	3.0
7 Conductor	0.6
8 Mechanics	8.7
9 Electricians	6.0
10 Fitters	11.0
11 Blacksmith	5.5
12 Hammermen	25.0
13 Painters	7.9
14 Carpenters	3.6
15 Tinkers	4.1
16 Tyremen	23.8
17 Helpers	23.0
18 Scrubber	29.1
19 Lascar	33.3
20 Turners	0.7
21 Lubricating Assistant	8.7
22 Stand Cleaner	9.3
23 Cleaner	17.7
24 Apprentice cleaner	5.5

Under other categories no Harijan member has been appointed.

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APPENDIX II.

[Vide answer to starred question No. 306 asked by Sri K. R. Viswanathan at the meeting of the Legislative Assembly held on 5th January 1954, page 107 supra.]

(a) The following are the names of non-official members and the designation of the official members of the Tiruchirappalli District Planning Board :—

Chairman.

1 Collector, Tiruchirappalli.

Non-official members.

- 2 Sri P. B. K. Rajachidambaram, M.L.A., ex-President, District Board, Tiruchirappalli.
- 3 Sri A. Ramaswamy Tevar, M.L.A., Chairman, Municipal Council, Tiruchirappalli.
- 4 Sri K. Vasudeva Ayyangar, Chairman, Municipal Council, Srirangam.
- 5 Sri K. Shanmugam Chettiar, B.A., B.L., Chairman, Municipal Council, Pudukkottai.
- 6 Sri S. Chinnasami Mudaliar, Chairman, Municipal Council, Karur.
- 7 Sri V. Balakrishnan, M.L.A.
- 8 „ Chinniah, M.L.A.
- 9 „ P. N. Palaniappan, M.L.A.
- 10 „ N. Rathina Goundar, M.L.A.
- 11 „ M. Manickasundara Mudaliar, M.L.A.
- 12 „ T. V. Sannasi, M.L.A.
- 13 „ Antoni Peter, M.L.A.
- 14 „ M. Kalyanasundaram, M.L.A.
- 15 „ G. Chitrambalam, M.L.A.
- 16 „ P. Thangavelu, M.L.A.
- 17 „ P. Rengasami Reddiar, B.A., B.L., M.L.A.
- 18 „ N. Rajagopal, M.L.A.
- 19 „ N. Paramasivam, M.L.A.
- 20 „ M. Palanimuthu, M.L.A.
- 21 „ M. Palaniandi, M.L.A.
- 22 „ K. R. Viswanathan, M.A., M.L.A.
- 23 „ A. Ayyavu, M.L.A.
- 24 Dr. E. Mathuram, M.P.
- 25 Sri K. M. Vallatharasu, B.A., B.L., M.P.
- 26 „ V. Bhavaraghasami Padayachi, M.P.
- 27 „ M. K. M. Abdul Salam, M.L.C.
- 28 „ Somasundara Reddiar, M.L.C.
- 29 „ G. Krishnamoorthi, M.L.C.

Official members.

- 30 Executive Engineer, P.W.D., Tiruchirappalli.
- 31 Divisional Engineer (Highways), Tiruchirappalli.
- 32 Divisional Engineer (Electricity), Tiruchirappalli.

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Official members—cont.

- 33 District Agricultural Officer, Tiruchirappalli.
 34 Deputy Registrar of Co-operative Societies (North), Tiruchirappalli.
 35 Deputy Registrar of Co-operative Societies (South), Tiruchirappalli.
 36 Assistant Director of Industries and Commerce, Tiruchirappalli.
 37 District Veterinary Officer, Tiruchirappalli.
 38 Rural Welfare Officer, Musiri.
 39 Rural Welfare Officer, Krishnapuram.
 40 Rural Welfare Officer, Vellakoil.
 41 Personal Assistant to the Special Officer of the District Board.

Secretary.

- 42 Revenue Divisional Officer, Tiruchirappalli.

(b) No ameliorative and development work has been recommended by the Board for Udayarpalayam taluk for the first Five-year Plan.

(c) No rules have been framed governing the constitution of the Planning Boards. The Government have issued only executive instructions to the Collectors to form the Planning Boards in the districts defining the constitution and functions of the Planning Boards.

APPENDIX III.

[Vide answer to starred question No. 312 asked by Sri K. C. Gopalan Unni at the meeting of the Legislative Assembly held on 5th January 1954, page 112 supra.]

Letter from the Collector of Malabar, dated 29th September 1951, No. D. Dis. 22906/51.

[Forests—Madras Preservation of Private Forests Act—Malabar district—Working—Report—Submitted.]

I. *Duration of the Madras Preservation of Private Forests Act.*—The Madras Preservation of Private Forests Act, as validated by Act XXVII of 1949, is now in force up to and inclusive of the 2nd December 1951.

II. *Extent and general condition of private forests.*—The area under the Madras Preservation of Private Forests Act is very extensive in Malabar comprising nearly one-third of the district. The private forests in Attapady Valley were first exempted from the operation of the Act in G.O. Ms. No. 1958, Revenue, dated 19th August 1947, to allow the hill tribes (Irulas) to continue their age-long shifting cultivation. As this exemption was largely abused by the janmis and timber contractors, Government revoked

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the exemption, however, allowing the Irulas to continue their fugitive cultivation without interference pending further orders in the matter. Most of the forests are unsurveyed and owned by big janmis. Owing to the copious rainfall, the forests were very dense and rich in the past. They were heavily exploited during the war years. Even to-day they have got great potentialities provided they are saved in time. Legislation has created a sort of nervousness in the minds of the janmis of these forests who are not sure how long they will continue to enjoy their property rights in these forests. Hence the janmis are in a hurry to make the most of their property before they lose it or are restricted in their rights of ownership. So every janmi or his lessee tries his best to get rich quickly without much concern for the future of the forests. Numerous settlers from Travancore also without any respect for the Madras Preservation of Private Forests Act have cleared and cultivated portions of these private forests. Their favourite type of cultivation, tapioca, is the enemy of the substantial tree growth. Thus the private forests in the district are literally 'under fire' and the axe from all sides.

III. *Enquiry and disposal of applications under the Act.*—The applications for permits under the Act received by the Collector are first sent to the concerned Tahsildars for enquiry and report about the applicants' right over the forest. The Tahsildar sends his report through the Special Ranger concerned who after inspection and verification whether the applicants have satisfied the required conditions, submits his report to the Special Assistant Conservator of Forests. The Special Assistant Conservator finally sends back the application with his remarks to the Collector. The Collector passes final orders on merits after examining the reports of the Tahsildar and the Special Forest Officers. Permits for clear felling and selection felling are given only in cases in which forests' interests are not adversely affected.

The particulars of permit applications received and disposed of during the several years since the promulgation of the Act are furnished below :—

Year.	Number of applications received.	Number in which permits were granted.	Number rejected.	Remarks.
1947	121	66	55	
1948	96	71	25	
1949	123	91	32	
1950	214	154	53	Pending disposal. 7
1951 (so far) ..	258	87	64	Pending disposal. 107
Total	812	489	209	114

It will be seen from the above figures that the number of permit applications is steadily increasing. With the joining of the Special Forest staff and prosecution of the offenders, most of the owners of forests have realized their legal responsibilities

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and have begun to apply for permission to alienate forest areas or to fell trees under section 3 of the Madras Preservation of Private Forests Act.

A fee of Rs. 5 was being collected in respect of each permit application till September 1948. The application fee was increased to Rs. 10 as per G.O. Ms. No. 4640, Development, dated 11th September 1948. The approximate income derived by way of application fee in each year is given below :—

	Rs.
1947	605
1948	625
1949	1,230
1950	2,520
1951 (so far)	3,260
Total	8,240

The present income by way of stamp fee is far below the expenditure involved in the maintenance of the special staff employed in the district for the administration of the Act.

IV. *Special staff.*—A Special Forest staff consisting of one Special Assistant Conservator of Forests, eight Special Rangers, sixteen foresters, one clerk and eleven peons are now employed in the district for work connected with the administration of the Act, besides one upper division clerk and one lower division clerk in my office for the purpose. The approximate expenditure on account of the maintenance of the special staff will be Rs. 50,000 a year. Though the Madras Preservation of Private Forests Act has been in force since 1946, its effective enforcement in the district started only with the piecemeal joining of the Special Forest staff at the end of 1949 and later.

The Special Rangers have been asked to inspect the private forests in their respective jurisdiction as often as possible and to report violations of the Act if and when noticed. Copies of the felling permits are communicated to the Special Assistant Conservator of Forests and the Special Rangers with a view to check and see whether the permit-holders observe the conditions of the permits. The Revenue subordinate officers have also been instructed to be alert and report cases of violations of the provisions of the Act promptly.

V. *Extent up to which the Act has assisted in the preservation and prevention from denudation of private forests.*—The Special Forest staff now sanctioned for the district is not quite adequate for the effective administration of the Madras Preservation of Private Forests Act when compared with the vast area covered by the Act in the district. The Special Forest staff are essential not only to make inspections and enquiries before issue of permits but also to check up whether felling and subsequent regeneration, etc., are being carried out according to the terms of the permit.

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Until this second part is effectively watched, the Act will in fact remain ineffective. The Special Rangers have got wide jurisdiction roughly a taluk each, and their touring is also restricted so as to keep within the sanctioned allotment of travelling allowance. The question of employing additional special staff and enhancing the allotment of travelling allowance is under consideration and a report in the matter will be submitted separately. I may also point out that the successful working of the Act must become the full responsibility of the Forest department, instead of the present system under which some Special Forest staff work under the Collector in respect of private forests while reserved forests in the same area are under the District Forest Officers and the regular Forest staff who alone have the legal powers under the Timber Transit Rules, to effectively check clandestine movements of timber.

The Special Forest staff and the Revenue subordinates are reporting cases of violation of the provisions of the Act. Each case is examined in detail and prosecution sanctioned if there is clear evidence to prove the offence. In other cases, the persons concerned are warned. These prosecutions and warnings and even enquiries into offences have begun to create some fear in the minds of the owners of forests and they now hesitate to commit offences under the Act. But the Travancore settlers have not much respect for the Act since after all, even for a flagrant breach of it we can only prosecute and not evict and many of these land hungry enterprising settlers will be quite willing to face prosecution, pay fines and retain their cleared lands.

VI. *Prosecutions sanctioned.*—The particulars of prosecutions so far sanctioned under the Act are furnished below :—

(i) Total number of cases reported by the subordinate officers—

Violation of section 3 (1) (a)	...	...	7
Violation of section 3 (2)	...	...	97
Total	...	...	104

(ii) Number of cases in which prosecution was sanctioned—

Under section 3 (1) (a)	...	...	7
Under section 3 (2)	...	...	20
Total	...	...	27

(iii) Number of cases disposed of—

Under section 3 (1) (a), convicted	...	1
Under section 3 (1) (a), acquitted, discharged or withdrawn	...	...
Under section 3 (1) (a), pending disposal.	...	6
Under section 3 (2), convicted	...	2

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Under section 3 (2), acquitted	2
Under section 3 (2), discharged	1
Under section 3 (2), withdrawn	1
Under section 3 (2), pending disposal	14
(iv) Number of cases in which parties have been warned or further enquiry dropped for want of evidence	42
(v) Number of cases pending enquiry	35

VII *Difficulties realized in the working of the Act.*—The following practical difficulties are felt in the actual working of the Act :—

(i) *Contiguity of the area.*—According to section 1 (2) (i) of the Madras Preservation of Private Forests Act, the Act applies to private forests in Malabar having a continuous area exceeding 100 acres and owned by a single person or by more than one person jointly. When large blocks of forest land belonging to Marumakkathayam tarwads undergo partition, the extent of each individual share, in some cases, becomes less than 100 acres and that land thereby goes outside the scope of the Act. I had suggested an amendment to section 1 (2) (i) of the Act by adding the words 'or severally' with a view to bring such extents also within the scope of the Act in the interest of the preservation of private forests.

(ii) *Assessed lands.*—The Board has held that 'estate developed', 'developed dry' and 'occupied dry' lands which are permanently assessed will come within the scope of the Madras Preservation of Private Forests Act if they are actually forest on ground. The Government Pleader, South Malabar, Kozhikode, when consulted has remarked that there may be some legal difficulty in pressing this point in a case of prosecution inasmuch as the definition of 'forest' given in the Act is only illustrative and not definitive. I have therefore submitted a further report to the Board in the matter to reconsider the question of bringing such lands within the scope of the Act by a declaration under section 2 (a) of the Act.

(iii) *Enforcement of the conditions of permit for cultivation purposes.*—I have pointed out the absolute necessity for issuing permits under section 3 (2) of the Madras Preservation of Private Forests Act for reclamation for cultivation purposes in the interests of the Grow More Food campaign and the general development of the district. There is practically no scope for extension of cultivation in the district if permission to reclaim at least those lands which are swampy or have no tree growth is not given. But there is no provision either in the Act or in the rules framed thereunder to legally enforce the conditions of cultivation permits. Failure to cultivate the clearfelled area cannot be construed as an 'Act' amounting to denudation of a forest or diminishing its utility as a forest which alone is punishable under section 3 (2) read with section 7 of the Act. In the case of such permits, the

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condition regarding the leaving of stumps on the ground as required by rule 7 (a) of the rules framed under the Act cannot also be complied with by the permit-holders for the obvious reason that in order to make the lands suitable for cultivation, the stumps also will have to be removed. In order to overcome these difficulties, I have proposed an amendment to section 7 (1) of the Act and insertion of a note to rule 7 (a) of the rules framed under the Act.

(iv) *Seizure of properties.*—There is no provision either in the Act or in the rules framed thereunder to seize the properties involved in cases under the Act. Although there is provision to prosecute the offenders, imposition of even heavy fines may not have the desired effect for the obvious reason that the enormous profits they make easily outweigh the fines imposed. I had reported that properties may be got seized by the Police, wherever necessary, under section 550, Criminal Procedure Code, pending inclusion of the essential provisions of the Madras Preservation of Private Forests Act in the Madras Forest Act, 1882, by an amending Bill which is under the consideration of the Government. However, I feel that there should be provision in the Act to seize the properties involved in the cases and the courts should be empowered to confiscate them. Such a provision will surely discourage people from carrying out unauthorized felling to a much greater extent than at present and will help in the efficient enforcement of the Act.

(v) *A uniform system of Timber Transit Rules, extended to the entire district with 'tanahs' at important points is urgently necessary for the effective enforcement of the Act since it is at present very difficult to check the movement of illicitly felled timber.*

APPENDIX IV.

[Vide answer to starred question No. 314 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 5th January 1954, page 114 supra.]

Extent of damage caused by the floods in July 1953 in the Malabar district and the relief measures undertaken by the Government.

(a) Extent of damage—

(i) Total number of huts collapsed 880

(ii) Total number of huts which were damaged. 1,280

(iii) Acreage under standing crops affected 2,458.65 acres.
by the floods.

(iv) Estimated loss of paddy Paddy, first
crop, about
596 tons.

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(v) *Particulars of cattle lost.*—One elephant and about 250 heads of cattle were reported to have died in the floods.

(b) I. *Loss of life.*—There were three deaths—one was in Ponnani taluk as a result of a small fishing boat capsizing, the other was a child in Wynad taluk who appears to have been drowned in the water that had collected around her house and the third was in Naripatta amsam in Kurumbranad taluk where a woman was drowned in "Vanimal" river when the boat in which she was crossing the river capsized.

II. The following measures were taken for the relief and rehabilitation of persons affected by the floods:—

(i) *Reconstruction of houses damaged or destroyed.*—A sum of Rs. 34,568 was disbursed for this purpose from the State Funds. The scale of relief was Rs. 30 for a Harijan and Rs. 20 for a non-Harijan family for the reconstruction of houses and half the above amounts for effecting repairs to damaged houses.

(ii) *Agricultural loans.*—An allotment of Rs. 10,000 was placed at the disposal of each of the District Agricultural Officers of North and South Malabar exclusively for the grant of loans to agriculturists in the flood-affected areas for the purchase of seed and manure. The entire amount had been utilized for this purpose. In addition to the above, Tahsildars and Deputy Tahsildars have also been instructed to grant loans liberally under the usual Taccavi rules for reclamation of silted agricultural lands.

(iii) *Prime Minister's donation.*—A sum of Rs. 10,000 was sent by the Prime Minister of India as donation from the Prime Minister's National Relief Fund for flood relief purposes in Malabar. The entire amount was utilized for the supply of cloth to indigent flood-affected persons, reclamation of lands silted up, to supplement the grant given from State Funds for reconstruction of houses and for subsidising the sale of insecticides in the pest-affected areas of Chirakkal taluk.

(iv) *Medical relief.*—The allotment of 115,000 lb. of milk powder, 100,000 multivitamin and 100,000 sulphaguanidine tablets received are being distributed in various villages of the district, preference being given to the flood-affected areas. Besides this, a mobile medical unit consisting of an Assistant Surgeon, a compounder and a nursing orderly is touring the flood-affected areas in North Malabar to render medical relief to persons in the interior who are unable to obtain it from the nearest hospital or dispensary.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, 6th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

(Starred questions postponed from the list for 5th January 1954.)
Recognition of the North Malabar P.C.C. Societies Federation.

* 297-A Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have received recently any memorandum from P.C.C. Societies of North Malabar, to recognize the North Malabar P.C.C. Societies Federation, and if so, what action has been taken?

THE HON. DR. U. KRISHNA RAO:—"A memorandum from the representatives of North Malabar P.C.C. Societies Federation was received by the Government in July 1953. After examination, the President of the Federation was informed that there was no sufficient reason to accord recognition to the Federation."

SRI M. NARAYANA KURUP:—"In view of the fact that after decontrol, the existence of these societies has become very precarious and the North Malabar Societies have to meet common problems, may I know why this Government could not accord sanction to this proposal?"

THE HON. DR. U. KRISHNA RAO:—"The very reason mentioned by the hon. Member is the reason why the Government do not agree to the formation of the federation. As a result of decontrol, many of these societies, which used to thrive very well with their procurement and distribution of foodgrains, lost their chief business and as many as 38 societies have been removed from the work of distribution. The Civil Supplies Department is supervising the work of the P.C.C. Societies. We therefore felt that in addition to the supervision by the Civil Supplies Department, another supervision by the Federation would amount to dual control which at the present moment is not advisable. Further if these societies are to come under the Federation, I am advised that they should be re-registered as such."

SRI KUNHI MOHAMED SHAFEE: Will the Government consider the appointment of a senior officer of the Co-operative Department to enquire into the matter and make suggestions to reorganize these P.C.C. Societies so that they may work on a more profitable basis?

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THE HON. DR. U. KRISHNA RAO:—"The present officer there is a senior officer and we have acted according to his advice. If the hon. Member will give me any specific suggestion for improvement, I shall consider it."

SRI V. R. KRISHNA AYYAR:—"The Hon. Minister has been pleased to point out that there were difficulties facing these co-operative societies consequent upon decontrol and non-procurement in that area. Precisely for the reason that there were difficulties for the various institutions, it was thought that those difficulties and disabilities could be removed by having an organizational unit and the federation has been formed. The formation of the federation is not unconstitutional and improper and freedom of association is guaranteed to this entity. That being so, may I know what stands in the way of the Government not recognizing this association which will enable the societies to ventilate their grievances and seek redress in an organisational form?"

THE HON. DR. U. KRISHNA RAO:—"They already possess the right of putting their grievances and seeking redress. They can even now represent their grievances to the Government. I may inform the hon. Member that the formation of the federation will not in any way increase the efficiency of the societies. Therefore I feel that that is one of the reasons why the Government think that it is not necessary to form the federation. The second likely reason—I only imagine this—is that their already depleted funds would be depleted still further by their having to pay travelling allowance to the various members who will form the office bearers of the federation."

SRI K. VINAYAKAM:—"May I know what are the qualifications prescribed for recognizing these federations and whether this particular federation lacks those qualifications?"

THE HON. DR. U. KRISHNA RAO:—"The Government think that a federation is not necessary. There is no specific qualification prescribed for the formation or recognition of a federation."

SRI M. NARAYANA KURUP:—"Is it the policy of the Government to help these societies in their difficulties or to exploit those difficulties and suppress them?"

THE HON. DR. U. KRISHNA RAO:—"It is the duty of the Government to help these societies, but the Government are firmly convinced that the formation of the federation is not the only method of helping them in their difficulties. The real help should be to increase the scope of their activities, to see that there was no defalcation and to see that they got more foodgrains for distribution. That would be a better method of helping these institutions instead of forming a federation which will involve increased expenditure and will not result in increased efficiency in their working."

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Recognition of the North Malabar P.C.C. Societies Federation.

* 297-B Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Industries and Labour be pleased to state whether Government received any request in July 1953 from the North Malabar Federation of P.C.C. Societies to accord recognition to that organization and if so, why recognition has not yet been given?

THE HON. DR. U. KRISHNA RAO:—"Attention is invited to the answer to Assembly Question No. 146 (Starred). (It is the same question and the answer is also the same, Sir.)"

DR. K. B. MENON:—"Is the depletion of the funds a sufficient reason for not forming the federation? Will not the formation of the federation enable the co-operatives to co-operatively face their problems and is it not necessary for the Government to encourage the formation of a federation rather than discourage it?"

THE HON. DR. U. KRISHNA RAO:—"The Government should encourage the formation of co-operative societies. Because it is a very good method by which these societies can work for the public. But we are not sure that the formation of the federation will help them to work better than the ordinary societies."

SRI K. PARTHASARATHY:—"Will the Hon. the Minister state whether the federation would be an institution under the Co-operative Societies Act and whether recognition is sought for the same?"

THE HON. DR. U. KRISHNA RAO:—"If the Government decide on allowing the federation to be formed, then the societies may have to be re-registered and as such the question does not arise at the present moment."

Report of the Land Revenue Reforms Committee.

* 324 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have finished consideration of the Subramaniam Committee Report on Land Reforms; and

(b) if so, when they are going to implement the same?

THE HON. SRI M. A. MANICKAVELU NAICKER:—" (a) & (b) The recommendations of the Land Revenue Reforms Committee in so far as they relate to land reforms are under active consideration and decisions are expected to be taken on them soon."

SRI K. R. VISWANATHAN:—"May I know whether it is a fact that the Government are delaying matters only with a view to giving time to big landlords to convert their extensive land holdings into movable belongings?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—"No, Sir. The very fact that the Government are going to introduce the Malabar Tenancy Bill and the South Kanara Tenancy Bill here shows that the Government are proceeding slowly but steadily."

SRI S. RAMALINGAM:—"நிலச் சீர்திருத்தக் கமிட்டியின் ரிப்போர்ட்டை சர்க்கார் அமுலுக்குக் கொண்டு வருவதற்கு முன் அதிகப்படியான பேர்கள் நிலங்களிலிருந்து வெளியேற்றப்படுவது நடந்து கொண்டிருப்பதால், அந்த நிலச் சீர்திருத்தத்தைக் கொண்டு வருவதற்கு முன் அவர்களை வெளியேற்றமுடிக் கருத்திற்குத் தகுந்த நடவடிக்கை எடுக்க அரசாங்கம் யோசிக்குமா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. That is also considered. That is why we are going to have the South Kanara Tenancy Bill shortly."

SRI C. KANDASAMY:—"சுப்பிரமணியம் கமிட்டி சிபாரிசின் அடிப்படையிலா இப்போது கொண்டு வரும் மலபார் டெனன்சி பில்லும் தஞ்சாவூருக்குக் கொண்டு வந்திருக்கும் குடிவாசச் சட்டமும் கொண்டு வரப்பட்டுள்ளது."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"All these recommendations were considered while drafting the Bills."

SRI V. BALAKRISHNAN:—"For what length of time, this Report has been before the Government?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Only for a couple of years and this is a very short time so far as Government are concerned."

SRI M. PALANIYANDI:—"மந்திரி அவர்கள் பதில் சொல்லும் போது, கன்னடா டெனன்சி பில்லும், மலபார் டெனன்சி பில்லும், கொண்டு வரப்போவதாகக் கூறினார். தமிழ் நாட்டிற்கு எப்போது இப்படிப்பட்ட பில்லை கொண்டு வரப் போகிறார்? சீக்கிரத்தில் கொண்டு வருவதற்கு கவனிப்பாரா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. Certainly, as early as possible."

SRI K. PARTHASARATHY:—"Are the Government aware of the suggestion in the Report that the institution of hereditary village officers is against the provisions of the Constitution? If so, are they going to take any action in the matter?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I thought we had finished that subject yesterday or the day before. But it is being revived now. I know on that subject also there is a recommendation and that will be duly considered by the Government."

SRI K. VINAYAKAM:—"In view of the fact that one salient recommendation of the Subramaniam Committee is that a limit should be applied to the extent of one's holdings, will the Government at least give effect to that recommendation before thinking of introducing all the land reforms recommended in that Report?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—"If that recommendation alone is taken up first, that will be like putting the cart before the horse."

Revision of the Five-Year Plan.

* 327 Q.—**SRI P. RANGASWAMI REDDIAR:** Will the Hon. the Chief Minister be pleased to state—

(a) the projects of the residuary State which have been omitted in the revised Five-Year Plan and their estimated cost in each case;

(b) the approximate amount proposed to be spent in the residuary State under the Five-Year Plan; and

(c) what are the major items therein which necessitated revision of estimates for the past two and a half years and the amount, if any, spent in excess of the estimates for those items?

THE HON. SRI C. SUBRAMANIAM (on behalf of Hon. the Chief Minister):—"(a) to (c) The attention of the Honorable Member is invited to the answer to the Legislative Assembly Question No. 61 (Starred) by Sri Aranganathan, M.L.A., answered on 17th December 1953. The revision of the plan for the Madras State is still under consideration."

Celebration of Vanamahotsava in 1953.

* 328 Q.—**SRI K. ARANGANATHAN:** Will the Hon. the Minister for Agriculture be pleased to state—

(a) the amount spent for the celebrations of Vanamahotsava in 1953; and

(b) how many plants were planted during this year and of those how many are alive now?

THE HON. SRI M. BHAKTAVATSALAM:—"(a) The amount spent for the celebration of Vanamahotsava in 1953 is Rs. 8,197; and

"(b) The number of trees planted during the year and the number reported to be surviving are as follows:—

Number of trees planted.

4,343,162

Number of trees surviving.

3,098,042

(excluding Madras, Tirunelveli and Tanjore for which figures are not available.)

The above figures represent trees planted only during the Vanamahotsava week, i.e., the first week of July. In many districts trees were continued to be planted up to 31st October for purpose of count. Figures in respect of plantings during this extended period are not readily available."

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SRI S. DEIVASIGAMANY:—"How many times in a year these Vanamahotsavams are celebrated? Also what is the amount spent on the celebrations and what is the amount spent on actual planting of trees?"

THE HON. SRI M. BHAKTAVATSALAM:—"Vanamahotsavam is celebrated only once a year and the sum of Rs. 8,197 mentioned by me in my answer was spent only for planting of trees. There has been no expenditure on any Utsavam as such. The hon. Member need not be under any misapprehension that a festival is celebrated. Only the name Utsava is given and no festival is celebrated."

SRI M. NARAYANA KURUP:—"Is it not a fact that every year trees are planted in the compounds of Government offices and in the same pits?" (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM:—"If the hon. Member gives me that information, I take it and I shall enquire how far the information is correct."

SRI C. KANDASAMY:—"இந்த 40 லட்சம் மரக் கன்றுகள் எங்கே இருந்து தருவிக்கப்படுகின்றன."

THE HON. SRI M. BHAKTAVATSALAM:—"The Departments of Forests and Agriculture have their own nurseries and from these, the seedlings are distributed."

SRI M. PALANIYANDI:—"வன மகோத்சவம் என்ற வார்த்தைக்கு தமிழ் வார்த்தை மடைக்கலிலையா? தமிழ் வார்த்தைகளைப் போடுவதற்கு அரசாங்கம் முன் வருமா?"

THE HON. SRI M. BHAKTAVATSALAM:—"I can claim that 'Vanamahotsava' is a Tamil word. We, Tamilians, adopt so many similar words and it is not right that we should coin some new word which cannot be understood by several Tamilians."

Repairs to the tank of Mel Arungunam, Gingee taluk.

* 329 Q.—**SRI K. ARANGANATHAN:** Will the Hon. the Minister for Land Revenue be pleased to state when the last repair to the tank of Mel Arungunam, Gingee firka, Gingee taluk, South Arcot district, was done?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The tank was repaired during 1931-32."

SRI K. ARANGANATHAN:—"என் 20 ஆண்டுகளாக அந்த ஏரி ஒழுங்காக இருக்கிறதா இல்லையா என்று அரசாங்கம் கவனிக்கவில்லை?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The tank is all right and needs no repair. The bund and everything else are all right except that the sluice alone is leaky. (Laughter.) Attempts were made to attend to this

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but we could not proceed with the repair since the tank was full. It is even now full and repair can only be done after the water level goes down."

SRI K. ARANGANATHAN:—"பத்து ஆண்டுகளாக அந்த ஏரிக்கு ரிப்பேர் செய்யவேண்டும் என்று கிராமத்தார்களிடமிருந்து மகஜர் வந்திருந்தும் ஏன் அதை அரசாங்கம் கவனிக்கவில்லை?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I have already said that the bund is intact. It does not require repair."

Grants to the Voorhees College, Vellore.

* 330 Q.—**SRI S. DEIVASIGAMANY** (on behalf of Sri V. K. Kannan): Will the Hon. the Minister for Finance be pleased to state whether any grants are paid to the Voorhees College, Vellore, North Arcot, and if so, what amount?

THE HON. SRI C. SUBRAMANIAM:—"Yes, Sir. The amount of grant paid for 1952-53 was as follows:—

	RS.
(1) Teaching	18,228
(2) Equipment	10,000

Gruel centres in Chingleput district.

* 331 Q.—**SRI S. DEIVASIGAMANY:** Will the Hon. the Minister for Land Revenue be pleased to state the number of gruel centres which are now in existence in the district of Chingleput and in what places they are working?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"No gruel centre is now functioning in the Chingleput district."

SRI S. DEIVASIGAMANY:—"When there are gruel centres opened in Madras City, may I know why there are no gruel centres in Chingleput which is in the neighbourhood of Madras City?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Agricultural conditions have improved in Chingleput district. As far as the Madras City is concerned, gruel centres are necessitated more by the influx of population from districts like Chingleput also."

SRI S. DEIVASIGAMANY:—"Are we to understand that there are no unemployed persons who are starving now in Chingleput?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"There may be some unemployed persons. But as to the question of starvation, I will not take the proposition from the hon. Member."

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SRI K. VINAYAKAM:—"In view of the answer given by the Hon. the Minister for Land Revenue, may we, the representatives of Chingleput district in this House, request him to pay a visit to Chingleput and see whether hundreds of unemployed people are not starving to death?"

THE HON. SRI C. RAJAGOPALACHARI:—"Is it the idea of hon. Members that the entire population should be maintained on gruel centres?"

Constitution of 'blocks' under the National Extension Service.

* 332 Q.—SRI A. RATNAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) how many 'blocks' under the National Extension Service have been constituted or are proposed to be constituted in the State; and

(b) what are the functions of these blocks?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The National Extension Service has been launched in 28 Blocks in the Madras State during the current financial year. About 70 more Blocks will be formed during the next two years.

" (b) The Blocks aim at an integrated treatment of rural life and problems designed to increase food production, improve communications and marketing, tackle disease and illiteracy and train villagers in handicrafts essential to village life."

9-20
a.m. SRI A. RATNAM:—"தேசிய அமைதிப் படைகள் சர்வீஸ்வேலைகள் எடுத்துக் கொடுக்கப்பட்டு வருகின்றன? இவ்வகையில் அந்த இலாகா மக்களுக்கு பயன்படுகிறதா? இதற்கு ஆரம்பத்தில் உதேச செலவு எவ்வளவு?"

THE HON. SRI M. BHAKTAVATSALAM:—"Sir, former firka development areas in each district have been taken up this year under the National Extension Scheme with one exception in Salem district where two new firkas have been added. I have already said the object of the National Extension Scheme is to improve the standard of living of the people in the villages by particularly attending to intense agricultural production and also attending to other amenities. The approximate cost of working a National Extension Block is Rs. 7.5 lakhs for three years. Out of this the recurring expenditure will be Rs. 1.5 lakhs and non-recurring expenditure Rs. 2 lakhs. Out of Rs. 7.5 lakhs, 4 lakhs would be distributed to ryots by way of loans."

SRI S. DEIVASIGAMANY:—"Is there any proposal under the scheme to open a co-operative farm in any of our districts?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir. We have been considering a proposal to start a co-operative farm in each of these blocks."

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SRI A. RATNAM:—"இந்த இலாகாக்களில் எத்தனை அதிகாரிகள் நியமிக்கப்பட்டிருக்கிறார்கள்? அவர்களில் ஹரிஜனங்கள் எவ்வளவு பேர்?"

THE HON. SRI M. BHAKTAVATSALAM:—"One Block Development Officer has been appointed to be in charge of each block and there are various officers working under him. Regarding the representation of various communities, I would like to have notice."

Recruitment of members belonging to Scheduled Castes to the posts of Deputy Collector and Deputy Superintendents of Police.

* 333 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of seats reserved for the members of Scheduled Castes in the recent selections for Deputy Collectors and Deputy Superintendents of Police for which examinations were held during October 1952 and interviews took place in February 1953;

(b) whether these posts were given to the members of the Scheduled Castes; and

(c) whether any Christian candidates applied for the reserved seats producing certificates of reconversion to Hinduism and whether any such candidate was appointed?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

" (a) Deputy Collectors—'one'.

Deputy Superintendents of Police—'two'.

" (b) Deputy Collectors.—The Madras Public Service Commission has selected a candidate belonging to the Scheduled Castes and Scheduled Tribes for appointment as Deputy Collector. As the candidate is an Andhra and as the question of his appointment is one for consideration by the Government of Andhra, the papers relating to his appointment have been transferred to the Government of Andhra for suitable action.

Deputy Superintendents of Police.—The Madras Public Service Commission selected two candidates belonging to the Scheduled Castes and Scheduled Tribes for appointment as Deputy Superintendents of Police. Of the two, one is an Andhra and the papers relating to his appointment as Deputy Superintendent of Police have been transferred to the Government of Andhra, because the question of appointment is now one for the Government of Andhra to consider. The question of appointing the other candidate in this State is under consideration.

" (c) Deputy Collectors.—'No'.

Deputy Superintendents of Police.—Of the two vacancies reserved for Scheduled Castes and Scheduled Tribes, one was reserved for a Telugu knowing candidate. The candidate selected against this vacancy produced a certificate

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of reconversion to Hinduism. The papers relating to his appointment as Deputy Superintendent of Police have since been transferred to the Government of Andhra, as it is now a matter for that Government to pursue."

SRI K. VINAYAKAM:—"Sir, in the light of the answer given by the Hon. Minister for Revenue, may I inform the Hon. Minister that a Deputy Superintendent of Police belonging to the Scheduled Castes at present working in Vijayavada in Andhra is not an Andhra, but a Tamilian born in Chittoor district. He is willing to come back to our service. Will the Government look into his application which has been received by the Government? Will the Government take a reasonable attitude and take him back to our service?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The hon. Member need not worry about that. If the concerned person is a non-Andhra, the Andhra Government will take every step to send him back." (Laughter.)

SRI A. RAJANAM:—"தகுதியும் திறமையும் வாய்ந்த தாழ்த்தப்பட்ட வகுப்பினர் மூலம் செய்திருக்கும்போது அவர்களை நியமிக்காமல் ஏன் கிருஸ்துவர்களை நியமித்தார்கள்? அதுமட்டுமல்ல, மைசூர் ராஜ்யத்திலிருந்து வந்த கிருஸ்துவர்களையும் தாழ்த்தப்பட்டவர்களையும் கவனிப்பதற்குக் காரணம் என்ன?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"No Christians were selected under the guise of Scheduled Castes."

DR. K. B. MENON:—"Does the faith of a person affect his classification as a Harijan or not?"

THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member should know by now (it is very important that he should know) that the reservation in the services is reservation only for Scheduled Castes and the Christians cannot be classified as Scheduled Castes but in the case of educational concessions the Government have treated both in the same manner."

SRI M. PALANIYANDI:—"கனம் முதல் மந்திரி பதில் சொல்லும் போது வேலை நியமனம் சம்மந்தப்பட்ட மட்டும் ஷெட்யூல் கால்ட் என்று பிரிக்கப்படுகிறது, படிப்படிசு சலுகை சம்மந்தமாக பிரிக்கப்படுவது இல்லை என்று சொன்னார். ஆனால் கிருஸ்துவ பரையர்களுக்கும் பள்ளிகளுக்கு அரைச் சம்பளம்தான் கொடுக்கப்படுகிறது. ஆகவே கிருஸ்துவ தாழ்த்தப்பட்டவர்களை அரசாங்கம் மோசமாக நடத்துகிறது என்பதை அரசாங்கம் மறுக்க முடியுமா?"

THE HON. SRI C. RAJAGOPALACHARI:—"That is not at all correct. The hon. Member is raising a complaint with reference to educational concessions not being properly administered. I do not think we are making any bad administration in that matter. We are giving the utmost consideration to Christian converts but there are certain difficulties in dealing with them and we are doing our best. The hon. Member should appreciate our difficulties also."

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SRI V. BALAKRISHNAN:—"Sir, are the members of the much useful Dhobi community encouraged in these appointments?"

THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member knows that we have given very important concessions to that community."

SRI C. KANDASAMY:—"கிருஸ்துவ மதத்திலிருந்து ஹிந்து மதத்திற்கு மாறி உத்தேசங்கள் பெற்ற பிறகு, மறுபடியும் கிருஸ்துவ மதத்திற்கு மாறினால் அவர்களை அரசாங்கம் என்ன செய்யும்?"

THE HON. SRI C. RAJAGOPALACHARI:—"The idea of giving any concession or reservation for Scheduled Class has nothing to do with the question of conversion or re-conversion. The concession is given to an applicant because he belongs to the Hindu Scheduled Castes and if he changes his religion he changes. We cannot interfere with his previous appointment. Perhaps religion has become so unimportant in the minds of some people that it can change according to the jobs secured. Special concessions lead to such abuses sometimes."

SRI K. VINAYAKAM:—"Sir, it is easy enough to avoid giving a direct answer without attaching any seriousness."

THE HON. SRI C. RAJAGOPALACHARI:—"I object to the remark, Sir."

MR. SPEAKER:—"We are serious."

SRI K. VINAYAKAM:—"May I request the Hon. Chief Minister to go into the particular question which I have raised about the Deputy Superintendent of Police belonging to the Scheduled Castes working in Nuzvid in Andhra State. His name is Mr. Munisamy. He is willing to return to Madras, since he is a non-Andhra."

THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member should be doubly thankful that when there is so much difficulty in getting employment, if really a Tamilian has found employment in Andhra, we should be grateful. When there is any bad treatment he will complain and we will certainly look into it." (Laughter.)

SRI AIYANAR:—"கல்விச் சலுகையில் கிருஸ்துவர்களுக்கு ஹரிஜன நிதியிலிருந்து அரசாங்கம் செலவு செய்யாமல் தனிப்பட்ட முறையில் நிதி ஒதுக்குமா?"

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, as I have already submitted there are many difficulties involved in this matter. That is what I told in reply to Mr. Palniyandi. There are many practical difficulties involved and we are trying to do our best. Let us not divide our people more and more."

[6th January 1954]

*Admission for cancer treatment in the General Hospital,
Madras.*

* 334 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Health be pleased to state—

(a) the number of patients admitted for cancer treatment in the Madras General Hospital in 1952;

(b) how many of them came from Malabar; and

(c) whether it is a fact that a majority of the patients coming from Malabar are unable to get admission in the hospital?

THE HON. SRI A. B. SHETTY:—“(a) & (b) The number of patients admitted for cancer treatment in the Radium ward in the General Cancer Ward of the Government General Hospital, Madras, in 1952, was 408 of whom 167 patients came from Malabar.

“(c) No, Sir.”

SRI P. KUNHIRAMA KIDAV:—“Sir, in view of the large number of patients from Malabar, will the Government consider the question of opening a Cancer ward at the Kozhikode Headquarters Hospital?”

THE HON. SRI A. B. SHETTY:—“Sir, it is not possible at present. There is provision for cancer treatment in the General Hospital and the Women and Children Hospital, Madras.”

DR. K. B. MENON:—“Sir, there is a complaint that preference is shown to the patient who sees the doctor at home. Will the Hon. Minister enquire into the complaint?”

THE HON. SRI A. B. SHETTY:—“I have no information, Sir. If any specific case is brought to my notice, I shall enquire.”

SRI P. B. K. RAJACHIDAMBARAM:—“Is the Hon. Minister satisfied that the facilities in the General Hospital and the Women and Children Hospital in Madras is enough for the treatment of all cancer patients throughout the State of Madras?”

THE HON. SRI A. B. SHETTY:—“Sir, they are far from adequate. The Government will attempt to provide facilities at some more hospitals as early as possible.”

SRI K. P. GOPALAN:—“It is understood that some doctors in charge of the Cancer ward have put their agents outside and when patients come they are asked to see them first privately and pay them money and then only they get admitted. Is it a fact, Sir?”

THE HON. SRI A. B. SHETTY:—“Sir, I have no information to that effect.”

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SRI M. PALANIYANDI:—“புற்று வியாதியஸ்தர்கள் சென்னை நகரத் திற்கு வந்துதான் சிகிச்சை செய்துகொள்ள வேண்டுமென்றிருக்கிறது. ஜில்லாக்களிலுள்ள ஏழை மக்கள் இந்த வியாதியினால் கஷ்டப்படும்தோது சென்னை நகரத்திற்கு வரக்கூடிய நிலைமையில் இல்லாமல் இருக்கிறார்கள். ஆகவே, ஒவ்வொரு ஜில்லா ஆஸ்பத்திரியிலும் புற்று வியாதியைக் குணப் படுத்துவதற்கான வைத்திய வசதியைச் செய்து கொடுக்க சர்க்கார் முன் வருமா?”

THE HON. SRI A. B. SHETTY:—“Sir, it is not possible at present. Cancer requires surgical treatment, radium treatment and deep X-ray treatment. It is not possible to provide all these facilities in District Headquarters Hospitals. At present, even for the X-ray plants which we have installed at the District Headquarters Hospitals for diagnostic purposes, we have not enough of properly trained men to take charge of them.”

SRI C. KANDASAMY:—“சர்க்கார் ஜெனரல் ஆஸ்பத்திரியில் இந்த வியாதிக்கு சிகிச்சை அளிக்கக்கூடிய பகுதியில் இரக்கக்கூடிய டாக்டர்கள் எத்தனை பேர்கள் மலையாளிகள் என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பார்களா?”

THE HON. SRI C. RAJAGOPALACHARI:—“Sir, the hon. Member is paying a compliment to the Malabar people. We cannot go into it now.”

SRI V. R. KRISHNA AYYAR:—“Sir, from the figures furnished by the Hon. Minister, it is seen that there are a large number of patients coming from Malabar and evidently Malabar is more stricken with cancer. In view of this, will the Hon. Minister see that further technical equipment is also made available in the Cancer ward started there?”

THE HON. SRI C. RAJAGOPALACHARI:—“The previous supplementary question referred to larger number of Malayalee doctors employed in the Cancer ward and the present question refers to larger number of cancer patients. If we transfer the cancer treatment equipment from Madras to Malabar, then the complaint will become stronger.”

SRI S. DEIVASIGAMANY:—“Sir, is it not in the interests of the larger humanity that the specialist departments should be decentralised and this plant installed in all the districts?”

THE HON. SRI A. B. SHETTY:—“Sir, it is necessary to have all the specialist departments in a teaching institution. In other District Headquarters Hospitals, we are opening specialist departments as and when the required personnel become available.”

Fair price shops in the South Arcot district.

* 335 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the total number of fair price shops in the South Arcot district on 30th June 1953; and whether any new shops were opened during the first half-year of 1953 and under what circumstances?

[6th January 1954]

THE HON. SRI C. SUBRAMANIAM:—"Two hundred and sixty-two fair price shops were functioning in the South Arcot district on 30th June 1953. No new shops were opened during the first half year of 1953."

SRI K. ARANGANATHAN:—"நியாய விலைக் கடைகளை கவனித்து கொள்வதற்கென டெபுடி தாசில்தார் கீரேட்டிலுள்ள தாலுக்கா ஸ்பீன் ஆபீசர்கள் ஏன் இருக்க வேண்டும்? அதற்குப் பதிலாக தாசில்தார்கள், தங்கள் கீழ் வேலை செய்யும் ரெவினியூ இன்ஸ்பெக்டர்களைக் கொண்டு ஏன் இந்த வேலையைக் கவனிக்கக் கூடாது?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, Tahsildars and Deputy Tahsildars have got their own duties. That is why a special District Supply Officer has been appointed for the purpose of supervising these fair price shops."

Gruel centres for handloom weavers in Quilandy firka.

* 336 Q.—**SRI C. KUNHIRAMA KURUP:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many gruel centres for handloom weavers are located in the Quilandy firka in North Malabar; and

(b) whether there are proposals to open more gruel centres for handloom weavers in Malabar?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) Two gruel centres for weavers are functioning, one in Quilandy firka and another in Balussari Salia street in Quilandy sub-taluk.

"(b) The Collector has reported that more centres are likely to be opened if and when voluntary contributions from the charitable public are forthcoming."

SRI K. T. SREEDHARAN:—"Are Government aware that three gruel centres have been closed down in Cannanore recently and is it the policy of the Government to close down these centres?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"The general policy of the Government is for closing the gruel centres progressively. But in cases where there is absolute necessity and where 50 per cent contribution is forthcoming, the Collector at his discretion will open gruel centres."

SRI R. KRISHNAN:—"உலவாலைப் பாவகாடி காலையில் டூவல் ஸென்டர்ஸ் இன்ஸ்பெக்டர் கவனம் வலு கு பாதிக் கையாடிக்ஷன்?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—
"I am glad about it, Sir."

SRI V. R. KRISHNA AYYAR:—"May I know whether the Collector has any instructions to close down progressively all the centres in Malabar district?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—
"Not particularly in Malabar district, Sir. We cannot run gruel centres all the year round."

Construction of a bridge across the Karimpuzha river.

* 337 Q.—**SRI K. C. GOPALAN UNNI:** Will the Hon. the Minister for Public Works be pleased to state—

(a) what was the estimate for the bridge across the Karimpuzha river on the Tottenham road (Ariyur-Ottapalem road) in Walluvanad taluk, Malabar district; and

(b) whether there is any proposal for constructing the bridge at present?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—" (a) Rs. 2.5 lakhs.

" (b) The answer is in the negative."

SRI K. C. GOPALAN UNNI:—"வடகரைவழியில் காரம்புழா ஆறு மீது பாலம் கட்டவேண்டியது பற்றி அரசாங்கம் எவ்வளவு கவனம் செலுத்தும்?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Sir, I cannot say now whether we will be able to consider it in the next Budget. That work has a low priority."

Reversion of Deputy Tahsildars in Tiruchirappalli district.

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

(a) whether some officials who were acting as Deputy Tahsildars in Tiruchirappalli district under rule 9 (a) (i) were reverted on the ground that they were overaged;

(b) whether any persons were reverted in other districts on the same ground; and

(c) how many Harijan Deputy Tahsildars were reverted on this ground and what is the total number of Deputy Tahsildars in each district in Harijan community at present?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) Yes.

"(b) Yes.

"(c) One.

One in Madurai, two in Tirunelveli and one in South Kanara. The Deputy Tahsildar in South Kanara is under orders of reversion for want of vacancy."

SRI M. PALANIYANDI:—"திருச்சி ஜில்லாவில் வேலை செய்யும் ஹரிஜன் டெபுடி தாசில்தார்கள், அவர்களுடைய கீரேட்டிலிருந்து கீழே இறக்கப்பட்டது உண்டா? அப்படி அவர்கள் கீழே இறக்கப்பட்டிருந்தால், அவர்களை மேல் கீரேட்டுக்கு உயர்த்துவதற்கு அரசாங்கம் முன் வருமா?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—

“Yes, Sir, some concession is shown in the case of Harijans and backward classes and in the matter of promotion also we take into consideration all these factors.”

Retrenchment of fieldmen in Agriculture Department.

* 339 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state whether there is any proposal to effect retrenchment in the number of fieldmen in the Madras State?

THE HON. SRI M. BHAKTAVATSALAM:—“The Government are considering the question of re-organising the set up of the Field staff in the Agricultural department.”

SRI K. ARANGANATHAN:—“Will the Government give a guarantee that the existing fieldmen would not be sent home?”

THE HON. SRI M. BHAKTAVATSALAM:—“Sir, there are permanent fieldmen and there may be temporary hands also. So the Government cannot give any guarantee regarding their future. We are examining the whole question so as to have more field workers in order to give effective aid to the ryots.”

SRI K. VINAYAKAM:—“Sir, what are the educational and technical qualifications necessary for a fieldman and in view of the retrenchment that is pending before the Government, are we to understand that the existing fieldmen do not possess the requisite qualification?”

THE HON. SRI M. BHAKTAVATSALAM:—“Sir, I have already answered in reply to another question that S.S.L.C. candidates are recruited as fieldmen and they are given a course of training and then they are appointed as fieldmen. But we are now considering the whole proposal in order to have more maistries who would do the work without adding to the financial commitments.”

SRI K. R. SAMBANDAM:—“இந்த ‘Fieldman’ உத்தியோகத்தில் இருப்பவர்கள், வேறு உத்தியோகத்திற்கு தகுதியுள்ளவர்களாக இருந்தால், களார்க்குளாகவும் எடுத்துக்கொள்ளுவதற்கு அரசாங்கம் முன் வருமா?”

THE HON. SRI M. BHAKTAVATSALAM:—“I can consider the suggestion, Sir.”

Number of South Indians sent back from Malaya and Ceylon.

* 340 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Madras Government have any details as to how many people of this State were sent back from Ceylon and Singapore from January to July 1953; and

(b) of those, how many were Tamils, Malavalees and Canarese?

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THE HON. SRI C. SUBRAMANIAM:—“(a) & (b) A statement^a furnishing the information in respect of persons sent back from Malaya and Ceylon is laid on the table of the House. No separate figures in respect of persons sent from Singapore alone are available at present.”

SRI K. C. GOPALAN UNNI:—“ഇങ്ങിനെ മലയിലിരിക്കുന്ന അന്യനാട്ടുകാരികളെ പൊയിക്കൊണ്ടിരിക്കുന്ന ആളുകൾക്കു വല്ല സഹായവും ഗവണ്മെന്റിൽനിന്നു ലഭിക്കുമോ? അതിനുവേണ്ടി വല്ല അപേക്ഷകളും കിട്ടിയിട്ടുണ്ടോ?”

THE HON. SRI C. SUBRAMANIAM:—“Sir, we have to look after the unemployed persons who have been remaining in India and in our own State. The unemployment of those persons (who have come from Malaya and Ceylon) is also being tackled by the Government.”

SRI V. BALAKRISHNAN:—“May I know whether these persons came back of their own accord or because they lost their citizenship in those countries?”

THE HON. SRI C. SUBRAMANIAM:—“Sir, some of them had gone there on contract for service and after the completion of the contract they have come back. But most of these persons are alleged to be illegal immigrants into Ceylon.”

Harijan Welfare centres in Malabar.

* 341 Q.—SRI K. MOIDU: Will the Hon. the Minister for Animal Husbandry be pleased to state—

9-40
a.m.

(a) the number of Harijan Welfare centres in Malabar district; and the number of students from each taluk who are getting residential scholarships; and

(b) whether the Government propose to have any centre in the Kurumbranad taluk in the Badagara firka?

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“(a) There are no such institutions as ‘Harijan Welfare Centres’. The number of residential scholarships granted during 1952-53 to the students belonging to eligible communities and Backward classes in Palghat, Kozhikode, Wynaad and Ernad taluks of Malabar district were 27, 10, 1 and 2, respectively.

“(b) Does not arise.”

SRI O. KORAN:—“Sir, as the residential scholarship amount is not sufficient to meet the boarding and lodging expenses of students, will the Government take immediate steps to enhance the amount?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“I am unable to answer this question straightway. It all depends upon the allotment available for the next year.”

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SRI E. T. KUNHAN:—“പൊന്നാനിയിൽ എത്ര ഹരിജൻ വിചാരാലയങ്ങൾ ഏർപ്പെടുത്തുക കഴിഞ്ഞിട്ടുണ്ട്?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“A separate question may be put, Sir.”

SRI V. S. SIVAPRAKASAM:—“Since the policy of the national Government is to abolish once for all the evil of social discrimination as between Harijans and caste Hindus in our society and since we are determined to abolish once for all in one generation this discrimination of caste existing in our society will the Government consider the desirability of permitting some of the Harijans that have come up at least to the level of the Backward classes to be included in the list of Backward classes or advanced Hindus so that the really socially and economically Backward Harijans can be benefited by the Government's scheme for their uplift?”

THE HON. SRI C. RAJAGOPALACHARI:—“Sir, the proposal is rather complicated and full of contradictory statements. I would like the hon. Member to send a written memorandum to me. We will examine it.”

Licence for the tapping of sweet toddy.

* 342 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Prohibition be pleased to state whether it is a fact that the Malabar District Co-operative Registrar has recently passed an order that if an ex-toddy-tapper wants to get licence from the Jaggery Co-operative Society, he has to furnish two personal sureties from two other jaggery toddy-tappers and to sign a printed form in which it is written that if one toddy-tapper or the licensee is given any punishment for any offence, all the three will have to get the punishment, and if so, what are the reasons for this new order?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—“One of the conditions prescribed for the issue of licences to members of jaggery manufacturing co-operative societies for the tapping of sweet juice requires that every member to whom a licence is issued should produce two other tappers as sureties who should guarantee for the proper use of the licence granted to the member. This condition has not been newly introduced now but it has been in force since November 1947. The condition is necessary as a safeguard against misuse of the licences.”

SRI K. P. GOPALAN:—“Sir, this condition is enforced recently. In view of the fact that it creates a lot of difficulties for the ex-toddy tappers to get licences and in view of the fact that it is illegal from the point of law to punish one person for a crime committed by another person, will the Government be pleased to reconsider this and veto this order?”

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THE HON. SRI C. RAJAGOPALACHARI:—“The law does permit security being taken. It is not a case of criminal punishment but it is an assurance or recognizance taken from the sureties.”

SRI V. BALAKRISHNAN:—“Are the Government aware that in spite of the stringent conditions imposed, licences issued for the tapping of this juice are ill-used, misused and abused with the connivance of the police?”

THE HON. SRI C. RAJAGOPALACHARI:—“Sir, we have to tolerate a certain amount of cheating and fraud.” (Laughter.)

Payment of compensation to the Tiruchirappalli United Cricket Club.

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

(a) whether the Tiruchirappalli United Cricket Club have applied for assignment of vacant land T.S. No. 399/1-D within the municipal limits of Tiruchirappalli town in Tiruchirappalli district for use as a playground;

(b) if so, when the application was made;

(c) the stage of consideration of the application;

(d) whether the original site T.S. No. 977/3 assigned to and used by the public and the Tiruchirappalli United Cricket Club has been resumed for the construction of the District Medical headquarters; and

(e) if so, when and whether any compensation was paid to the Tiruchirappalli United Cricket Club?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Yes.

“(b) The application was made on 4th May 1949.

“(c) It was disposed of in December 1951.

“(d) Yes.

“(e) No compensation was paid to the Club.”

SRI V. BALAKRISHNAN:—“May I know how the application has been disposed of? Has any alternative site been given to the Club?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“Yes, Sir. An alternative site has been given and they have been permitted to use it.”

SRI A. RAMASAMY TEVAR:—“In view of the fact that when Rajaji was the Chief Minister, the land was given to the Tiruchirappalli United Cricket Club for use as a playground and it was subsequently taken over by the Government for the construction of the Headquarters hospital and in view of the fact that many representations were made to the Hon. Minister for Land Revenue

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when he visited Tiruchirappalli very recently, will the Hon. Minister for Land Revenue be pleased to assign permanently some land belonging to the Government in the Cantonment area for use as a playground?"

THE HON. SRI C. RAJAGOPALACHARI:—"The suggestion (of the previous Chief Minister) will be duly considered by the present Chief Minister." (Laughter.)

"Gramavasiyin Thozhanum Panjangamum."

* 344 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state when "*Gramavasiyin Thozhanum Panjangamum*" was published by the Agricultural Department for the year 1953-54; and when copies of the same were received at the Gingee Agriculture Demonstrator's office, South Arcot district?

THE HON. SRI M. BHAKTAVATSALAM:—"The publication referred to by the hon. Member was published between 9th June and 7th July 1953. Copies of this publication are reported to have been received in the office of the Agricultural Demonstrator, Gingee, on 2nd September 1953."

SRI K. ARANGANATHAN:—"கிராமவாசியின் தோழனும் பஞ்சாங்கம்" என்ற பஞ்சாங்கத்தில் 6 மாத பஞ்சாங்கம் காலாவதியான பிறகு ஏன் வெளியிடப்படுகிறது? இந்தக் காலதாமதம் ஏன்? இனி மேலாவது முன்கூட்டியே கிடைப்பதற்கு வேண்டிய ஏற்பாட்டை அரசாங்கம் செய்யுமா?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am obliged to the hon. Member for bringing this to the notice of the Government through this question. The Government expected that the publication could be released by the end of March. But there has been delay, perhaps, due to printing. I may, however, tell the hon. Member that the Malayalam and Kannada publications were released in April this year. I am looking into the matter and I can assure the hon. Member that we shall take every step to see that the publications next year are released sufficiently early. I may also inform the hon. Member that even if the publication has been released after six months, it would be valuable enough because it gives six months' information to the ryots who can purchase it for two annas."

SRI S. RAMAIAH:—"அந்தப் பத்திரிகையின் பெயர் 'கிராம வாசியின் தோழன்' என்று இருப்பதனால் அந்தப் பிரசாரம் 'கம்யூனிஸ்ட்' பிரசாரம் என்று ரொம்ப பேர் வாங்கி ஏமாந்து போவதனால், அந்தப் பெயரை மாற்றுவதற்கு அரசாங்கம் யோசிக்குமா?"

THE HON. SRI M. BHAKTAVATSALAM:—"It is also called a *panjangam*. And there can be no connection between *panjangam* and Communists."

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SRI P. B. K. RAJACHIDAMBARAM:—"Will the Hon. Minister see that at least from next year onwards this *panjangam* is printed on white paper with black ink instead of being printed on black paper with black ink as is being done now?"

THE HON. SRI M. BHAKTAVATSALAM:—"It is a question of additional expenditure to the Government. If my Hon. Colleague the Minister for Finance would appreciate it, I would consider the suggestion, Sir."

Number of toddy shops in the State before Prohibition.

* 345 Q.—SRI A. RATNAM: Will the Hon. the Minister for Prohibition be pleased to state how many toddy shops and liquor shops were functioning in the City of Madras and in the State before Prohibition?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—"The number of shops in Madras City and in the State, before Prohibition, was as follows:—"

	In Madras City.	In the State.
Toddy shops ..	61	10,382
Arrack shops ..	18	5,844
Foreign liquor shops ..	175	706 "

Promotion of clerks as Sub-Registrars.

* 346 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Religious Endowments be pleased to state—

(a) whether any list of clerks for promotion as Sub-Registrars was prepared by the Inspector-General of Registration during 1953 on the eve of the formation of the Andhra State;

(b) the number of such promotees who belong to Andhra and the residuary Madras State separately; and

(c) whether the Inspector-General of Registration was on the eve of his transfer to Andhra when he ordered these promotions?

THE HON. SRI K. VENKATASWAMI NAIDU:—" (a) Yes. A list of clerks for recruitment by transfer to the posts of Sub-Registrar was drawn up on 20th August 1953.

" (b)

Andhra State	16
Residuary State	33
Mysore State	2

" (c) The list was prepared on 20th August 1953 and the Inspector-General was transferred to the Andhra State with effect from 1st October 1953."

SRI K. R. VISWANATHAN:—"Are the Government aware that there is a Government order to the effect that no officer should, on the eve of his transfer or of leaving the job, exercise

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his power of promotion or transfer, as he is likely to abuse that power? If so, have the Government taken any action against the officer for contravening this order?"

THE HON. SRI K. VENKATASWAMI NAIDU:—"Under rule 2 (a) of the Madras Registration Subordinate Service, clerks of the Registration Department are recruited by transfer to the posts of Sub-Registrars, Grade II. According to item (d) of the same rule, the Inspector-General of Registration prepares from time to time a list of candidates approved for appointment as Sub-Registrars. In pursuance of this rule, the list was prepared."

Pay of process-servers of the former Pudukkottai State.

* 347 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Law be pleased to state—

(a) whether the process-servers and other similar subordinate staff in the Judicial department of the former Pudukkottai State have been absorbed from 1st January 1949 and given the Madras State scales of pay from 1st January 1949;

(b) the number of such persons in the Judicial set up of the old Pudukkottai State;

(c) the number now in the present set up; and

(d) if the Madras State scale of salaries have not been paid from 1st January 1949, the reasons for such non-payment?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—" (a) The answer is in the affirmative.

" (b) Eighty-nine.

" (c) Eighty-nine out of which 23 posts are supernumerary and are to be abolished as and when they fall vacant.

" (d) Does not arise."

Number of Tamilian lady doctors serving in non-Tamil areas.

* 348 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Health be pleased to state—

(a) the number of Tamilian lady doctors serving in non-Tamil areas of Madras State; and

(b) the number of non-Tamil lady doctors serving in Tamil areas of Madras State?

THE HON. SRI A. B. SHETTY:—" (a) Two.

" (b) Fifty."

SRI V. BALAKRISHNAN:—"Is it not to the advantage of patients that doctors speaking particular tongues are posted to those language areas?"

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THE HON. SRI A. B. SHETTY:—"As far as possible, doctors are posted to their own language areas. In arriving at the figures given in the answer, Madras City also has been included. Madras City is more or less a multi-lingual area and the doctors posted here have a working knowledge of the languages spoken here."

Rearing of fishes in the Gingee taluk.

* 349 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the cost incurred by the Government to rear fishes in the Gingee taluk, South Arcot district, and the amount realized from the same?

THE HON. SRI M. BHAKTAVATSALAM:—"The cost so far incurred has amounted to Rs. 1,770-1-5 and the revenue realized is Rs. 1,325-1-0."

SRI K. ARANGANATHAN:—"What are the varieties of fish that are reared?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would like to have notice to give the information."

SRI A. RAMASAMI TEVAR:—"May I know whether the Hon. Minister has ever tasted fish?"

THE HON. SRI M. BHAKTAVATSALAM:—"Perhaps it may be to the disadvantage of the Fisheries department if the Minister for Fisheries is fond of fish. It is not necessary for the Minister to have tasted fish for administering the Fisheries department effectively."

SRI M. R. RAMACHANDRAN:—"May I know why the cost of production is so high?"

THE HON. SRI M. BHAKTAVATSALAM:—"I can say that it is not costly at all."

Non-payment of teaching grant to teachers in Malabar

* 350 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Finance be pleased to state the number of teachers in Malabar who have not been paid their teaching grant since 1946 and the number of teachers who are refused payment of salary on the ground that their service registers have not been countersigned by the Deputy Inspectors of Schools concerned?

THE HON. SRI C. SUBRAMANIAM:—"The answer to the first part of the question is 'nil'. Regarding the second part, there was one such case and that also has been disposed of."

SRI V. R. KRISHNA AYYAR:—"May I know how that one case was disposed of?"

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THE HON. SRI C. SUBRAMANIAM:—"The Register was countersigned and the grant was paid."

Area in acres under groundnut.

* 351 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the total number of acres under groundnut crops during the fasli years 1362 and 1363 in the residuary Madras State?

THE HON. SRI M. BHAKTAVATSALAM:—"The estimated area in acres under groundnut is—

	ACS.
Fasli 1362 (1952-53)	1,851,500
Fasli 1363 (1953-54)	1,957,000

The figures of actual area are not available."

SRI K. ARANGANATHAN:—"வட ஆற்காடு தென் ஆற்காடு ஜில்லாக்களில் 1952-53-ல் மணிலா விதை இல்லாத காரணத்தினால் மணிலா சாகுபடி மிகக் குறைவாக இருந்தது. இப்படி பொதிய விதை கிடைக்காத காலங்களில் அரசாங்கம் விதை கொடுக்க ஏற்பாடு செய்யுமா?"

THE HON. SRI M. BHAKTAVATSALAM:—"That was so due to the drought conditions prevailing in those two districts. I can assure the hon. Member that the Agriculture Department will give every facility that can be given."

Subsidy for libraries in South Arcot district.

* 352 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the total amount spent in South Arcot district as subsidy for libraries during the year 1952-53?

THE HON. SRI C. SUBRAMANIAM:—"Rupees three thousand and sixty-five."

Deaths due to alcohol.

* 353 Q.—SRI S. PAKKIRISWAMI PILLAI: Will the Hon. the Minister for Health be pleased to state—

(a) the number of cases brought to the mortuary of the Government General Hospital, Madras, in years 1952 and 1953 for post-mortem examination; and

(b) how many of the deaths were due to the drinking of illicit arrack?

THE HON. SRI A. B. SHETTY:—" (a) 604 in 1952 and 563 in 1953 (up to 20th November 1953).

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" (b) The number of cases in which death was due to alcohol and the number of cases in which death was due to other causes where alcohol was detected were 13 and 8, respectively, in 1952 and 21 and 7, respectively in 1953 (up to 20th November 1953). It is not possible to say in what form alcohol had been imbibed."

SRI S. PAKKIRISWAMI PILLAI:—"Out of the number of deaths due to the drinking of illicit arrack, may I know how many were due to heart failure?"

THE HON. SRI A. B. SHETTY:—"I have no information."

Appointment of Deputy Collectors as Land Acquisition Officers.

* 354 Q.—SRI K. KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of Special Deputy Collectors with the special duties allotted to them particularly the number of such Deputy Collectors deputed for land acquisition work in the district of Malabar;

(b) the number of (1) Tahsildars and (2) Deputy Tahsildars deputed for the land acquisition work in the district of Malabar; and

(c) whether the functions of those Deputy Collectors and Tahsildars are identical?

THE HON. SRI M. A. MANICKAVELU NAICKER:—" (a) 11 and 4, respectively.

" (b) (1) 4 Special Tahsildars and (2) 8 Special Deputy Tahsildars.

" (c) The functions of the Special Deputy Collectors and Special Tahsildars appointed as Land Acquisition Officers under the Land Acquisition Act are identical."

Reorganization of district boards.

* 355 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have considered the recommendations of the Report of the Advisory Committee for reorganization of district boards;

(b) if so, what are the results of the consideration; and if not, when it is likely to be concluded; and

(c) whether a copy of the Report of the Advisory Committee for reorganization of the district boards will be placed on the table of the House as mentioned in the Hon. Local Administration Minister's reply to starred question No. 95 at page 649 of the Official Report of the Madras Legislative Assembly Debates, dated 20th March 1953?

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THE HON. SRI K. RAJARAM:—“(a) to (c) The report is under consideration. The question of placing the report on the table of the House will be duly considered after the Government have taken their decisions.”

SRI K. ARANGANATHAN:—“For how long have the Government been considering this report?”

THE HON. SRI K. RAJARAM:—“Because of the Andhra separation and other urgent matters, this was not taken into consideration. It will be considered very early.”

SRI S. DEIVASIGAMANY:—“What is the length of time taken to consider this report?”

THE HON. SRI K. RAJARAM:—“It will be taken into consideration immediately. I do not know when the consideration will be over.”

SRI S. DEIVASIGAMANY:—“The Hon. Minister has not answered my question. My question was what was the length time taken to consider this subject.”

THE HON. SRI K. RAJARAM:—“The report was submitted to the Government in January 1952. I think that the Government can take it into consideration next month.”

SRI P. B. K. RAJACHIDAMBARAM:—“May I know what is the difficulty in placing the report before the House? Do the Government feel that consideration by them will be affected if the report is placed before the House?”

THE HON. SRI K. RAJARAM:—“Without considering the report, how can it be placed on the table of the House? After the Government finish their consideration of the report, it will be placed on the table of the House.”

SRI V. K. RAMASWAMY MUDALIAR:—“Will the Government finish consideration of the report as early as possible and distribute copies to Members?”

THE HON. SRI K. RAJARAM:—“I have already answered this point.”

Remission of land revenue in Malabar.

* 356 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received any memorandum from the public of the recent flood-affected area in Malabar stating that they are unable to pay the rent and land revenue due to the destruction of crops; and

(b) if so, what action has been taken so far?

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THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Besides individual applications for remission of land revenue the Kisans of Kottayam taluk led by Sri C. H. Kanaran, M.L.A., Tellicherry, submitted a memorandum to the Revenue Divisional Officer, Tellicherry, containing suggestions for relief due to floods, one of which was for exemption from payment of rent and remission. Another representation was also received from Sri K. P. Gopalan, M.L.A., requesting remission of rent and land revenue to the agriculturists of Ramanathali and other villages of Chirakkal taluk.

“(b) No action was taken by the revenue authorities with regard to exemption from payment of rent as it was a matter to be decided between the jennmis and the tenants. As regards the request for remission of land revenue the revenue authorities have been instructed to grant remission in deserving cases.”

SRI M. NARAYANA KURUP:—“Under the existing rules governing the grant of remission, one subdivision is taken as a whole. One subdivision may be in the possession of different tenants. If a subdivision contains ten acres and there is failure of crop on only one or two acres, no remission is allowable, because the entire subdivision is not affected. Will the Government please consider this matter and issue necessary instructions?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“If it is a matter for executive instruction, I will consider. If it is a matter to be dealt with by a Bill, the hon. Member will have an opportunity soon.”

SRI K. R. SAMBANDAM:—“ரெமிஷன் கொடுக்கப்பட்ட போதிலும் அந்த ரெமிஷன் ஜன்மிகளுக்கு பிரயோஜனப்படுகிறதே தவிர விவசாயிகளுக்கு பயன்படுவது இல்லை. அதற்காக கனம் மந்திரியார் அவர்கள் ஏதாவது உடனடியாக நடவடிக்கை எடுப்பார்களா?” 10 a.m.

THE HON. SRI M. A. MANICKAVELU NAICKER:—“I do not know when the hon. Member became posted with the peculiar nature of the Malabar tenure. I am myself unable to follow it fully and I am not able to understand the hon. Member also.”

Remission of land revenue in Malabar.

* 357 Q.—SRI C. KUNHIRAMA KURUP: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have any proposal to sanction rent remission to those persons who have sustained damages to their crops due to floods in Malabar; and

(b) if so, in what parts of Kurumbranad taluk in North Malabar such remissions of rent will be given?

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THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) & (b) The Collector of Malabar is taking action to grant remission of land revenue in deserving cases in accordance with the provisions in the Board's Standing Orders. In all cases where land revenue has been remitted, the landlord is bound to remit the whole or proportionate rent due to him from the tenant.”

UNSTARRED QUESTIONS.

Opening of fire on mobs.

16 Q.—SRI K. ARANGANATHAN: Will the Hon. the Chief Minister be pleased to state—

(a) the total number of times fire was opened on mobs and demonstrations from 3rd May 1952 up to 1st August 1953, throughout the State;

(b) the total number of lathi charges during the abovesaid period; and

(c) the total number of rounds of fire opened during the abovesaid period?

A.—(a) to (c) During the period in question fire had to be opened on 8 (eight) occasions. The total number of rounds fired on these eight occasions all told was 54 (fifty-four). The number of occasions on which lathi charge had to be resorted to during the period was 11 (eleven). The figures furnished relate to the present State of Madras.

Statistics about rickshaws in the City.

17 Q.—SRI A. RATNAM: Will the Hon. the Minister for Finance be pleased to state—

(a) how many rickshaws are permitted by the Police Department for hire purposes in the City of Madras;

(b) how many rickshaws are holding licences given by the Corporation of Madras;

(c) whether licences are issued to the cycle rickshaws in the City;

(d) how many cycle rickshaws are constructed in the City and how many of them applied for police licences; and

(e) how many auto-rickshaws are running in the City and whether all of them are working satisfactorily?

A.—(a) The number of hand-pulled rickshaws permitted for hire is 3,750.

(b) The Corporation of Madras has issued licences to 5,627 rickshaws, which number includes both private owned vehicles and vehicles licensed under the Hackney Carriage Act.

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(c) Yes, Sir.

(d) It has not been possible to ascertain the exact number of cycle-rickshaws manufactured in the City. Two hundred and eighty cycle-rickshaws have so far been registered.

(e) One hundred and fifty-seven auto-rickshaws are in the City and they are stated to be running satisfactorily.

Punishment of Gazetted Officers for offences of corruption.

18 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the number of Gazetted Officers who were booked for the offences of corruption during the years 1945–53;

(b) the names of the respective departments in which such officers were serving at the time of the offences;

(c) the actual salaries and allowances they were drawing at that time;

(d) how many of them were punished and how;

(e) whether any of them were prosecuted in any criminal courts; and

(f) if so, the results thereof?

A.—The attention of the hon. Member is invited to his previous starred questions No. 243, dated 14th February 1953, and No. 1940, dated 26th March 1953, on the same subject. The particulars then collected are given in the Annexure.* The Government consider that further gathering of precise information will involve much time and labour which will not be commensurate with any good purpose, mere collection of such statistics may serve.

Defalcation in co-operative societies.

19 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of cases of defalcation in the several co-operative societies in our State during the years 1952–53 that were detected; and

(b) the steps taken, if any, against the persons concerned with the defalcation and the results thereof?

A.—(a) 168.

(b) 74 out of 168 cases detected are under departmental investigation; 3 were dropped; complaints have been filed with the Police in the remaining 91 cases. Of these complaints, 28 are under police investigation, 26 ended

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THE HON. SRI M. A. MANICKAVELU NAICKER:—
“ Yes, Sir, some concession is shown in the case of Harijans and backward classes and in the matter of promotion also we take into consideration all these factors.”

Retrenchment of fieldmen in Agriculture Department.

* 339 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state whether there is any proposal to effect retrenchment in the number of fieldmen in the Madras State?

THE HON. SRI M. BHAKTAVATSALAM:—“ The Government are considering the question of re-organizing the set up of the Field staff in the Agricultural department.”

SRI K. ARANGANATHAN:—“ Will the Government give a guarantee that the existing fieldmen would not be sent home?”

THE HON. SRI M. BHAKTAVATSALAM:—“ Sir, there are permanent fieldmen and there may be temporary hands also. So the Government cannot give any guarantee regarding their future. We are examining the whole question so as to have more field workers in order to give effective aid to the ryots.”

SRI K. VINAYAKAM:—“ Sir, what are the educational and technical qualifications necessary for a fieldman and in view of the retrenchment that is pending before the Government, are we to understand that the existing fieldmen do not possess the requisite qualification?”

THE HON. SRI M. BHAKTAVATSALAM:—“ Sir, I have already answered in reply to another question that S.S.L.C. candidates are recruited as fieldmen and they are given a course of training and then they are appointed as fieldmen. But we are now considering the whole proposal in order to have more maistries who would do the work without adding to the financial commitments.”

SRI K. R. SAMBANDAM:—“ இந்த ‘ Fieldman ’ உத்தியோகத்தில் இருப்பவர்கள், வேறு உத்தியோகத்திற்கு தகுதியுள்ளவர்களாக இருந்தால், களார்க்குளாகவும் எடுத்துக்கொள்ளுவதற்கு அரசாங்கம் முன் வருமா ? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I can consider the suggestion, Sir.”

Number of South Indians sent back from Malaya and Ceylon.

* 340 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Madras Government have any details as to how many people of this State were sent back from Ceylon and Singapore from January to July 1953; and

(b) of those, how many were Tamils, Malavalees and Canarese?

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THE HON. SRI C. SUBRAMANIAM:—“ (a) & (b) A statement^a furnishing the information in respect of persons sent back from Malaya and Ceylon is laid on the table of the House. No separate figures in respect of persons sent from Singapore alone are available at present.”

SRI K. C. GOPALAN UNNI:—“ ഇങ്ങനെ മലയാളിമാരെ അന്യനാടുകളിൽ പോയിക്കടങ്ങിയവരുടെ എണ്ണം വ്യക്തമാക്കുന്ന ഒരു റിപ്പോർട്ട് സഭയിൽനിന്നു ലഭിച്ചിട്ടുണ്ടോ ? അതിനുവേണ്ടി വല്ല അപേക്ഷകളും കിട്ടിയിട്ടുണ്ടോ ? ”

THE HON. SRI C. SUBRAMANIAM:—“ Sir, we have to look after the unemployed persons who have been remaining in India and in our own State. The unemployment of those persons (who have come from Malaya and Ceylon) is also being tackled by the Government.”

SRI V. BALAKRISHNAN:—“ May I know whether these persons came back of their own accord or because they lost their citizenship in those countries?”

THE HON. SRI C. SUBRAMANIAM:—“ Sir, some of them had gone there on contract for service and after the completion of the contract they have come back. But most of these persons are alleged to be illegal immigrants into Ceylon.”

Harijan Welfare centres in Malabar.

* 341 Q.—SRI K. MOIDU: Will the Hon. the Minister for Animal Husbandry be pleased to state—

9-40
a.m.

(a) the number of Harijan Welfare centres in Malabar district; and the number of students from each taluk who are getting residential scholarships; and

(b) whether the Government propose to have any centre in the Kurumbranad taluk in the Badagara firka?

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“ (a) There are no such institutions as ‘ Harijan Welfare Centres ’. The number of residential scholarships granted during 1952-53 to the students belonging to eligible communities and Backward classes in Palghat, Kozhikode, Wynaad and Ernad taluks of Malabar district were 27, 10, 1 and 2, respectively.

“ (b) Does not arise.”

SRI O. KORAN:—“ Sir, as the residential scholarship amount is not sufficient to meet the boarding and lodging expenses of students, will the Government take immediate steps to enhance the amount?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“ I am unable to answer this question straightway. It all depends upon the allotment available for the next year.”

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Costs of jamabandi in Pudukkottai division.

24 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the costs (talukwar) of jamabandi held last year in the three taluks of Pudukkottai division, Tiruchirappalli district;

(b) the number of petitions received at the jamabandi as per each taluk;

(c) the number of petitions disposed of at the jamabandi camp itself;

(d) the number not disposed of at the camp itself and pending disposal;

(e) how many of the petitions received as per each taluk relate to irrigation works; and

(f) how many of such petitions relating to irrigation works were disposed of?

A.—

	<i>Tirumayam taluk.</i>	<i>Alangudi taluk.</i>	<i>Kolathur taluk.</i>
	Rs. 1,596-8-0	Rs. 1,380-14-0	Rs. 1,544-5-0
(a)	496	464	465
(b)	80	484	50
(c)	416	Nil	415
(d) (i) Number not disposed of at the camp itself.			
(ii) Number still pending.	Nil	Nil	49
(e)	78	91	60
(f)	78	91	60

Grant of agricultural loans in Pudukkottai division.

25 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) in a tabulated form the number of applications from each taluk of Pudukkottai division, Tiruchirappalli district, for agricultural loans of Rs. 50, Rs. 100, Rs. 150, Rs. 200, Rs. 250, Rs. 300, Rs. 350, Rs. 400, Rs. 450 and Rs. 500 and over for the year 1951-52;

(b) the number of such applications in each taluk allotted under each head which were complied with; and

(c) the number still pending disposal?

A.—(a) to (c) A statement^a containing the required particulars is appended.

^a Printed as Appendix IV on page 270 infra.

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Local development works in the State.

26 Q.—SRI M. NARAYANAN NAMBIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the amount sanctioned by the Planning Commission for local development works in the State;

(b) the amount allotted to each district;

(c) the amount sanctioned to each taluk in South Kanara including Hosdrug sub-taluk; and

(d) the schemes approved by the Government in each taluk in South Kanara?

A.—(a) The Government of India made a grant of Rs. 40 lakhs for local development works in the Composite Madras State. Out of this grant, the share of this State, after partition, works out to Rs. 24.69 lakhs.

(b) The grant of Rs. 24.69 lakhs allocated for this State has been distributed among the districts, except the Madras City, on a population basis by this Government. A statement^a showing the share of each district of this State is given in Annexure I.

(c) The distribution of the grant has been made only for each district and not for each taluk and sub-taluk.

(d) A statement showing the schemes sanctioned for execution in the several taluks in the South Kanara district is given in Annexure II.

Grant of takkavi loans in Malabar.

27 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many applications were received from the peasants of Malabar for takkavi loans taluk-war in 1952-53; and

(b) how many applicants were granted loans and how many were not granted; and for what reasons?

A.—(a) & (b) A statement^b is appended.

Sinking of wells under the Rural Water-supply Scheme in the Salem district.

28 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Health be pleased to state—

(a) the number of wells dug so far in each taluk of Salem district under the Rural Water-supply Scheme for the year 1952-53; and

(b) what is the total amount of money spent on the same?

^a Printed as Appendix V on pages 271-273 infra.

^b Printed as Appendix VI on page 274 infra.

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4.—(a) & (b) The number of wells sunk in each taluk of the Salem district during 1952–53 and the expenditure incurred thereon are furnished below :—

Name of taluk.	Number of wells.	Amount spent. RS.
Hosur	18	23,165
Krishnagiri ..	11	11,026
Dharmapuri ..	7	10,911
Harur	12	13,438
Salem	13	6,245
Omaler	6	14,297
Tiruchengode ..	10	14,926
Namakkal ..	3	2,829
Rasipur	1	1,752
Attur	2	1,072
Total ..	83	99,661

Formation of Statutory Committees in the Tiruchirappalli district.

29 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Chief Minister be pleased to state—

(a) the various district committees statutorily formed by the District Collector, Tiruchirappalli, for 1951–52 and 1952–53, with their personnel and functions;

(b) the expenditure incurred on each of the committees; and

(c) the recommendations made by each of the committees and the action taken thereon?

A.—(a) No committee was statutorily formed by the Collector of Tiruchirappalli for 1951–52 and 1952–53.

(b) & (c) Do not arise.

Digging of wells by the Army units.

30 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Health be pleased to state—

(a) the places in this State visited by Army Personnel in 1952 to dig or reopen drinking water wells; and

(b) the number of wells dug or deepened by them, the costs involved and the number of personnel employed?

A.—(a) The Army units were deputed to deepen wells in Ramanathapuram, Salem, Coimbatore, Madurai and Tiruchirappalli districts and they visited such areas in these districts as the Collectors indicated to them for operations.

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(b) (i) The number of wells deepened is as follows :—

Name of district.	Number of wells deepened.
Coimbatore	32
Salem	30
Tiruchirappalli ..	5
Madurai	15
Ramanathapuram ..	15
Total ..	97

(ii) The cost involved was as follows :—

Wages to mazdoors	10,893
Purchase of sundry articles ..	1,304
Rent for buildings and other incidental charges.	975
Freight charges for drums supplied by the Army and petrol charges, etc., for lorries.	25,147
Total ..	38,619

The normal cost of the Army personnel (including their pay, allowances, rations, etc.) was borne by the Government of India.

(iii) Particulars regarding the number of personnel employed are not available.

Relief to the victims of floods in Malabar.

31 Q.—SRI M. CHADAYAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of houses which were destroyed in each of the taluks by the recent floods in Malabar district;

(b) what relief was given to them;

(c) how many of them are yet to get relief; and

(d) what relief was given to the farmers who were affected by the floods?

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4.—(a) The number of houses which were destroyed or damaged in each of the taluks of the Malabar district by the recent floods were—

1 Chirakkal taluk	923
2 Kottayam taluk	79
3 Kurumbranad taluk	338
4 Wynaad taluk	..
5 Kozhikode taluk	105
6 Ernad taluk	466
7 Walluvanad taluk	11
8 Palghat taluk	..
9 Ponnani taluk	238
10 Fort Cochin taluk	..

(b) A sum of Rs. 34,568 was disbursed towards grant for the reconstruction of houses damaged or destroyed by floods.

(c) Nil.

(d) A sum of Rs. 10,000 was placed at the disposal of each of the District Agricultural Officers of North and South Malabar exclusively for the grant of loans to the agriculturists in the flood-affected areas for the purchase of seed manure. The entire amount was utilized for the purpose. In addition the Revenue authorities have been instructed to grant loans liberally under the usual takkavi rules for the reclamation of silted agricultural lands.

Number of vehicles with valid permits in Malabar.

32 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state how many vehicles under the following categories are now in Malabar with valid permits and licences:—

- (1) Motor transport buses;
- (2) Lorries;
- (3) Private cars;
- (4) Taxi cars;
- (5) Motor transport vans;
- (6) Motor cycles;
- (7) Spare buses; and
- (8) Spare lorries.

A.—The numbers are as follows:—

Motor transport buses	358
Lorries	980
Private cars	2,238

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Taxis	67
Motor transport vans	20
Motor cycles	199
Spare buses	63
Spare lorries	124

Translation of Madras Acts into the Malayalam language.

33 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether, at present, copies of the Acts of the Madras Legislature, translated into Malayalam, are available for sale;

(b) if so, the enactments so available now; and

(c) if not, whether the Government have under consideration any proposal to do so?

A.—(a) Translations of important Madras Acts into the Malayalam language are generally made available for sale if there is a demand for such translations; but in the case of unimportant or formal Acts, such translations are not made.

(b) A list of the enactments translated into Malayalam available with the Controller of Stationery and Printing for sale is at pages 48—58 (b) of the catalogue of Government Publications, as corrected up to the 31st December 1952, which is a priced publication. A copy of the catalogue has been placed in the Legislature Library for reference.

(c) Does not arise.

Death of children due to dysentery in Malabar.

34 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Health be pleased to state whether Government have information as to the number of children below 16 who died of dysentery or allied diseases in the various taluks of the Malabar district in the year 1953?

A.—No, Sir.

MR. SPEAKER:—“ Questions are over. Let me take up the next item on the agenda. The Hon. Minister for Local Administration will now move his motion.”

SRI K. R. VISWANATHAN:—“ On a point of order, Sir. In the previous session it was said that a day would be allotted for discussing the Modified Scheme of Elementary Education. May I know when we will be given an opportunity to discuss it? ”

MR. SPEAKER:—“ It is only a point of information. The hon. Member should have given previous notice of it. The Hon. the Minister for Local Administration will move his motion.”

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

II.—GOVERNMENT MOTION.

- (1) AMENDMENT TO SCHEDULE IV TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920).

THE HON. SRI K. RAJARAM:—" Mr. Speaker, Sir, I beg to move—

' That the following draft of the rules proposed to be made by the Governor of Madras under sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), for altering Schedule IV to the said Act be approved:—

DRAFT RULES.

In rule 19 of Schedule IV to the Madras District Municipalities Act, 1920—

- (1) *after sub-rule (1), the following Explanations shall be inserted, namely:—*

" Explanation.—Where, in pursuance of section 97, a statement regarding the income of a company or the salary or income of an employed person has been furnished to the executive authority, nothing in this sub-rule shall be deemed to require that authority to serve a notice on such company or person ";

- (2) *in sub-rule (2)—*

(a) *after the words, brackets and figure " If a return is made as required under sub-rule (1) ", the words and figures " or a statement regarding the income or salary is furnished under section 97 " shall be inserted;*

(b) *for the words " such return ", the words " such return or statement " shall be substituted;*

- (3) *in sub-rule (3), for the words, brackets and figure " if no return is made as required under sub-rule (1), or if the executive authority is satisfied that any return so made ", the following words, brackets and figures shall be substituted, namely:—*

" If no return is made as required under sub-rule (1), or if no statement is furnished under section 97, or if the executive authority is satisfied that any return so made or any statement so furnished ".

" Sir, for the purpose of levying profession tax in municipalities, section 97 of the Madras District Municipalities Act, 1920, empowers the executive authorities of municipal councils to issue requisitions to the employers or their representatives to furnish lists of persons employed by them with information regarding the salary or income of the employees and particulars in regard to any company of which such employers are representatives or agents.

6th January 1954] [Sri K. Rajaram]

Rule 19 of Schedule IV to the Madras District Municipalities Act casts an obligation on the executive authorities of municipal councils to serve a notice on all persons assessable to profession tax, requiring them to furnish particulars of income for purposes of assessment to profession tax. It is considered unnecessary and wasteful to ask such employees individually to submit a return of their income as the particulars can be secured from the employers under section 97 of the Act. It is accordingly proposed in the draft rule to amend rule 19 of Schedule IV to the Act so as to give the executive authority discretion to call for return of income only from persons in respect of whom it has not secured information under section 97 of the Act. With these words, Sir, I move that the draft rule be approved."

The motion was put and carried.

III.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO. 12 OF 1953).

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—" Mr. Speaker, Sir, I beg to present the Report ^a of the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) and move—

' That the Bill, as amended by the Joint Select Committee, be taken into consideration.' "

SRI K. P. GOPALAN:—" On a point of order, Sir, In rule 93 of the Madras Assembly Rules, it is stated that after the expiry of fifteen days from the making of the Report, the Member in charge may move that the Bill, as reported by the Select Committee, be taken into consideration."

MR. SPEAKER:—" The other day the same question was raised by some hon. Member and I told the House that I had waived notice."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—" Sir, I think it will be necessary to apprise the House of the changes made by the Joint Select Committee.

" The Joint Select Committee held six sittings in all, and considered the provisions of the Bill in the light of the several representations received from the various landed interests in the areas to which the Malabar Tenancy Act applied. In the Bill, as originally introduced in this House, the Committee has made certain important changes. I shall state them briefly:

" ' *Ulkudi* ' as defined in the original Amendment Bill referred to a hut on a dry land or garden land but not to a hut on wet land. As it was represented that in certain areas

^a Printed as Appendix VII on pages 275-298 infra.

[Sri K. P. Kuttikrishnan Nair] [6th January 1954]

ulkudis are put up on wet lands also the Committee decided to widen the definition so as to make it applicable to ulkudis on wet lands also. Under the original Bill the holders of ulkudis situated outside Fort Cochin were not entitled to fixity of tenure and were liable to be evicted on the landlord giving them three years' notice. The Joint Select Committee thought that this provision was inadequate and decided in favour of granting fixity of tenure to all ulkudi holders, who had been in occupation of the ulkudis continuously for a period of three years.

"Sections 14 and 20 of the Malabar Tenancy Act specify the grounds on which the tenants governed by the Act can be evicted. Under clause (5) of these sections a landlord can evict a tenant if the holding is needed by him bona fide for raising crops for his own maintenance or that of his family. The Bill as originally introduced sought to provide that the landlord shall pay to the tenant on eviction a compensation equal to one year's net income derived by him from the holding. After a full and detailed consideration of all the issues involved, the Committee decided that no tenant should be rendered liable to eviction under clause (5) of section 14 or 20 if he or his family has been in occupation of the holding continuously for a period of 12 years.

"Over and above this, to define the scope of the expression '*bona fide need*' in relation to clause (5), the Committee decided to add an explanation stating that in considering requirements of maintenance, regard shall be had only to primary needs. The insertion of the explanation strengthens the position of those few tenants who may have obtained possession of the holding within the last 12 years.

"The Joint Select Committee has introduced another change in sections 14 and 20, namely, that, under clauses (5) and (6), no eviction should be allowed in favour of an alienee until after the expiry of two years from the date of the alienation in his favour.

"Another important change made by the Joint Select Committee relates to fair rent. Under section 6 of the principal Act the tenant of a wet land has to pay as fair rent, an amount equal to one-half of the annual assessment on the land, in addition to the prescribed share of the produce. The Joint Select Committee considered that the tenant should not be made liable for half the assessment and decided to delete clause (b) of section 6.

"Under the original Bill, the rent court was to be presided over by an officer not below the rank of a Revenue Divisional Officer. The Joint Select Committee thought that it would be more convenient for the tenant if Tahsildars also could be authorized to function as rent courts. Accordingly, the Committee has amended the definition of 'rent court' so that its functions may be performed by a Tahsildar also.

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"Section 52-A of the existing Act enables any person interested in any land to apply to the Rent Settlement Authority for a declaration that a transaction entered into on or after 1st January 1916 and purporting to be a mortgage is not a mortgage, but a transaction by way of kanam, kuzhikanam, verumpattam or other lease. As the provision for the appointment of Rent Settlement Authorities is being deleted, it was proposed to delete section 52-A also in the expectation that the civil courts could decide issues of the kind covered by that section. The Joint Select Committee however thought that a specific provision was necessary and accordingly decided to insert a new section (section 11) under which any person interested in any land may claim and prove that a transaction of the kind under reference is not in fact a mortgage but one in the nature of a regular tenancy.

"New section 52-C introduced by clause 22 of the Bill, provides that any document executed by a cultivating verumpattamdar after 28th July 1950 and before the commencement of the present Amendment Bill, purporting to affect his rights or status as tenant shall be voidable at the option of the cultivating verumpattamdar. The period of limitation applicable for a suit to avoid a document is six years under article 120 of the Limitation Act. As the six years' period is too long, this new section has been redrafted so that the tenant can claim possession of the holding by giving the landlord a registered notice within three months and thereafter, if he is not let into possession, he can file a suit for possession within the next three months.

"The Bill as amended by the Joint Select Committee introduces a new section—section 52-D—specially applicable to the 33 villages of the South Kanara district to which the Malabar Tenancy Act applies. In these villages, the tenures are described both by the Kanarese terms such as mulgeni, kayamgeni, vaidegeni, chalgeni, etc., and the Malayalam terms such as kuzhikanam, kanam and varachit. The terms kanam, kuzhikanam, etc., have a slightly different meaning in the villages of South Kanara. The new section 52-D has therefore been introduced so that the Government may by notification apply the Act to the areas in question subject to the necessary adaptations, exceptions and modifications.

"The mulgeni tenant in the South Kanara district now enjoys more or less absolute fixity of tenure and has more advantages than any category of tenant under the Malabar Tenancy Act. It has therefore been made clear in the Act by an amendment to the definition of 'tenant' that the Act shall not apply to a mulgenidar.

"The Joint Select Committee has amended section 54 (3) of the principal Act to the effect that the rules issued under the Act will come into effect as soon as they are published in the *Fort St. George Gazette*.

[Sri K. P. Kuttikrishnan Nair] [6th January 1954]

“ Clause 19 of the original Bill sought to extend the benefits of the Act to a mortgagee who has been in actual possession of the mortgaged land for 20 years or more by preventing his eviction except when the mortgagor required the land for his own cultivation. The Committee has deleted that clause.

“ Sir, I have now briefly summed up all the important changes introduced by the Joint Select Committee. I am sure, Sir, that all sections of this House will agree that the Bill as it has emerged from the Committee is a definite improvement on the previous Bill and confers very substantial benefits on the tenant classes in Malabar and the other areas to which it applies and which their counterparts in the other areas of the State do not enjoy. Sir, the Malabar land tenure system, as you are no doubt aware, is one of the most complicated land tenure systems in the world and consequently, in the course of its deliberations, the Joint Select Committee had to deal with several intricate issues and it was but natural that there had not been complete unanimity of opinion on some such issues. At any rate, Sir, I am glad to state that although there had not been complete unanimity, my friends opposite who served on the Committee had given their maximum co-operation and have contributed in no small measure to make the deliberations of the Committee a complete success.

“ Seven dissenting minutes by the hon. Members have been received. They deal mainly with bona fide evictions, fixation of fair rent, fixity to ulkudi holders, etc. These points were fully discussed in the deliberations of the Select Committee and it was only after taking into consideration all the aspects of the question the report of the Select Committee was finalized. The Government have decided to introduce an amendment to section 7 of the principal Act under which, for the first 12 years, the fair rent payable by the tenant shall not exceed three times the rent payable by him for the agricultural year 1949-50. Provision is also made that such increase shall be spread over a number of years so that in no year shall the rent be more than one and a half times the rent payable for the year immediately preceding. Provision is also made to enable the tenant, if he so elects, to pay the rent fixed in kind.

“ The Government are proposing an amendment to section 51 to enable the fixation of price every three months so that the complaints voiced forth on the floor of the House that the Collector has not notified the price may not be repeated hereafter. It is also decided to fix the price as the average price within those three months.

“ Sir, I hope the Bill when passed into an Act will be able to restore harmony between the landlords and the tenants. I have nothing more to add. Whatever I have to say, I will say in the course of my reply to the various points raised by the hon. Members during the discussion.”

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Mr. SPEAKER:—“ Motion moved—

‘ That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), as amended by the Joint Select Committee be taken into consideration.’ ”

II.—GOVERNMENT MOTIONS—*cont.*

(2) MOTION UNDER PROVISIO TO RULE 24 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI C. SURRAMANIAM:—“ Sir, before we proceed to consider the Malabar Tenancy Bill, I wish to move the following motion:—

‘ That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January 1954.’ ”

“ I may inform the hon. Members that 9th January 1954 will be a non-official day.”

MR. SPEAKER:—“ I think the Hon. Leader of the House has moved the motion in consultation with the leaders of various parties and so the House will give permission to the Government to transact official business to-morrow. The question is—

‘ That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January 1954.’ ”

The motion was put and carried.

IV.—PRESENTATION OF PETITION TO THE HOUSE BY
SRI P. RAMAMURTHI, M.L.A.

* SRI P. RAMAMURTHI:—“ கனம் சபாநாயகர் அவர்களே, மலையாள ஜில்லாவிலிருந்து லட்சக் கணக்கான விவசாயிகள், இப்போது விவாதத்தில் எடுக்கப்பட்டிருக்கக் கூடிய இந்த மலையாள குடிவார பாத்தியதை சம்பந்தமாக அவர்களுக்கு இருக்கக்கூடிய எதிர்ப்புகளைத் தெரிவித்துக்கொள்ள ஒரு நீண்ட மகஜரை சட்ட சபைக்கும், சட்ட சபை சபாநாயகருக்கும், சட்ட சபை அங்கத்தினர்களுக்கும் இந்த சட்ட சபையின் 142-வது விதியின் கீழ் சமர்ப்பிக்க இங்கே வந்திருக்கிறார்கள். அந்த லட்சக்கணக்கான விவசாயிகளின் சார்பாக 41 பேர்களைக் கொண்ட விவசாயிகளுடைய தூது கோஷ்டி ஒன்று இப்போது இங்கே வந்திருக்கிறது. அதன்படி அவர்களால் கொடுக்கப்பட்டிருக்கும் நீண்ட மகஜர் இதோ இருக்கிறது. (சபையில் சமர்ப்பிக்கப்பட்டது.) அதன் சுருக்கம் என்ன என்பதைச் சொல்லுகிறேன்.

“ மலையாளத்திலுள்ள விவசாய மக்கள் நீண்ட காலமாக போராட்டங்கள் நடத்திவந்ததன் காரணமாக, அதன் விளைவாக, 1930-ம் வருஷத்தில் இருந்ததை விட இன்றைக்கு பார்க்கும்போது சிறு சிறு மாறுதல்கள் ஏற்பட்டுள்ளன. ஆனால் இப்போது இங்கு கொண்டு வந்திருக்கும், போராட்டத்தை தொடர்ந்து நடத்தி கொண்டு வந்திருக்கும் வகையிலே ஒரு நீண்ட மகஜர் சமர்ப்பிக்கப்பட்டு, அவர்களுக்கு ஒரு நியாயமான, முறைவகுக்க வேண்டுமென்று வந்துள்ளனர். நியாயம் வழங்குவதற்கு பதிலாக

[6th January 1954]

* DR. K. B. MENON:—"The hon. Leader of the Opposition knows Malayalam and English also. As this is a Bill which directly concerns Malabar, and as we Members coming from Malabar will not be in a position to understand his speech correctly if delivered in Tamil, I request him to speak in English."

MR. SPEAKER:—"The hon. Leader of the Opposition may speak in English. I have no objection if he speaks in Malayalam."

10-20
a.m.

* SRI P. RAMAMURTHI:—"I would make a departure from my practice of speaking in Tamil on this occasion because this is a very important question concerning Malabar and the representatives from Malabar in this House must be able to follow what I say."

"Sir, the petition is on behalf of the peasants of Malabar to the Hon. the Speaker and to the Legislature itself. This petition is signed by over a lakh and a half peasants distributed throughout the district of Malabar, almost in every village. The main purport of this petition is this. The petition is written in Malayalam and I shall give a gist of it in English. I am not going to make a speech on it. The petition points out that the peasants of Malabar have been struggling for long for betterment of their condition against the ravages of landlords. For nearly a century they have been struggling. It was in the year 1930 that, for the first time, a legislation was enacted called the Malabar Tenancy Act and this Act did not even touch the fringe of the problem facing the peasants of Malabar. Therefore, the agitation continued and the struggle was carried on in an organised manner from the year 1934. It was as a result of this agitation that a committee, called the Kuttikrishna Menon Committee was appointed in 1937 to enquire into the Malabar land tenures, nearly eight years after the first Act was passed."

* THE HON. SRI C. RAJAGOPALACHARI:—"Is the hon. Member strictly following the provisions of the Rules for presentation of petitions from outside bodies or is he taking part in the debate itself? If it is a question of giving the time of the House to outside bodies then I do not think that it would be a good precedent for a speech to be made on a petition presented to the House."

MR. SPEAKER:—"Rule 144 of the Assembly Rules says—

"Every member offering to present a petition to the Assembly shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition." "

THE HON. SRI C. RAJAGOPALACHARI:—"Unless the Rule is followed, it would mean that the time of the House can be taken by any outside body."

SRI P. RAMAMURTHI:—"I am not speaking on the petition but I was trying to give a gist of what it contains. I am quite aware of the Rules."

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* THE HON. SRI C. RAJAGOPALACHARI:—"You are giving a history of the agitation."

* SRI P. RAMAMURTHI:—"That is what it contains. The peasants point out in their petition that as a result of their agitation the Kuttikrishna Menon Committee was appointed. Sir, in the year 1951, another amending legislation was passed by the Legislature and even this the Government had to suspend because of the fact that the peasants and people of Malabar opposed it. Now a new Bill has been brought forward and even this does not satisfy the just demands of the peasants. They had submitted through their organisations very many amendments to the Joint Select Committee for incorporation in the Bill but unfortunately they were not accepted. They now submit that their amendments might be accepted by the House so that justice might be done to them. The petition, as I have already said, is signed by a lakh and a half peasants."

MR. SPEAKER:—"Please hand it over to the Secretary."

The petition was duly handed over to the Secretary.

* THE HON. SRI C. RAJAGOPALACHARI:—"For information, may I ask the hon. Member to tell us, since he has counted all the numbers so correctly whether the bundles here represent copies of the same printed petition?"

SRI P. RAMAMURTHI:—"Yes. Signatures have been obtained on the same form."

III—GOVERNMENT BILL—cont.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953
(L.A. BILL NO. 12 OF 1953)—cont.

* SRI P. RAMAMURTHI:—"Sir, now I would like to speak on the Bill that is now before the House. This is a very important Bill in spite of the fact that it touches only a part of the State, viz., Malabar district and I hope Members who have come here from other parts of the State will evince keen interest in this Bill and take the fullest share in its discussion and voting. The question of tenancy is nothing new to this House. It has been before the House for nearly thirty years. But I would like to go a little back to the days when this struggle started. The urgency of the problem was so great in Malabar even a century ago that there were several revolts, peasant revolts in that part of the State. In 1884, there was a peasant revolt. Again in 1921, there was staged one of the biggest of revolts which was otherwise called the Moplah Rebellion. The British Government did not like the revolt to be called an agrarian revolt and tried to give it a communal turn."

* THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member probably had not much knowledge of the details of the Moplah Rebellion. That was entirely over the Khilafat question and there was a rumour circulated that a Turkish ship was waiting in the harbour and hence the rebellion."

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THE HON. SRI C. SUBRAMANIAM:—"That is the Russian method of talking."

SRI T. C. NARAYANAN NAMBIAR:—"It is not so. The Kerala Provincial Congress Committee itself has passed a unanimous resolution stating that it was an agrarian revolt."

* THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member is too young, I fear, to speak authoritatively on what happened in 1920. I was in it. I was in Malabar also and I lived with some of the prisoners for some time in prison also. The hon. Member is very wrong in connecting agrarian matters with this. There was no agrarian agitation. But of course, the Communists' technique is to make everything agrarian and industrial." (Ministerialist cheers.)

SRI P. RAMAMURTHI:—"In spite of the remarks of the Hon. the Chief Minister that it was not connected with agrarian matters, I must beg to differ from him and I would like to tell him that I do not accept his opinion as based on history nor do I accept him to be an authority on history."

THE HON. SRI C. RAJAGOPALACHARI:—"I was referring to my personal experience."

SRI P. RAMAMURTHI:—"I admit that the Chief Minister was in jail with some of the Moplah prisoners. The fact that he was in that area at that particular time does not mean that he knows the entire history of the origin of the Moplah Rebellion. Therefore, I do not want to enter into a controversy over this fact."

THE HON. SRI C. RAJAGOPALACHARI:—"That I am not an authoritative historian will be admitted even by me. But when it comes from the Leader of the Opposition, he cannot put forward the claim that on the connected subjects he is an authority."

SRI P. RAMAMURTHI:—"Neither do I claim to be an authority on this subject. What is relevant to our purpose now is this. We must consider the course and development of that so-called rebellion in which thousands of Malayalees belonging to each and every community went against the landlords. It all happened during the period of the rebellion and the Congress Committee itself has recorded this fact."

THE HON. SRI C. RAJAGOPALACHARI:—"I dispute its correctness."

* SRI P. RAMAMURTHI:—"The Hon. the Chief Minister may dispute it but the organisation to which he belongs, viz., the Congress, has itself after a full enquiry come to the conclusion that the revolt was an agrarian revolt and that it had its origin in agrarian discontent. I take the Malabar Congress Committee

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to be a greater authority which has direct knowledge of the people and their condition than the Chief Minister." (Opposition cheers.)

THE HON. SRI C. RAJAGOPALACHARI:—"When was the resolution passed?"

SRI P. RAMAMURTHI:—"I think in the year 1929."

THE HON. SRI C. RAJAGOPALACHARI:—"The Rebellion took place in 1921 and the resolution was passed in 1929."

* SRI P. RAMAMURTHI:—"It was a resolution which went into the whole matter. It was passed after detailed enquiry into the history of the rebellion. So, I do not want to dilate on this question further. I would like to point out that this kind of organised agitation has been going on for a very long time. In 1930, therefore, the British Government thought it necessary for the first time to satisfy the peasants with some reform if they wanted to avoid rebellions for ever. Although they were able to suppress the earlier rebellion, they feared that many more might crop up unless they undertook some legislation to satisfy the demands of the peasants at least partially. And so the 1930 Act came. But even then the British Government did not want to do away with the rights of the landlord class because the Government wanted the support of the landlord element for their own existence. They did not want to touch their rights to any fundamental or material extent. Therefore, the agitation continued for some more years and the Congress Party itself, which was no opposition to the then Government, supported it. As a result of this opposition to the original Act, the Kuttikrishna Menon Committee came and it submitted its report in 1940.

"It has taken nearly eight years for the Congress to bring forward an amending Bill. They brought forward a Bill in 1950 and it was passed in 1951. It was sponsored by the ex-Minister Sri Madhava Menon. But though that Bill was enacted in 1951, it came into force only in March 1952; but such was the opposition to the provisions of that Act from the public of Malabar, that the Government thought it necessary to suspend the operations of that Act ever since it came into force. Let us now try to see whether the present Bill which ostensibly seeks to make certain changes notably with regard to the peasants really seeks to do something at least which would help the peasants to maintain a decent standard of living not to speak of leading a luxurious life. Does this Bill assure a reasonable wage for them? No, surely the answer is a bland 'no'. The Bill does not even touch the fringe of the problem. The three fundamental questions concerning the peasantry have been left untouched. The question of eviction and the question of right of occupancy by the peasant do not find a place here. Particularly the question assuring a share. I mean a decent share, for the peasant by whose sweat and toil the produce is raised, has not been thoroughly discussed and an

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agreed solution arrived at. Let me tell hon. Members that these three questions I have mentioned above are inter-related questions. They do not form separate entities as the Government seem to imagine. Although these three questions seem to be different on the face of it, none the less they are inter-related to one another. They are fundamentally connected with each other. What does this Bill say about these three questions? That is what we are concerned. Does it make any material change? Does it bring about any radical change so that the tenant who actually tills the soil through his sweat is enabled to live in security? Is the tenant assured of a living wage? Is he assured of a fair share in the produce? Does this Bill ensure for him a decent standard of life so that he might get enthused and concentrate on more production? These things have not been assured to the poor tenants. That is why I say this Bill has not touched even the fringe of the problem.

"I would like to inform all hon. Members of this House coming from places other than Malabar that the Malabar Tenancy system is not a wonderful system or strange system entirely different from ours. I shall explain the terms used there. Let not hon. Members, because the names appear to be strange, imagine that the tenancy is also different and beyond our comprehension. The Kanamdar is the intermediary. He takes certain lands on a contract basis from the proprietor who is called the 'Jenmi'. The Kanamdar then sublets. I do know that there are Kanamdars who themselves cultivate. But their number is relatively few. The sublettees are the cultivators. They are called 'Verumpattamdars'. Pattam in Malayalam means varam in Tamil. 'Verum' means 'mere'. This is the meaning of these Malayalam terms. Let us not therefore imagine that this Malabar Tenancy system is one that is altogether different from that of ours. The relationship between landlord and tenants are termed as the relationship between the 'Kanamdar' and the 'Verumpattamdar' here. The present Bill does not seek to improve the relationship between the two. Of course that is a different question and I shall not dilate much upon it. I can only say that when the facts are as I had stated before, to say that the present Bill would change the very basis of the relationship between the landlord and tenant cannot be obviously true. The one peculiar system that we find prevalent in Malabar is that there are a number of intermediaries between the actual owner of the land and the man who actually cultivates, viz., the verumpattamdar. Has any material change been effected in the relationship between the verumpattamdar and kanamdar? No, surely the answer is in the negative. The Bill therefore has totally failed to satisfy the needs of the peasants of Malabar.

"No doubt in the principal Act of 1951, certain provisions were sought to be introduced. There the question of eviction was covered by sections 14 and 20. I am not going into the details of it. But under the Act, the right of eviction under certain conditions was prescribed. Let me read the relevant clauses which

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are as follows: No suit for eviction against a cultivating verumpattamdar shall lie at the instance of his landlord except on the following grounds:—

'(1) That the tenant has not paid, within three months after the due date, the whole or any portion of the rent due in respect of the holding;

'(2) that the tenant has collusively allowed a stranger to encroach on the holding or part thereof adversely to the interests of the landlord.'

"I am particularly referring to the provision that if the tenant fails to pay within three months after the due date, the whole or any portion of the rent due in respect of this holding, he will be summarily evicted. Thus, we find, even though the Government say that the present Bill ostensibly seeks to improve the condition of the tenants, that the Bill in reality is only in name. It does not confer any benefit on the tenant. The Government say that they are conferring on the tenant the right of occupancy and security against eviction so long as he pays the fair rent. What is this fair rent? How is it fixed? Can you say that the present fixation of rent is fair? You say that you confer a right on the tenant against any eviction and at the same time, you insert a clause wherein it is definitely stated in clear language that within three months from the due date if the tenant fails to pay the fair rent, he will be evicted forthwith. When all along the tenant is crying that the present fair rent is too heavy a burden on him, the Government ask him to continue to pay that fair rent all along and say that if and when three months elapse within which the tenant fails to pay his rent, he shall be evicted. In the same view they say that they confer the right of security on the tenant. I ask: is this justice? Is any real benefit given to the tenant?

"There is another provision in the Act to which I wish to refer. It says: [Clause (5) of section 14 of the principal Act.]

'That if at the end of an agricultural year the landlord needs the holding bona fide for the purpose of raising crops or other produce for his own maintenance or for that of any member of (his tarward, tavazhi, illom, kutumba, kavaru or family) who has a proprietary and beneficial interest in the holding, the tenant shall be evicted.'

Of course the Government have clarified that the requirements of the landlord for his maintenance shall only be in respect of his 'primary needs'. To that extent I am glad for the clarification. But at the same time it should be borne in mind that unlike the families in other parts of the State, in the families of Malabar, viz., in a tarwad, tavazhi, there are as many as 100 to 300 members. All these people have got a proprietary right on the land, even though they may not be the head of the family. The head of the family has a right under the existing provisions to assign a portion of his land (it may be 1,000 or 2,000 acres in a rich family) to any one of the members of his family, tavazhi or tarwad, whom he chooses. Therefore, they can within the orbit of this law alienate every single inch of the land to the various people and under those conditions it is possible to evict the peasants. In spite of the fact that this amending Bill ostensibly seeks to confer some benefit on the peasants on the question of eviction unless we know

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the conditions, unless we know the family system that is prevalent in Malabar and the proprietary right of every member of the family in Malabar, we will not be able to understand it fully. We will be fooled if we say that something wonderful is conferred on the peasants. Therefore, I say the question of eviction stands still where it was under this law. The peasants are liable to be evicted as they were evicted even before.

"Then, Sir, let us take fair rent. That is the most important thing. Now the Congress Government talks day in and day out of land reform. But if this is the piece of legislation that they are going to bring forward after so much of mature consideration, then what are we to expect for the other parts of the State? This Bill gives an indication of the kind of land reform they are contemplating. That is why I say that this question of fair rent is of fundamental importance. Take for example, the Five-Year Plan of the Congress Government. It promised that normally speaking nowhere should the rent, that is the share the peasant pays to the landlord, exceed 20 or 25 per cent. This is what has been categorically stated in the Five-Year Plan. We are now in the third year of the Plan. In another two years, the Five-Year Plan would be over. Obviously, even at the end of the third year, in a place like Malabar, with this piece of legislation that is now before the House, the fair rent that has been promised in the Five-Year Plan is not conferred. Then I would like to know what would become of the effect of the whole Plan? Is that Plan only for propaganda purposes? Is this the way we are going to do justice to the peasants? What is it that is provided in this Bill? Is it a very great improvement? I would like to point out that far from being an improvement, this is something which will work in the reverse direction as far as the peasants are concerned.

"In the Principal Act, under sections 4 to 9, it was provided that different amounts of rent shall be payable for different types of land. In Malabar, there are certain garden lands; there are pepper gardens. But in respect of pepper gardens, what was provided under the principal Act was not enforced because of the opposition of the peasants. What was provided was that at the end of the first five years, the entire crop will go to the landlord and thereafter every year one-fifth of it will go to the landlord. It has now been amended providing for one-sixth of the crop. How is it necessary that the landlord should get one-sixth? We all know that the lands on which pepper is grown are barren lands on the mountains."

THE HON. SRI C. RAJAGOPALACHARI:—"Do Malabar members accept the word 'barren'? It is uncultivated land."

* SRI P. RAMAMURTHI:—"I accept the correction. It is uncultivated land on the mountains. Does the landlord do anything in order to clear the land, to clear the forest? No, he does not do anything. He simply owns the land. It is the peasant

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who clears the land and after clearing, he makes it fit for cultivation. The entire cost of clearing and cultivation is the peasant's. The landlord does not put in a single ounce of energy or money or contribute anything in that regard."

THE HON. SRI C. RAJAGOPALACHARI:—"The Leader of the Opposition, a Tamil Member, should know that even Government in olden days used to take a sixth of the produce of the land and Government did nothing. Whether the man owned it, hired it, bought it, inherited or conquered it, he was entitled to a sixth."

* SRI P. RAMAMURTHI:—"I am very glad that the Hon. Chief Minister equates the landlords to the Government. This only proves my contention that the Government itself is a Government of landlords." (Laughter.)

THE HON. SRI C. RAJAGOPALACHARI:—"It is a very confused commentary."

* SRI P. RAMAMURTHI:—"The Hon. Chief Minister knows that when Government in ancient times took Rajabhaga of one-sixth, that was for a fixed, specific purpose. It was for the purpose of seeing that the peasants got certain irrigation facilities, certain defence against marauders. But here is a landlord who does nothing to clear the land and make it fit for cultivation. And here is the peasant who does everything, clears the land, cultivates, manures and does all other things. After the peasant does all these things, the landlord is entitled to one-sixth.

"Again, if there is a piece of waste land which the peasant cultivates, the landlord under the provisions of this Bill is entitled to three times the annual assessment by the Government. Let us take another piece of land, an ordinary garden land where some crop is raised and along with it in a portion, pepper is also grown. Under the provisions of this very Bill, the landlord is entitled to one-eighth. Simply because a particular peasant is more energetic and is capable of spending a little more money, the landlord is entitled to one-sixth of the produce.

"In regard to coconut gardens, the existing practice is that the produce is shared by the landlord and the tenant under a system of contract. Let us assume that in an acre there are 75 coconut trees,—I am subject to correction, it may be more in some cases or it may be less in other cases, normally it would be about 75 trees. Assuming that each bears about 100 nuts, we will get in all 7,500 coconuts per year. Out of this one-sixth has to go to the landlord. That means about 1,250 coconuts will have to be handed over to the landlord, which would work out to Rs. 158 or even more. Normally, for an acre of coconut garden, the contract rent is nowhere beyond Rs. 50. It is between Rs. 30 and 40. Now the wonderful benefit sought to be conferred on the peasant by this law is that the peasant is obliged in the name of fair rent to pay about Rs. 150 or more, instead of the existing contract

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- rent of Rs. 30 or 40. I am here reminded of the usurious money-lenders who would say 'I am taking interest only one *thambadi* for one *thambadi*'. Similarly, it has been provided to pay the landlord one-sixth of the produce and that is how justice is being sought to be meted out to the peasants.

1-50 "Then take for example the question of paddy cultivation. With regard to the lands where paddy is cultivated, Section 5 of the parent Act fixes the fair rent. It says: 'Fair rent in the case of dry lands converted into wet by the tenant's labour shall be one-fifth of the net paddy produce of the land'. Section 6 lays down: 'In the case of wet lands not falling under the previous section, fair rent shall be—

(a) one-half of the net paddy produce of the land or in the case of land cultivated on the punjakol or kaipad system, one-fourth of the gross paddy produce of the land; and

(b) an amount equal to one-half of the annual assessment payable in respect of the land.'

The only amendment that has been sought to be introduced to Section 6 after a good deal of discussion in the Select Committee is to omit this sub-clause (b), namely, 'an amount equal to one-half of the annual assessment payable in respect of the land'. I would like to know how this 50 per cent of the net produce is decided upon. A certain amount has been fixed in perpetuity. Twenty-two paras have been fixed as the cost of cultivation per acre. Nobody knows how this has been fixed and the Government do not say that there is any scientific method by which these 22 paras have been fixed. If we go through the report of the Kuttikrishnan Nair Committee, we find that the Committee itself has admitted that in a number of places the cost of cultivation goes up to 40 or 45 paras. Normally, in a number of places it is about 30 paras. These factors have not been taken into consideration and an *ad hoc* fixation of 22 paras towards the cost of cultivation is made here and on that basis, the net produce is decided upon. This would obviously mean that the peasant will have to pay, under the provisions of the Bill that is now being sought to be enacted, not 50 per cent but something more than 50 per cent. His share is going to be definitely far less. The result of all this comes to this, that so far as the peasant is concerned, out of the 50 per cent that he gets, he has to spend a good lot of it towards cultivation expenses. The cost of cultivation is not being shared equally between the landlord and the tenant. The peasant has got to pay more with the result that what remains with him is hardly sufficient for him to meet his own expenses. Such is the plight of the peasant who toils day in and day out. He has to maintain his family and sometimes he engages hired labour and has to pay for it. Added to all this, cultivation in Malabar is extremely difficult. It is not so easy as in Tanjore district where water is available in plenty and irrigation facilities are available in plenty. Excepting in certain areas, cultivation is a difficult problem. When the peasant has got to contribute so much of his

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toil in order to raise the crop, at the end, he finds that he has not the wherewithal even to continue his cultivation. It is this that has led to the position that the peasants of Malabar in large numbers have left their own places and gone elsewhere. They are indebted to an extent never known before in the history of the country. Their indebtedness has been increasing day by day and year after year. Can you expect such a peasant to give his best for the purpose of cultivating what is needed for the people of this country? Then, obviously there is no enthusiasm. Oftentimes we talk of creating enthusiasm. The only question before us is in what are we interested. This is a human problem. The peasant must have the incentive to produce and he must have the joy to put forth his best to produce. Therefore when we talk of the peasant and say that he has got to produce, certainly we should understand that there is such a thing as joy of creation. The peasants are overwhelmed with joy when they see what they have produced, but when that produce is taken away from them year after year and they get nothing out of it then how will you be able to enthrall them to produce more? This is the simple question before us and unless an answer to that simple question is found, the basic problem before our country can never be solved. As I have pointed out, more than 50 per cent of the produce goes to the landlords. What is their number? They form about 5 per cent of the entire population of Malabar. Thus you will see that 5 per cent of the population get about 50 per cent and more of the total produce from the land. The remaining 50 per cent is divided among the 95 per cent of the peasantry. Is this equity for those who toil day in and day out? The Congress Government stands here for reducing this disparity of income among the various sectors of the people. The Congress Government is interested in seeing that there is no inequality between the rich and the poor. In this the way in which inequality is sought to be reduced? Because of the Government's failure to tackle this problem, because of their failure to fix up a conscionable fair rent and on account of the continuation of the unconscionable rate of rent that has been prevailing in Malabar, whatever rights might be conferred on the tenants by means of certain provisions got completely nullified by other provisions of the Act."

* THE HON. SRI C. RAJAGOPALACHARI:—"I do not wish to interfere, but I wish to mention to the Hon. Speaker and the Hon. Leader of the Opposition that these matters have been discussed by the Joint Select Committee which was appointed. I do not wish to belittle the importance of the observations of the Leader of the Opposition. But the point is that we should get through this Bill this Session if possible and I am sure hon. Members will co-operate. Because a Joint Select Committee has already sat and discussed the question very thoroughly, we need not go into every detail here."

SRI M. PALANIYANDI:—" (On a point of information) எதிர்க் கட்சித் தலைவர் பேசும்போது மந்திரிகள் தாங்கள் செய்த ரிப்போர்ட்டுகளை மறுத்து வோட்டு போடுவது வழக்கம் என்றார். சுப்ரமணியம்

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கமிட்டியில் கனம் மந்திரி ஸ்ரீ வி. சுப்ரமணியமும் ஒரு அங்கத்தினராக இருந்தார். தஞ்சாவூர் பண்ணையான் சட்டத்தில் அவர் செய்த சிபார்சுக்கே எதிர்த்து ஓட்ட செய்தார். அதே போல ஸ்ரீ குட்டிகிருஷ்ண மேனன் ஒரு அங்கத்தினர் என்று சொன்னார். ஸ்ரீ குட்டிகிருஷ்ண மேனன் அங்கத்தினரா அல்லது ஸ்ரீ குட்டி கிருஷ்ண நாயர் அங்கத்தினரா என்பது தெரியவில்லை . . .

SRI P. RAMAMURTHI:—"I believe I have made a mistake. It is Kuttikrishna Menon Committee."

MR. SPEAKER:—"Nair and Menon both mean the same thing."

SRI T. C. NARAYANAN NAMBIAR:—"But the persons are different."

* SRI P. RAMAMURTHI:—"It is true that these questions were discussed by the Joint Select Committee. But, unfortunately, our viewpoint was not accepted by the Government in the Joint Select Committee. Therefore, my only purpose in pointing out these things is to make hon. Members on the other side change their minds so that they need not stick to what has been already agreed to by the Joint Select Committee as something *sacrosanct*. That is why I am pointing out that exactly the same old system is sought to be perpetuated in this new Bill also. The question is one of fixing the fair rent and unless the Government are prepared to consider this question taking into account the difficulties of the tenant, no appreciable benefit will accrue to the peasant. Therefore, I urge upon the Government even now to consider the change."

"Lastly I would like to make one more observation. On the question of the arrears of rent, this amending Bill provides that all the arrears of rent from 1947-48 ending with 1952-53, that is, for a period of six years, must be paid by the tenant to the landlord before a certain date that might be fixed by the District Collector or in any particular manner. Now, it is well known that these were the very years when the whole of Malabar was affected by drought. Last year there was a terrific flood and as a result paddy and other crops were completely spoiled. The peasants got nothing out of their toil. All their labours were a waste. Is it equity then to ask these peasants, who got nothing to pay as the landlord's share of the produce a certain amount of fair rent year after year? This is treated as a permanent liability on the peasant. I know that in 1938 when our present Chief Minister was the Premier of this State, the Congress Party took up a different position. The Congress Party at that time was in opposition to the British Government and as such it was much nearer the people than it is to-day. (Interruption by the Hon. Sri C. Rajagopalachari.) The Communist Party was there, but it was not allowed to function openly by the present Chief Minister."

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"Taking into account the fact that the period between 1930 and 1934 was a period of economic crisis throughout the world, the Government in 1938 wiped out completely all arrears of rent except for the preceding two years, if I remember right. We know the condition of the peasantry in general and the condition of the Malabar peasantry in particular. The last six years have been years of drought and indebtedness and unemployment have increased during the period. When that is the position, to ask the tenant to pay arrears of rent for six years is something which I cannot understand."

"On the basic and fundamental questions, this Bill does not touch even the fringe of the problem of the peasantry. I want to remind the Congress Members and the Congress Government of one thing. The previous Minister from Malabar sought to enact the 1951 Malabar Tenancy (Amendment) Bill. That Bill became the bone of contention in the last general election. Every party that stood in opposition to the Congress, particularly the Communist Party and the Praja Party, placed it as the main issue before the electorate of Malabar. We know what the fate of that Minister was. We also know what the fate of the Congress Party was in Malabar over this very question. The Party was reduced to a minority of four, out of 29 seats, they could win hardly 4 seats. The present Minister from Malabar, who is sponsoring this Bill, got through by a very small majority of four hundred odd votes, that too when his opponent was not given even the ordinary facilities of election campaign. Sri Sankaran Nambudiripad remained underground at that time. I would remind the Government of the tremendous opposition of the peasantry of Malabar and the fate of the Congress Party as a result of that. Do the present Government want the same fate to overtake the Congress Party this time also is the simple question that I wish to ask. As far as this Bill is concerned, the volume of opposition to it in Malabar is well known. Every section, to whichever party its members may belong, is opposing the Bill. Let not the Government persist in this Bill. If they persist, I would make this simple request. Let them convene a conference of the Members of this Assembly coming from Malabar and accept the majority recommendations of that conference. At least that will be going to some extent in doing justice to the people of Malabar. If, in spite of the opposition of the majority of Members elected from Malabar, the Government pass the Bill with the majority they have got from the Members of Tamilnad and other places and impose the Act on the people of Malabar, the Government will be responsible for creating enmity between the people of Malabar and the people of Tamilnad. The Malabar people will feel that this unwanted measure has been thrust upon them because they do not have a separate legislature of their own and because their fate has to be decided by non-Malabar representatives as well. That will be the result of passing this measure against the wishes of the majority of the Members from Malabar. Therefore, I would make a final appeal to the Government to stay the Bill and

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immediately convene a conference of the Members coming from Malabar. Let the Members of the Congress Party also be there—I am not opposed to it. Let the Members of the Congress Party, Muslim League, Praja-Socialist Party and Communist Party and Independents be invited. Let all the 29 Members coming from Malabar sit together and go through the Bill, and let the Government accept the majority verdict. That is the minimum thing that I ask the Government to do if they want to do justice to the people and peasantry of Malabar.” (Cheers from the Opposition Benches.)

MR. SPEAKER:—“ I wish to know from the Leader of the House how much time should be allotted for the discussion of this motion. I think the discussion can go on till 1 p.m. and the Hon. Minister can begin his reply at 1 p.m.”

SRI P. K. GOPALAKRISHNAN:—“ This is not enough.”

THE HON. SRI C. SUBRAMANIAM:—“ We have already discussed this Bill once before, and it is the Select Committee's report which is under consideration. When the clause by clause discussion is taken up, various points of view will be put forward.”

MR. SPEAKER:—“ Clause by clause discussion will be taken up to-morrow.”

* THE HON. SRI C. SUBRAMANIAM:—“ I respectfully submit that we can finish the discussion of the motion to-day. The Hon. Minister can be called upon to reply at 1 p.m. and I think half an hour will do for him. There is no use of simply repeating the same arguments. Of course, there is the satisfaction of our having expressed our viewpoints. I appeal to the Members for their co-operation.”

* SRI P. RAMAMURTHI:—“ Sir, for the benefit of the Malabar Members, I will speak in English.

“ It is not a question of repeating certain things. I would like the Government also to appreciate the difficulty in considering a Bill of this type. Most of the Members who come from areas outside Malabar do not know the implications of this Bill in all their aspects. They do not understand even the basic principles of the Malabar Tenancy System. Certain basic things have to be explained, as, without this explanation, clause by clause discussion and the moving of amendments will carry no meaning to the Members, and the system of block voting or party voting will be the result. So far as this Bill is concerned, every Member must judge the clauses on their own merits. So I would like to-morrow also to be allotted for the discussion.”

* THE HON. SRI C. RAJAGOPALACHARI:—“ May I remind hon. Members, especially those coming from Malabar, that the position is that we are not writing on a clean state? There is an

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Act already in force and this Government are only introducing some amendments. The hon. Leader of the Opposition said that we must stop the whole thing and have a conference and so on. If the Government are not interested in the Malabar affairs, we can certainly agree to that. But I am afraid it will be very improper. We have to deal with the amendments and dispose of them. I hope the hon. Members from Malabar will pay attention to this aspect that we will have to finish this Bill. If it is not good, we will amend it later.”

* DR. K. B. MENON:—“ It is now quarter past eleven, and we will have hardly two hours and a half for general discussion.”

MR. SPEAKER:—“ Half an hour must be allowed to the Hon. Minister for reply.”

* DR. K. B. MENON:—“ That means only two hours are available, and this is absolutely inadequate for Members to express their opinion. The general opinion is that the debate should be continued to-morrow.”

MR. SPEAKER:—“ Let me see as the debate proceeds and then give my verdict.

“ I have received notice of ninety amendments. No doubt the Presiding Officer has got the power of selecting the amendments which are to be allowed to be moved. But I do not want to exercise that power. It is better that hon. Members who have given notice of amendments sit together and come to a conclusion as to which of the amendments they consider best and should be moved. That is my suggestion.”

THE HON. SRI C. RAJAGOPALACHARI:—“ The Hon. the Leader of the House suggests that we may sit in the afternoon for a couple of hours.”

MR. SPEAKER:—“ I have no objection to it.”

* DR. K. B. MENON:—“ Sir, two objections are raised. 11-10 a.m.
One is some hon. Members have already fixed up some engagements. The other is that we received amendments even to-day.”

MR. SPEAKER:—“ Amendments will be taken up only to-morrow.”

* DR. K. B. MENON:—“ Sir, things are done on collective basis on collective thinking and we must have time to meet, discuss and take decisions. If we have an afternoon session to-day, there will be no time left for us to consider the amendments.”

* SRI P. RAMAMURTHI:—“ Hon. Speaker has just now suggested that nearly 90 amendments have been given notice of and that those hon. Members who have given notice of them might confer together and try to select amendments to be moved. Obviously, this requires some time. It also requires

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some consideration. So, if it is suggested that we might have an afternoon session, obviously the Government Members do not understand the seriousness of the problem. As far as the amendments are concerned, it requires serious thinking and discussion by all these people. Some of them might also have other engagements. So, in order to be able to meet together in the afternoon outside this House and discuss the question, it is better that we are left free here in the afternoon. In fact, I have suggested to the Hon. Speaker that all the concerned hon. Members would meet in the Speaker's room at about 3 o'clock. Therefore, I suggest that the afternoon be left free for this purpose."

MR. SPEAKER:—"All right. I fix a time-limit of 20 minutes for each speaker. As the debate progresses, I will have to cut short that time also."

* SRI K. P. GOPALAN:—"Mr. Speaker, Sir, I have gone through the amending Bill which has been brought before the Assembly by the Hon. the Law Minister, Sri Kuttikrishnan Nair. I have to submit that this Bill is quite unsatisfactory and I am sure the people of Malabar will never agree to such a Bill. After reading the Bill, I have come to the conclusion that this Bill is brought forward by the Congress Ministry, not to support the peasants, but to support the landlords of Malabar."

(At this stage, the hon. Member Sri T. C. Narayanan Nambiar occupied the Chair and there was an applause from Members.)

"Mr. Chairman, Sir, the Congress Government had given so many promises in the past, during the election period and during 1947 and 1948, to the people of Malabar and to the people of the country that they would concede the demand of the right of land to tiller of the soil and that the peasants would be given permanent occupancy right. But I beg to submit that this Government have brought forward a very reactionary Bill instead of a progressive Bill. To-day, the peasants of Malabar will be looking to this Assembly to know what is taking place here, what benefits they will be getting on account of this Bill, whether this is a progressive measure to improve their conditions, and whether they will get occupancy rights. But I am sure that all the people of Malabar will be disappointed with this Bill. I am very much surprised to see how bold the Hon. the Law Minister Sri Kuttikrishnan Nair is in bringing forward a measure of this kind before the Assembly. I respectfully submit that if the Hon. the Law Minister is prepared to resign his office on this issue, . . ."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, this is almost becoming an election contest. It amounts to that if a challenge is thrown out that if a person resigns his office, he cannot get re-elected and all that."

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* SRI K. P. GOPALAN:—"I have come to this Assembly mainly to convey the feelings of Malabar people to this Honourable House. So, I am entitled to speak and I am speaking about it. The Malabar peasants have been thinking for a pretty long time that the Government would bring in a good Bill to improve their lot. Sir, the Hon. the Chief Minister made a statement that the Communist Party did not interpret things from a national point of view. Sir, during the Malabar rebellion, the Malabar Moplah peasants fought against the janmis because they were supporting the British Government. That is why they stood against the British Government as well as the janmis. Now, the Hon. the Chief Minister wants to support the feudalists who supported the British Government at that time to enslave our country and who opposed the national movement and national freedom. Now our Government want to support the same landlords who wanted to perpetuate slavery in this country. I am sure that this Government are not convinced of the feelings of the Malabar people. I can say only this much that history will teach the Congress Ministry the lessons they need to be taught. That is all I can say now. The hon. the Leader of the Opposition also stated that if this Government wanted to bring in a measure for the approval of the Malabar Members, they should first call for a conference of the Members coming from Malabar and consult them. There are Members belonging to various parties like the Congress Party, the Praja-Socialist Party and the Communist Party. There are also Independent Members. If all of us meet in a conference, we can come to unanimous decisions on 95 per cent of the issues involved. But this Government hesitate to do that. I know that even the Congress Members themselves will oppose this Bill brought forward by the Government. I can cite one instance here. The hon. Member Sri Gopala Menon made some statement in the Assembly regarding ulkudis when the original Bill was brought before the Assembly. Afterwards, in his constituency when he wanted to address a meeting, there was black flag demonstration and he could not address the meeting. He had simply to go away from the meeting. That is the situation prevailing in Malabar."

* SRI N. GOPALA MENON:—"Sir, if the hon. Member is referring to me, I can tell him that there was no meeting which I addressed in which there was black flag demonstration. I can repudiate it strongly and say that it is mischievous and deliberate misrepresentation. I challenge his statement."

TEMPORARY CHAIRMAN (Sri T. C. Narayanan Nambiar):—"That is only a personal explanation."

SRI K. P. GOPALAN:—"I never said that the hon. Member Sri Gopala Menon addressed the meeting."

"Mr. Chairman, Sir, I only said that the hon. Member was not at all allowed to address the meeting and there was black flag demonstration against him and the hon. Member went away."

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11-20 a.m. SRI N. GOPALA MENON:—"This sort of misrepresentation should not be carried further. I was told of the demonstration only after I had left the place. So, there is no use in the hon. Member's stating things which he had heard when I am here in flesh and blood and am telling that what he has heard is absolutely wrong."

* SRI K. P. GOPALAN:—"I do not want to prolong discussion on this point. The people of Malabar know very well what took place there. So I leave it at that."

"Coming to the Bill, I wish to state that the basic principles of any land reform should be provision of occupancy rights and fair rent. Under no circumstances, the peasants should be evicted. If we go through this Bill, we will find that both these principles have not been incorporated in it. It is stated in this Bill that a janmi can evict a tenant whenever he wants the land for his own requirements. This Bill will support only the landlords and not the tenants. At any rate, that is what I understand from the provisions of the Bill. Regarding rent, I wish to state that it should be contract rent or fair rent, and Government must adopt whichever is less. Otherwise, it will become very unfair and peasants in Malabar will have to pay more rent to the janmis. It will be very harmful to the peasants."

"Regarding pepper gardens, I want to submit that in North Malabar, the practice is that every fifth year the janmi will come and take the pepper field. Moreover, the *kariasthar*, servant or some agent of the janmi will come and fix the yield and quantity that the janmi should get in a particular year. Naturally, he will fix the rent only in favour of the janmi. I can boldly say before this honourable House that many pepper-garden owners were ruined. If a referendum was taken in North Malabar, it will be seen that every pepper-garden owner will oppose this measure and I am sure about it. A tenant possessing a small land has to give rent to the janmi. The janmi cannot have 1/6th share. I want to tell this House that only 1/12th share can be given to the janmi. I am really surprised why the Hon. Minister from Malabar is not convinced of this fact."

"Regarding the Ulkudi affair, under no circumstances the poor people living as ulkudis should be evicted. That must be the spirit with which this Bill ought to have been brought forward. It is said that if a person has occupied the ulkudi for a period of three years or so he cannot be evicted. But I want to bring to the notice of the hon. Members of this House that in Malabar, many of the poor people are living on janmis' lands and that there are no records or documents. They live there by oral agreement. If they are sent out, they will have no place to live in. If this Bill is passed, it will be very harmful to them. Sir, the peasants of Malabar have given so many memoranda to the Congress Ministry and the hon. Members disapproving of this measure. Even when the question of referring the Bill to a

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Select Committee was discussed, I requested the Hon. Sri Kuttikrishnan Nair and the Government that the sittings of the Committee may be held in Malabar. But this was not done. I do not know why Sri Kuttikrishnan Nair is not convinced of the feelings of the peasants of Malabar and why he has not agreed to hold the sittings of the Committee in Malabar. I have great regard for him. But, let me respectfully submit that he has forgotten the poor peasants of Malabar. He thinks that the peasants of Malabar will welcome this measure. I think the Hon. Chief Minister is also of the view that this Bill will benefit the poor peasants of Malabar. I wish to point out to them that the people, I mean the peasants of Malabar have been agitating for the last so many years not for this piece of legislation which is before the House, but for a more progressive legislation. I appeal to all the hon. Members of this House, to whichever party they may belong, to reject this Bill, so that a more comprehensive and more progressive Bill for the benefit of the poor peasants of Malabar may be brought forward."

* SRI M. NARAYANA KURUP:—"Mr. Chairman, we are to-day seeking to amend a legislation which has been on the statute book for one year without being enforced. That justifies the dictum of Waltair Lippmann that you can make the Parliament pass a Bill but not make the whole people support it against its will. It has literally been the fate of the 1951 Amendment Act which was passed in the teeth of opposition and imposed on the people of Malabar. We thought that when a new Bill was introduced, the Government will take a lesson from past experience, but that lesson seems to have been forgotten. It seems as though it is the settled policy of the Congress Government not to do the right thing at the proper moment. They will not concede anything gracefully unless it is wrested from them. Sir, it was usual for the rulers to keep tenancy reform and agrarian reform in separate water-tight compartments and to deny the benefits of both to the people of the country. We know that the Congress Governments have no presentable record in this field. The measures that they bring forward are all half-hearted and halting and this is a typical example of one of them."

"However, it is not our intention to confuse agrarian reforms with tenancy reforms. Our demands are only within the strict limits of tenancy reform which has been thus described by the Subramaniam Committee. We consider that peasant proprietorship should be the normal feature of any scheme of tenancy reform in this State and that, in consequence, the aim should be to secure as general an approximation as possible between the owners and the cultivating class. The question of making leasing of lands less attractive applies not merely to non-agriculturists but to tenancy as well. We have identified ourselves with this view. It is exactly on these lines that we have framed our recommendations. You will be surprised to know, Sir, that there is nothing revolutionary in our demands. On the other hand, it

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errs on the side of moderation. Anybody who is in a general way acquainted with the history of the Malabar tenancy legislation will understand that the 1951 Act was preceded by a series of committee meetings and conferences and that the Government in 1950 arrived at certain decisions at the highest level. What we are now demanding, what we are asking and what we are requesting the Government to do is that they will be pleased to implement the decisions which they took in 1950 by which we stand still. I do not propose to go into all details which will be discussed when the amendments are before the House. I would like to refer in a general way to three important aspects which have also been touched upon by the Leader of the Opposition. The three questions I want to deal with are fixity of tenure, fair rent and protection to ulkudis. Fixity of tenure of course is the most important thing and is the foundation of any tenancy question. Since 1930, we have had a qualified fixity which now remains as it was. As the law stands, the landlords are given the right to evict tenants under sections 14 and 20 which contain seven clauses or seven grounds on which the landlord can evict tenants. The most debatable question or the point on which we are in disagreement with the Government is about clause 5 which gives the landlord the right to resume lands for personal cultivation. It has been noted by the Special Officer, Mr. Raghavendra Rao, that this right has been abused to the extreme by landlords. Therefore, we say that whatever benefits the other parts of tenancy legislation may confer on the tenants in the shape of fair rent or other amenities, if they have not got fixity of tenure, all the other benefits will not be available to them. This point has been specially emphasised in his report. Therefore it is that we propose and press for the deletion of this clause. Still, Sir, you will find in the Bill such clauses remain in order to threaten the security of the tenant. We feel that our demand is very modest. No doubt, the clause which gives fixity of tenure to tenants who had been in occupation of the land for twelve years is an important one. However, I am afraid it does not provide any help or assistance to the sector which is badly in need of it. The very fact that the tenant has been in continuous occupation of the land for twelve years shows that he can stand against the landlord and generally such a category includes some of the big tenants also. But who is in dire need of assistance? It is those poor peasants who are at the mercy of the landowners and who are driven from pillar to post without any security. We, therefore, demand that security should be provided to every tenant to a limited extent. We do not wish that, if a tenant has got a big holding and if he has been in possession of it for a very short period, he should be given security over the entire holding. We have tabled amendments that security at least to the extent of five acres which a family can reasonably, by its own labour, cultivate, should be provided. At this stage, we wish to clear a misapprehension that we are standing for rich tenants as against poor landlords. No such idea is in our mind. We want only

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to give protection to small tenants, desirable tenants who are in dire need of such protection. If we are given the choice between absolute protection or protection over the entire holding to tenants of twelve years' standing and qualified protection to the extent of five acres to all tenants, we would have no hesitation in accepting the latter choice. Therefore, it is not at all our intention to protect big tenants and rich tenants. We are opposed to monopoly of land or concentration of land in the hands of a few, either landlords or tenants. That is an important matter which deserves consideration at the hands of the Government.

Then, Sir, with regard to fair rent, the 1930 Act fixed the fair rent at a certain level, i.e., 66-2/3 of the net produce. But you will be surprised to know, because there was no security of tenure and because there was no compulsory fixation of rent, not even one tenant during these long years dared to apply to the authorities concerned and get fair rent fixed. They had the fear of eviction. This fact has been referred to and reiterated and emphasised by the Special Officer, Mr. Raghavendra Rao, who says that eviction or the threat of eviction, however restricted it might be, so long as it remains, would make the tenant give up the idea of getting fair rent fixed against the wishes of the landlord. The 1951 Act had at least this merit. It is easy to understand how the fixation of fair rent and the right of fixity are inter-related. If you do not give fixity to anyone, at least you must provide for compulsory fixation of rent so that it may be in operation even for the small period, say one year, during which the tenant is in occupation of the land and the tenant may pay only a reasonable rent. Sir, the 1951 Act had this redeeming feature. There was a machinery proposed for the creation of a record of rights or, in other words, compulsory fixation of fair rent. This provision was inserted after careful consideration by experts and the Special Officer himself in his valuable report has said that it is the duty of the Government to fix fair rent irrespective of the cost or trouble involved. Now in the sense that this salutary provision is being deleted now, this measure is regressive. We would have reconciled ourselves to the deletion of this provision had the tenants been given fixity of tenure at least to the extent of five acres. Now they have neither fixity of tenure nor the machinery for fixation of fair rent. Still the Hon. the Minister for Law claims that this Bill is an improvement on the old measure. Then, Sir, about the quantum of rent payable, I have read through many a tenancy legislation, the Report of the Land Revenue Reforms Committee and the Raghavendra Rao Committee's Report. The idea behind fixation of fair rent is that a maximum limit should be fixed to the rent that a tenant can or is liable to pay.

"Of course nobody will contend that the State to-day has no right to interfere in the relationship of landlord and tenant in the name of sanctity of contract."

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" Mr. Chairman, in the matter of fixation of fair rent the State envisages relief for the tenant in respect of the contract or out of his contract and it is not just to penalise him for having contracted for better terms in the contract. Such a curious provision is not to be found either in the Bombay or Hyderabad Tenancy Acts. Nor is it found even in the Tanjore Tenants and Pannaiyal Protection Act. The provisions obtaining in those cases have been given the go-by and it is a curious thing to find here in this tenancy legislation there is provision made to increase the rent payable by the cultivating tenant. At one time, it was suggested to increase the rent by 300 per cent. I say it is monstrous to do so. It is unjust. Therefore we would strongly plead that the maximum liability of the tenant to pay rent to his landlord must be reduced to the minimum. It may be equal to the contract rent or fair rent whichever is less.

" I shall now come to the subject of 'Ulkudi.' Yesterday hon. Members may remember that we had a discussion about the slums, and the need for their improvement in the City of Madras. Those who had attended that discussion would know what an 'ulkudi' means. There was a persistent demand yesterday from hon. Members that if a slum-dweller is driven out and the slum is cleared, he should be immediately provided with alternative accommodation. But what is it that we find in the case of an 'ulkudi'? Our demand is nothing more or nothing less. We only want that whenever an ulkudi is cleared, the poor man residing there should be provided with another place to reside. But that is denied. Yes, denied totally. There are about five lakhs of poor Harijans in Malabar who are homeless. Those who reside in these 'ulkudis' are mostly Harijans. They could be driven out immediately at the will and pleasure of the landlord without a moment's notice. That is the state of affairs now. This is how the poor Harijans residing in the 'ulkudis' are put to social bondage and economic subjugation. Therefore it should be our desire to give these Harijans a sort of proprietorship in the places where they live; either we should say that they will not be cleared out or we should say that if and when they are cleared out of their place of residence, alternative accommodation would be provided for them. What is now sought to be done is that those who have been in three years' continuous possession will be given protection. Sir, I do not think that three years is a very lengthy period. If one has not been in continuous possession, he could now be evicted. To prevent being evicted, the concerned man has to establish in a Court of Law that he has been in continuous possession of that ulkudi for three years. If he is unable to prove it, he is liable to be driven out. Recently I had a personal experience. A man who had been for more than ten years in continuous possession of an ulkudi was driven out. When the man was returning home in the evening, he found his hut was not there. It was destroyed and reduced to the ground. He went to the Police. He gave a complaint. But what was done? The

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Police came to enquire. But behold! the poor man could not produce witnesses who could testify that he had been in continuous possession of that ulkudi for more than ten years, because the other poor ulkudidars were afraid of their janmis. Perhaps they thought that if they were to give evidence in favour of the man, their janmis would get angry and drive them out. That is why I say let us first give some security for these poor ulkudidars.

" Hon. Members of this House have been told that this Malabar tenancy question is a most complicated one and that was perhaps the reason why it was excluded from the purview of the Subramanyam Committee. However, I place this weighty fact before the House for the consideration of the mover of the Bill as well as others that the stand taken by us in Malabar regarding the question of Malabar tenancy is above party politics and party affiliations. Let it be known that out of 29 members who took part in the discussion of this Bill when it was first discussed as many as 28 members have expressed unanimous agreement on major issues. Even the Member who gave a dissenting minute regarding some particular point agreed with us on major issues. All these people are elected representatives of the people. That should be first clearly understood. The stand taken by us has been approved by the highest Congress organization, I mean, the Malayala Pradesh Congress Conference which the Hon. Chief Minister opened recently. It is my inference that the Hon. Mr. Kuttikrishnan Nair also actively participated in the deliberations of this particular resolution. Sir, Mr. Kuttikrishnan Nair is not new to us. We knew him well before he became Honourable Kuttikrishnan Nair. His tenancy reform ideas were so advanced then that some of us thought he was a revolutionary. But I do not know how he has changed so much now? I think he is piloting this Bill as an obedient Member of the Cabinet, suppressing his ego. Let it be once again said that on the question of Malabar tenancy there is so much of unanimity amongst us. The Hon. Leader of the Opposition has said so. Let it be realised that all of us are elected representatives of the people of Malabar, and that we had keenly contested the election wherein this question of tenancy reform in Malabar was one of the major issues. Therefore I would request the Hon. Minister to realise the 'justness of our stand. I would request him to support the stand taken by us in regard to Malabar tenancy because we represent the views of the people of Malabar for whose benefit this Bill is intended."

* SRI E. K. SANKARA VARMA RAJA :—" Mr. Chairman, Sir, I come here under the category of landlords hailing from Malabar. My family has been paying an assessment of Rs. 15,000 to the Government. I have to bring to the notice of the House that because we are paying such a huge assessment, we ought to be collecting rents from our tenants much in excess of what we pay to Government. But the fact is after paying the tax to Government what we are getting from our tenants is only very little. Mr. Ramamurthi said that the contract rent was about

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Rs. 50 per acre with regard to the garden in Malabar. He is entirely wrong and he has misrepresented things. Supposing a garden could yield about 3,000 or 5,000 coconuts, we are getting only Re. 1 to Rs. 2 excluding Government revenue. Is this supposed to be fair? I am just saying this to show how we are put to a lot of difficulties.

“The present Chairman himself knows the difficulties of the small landholders. He has himself witnessed—he told me about it—how one janmi had a lot of difficulty in collecting Rs. 2 from his tenant. Such is the plight of the petty landholders today. According to the statistics furnished by the Government, there are some two lakhs odd petty landholders. I do not know what will be their position if they are not given some help to cultivate their own lands and live as citizens of the Indian Union.

“I do not say that the tiller of the soil should not be given anything. At one time, I had to go more than 10 times to my tenant and only after foregoing 15 paras of paddy I was able to get 200 paras of paddy in bits. Even after that, I had to forego some portion. This is the fate of petty landholders who had leased out to tenants. It is not the landlords that are giving trouble to the tenants, but it is the intermediaries. These kanamdars are big merchants. On account of the partition prevalent in Malabar, these kanamdars give money to these landholders when they are in difficulties and they are taking away the lands as mortgagors and are leasing out to small tenants. They are taking a big toll from the produce and paying very little to the landholders. If a remedy for this should be found, the present day kanamdars should be minimised. Then the tiller of the soil and the actual janmi will be benefited. I do not say that the kanamdars should not exist in the country. The Hon. Law Minister himself said while introducing the Bill that this amending Bill will not be good for all and that the evil cannot be completely corrected. It is quite correct. All people will not be satisfied with this measure. But I think there is provision made for all people concerned.

“Formerly, landholders were getting a renewal fee. Under the provisions of this Bill, we will not be able to get any renewal commission from our tenants or from intermediaries. Thus, we shall be put to very great difficulties and we shall find it difficult to maintain our families. The Government should see that the actual tiller of the soil should be given some relief, as well as the intermediaries and the janmies.”

12 noon.

* SRI C. KANDASAMY :—“கனம் சேர்மன் அவர்களே, மலையாள குடிவார மசோதாவைப் பற்றிப் பேசுகையில் மலையாளத்தைச் சேர்ந்த நீங்கள் தலைமை வகித்திருப்பது குறித்து நான் என் மகிழ்ச்சியைத் தெரிவித்துக்கொள்ளுகிறேன்.

“அடுத்தபடியாக, இந்த மசோதா குறிப்பாக மலையாள விவசாயிகளின் திருத்த மசோதா, மலையாளத்தில் இருக்கக்கூடிய விவசாயிகளின் நிலைமைக்கும், தமிழ் நாட்டில் இருக்கக்கூடிய விவசாயிகளின் நிலைமைக்கும் பெருத்த வித்தியாசம் இருக்கிறதென்பது எல்லோரும் அறிந்த விஷயம். இந்த நிலைமையில் தான் இன்றைய தினம் இந்த மலையாள விவசாயிகள் திருத்த மசோதா கொண்டு வரப்பட்டுள்ளது. இதைத் தீர்க்க வேண்டிய, இதற்கு முடிவு செய்ய வேண்டிய பொறுப்பு மலையாளத்தைச் சேர்ந்த அங்கத்தினர்களுக்கு மாத்திரமல்ல : தமிழ் நாட்டைச் சேர்ந்த எம். எல். ஏ. க்களுக்கும் உண்டு. இதில் எல்லோரும் பொறுப்பு உணர்ச்சியோடு நடந்துகொள்ளவேண்டும். இங்கு தமிழ் அங்கத்தினர்களே மெஜாரிட்டியாக இருக்கின்றனர். அவர்கள் எல்லோரும் இவ்விஷயத்தில் ஒன்றுபட்டு, அவர்கள் பாதிக்கப்படாமல் இருக்கும்படி நியாயமான முடிவை ஏற்படுத்தி பாதுகாக்க வேண்டியது அவசியம் என்பதை இங்கு குறிப்பிட விரும்புகிறேன். இதிலிருந்து இன்னொரு விஷயம் கூட எழுகிறது. அதாவது இந்த மாதிரியான பிரதேசங்களில் அந்தந்த மொழிவழி மாகாணம் இல்லாத காரணத்தால் இவ்வளவு இடைஞ்சல் ஏற்பட்டிருக்கிறது. இதை இப்பொழுது நன்கு தெரிந்து கொள்ள முடியும். ஆகையால் மொழிவழி மாகாணம் எவ்வளவு தேவைப்படுகிறது என்பதை இந்தச் சந்தர்ப்பத்திலே வற்புறுத்திக் கூற ஆசைப்படுகிறேன்.

[Sri C. Kandasamy] 6th January 1954]

சட்டத்தை எடுத்துக்கொண்டால், அதிகார பூர்வமாக 1930-ல் ஏற்படுத்தப் பட்ட சட்டத்தினமீது 1950-ம் வருஷத்திலே சென்ற காலத்திலே மந்திரியாக இருந்த மாதவ மேனன் அவர்கள் திருத்தி சட்டத்தை நிறைவேற்றியிருக்கிறார். ஆனால் இது சென்ற நான்கு வருட காலமாக அமுல் நடத்தப்படாமல் இருக்கிறது. இதற்குக் காரணம் அந்த திருத்தத்தினால் மக்களிடையே மிகுந்த அதிருப்தி ஏற்பட்டது என்பதை ஞாபகத்தில் வைத்துக்கொள்ளவேண்டும். இப்போது இது மறுபடியும் ஆலோசனைக்கு கொண்டு வரப்பட்டிருக்கிறது. ஆகையால் நாம் மிகவும் விழிப்புணர்ச்சியோடு இதில் கவனம் செலுத்த வேண்டுமென்பதை ஞாபகத்தில் கொள்ள வேண்டும். 1950-லே பிரேரேபிக்கப்பட்டு நிறைவேற்றப்பட்ட இந்த பில்-லானது, 4 வருஷங்களாக அமுல் நடத்தப்படாத நிலைமையிலே, இப்போது மலையாளத்திலிருந்து வந்திருக்கக்கூடிய கனம் குட்டி கிருஷ்ண நாயர் அவர்கள் மறுபடியும் திருத்தம் கொண்டு வந்திருக்கிறார். இந்த திருத்தத்தில் கடந்த 30, 40 வருஷங்களாக நடத்தி வந்த போராட்டத்தின் விளைவாக ஏதாவது பலன் ஏற்பட்டிருக்கிறதா என்பதை நாம் பார்க்க வேண்டும்.

“இன்றைய தினம் விவசாயிகளினுடைய நிலை மிகவும் அனுதாபத்திற்குரியது. நிலப் பிரபுக்கள் இந்த உலகத்தில் பிறந்து விட்டார்களே என்பதற்காக அனுதாபப்பட்டால் நிலைமை மோசமாகத்தான் முடியும். ஆகையால் விவசாயிகளுடைய அனுதாபப் பிரச்சனை முதலில் கவனிக்க வேண்டும். இந்த தேசம் முன்னேற வேண்டுமானால் இந்நாட்டிலுள்ள விவசாய மக்கள் சகல துறைகளிலும் முன்னேற வேண்டும். ஆகையால் எல்லாக் கட்சி நண்பர்களும் இதில் ஒத்துழைக்க வேண்டும்.”

(At this stage the Deputy Speaker occupied the Chair.)

* SRI K. C. GOPALAN UNNI :—“സാർ, ഈ പാരിന്റർ ഓഫ് ഓഡർ, ഈ ബിൽ സെൻ്ററിയിലെ റിപ്പോർട്ട് ഇതിൻ്റെ ചുവടെയുണ്ടാകുന്നതു് ശരിയായോ ?

“On a point of Order, Sir, The Hon. Minister, who has sponsored this Bill, is not in the House and he will not be able to follow what is taking place here.”

DEPUTY SPEAKER :—“It is not necessary.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“I am here, Sir.”

[6th January 1954]

DEPUTY SPEAKER:—"The Hon. the Chief Minister is here. The Hon. the Leader of the House is here. It is a joint responsibility."

THE HON. SRI C. RAJAGOPALACHARI:—"The Leader of the Opposition is not here." (Laughter.)

* SRI C. KANDASAMY:—"விவசாய பிரச்னை இந்த தேசத்தின் மிகவும் முக்கியமான பிரச்னை. இதை எல்லா கட்சிகளும், ஆளும் கட்சியும் ஒப்புக்கொண்டுள்ளது. ஆனால் மலையாள விவசாயிகளின் இன்றுள்ள நிலைமை நியாயமானதா என்று ஒட்டு மொத்தமாகப் பார்த்தால் அவர்கள் வருமானம் வெகுவாக அதிகரிக்கப்படவேண்டும். வாங்கும் வசதி அதிகரிக்க வேண்டும். இது உயர்ந்தால் தான் அரசாங்கத்தின் நிலைமை அபிவிருத்தி அடையுமென்பதை அரசாங்கம் ரூபகத்தில் வைத்துக்கொள்ள வேண்டும். இந்த அடிப்படையான விஷயத்தில் எல்லா கட்சிகளும், தமிழ் அங்கத்தினர்களும் கூட பாதுகாப்பளிக்க முன் வரவேண்டும். மலையாள தேசத்து தலைவலி தானே என்று தமிழ் நாட்டு அங்கத்தினர்கள் சும்மா இருக்கக்கூடாது. ஆகையால் இந்த விவசாயிகளுடைய போராட்டப் பிரச்சினையை, தியாகங்கள் பல செய்து இப்பொழுது கொண்டு வரப்பட்ட பிரச்சினையை எல்லோரும் பாதுகாக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்."

"அடுத்தபடியாக, முக்கியமான பகுதி குடிவாரம். சாகுபடி * செய்யப் படுகின்ற குடியானவர்களுடைய நிலங்கள் நிரந்தரமாக சாகுபடி செய்ய முடியாதபடி பாதிக்கப்படுகிறது. பிறகு நில வாடகை, குத்தகை, வாடகை பாக்கி இவைகளையெல்லாம் பார்க்கும்போது என்னவா கூட விவசாயிகளுக்கு சாதகமாக காணப்படவில்லை என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். குடிவாரத்தை எடுத்துக்கொண்டு பார்த்தால் 6 வருஷ பாக்கியைக் கொடுக்க வேண்டுமென்று நிபந்தனைகள் எல்லாம் விதிக்கப்பட்டிருக்கிறது. அங்குள்ளவர்களின் வாழ்க்கை நிலை உயராமல் பஞ்சத்தால் பாதிக்கப்பட்டிருக்கிறது; பல கஞ்சித் தொட்டிகள் ஏற்படுத்தப்பட்டிருக்கின்றன. இன்றுள்ள நிலையை எடுத்துக்கொண்டு பார்க்கும் போது இந்த 6 வருஷ பாக்கியைக் கொடுக்க வேண்டுமென்றது நிர்ப்பந்தமே ஏற்படுத்துவதாகும். இதனால் அங்கிருக்கக்கூடிய பல லட்சக் கணக்கான விவசாயிகளை வெளியேற்றுவதற்கு உதவி செய்கிறதே தவிர, அவர்களுக்கு ஒரு நல்ல நிலைமை ஏற்படச் செய்கிறதாக இல்லை. ஆனால் அங்கிருக்கக்கூடிய கால்கிரஸ் மகாஜன சபை கூட மூன்று வருஷ பாக்கியைக் கொடுத்தால் போதுமென்ற கோரிக்கையை ஒப்புக் கொண்டிருக்கிறது, என்பதை எடுத்துக் காட்ட ஆசைப்படுகிறேன். ஆறு வருஷ பாக்கியைக் கொடுக்க வேண்டுமென்று விதிக்கப்பட்டுள்ளதை திருத்த வேண்டும். இதற்கு எல்லா கட்சிகளும் ஏகோபித்த முறையில் கவனம் செலுத்த வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

"அடுத்தபடியாக, அவர்களை வெளியேற்றுவதற்கு போதுமான காரணம் அதாவது (Bonafide reason) கொடுத்து அவர்களை வெளியேற்றலாமென்று இருக்கிறது. இப்படிச் செய்திருப்பது நியாயமா? அவர்களை வெளியேற்ற வேண்டுமென்றால் நிலச் சொந்தக்காரர்களுக்கு காரணம் சிறுஷ்டிக்கத்தான் தண்டமா? புலிக்கு நியாயம், ஆட்டுக்குட்டிக்கு அநியாயம் என்பதுபோல் இந்தக் காரணம் இருக்கிறதென்பதை ரூபகத்தில் வைத்துக்கொள்ள வேண்டும். இவ்வாறெல்லாம் சட்டத்தில் சலுகை விதிக்கப்பட்டிருக்கும்போது அவர்களை வெளியேற்றுவதுதான், அதுவும் (Bonafide reason) காண்பிப்பது தான் கஷ்டமா? ஆகையால் இது விவசாயிகளை மிகவும் பாதிக்கும் நிலையில் இருக்கிறது. இந்த திருத்தத்தையும் திருத்தி அமைக்க வேண்டுமென்று நான் கூறுகிறேன்."

12-10 "அடுத்தபடியாக, இந்த நில வாடகை திருத்தத்தைப் பார்க்கும்
p.m. போது அதுவும் பெருமளவு பாதிக்கக் கூடியதாகவே இருக்கிறது. இது பற்றி போராட்டங்கள் எல்லாம் நடந்து கொண்டிருக்கிறது. இதற்கு

[6th January 1954] [Sri C. Kandasamy]

சாதகமாக அரசாங்கம் சட்டம் கொண்டுவந்தால் லட்சக்கணக்கான மக்களுக்கு நன்மை செய்தவர்களாக இருக்கலாம். இல்லாவிட்டால் இருக்கிற நிலைமையை அப்படியே விட்டு வைத்தாவது இருக்கலாம். இது தான் ரொம்ப நியாயம். (Fair rent fix) பண்ணும்படி சட்டம் கொண்டு வந்து, அதனால் வாடகை அதிகமாக கொடுக்கும்படி சட்டம் செய்திருப்பது வெறும் கேலிக் கூத்தாகவே இருக்கிறது. நியாயமான வாடகை என்று சொல்லும்போது ஒரு குறிப்பிட்ட (formula) கொண்டுவந்து, ஒரு விதிமரக வாடகை எப்படிகும் அதிகமில்லாமல் அதாவது குறைந்த பட்சம் இவ்வளவு என்று கேட்டால் மிகவும் நியாயமாக இருக்கும். தஞ்சாவூர் ஜில்லாவுக்கு இந்த விஷயத்தில் இதில் எது குறைந்த பட்சமோ அது அமுலுக்கு வரவேண்டும் என்று இந்த அரசாங்கம் அளித்திருக்கிறது. இதற்குமட்டும் இந்த மாதிரி செய்துள்ள காரணம் என்னவென்று தெரியவில்லை. முன்பு மலையாள விவசாயிகள் 100 ரூபாய் வாடகை கொடுத்துக் கொண்டிருந்தால், இப்பொழுது இந்த சட்டத்தின்படி 150, 200 கொடுக்க வைண்டுமென்று சொன்னால் இந்த ஏழை விவசாய மக்கள் என்ன நிலைப்பார்கள் என்பதை இந்த மந்திரி சபை உணர வேண்டும். அதிலும் முக்கியமாக கனம் குட்டி கிருஷ்ண நாயர் அவர்கள் இதை ஊன்றி கவனிக்க வேண்டும். ஆகவே இப்பொழுது குறைந்த பட்ச வாடகை நிர்ணயிக்கப்பட்ட வேண்டும். இந்த மேலே சொன்ன வாடகைதான் இப்பொழுது அமுலில் இருக்கிறது. அது கூடுதலாக இருக்கிறது. அதைக் குறைப்பதுதான் நியாயம். அந்தப்படி இந்தச் சட்டத்தைத் திருத்தவேண்டும்."

"அடுத்தபடியாக தென்னந்தோப்பைப் பற்றி கூறப்பட்டிருக்கிறது. அதற்கு வாடகை அதிகமாக விதிக்கப்பட்டிருக்கிறது. அதை நிலப் பிரபுவான கனம் சங்கர வர்ம ராஜா அவர்கள் கூட ஒப்புக் கொண்டிருக்கிறார்கள். ஒரு ரூபாயிலிருந்து மூன்று ரூபாய்கள் வரை அதிகப்படுத்தப்பட்டிருக்கிறது. அது அமுலில் நடக்குமா என்பதை யோசிக்க வேண்டும். இந்த வகையில் இந்த சட்டம் வரக்கூடியதாக இருந்தால் அது வருத்தப்படக்கூடியதாக இருக்கிறது. மக்கள் இதைப்பார்த்து சிரிக்கக் கூடிய நிலைமையில் இது கொண்டுவரப் பட்டிருக்கிறது. இதை அரசாங்கம் யோசித்து ஒரு முடிவிற்கு வர வேண்டும்."

"மிளகு சம்பந்தமாக கனம் பி. ராமமூர்த்தி அவர்கள் எடுத்துக் காட்டி இருக்கிறார். மிளகு விவசாயம் ஏற்றுக்கொண்ட அந்தக் காலத்தில் விவசாயிகள், இந்த அளவிற்கு அதன் விலை உயரும் என்று எதிர்பார்க்கவில்லை. மலையில் கரடு முரடான இடங்களை விவசாயத்திற்கு லாயக் கற்ற நிலங்களை எடுத்து அந்தக் காலத்தில் விவசாயம் செய்து மிளகு உற்பத்தி செய்தார்கள். இப்பொழுது தான் அதன் விலை உயர்ந்து இருக்கிறது. அதன் வருமானத்தைப் பார்த்தால் பத்து மடங்கு இருபது மடங்கு அதிகமாக வருமானம் வருகிறது. அந்த நிலையில் இப்பொழுது அதன் விலை இருக்கிறது. ஆறு வருஷம் கஷ்டப்பட்டு தண்ணீர் ஊற்றி காட்டை அழித்து அதை சாகுபடிக்குக் கொண்டு வந்து அதன் பிறகு ஆறில் ஒரு பங்கு ஜன்மிக்குக் கொடுக்க வேண்டும் என்று சொல்வது சரியல்ல. பத்தில் ஒரு பங்கு கொடுக்க வேண்டும் என்று சொல்வது விரும்புகிறேன். அது தான் ஜன நாயக முறை. இதை அரசாங்கம் கவனித்து வசதி செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்."

"அடுத்தபடியாக உள்குடி என்று சொல்லக் கூடியவர்கள் அதாவது நம் பக்கத்தில் இருக்கக் கூடிய ஹரிஜனப் பண்ணையாட்களைப் போன்று அங்கு இருக்கிறார்கள். அவர்கள் நிலப் பிரபுக்களுடைய இடத்தில் குடி இருந்து கொண்டு வருகிறார்கள். அவர்கள் மிகவும் தாழ்த்தப்பட்டும் ஒடுக்கப்பட்டும் வருகிறார்கள். அவர்களை ஒரு நிர்ப்பந்தத்தில் வைத்து இருக்கிறார்கள். அவர்களுக்கு அரசாங்கம் எல்லோரையும் விட அதிகமாக பாதுகாப்பு அளிக்க வேண்டும். அது அரசாங்கத்தின் கடமையாக இருக்கிறது. அவர்களுக்கு அதாவது 'Protective' உள்குடி என்று அவர்களுக்கு பாதுகாப்பு அளிக்கப்படும் என்று இருக்கிறது."

[Sri C. Kandasamy] [6th January 1954]

அதுவும் மூன்று வருஷங்களுக்கு தொடர்ந்து இருப்பவர்களுக்குத்தான் இது. சென்ற மூன்றாண்டில் ஜன்மியின் திறமையாலும் சக்தியினாலும் உத்தியோகஸ்தர்களுடைய ஒத்துழைப்பாலும் அவர்களை வெளியேற்றியுள்ளனர். இப்பொழுது பத்தாயிரக்கணக்கானவர்கள் அங்கு வெளியேற்றப் பட்டிருக்கிறார்கள். இவ்விதம் மூன்று வருஷங்கள் என்று இருந்தால் அவர்களுடைய உரிமைகளை பரிப்பதற்கும். இன்னும் பத்தாயிரக் கணக்கான மக்களை வெளியேற்றுவதற்கு ஏற்பாடு நடந்து வரும். அவர்களுடைய உரிமைகள் பாதிக்காமல் இருப்பதற்கு மூன்று வருஷங்கள் என்று இருப்பதை ஒரு வருஷம் என்று திருத்த வேண்டும். அவ்விதம் திருத்தினால் ஒரு வருஷம் குடியிருந்தவர்களையும் வெளியேற்ற மாட்டார்கள். அதனால் அவர்களுக்கு பாதுகாப்பு அளிக்க வேண்டியதாக இருக்கின்றது. அவ்விதம் பாதுகாப்பு அளிப்பதுதான் தர்மமானது, நியாயமானது. இவ்விதம் செய்ய வேண்டும் என்று அரசாங்கத்தை நான் கேட்டுக் கொள்கிறேன்.

“இந்த சட்டமானது கனம் மாதவ மேனன் அவர்கள் காலத்தில் நிறைவேற்றப்பட்டு அது விவசாயிகளுக்கு நன்மை ஏற்படாமலும் முன்னேற்ற அடைய முடியாமலும் சட்டத்திற்கு நேர் மாறாக இருந்து வந்திருக்கிறது. அது பின் நோக்கி செல்லுகிறது என்று கூட சொல்லலாம். முன்பு இருந்ததை விட அந்த ‘பில்’ லினால் அதிகம் கொடுக்கும்படியாக இருந்தது. அந்த முறையில் அது அமைக்கப்பட்டிருந்தது. ஆகவே இந்தப் பக்கத்தில் பேசிய பேச்சுக்கள் எல்லாம் கனம் குட்டிக்கிருஷ்ண நாயர் ராஜீனுமா செய்ய வேண்டும் என்ற பிரச்சனை யெல்லாம் வந்தன. கனம் மாதவ மேனனுக்கு ஏற்பட்டது ஏற்படும் என்று கூட சொல்லப் பட்டது. அதுவும் ஆத்திரமாகச் சொல்லப்பட்டது. உண்மையைச் சொல்லுகிறேன். விவசாயிகள் தாழ்த்தப் பட்டிருப்பதையும் ஒடுக்கப்பட்டிருப்பதையும் பார்த்துதான் அப்படி பேச வேண்டியதாயிற்று. மக்களுடைய எண்ணத்தை புறக்கணிக்க முடியாது. சட்டம் இருக்கிறது, அரசாங்கம் இருக்கிறது, போலீஸ் இருக்கிறது என்று பேசிக் கொண்டு இருப்பதில் பிரயோசனம் இல்லை. மக்களுடைய ஆதரவு பெற்றாக வேண்டும். அது வசியமாக சவால் விடுவதில் பிரயோசனம் இல்லை. அது ஜனநாயகம் அல்ல. மக்களுடைய எண்ணத்தைச் சொல்வதில் தவறு இல்லை. இது எலெக்ஷன் பேச்சு அல்ல. அந்த முறையில் இன்றைய தினம் பேச வில்லை என்பதை தெரிவித்துக் கொள்ளுகிறேன். கனம் முதல் மந்திரி அவர்கள் ராஜ பாகம் ஆறில் ஒரு பங்கு அல்லது நாலில் ஒரு பங்கு கொடுக்க வேண்டும் என்று சொன்னார். ராஜ பாகத்தை அரசாங்கம் வாங்கிக் கொள்ள உரிமை இருக்கிறது. அரசாங்கத்துக்கு கடமைகளும் உண்டு. விவசாயிகள் கொடுப்பதற்கும் கடமைப்பட்டிருக்கிறார்கள். வரி வாங்குவது தப்பு இல்லை. அது தப்பு என்று நாங்களும் சொல்ல வில்லை. ஆனால் நிலப் பிரபுக்கள் விஷயம் வேறு. இதைத்தான் பார்க்கவேண்டும். இப்பொழுது நிலப் பிரபுக்கள் என்ன செய்கிறார்கள் என்று பார்க்க வேண்டும். சமூகத்தை நாசம் செய்கிறார்கள். அது மாத் திரம் அல்ல, தேச முன்னேற்றத்திற்கு அவர்கள் முட்டுக் கட்டையாக இருக்கிறார்கள். அவர்களால் ஒரு பிரயோசனமுமில்லை. சமூக வளர்ச்சிக்கு என்ற நிலையில் அவர்கள் இல்லை என்பதைத் தெரிவித்துக் கொள்ளுகிறேன்.”

“இந்த சட்ட சபையிலுள்ள தமிழ் அங்கத்தினர்களுக்கு குறிப்பாக ஒன்று சொல்லுகிறேன். அதில் அவசியமாக கவனம் அவர்கள் செலுத்த வேண்டும். தமிழ் அங்கத்தினர்களுடைய தீர்ப்பானது லட்சக் கணக்கான விவசாயிகளுடைய தலை விதியை நிர்ணயிக்கப் போகிறது என்பதை ஞாபகத்தில் வைத்துக்கொள்ள வேண்டும். எந்த கட்சி மனப்பான்மையும் இல்லாமல் உண்மையாக நடந்து கொள்ள வேண்டும். இதில் உண்மையாக கவனம் செலுத்தி தேச முன்னேற்றத்திற்கு தகுந்த தீர்ப்பு கொடுக்க வேண்டும் என்பதைத் தெரிவித்துக் கொண்டு, கனம் சபாநாயகர் அவர்கள் நான் பேசுவதற்கு சந்தர்ப்பம் கொடுத்ததற்கு அவருக்கு வணக்கத்தைத் தெரிவித்துக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

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DEPUTY SPEAKER:—“I reduce the time-limit from 20 to 15 minutes.”

* SRI N. GOPALA MENON:—“Mr. Deputy Speaker, Sir, the speech of the hon. the Leader of the Opposition has been so full of wrong facts, wrong inferences and wrong conclusions that I thought that he was living in a world of unreality and got all his information from books and pamphlets. We, Sir, from Malabar, do not want the reports of Sri Kuttikrishna Menon or Raghavendra Rao or others to tell us about things happening there. He, in order to make confusion worse confounded, gave some figures purporting to be correct. He said that in Malabar there are five per cent of landlords ‘fattening’ themselves (of course, the expression is mine), on the toil and sweat of the brow of 95 per cent of the tenants. He does not in this case speak of the realities in Malabar. The fact is that in Malabar out of 271,469 patta-holders, 266,000 people are single patta-holders who pay less than Rs. 100. The expressions ‘janmi’ and ‘landholder’ make one believe that these are akin to zamindars in Tamil districts whereas they are not. A janmi or landholder merely means that he has got the freehold interest in a plot of land and according to figures given by me, there are about 266,000 people who own land for which they pay only Rs. 100 or less as kist. There are landholders in Malabar who own vast extents of land, but ordinarily they do not have even one cent of land in their own actual possession to till. It is something like what we have read in the ‘Ancient Mariner’ ‘Water, water everywhere, but not a drop to drink’. Many landholders in Malabar may say ‘Land, land everywhere, but not a cent to till.’ That is the position of many of the big landholders in Malabar. Therefore, the statement of the Leader of the Opposition that five per cent of the landlords in Malabar are getting the fruits of the labours of the 95 per cent of the tenants is an entirely wrong statement of fact. I may tell hon. Members that I am not here to say that this Bill is the best that could be produced. I am not saying that this Bill will satisfy everybody. It cannot, in the nature of things, satisfy everybody, because if you put in something in one clause it affects somebody else’s interest and you are treading on another man’s corn. Therefore, if you lay down something in 12-20 p.m. favour of the janmi or the landholder, to that extent, it affects the tenant. The Leader of the Opposition also said that the hon. Members from Malabar here would have sat together, discussed and evolved a Bill which would be satisfactory to all. I do not know if all the interests in Malabar are represented in this Assembly. I do not know if the really big landlords of Malabar are represented in this Assembly, and so far as I know, they are not represented. If I am not mistaken I am speaking only from memory the names of Dr. K. B. Menon and Sri M. Narayana Kurup were included in the original list of Members for constituting the Select Committee. The hand of co-operation was, therefore, offered to them but it was rejected with disdain which may mean thereby that whatever Bill be brought forward will never satisfy them. There was not that spirit of co-operation

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shown by them. They have not that democratic spirit of sitting around a table, expressing their opinions and trying to convert others to their viewpoint. After all, even the Members of the Government are reasonable human beings. They have got the electorate to face and they have got their own opinions. The Opposition cannot say that they are so thoroughly unreasonable and that any Bill they may bring forward will be thoroughly unsatisfactory. That is prejudging the issue and saying that although the Government may appoint them as members of the Select Committee, they decline the offer with thanks. The Leader of the Opposition now asks: 'Why not all the Members coming from Malabar sit round a table and do it?' That was the very thing which was attempted to be done, and that was the very thing which was rejected. There is no use now in saying so many things after the matter has come up before the Assembly. As I said before, I for one, do not agree with every clause of this Bill. In fact, I have given a dissenting minute. We will discuss that later on in detail. We are now having only an overall picture of the Bill.

"The Leader of the Opposition said that tenancy legislation in Malabar was attempted for the first time in 1930. It was another of the series of mistakes that he committed. The agrarian agitation started very early, even as early as the nineteenth century, and the tenants were clamouring that the value of the improvements which they made on the lands was not paid to them when they were evicted by the landlord, and legislation was enacted for the purpose of giving them the value of the improvements which they made on the land. Landlords tried to circumvent this law by entering into contracts saying that notwithstanding any law, they would not pay the value of the improvements. Legislation stepped in and said that any such condition in a contract or lease would be void. Therefore it is wrong to say that for the first time tenants' interests were protected only in 1930.

"Coming to the Bill itself, under the conditions prevailing in Malabar it is absolutely necessary that tenants should be given fixity of tenure. The Act of 1951 gave them fixity of tenure only to this extent that if the landlord wanted the land for his own maintenance, he could evict the tenant. This Bill goes one step further and says that if the tenant has been in possession of the land and cultivating it for over twelve years, he cannot be evicted under any circumstances except of course on grounds of non-payment of rent and the like. I should think that this is really a definite advance. In my humble opinion, the people of Malabar will prefer the Government taking away the twelve-year limitation altogether and saying that the tenant is entitled to cultivate the land so long as he pays the fair rent. In the contiguous State of Travancore-Cochin, there is a provision in the law to this effect, and it is not possible to evict a tenant so long as he pays the fair rent that has been fixed. Of course, the other conditions which are in this Bill are also there in the Travancore-Cochin law. In

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the dissenting minute, I have said: 'Let us not have a half-hearted measure'. The tenants will be clamouring and they should be given fixity of tenure. For some reason or other—we need not go into the origin of it—the landlord has parted with the possession of the land and it is only fair that he should not disturb the tenants who are actually cultivating the land. He bargains only for the fair rent. So long as the tenant pays the stipulated fair rent, the landlord has no business to evict him. I think that will satisfy the people of Malabar much better. I can tell the House the likely reaction of the jammies to a clause like that from my knowledge of the situation in Malabar. Very few jammies will be really affected by it. Of course, there are a certain number of small jammies who would like to take back their land and till it themselves. A clause like the one I have suggested will be to the disadvantage of such people. In a tangle we are and we must help one person or the other. I would certainly prefer the insertion of a provision to the effect that tenants should not be evicted so long as they pay fair rent without fixing any arbitrary limit of twelve years or any other period. Of course, the tenant should satisfy also the other conditions laid down. As I said, this will be in consonance with the law prevailing in the neighbouring State of Travancore-Cochin.

"As regards fair rent, the Leader of the Opposition quoted from the Five-Year Plan. He quotes it when it suits him and discards it when it does not suit him. No doubt, it is said in the Five-Year Plan that the rent should be between 20 to 25 per cent. But the Plan also says that every landlord has got the right to till his own land. What are we doing under this legislation and what have we done? We have said that the owner of a land has no right to till his own land if he has, or his ancestors have parted with the possession of the land for some reason or other. When we say that the owner cannot get back his land and till it, we are depriving him of what I may call the very fundamental right of choosing his own occupation. Every person has got a right to make himself an agriculturist or a tiller of the soil. It is really hard on the landlord that he should be deprived of the right of getting back his own land for self-cultivation merely because he or his ancestors, for some reason or other, parted with the possession of the family land, may be years and years ago. The Leader of the Opposition conveniently forgets that the Five-Year Plan provides for the owner of a land getting back his land for personal cultivation. This Bill deprives him of that right, unless it be for meeting his primary needs, the primary needs being food, clothing and shelter. We may picture to ourselves the position of that unfortunate landlord who calls himself a landlord but who has nothing to feed himself with unless he gets back the few cents of land which unfortunately has gone into the possession of some other person. I do not say that this Bill will be the final word. We have to fix some sort of ceiling. A landlord should be allowed a certain extent of land for his own cultivation and also a tenant who has got a small acreage of land for his own

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12-30 p.m. cultivation should not be deprived of that land. Supposing a tenant has got only less than five acres of land, it is rather hard that he and his family should be thrown out of their employment on their own land. Therefore, the legislation must enact that in cases where tenants have only a minimum extent of five acres or so, they should not be deprived of the land which they are cultivating so long, of course, as they pay the fair rent to the landlord."

DEPUTY SPEAKER:—"The hon. Member's time is up."

* SRI N. GOPALA MENON:—"In view of the importance of the question, will you, Sir, please give me a few minutes more? In the case of the landlord also, if he wants to cultivate the land, a ceiling should be fixed. If a landlord has no land to cultivate and the tenant has got hundreds of acres of land belonging to the landlord which he cultivates, it is only fair that the landlord should be given a few acres for his own cultivation. Now, the paramount object of land legislation should be that the land must yield the best results. In fact, there is a legislation passed in 1948 in England whereby the Government could seize the land which is not properly cultivated and hand it over to some person who would be able to cultivate it properly. The person who cultivates the land must have the necessary cattle wealth, the machinery and the wherewithal to purchase manure and so on. If a person or a lessee does not have them, one has only to put in an application to the Ministry who will make enquiries, get hold of the land and give it to some person who can cultivate it properly. The object of the legislation is that the best results must be attained from the land. Now, a legislation similar to that could be taken up here also. I am only saying that there are defects in the Bill. In the case of fair rent, of course, it is a thing to which we can only arbitrarily agree. Now, according to the Tanjore Tenants and Pannaiyal Act, two-thirds of the produce go to the landlord and one-third goes to the tenant. I believe our people in Malabar will be shocked if it is said that two-thirds should go to the landlord. The present Bill reserves one half of the net produce to the landlord in the case of wet lands and tenants want it to be reduced still further. That is a matter for fixation on agreement. I may say that things are getting on fairly well in Malabar in spite of legislation. From 1930 when a provision was incorporated in that Act for the fixation of fair rent, one will find that up to date the applications made under the Act of 1930 are very, very few. In spite of the legislation that we may pass, people will adjust themselves. They know what exactly will be the produce of the land. They know what the landlord should get. It is only in the case of bad landlords and greedy or other tenants that this sort of legislation is necessary. Otherwise, they adjust themselves. But still, society is becoming complex and it is necessary that this should be regulated by rules. Therefore, one-half of the produce is fixed now. It can be changed at any time if public opinion demands it. Therefore, I do not propose to say anything about the fixation of fair

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rent. After all, a person who is neither a tenant nor a landlord is fixing the rent on the evidence that he takes. A Rent Court is going to be established and I think everything will be fair as far as the fixation of fair rent is concerned. There is no purpose in a general discussion like this to say that two-thirds or one-half is too much or too little.

"On the whole, I think that the Bill tries to focus the opinion of most of the people in Malabar. Of course, there are people who think that the land must belong to the tenant. Now, that is a different conception altogether and unless and until all the lands are parcelled out and given to the tillers of the soil, they may not be satisfied. That is another political philosophy. But until we go to that extent, there is no use of simply saying that the land must be given to the tiller. Under the present circumstances and having regard to the existing conditions in Malabar, I think this Bill is fairly good and will be appreciated by impartial persons. I, therefore, commend this Bill for the acceptance of the House."

* SRI K. MADHAVAN NAMBIAR:—"ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ ശങ്കരവർമ്മ രാജാ ജന്മിമാരുടെ ചില വിചിത്രതകളെപ്പറ്റി ആവലാതിപ്പെട്ടുകയറുകയായി. അതിനെ സംബന്ധിച്ച ഒരു പറയാൻ ഞാൻ ആഗ്രഹിക്കുന്നു. ജന്മിമാർ വാസ്തുവത്തിൽ സമുദായത്തിനു ദോഷമല്ലാതെ യാതൊരു ഉപകാരവും ചെയ്യാത്ത ഒരു വർഗ്ഗമാണ്. അദ്ധ്വാനിക്കുന്ന വർഗ്ഗത്തിന്റെ പ്രതിഫലം തട്ടിത്തിന്ന് ജീവിച്ചു പോരുന്ന അവർക്ക് കടിയന്മാർക്കു അനുകൂലമായ നിയമം വരുന്നതിൽ വിചിത്രത തോന്നുന്നുണ്ടെങ്കിൽ അതിന് കടിയന്മാരെ ഉത്തരവാദികൾ. യാതൊരു അദ്ധ്വാനവും ചെയ്യാതെ അദ്ധ്വാനിക്കുന്നവരുടെ പ്രതിഫലം മുഴുവൻ തട്ടിത്തിന്നിട്ടുള്ള അവരുടെ പുത്രികന്മാർ ചെയ്ത മഹാപാപമാണ് അദ്ദേഹത്തെപ്പോലുള്ള ജന്മിമാർ ഇന്ന് അനുഭവിക്കുന്നത്. ജന്മിമാർക്ക് ഇന്ന് കൃഷിചെയ്യാൻ ഭൂമിയില്ലെങ്കിൽ, ഗവണ്മെന്റിന്റെ കൈയിൽ ധാരാളം തരിശുഭൂമികളും മറ്റുമുണ്ടല്ലോ. അതു ചാർജ്ജ് വാങ്ങി കൃഷിചെയ്തു ജീവിച്ചുകൊള്ളട്ടെ. കടിയന്മാർക്കു അനുകൂലമായ ഒരു നിയമം പാസ്സാക്കുന്നതിന് അവർ തടസ്സമായി നില്ക്കുന്നത് വളരെ കൊല്ലമായി മലബാറിൽ കടിയന്മാർ അവർക്കു അനുകൂലമായ ഒരു നിയമം ഉണ്ടാക്കുകിടന്ന് വേണ്ടി കാത്തിരിക്കുകയാണ്. അതിന്നു വേണ്ടി അവർ അസംഘടിതമായും സംഘടിതമായും സമരങ്ങൾ നടത്തിയിട്ടുണ്ട്. മലബാറിലെ മാപ്പിളലഹരി ഒരു കർക്കശലഹരി അല്ലെന്ന് മന്ത്രിമാർ പറഞ്ഞാലും വാസ്തുവത്തിൽ അത് ഒരു കർക്കശലഹരിയെന്നു യാതൊരു അതിന്റെ അടിസ്ഥാനം കാണുകപ്രശ്നമായിരുന്നു. അതിനാലേകമാണ് രാജവയ്പു കമ്മിറ്റിയെ നിയമിച്ചതും 1929 ലെ മലബാർ കടിയൻ നിയമം പാസ്സാക്കിയതും. 1934 ൽ സംസ്ഥാനങ്ങളിൽ കോൺഗ്രസ് അധികാരത്തിൽ വന്നപ്പോൾ തീച്ചയായും തങ്ങൾക്ക് അനുകൂലമായ നിയമങ്ങൾ പാസ്സാക്കുമെന്ന് കൃഷിക്കാർ പ്രതീക്ഷിച്ചിരുന്നു. നേരെ മറിച്ചാണ് സംഭവിച്ചത്. കോൺഗ്രസ്സ് പാസ്സാക്കിയിട്ടുള്ള കറാച്ചി-മൈസൂർ പുരി പ്രമേയങ്ങളെല്ലാം ചവററുകയായി കളയുകയാണ് ചെയ്തത്. കർക്കശ മനസ്സാണെന്ന് പീന്നിട്ടുള്ള എല്ലാ നിയമങ്ങളും ഉണ്ടാക്കിയിട്ടുള്ളത്. കർക്കശ അനുകൂലമായ യാതൊന്നും ഇതേവരെ ഉണ്ടായിട്ടില്ല. ഇപ്പോൾ വാസ്തുവത്തിൽ മല എലിയെ പ്രസവിച്ചിരിക്കുകയാണ്. കൃഷിക്കാർക്ക് ഭൂമിയിൽ സ്ഥിരവാകാശം ഇല്ലെന്നുള്ളതാണ് ഇപ്പോഴത്തെ ബി.ലി.ലും ഉള്ള പ്രധാനദോഷം. ഈ നിയമം വരുന്ന് പോകുന്നു വെനറിഞ്ഞതിനാലേകം കഴിപ്പിക്കുകൾ ധാരാളം നടന്നിട്ടുണ്ട്. സെലക്ട് കമ്മിറ്റി റിപ്പോർട്ടിൽതന്നെ പറയുന്നത് പന്ത്രണ്ടുകൊല്ലം കൈവശമുള്ളവരെ കഴിപ്പിക്കാൻ പാടില്ലെന്നാണ്. എന്ന് പറഞ്ഞാൽ പതിനൊന്നു കൊല്ലവും പതിനൊന്നു മാസവും ഇരുപത്തൊമ്പതു ദിവസവുമേ ആയിട്ടുള്ളവെങ്കിൽ കഴിപ്പിക്കുമെന്നർത്ഥം. ഇതിന്റെ ഫലമായി മലബാറിൽ ധാരാളം കഴിപ്പിക്കുകൾ ഉടനെ ഉണ്ടാവുമെന്നാണ് എനിക്കു സങ്കയെ അറിയിക്കുവാനുള്ളത്. അങ്ങനെ ഒരു പരിതഃസ്ഥിതി ഉണ്ടാകാതെ തടയേണ്ടതാണ്. പാവപ്പെട്ട ജന്മിമാരെ സംബന്ധിച്ചിടത്തോളം ചില വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തേണ്ടതാണ് പറഞ്ഞുകൊണ്ട് ഞാൻ തന്നെ ചില ദേഹഗതികൾ കൊടുത്തിട്ടുണ്ട്. അതേ

[Sri K. Madhavan Nambiar] [6th January 1954]

പുറം ഭാഗത്തിൽ ചർച്ചയായ സന്ദർഭത്തിൽ പറഞ്ഞുകൊള്ളാം. ഈ ബില്ലിന്റെ കൊണ്ടുവരുന്ന ആശയം മറ്റൊരു കൂട്ടം ജനങ്ങൾക്ക് മലബാർ മെമ്പർമാരുടെ യോഗം വിളിച്ചുകൂട്ടി ബില്ലിനെപ്പറ്റി അഭിപ്രായം ആശയകയ്യെടുത്തിരിക്കുന്നു. മലബാർ എം. എൽ. എ. മാർ ഈ ബില്ലിനെക്കുറിച്ച് ഏതാണ്ട് എങ്കിലും ചർച്ചയോടെയാണ്. അതുപോലും സിപിഐയുടെ ഗവണ്മെന്റ് കൂട്ടിക്കിട്ടിട്ടില്ല. ആ അഭിപ്രായത്തിന്റെ അടുത്തുകൂടി ഈ ബിൽ പോയിട്ടില്ല. കമ്മ്യൂണിസ്റ്റുകളെ സംബന്ധിച്ചും ഉൾക്കടക്കിയ സംബന്ധിച്ചും ഈ ബില്ലിൽ ചില വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തുന്നത് ആവശ്യമാണെന്നാണ് എന്റെ ബോധ്യം അഭിപ്രായം.

“പാട്ടുവ്യവസ്ഥയെ സംബന്ധിച്ച് എനിക്ക് ഒരു പറയാനുള്ളത്, കരുതാത്താണെന്നു് ഇന്നു കൊണ്ടുവരുന്ന മൂന്നുപാട്ടുതെക്കും ഏറ്റവും ചുരുങ്ങിയ ഒരു വ്യവസ്ഥയാണ്. ഈ നിയമപ്രകാരം അതു എത്രയോ ഇരട്ടി വലിപ്പം വേർതിരിക്കുന്നു. ചിറകൾ താലൂക്കിന്റെ വടക്കൻ ഭാഗത്തും കോട്കോട് താലൂക്കും ഒഴിച്ചു മറ്റു മലബാറിന്റെ ഭാഗങ്ങളിൽ ഈ മൂന്നുപാട്ടുതെക്കു വലിയ ആപത്താണ് വരുന്ന പൊക്കം. കരുതാത്താണെന്നു് മൂന്നുപാട്ടുതെക്കും, ഏതാണ്ട് കുറവു അതു കൊടുക്കുക എന്ന വ്യവസ്ഥ അംഗീകരിക്കാത്തപക്ഷം മലബാറിലെ കൃഷിക്കാരുടെ ഒരു വമ്പിച്ച സമരത്തിന്നു തന്നെ തുടങ്ങിക്കൊണ്ടിരിക്കുന്നു. അതിനെ നേരിടാൻ ഗവണ്മെന്റ് തയ്യാറാകേണ്ടിയിരിക്കുന്നു എന്ന് താഴെ ചെല്ലുകയുണ്ടു്. ഇതു സിപിഐയുടെ പക്ഷം ഈ ബില്ലിനെ കടിയൻ ബില്ലെന്നു് ജനം ബില്ലെന്നുവേണം വിളിക്കാൻ. മലബാറിലെ വമ്പിച്ച ഒരു ജനവിഭാഗം ഈ ബില്ലിനെതിരായി പ്രകോപണം ഉണ്ടാക്കിയിരിക്കുന്നു. ഇപ്പോൾ വെള്ളപ്പൊക്കവും വിളയുണക്കും കൊണ്ടു പാട്ടം കൊടുക്കാൻ സാധിക്കാതെ വന്നിട്ടുള്ളവർ വളരെയാണു്. ആറു കൊല്ലത്തെ പാട്ടുവാക്കി കൊടുക്കണമെന്നു പറയുന്നതിന്റെ അർത്ഥം ഭൂമിയിട്ടു പൊക്കം ഉണ്ടാക്കണമെന്നാണു്. ആറു കൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നാണു് ബില്ലിൽ പറയുന്നതു്. അതു് സാധ്യമല്ലാത്ത കാര്യമാണു്. അതു് കൊണ്ടു കീഴ്ക്കു വാലുതകൾ വിട്ടുകൊടുക്കു വ്യവസ്ഥ അംഗീകരിക്കണമെന്നാണു് എന്റെ അഭിപ്രായം. അതുപോലെതന്നെ ഉൾക്കടക്കിയ സംബന്ധിച്ചു് മൂന്നു കൊല്ലത്തെ കടിയറിപ്പുള്ളവരെ കടിയറക്കാൻ പാടില്ലെന്നു ഈ പുതിയ നിയമത്തിൽ പറയുന്നു. ഇതിനകത്താണു് എത്രയോ കടിയറിപ്പുകാരെ ഒഴിപ്പിച്ചിട്ടുണ്ടു്. ഈ നിയമം പാസ്സായ ഉടനെ മൂന്നു കൊല്ലത്തിൽ കുറഞ്ഞു വമ്പിച്ച ഒരു ജനവിഭാഗത്തെ ഒഴിപ്പിക്കാൻ പോവുകയാണു്. അങ്ങനെ കടിയറക്കിയാൽ അവർ തെങ്ങിത്തിരിയെങ്ങിയതും, ഇങ്ങനെ ബില്ലിലെ മൂന്നു നാലു വ്യവസ്ഥകളെ സംബന്ധിച്ചിടത്തോളം നൂറുമായ മാറ്റം വരുത്തണമെന്നാണു് ഏന്റെ അഭിപ്രായം. ഈ അഭിപ്രായത്തോടു യോജിക്കണമെന്നാണു് മറ്റു ബഹുമാനപ്പെട്ട മെമ്പർമാരോടുള്ള എന്റെ വിനിതമായ അപേക്ഷ. ഈ ബില്ലിന്റെ പടി ജനങ്ങൾക്കുവേണ്ടിയല്ലെന്നു വമ്പിച്ച ജനവിഭാഗമാണു് കർഷക വേണ്ടിയെന്നെന്നും നാം തെളിയിക്കുന്നു. അതിനുവേണ്ടു് ഭേദഗതികൾക്കു് അനുക്രമമായി വേണ്ടിയെന്നെന്നു് അപേക്ഷിച്ചുകൊണ്ടു് ഞാൻ അവസാനിപ്പിച്ചു കൊള്ളുന്നു.”

12-40
p.m.

* SRI K. M. SEETHI SAHIB:—“Mr. Deputy Speaker, the present amending Bill as reported on by the Joint Select Committee is naturally receiving a mixed reception on the floor of this House. I am not one who subscribes to the view that this measure is intended to benefit the jammis, nor can I say that it is an ideal piece of legislation that will give the much-needed relief for which the tenants have been agitating and fighting.

“Sir, while I heard my hon. Friend Sri Gopala Menon, I could very well accept his statistics regarding the small pattadars. But, I thought that the citation of the statistics would give a rather untrue and unreal impression to this House about the real hardship that is being suffered by the tenantry of Malabar. While there might be a large number of small pattadars, it cannot be denied that the vast majority of tenants in Malabar are

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peasants who are highly indebted and who find it very difficult to meet their obligations after paying the rent to the jammi and after meeting the essential necessities of life and also the requirements connected with the cultivation of their lands.

“With reference to the constituency which I have the honour to represent, viz., the Malappuram constituency, I can say without fear of contradiction that the vast majority of the tenants are heavily indebted and by the working of the natural law of productivity find the maximum productivity for their lands insufficient to meet the obligations attached to the land. If we go on increasing the burden of the peasants, it will very cruelly tell upon their lot. That is a fact which cannot be gainsaid. While it may be conceded that there are small landlords or pattadars, the lot of the small tenants, the lot of the suffering tenants, the lot of the heavily indebted tenants cannot be clouded by referring to the existence of small landholders and small pattadars. While I agree with Mr. Gopala Menon that there are small landlords or landholders in Malabar and that they are not like big zamindars in other parts of the country, I also wish to state that it should not in any way cloud the reality of the situation, viz., that the vast majority of the tenants are really in need of immediate relief in the matter of rent and other obligations relating to the cultivation of the land. That was the reason that prompted me and the members of my party to send up amendments to urge upon the Government that the amendment now proposed should not in any way enable the landlords to enhance the present rent which the tenant is paying, for the simple reason that it will be almost impossible for him to pay any higher rent with the increasing obligations that he has to discharge. I wish to state that the amendment proposed by the Government will hardly give any relief to the tenant. If three times the present rent is allowed to the landlord, it will not be a small thing for an average tenant to pay. The object of the Government is to benefit the tenants and it was evident during the discussions in the Select Committee and from the remarks made by the Hon. Chief Minister, Hon. Law Minister and the Hon. the Revenue Minister who presided over the Select Committee meetings. There is a common intention to benefit the tenants. Unless we make it perfectly clear that the tenant will not be called upon to pay anything more than the rent that he is at present paying, I am afraid that common intention cannot be fulfilled.

“Sir, the Bill is defective in another respect and requires careful consideration and modification. It is with reference to the possible circumvention of the benefit given to the tenants in the matter of fixity of tenure, by the landlord transferring the land in favour of his own dependants, friends or other persons who may be interested in presenting the poor tenants by taking assignment from the jammi and filing a suit against the tenant for eviction on the ground that they *bona fide* required the land for their own cultivation. I was always maintaining—I had also

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given notice of an amending Bill in which I wanted to incorporate this proposition—that the right of eviction for *bona fide* cultivation or building purposes should be a right available to the janmi and not to the transferee because it is liable to abuse and the tenant might be harassed so that the salutary purpose of fixity will be defeated by the transfer. The Select Committee went to the extent of saying that a limit of two years was placed on the transferee in the matter of filing suits. I feel this provision is inadequate. In my humble view, the transferee should not be given that right because this principle is conceded even in the existing Tenancy Act in the case of melcharatdars. I believe hon. Members understand what I say. Melcharat means the transfer of the right of the landlord to another person with the right of collecting rents and, also with the conditional right of eviction also. In the case of such melcharatdars or transferees, according to the existing Act which has been in force for a long time, they are not given the right of eviction on the ground of ‘*bona fide* cultivation or building purposes’. When the landlord has got a right to evict a tenant on grounds of *bona fide* cultivation or building purposes, why should the melcharatdar be denied such a right? It is for the simple reason that the right to evict on this specific ground is a personal right given to the landlord and, therefore, it is not to be available to the melcharatdar. When this principle is conceded, I do not see any reason why it should not be followed even in respect of transferees for purposes of sections 14 and 20 of the Act. I have been pressing this view and have also given notice of amendments seeking to do away with the two years’ limitation provided for the transferees and to place a ban on the transferee’s right to evict tenants on grounds of *bona fide* cultivation or building purposes.

“One other point on which we are unable to see eye to eye with the Government is this. The Government make a distinction between sub-clauses 5 and 6 of sections 14 and 20 of the Act. While a landlord will not be entitled to evict for his *bona fide* cultivation, a tenant, who has been in occupation of the land for 12 years, I can do so for his *bona fide* building purposes. We fail to see how a distinction could be made between sub-clauses 5 and 6 in the matter of eviction. We are pressing, therefore, for the inclusion of sub-clause (6) also in the matter of giving fixity to the tenant who has been in possession of the land for twelve years. In fact, in an amending Bill which I had given notice of, I said that even within this twelve years’ period the impecunious janmi could recover possession. I suggested that where a janmi needed land for *bona fide* cultivation or for building purposes he might be given the right to evict the tenant where the tenant did not require the land for his *bona fide* cultivation or residential purposes. No doubt, ‘residential purposes’ does not come in in the case of tenants because kudiviruppu has been given absolute fixity irrespective of any other conditions, or circumstances. These are the main points on which we urge the Government to reconsider the Bill.

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“Then, Sir, with reference to allowing the existing rent to continue without being enhanced at the instance of the janmi, I would bring to the notice of the Government one fact. In connexion with the promulgation of the amending Act of 1951, the Government called conferences of the representatives of various interests concerned with land tenures in Malabar both at Calicut and in Madras. A decision was taken that there must be a provision in the Act that the existing rent should not be enhanced and that the tenant need pay only the contract rent or fair rent whichever was less. The public of Malabar were given to understand that such a provision would be made in the amending Bill which was under contemplation then. But when the Bill came to be drafted that provision was not included in it and that was one of the main causes of the agitation throughout Malabar.”

SRI M. NARAYANA KURUP:—“It was included in the original Bill but was dropped at the Select Committee stage.”

* SRI K. M. SEETHI SAHIB:—“Mr. Kurup says it was included in the original Bill. But I speak subject to correction. I do not think that in the draft Bill a provision was made to that effect. Anyway I speak subject to correction. I was one of those who attended the conferences. The decision arrived at at those conferences was that the tenant should be required to pay either the contract rent or the fair rent whichever was less. It was not carried into effect. But my friend, Mr. Kurup, tells me that the draft Bill contained such a provision.”

SRI M. NARAYANA KURUP:—“I shall read the original provision—

‘Every cultivating tenant of a holding, every tenant of a commercial site who is entitled to fixity of tenure in this Act, every tenant of a kudiyiruppu or ulkudi or Kudikidappu shall be bound to pay as rent to the landlord or where there is a contract . . . the fair rent or the contract rent whichever is less,’

* SRI K. M. SEETHI SAHIB:—“So, Sir, even in the draft Bill such a provision enabling the tenant to pay the contract rent or fair rent whichever was less was made but as a result of the deliberations of the Select Committee it was removed. It really gave room for a lot of discontent among the peasantry throughout the district of Malabar. This was one of the main causes of the agitation against the amending Act of 1951. I would request the Government not to repeat the mistake. There seems to be as much psychological resentment as material hardship among the people because of the decision of the Government to drop the provision which was originally decided upon and promised to them. It is not too late even now for the Government to reconsider the matter. I would request the Government to incorporate the provision decided upon in 1950 in the matter of fair rent when the appropriate stage is reached when we consider amendments to the Bill.

“About other matters, I would like to speak later when we discuss amendments. Sir, reference was made this morning to the

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Moplah Rebellion in the year 1921. I would like to make one or two observations on it. The Moplah Rebellion was in a way a political agitation as was suggested by the Hon. the Chief Minister this morning. It developed to show signs of agrarian discontent when it took a certain course. It was really a socio-political-economic agitation on the part of the people of Malabar. It was a Khilafat agitation. It was a Swaraj agitation. You will be surprised to know that among the earlier internees, there were Hindus as well as Muslims. They were leading the movement and it was a political movement, a Swaraj movement. Khilafat and Swaraj were the slogans in those days. But when the movement reached a certain stage, it developed into an agrarian agitation and the tenantry turned their attention to the landlords. So, it is incorrect to say that it was an agrarian agitation. Nor can it be said it had no agrarian manifestations in the course of the rebellion. As more than one political leader said it was a war of independence.

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"The Chief Minister was right in his observation about the character of the rebellion. He knew all about it. He had come into contact intimately with it. Of course some of us were students at that time. We had also intimate knowledge about it. Of course it is not necessary for me to go into the details. It should be admitted that where there is agrarian discontent among the tenantry and where the tenants undergo hardship, it is essential that they should be given some relief. I cannot say that the Government are not anxious to give relief to the tenants of Malabar. The only thing is that to the extent to which we want relief to be given to the tenants it is not being given. Of course it should be admitted that some relief is now being afforded to the tenants. But they want some more relief to be given. I do hope that the Government would pay heed to what we say and accept some of the amendments which we propose to move in that connexion when the clause by clause discussion of the Bill comes up before the House. I would request the Hon. Minister in charge of this Bill to accept the amendments relating to the points that the existing rent should not be enhanced, the denial of the right of eviction to the transferee of the janmi and the removal of the distinction between sub-clauses (5) and (6) in sections 14 and 20 in the matter of giving fixity to tenants. I would quite appreciate the action of Government in doing away with the rent settlement authority for preparing a record of rights to complete the work which would have taken at least a quarter of a century. I am glad that they had at last realised that they had spent lakhs and lakhs of rupees over this machinery without any satisfactory work being turned out. A provision has been made for fixation of fair rent by Rent Court in place of the previous Rent Settlement Authority. It is good they have done what they ought to have done much earlier.

"With these remarks I shall conclude reserving further comments when the clause by clause consideration of this Bill comes before the House and when our amendments would be discussed."

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* SRI B. VAIKUNTA BALIGA:—"Mr. Deputy Speaker, heard the speeches made on the floor of the House with keen interest. There were number of approaches to the Bill from various aspects. The Bill has been termed on all sides as a very complex measure. Matters have not been rendered easy because this Bill is limited to Malabar tenures which are said to be very complicated or most complicated in the whole world. But at the same time it was mentioned by the Hon. Leader of the Opposition that there was nothing complicated about it and that this was a simple measure, once we understood the basic principles involved in it. I may amplify that idea by mentioning that this Bill that is before the House may be considered in two aspects. One relates to the basic principles that govern the relationship between the landlord and the tenant as it has developed up till now, in Malabar. We should not forget the basic fact that the entire society is under the Government of the State and as such we, hon. Members of the House, as guardian of the people, should approach any question in an impartial manner and at the same time take care to see that the interests of one are not advanced at the expense of the other. The relative rights of none should be unduly undermined. This basic principle should not be lost sight of. It was mentioned that there has been rack-renting and the tenants in Malabar had been put to undue hardship. It was mentioned that that was the cause of the agrarian discontent. Those who have given notice of amendments that rack-renting should go and that the present rent should be reduced still further, have spoken about the realities of the situation as they visualised it, and the Hon. Leader of the Opposition has spoken about the necessity for protecting the tenants from unnecessary eviction by landlords, for whom those in the Opposition Benches do not have a soft corner in their hearts. On the other hand the hon. Member, Mr. Sankara Varma Raja has also voiced forth his opinion about the rack-renting of tenants by the janmis and has painted the picture, as he viewed it from his experience as a janmi. Mr. Gopala Menon has given several figures pertaining to the pattadars in Malabar. Out of 271,469 pattas in the whole of Malabar, the number of single pattas paying less than Rs. 100 comes to Rs. 2,66,000. That works out the percentage of small landlords in Malabar. It is now clearly made out that 98 per cent of pattadars in Malabar are small landlords. In the light of this clear exposition, was I not right in saying that the House will not be wise in thinking that 5 per cent of the people of Malabar constitute the bulk of landlords who oppress the tenants? That is why I say let us approach the problem from the basic standpoint. I find that there is a great unanimity amongst all members with regard to the basic principle. No doubt we all desire that the tenant should have first and foremost fixity of tenure. It is an admitted fact that prior to the introduction of the principal Act, barring the 'saswatham' (permanent) tenures the poor tenants of Malabar had no other claim to compensation for their sweat and labour but the meagre wage which the landlords were prepared to give. Usually the wages used to be distributed by way of cash payment. That is all

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that the poor labourers used to get as reward for their work. Thanks to the efforts of successive Governments, their lot has been improved and to some extent the tenants have fixity of tenure now. But even now their grievances do not seem to have been redressed. Spokesmen from the other side object to the stipulation in the present Bill for the tenant paying the contract rent agreed to between him and the landlord. They object to the provision that if the tenant fails to pay the rent due within three months from the due date, he shall be liable for eviction. The Hon. Leader of the Opposition has objected to the right of the landlord to recover the rent due by the tenant. He has characterised it as an infringement of the right of the tenant. Might I ask whether the landlord has no right for himself being the owner of the land? Is it to be taken for granted that the tenant can choose to pay his rent at whatever time he chooses? It should be realized that the rights of citizens are protected under the Fundamental Rights enshrined in our Constitution. Let us, therefore, realize that any provision we make in order to show our sympathy to the tenant does not in fact go against the fundamental rights granted under the Constitution to all citizens of India. After all the landlords are also citizens of India. Let us give the tenant what is reasonable. Let us not deprive any person of his property. In this connexion, I feel called upon to refer to two observations in the two dissenting reports of some Members of the Select Committee. In one report it is said that the Malabar janmi is not the real proprietor and his right is limited to take a share of the produce. I do not know whether it is a correct view. Opinion is divided on this. Suffice it to say for the purpose of the discussion, that this is only an amending Act and not a new Act to supersede any existing Act. This is an amending Act designed to protect the rights of the tenant. What follows from that? It is that there is relationship between the landlord and the tenant. A landlord is always a landlord; but so far as the tenant is concerned, he should be given relief. It could be done by a Statute like this. Even then, what justification is there to come to the conclusion that landlords have no right to a share of the produce? There are many eminent scholars who know about the janmi's rights in Malabar—that it is the nearest approach to freehold property. Let us leave it aside. Let us now make an independent approach altogether. There is no real fixity of tenure given to the tenant, barring the enunciation of different principles. Certain rights are vested in the tenant and others in the landlord. Thus, two persons become practically co-owners. There is really no difference between the two approaches. The tenant is entitled only to be given the right of a tenant and nothing more. Under this Act, we are taking away the right of the landlord to evict the tenant and while taking that away, why should he be denied a proper rent? What is really wanted is fixity of tenure and not at all any expropriation of the rights of anybody.

“Another remark in the dissenting minute is that the ‘land is for the tiller’. No doubt the land is for the tiller. But the

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idea should be with regard to the possession and enjoyment of the land and not with regard to the proprietary rights. Supposing there is a vacant land and it is reclaimed by somebody; then it becomes his property. That is the idea which is found in the dissenting minute. Now let us take the land which was vacant; it was either Government land or private land. That has nothing to do with landlord and tenant. Government will deal with it.

“What is all necessary is fixity of tenure and there is no warrant to go beyond that. If any person wants the property for his own cultivation, he should be given the right to evict the tenant. But let me state that such instances will not be many and they will be only few and far between. There may be even genuine causes for the landlord; he may have a number of tenants. Why should he evict only a particular tenant? It may be that he wants to return to agriculture. Why should he be denied such a genuine right and desire? Has he not the sympathy of the House as anybody else?”

“Then mention was made about pepper gardens. I may say that so far as pepper gardens are concerned, there is a very very great demand for them now. The high price of pepper has induced many people to take to this crop. It is very good for the country. But as for the rent to be fixed, it was stated by some hon. Members that landlords contribute nothing. But vacant uncultivated lands which were yielding nothing are taken by the tenants; there the tenants plant and cultivate. I may say that the requirements of pepper crop are very meagre. The pepper gardens are invariably situated on hill slopes. All that is done is to clear the jungle growth and then plant the pepper vines. About 250 vines could be planted in an acre. The working expense will be very small. The price of pepper now ruling is high. How could it be said that one-sixth of the produce to the landlord is too high? There is a technical word in Malabar ‘pathinurandu—i.e., two per ten—’ i.e., one fifth and that has been prevailing. The House in its efforts to better the lot of the tenants is making it one-sixth as against one-fifth. It is clearly in favour of the tenants. It is possible to keep it lower still later on. This is not the last word on the Malabar Tenancy Act and it cannot be said that this amending Act is final. Whatever it is, one thing is certain and that is it is the duty of this House to hold the balance even between the tenant and the landlord and mete out justice both to the tenant and the landlord fairly, squarely and equitably.”

* SRI R. KRISHNAN :—“മലബാറിലെ ബഹുഭൂരിപക്ഷം വരുന്ന കർഷകരുടെ പ്രതീകകളെ അസ്ഥാനത്തിലാക്കിക്കൊണ്ടാണ് ഇന്ന് ഈ ബിൽ വെളിയിൽ വന്നിരിക്കുന്നത്. മലബാറിലെ കൃഷിക്കാരുടെ ആവശ്യമാണ് ഈ ബിൽ കൊണ്ടു വരുന്ന ഗവേഷണത്തെ പ്രേരിപ്പിച്ചത്. ഇതിൽ ഏറെയും പ്രധാനമായിട്ടുള്ള കാര്യം ഭൂമിയിൽ കൃഷിക്കാരെ സ്ഥിരവാക്കുകയും മറ്റുമാറ്റവും വേണമെന്നുള്ളതാണ്. ഒഴിപ്പിക്കലിനെ സംബന്ധിച്ചുടത്തലും, പറ്റുണ്ടുകൊല്ലം കൈവശം ഉള്ളവരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നാണ് ഈ ബില്ലിലെ വ്യവസ്ഥ. പക്ഷെ ഉദ്ദേശിക്കുന്ന ഫലം കർഷകർക്ക് കിട്ടാതിരിക്കാൻ ജന്മികർ മുൻകരുതൽ ചെയ്തിട്ടുണ്ട്. എത്രയുംകുറഞ്ഞ കൈവശമുണ്ടായാലും അതു റിക്കോഡിൽ കാണിക്കാതിരിക്കാൻ വേണ്ടി ജന്മികർ

പല സുരപ്പണികളും ചെയ്തിട്ടുണ്ട്. നാലുതും അൻപതും കൊല്ലം കൈവശമുണ്ടായിരുന്ന പാട്ടശീട്ടുകൾ അടുത്ത കാലത്തു ഒഴിമുറി നജിസ്രാക്കിച്ചുവാങ്ങി ശമ്പളപാട്ടശീട്ട് കൂലി പാട്ടശീട്ട് തുടങ്ങിയ പുതിയ പാട്ടശീട്ടുകൾ എഴുതിവാങ്ങിയിട്ടുണ്ട്. പാട്ടശീട്ടുകൾ യാതൊന്നുമില്ലാത്തവയുണ്ട്. നെല്ലെടുപ്പു കാലത്തെ മേനോന്റെ മേനി ജന്മികളുടെ പേരിലാക്കി കൂടിക്കാരെ ശമ്പളക്കാരനാക്കി റിക്കാഡ് ചെയ്യവരുന്നുണ്ട്. റിക്കാഡുകൾ നോക്കിയാൽ ഇന്ന് ടിക്ക കക്ഷകൾ കക്ഷകല്ലാതായിത്തീർന്നിട്ടുണ്ട്. ഭൂരിപക്ഷം ജന്മിമാരും ഈ നടപടി സ്വീകരിച്ചിട്ടുണ്ട്. ഈ ബില്ലു പുറത്തുവന്നാൽ എന്താണ് നടക്കുവാൻ പോകുന്നത്? ജന്മിമാരും കൂടിക്കാരായും കോടതികളിൽ പോയി മത്സരിക്കാനുള്ള സൗകര്യം ധാരാളമായി വന്നിട്ടുണ്ട്. സാധുക്കളായ കടിയന്മാരെ കോടതിക്കു വലിച്ചു പണം ചെലവാക്കിച്ച് ബുദ്ധിമുട്ടേണ്ടവിടത്തോൾ കീഴടക്കാൻ ജന്മികൾക്കു കഴിയുമെന്നു വരും. എന്തിനാണ് പന്ത്രണ്ടു കൊല്ലത്തെ കാലാവധി വയ്ക്കുന്നത്? കൂടിസ്ഥലം കൈവശമുള്ള ആരേയും ഒഴിപ്പിക്കരുതെന്നു വയ്ക്കരുതോ?

“അതുപോലെതന്നെ മയ്യോപ്പാട്ടം കണക്കാക്കുന്ന അവസരത്തിൽ കൂടിക്കാരന്റെ രാജ്യത്തുള്ള എങ്ങിനെയാണ് സ്വരക്ഷിക്കുന്നത് എന്നു നാം ശ്രദ്ധിക്കേണ്ടിയിരിക്കുന്നു. കൂടിക്കാരനു രാജാനുവാദന പാട്ടരോമാണിനുള്ളതെന്നും, അതു അല്പമൊട്ടു മാണെന്നും അതു തുടർന്നു കൊടുക്കാൻ നിവൃത്തിയില്ലാത്ത ഒരുവസ്തു ഉണ്ടായിട്ടുണ്ടെന്നും മന്ത്രിമാർ അറിയാത്തുവെച്ചു. ആ നിലയ്ക്കു മയ്യോപ്പാട്ടം കണക്കാക്കി നോക്കി പരാർ പാട്ടം മയ്യോപ്പാട്ടത്തിൽ കാവാണെങ്കിൽ അതു വലിച്ചിട്ടു കൊടുക്കണമെന്നു പറഞ്ഞാൽ എന്തായിരിക്കും ഫലം? പാട്ടം കായ്ക്കാൻ പ്രയോജനം കൂട്ടിയിട്ടു പാട്ടം കൂട്ടുകയാണ് ചെയ്യുന്നതെങ്കിൽ എന്തായിരിക്കും അവരുടെ ഫീലിംഗ്. 1949 ലെ കടിയൻ നിയമത്തിൽ പറഞ്ഞിട്ടുള്ള മയ്യോപ്പാട്ടം കണക്കാക്കി കിട്ടാൻ 1948 നു ശേഷം ചില കടിയന്മാർ കോടതികളിൽ ഡാജികൾ കൊടുത്തിരുന്നു. പക്ഷെ കമ്മീഷൻ, റെറ്റു വന്നു മയ്യോപ്പാട്ടം കണക്കാക്കി അവസാനം മയ്യോപ്പാട്ടം കരാർപ്പാട്ടത്തേക്കാൾ കൂടുതലെന്ന നിഗമനത്തിലാണെത്തിയത്.

“ഇരുപത്തിയെട്ടു പറ നെല്ലാണ് ഒരേക്കുറിഞ്ഞു കൂടിച്ചെടുക്കണമെന്നായിരിക്കുന്നത്. പക്ഷെ വാസ്തവത്തിൽ ഒരേക്കുറിഞ്ഞു ചുരുങ്ങിയതു നാല്പത്തയ്യു പറ നെല്ലു വേണം. ഇപ്പോൾ വിളവു വലിച്ചെടുക്കുന്നതിനു പകരം ചുരുങ്ങിയെടുക്കി വരികയാണ്. അതിന്റെ ഫലമെന്തു? നാട്ടിലെങ്ങും ക്ഷാമം, പട്ടിണിരോഗം, പക്ഷാഘാതം. തമിഴ് നാട്ടിൽ കൂടുതൽ വിളവുണ്ടാകുകയെന്നു ഒരു കൂടിക്കാരനു സമ്മാനം കൊടുത്തിരിക്കുന്നു. 420 ക. ചെലവു ചെയ്തു 1,200 ക.യുടെ ധാന്യം വിളയിച്ചു എന്നാണ് കാണുന്നത്. ശരിയായി കൂടി ചെയ്യാനുള്ള സൗകര്യംകൂടെ ഗവണ്മെന്റു ഉണ്ടാക്കിക്കൊടുക്കണം. ഇരുപത്തിയെട്ടു പറ നെല്ലു എന്ന പറഞ്ഞാൽ ശരിയായി കൂടി ചെയ്യാൻ മതിയാകയില്ല. ജന്മിമാർ പാട്ടം കറ കറച്ചു കൊടുക്കാൻ വ്യവസ്ഥ ചെയ്യണം. മയ്യോപ്പാട്ടം കറയ്ക്കുവെന്നുവെച്ചു ജന്മിമാർ നിയമമായിട്ടും പട്ടിണിയാകാൻ പോകുന്നില്ല. നേരെമറിച്ചു കൂടിക്കാരനാണെങ്കിൽ ക്ഷാമം മൂലമുൾ പട്ടിണിയാണ്. കൂടിക്കാരന്റെ സ്ഥിതി എവിടെയും ഇതുതന്നെ. ഇവിടെ മാത്രമല്ല, ഇന്ത്യയിലെങ്ങും ഇവിടെയാണെങ്കിൽ കടിയന്മാരെ ഉപേക്ഷിച്ചു കഴിയുന്ന ജന്മിമാർ വളരെയുണ്ട്. അങ്ങനെയുള്ള ജന്മിമാർ രാജാജോട്ട നീതി (fairness) കാണിക്കണമെന്നു പറയുന്നതിന്റെ അർത്ഥം മനസ്സിലാക്കുന്നില്ല. ആറു കൊല്ലത്തെ പാട്ടബാക്കി കൊടുക്കാനുള്ള വ്യവസ്ഥ ഈ ബില്ലിൽ ഉണ്ട്. ആറു കൊല്ലത്തെ പാട്ടം ബാക്കിയായിട്ടുള്ള ജന്മിമാരും ഉണ്ടാവുകയില്ല. ആറു കൊല്ലത്തെ പാട്ടം കൂടിക്കാരൻ കൊടുക്കണമെന്നു പറഞ്ഞാൽ വീടും പറയും ഗൃഹോപകരണങ്ങളും വിറ്റൊട്ടു നാടുവിട്ടു പോകേണ്ടിവരും.

“തരിശുസ്ഥലങ്ങൾ പതിച്ചു കൊടുക്കാനുള്ള വ്യവസ്ഥകളാണെന്നും ഈ ബില്ലിൽ ഉൾപ്പെടുത്തിയിട്ടില്ല. രണ്ടു കൊല്ലമായി ഈ ബില്ലിനെപ്പറ്റി ആലോചന തുടങ്ങിയിട്ടുണ്ട്. ഈ ബില്ലിനെപ്പറ്റി അനവധി മെമ്മോറാണ്ടങ്ങൾ ഇവിടെ കിട്ടിക്കൊണ്ടിരിക്കുന്നു. മലബാർ എം.എൽ.എ. മാരിൽ ഭൂരിപക്ഷം സമ്മതിക്കുന്ന ഒരു ബിൽ പാസ്സാക്കുന്നതിൽ എന്തിനു വിരോധമില്ല. മലബാറിലെ കൂടിക്കാരെ പ്രതിനിധീകരിച്ചു മലബാർ കിസാൻ സംഘത്തിന്റെ ആഭിമുഖ്യത്തിൽ ഒരു ലക്കത്തിനുവേണ്ടി നിയമത്തിൽ പരം കൂടിക്കാർ ഒപ്പുവെച്ച ഒരു മെമ്മോറാണ്ടം ഇവിടെ സമർപ്പിക്കപ്പെട്ടിട്ടുണ്ട്. മലബാർ കൂടിക്കാരുടെ ഒരു നിവേദകസംഘവും ഇവിടെ എത്തിയിട്ടുണ്ട്. മലബാർ എം.എൽ. എ.മാരിൽ ഭൂരിപക്ഷം പറയുന്ന അഭിപ്രായം സ്വീകരിച്ചുകൊണ്ടുള്ള നിയമം

[6th January 1954]

[Sri R. Krishnan]

പാസ്സാക്കാൻ ഗവണ്മെന്റു ശ്രദ്ധിച്ചാൽ കൊള്ളാം. തമിഴ് നാട്ടുകാരിൽ പലരും ഇതിന്റെ ശരിയായ നില അറിഞ്ഞുകൂടാ. അന്യ യുടെ തലസ്ഥാനം നിശ്ചയിക്കാനുള്ള അവകാശം അന്യ കാർക്കു വിട്ടുകൊടുക്കുകയുണ്ടായി. അതുപോലെ ഈ ബിൽ പോട്ടു ചെയ്യാൻ വരുമ്പോൾ മലയാളി മെയർമാർമാത്രം പോട്ടുചെയ്യാൻ മതിയെന്നു ഖീഡർ കാഫ് മി ഹെറസ് അഭിപ്രായപ്പെടണമെന്നു എനിക്കുപേക്ഷയുണ്ട്. നാട്ടുകാരുടേയും കൂടിക്കാരുടേയും ഉത്തമരാജ്യങ്ങളെ സംരക്ഷിക്കാൻ ആ വ്യവസ്ഥ പ്രയോജനപ്പെടും.

“ഒന്നുകൂടി പറയാനുള്ളത്. വിളനാട്ടു മന്ത്രിജിടത്തു പാട്ടം ഇളച്ചുകൊടുക്കാനുള്ള വ്യവസ്ഥകളാണെന്നും ഇതിൽ കാണുന്നില്ല. കൂടാതെ ഒരു വ്യവസ്ഥകൂടി ഉൾക്കൊള്ളിച്ചേ തീരൂ. യാതൊരു ജോലിസ്ഥിതിയുമില്ലാതെ കഷ്ടപ്പെടുന്നവരാണ് കക്ഷകന്മാരിലുള്ളവർ. കക്ഷകന്മാരിലുള്ളവർക്കു ജോലിസ്ഥിതിയും മന്ത്രിമാർ വേണ്ടുന്ന നല്ലൊരു രഞ്ചാവുർ ആകട്ടെ ഉണ്ടാകട്ടെ വ്യവസ്ഥകൾകൂടി ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിക്കാൻ കഴിയുമെങ്കിൽ വളരെ നന്നായിരിക്കും.

“ഇനി ഒരു പറയാനുള്ളത് പാട്ടം അളക്കുന്ന പറയെ സംബന്ധിച്ചാണ്. ഗവണ്മെന്റു അംഗീകരിച്ചിട്ടുള്ള പറതന്നെ എല്ലാ ജന്മിമാരും ഉപയോഗിക്കണമെന്നു നിർദ്ദേശിക്കണം. പതിനൊന്നു ഇടങ്ങളിൽ പന്ത്രണ്ടു ഇടങ്ങളിലും പതിമൂന്നു ഇടങ്ങളിലും കൊണ്ടു പറകൾവെച്ചു ജന്മിമാർ പാട്ടം പിരിക്കുന്നുണ്ട്. ചാലക്കാടൻ സ്മാൻഡ് പറയ്ക്കുന്ന പാട്ടം പിരിക്കണമെന്നുകൂടി വ്യവസ്ഥ ചെയ്യണമെന്നു അഭ്യർത്ഥിക്കുകയുണ്ട്. അൻ ഉപസംഹരിക്കണം.”

DEPUTY SPEAKER:—“The House will now adjourn and meet again at 9 a.m. tomorrow.”

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 340 asked by Sri K. C. Gopalan Unni at the meeting of the Legislative Assembly held on 6th January 1954, page 197 supra.]

Statement showing the number of persons sent back from Malaya and Ceylon during the period from 1st January 1953 to 31st July 1953.

	Tamils.	Telugus.	Malayalees.	Canarese.	Total.
(1)	(2)	(3)	(4)	(5)	(6)
Number of persons sent back from Malaya.	275	33	9	..	317
Number of persons sent back from Ceylon.	2,633	.	12	..	2,645

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APPENDIX II.

[Vide answer to unstarred question No. 18 asked by Sri P. Rangaswami Reddiar at the meeting of the Legislative Assembly held on 6th January 1954, page 209 supra.]

Number of Gazetted Officers who were booked for offences of corruption during the years 1945-53.	Number of Gazetted Officers punished and how.	Names of the departments in which they were serving.	The salaries they were drawing at the time.	Number of officers prosecuted in criminal courts and the result of the prosecutions.
(1)	(2)	(3)	(4)	(5)
178	78 as shown below :— Dismissed 15 Removed from service. 6 Compulsorily retired .. 19 Temporary appointment terminated. 1 Reduced to lower posts. 9 Increments stopped and other minor punishments. 28	Agriculture, Animal Husbandry, Commercial Taxes, Civil Supplies, Controlled Commodities, Education, Electrical, Excise including Prohibition, Factories, Forest, Health, Highways, Industries and Commerce, Jail, Medical including Indigenous Medicine, Police, Public Works and Revenue Departments.	Below Rs. 200 From Rs. 201 to 250 .. Do. 251 to 300 7 Do. 301 to 350 9 Do. 351 to 400 14 Do. 401 to 450 7 Do. 451 to 500 2 Do. 501 to 600 2 Do. 601 to 700 5 Do. 701 to 800 2 Do. 801 to 900 2 Do. 901 to 1,000 2 Above Rs. 1,000 .. 3	Seven officers were prosecuted and the result of the prosecution is as shown below :— Convicted 1 Acquitted 3 Number of cases still pending. 1 Number of cases transferred to Andhra State. 2 Total 7
	Total .. 78		Twenty persons, drawn actual salary drawn by whom are not given above were drawing subsistence allowance plus dearness allowance ranging from Rs. 117-12-0 to Rs. 835.	

APPENDIX III.

[Vide answer to unstarred question No. 22 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 6th January 1954, page 211 supra.]

Madras State—Amount spent on relief measures from 1st March to 31st August 1953.

Name of the district.	Tirunelveli.		Madurai.		Coimbatore.		Ramanathapuram.		Tiruchirappalli.		North Arcot.		South Arcot.		Chingleput.		Total.	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
Relief works—																		
(1) Public Works Department—Irrigation.	35,344	..	..	..	56,469	..	..	1,63,950	1,42,591	6,07,503	10,05,047	..	..	..	..	..	..	..
(2) Roads—Highways	..	..	..	35,410	17,87,003	..	..	10,97,543	11,28,657	11,21,794	51,73,407	..	..	..	..	..	..	..
(3) Roads—District Boards	..	3,40,800	..	..	6,46,255	72,014	..	1,89,313	6,04,622	42,940	18,95,944	..	..	..	..	..	..	..
(4) Low Scale Famine Relief Works	..	78,990	220	20,119	28	..	..	..	..	..	99,357	..	..	..	..	..	..	..
(5) Minor Irrigation Works	..	1,03,198	29,902	..	5,43,931	4,74,088	2,61,233	78,734	..	96,239	16,24,809	..	..	..	..	..	..	..
(6) Rural Water-supply Works	..	41,763	54,144	68,922	1,02,468	3,65,184	2,29,283	50,058	2,17,992	..	11,30,214	..	..	..	..	..	..	..
(7) Miscellaneous—Other Works	..	2,500	..	1,28,868	5,39,906	..	85,550	1,17,838	..	..	9,04,662	..	..	..	..	..	..	..
Total	..	6,02,585	84,268	2,56,319	37,08,060	9,48,720	20,27,322	21,22,500	20,86,468	1,18,34,240	..	..	..	..	..	..	..	..

Gravel centres—

(1) General	..	..	..	1,51,231	..	..	17,571	3,307	..	1,72,109	..	..	..	..	..	..	..	..
(2) Weavers	..	..	2,99,919	3,735	1,94,099	919	52,344	1,642	..	5,72,756	..	..	..	..	..	..	..	..
Drinking Water-supply—Ra. 150 Subsidy Scheme.	..	54,150	..	..	31,645	..	..	..	..	85,695	..	..	..	..	..	..	..	..
Public Health measures—Transport of gifts, etc.	..	..	..	..	..	1,602	..	101	..	1,703	..	..	..	..	..	..	..	..

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Loans—Agriculturists' Loan and Land Improvement Loans Act.	52,940	7,91,350	1,54,413	2,02,285	9,12,280	86,540	4,46,219	27,87,387	..	..	..	..	..	..	..	..	..	..
Deepening of wells	9,14,450	..	..	..	..	14,950	..	9,29,400	..	..	..	..	..	..	..	..	..	..
Pumping installation	32,000	..	..	..	8,900	..	5,000	45,900	..	..	..	..	..	..	..	..	..	..
Subsistence loans	..	13,925	..	..	..	..	..	13,625	..	..	..	..	..	..	..	..	..	..
Establishment—Famine	..	32,793	..	..	1,518	..	..	40,258	..	..	..	..	..	..	..	..	..	..
Special Establishment—Rural Water-supply, etc.	..	12,288	..	27,631	7,225	16,499 + 2,806	60,000 + 16,307	9,176	10,374	1,62,306	..	..	..	..	..	..	..	..
Miscellaneous	..	..	..	27,161	..	24,686	..	71	..	51,818	..	..	..	..	..	..	..	..
Total	..	5,13,604	10,19,498	10,47,629	3,87,299	2,48,697	10,68,900	1,15,787	4,61,593	48,62,957	..	..	..	..	..	..	..	..
Grand total	..	11,16,249	11,03,764	13,03,848	40,93,359	11,87,417	10,96,222	29,38,287	25,48,061	1,66,97,197	..	..	..	..	..	..	..	..

or
167 lakhs.

APPENDIX IV.

[Vide answer to unstarred question No. 25 asked by Sri V. Balakrishnan at the meeting of the Legislative Assembly held on 6th January 1954, page 212 supra.]

Statement showing the number of loan applications received in the year 1951-52, loans sanctioned and the number still pending in each of the taluks of Fudukkottai Division.

Serial number and particulars of amount.	Kolathur.				Alangudi.				Tirumayam.				
	Number of applications.	Number sanctioned.	Number pending.	Number rejected.	(a)	(b)	(c)	(d)	(a)	(b)	(c)	(d) *	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1 Ra. 50 and below	3	..	..	3	..	..	..	..	..	..	..	..	..
2 " 100 and below but above Ra. 50 ..	14	6	..	8	22	6	..	16	9	3	..	6	..
3 " 150 do. ..	24	8	..	16	33	19	..	14	31	29	..	2	..
4 " 200 do. ..	102	26	..	76	257	257	..	..	87	61	..	26	..
5 " 250 do. ..	78	53	..	25	121	118	..	3	128	69	..	59	..
6 " 300 do. ..	316	137	..	179	428	69	..	359	326	134	..	192	..
7 " 350 do. ..	42	23	..	19	99	8	..	91	67	19	..	49	..
8 " 400 do. ..	208	96	..	112	199	31	..	168	72	39	..	33	..
9 " 450 do. ..	22	1	..	21	11	2	..	9	15	15	..	..	..
10 " 500 do. ..	564	119	..	445	416	40	..	376	398	139	..	259	..
11 Above Ra. 500	..	..	..	..	3	..	..	3	7	..	..	..	..

* Sub-Collector, Pudukkottai—Nq.

* Sub-Collector, Padukkottai—Nil.

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APPENDIX V.

[Vide answer to unstarred question No. 26 asked by Sri M. Narayanan Nambiar at the meeting of the Legislative Assembly held on 6th January 1954, page 213 supra.]

ANNEXURE I.

LOCAL DEVELOPMENT WORKS PROGRAMME.

Statement showing the share of each district out of the provision of Rs. 40 lakhs grant on the basis of population (excluding Madras City).

Name of the district.	Grant.
	RS.
(1) Chingleput	1,33,400
(2) North Arcot	2,05,700
(3) Salem	2,42,600
(4) Coimbatore	2,36,900
(5) South Arcot	1,99,800
(6) Tanjore	2,14,600
(7) Tiruchirappalli	2,11,800
(8) Madurai	2,08,000
(9) Ramanathapuram	1,49,700
(10) Tirunelveli	1,76,000
(11) Nilgiris	22,400
(12) South Kanara	1,25,900
(13) Malabar	3,42,300
Total ..	24,69,100

ANNEXURE II.

Statement showing the schemes sanctioned by the Government in the South Kanara district for execution under the local development works programme during 1953-54.

Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		Amount of grant.
		From public.	From local body.	
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Udipi taluk.</i>				
(1) Foot-bridge across the stream at Agrabaithota in Anjar village.	3,000	1,500	..	1,500
(2) Foot-bridge at Thottam in Bada-nidiyur village.	3,000	1,500	..	1,500

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Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		
		From public.	From local body.	Amount of grant.
		(3)	(4)	(5)
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Udipi taluk—cont.</i>				
(3) Construction of a road from Kabradi to Kodavur village.	8,000	4,000	..	4,000
(4) Construction of a road from Manipal to Ambagilu.	11,700	5,850	..	5,850
(5) Construction of a road from Manipal to Udyavar.	12,000	6,000	..	6,000
(6) Construction of a pipe causeway at Bangarbetta.	20,000	5,000	5,000	10,000
(7) Improvements to Board Higher Elementary School at Hangarkatta.	4,000	1,000	1,000	2,000
(8) Construction of godown for Pudoor Multipurpose Co-operative Society at Pudoor village.	10,000	5,000	..	5,000
<i>Kasaragod taluk.</i>				
(1) Construction of a masonry foot-bridge at Muttathody.	5,000	2,500	..	2,500
(2) Construction of road from Nekraje to Paika and Karadka (7 miles).	14,000	7,000	..	7,000
(3) Road from Thekkal to Kolathur (5 miles).	20,000	10,000	..	10,000
(4) Construction of a bridge on village road from Kasaragod to Seethangady.	20,000	10,000	..	10,000
(5) Improvements to elementary school at Adoor.	4,000	1,000	1,000	2,000
(6) Construction of a godown for Multipurpose Co-operative Society at Kolthur.	5,000	2,500	..	2,500
<i>Coondapoor taluk.</i>				
(1) Construction of a village road from Byndoor Hospital to sea-shore.	3,000	750	750	1,500
(2) Repair of road and construction of culvert at Koteswar-Kodi road.	7,000	1,750	1,750	3,500
(3) Construction of a village road from Ganganad to Byndoor.	10,000	2,500	2,500	5,000
(4) Construction of a village road from Anagalli to Basnur.	10,000	2,500	2,500	5,000
(5) Improvements to District Board Elementary School at Kalavar.	14,000	3,500	3,500	7,000

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Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		
		From public.	From local body.	Amount of grant.
		(3)	(4)	(5)
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Puttur taluk.</i>				
(1) Construction of a foot-bridge across Thapajal stream at Kelaginakere in Charvaka village.	3,738	1,869	..	1,869
(2) Improvements to Local Fund Hospital at Kadaba.	9,400	4,300	400	4,700
(3) Improvements to District Board Elementary School in Bijivalli.	1,855	950	..	905
(4) Improvements to Panja Board High School (Malnad village).	15,000	7,500	..	7,500
<i>Bellhangady sub-taluk.</i>				
Construction of a foot-bridge over Bajakarasale Halla.	3,000	750	750	1,500
<i>Hosur-sub-taluk</i>				
Construction of a causeway across Edathot Channel in Maloth village.	15,000	3,750	3,750	7,500
Total ..	2,31,693	92,969	22,900	1,15,824

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APPENDIX VI.

[Vide answer to unstarred question No. 27 asked by Sri K. P. Gopalan at the meeting of the Legislative Assembly held on 6th January 1954, page 213 supra.]

Details of loan applications received in 1952-53.

Taluk.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
		Number of loan applications received.	Number of applications in which loan was granted.	Number pending enquiry.	Number rejected.	Number of applications withdrawn.	Rejected, as loans were for liquidation of prior debts.	Security not safe and sufficient.	Not bona fide.	Transferred to others.	Documents not produced.	Application in which amount could not be disbursed by the District Agricultural Officer due to land application and want of funds.	Land not separately subdivided.	Applicant of unbound mind.
Chirakkal ..	..	276	252	2	22	9	1	4	1	4	..	3	..	..
Kottayam ..	..	440	308	..	132	1	3	10	5	..	..	113	..	..
Wynad ..	..	145	116	1	28	9	..	7	6	..	..	5	..	..
Kurumbanad ..	..	228	169	2	57	1	2	4	2	..	..	48	..	..
Kozhikode ..	..	376	160	1	215	6	..	5	6	1	..	197	..	..
Ernad ..	..	707	155	22	530	84	..	104	18	1	51	272	..	..
Walluvanad ..	..	423	217	..	206	57	..	53	47	1	..	48	..	..
Palghat ..	..	396	162	1	233	6	..	10	1	1	6	209	..	..
Poonani ..	..	638	216	2	421	51	..	28	109	16	6	210	..	..
Gochin ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	..	3,629	1,754	31	1,844	224	6	235	195	24	63	1,105	1	1

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APPENDIX VII.

(Vide item III on page 219 supra.)

Report of the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), has the honour to make the following report.

2. The Bill was published in English in an Extraordinary issue of the *Fort St. George Gazette*, dated the 28th March 1953, and in Malayalam in the *Fort St. George Gazette*, dated the 8th April 1953.

3. The Joint Select Committee was appointed by resolutions of the Assembly, dated 2nd April 1953, and of the Council, dated 4th April 1953.

4. The Joint Select Committee met in the Council Chamber at Fort St. George on the 1st June, 27th August, 9th and 10th October and 8th December 1953 for the consideration of the provisions of the Bill and in the Minister's Room, Government Estate, Mount Road, to-day, i.e., 26th December 1953, for passing the report.

5. The Joint Select Committee at the outset considered the necessity for enquiry in the district. The Law Minister pointed out that the amendments proposed related only to three items and there was already on record elaborate evidence on the questions and therefore there was no need to take further evidence.

6. The numerous memoranda and representations on the provisions of the Bill received from various individuals and associations were placed before the Joint Select Committee.

7. On the 27th August 1953, the Committee together with representatives of the Praja-Socialist Party and Jenmi Sangh converted itself into a kind of conference and discussed the various provisions of the Bill.

8. The more important among the changes made by the Joint Select Committee are the following:—

Clause 2.

The Committee have amended the definition of 'Rent Court' so that its functions may be performed by a Tahsildar also.

The definition of 'Ulkudi' as proposed in the Bill was confined to huts standing on dry or garden land. The Committee have made it applicable to a hut situated in a portion of any

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land in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land. The definition has also been so amended as to confine only to an ulkudidar of three years' standing, the benefits given to him by this Bill.

Clause 7.

The amendment proposed in this clause was to omit ulkudi from section 9-B (relating to the fixing of fair rents for ulkudis and kudikidappus). The Committee, however, considered it necessary to retain them but made it clear that it will apply only to ulkudis for which rent is payable under the permission given to the holder thereof and that no rent shall be payable if the hut belonged to the holder of the ulkudi or kudikidappu.

Clause 14.

(Section 20 of the Act.)

The Committee agreed that the provision regarding the resumption of land by the landlord for his own maintenance [Section 14 (5)] should not be made applicable to cases where the cultivating verumpattandar or members of his family had been continuously cultivating the land for a period of twelve years and that in considering the requirements of maintenance, regard shall be had only to primary needs. Provision has also been made to the effect that no eviction should be allowed in favour of an alienee until a lapse of twenty-four months after the date of the alienation in his favour. Section 14 of the Act has been amended accordingly.

Similar changes have also been made in section 20 of the Act.

Clause 15.

A few members of the Committee urged the need for a substantial reduction of the fair rent payable in respect of all classes of lands. After considerable discussion, it was agreed by the Committee that clause (b) of section 6 of the Act which requires the tenant to pay one half of the annual assessment payable in respect of the land might be deleted.

Clause 17.

This clause has been so amended that even outside Fort Cochin, no holder of an ulkudi or any member of his family can be evicted if he had been in possession of his ulkudi for three years unless an alternative site was given as provided in the main part of the section.

Clause 20.

This clause proposed the deletion of section 52-A. The Committee agreed to it but have inserted instead a new provision to the effect that nothing in this Act shall prevent any person in

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possession of land from claiming and proving in a civil court, that a document purporting to be a usufructuary mortgage is not a mortgage but only a kanam.

9. The other changes made by the Committee are all shown in the Bill, as amended, which is appended to this report.

10. Some members have given dissenting minutes and they are all appended to this report.

11. The committee considers that the Bill as amended need not be republished.

M. A. MANICKAVELU NAICKER,
Chairman.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
26th December 1953.

ANNEXURE.

[NOTE.—The changes made are sidelined or underlined and the portions omitted are indicated by dots..]

L.A. Bill No. 12 of 1953.

A Bill further to amend the Malabar Tenancy Act, 1929.

WHEREAS it is expedient further to amend the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Malabar Tenancy (Amendment) Act, 1954.

(2) It shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint

2. *Amendment of section 3, Madras Act XIV of 1930.*—In section 3 of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) (hereinafter referred to as the principal Act)—

(i) in clause (f), defining "Fair rent", for the words and figures "rent as determined in accordance with the provisions of Chapter II", the words and figures "the rent payable in accordance with the provisions of Chapter II" shall be substituted;

(ii) clause (uu) defining "Rent Settlement Authority" shall be omitted; and in lieu thereof the following shall be inserted, namely:—

"(uu) 'Rent Court' means in relation to any area, the Rent Court constituted under this Act for such area, and where no Rent Court has been constituted, the Revenue Divisional Officer or the Tahsildar having jurisdiction over such area, appointed by the State Government to exercise the functions of Rent Court under this Act;"

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(iii) in clause (v) defining 'tenant', the following shall be added at the end, namely:—

"but does not include a 'mulgenidar' as defined in the Mulgeni Rent Enhancement Act, 1920 (Madras Act XIII of 1920), in the villages in the South Kanara district specified in the schedule";

(iv) for clause (vv) defining 'ulkudi' or 'kudikidappu', the following clause shall be substituted, namely:—

"(vv) (i) 'Ulkudi' means a hut in any portion of a land outside Fort Cochin in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land;

(ii) 'Protected ulkudi' means an ulkudi which has been in the continuous occupation of the holder or of any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than three years;

(iii) 'Kudikidappu' means a hut in any portion of a land in Fort Cochin in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land;"

3. *General amendments to Madras Act XIV of 1930*
In the principal Act, for the words "Rent Settlement Authority", wherever they occur, the words "Rent Court" and for the words "Rent Settlement Authorities" in section 54 (2) (d), the words "Rent Courts" shall be substituted.

4. *Amendment of section 6, Madras Act XIV of 1930.*—In section 6 of the Principal Act, the brackets and letter '(a)' at the beginning of clause (a), and clause (b) shall be omitted.

* * * * *

5. *Amendment of section 8, Madras Act XIV of 1930.*—In section 8 of the principal Act—

(i) in sub-section (2), clause (a), in the first paragraph, for the words "eleventh year," the words "twelfth year" and for the words "every fifth year", the words "every sixth year" shall be substituted;

(ii) in the same sub-section and clause, in the proviso, for the words "five years" the words "six years", and for the words "fifth year" in both the places where they occur, the words "sixth year" shall be substituted;

(iii) in the same sub-section, after clause (c), the following provisos shall be added, namely:—

"Provided that nothing contained in this sub-section shall be deemed to affect any agreement in writing, registered, between the landlord and the tenant to the effect that the tenant shall pay rent for any such land every year (commencing from the seventh year after the planting of the crop), but in every

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such case the rent payable after the commencement of the Malabar Tenancy (Amendment) Act, 1954, shall not exceed one-sixth of the produce of the land for the year to which it relates:

Provided further that in the case referred to in the foregoing proviso, the assessment and local cesses referred to in clause (c) shall be paid each year by the landlord and the tenant in the same proportion in which the produce of the land is shared between them";

(iv) sub-section (4) shall be omitted.

6. *Amendment of section 9, Madras Act XIV of 1930.*—In section 9, clause (a), of the principal Act, after the word "municipality", the words "or cantonment" shall be inserted.

7. *Amendment of section 9-B, Madras Act XIV of 1930.*—In section 9-B of the principal Act—

(i) for the portion beginning with the words "Notwithstanding anything contained" and ending with the words "in respect of the extent thereof", the following shall be substituted, namely:—

"Notwithstanding anything contained in sections 5 to 9-A in the case of a protected ulkudi or a kudikidappu, if rent be payable for the site of the protected ulkudi or the kudikidappu under the permission granted for occupation, then, fair rent shall be an amount equal to twice the annual assessment payable in respect of the extent of the site";

(ii) in the proviso, for the words "where there is a hut in the ulkudi or kudikidappu belonging to the landlord, the holder of the ulkudi or kudikidappu", the following shall be substituted, namely:—

"where the hut does not belong to the holder of the protected ulkudi or kudikidappu, the said holder";

(iii) after the words "for the hut" and before the words "as may be determined" the following words shall be inserted, namely:—

"as may be agreed on or in the absence of agreement."

8. *Insertion of new section 9-BB in Madras Act XIV of 1930.*—After section 9-B of the principal Act, the following section shall be inserted, namely:—

"9-BB. *Exclusion of certain lands from liability to fair rent.*—Notwithstanding anything contained in sections 5 to 9-B, where any land included in a holding is set apart for communal purposes, and is used as such, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with those sections.

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9. *Substitution of new sections for section 9-C in Madras Act XIV of 1930.*—For section 9-C of the principal Act, the following sections shall be substituted, namely:—

“9-C. *Rent Courts.*—(1) The State Government may, by notification in the *Fort St. George Gazette*, constitute for any area specified therein, a Rent Court which shall be presided over by an officer not below the rank of a Tahsildar for the purpose of performing the functions entrusted to a Rent Court by this Act.

(2) In hearing an application under this Act, the Rent Court shall, so far as may be, have the same powers as are vested in, and follow the same procedure as is followed by, a Court of Small Causes hearing a suit or other proceeding under the Provincial Small Cause Courts Act, 1887 (Central Act IX of 1887), subject to the modification that the Rent Court shall have the power to depute any officer of the Revenue Department to make local enquiry and inspection and to collect data and the report and the records submitted by such officer may be read as evidence in the case.

9-CC. *Determination of fair rent by Rent Court.*—If any dispute arises as to the amount of fair rent payable in respect of any land under the foregoing provisions of this Chapter, either the tenant, or, after the expiry of three years from the commencement of the Malabar Tenancy (Amendment) Act, 1954, the landlord may apply to the Rent Court for the determination of the fair rent; and on such application being made, the fair rent shall be determined by the Rent Court:

Provided that such determination shall take effect in respect of any agricultural year, only if the application is made in that year or within three months of the expiry thereof.”

10. *Amendment of section 9-D, Madras Act XIV of 1930.*—In section 9-D of the principal Act, for the words, brackets, figures and letter “under sub-section (4) of section 8 or under sub-section (1) of section 9-C”, the words, figure and letters “under section 9CC” shall be substituted.

11. *Substitution of new section for section 9-G in Madras Act XIV of 1930.*—For section 9-G of the principal Act, the following section shall be substituted, namely:—

“9-G. *Revision of fair rent.*—The fair rent determined by the Rent Court under section 9-CC shall not be liable to be revised on the application of the landlord before the expiry of a period of twelve years from the date on which such fair rent takes effect, but may for sufficient cause be reduced by the said Court on the application of the tenant.”

12. *Repeal of section 9-H, Madras Act XIV of 1930.*—Section 9-H of the principal Act shall be repealed.

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13. *Amendment of section 10, Madras Act XIV of 1930.*—In Section 10 of the principal Act, for the words ‘an ulkudi,’ the words ‘a protected ulkudi’ shall be substituted.

14. *Insertion of new section 11 in Madras Act XIV of 1930.*—After section 10 of the principal Act, the following shall be inserted as section 11, namely:—

“11. *Right to prove real nature of transaction.*—Notwithstanding anything in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, any person interested in any land may claim, adduce evidence and prove that a transaction entered into on or after the 1st January 1916 and purporting to be a mortgage of that land is not in fact a mortgage, but a transaction by way of kanom, kanom kuzhikkanam, kuzhikanam, verum pattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 10.”

15. *Amendment of sections 14 and 20, Madras Act XIV of 1930.*—In sections 14 and 20 of the principal Act—

(1) after clause (5), the following shall be added, namely:—

“*Explanation.*—In considering requirements for maintenance, regard shall be had only to primary needs.

Exception.—Nothing in this clause shall apply to any holding which has been in the continuous occupation of the tenant or of any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than twelve years”.

(2) in clause (6) the word ‘bona fide’ occurring between the word ‘thereof’ and the words ‘for the purpose’ shall be omitted and the word ‘bona fide’ between the words ‘a building’ and the words “for his own residence” shall be inserted;

(3) in the second proviso—

(i) in clause (ii), for the words ‘an ulkudi’ the words ‘a protected ulkudi’ shall be substituted;

(ii) after clause (ii), the following shall be added as clause (iii), namely:—

“(iii) no person whose right to evict arises under an instrument of transfer *inter vivos* shall be entitled to sue for eviction on the ground specified in clause (5) or clause (6) until the expiry of two years from the date of the instrument.”

16. *Amendment of section 20, Madras Act XIV of 1930.*—In section 20 of the principal Act, the last proviso commencing with the words ‘Provided also’ and ending with the words ‘twelfth year thereafter’ shall be omitted.

17. *Substitution of new section for section 28, Madras Act XIV of 1930.*—For section 28 of the principal Act, the following section shall be substituted, namely:

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"28. Every cultivating tenant of a holding other than a kanamdar or customary verumpattamdar, every tenant of a commercial site who is entitled to fixity of tenure under this Act, every tenant of a kudiyiruppu, every holder of a protected ulkudi and every holder of a kudikidappu shall be bound to pay to his landlord—

(a) in case fair rent has been determined under section 9-CC, such fair rent as modified in appeal, if any, under section 9-D,

(b) in case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B,

(c) in case there is no such agreement, the fair rent, if any, fixed under this Act, as it stood before the commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), or

(d) in case no fair rent has been fixed as aforesaid, the rent payable according to the contract, express or implied between the parties:

Provided that in the case mentioned in clause (a), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent."

18. *Amendment of section 29, Madras Act XIV of 1930.*—In section 29, sub-section (2) of the principal Act, for the word 'municipality' in the two places where it occurs, the words 'municipality or cantonment' shall be substituted.

19. *Substitution of new section for section 35 in Madras Act XIV of 1930.*—For section 35 of the principal Act, the following section shall be substituted, namely:—

"35. *Landlords' rights in relation to protected ulkudi and kudikidappu.*—In the case of a protected ulkudi or a kudikidappu, the person entitled to possession of the land in which the protected ulkudi or the kudikidappu is situate shall be entitled to provide an alternative and suitable site of equal area in any other portion of the same land or in any other land at his disposal in the same revenue village and the holder of the protected ulkudi or kudikidappu shall be bound to accept the arrangement and be entitled to receive from the person providing the alternative site the expenses reasonably required to shift to the said site."

20. *Amendment of section 39, Madras Act XIV of 1930.*—In section 39, sub-section (1), of the principal Act, in the proviso, for the words 'an ulkudi' the words 'a protected ulkudi' shall be substituted.

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21. *Repeal of section 52-A, Madras Act XIV of 1930.*—Section 52-A of the principal Act is hereby replaced.

22. *Insertion of new sections 52-C and 52-D in Madras Act XIV of 1930.*—After section 52-B of the principal Act, the following sections shall be inserted, namely:—

"52-C. *Surrender deeds executed by tenants previously not to affect their rights in certain cases.*—(1) Subject to the provisions of sub-section (2), any document executed by a cultivating verumpattamdar after the 28th July 1950 and before the commencement of the Malabar Tenancy (Amendment) Act 1954, purporting to affect his rights or status as tenant shall be voidable at the option of the cultivating verumpattamdar:

Provided that the landlord or his successor-in-interest has not admitted any other tenant to the possession of the land before the 28th March 1953.

(2) Any person entitled to rescission of a document under the provisions of sub-section (1) shall within three months of the commencement of the Malabar Tenancy (Amendment) Act, 1953, send a notice by registered post to the landlord demanding possession of the land. On such notice being sent, the cultivating verumpattamdar shall be entitled to be restored to possession of the land as if no such document had been executed and he shall have all the rights (including the right to dispossess any other person who has been let into possession of the land . . . on or after the 28th March 1953) of a cultivating verumpattamdar as if he had been in possession as such verumpattamdar on the date of commencement of the Malabar Tenancy (Amendment) Act, 1954, and shall become liable to restore to the landlord any money or other consideration received from him under the document.

(3) A person who has sent a notice under sub-section (2), may institute a suit for possession of the land within six months of the commencement of the Malabar Tenancy (Amendment) Act, 1954, against the landlord and any person let into possession of the land on or after the 28th March 1953. The Court shall, in such suit, on proof of the facts stated in sub-section (1) pass a decree for possession:

Provided that, if the plaintiff has received any money or other consideration under the document from the landlord, the Court shall make the execution of such decree conditional on the restoration of such money or the money equivalent of such consideration with such interest as the Court may deem just.

(4) The right conferred by sub-sections (1), (2) and (3) are personal to the cultivating verumpattamdar who executed the document and cannot be exercised by any person claiming to be such cultivating verumpattamdar's successor-in-interest as heir, assignee or otherwise:

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Provided that, if such cultivating verumpattamdar dies during the pendency of a suit instituted by him under sub-section (3) such suit may be continued by his legal representative subject to the defences available against the original plaintiff.

52-D. *Special provision for application of the Act to tenures prevailing in South Kanara district.*—If any difficulty arises in the application of the provisions of this Act as amended by the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), and the Malabar Tenancy (Amendment) Act, 1954, to the villages of South Kanara district to which this Act applies, on account of local variations between the tenures prevailing in the said villages (by whatever name such tenures may be known) and the corresponding tenures prevailing in the Malabar district, the State Government may, by notification published in the *Fort St. George Gazette*, direct that the said provisions shall apply to the aforesaid villages of South Kanara district subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notification."

23. *Amendment of section 54, Madras Act XIV of 1930.*—In section 54 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The rules made under this Act shall, on publication in the *Fort St. George Gazette*, have effect as if enacted in this Act. The rules shall be placed on the table of the Legislative Assembly of the State as soon as possible after they are published and shall be subject to such modifications whether by way of repeal or amendment as the Assembly may make during the session in which they are so laid."

24. *Amendment of section 53, Madras Act XXXIII of 1951.*—In section 53 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951)—

(i) for the words "from the commencement of this Act", the words, brackets and figures "from the commencement of the Malabar Tenancy (Amendment) Act, 1954", and for the words and figures "six agricultural years beginning with 1944-45 and ending with 1949-50", the words and figures "six agricultural years beginning with 1947-48 and ending with 1952-53" shall be substituted;

(ii) after the words "as amended by this Act", the words, brackets and figures "and the Malabar Tenancy (Amendment) Act, 1954" shall be inserted;

(iii) for the words "any arrears of rent", the words "any outstanding arrears of rent" shall be substituted.

25. *Repeal of Madras Act XXIV of 1949 in its application to the Malabar district and of sections 54 and 55 of Madras Act XXXIII of 1951.*—(1) The Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), in so far as it applies to the district of Malabar, the Gudalur taluk of the Nilgiri district

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and the villages in the South Kanara district which are specified in the Schedule to the principal Act, and sections 54 and 55 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), are hereby repealed.

(2) All suits, appeals and other proceedings (other than proceedings in execution of a decree or order) which are pending at the commencement of this Act and in respect of the subject-matter of which the provisions of the Malabar Tenancy Act, 1929, are in force, shall, from and after such commencement, be disposed of in accordance with the provisions of the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act:

Provided that in any such suit or proceeding, the court may award full costs to the plaintiff or applicant if it is satisfied that the claim made in the suit or proceeding was in accordance with the law in force at the time of the institution of such suit or proceeding.

(3) Where the execution of a decree or order stands stayed under the Madras Tenants and Ryots Protection Act, 1949, or section 54 or section 55 of the Malabar Tenancy (Amendment) Act, 1951, the tenant may, within a month after due service of notice on an application to execute such decree or order or within six months of the commencement of this Act, whichever event happens earlier, file an application to the court which passed the decree or order, to amend the decree or order on the ground that such decree or order would not have been made if the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act were in force immediately before the passing of the decree or order. If, on such application being made, the court finds that such decree or order would not have been made if the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act were in force immediately before the passing of the decree or order, the court shall, after receiving such additional pleadings and such further evidence as it considers just and necessary, amend the decree or order so as to be in accord with the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act. If no such application is filed within the time allowed or if such application is filed and dismissed, the decree or order may, subject to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), and the Indian Limitation Act, 1908 (Central Act IX of 1908), be executed in accordance with its tenor.

(4) The date on which any decree or order is amended under sub-section (3) shall, for the purposes of section 48 of the Code of Civil Procedure, 1908, and Article 182 of the Indian Limitation Act, 1908, be deemed to be the date of the decree or order.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
26th December 1953.

[6th January 1954]

DISSENTING MINUTES.

I

I had suggested in an amendment to section 8, clause (1), of the principal Act, that in the case of dry lands, the fair rent shall be one-fifth of the gross produce or three times the annual assessment payable in respect thereof, whichever is higher. A general principle of three times annual assessment in all cases is unfair. Revenue assessment cannot form a correct or proper basis for fixing the fair rent of dry lands. The revenue authorities in arriving at the assessment do not differentiate between one dry crop and another. In the case of dry lands, in many places in Malabar, especially in Palghat taluk, three times the assessment will be too low in the case of food crops like ragi, cholam, kambu, blackgram, horsegram, etc., and the disparity will be most marked in the case of commercial crops such as groundnut, cotton, tobacco, sugarcane, etc. The customary practice seems to be for the tenant to pay one-fifth of the gross produce to the janmi. This customary payment is referred to by Mr. Raghavendra Row, Special Officer, in his report at page 85. I am suggesting this amendment, therefore, for the consideration of the Assembly and the Council when the Bill is placed before them.

Though I agree with many of the conclusions set out in the report, in one matter, I feel I must express my dissent to the adoption of an amendment to section 14 of the principal Act, clause (b) and section 20, clause (5), which was not proposed in the Bill brought by Government and placed before the Select Committee. This relates to the right of the janmi to evict the tenant from that part of the holding he needs bona fide for the purpose of raising crops or other produce for his own maintenance or that of any member of his family. The amendment states that this right shall not be given to the janmi when the tenant has been in possession for twelve years or more. While this may give relief in hard cases where poor tenants are in possession of one or two acres, it affects seriously the large majority of poor janmis in Malabar. It is worth remembering in this connexion, that the jenmi, even according to the definition in the Malabar Tenancy Act IV of 1939, as amended by Act XXIII of 1951, is entitled to the absolute proprietorship of the land and to deny him the right of cultivation for his maintenance is a serious and unreasonable restriction on his rights of absolute proprietorship. The State should have the same solicitude for the poor jenmi as for the poor verumpattamdar. I see from the figures given in the memorandum of the Malabar Landholders' Association, Kozhikode, that out of a total of 271,469 pattas, the number of single pattas paying below Rs. 100 comes to Rs. 2,66,000. If a poor jenmi has been forced to go out for eking his livelihood and after some years returns to his own land to cultivate the land and live on the produce, he will find himself absolutely stranded and unable to do so.

MYLAPORE,
9th December 1953.

K. BALASUBRAMANIA AYYAR.

[6th January 1954]

II

I feel that the provision in the amending Bill which enables the landlord to raise the contract rent after the period of the contract when it is less than the fair rent as determined under the Act will cause great heart-burning and hardship to the tenants. A Bill intended to improve the lot of the tenants by lessening their burdens should not have the effect of adding to their present burdens. In many cases, especially in the cases of holdings under big jeñmis, including kovilagams and devaswams, contract rent fixed with due regard to the money and labour spent by the tenants to make the holdings what they now are and acquiesced in by the landlords all these years would be raised severalfold if it is to be substituted by fair rent under the Act. This applies equally to wet lands and garden lands, though in the case of the latter the increase might be higher on account of the rise in the price of coconuts in the recent past. I am afraid a provision of this kind will produce adverse effects on the tenants, psychological as well as material, and has to be removed to ensure the welfare and the contentment of the tenants for whose benefit the Act is sought to be amended. There is also another important fact to be remembered. Government during the early stages of their deliberations which led to the enactment of Act XXXIII of 1951 placed the definite proposal before a conference of representative men held at Kozhikode and Madras that the amendment would provide for the payment by the tenants of fair rent or contract rent *whichever is less* and the failure to incorporate that proposal in the amending Act was quite against the hopes and expectations raised in the minds of the tenants. This was one of the points on which there was all-round opposition to the amending Act of 1951. It is, therefore, quite necessary that the present amending Act should not repeat the mistake of the last amending Act. I would, therefore, urge that section 28 should be so amended as to provide for the payment by the tenant of fair rent or contract rent, whichever is less. I had provided for this point in my Bill for amending the Malabar Tenancy Act of which I gave notice as early as 30th May 1952. Another point on which I disagree with the majority view of the Select Committee is with reference to the distinction made between sub-clause (5) and sub-clause (6) of clauses 14 and 20 of the Act in the matter of giving fixity to tenants who have been in possession of the land for twelve years and more. The scheme of the Act does not make any distinction between sub-clauses (5) and (6) as is illustrated by section 40 (2) under which a melchaththdar is denied the right of claiming possession on grounds 5 and 6. Again on the healthy

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principle contained in section 40 (2), I would also urge that the right of eviction granted to a landlord under sub-sections (5) and (6) of sections 14 and 20 should not be available to his transferee as the landlord can easily circumvent the provisions regarding fixity given to the tenants by the Act by making transfers in favour of his dependants or persons interested in harassing the tenant who might unlike the landlord satisfy the requirement of the Act regarding primary need for eviction.

TELLICHERRY,
13th December 1953.

K. M. SEETHI.

III

The tenancy problem in Malabar cannot be satisfactorily solved unless the main principles of land legislation are borne in mind. A tenant requires fixity of tenure so that the land to which he is so much attached may be developed and made to yield more. A fair rent should be fixed for each holding so that the cultivator may enjoy a fair share of the produce of his labours. The tenant wants the land which he cultivates to be regarded as his own, together with all the incidents of ownership subject only to the liability to pay fair rent to the landlord. Any legislation which ignores these fundamental principles cannot satisfy the tenants.

The proposal now is that a cultivating verumpattamdar who has been continuously cultivating the land for a period of twelve years cannot be evicted from his holding for the personal cultivation of the landlord and that a tenant who has been cultivating the land for a lesser period can be evicted for the primary needs of the landlord. This will be regarded as a half-hearted measure. It will actually benefit only a small percentage of landlords. It cannot be reckoned as being helpful either to those whom it is intended to protect or to those on whom an advantage is sought to be conferred. A cultivating verumpattamdar should be given fixity of tenure regardless of the period of his cultivation. This may, however, lead to some hardship in the case of small landholders who want to resume the land for their personal cultivation. It is, however, a choice of evils as to whether a small landholder should be deprived of the right to resume possession of his land or a still poorer tenant should suffer by reason of the eviction. It is necessary to prevent the hardship that may be caused to a poor landlord by depriving him of the right to resume his land for his personal cultivation in cases where the tenant is in enjoyment of large holdings. On grounds of social justice a limit may be prescribed in respect of the holdings both of the landlords and of the tenants. There are difficulties in the way, but they must be faced and solved if there is to be contentment in the land.

The landlord should be assumed of a fair rent payable in kind at the option of the landlord so that both the landlord and the tenant may have the benefits as well as the disadvantages of market fluctuations. A sort of partnership is to be established

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between the landlord and the tenant, so that both of them may be benefited by increased production. Failure to pay the fair rent should entail forfeiture of tenancy. Instead of prescribing rigid rules it is better to lay down elastic principles which may be applied by the Tribunal in determining fair rent in each case. The calculation of fair rent in the case of punjakoles and dry lands require revision. Fair rent cannot be arbitrarily fixed on the basis of assessment but must depend on the produce of the land. The cultivation expenses for each holding should be left to be decided by the Tribunal.

The question of ulkudis is a problem created by the Amendment Act of 1951. There are no large-scale evictions of ulkudi dwellers in Malabar. There is really therefore no need to make them tenure-holders and introduce further complications. Ulkudidars are only licensees allowed to live in huts put up in garden lands and cannot be entitled to permanent occupancy rights. The original provision in the Bill was that ulkudidars can be evicted on three years' notice being given to them. Now the proposal is to give fixity of tenure to those who were in occupation thereof for three years. There is neither equity nor any principle involved in this proviso.

The occupants of ulkudis are now sought to be given higher rights even than tenants. A tenant may be evicted under some circumstances but an ulkudidar cannot be ejected from his hut, although he may commit acts of waste or be a source of nuisance to others. If the hut belongs to the holder of the ulkudi he need not even pay rent.

MADRAS,
17th December 1953.

N. GOPALA MENON.

IV

While welcoming amendments to the Malabar Tenancy Act I am constrained to state that the present amending Bill as it emerges from the Select Committee is far from being satisfactory or complete. In appending this note of dissent to the Report of the Select Committee, on the Bill, I very much hope that the arguments put forward by me to safeguard the interests of the tiller of the soil would be appreciated.

The following extracts from Mr. William Logan's "Malabar" (1951 Reprint) would throw considerable light on the relationship between the "jenmi" and the "kudiyar" in Malabar:—

"The essential difference between a Roman dominus and a Malayalee jenmi was unfortunately not perceived or not understood at the commencement of the British administration. The jenmi has by the action of the Civil Courts been virtually converted into a dominus and the result on the workers, the cultivators, has been and is very deplorable"—Page 604.

"What he (the jenmi) pledged was evidently not the soil itself but only his share of its produce so far as that went. But the Civil Courts acting on the idea that the jenmi was a

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dominus and as such entitled to take what he could get out of the land, viewed his pledges as pledges of the soil itself, and in this way they have almost completely upset the native system of customary sharing of the produce"—Page 605.

"Custom, not competition, adjudged the shares into which the produce was to be divided. The grant of freedom to a community thus organized meant (as soon as the custom had given way) freedom for the strong to oppress the weak; freedom for the newly created proprietor (the present day jenmi) to take an ever increasing portion of the share of the nett produce left over after paying the government dues. What wonder then, that the DRONES IN THE HIVE HAVE PROSPERED AND GROWN FAT OR THAT THE WORKING BEES HAVE BECOME FAMISHED AND LEAN!"—Page 683.

The learned author was of the view that customary relations were disturbed in favour of the jenmi after the British rule and the kudiyan (tenant) who had a very stable right in the soil under his cultivation found his position insecure only thereafter. All the world over exclusive possession and occupation resulted in private ownership of property. The origin of property in Malabar must have been only the same. To cover it up and to maintain that the whole of Malabar was gifted to the jenmis by the mythical hero Parasurama who is supposed to have redeemed the land from the sea, without any basis for such a supposition, was one among the several clever manipulations the lazy men of the day indulged in to hoodwink the ardent worker. "Sages who knew former times . . . pronounce cultivated land to be the property of him who cut away the wood or who cleared and tilled it", observes Manu. The Rajas, Devasthanams and Namboodiris of Malabar who were the jenmis were prevented from cultivation or clearing of jungles on account of their duties and their inclinations. On the other hand the "Cheramas" (the children of CHERA—as of Kerala—as the term means) and the "Kanakkers" were in flesh and blood on the soil clearing it or tilling it so that one cannot easily wipe them out as any other than the original proprietors of land in Malabar. It may not be far from being true to maintain that the present day jenmi was at one time only a guardian or a kind of a watchman appointed by the tillers of the soil or chosen by them to protect them from possible aggression and who was paid for the service a remuneration in the form of a customary share in the produce without giving them any right whatsoever in the land itself. British administrators and the civil courts which functioned under the British rule failed to perceive this peculiar position of a jenmi in Malabar and very wrongly declared him to be the absolute owner of the land. *Agitation for tenancy reform in Malabar has been an agitation to rectify this wrong done by the British to the true proprietor of the soil, the "kudiyan" of Malabar, the actual cultivator, who now stands expropriated.*

Mr. William Logan reported in 1881 that the only person interested in the soil to whom the Government should look was the actual cultivator so that it was in the interest of the public that eviction should be prevented. His report did not find favour

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with Government who referred the matter to a special commission which was presided over by Sir T. Madhava Rao. The commission after a detailed investigation submitted its report to Government in 1884 adopting the view of Mr. Logan and strongly recommending fixity of tenure to the tiller of the soil. The then Chief Justice of Madras blew up the report opposing any measure providing for fixity of tenure. Thereupon Government constituted another Committee hoping that they would suggest a more "agreeable" measure. The Committee which was presided over by Mr. Master submitted its report recommending payment of compensation for improvements on eviction which resulted in the "Malabar Compensation for Tenants Improvements Act of 1887." The Improvements Act did not have the desired effect of preventing capricious eviction of tenants from holdings. Discontent remained and agitation for fresh legislation continued. In 1900 the then Collector of Malabar who was convinced about the "melcharth" evil in Malabar recommended enactment of the "Melcharth Bill" to prevent "melcharth" and consequent eviction. Government refused to act on the recommendation. In 1915 Mr. Charles Innes, who was then the Collector of Malabar, realizing the extreme difficulties under which the tenants were groaning submitted a report to Government requesting for immediate steps to remedy the evils of insecurity of tenure and rack-renting in Malabar. He observed that it was a matter of economic necessity to give fixity of tenure to the tenant as the extension of cultivation would be greatly accelerated if the tenants who reclaimed the lands were given complete protection against eviction. Nothing was done by Government and in 1921 the Mappilla Rebellion which is supposed to be the tenants' revolt having taken a different turn broke out. In 1928 the Raghaviah Committee which was entrusted with the duty of going into the question of further tenancy reform for Malabar submitted a detailed report and the Malabar Tenancy Act XIV of 1930 followed. It was not a comprehensive piece of legislation. Evictions were made possible in several cases and harassment of the tenant continued with greater vigour. There was complete discontentment on the side of the tenants and in 1939 Government constituted the Kuttikrishna Menon Committee to investigate and report on certain points relating to land tenure in Malabar including the necessity to provide fixity of tenure to the tenure-holders. The Committee after a detailed investigation submitted its report and recommendations in 1940. The majority of the members of the Committee came to the conclusion that the farmer was the original owner of the soil. They recommended the grant of fixity of tenure for all classes of lands except lands transferred for felling timber, fugitive cultivation, etc., prevent evasion of legislation which was so common the Committee also recommended the grant of fixity of tenure to any mortgagee whose mortgage is shown to have been granted in place of tenure. On the question of rent the Committee recommended that no tenant should be compelled to pay more than the fair rent. Nothing turned upon this report except that a Special Officer was deputed in 1947 for the investigation of land tenures in Malabar on the recommendations of the Malabar

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Tenancy Committee. The said Special Officer, Sri N. Raghavendra Rao, submitted his report in due course and the matter ended there. In 1951 Government realizing the immediate necessity for betterment of the conditions of the tenants passed the Malabar Tenancy (Amendment) Act XXXIII of 1951 which came into force on 15th March 1952. The Act was found to be defective in several respects. The provisions made for eviction, for fixation of fair rent and for settlement of what was called a record-of-rights found no favour with the people of Malabar and agitation was more intense than before to revise the whole enactment bearing in mind the absolute necessity to grant unqualified fixity of tenure to the tiller of the soil securing only a fair rent to the landlord. The Act instead of providing fixity of tenure for the tenant enabled eviction in more cases than before. By sections 14 and 20 eviction on account of need to extend a temple or other place on a certificate from the Collector of the district to the effect that the tenant's holding is needed for the purpose was made possible. The scope for eviction on the ground that the holding was needed by any member of the landlord's family was enlarged by adding a wide explanation to the term "member of the family." Provisions were made for the protection of *ulkudis* and *kudikidappus* but those provisions were made applicable only to a negligible area, viz., Fort Cochin, while there was a crying need to make them applicable to the whole of Malabar. Huts and not houses were protected as *ulkudis*. *Melcharth* was provided for and evils remained. The Rent Settlement Authority which functioned under the Act was an unwanted nuisance to the cultivator and a drain on the State's funds. There was a clamour for further legislation and it was in this background that the present Bill was brought forward.

Instead of improving upon the definition of "*ulkudi*" and "*kudikidappu*" the present amending Bill has mutilated the original definition and it would appear as though the *ulkudi* tenant has to cling on to the superstructure of his hut and not stay on the site and the appurtenant land so absolutely needed for his residence. While the amending Act of 1951 defined "*ulkudi*" as *any portion of a garden land* the present Bill seeks to restrict the definition to a hut in any portion of a garden land or dry land so that once the hut falls down the *ulkudi* ceases. It is my view that the definition should remain as it is in the amending Act of 1951 with the following additions to it:—

After the words "garden land" appearing in the definition, the words "or wet and dry land" should be added and after the word "hut" in the same definition the words "or house" should be added. After such additions the provisions relating to *ulkudis* and *kudikidappus* may be extended forthwith to the whole of the Malabar district. There is no necessity to disturb the existing definition except to the extent suggested herein and any further disturbance to the detriment of the poor will foment further trouble. The present Bill is markedly retrograde compared to the amending Act of 1951 in the above respect.

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My next suggestion will be to repeal the whole of sections 14 and 20 of the Malabar Tenancy Act as they now stand. Section 10 of the Act gives fixity of tenure to the tenure-holder while sections 14 and 20 permit eviction on numerous grounds. What is given by the right hand is taken away by the left. Once it is understood that the Malayalee landlord had only an interest in a share of the produce and that he had no title whatsoever to the land, the absolute necessity for the abrogation of sections 14 and 20 of the Act becomes very evident. The tiller of the soil is its proprietor except when he is a paid-agricultural labourer. That the tiller of the soil was the owner of it in Malabar has also been revealed by the investigations of eminent men in the field. The landlord was only benefiting under a customary sharing of the produce without any title to the soil. *His customary right to a share of the produce alone needs protection* to maintain the equilibrium. This is well protected as there are ample provisions in the Act now itself providing for security of rent to the landlord. If the rent is kept in arrear, section 41 of the Act provides for a charge on the interest of the tenant and the charge can be enforced by bringing to sale the tenant's rights through Court. If a landlord wants the tenant's land for himself, instead of paying value of improvements through Court, leave him to purchase the tenant's right in the open market if the tenant chooses to sell. The necessity to give fixity of tenure to the tenant was recognized and recommended for by almost every committee and individual appointed for the purpose by Government from 1881 up to the present day. It will be therefore unsound to ignore the consensus of expert opinion on the subject and bring out an Act to please the richer people of the realm alone.

MADRAS,
25th December 1953.

A. APPU.

V

While I am in general agreement with the Bill as piloted by the Hon'ble Minister for Law, I wish to add the following:—

(1) Wherever the words "Rent Court" occur, the words "Civil Court" shall be substituted in the Act.

(2) In the matter of the rent payable by the tenants to the landlords, "fair rent or contract rent, whichever is less" shall be imported in the Acts.

26th December 1953.

V. R. NAGARAJAN.

VI

There are certain basic facts underlying any attempt to amend the Malabar Tenancy Act:

(i) the existing Act, even as amended by the 1951 Act has been found to be unsatisfactory in many important aspects and has provoked profound discontent among the agricultural classes of Malabar;

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(ii) there are significant features about Malabar land tenure which make the problem different from measures regulating landlord-tenant relationships in other parts of the State;

(iii) it is in consonance with democratic principles and the peculiarities of the case that the representatives from Malabar should have the predominant voice in determining the changes required suitably to the wishes of the Malabar people who, ultimately, have the right to determine this issue.

The vital concern and interest in the matter of the amending Bill for the people of Malabar is best respected by the representatives of the various affected interests being heard and given the virtual right to decide upon the necessary amendments. A conference of Malabar M.L.As. and M.L.Cs. and M.Ps. would be the best conceivable method by which a formula for amendment could be forged. Indeed in the earlier discussions of the Select Committee, even the Government members informally agreed to a conference as silhouetted above to be convened or attended by the Minister for Law and to be held at Kozhikode. The propriety of consulting leading men from Malabar belonging to political parties not represented in the Select Committee was more or less accepted when Sri Kelappan and Sri Govinda Menon were specially invited for the Select Committee meeting and the Select Committee converted itself into a kind of informal conference. Although Government members coquetted with the idea, they did not pursue it seriously. No conference was held, no agreed formula of Malabar Members of the Legislature was sought and the Select Committee proceeded with its deliberations and produced certain results not altogether happy nor even indicative of an awareness to the realities of the Malabar agrarian problem.

Technically speaking and approaching the whole question in a narrow legalistic manner, only those amendments to the Malabar Tenancy Act which are touched upon by the amending Bill, could be considered by the Select Committee. Indeed the Government measure is so scrappy and inadequate and omits to deal with the major issues involved in the problem that the containment of the possible changes to be brought about by the Select Committee within those limits would be foredoomed to failure. We, among others, had therefore raised this question at the earliest stages of the Committee's meetings and had demanded of the Chairman and the Chief-Minister that the entire Parent Act must be available for discussion and change. This had also been more or less agreed to by the Chief Minister at the committee meetings provided some kind of unanimity existed on the proposals for amendment among the members from Malabar. In the later discussions, however, many of the important amendments of sections not covered by the Bill were not considered, with the result that the amplitude of the changes sought to be brought about by members like us was not available; the result was obviously unsatisfactory from our point of view. Unless the entire Parent Act is thrown open for discussion, change and amendment, the real demands of the Malabar tenantry will hardly be met.

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For the above reasons, we broadly express our dissent to the procedure adopted at the Select Committee meetings in regard to the scope of the discussions and the failure to have consultations with the representatives of various interests on land in Malabar and the Kisan organizations and also the failure to hold enquiries in the district regarding the needs and grievances of the ryots in Malabar bearing on the question of Tenancy Reform.

While we are convinced that only a reorientation of agrarian policy based on the motto "land for the tiller" conformably to the Constitution (and not mere amendments to an outworn statute which postulates the permanent existence of landlordism and seeks only to reduce the friction between landlord and tenant) leading to a bold new legislation will really answer the needs of the situation; yet, at least as a temporary palliative and as a step in the right direction, substantial changes in the key provisions of the existing Tenancy Act might be very desirable. But we have been disappointed.

In regard to eviction, some general discussion took place, but the ultimate decision has not been very satisfactory. Complete immunity from eviction should be conferred on the cultivating tenant except in respect of the extent he has over an optimum size of holding, say, 5 acres. There should be a distinction between petty landlords (now large in numbers) and the big landlords and similarly there should be a clear difference drawn between the ordinary, average tenant who is principally an agriculturist and those who are very big tenants and have large extents under them (oftentimes as intermediaries) and have some lucrative non-agricultural vocation to boot. When society is complicated, complicated patterns of law to deal justly with categories must also be promulgated.

Dealing with fair rents, the Select Committee's conclusions have not been very agreeable in the light of the demands of the ryots of Malabar. Where the contract rent is different from the fair rent, the rent which is to be payable must be the lesser of the two—this is an agitation and a demand universally approved in Malabar. The various reasons in support of this demand urged at the meeting were not acceded to, probably because not all the non-Malabar members could not appreciate the feelings of the people of Malabar in this regard. Those reasons are briefly as follows:—

(i) Landlords have not clamoured for increased rentals but it is the tenants who have asked for reduction in the past. It is the weaker party, the tenantry, who has to be given protection in all legislation of this character, and not the stronger party, the landlords. The latter could, in equity, be tied down to their contract. There is thus no justification, historically speaking, to increase the rent over the contract rent; it will be like an unexpected boon to landlords if, under the guise of fixing fair rents, they are given a sudden increase;

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(ii) that this is the effect of fair-rent fixation according to the present formula, is particularly obvious to those who are familiar with conditions in garden lands of Malabar. Where a tenant pays Rs. 100 now for a garden, the application of the fair-rent principle would result in its being multiplied several times; and in certain cases he may have to pay even a thousand rupees in the place of a hundred. And remember, garden lands are by far, the main kind of agricultural land in Malabar; most often the improvements on those garden lands are made by the cultivating tenant at great expense and after hard toil for years, since the land, to start with, was just waste;

(iii) this fact was half conceded even by the knowledgeable Law Minister of the previous Government. In the Bill to amend the Malabar Tenancy Act brought in 1950, this provision now demanded by us had been included. Even the present Law Minister must be conscious about it and that is why he is seeking to put a clog, though nugatory, on the landlord's right to get the fair-rent fixed only at the end of three years from the date of this Act. Even the benefit in the existing Act, of spreading over the increase in rent (consequent on the fixation of fair-rent) through a period of fifteen years is now sought to be removed. The present move of Government without acceding to the demand "contract rent or fair rent whichever is less" will be an unkind cut to the tenants, but an unsought for blessing to the landlord;

(iv) the impact of the fair-rent provisions without the safeguarding cause suggested above is so ruinous to the tenants that all political parties and Kisan Organizations working in Malabar have unanimously supported the "whichever is less" principle. It is unfortunate that Government's sense of justice does not enable it to see the justice in this demand.

Fugitive cultivation (punam) is an extensive practice for the poorer ryots and landless agriculturists of Malabar. This is an arduous kind of cultivation in the hills and jungles. We demand, as suggested by the Kuttikrishna Menon Committee that the provisions regarding fair-rents for the dry lands (twice the land revenue) be extended to fugitive cultivations.

The *modus operandi* for fixing fair-rents is, according to the amending Bill, to be rent courts presided over by Revenue Divisional Officers. Faith in popular representatives would take us to panchayat boards as the best Tribunals for fixing fair rents as they have the requisite knowledge of the local conditions and proceedings will be cheap for the parties. Whenever there are no panchayat courts, a Three-man Tribunal representing tenants, representing landlords and the third a Government Officer would take that place. Right of appeal to the District Munsifs will correct perverse findings, if any, by panchayats boards. The next best is the civil courts. There are about twenty courts in Malabar and so easy accessibility for ryots. Revenue Divisional Officers are few and far between. The cost of legal service in the munsif's courts is much less than before the Revenue Divisional Officers. The competency to deal with civil law is next to

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nothing for the Revenue Divisional Officer. Ultimately the Revenue Divisional Officer will simply okay the Revenue Inspector's report. Thus the Revenue Inspector of the circle will be the arbiter of fair-rents, in the last analysis. What with numerous kinds of work of a miscellaneous sort allotted to the Revenue Divisional Officers, they will hardly find time for the comparatively less important work (from their point of view) of fair-rent fixation. Delay in civil courts can be eliminated by prescribing special procedure. The cost of commission batta can be reduced by having a panel of Commissioners and other suitable regulations. On the whole courts with the Revenue Divisional Officers as Judges are an unwholesome machinery for fair-rent fixation. We press for panchayat boards being made rent courts failing which District Munsifs may be made rent courts.

We endorse the suggestion made at the Select Committee that restrictions must be put upon landlords attempting to circumvent the provisions regarding non-evictability by transferring lands in the name of dependents who might be seemingly needy. We also endorse and commend for consideration by the Legislature the amendments proposed by the Malabar Kisan Sangham and those contained in the Malabar Agrarian Relations Bill introduced by one of us.

Regarding the fixation of fair-rents for wet lands, a controversial question arises regarding the expenses of cultivation. Under the existing provision, 22 paras of paddy have been provisionally fixed. But considerable agitation has been carried on, based upon actual facts regarding the inadequacy of this figure. As a matter of fact, as early as 1947 the K.P.C.C. Sub-Committee on Land Reform recommended 25 paras as the expenses required per acre. This is the minimum. In actual practice, the North Malabar fields have been found to require considerably more; in certain cases going up to 40 paras per acre. A reasonable *via media* would be 30 paras per acre which we commend for acceptance by the legislature.

Fair-rents of pepper gardens, as fixed by the majority view of the Select Committee elicits our dissent. In all these cases, dry, infertile lands are leased and the entire pepper vines are planted up by the tenant. Under the existing provisions, in respect of tenants' vines in garden lands, one-eighth of the produce is the fair-rent; dry lands being far inferior to garden lands, the fair-rent must be a lesser proportion, certainly not more than one-eighth. So we suggest that one-tenth of the produce shall be the fair-rent.

In regard to arrears of rent we suggest that a payment of nothing more than two years' rent should be deemed to be a statutory discharge of all arrears of rent. The Madras Agriculturists' Relief Act, 1938, provided likewise. It is common knowledge the agriculturists of Malabar are now more sunk in indebtedness than even in 1938, thanks to continued failure of seasonal rains during the past several years. A six-year deposit within one

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year will be so heavy a burden on the ryot as to amount to a denial of the benefit of wiping up of arrears; and if arrears exist eviction will follow. Thus, if our recommendation of a two-years' deposit were not accepted even the provisions restricting evictions will become futile. The calamity consequent on the insistence of a six-years' deposit would be so serious and widespread that even the other benefit, conferred by the amendments would vanish.

The deletion of section 52-A would be catastrophe. The need for re-opening transactions contemplated by that section still remains, as landlords have been circumventing tenancy legislation by converting what in fact and substance is a lease into a mortgage to facilitate eviction. The mere fact that the Rent Settlement Authorities are to be abolished is no excuse for taking away the substantive right which can be adjudicated upon hereafter by the substitute authority created, viz., rent courts.

With the above observations we conclude our minute of dissent.

Madras, V. R. KRISHNA AYYAR,
26th December 1953. T. C. NARAYANAN NAMBIAR.

VII

I agree to the above dissent so far as it relates to the question of 'fair-rent'. At least, a limit should be placed on the increase, say, about 20 per cent.

26th December 1953. K. BASHYAM.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, 7th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Sale of Malabar Handloom products by Marketing Committees.

* 357-A Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that the State Government have suggested to the Union Government to entrust to their marketing committees the sale of Malabar Handloom products such as shirtings, coatings, bed-spreads, towels and furnishings; and

(b) whether the Government have any proposal to help the pitloom weavers through their Co-operative Societies for the sale of their products such as cheap towels and mundoes, and if so, what steps the Government propose to take in the matter?

THE HON. DR. U. KRISHNA RAO :—“(a) No, Sir.

“(b) Under the schemes formulated for the utilization of Cess Fund allotted to this State it is proposed to bring in more weavers into the co-operative fold and also to open a number of emporia in urban and semi-urban areas to market handloom cloth produced by Co-operative Societies and to allow rebates on the sales of such cloth in order to liquidate accumulation of cloth with the societies. These schemes will be implemented shortly. The pitloom weavers who are already members of Co-operative Societies and also those who are desirous of joining the existing or new societies to be formed under the schemes will be benefited by these schemes.”

SRI K. P. GOPALAN :—“In view of the fact that the Ryan Scheme has not benefited Malabar considerably and in view of the fact that the Malabar handloom industry is in a peculiar condition, will the Hon. Minister write to the Central Government to include Malabar also for marketing the handloom products of Malabar so that the unemployment question can be solved?”

THE HON. DR. U. KRISHNA RAO :—“I am aware, Sir, of the peculiar difficulties of Malabar. When the emporia are opened I am sure there will be more sale of cloth. The Government are also considering, in consultation with other departments, how best we can help the peculiar conditions of Malabar.”

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SRI V. R. KRISHNA AYYAR:—"Saris and dhoties which are the main products here in Tamil districts are unknown altogether to the handloom industry in Malabar where shirting, coating and such other things are made. In view of this particular difference, would the Hon. Minister consider the desirability of directing the emporia dealing in such stuff to give sufficient propaganda for the handloom products of Malabar?"

THE HON. DR. U. KRISHNA RAO:—"Yes, Sir. Dhoties and saris produced in other handloom societies are consumed inside our State, while the products of Malabar have a chance of being exported to foreign countries. I am told there is a fairly good market for that. When the emporia are opened, we will certainly look into these special conditions."

SRI R. KRISHNAN:—"പിറ" ലും ചില മത്സരിന്റെ സൗകര്യത്തിൽ ഇതിൽ ഉണ്ടാകുന്ന ചെറുകൾ വളരെയധികം ചിലവുകാരെ കിട്ടില്ല. അതുകൊണ്ട് അവർ ഗവണ്മെന്റിനും എന്തെങ്കിലും സബ്സിഡി കൊടുക്കാൻ ചെയ്യണമോ?"

THE HON. DR. U. KRISHNA RAO:—"A separate question may be put, Sir."

SRI K. P. GOPALAN:—"Sir, regarding the pitloom weavers, if the Government reduce the price of the yarn, with the amount which comes on account of this reduction and if the Government give also a subsidy, the pitloom weavers can sell their cloths at cheaper rates so that people can purchase it and the workers also will be benefited. Will the Government be pleased to see to this?"

THE HON. DR. U. KRISHNA RAO:—"As I have just answered, cushioning of losses sustained by Co-operative Societies as a result of allowing of rebates on the sale of cloth in order to liquidate accumulation is one of the functions of the Mill cloth cess fund."

The Vaigai Anicut.

* 357-B Q.—**SRI K. MOOKKIAH THEVAR:** Will the Hon. the Minister for Public Works be pleased to state—

(a) the exact spot where the foundation for the construction of the Vaigai Anicut is proposed to be laid;

(b) the probable date of the foundation laying;

(c) whether the foundation will affect adversely a number of villages wholesale;

(d) if so, for what radius and the names of the villages to be affected;

(e) the number of persons and cattle, etc., to be evacuated on this account;

(f) whether alternate village sites have been provided for such villagers; and

(g) whether compensation has been promised or provided for such adversely affected villagers?

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—" (a) There is no spot yet selected.

" (b) No date has been fixed approximate or precise.

" (c) to (g) The foundation will not affect any one adversely. Details of the scheme are being examined. Every such work almost always means displacement of some people and adequate compensation and rehabilitation. The precise scope of the project has yet to be decided."

SRI K. MOOKKIAH THEVAR:—"இந்த அணைக்கட்டினால் பாதிக்கப்பட்ட மக்களுக்கு, அந்த அணைக்கட்டிற்கு பின்னால் நீர்ப்பாசன வசதி பெருகிற காலி நிலங்களை ஒதுக்கிக் கொடுக்க அரசாங்கம் ஏற்பாடு செய்வார்களா?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"I have already replied that adequate compensation and rehabilitation will be provided for."

SRI V. BALAKRISHNAN:—"In view of the scramble for lands in this area by the capitalist community, to get a fit compensation later on or to get the monopoly of the lands under assured irrigation will the Government prohibit by an Ordinance the purchase and sale of lands in this area within a reasonable radius for a reasonable period."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"The Government will consider this suggestion, Sir."

Maintenance of roads in Kurumbranad taluk.

* 358 Q.—**SRI C. KUNHIRAMA KURUP:** Will the Hon. the Minister for Public Works be pleased to state—

(a) how many miles of roads in Kurumbranad taluk are under the jurisdiction of the Highways Department?

(b) whether the Nadarikadavu road in Qunandy firka in North Malabar is under the jurisdiction of the Highways Department, and whether the Government have any plan to repair it; and

(c) what measures have been adopted to construct a road from Kuttiyadi to Wynaad linking up the taluks of Kurumbranad and Wynaad?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—" (a) Thirty-five miles.

" (b) The road is not under the jurisdiction of the Highways Department. The Government, however, sanctioned a grant for the District Board for improving this road. The work is almost completed except for a small portion lying within the Railway limits. The question of improving this portion of the road within Railway limits is under correspondence between the District Board and the Railway authorities."

" (c) It is proposed to consider this work under the second quinquennium of Post-War Road Development."

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SRI C. KUNHIRAMA KURUP :—“ The Kuttiyadi-Wynaad road being the shortest route connecting Wynaad and Kurumbranad taluks and in view of the large volume of traffic along this route, will the Government give priority to this scheme and take it up immediately? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Under the Planning Commission's Five-Year Plan, for the period 1951-56, Rs. 238 lakhs have been provided for and that sum is not adequate even for the works already sanctioned. So, it will not be possible for this work to be included in that and it is also not possible to take up the work under the Post-War Development Plan. It will not also be possible for the Malabar District Board to take up new works from its funds as the financial position of the district board under the general account is not satisfactory. But, as I have already pointed out, this work can be taken up in the second quinquennium of Post-War Road Development only.”

DR. K. B. MENON :—“ In view of the fact that the district boards are bankrupt, that they are financially unsound and that the roads constructed go into disuse on account of lack of finance with them, will the Government consider the desirability of shifting the whole responsibility of maintenance and construction of roads to the Highways Department? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ It is a question of policy which the Government will certainly be going into shortly.”

SRI V. R. KRISHNA AYYAR :—“ Wynaad and Kuttiyadi are backward areas and full of natural wealth, and it will be proper that high priority should be given to opening up and exploiting those areas. In view of these special considerations, would the Government manage to see that funds are found for this small scheme of construction of a road between Kuttiyadi and Wynaad? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Certainly, we will consider that aspect of the question if our finances permit.”

Special Honorary Presidency Magistrates' Courts in the City.

* 359 Q.—**SRI A. RATNAM** (on behalf of Sri S. Deivasigamany) : Will the Hon. the Minister for Law be pleased to state—

(a) the present number of the Special Honorary Presidency Magistrates' Courts in the City of Madras; and

(b) whether any of the Honorary Presidency Magistrates in the City receive any kind of allowances?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ (a) There are five Special Honorary Presidency Magistrates'

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Courts in the City, (1) at Egmore, (2) at Georgetown, (3) Railway Court at Egmore Station, (4) Railway Court at Central Station and (5) Society for Prevention of Cruelty to Animals Court at Vepery.

“ (b) The two Magistrates presiding over the Railway Courts at Egmore and Central Stations are paid a conveyance allowance of Rs. 80 per mensem by the Railway authorities. The other magistrates are not paid any kind of allowances.”

SRI K. VINAYAKAM :—“ May we know why this kind of discrimination is shown in the matter of granting travelling allowance though it is the railway authorities that are paying the Special Presidency Magistrates? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Each individual case is considered and action taken. There is no preferential treatment given to anybody.”

SRI V. GOPALA GOUNDER :—“ Is this concession of granting allowances extended to the Railway Magistrates in the mufassal? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ I have answered that no such allowances are paid.”

SRI S. RAMALINGAM :—“ ஸ்பெஷல் ஆனரரி பிரிசிடென்சி மாஜிஸ்திரேட் கோர்ட்டில் தலைமை வகிக்கும் மாஜிஸ்திரேட்டுகள் தங்களுக்கு போக்குவரத்து செலவு வேண்டுமென்று கேட்டால் அவர்களுக்கு கொடுப்பதற்கு சர்க்கார் யோசனை பண்ணுமா? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ A separate question may be put.”

SRI K. VINAYAKAM :—“ How many Honorary Presidency Magistrates are there in the City of Madras? In the matter of selection to these posts, since they are honorary, is the principle of communal rotation being observed? In view of my practical experience as a Magistrate sometime ago, may I bring it to the notice of the Hon. Minister that per day not less than 500 cases are disposed of in a slipshod manner? Therefore, will the Government consider the desirability of limiting the number of cases to be decided per day by these not well informed Magistrates? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ As regards the first part of the question, there are nine Special Honorary Magistrates. As regards the second part of the question, I have no reason to believe that the allegations made by the hon. Member are true.”

SRI V. BALAKRISHNAN :—“ Was the slipshod manner of handling cases most prevalent during the period of office of the hon. Member Sri Vinayakam as Honorary Magistrate? ”
(Laughter.)

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ I am not aware of it, Sir.”

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Number of cases of murder in Malabar.

* 360 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state with reference to the answer to starred question 210 (186) given on 27th March 1953, whether the report called for has been received?

THE HON. SRI C. SUBRAMANIAM:—"Yes; a statement giving the particulars asked for is placed on the table of the House."

SRI M. NARAYANA KURUP:—"The information furnished by the Hon. Minister justifies the observation made by the Committee that went into the working of Separation of the Judiciary from the Executive that there has been continuous deterioration in Police administration since 1945. May I know how the Government propose to meet the problem of increasing crime and decreasing detection?"

THE HON. SRI C. SUBRAMANIAM:—"Every possible step is taken now to detect crime. But, for the purpose of showing good statistics, we cannot charge innocent persons and show that we have charge-sheeted so many cases. Every attempt is being made to find out the culprit. If we are unable to find out the culprit, certainly no charge-sheet can be filed. But, if the hon. Member goes through the list of the number of cases reported and the number of cases charge-sheeted, I am sure he will be satisfied that all possible steps have been taken to detect crime."

DR. K. B. MENON:—"On a review of the figures placed on the table of the House, it is found that only 50 per cent of the cases reported are charge-sheeted by the Police and out of the 50 per cent that are charge-sheeted, nearly half have ended in acquittal. Is it not indicative of the fact that there is something wrong with the investigation of these murder cases by the Police and will the Government kindly inquire into the matter?"

THE HON. SRI C. SUBRAMANIAM:—"It is not a question of something being wrong with the investigation but of something being wrong with the calculation by the hon. Member also. Out of 137 cases reported, 95 cases were charge-sheeted out of which—the hon. Member will be pleased to find—8 cases were undetected, 4 cases were referred as mistake of fact, 18 cases were under investigation and 12 cases were cases in which the charge abated because the murderers committed suicide. Apart from that, 14 cases are shown as pending trial. Out of 137 cases, 95 cases have been charge-sheeted. Considering that, I do not think the hon. Member is justified in saying that 50 per cent of the cases alone have been charge-sheeted."

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SRI T. C. NARAYANAN NAMBIAR:—"Sir, in 1952 nearly 45 per cent of the cases reported, that is, 38 out of 64, were charge-sheeted out of which only 19 cases were cases of conviction, that is, 50 per cent of the cases were cases of acquittal. So, will the Hon. Minister be kind enough to discern that something is happening behind the screen and see that in order to save the lives of people, some drastic measures are taken in investigating cases?"

THE HON. SRI C. RAJAGOPALACHARI:—"The matter is becoming a question of general policy. We cannot interfere with judicial cases in this manner. It is well-known that the Executive interference with the Judiciary is objected to. Much more serious harm will be done if the Legislature takes up matters in this way on the basis of figures. Mere figures cannot decide the merits of individual cases in criminal Courts."

THE HON. SRI C. SUBRAMANIAM:—"Apart from that, I would request the hon. Member to see that out of 64 cases, 38 cases had been charge-sheeted and 13 cases were pending investigation. All the other cases were referred to as undetected or as cases in which the charge abated. Only 38 cases went up for trial out of which 9 cases have been cases of acquittal and 19 cases have been cases of conviction. Under these circumstances, I do not think there is any serious thing which has got to be looked into."

THE HON. SRI C. RAJAGOPALACHARI:—"If you will permit me, Sir, I want hon. Members to remember that matters of liberty of the person and property which are the issues in a criminal court cannot be decided by statistics of disposals."

SRI M. NARAYANA KURUP:—"We are relying on statistics not for concluding that the Government are interfering with the judiciary. But from the statistics we are drawing the conclusion that there is continuous deterioration in the efficiency of the Police. I want to know what steps the Government propose to take to increase efficiency." 9 20 a.m.

THE HON. SRI C. RAJAGOPALACHARI:—"The Police are now on the alert and will not do the thing in the manner they used to do before. The registry is more accurate now. The results may appear to be bad, but they are not bad really."

SRI S. RAMASAMY NAIDU:—"Is it not a fact that it is due to lack of co-operation from the public that cases go undetected or end in acquittal?"

THE HON. SRI C. RAJAGOPALACHARI:—"The word 'public' is slightly erroneous. It is not want of co-operation by the public but want of co-operation by those who ought to give evidence."

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Hydro-metric survey of the Kundipuzha basin.

* 361 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Hydro-metric survey of the Kundipuzha basin in Walluvanad taluk, Malabar, was started; and

(b) what is the total amount spent for the same up to March 31, 1953?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) The Hydro-metric survey of the Kundipuzha basin was started in April 1927.

“(b) As no special staff was employed exclusively for this basin, separate figures of expenditure incurred for this particular basin are not available.”

SRI K. C. GOPALAN UNNI:—“ഇം ഹീമെട്രിക് സർവ്വേയുടെ പ്രയോജനം ഡിവിഷണൽ റിവന്യൂ ഓഫീസർമാർക്ക് ലഭിക്കുമോ? ”

SRI T. C. NARAYANAN NAMBIAR (Translation):—“Have the Government received any report regarding the advantages of the scheme?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“I want notice.”

Abolition of the Board of Revenue.

* 362 Q.—SRI A. RATNAM: Will the Hon. the Chief Minister be pleased to state—

(a) when the Board of Revenue is to be abolished;

(b) the strength of the staff that will be affected by such abolition;

(c) what will be the savings to Government by such abolition; and

(d) what will be the establishment charges for Divisional Commissioners and their offices in the different centres in the State?

THE HON. SRI C. RAJAGOPALACHARI:—“(a) to (d) The Government carefully considered a proposal to transfer the functions of the Board of Revenue to Divisional or Regional Commissioners and it was found on the whole better to maintain the Board of Revenue as it is for certain functions and give each of the members territorial responsibility in respect of functions other than those requiring joint consultation. This Scheme is being worked out in details.”

MR. SPEAKER:—“The next question also may be answered as it is on the same subject.”

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Abolition of the Board of Revenue.

* 363 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the reasons for the abolition of the Board of Revenue; and

(b) the savings to Government, if any, by the appointment of Divisional Commissioners in the place of the Board of Revenue?

THE HON. SRI C. RAJAGOPALACHARI:—“The attention of the Member is invited to the answer given to starred question No. 362.”

SRI A. RATNAM:—“இப்போதுள்ள ரெவினியூ போர்ட்டில் எத்தனை அதிகாரிகள் இருக்கிறார்கள்? ஒரு ஆண்டுக்கு ரெவினியூ போர்டுக்கு சராசரி எவ்வளவு செலவழிக்கப்படுகிறது? ஆந்திரா பிரித்தானிய காரணமாக எத்தனை உத்தியோகஸ்தர்கள் ஆந்திராவுக்கு மாற்றப்பட்டிருக்கிறார்கள்?”

THE HON. SRI C. RAJAGOPALACHARI:—“It has nothing to do with the present question and the hon. Member may put a separate question.”

SRI P. RANGASWAMI REDDIAR:—“For how long has the Board of Revenue been functioning; so far how many members have been there and what have been and are their respective functions?”

THE HON. SRI C. RAJAGOPALACHARI:—“If the hon. Member wants information of that kind, I will gather and place it on the table. It is not necessary to have a starred interpellation for that.”

Improvement of minor ports.

* 364 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Central Government had given any loan to this Government to improve the minor ports of this State; and, if so, what is the total income; and

(b) which are the ports that are going to be improved or benefited with this amount?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) Against a total estimated cost of Rs. 24,78,200 for 23 schemes (19 in Madras State and 4 in Andhra State) the ceiling limit of Central assistance offered by way of loan has been fixed at Rs. 10.39 lakhs. The total cost of the 19 schemes in the Madras State is estimated at Rs. 20,38,200 (subsequently revised to Rs. 19,91,200). The ceiling limit of central assistance for Madras State Schemes has not been fixed separately. The loan will approximately be equal to half the total cost of the schemes.

“(b) Cuddalore, Nagapattinam, Kozhikode, Mangalore and Tuticorin ports.”

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SRI T. C. NARAYANAN NAMBIAR :—“ As the improvement of the port of Beypore in Malabar will go a long way in improving the commerce and industry of Malabar, will the Hon. Minister be pleased to consider the question of improving that port? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ I shall have the necessary investigation carried out.”

Schemes for the improvement of slums.

* 365 Q.—SRI A. RATNAM : Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have any scheme for improvement of slums in the City and in the mufassal;

(b) the departments entrusted with the execution of those schemes; and

(c) whether those departments have been provided with the necessary funds?

THE HON. SRI A. B. SHETTY :—“ (a) to (c) The Government have no schemes of their own for improvement of slums in the City of Madras and in the mufassal. The improvement of slums is the responsibility of the local bodies concerned. The Government however grant loans and subsidies to the local bodies (including the Madras City Improvement Trust) towards slum improvement schemes undertaken by them.”

SRI A. RATNAM :—“ சிடி இம்புரூவ்மென்ட் டிஸ்ட் ஏற்பட்டிருப்பதால் ஏழைகளுக்கு சேரியில் வாழுவதற்கு நம்பிக்கை இல்லை என்பதை அரசாங்கம் அறியுமா? இந்த வாரத்தில் நாம் நிறைவேற்றிய சட்டப் படி ஒரு தனி இலாகாவை சேரி சீர்திருத்தத்திற்காக ஏற்படுத்தி, சேரிகளை விலைக்கு வாங்குவதற்கு அரசாங்கம் முன்வருமா? ”

THE HON. SRI A. B. SHETTY :—“ Yes, that is the idea.”

SRI K. VINAYAKAM :—“ In view of the Slum Improvement (Acquisition of Land) Bill recently passed in this House, is it the intention of the Government to purchase the slums and make the improvements themselves or hand them over to bodies like the Corporation of Madras and the City Improvement Trust for carrying out the improvements and provide them with the necessary funds? Or is it only lip-sympathy shown to the slum-dwellers in the form of a Bill passed in this House to give them the impression that the Government are on their side? ”

THE HON. SRI A. B. SHETTY :—“ The intention is to acquire the lands of private owners on which there are slums. The Corporation is already effecting improvements in several of the slums. It has asked for a loan and a subsidy from the Government. It has also submitted a comprehensive scheme to the Government of India in connexion with the

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proposal to give financial assistance for slum improvement works. Certain requests made by the Corporation for loans and subsidies will be considered in connexion with the Part II Schemes for 1954-55.”

SRI V. R. KRISHNA AYYAR :—“ In view of the Act that has been passed in this House for the acquisition of slum areas, the Government should have some clear plan before them. Have they attempted to have at least some blue-print? ”

THE HON. SRI A. B. SHETTY :—“ As I said, the Corporation is mainly concerned with the work of slum improvement, and the Government will give it financial assistance.”

SRI K. VINAYAKAM :—“ Is the Hon. Minister for Health aware that the Corporation applied to the Government of Madras for a loan for the specific purpose of slum improvement and that the Government have been niggardly enough to reject that application and have driven the Corporation to the necessity of floating a loan in the open market? Does this not show that what is done is not in consonance with the answers given by the Hon. Minister on the floor of this House? ”

THE HON. SRI A. B. SHETTY :—“ The Corporation has raised a public loan for this purpose and spent a large amount out of it. The Government are also considering the question of giving grants at the rate of 50 per cent for improvement of slums on Government lands and 25 per cent for slum improvement on Corporation lands and private lands.”

SRI M. JAGANNATHAN :—“ Will the Government expedite the extension of the benefit arising from the Slum Improvement (Acquisition of Land) Bill recently passed by this House to the mufassal areas also? ”

THE HON. SRI A. B. SHETTY :—“ The point was answered by the Hon. Chief Minister during the discussion on the Bill and an assurance has been given in this matter.”

Opening of a cattle farm in the Chingleput district.

* 366 Q.—SRI V. K. RAMASWAMI MUDALIAR : Will the Hon. the Minister for Animal Husbandry be pleased to state whether the Government have any proposal for opening a cattle farm in the Chingleput district to augment the milk supply of the Madras City and, if so, when? 9-30 a.m.

THE HON. SRI V. C. PALANISWAMI GOUNDER :—“ There is no proposal for opening a cattle farm in the Chingleput district at present.”

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Repairs to the Karai Eri in Gingee taluk.

* 367 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Public Works be pleased to state for how long the repairs to the Karai Eri have been pending in Gingee taluk, South Arcot district?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Sanction to repairs to the tank was accorded in February 1953 and work has been pending as the original contractor entrusted with the work defaulted and the new contractor who was subsequently engaged could not proceed with the work as the tank had meanwhile received supplies. It is expected that the work will be taken up by the end of January 1954."

SRI K. ARANGANATHAN:—"May I know why there was default on the part of the contractor?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"The Government cannot give an explanation for the failure of the contractor."

SRI K. PARTHASARATHY:—"Are the Government aware that in backward areas like Gingee and Kallakurichi, contractors are not coming forward to execute contracts and whether in such places, will the Government take up the execution of such works themselves?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Sir, is it the intention of the hon. Member to discourage the local people from getting contracts?"

Tanks maintained by the Public Works Department in Gingee taluk.

* 368 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Public Works be pleased to state the total number of tanks under the Public Works Department in Gingee taluk?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"The total number of tanks under the Public Works Department in Gingee Taluk is 48."

SRI K. ARANGANATHAN:—"May I know what is the amount that was spent last year?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"I have no information on hand at present, Sir."

Abolition of district boards.

* 369 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the special reasons for the proposal to abolish the district boards and revive taluk boards; and

(b) the savings to Government, if any, by such a proposal?

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THE HON. SRI K. RAJARAM:—" (a) & (b) The reasons will be explained when the Bill for extending the term of the Special Officers for District Boards till the end of June 1954 comes up before this House. The scheme of decentralization of district boards must stand or fall on its own merits in regard to better administration, and it is not expected, or intended, to yield any savings to the Government."

SRI P. RANGASWAMI REDDIAR:—"May I know when the Bill is likely to be introduced here?"

THE HON. SRI K. RAJARAM:—"The Bill which I have referred to in my answer will be introduced either in the present sitting of the House or in February."

SRI V. BALAKRISHNAN:—"Will the Government usher in this much-needed and eagerly awaited reform at an early date?"

THE HON. SRI K. RAJARAM:—"As I said already, the Bill referred to in my original answer will be introduced in the present session or in February."

SRI V. GOPALA GOUNDER:—"The question is, whether there were any special reasons for the proposal and that has not been answered, Sir?"

THE HON. SRI K. RAJARAM:—"When the Bill comes up before the House, all those matters could be discussed and I will be able to give much more information then, Sir."

SRI P. RANGASWAMI REDDIAR:—"Are these reasons given just to postpone the elections to district boards or is there any bona fide intention on the part of the Government to abolish these district boards and revive taluk boards on the ground of better administration?"

THE HON. SRI K. RAJARAM:—"The Bill is intended to conduct the elections before June, Sir."

Subsidy for the gruel centres.

* 370 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state whether the Government are subsidizing the gruel centres managed by the Corporation of Madras and private organizations in the State for weavers?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"All the weavers' gruel centres in the State except four centres in the rural areas of Malabar recently opened are fully financed by the Government. In the case of the four centres, excepted centres, the Government are subsidising 50 per cent of their cost."

SRI A. RATNAM:—"சென்னையில் 500 ஏழை நெசவாளர்களுக்கு மார்ச் மாதம் வரை கஞ்சி ஊற்றவேண்டும் என்று அரசாங்கம் நகர சபைக்கு கட்டளையிட்டிருக்கிறார்கள். ஏப்ரல் மாதம் கோடை காலம்

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ஆரம்பிப்பதாலும் ஏழைகள் துன்பம் அனுபவிப்பார்கள் என்ற காரணத்தாலும் இந்த வருஷம் பூராவுக்கும் இதை நீடிக்கவேண்டும் என்று உத்தரவிடுவார்களா? 500 என்று இருப்பதை ஆயிரத்துக்கும், ஒரு வேளை என்பதை இரண்டு வேளைக்கும் உயர்த்துமா?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"The gruel centre here in the City is not meant for agriculturists but it is meant for weavers, and recently it has been extended to the end of March. The other considerations will be taken into account in course of time."

SRI R. S. ARUMUGAM :—"மலபார் முழு நெசவாளர்களுக்கு உதவி செய்வதுபோல் குறிப்பாக மேலப்பாளையம், மற்றும் நெல்லை, பாளையங்கோட்டை முதலிய இடங்களிலுள்ள நெசவாளிகள் மிகவும் மோசமான நிலைமையில் இருப்பதால் அதே ஆதரவை அங்குள்ள மக்களுக்கும் காட்ட முடியுமா என்று கேட்டுக்கொள்கிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"I think Melapalayam is a rural centre. If the hon. Member arranges to subsidise 50 per cent of the cost, the Government will consider the matter."

SRI K. VINAYAKAM :—"In view of the fact that the responsibility of the Corporation of Madras is only to diffuse the municipal advantages, facilities and amenities to the residents of the Madras City and in view of the fact that it is not the responsibility of the Corporation to cater the gruel centres for the distressed weavers coming from the mufassal and not from the city of Madras, will the Government at least consider the desirability of subsidising these gruel centres which are run by the Corporation as it is not the responsibility of the Corporation to maintain them?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"I am really surprised at the colossal ignorance of the hon. Member. (Laughter.) The whole cost is met by the Government."

SRI T. S. ARDHANARI :—"சென்னை நகரசபை கஞ்சித் தொட்டியில் எவ்வளவு நெசவாளர்களுக்கு கஞ்சி ஊற்றுக்கிரர்கள் என்பதைச் சொல்ல முடியுமா?"

MR. SPEAKER :—"500 பேர்களுக்கு என்று ஏற்கனவே பதில் சொல்லி இருக்கிறார்கள்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"About 400 or 500, Sir."

The Manjalar Anicut.

* 371 Q.—**SRI AIYANAR :** Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal for the construction of the Manjalar Anicut near Devadanapatty, Periyakulam taluk, Madurai district, and if so, at what stage it stands at present?

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—"There is already an anicut across the river at Naggarvalli about $3\frac{1}{2}$ miles north of Devadanapatti. A scheme to construct a reservoir about $\frac{1}{2}$ mile above that anicut was considered a few years ago, but dropped because, apart from its prohibitive cost and poor return, it would affect adversely existing irrigation depending upon the waters of the river."

Grant of compensation to Sri U. V. Narayana Marar.

* 372 Q.—**SRI T. C. NARAYANAN NAMBIAR :** Will the Hon. the Minister for Law be pleased to state whether the Government received any memorandum on 11th August 1953 from the Kottayam Taluk Committee of the Communist Party of India, Tellicherry, requesting the grant of a life allowance and free medical aid to Sri U. V. Narayana Marar, a victim of the Police firing on 11th February 1950 and if so, the action taken thereon?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Yes, Sir. The case is one where the incident referred to was brought about by the prisoner himself along with others by disorderly and turbulent conduct in prison. Having considered the case, the Government did not see sufficient justification to comply with the request made for the payment of a life allowance and a lump sum grant as suggested."

Grant of compensation to Sri U. N. Narayana Marar.

* 373 Q.—**SRI K. MADHAVAN NAMBIAR :** Will the Hon. the Minister for Law be pleased to state the action taken on the memorandum submitted to Hon. the Chief Minister on 11th August 1953 by the Kottayam Taluk Committee of the Communist Party of India, regarding the grant of compensation, gratuity or allowance to Sri U. V. Narayana Marar of Kuthuparamba, North Malabar, one among the disabled for life in the Salem Jail shooting?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"The hon. Member is referred to the answer to the short notice question No. 372 on the same subject."

SRI T. C. NARAYANAN NAMBIAR :—"Are the Government aware that the enquiry committee appointed by the Government, presided over by a retired High Court Judge pointed out that there was no justification for continued shooting till the ammunition was exhausted and that excessive force was employed? In the light of the opinion expressed by the special enquiry committee, will the Government come forward at least to see that Sri U. V. Narayana Marar, the unfortunate victim of those incidents, who comes from a very poor family and who is completely bed-ridden, is admitted in the General Hospital, Madras and given some good treatment?"

THE HON. SRI C. RAJAGOPALACHARI :—"I think medical opinion about the person referred to by the hon. Member is that he is not ill. Is it not so?"

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ The Government are aware that the Committee recorded that there was sufficient cause for the warders to shoot. The Government are also aware that the person concerned is not suffering.”

MR. SPEAKER :—“ Let us take up question No. 374.”

SRI T. C. NARAYANAN NAMBIAR :—“ This is a very important question. I request you to allow us to put some more supplementary questions on this subject, Sir.”

MR. SPEAKER :—“ I am sorry, there are many questions to be covered.”

SRI K. MADHAVAN NAMBIAR :—“ Sir, question No. 373 stands in my name. So, I request you to be kind enough to allow me to put a supplementary question.”

MR. SPEAKER :—“ We have to cover many questions. Moreover, I have called the next question.”

[Starred question No. 374—Answered at the end of question hour.]

Co-operative collective farm for Salem district.

* 375 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have any proposal to bring 40,000 acres out of 92,000 acres of arable waste land in Athur taluk, Salem district, under cultivation through a scheme of co-operative farming;

(b) if so, what the Government propose to do in regard to the remaining 52,000 acres of land; and

(c) whether the Government are proposing to assign such lands to the landless poor peasants?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) The Government have under consideration the following proposals :

(i) To establish a Government Agricultural Farm in a suitable area of 500 acres (to be raised subsequently to 1,000 acres).

(ii) To assign a suitable block of land to the Salem Co-operative Stores for Development.

(iii) To establish a co-operative collective farm in another suitable block in the area.

“ (b) & (c) It has been decided that the lands which can be brought under cultivation without much reclamation, may be assigned to the landless and poor peasants who are likely to engage themselves in direct cultivation as these peasants may not find it difficult to take up the lands and work them up. As regards lands requiring considerable reclamation, they have to wait till Government are in a position to reclaim them at

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their cost so that after reclamation at Government cost the lands may be disposed of to landless poor and the cost of reclamation reimbursed.”

SRI K. V. RAMASWAMI :—“ இந்த நிலங்களை தற்சமயம் சாகுபடிக்குக் கொண்டுவருவதற்கு சர்க்கார் கவனம் செலுத்துமா? நிலமில்லாதவர்களுக்கு நிலம் கொடுத்து நிலத்திலிருந்து சாகுபடி செய்துவரும் விவசாயிகளை வெளியேற்றுவதை நிறுத்தி நிலமில்லாதவர்களுக்கு நில அடமானம் செய்வதற்கு சர்க்கார் யோசிக்க உத்தேசம் உண்டா? அல்லது அமுலுக்கு வரும் என்று எவ்வளவோ சொல்லியும் அவைகளை அமுலுக்குக் கொண்டுவராமல் கவனிப்போம் என்று சொல்லிக் கொண்டிருப்பதுபோல் இன்னும் சொல்லிக்கொண்டு இருப்பார்களா அல்லது கூடிய சீக்கிரத்தில் அமுலுக்குக் கொண்டுவருவார்களா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I can only give information to the hon. Member but I do not propose to answer insinuations. Regarding the second part of the question . . . ”

MR. SPEAKER :—“ I shall ask the hon. Member to repeat the first part of his question and not the first part containing the insinuation.” (Laughter.)

SRI K. V. RAMASWAMI :—“ தற்சமயம் நிலங்களை சாகுபடி செய்துவரும் விவசாயிகளை நிலத்திலிருந்து வெளியேற்றுவதை நிறுத்தி நிலங்களை சாகுபடிக்குக் கொண்டுவருவதை சர்க்கார் அனுமதிக்குமா? அதே சமயத்தில் இந்த நிலங்கள் சாகுபடி செய்வதற்கு சர்க்கார் எப்பொழுது நடவடிக்கை எடுக்கும்? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I think the hon. Member comes from Namakkal. I had been recently to the Attur area. I can tell the hon. Member that the cultivation there is carried out under the sivoyijama. I can give the information to the hon. Member that no tenants are being evicted there. We are examining the question of assigning all the lands which are fit for cultivation to the landless poor under the assignment rules. I cannot say definitely when it will be possible and when we shall pass orders for assignment.”

SRI T. S. ARDHANARI :—“ கூட்டுறவு சங்க திட்டத்தின் அடிப்படையில் சாகுபடிக்குக் கொண்டுவரப்படும் நிலங்களில் வேலை செய்யும் விவசாயிகளுக்கு கூலியை நிர்ணயிக்க சர்க்கார் உத்தேசிக்குமா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ If a separate question is put, I may be able to answer.”

SRI S. RAMALINGAM :—“ சாகுபடிக்கு லாயக்குள்ள நிலங்களை நிலமில்லாத விவசாயிகளுக்குக் கொடுத்து உடனடியாக ஜாரி செய்ய வேண்டும். சாகுபடிக்கு லாயக்கில்லாத நிலங்களை சாகுபடிக்கு லாயக்காகி அதன்பிறகு நிலம் இல்லாதவர்களுக்கு அவைகளைக் கொடுத்து அதன் செலவை சர்க்கார் அவர்களிடமிருந்து வசூலிக்கும் என்று சொன்னார். சர்க்கார் இந்தக் காரியத்தைச் செய்யும் என்ற நம்பிக்கையில்தான் ஆகையால் கொடுக்கக்கூடிய நிலங்களை வாங்கி, ஜாரி செய்து அவர்களுக்கு உடனடியாக இனாமாகக் கொடுத்து சாகுபடியில் இறங்குவதற்கு வேண்டிய நடவடிக்கையை சர்க்கார் எடுக்குமா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I have already answered that regarding lands which are fit for cultivation, Government have already decided to assign these lands

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to the landless poor. Regarding those lands that have got to be reclaimed, I may tell the hon. Member that reclamation would have to be carried out only at considerable cost. If we merely assign these lands to the landless poor, they will be exploited again by interested people who would offer to purchase the lands from them. So it is not good to assign lands which have yet to be reclaimed."

SRI A. SAMBASIVAM :—" இப்பொழுது அங்கே இருக்கும் தரிசு நிலங்களை சீர்திருத்தம் செய்து கொள்வது என்று அரசாங்கம் முடிவிற்கு வந்திருக்கிறது. அங்கு இருப்பவர்களை வெளியேற்ற வேண்டாம் என்றும் உத்தரவிட்டிருக்கிறார்கள். இருந்தாலும் உடனடியாக ஒரு கமிட்டியை அமைத்தோ அல்லது தாசில்தார் அவர்கள் மூலமாகவோ அங்கு சீர்தந்தால்போல் இருக்கக்கூடிய நிலங்களை உடனடியாக உழுகிறவர்களுக்கு கொடுக்க அரசாங்கம் முன் வருமா என்பதை அறிய விரும்புகிறேன் ? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, the Board of Revenue is examining the proposals and I do hope that final decisions would be arrived at very early."

SRI V. BALAKRISHNAN :—" Will the absolutely landless poor who are in possession and cultivating these lands be given priority under this scheme? "

THE HON. SRI M. BHAKTAVATSALAM :—" Yes, Sir. I shall consider the suggestion of the hon. Member."

SRI P. RANGASWAMI REDDIAR :—" Is there any co-operative cultivation farm in our State? May I know whether any model by-laws of such farm are available now? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice."

SRI K. ARANGANATHAN :—" சிவோஜமா ஆகுபெண்ண நிலங்களை ஜாரி செய்து கொடுப்பதற்கு அரசாங்கத்திற்கு என்ன தடை ? "

THE HON. SRI M. BHAKTAVATSALAM :—" We have first to look to the lands that can be assigned without much difficulty and without any further reclamation work. All these questions are being examined by the Board of Revenue. When they submit definite proposals in this regard, the question of assignment will be taken up."

Excavation of a channel from the Valavanur-Alangal Big Canal to Panampattu lake.

* 376 Q.—**SRI K. R. VISWANATHAN** (on behalf of Sri V. R. Nagarajan): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the ryots of Panampattu village in Villupuram taluk presented a petition to the Chief Minister through their elected representative at Villupuram in January 1953 requesting for the excavation of a channel from the Valavanur-Alangal Big Canal to Panampattu lake; and

(b) what steps the Government have taken or propose to take?

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" (a) Yes.

" (b) The Government examined the matter in consultation with the Chief Engineer (Irrigation) and the Collector of South Arcot and found that the proposal to excavate a new supply channel from the Alangal channel to Panampattu lake would not be feasible. They however agreed to carry out at their cost repairs to the masonry works in the abandoned supply channel to the Panampattu tank provided the ryots concerned first cleared the silt in the abandoned channel in consultation with the Public Works Department and also agreed to attend to the future maintenance of the channel under kudimaramat. The Collector of South Arcot was asked to inform the ryots accordingly."

SRI K. R. VISWANATHAN :—" May I know whether the Government had any contact with the people and ascertained their views whether they are ready to de-silt the tank? "

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" We have informed the Collector and we have not heard from him anything definite till now."

SRI K. VINAYAKAM :—" When, in this case, Government had come forward so generously to construct the defunct wall of the channel, would the Government come forward to de-silt the channel also instead of waiting for the villagers coming forward to do the same, which would not be possible in these days of dire poverty? "

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" The Collector did not recommend that because it would be uneconomic. Moreover the Panampattu Village Association has also agreed first to de-silt the channel. When we have asked for concrete information it is not forthcoming."

Governor's tour in the Tanjore district.

* 377 Q.—**SRI S. RAMALINGAM**: Will the Hon. the Minister for Finance be pleased to state the total expenditure incurred by the Government on the recent tour of His Excellency the Governor of Madras in the Tanjore district?

THE HON. SRI G. SUBRAMANIAM :—" All expenses incurred on Governor's tours are met out of the grant 'Tour Expenses' included in the Government of India (Governor's Allowances and Privileges) Order, 1950.

" The total expenditure incurred on account of the Governor's tour in Tanjore district during the last week of October 1953 was Rs. 3,458-1-9."

SRI S. RAMALINGAM :—" இந்த ரூ. 3,458-ல் அங்கு கவர்னர் வரும்போது ரோடுகளை ரிபேர் பண்ணுவதற்கும் அங்கு இருக்கக்கூடிய மரங்களுக்கு வெள்ளைச் சாயம் அடித்ததற்கும் செலவழிக்கப்பட்ட தொகை சேர்க்கப்பட்டிருக்கிறதா ? "

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THE HON. SRI C. SUBRAMANIAM :—"The hon. Member should be glad that at least on such occasions some attention is paid to these repairs." (Laughter.)

SRI S. RAMALINGAM :—"அங்குள்ள மரங்களுக்கு வெள்ளை அடித் திருப்பதால் அங்கு போகும் ஜனங்கள் அவைகளைக் கண்டு அவைகள் பேயோ பிசாசோ, என்று பயப்பட்டுக் கொண்டிருக்கிறார்கள். அதனால் அப்படி செய்ததை திரும்பவும் அழிப்பதற்கு ஏற்பாடு செய்வார்களா?"

THE HON. SRI C. RAJAGOPALACHARI :—"It is good, Sir, that people who go about at night time do think it dangerous to go on the road. If robbers have superstitions that if they were to go in the night, a devil or somebody might catch them, to that extent I welcome it." (Laughter.)

SRI K. R. SAMBANDAM :—"கவர்னர் அவர்கள் போகும்போது அங்கு மற்ற அதிகாரிகளும் வருகிறார்கள். அவர்களுக்கு கொடுக்கப்பட்ட அலவன்ஸும் இதில் சேர்ந்ததா என்பதை மந்திரி சொல்லுவார்களா?"

THE HON. SRI C. SUBRAMANIAM :—"These expenses refer to Government's expenditure."

SRI S. RAMASWAMI NAIDU :—"On a point of order, Sir. May I know whether the Hon. Speaker has recognized the school boy method of showing hands to catch the eye of the Speaker? If it is so, will the Hon. Speaker order the discontinuance of that practice as it is very derogatory to the dignity of the House?"

MR. SPEAKER :—"I have told the House times out of number that hon. Members should not raise their hands to catch the eye of the Speaker."

Opening of an office for the registration of births and deaths at Manalurpet.

9-50 *** 378 Q.**—SRI A. MUTHUSWAMY : Will the Hon. the Minister for Religious Endowments be pleased to state whether there is any proposal for the opening of an office for the registration of births and deaths at Manalurpet, Tirukkoyilur taluk in South Arcot and if so, why it is being delayed?

THE HON. SRI K. VENKATASWAMI NAIDU :—"Yes. The proposal is to be considered as a Part II Scheme for 1954-55."

Licence fee for mikes.

*** 379 Q.**—SRI K. P. GOPALAN : Will the Hon. the Chief Minister be pleased to state whether it is a fact that the Government have recently passed orders that any person who wishes to install mike arrangements temporarily in any place should remit Rs. 2 in a treasury and obtain a chalan receipt and produce the same before the Police authorities before such installation and if so, the reason for the same?

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THE HON. SRI C. SUBRAMANIAM (on behalf of Hon. the Chief Minister) :—"No orders in the terms specified in the Legislative Assembly question have been issued by the Government, but orders were issued in G.O. Ms. No. 1612, Home, dated 15th May 1953, fixing Rs. 2 as the fee leviable for a licence for the use of sound amplifiers. A copy* of the Government Order is placed on the table of the House. This small fee was prescribed for the purpose of regulating the use of sound amplifiers and to cover the expenditure to Government in dealing with applications for licences."

Licence fee for mikes.

*** 380 Q.**—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Chief Minister be pleased to state whether the Government have recently passed orders to the effect that a fee of Rs. 2 be paid for permission to use microphone in municipalities and panchayats and if so, the reasons for the same?

THE HON. SRI C. SUBRAMANIAM (on behalf of Hon. the Chief Minister) :—"The Member is referred to the answer given to Legislative Assembly question No. 379 (starred) put by Sri K. P. Gopalan, M.L.A."

SRI K. P. GOPALAN :—"In view of the fact that it is very difficult to get licences from the Assistant Superintendents of Police, who sometimes reside in far-off places and in view of the fact that collection of two rupees is unjustified and also stifles freedom of expression on the part of the people, will the Government reconsider the whole matter and cancel the licence fee?"

THE HON. SRI C. SUBRAMANIAM :—"Many points of view have been put forward by the hon. Member. But one point of view is important and that is that there should be no conflict between the various sections of the people using amplifiers. Sometimes it happens that two parties want to hold meetings at the same place and time using sound amplifiers. That has got to be regulated and in doing so, we have to authorize the person having sufficient authority to issue these licences. The fee that is collected, viz., two rupees, goes to meet the bare expenses involved in issuing licences."

SRI T. C. NARAYANAN NAMBIAR :—"Are the Government aware that in certain places—and I can speak with authority as far as the Chirakkal taluk is concerned—public meetings and other functions are held in the interior of the town, that the police officers reside at distant places, that, therefore, it is difficult to obtain licences in time—invariably it is not until after the function is over—and that it is a curtailment of the right of the people to hear and to be heard? Will the Government reconsider the matter in view of these difficulties?"

THE HON. SRI C. SUBRAMANIAM :—"If any hard cases are brought to my notice, I shall consider them."

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DR. K. B. MENON :—“ Is the fee collected also in cases of educational and cultural programmes? If it is so, will the Government consider the question of cancelling this fee in such cases? ”

THE HON. SRI C. SUBRAMANIAM :—“ It is rather difficult to distinguish between cultural and educational programmes and the rest. Very often it may be said to be cultural or educational but actually it will be a political programme. These programmes go in various disguises and one such is cultural and educational. If there are real cases of educational or cultural programmes, we will consider them.”

SRI B. K. NALLASWAMI :—“ Sir, in view of the fact that only Deputy Superintendents of Police are authorized to issue licences and that consequently it is found very difficult to obtain licences at short notice as the officers are living in far-off places from the town and as they are likely to be on tour sometimes, will the Government consider the question of authorizing Inspectors of Police to issue such licences? ”

THE HON. SRI C. SUBRAMANIAM :—“ That is what I referred to when I replied to another hon. Member's question. We will take into consideration all hard cases when they are brought to our notice and see what can be done.”

SRI P. VENKATESHA SHOLAGAR :—“ அனுவசியமான கூட்டத்தைத் தடுப்பதற்கா, அல்லது அதிகமாக கூட்டங்கள் நடைபெறாமல் இருப்பதற்கா, அல்லது வரி வசூலிக்கவேண்டும் என்ற ஒரே நோக்கத்துடன் இதை வரி வசூலிக்கப்படுகிறதென்று கேட்கிறேன்? ”

THE HON. SRI C. SUBRAMANIAM :—“ We do not get much of money from this levy. Our anxiety is that there should be no clash between two enthusiastic parties holding meetings using amplifiers at the same place and at the same time. Clashes have occurred on many occasions and, therefore, it has been found necessary to regulate the use of amplifiers. So, these regulations have been brought into force.”

SRI S. C. C. ANTHONI PILLAI :—“ If this question operates meetings can be held only after obtaining police permission. Will the Government therefore consider the feasibility of allowing the same authority as the police to issue licences simultaneously for using sound amplifiers instead of asking the organizers of the meetings to go to different authorities to get different licences? ”

THE HON. SRI C. SUBRAMANIAM :—“ I am concerned only with the licence to be issued by the Police authorities. If there is any difficulty with regard to other licences necessary perhaps in the City of Madras, a separate question may be put.”

SRI T. K. RAMA :—“ ஏகாதசி, பெரிய கார்த்திகை முதலிய ஹிந்துக்களுடைய உற்சவங்களுக்குக் கூட மைக் லைஸன்ஸ் கொடுப்பது இல்லையென்று அறிகிறேன். அப்படி தடுத்திருந்தால், அவ்விதம் தடுக்கக்கூடாது என்று மந்திரி ஜில்லா போலீஸ் உத்யோகஸ்தர்களுக்கு அறிக்கை விடுவாரா? ”

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THE HON. SRI C. SUBRAMANIAM :—“ On the representation of the hon. Member, we have issued orders that the Police authorities should be more liberal in issuing licences on festive occasions as referred to by him. But we have also to take into account the nuisance caused by these sound amplifiers to the other members of the public who want to have a quiet night time and quiet sleep. Therefore, we have to enforce a certain amount of regulation.”

SRI D. K. RAJU :—“ In view of the nuisance created in towns and obstruction caused to the traffic by these sound amplifiers, will the Government think of restricting the issue of such licences in future? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ I am glad the hon. Member has at last brought out an important point in the general debate, so to say. The air is free, the world is free and everybody is entitled to these. Still one man should not take too much of any of these things to the detriment of the peace and comforts of others. It would be wrong. Hence a certain amount of mutual restriction is necessary. Who can impose it except the Government through its officers? ”

MR. SPEAKER :—(ஸ்ரீ ஆர். குப்புசாமியைப் பார்த்து) “ நீங்கள் எதற்காக நிற்கிறீர்கள்? ”

SRI R. KUPPUSWAMI :—“ நான் லேட்டாக வந்தேன். தயவு செய்து என்னுடைய 374-ஆவது கேள்வியை மறுபடியும் எடுத்துக் கொள்ளவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

MR. SPEAKER :—“ கேள்வி நேரக் கடைசியில் உங்கள் கேள்வியை எடுத்துக்கொள்ளுகிறேன்.”

Report on the Modified Scheme of Elementary Education.

* 381 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Expert Committee has submitted its report on the Modified Scheme of Elementary Education; and

(b) if so, whether the Government will be pleased to place a copy of the report on the table of the House?

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

“ (b) The report has already been placed on the table of the House.”

Report on the Modified Scheme of Education.

* 382 Q.—SRI M. PALANIYANDI : Will the Hon. the Minister for Finance be pleased to state when will the report of the Special Committee to enquire into the recent Elementary Education Scheme be available for the House?

THE HON. SRI C. SUBRAMANIAM :—“ The attention of the hon. Member is invited to the answer to starred question No. 381.”

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SRI K. R. VISWANATHAN :—" May I know what is the opinion expressed by the Committee with regard to the success of the much-talked of outdoor programme contained in the scheme? "

THE HON. SRI C. SUBRAMANIAM :—" I would request the hon. Member to take the trouble of going through the report."

Outbreak of cholera in certain areas in Malabar.

* 383 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Health be pleased to state the number of deaths due to the recent outbreak of cholera in Ponnani taluk, Malabar, and the measures taken to prevent the spread of the epidemic?

THE HON. SRI A. B. SHETTY :—" The number of deaths is 39. The measures taken for preventing the spread of the epidemic are the following :—

Disinfection of infected houses, chlorination of water-supply, intensive inoculations and propaganda regarding the precautions to be taken by the people. Distribution of milk-powder and rice to the poor people has also been undertaken. Orders have also been issued for opening a gruel centre for the relief of the coir labourers."

SRI K. P. GOPALAN :—" In view of the fact that the people in Ponnani taluk got this disease through starvation, will the Government consider the question of issuing instructions to the Collector of Malabar to supply more bags of rice to the people? "

THE HON. SRI A. B. SHETTY :—" Steps will be taken to supply more rice if it is found quite essential."

DR. K. B. MENON :—" In view of the fact that a number of places are cholera affected, will the Government think of a more liberal distribution of 'deficiency drugs' and vitamin tablets if they are not already doing it? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir. A very large quantity of milk powder and multi-vitamin tablets has been distributed in Malabar."

SRI V. R. KRISHNA AYYAR :—" In order to prevent recurrence of cholera, will the Government consider the question of distributing more barrels of milk powder and multi-vitamin tablets? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir. The largest portion of the milk powder and multi-vitamin tablets received from the UNICEF and a further quantity of milk powder donated by the American Friends Service Society have been allotted to Malabar district."

SRI S. DEIVASIGAMANY :—" May I know why there is such a high incidence of death in Malabar due to cancer, cholera, dysentery, etc.? "

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THE HON. SRI C. RAJAGOPALACHARI :—" It depends on the number of interpellations put in the House." (Laughter.)

SRI V. R. KRISHNA AYYAR :—" Is it due to the continued neglect of the district by the Government? "

Outbreak of cholera in certain areas in Malabar.

* 384 Q.—SRI K. C. GOPALAN UNNI : Will the Hon. the Minister for Health be pleased to state—

10
a.m.

(a) how many persons died of cholera in Attapady and Thenkara amsams of Walluvanad taluk, Malabar, during the months of October, November and December 1953, up to date; and

(b) the measures taken by the Government to prevent the spread of this epidemic?

THE HON. SRI A. B. SHETTY :—" (a) Seventy-two persons up to 12th December 1953.

" (b) Soon after the receipt of the report of infection, the range Health Inspector and the District Health Officer visited the villages and instituted control measures. Intensive inoculations have been carried out. Necessary special staff has been concentrated in the area for preventive work."

SRI K. C. GOPALAN UNNI :—" ആട്ടപ്പാടിയിലും തെങ്കരയിലും പാലൂം മേട്ടി വിനോദിൻ പിതസ്സും വിരമണം ചെയ്താൻ വലുതായ ഏറ്റവും കൂടുതലായോ ? "

THE HON. SRI A. B. SHETTY :—" I have already stated that a very large quantity was allotted to and distributed in Malabar district."

SRI P. K. GOPALAKRISHNAN :—" May I know, Sir, whether this Government have received any instructions from the Government of India to take particular care of cases of dysentery and diarrhoea in Malabar? "

THE HON. SRI A. B. SHETTY :—" This is a question about cholera, Sir."

Outbreak of cholera in certain areas in Malabar.

* 385 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Health be pleased to state—

(a) on what date Palghat taluk, Malabar, was notified as cholera-affected area; and

(b) how many cases of cholera and how many cholera deaths had been reported before such notification?

THE HON. SRI A. B. SHETTY :—" (a) On 3rd September 1953.

" (b) Thirteen attacks and 8 deaths had been reported before the notification."

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Deaths due to dysentery in Malabar.

* 386 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Health be pleased to state—

(a) the number of deaths in Malabar in July and August 1953 from diarrhoea and dysentery;

(b) whether this death rate is more as compared with last year; and

(c) whether the prevalence of an unusual type of dysentery was noticed in Malabar in July or August 1953 or whether the Government's attention was drawn to it by anybody or by the Central Government?

THE HON. SRI A. B. SHETTY :—“(a) July 1953—1,797.

August 1953—1,450.

“(b) Yes, Sir.

“(c) It was noticed in July 1953. The Union Minister for Health and certain gentleman of Malabar wrote to the State Ministers on this matter.”

Deaths due to dysentery in Malabar.

* 387 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Health be pleased to state—

(a) whether reports have reached the Government that a sort of dysentery is prevalent in Malabar and the effect of the same in a majority of cases is fatal;

(b) which are the areas affected and how many deaths have occurred up to July 30th, 1953;

(c) whether this Government received any communication from the Government of India regarding this and if so, what is the nature of the communication; and

(d) what measures the Government have taken to bring this disease under control?

THE HON. SRI A. B. SHETTY :—“(a) Yes, Sir, but the effect of the disease in the majority of cases was not fatal.

“(b) Two hundred and seventy-two villages in South Malabar in the taluks of Ernad, Walluvanad, Palghat and Ponnani, and 78 villages in North Malabar in the taluks of Chirakkal, Kottayam, Kurumbrahad, Kozhikode and Wynaad. Four thousand and twelve deaths occurred up to July 1953.

“(c) Yes, Sir. A letter was received by me from the Minister for Health, Government of India, referring to the prevalence of the disease in Malabar and asking for information regarding the measures taken by this Government.

“(d) Immediately on receipt of information in this regard, an Investigation Unit of the King Institute of Preventive Medicine was specially deputed to Malabar for bacteriological

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investigation of the outbreaks. An investigation into the prevalence of mal-nutrition in the areas affected, was also carried out by the Deputy Director, Nutrition Research Laboratories, Coonoor. The above reports revealed that during the months—June, July and August 1953—associated with difficult food situation before the harvest, there was fairly widespread bowel infections and severe incidence of mal-nutrition signs in the young age groups. Due to heavy rains, after a long drought, during these months this year, all the drinking water sources got contaminated due to the heavy rains washing the surface soil pollution into the water sources. Prompt action has been taken by the local health staff for chlorination of water sources, and treatment of dysentery cases with sulfaguanidine tablets. Skimmed milk-powder, sulfaguanidine tablets and multi-vitamin tablets were placed at the disposal of the Collector of Malabar for distribution in the affected areas for treatment of cases of dysentery, and for combating the severe types of mal-nutrition prevailing in the area, especially among children of young age groups.

An ambulance van attached to the Headquarters Hospital at Kozhikode with necessary medical and auxiliary personnel and with drugs and equipments needed, has been detailed to work as a mobile dispensary in the affected areas.”

SRI K. MADHAVAN NAMBIAR :—“വടക്കെ മലബാറിലെ മരിച്ചവരിൽ, മറ്റേതിനു അംശങ്ങളിൽ മാത്രം എത്ര കുട്ടികൾ മരിച്ചിട്ടുണ്ട്?”

THE HON. SRI A. B. SHETTY :—“I will furnish separate figures.”

SRI M. NARAYANA KURUP :—“The stock answer of the Hon. Minister for Public Health to all questions relating to Malabar is poverty and malnutrition which we concede. May I know whether the Government have got any scheme to eradicate this evil?”

THE HON. SRI A. B. SHETTY :—“This is a widespread evil, Sir. Not only the whole State, but the whole country is suffering from poverty and malnutrition.”

SRI R. KRISHNAN :—“ചീഫ് മിനിസ്റ്റർ പാലക്കാട്ട് വന്നപ്പോൾ അവിടെ ഏല്പാതയും സുഖമായിരിക്കുന്നു; കച്ചേരിയിൽ വന്നപ്പോൾ അവിടെ ബുദ്ധിമുട്ടൊന്നുമില്ല എന്ന് പറയുകയുണ്ടായി. ബുദ്ധി: ഫൈനാൻസ് മിനിസ്റ്റർ കൊല്ലങ്കോട്ട് വന്നപ്പോൾ അതുതന്നെ പറഞ്ഞു. ഇനിയെങ്കിലും അവിടങ്ങളിൽ അരി കറങ്ങു വീലകൾ വീണ്ടു നാടുകാരെ പട്ടിണി അമ്പസാനിപ്പിക്കാൻ ഗവണ്മെന്റ് വല്ലതും ചെയ്യുമോ?”

SRI V. R. KRISHNA AYYAR :—“I will translate it, Sir. When the Hon. the Chief Minister came to Palghat, he gave a rosy picture of Malabar and said that everything was happy and that people were happy there. When the Hon. the Finance Minister came to Kollengode, he repeated the same paean of praise about the happiness of the people of Malabar. Now, it is quite

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patent that young boys particularly and people generally are suffering on account of malnutrition. Have the Government any plan of supplying good rice at cheaper rates and see that recurrence of cholera and such other epidemics is put an end to."

THE HON. SRI A. B. SHETTY :—" I do not think, Sir, that things are so bad in Malabar as they are made to appear from the questions repeatedly put on the floor of this House. While I compliment the Malabar Members on their vigilance, I do not think that they should make the situation appear so bad, while it is not the case."

SRI V. R. KRISHNA AYYAR :—" The answer given to the main question by the Hon. Health Minister makes it perfectly clear that staggering number of deaths have taken place, particularly affecting little children so as to elicit so many interpellations from Malabar M.L.As. Secondly, the fact is also there, not very complimentary, that it was the Central Government which reacted much quicker than the Madras Government. In view of these facts and in view also of the fact that even now there are persisting dysentery cases in various villages in Malabar, will the Government see to it that there is a semi-permanent establishment with mobile dispensaries to tackle these cases and attend to the malnutrition among the people in the villages? "

THE HON. SRI C. RAJAGOPALACHARI :—" An hon Member of Parliament from that Constituency was more active than hon. Members here. That is the main fact. The charge that this Government was inactive is not correct. It is true that a Member of Parliament mentioned something to the Hon. Prime Minister and the Prime Minister wrote to us. We cannot ignore all that. But the facts elicited show that all the necessary steps were taken."

SRI T. C. NARAYANAN NAMBIAR :—" On a point of order, Sir. The Hon. the Chief Minister just now said that a Member of Parliament of that Constituency was very active and that was the reason why the Central Government reacted. In this connection, I have to submit that I, as a member of the Constituency where this cholera and other epidemics have taken place, have sent telegraphic messages and I have also presented a memorandum to the Hon. the Chief Minister. It is not the fault of the Members of the Constituency but the Government did not at all react. That is the reason, Sir."

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member may as well add whether I did anything on his telegram or not."

SRI T. C. NARAYANAN NAMBIAR :—" He did not reply to me, Sir."

THE HON. SRI C. RAJAGOPALACHARI :—" I took notice of it and took action."

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SRI V. R. KRISHNA AYYAR :—" On the same point of casting an aspersion as between the Members of the State Assembly and Members of Parliament from Malabar, I may state that a letter was sent by me to the Hon. the Health Minister of Madras and I had not the pleasure of getting a reply."

THE HON. SRI C. RAJAGOPALACHARI :—" Letters need not be replied to, but action was immediately taken."

Alignment of Cape-Comorin-Bombay Highways via Taliparamba.

* 388 Q.—SRI T. C. NARAYANAN NAMBIAR : Will the 10-10 a.m.
Hon. the Minister for Public Works be pleased to state whether the Government received any communication recently from the Central Government on the alignment of Cape-Comorin-Bombay Highways via Taliparamba and if so, the contents thereof?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Yes. The communication cannot be published but it may be stated that it calls for information to help a decision being reached."

SRI T. C. NARAYANAN NAMBIAR :—" Will the Hon. Minister be pleased to state whether any representations have been received from the public of the place to the effect that an injustice has been done to them by the recommendation to the Central Government of the Officer of the Highways Department concerned for changing the alignment of the road?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Representations have been made to this Government as well as the Central Government and representations have been made to me personally by the hon. Member also. We have taken steps to gather information on this question and we will be forwarding the information to the Government of India whose decision will be final."

THE HON. SRI C. RAJAGOPALACHARI :—" I may tell the hon. Member that there is a fair chance of Taliparamba people winning in the matter."

SRI V. R. KRISHNA AYYAR :—" May I seek an assurance from the Government that this conflict will not be used to put off or shelve the construction of the highway?"

THE HON. SRI C. RAJAGOPALACHARI :—" We cannot raise an issue and afterwards complain about it. The issue has been raised and I saw thousands of leaflets pasted on every avenue tree. A certain amount of delay is inevitable, as the claim and the counter-claim have to be taken into account."

* 374 Q.—

MR. SPEAKER :—" Sri R. Kuppuswamy has written to me saying that he came late and apologising for it. He requests that the question standing in his name may be taken up now, and I am allowing him to put the question."

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Repairs to the Jedarpalayam bed regulator.

SRI R. KUPPUSWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Jedarpalayam bed regulator was completed in the Salem district;

(b) the cost of the scheme;

(c) whether any major repairs were carried out to it recently;

(d) if so, the cost of the repairs; and

(e) whether the defects noticed were due to the defects in design or execution?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) In 1949.

“(b) Rs. 7,08,600.

“(c) Yes.

“(d) About Rs. 1,06,181-7-0

“(e) No.”

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

II.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO. 12 OF 1953)—DISCUSSION—cont.

* SRI A. APPU:—“Mr. Speaker, Sir, I was a member of the Joint Select Committee. I have appended a minute of dissent to the report of that Committee and my object is to make the Members of the House know something about the history of the tenancy problem in the Malabar district. No doubt, the Bill as it has emerged from the Select Committee is a good one. But it will not solve the problem. I am not an expert. But I have consulted persons of experience and high position in Government service such as Judges and so on. Their view is that unless the tenants are given permanent fixity of tenure and the janmis assured of fair rent, the problem cannot be solved at all. There is still agitation going on in Malabar. I have traced the history of tenancy agitation in Malabar from 1881 onwards in my dissenting minute. But it has a still older history. I had an opportunity of going through Government publications dating from 1749 onwards. There was agitation in those times also, and there were a number of cases of murder and arson. In the taluks of Wynaad and Waluvanad, Muslims form a majority of the population. As a result of persecution by janmis, there were Moplah risings on several occasions. On these occasions, several janmis were killed. In 1921 there was a Moplah rebellion in which several janmis were beheaded. I know of certain instances in which big janmis were taken to the river sides and their heads were cut off. Such unhappy incidents were common till 1921. Fortunately, there has

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been no such incidents after that year. I submit that unless the tenants are given fixity of tenure, the problem can never be solved. I am prepared to pay any fair rent to the janmi.

“My hon. Friend Sri Sankara Varma Raja said that he belongs to a very rich janmi family, that he is paying an assessment of about Rs. 15,000 and that his annual income is only Rs. 5,000. I know that he belongs to a very respectable and good janmi family, and his rent is nominal in some cases. But I submit that he is not paying the assessment; the assessment is paid by the tenants under a contract between the janmi and the tenant.

“I was surprised to read the dissenting minute of Mr. Gopala Menon. He does not want ulkudidars to be given any rights at all. Ulkudidars have been suffering a lot for a very long time; they are practically slaves. Mr. Gopala Menon comes from an area where there are a very large number of ulkudidars. He himself is a big landlord, he has inherited lands from his own family and from his wife's side. I understand that there are more than two hundred ulkudidars in his estate. I do not say he is a bad landlord. He does not give any trouble to his ulkudidars. But I know that he is worried by other landlords in the district to see that ulkudidars are not given any right at all. Unless they are given fixity of tenure, there will be a good lot of trouble. I submit that they should be given fixity of tenure in respect of their ulkudis just as the tenants are given fixity of tenure in respect of their holdings.

“Mr. Seethi Sahib and Mr. Narayana Kurup gave a very good account of the actual conditions in Malabar. I entirely agree with them and I do not want to repeat what they said and waste the time of the House.

“Provision has been made in the Bill to enable landlords to evict their tenants in certain cases. I submit that this will give further trouble. There are more than seven thousand eviction suits pending before the courts now. Whether the eviction is *bona fide* or *mala fide*, janmis will resort to filing suits in courts. If a janmi files a suit, the tenants will not be able to defend themselves. All of us know that the expenses in a civil court are very high. Tenants as a class are very poor and they cannot defend themselves. If they defend themselves, they will get ruined. I submit that sections 14 and 20 of the Act should be repealed. Otherwise there will be no safety for the tenants at all.

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

“Under the old Act, a janmi could evict his tenant for *bona fide* purposes. There was a case in the High Court in which the Judge held that *bona fide* purposes included sending of children to England and other places. It was to avoid such interpretation that the provision was modified. In this Bill, it is provided that a tenant could be evicted if eviction becomes necessary for meeting

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the primary needs of the landlord. It is a good thing. That suggestion came from the Hon. Chief Minister and I am very thankful to him for the lively interest he has taken in the matter. If he had not taken a lively interest in our affairs, I am sure the Bill could not have been as satisfactory as it is now. I read a leader written by *The Mail* yesterday in which the scope of the term 'primary needs' had been discussed. I submit that an explanation should be added so that the term 'primary needs' may include only absolute needs for maintenance and clothing and not anything else. However, I shall leave it to the Hon. the Chief Minister to decide what explanation should be given to the term 'primary needs'.

"I know an instance in Kurumbranad taluk in which a tenant was given on lease about 150 acres of waste lands. His forefathers improved those lands and planted the entire area with coconut trees. It is a very good garden and now there is a case pending for eviction of this tenant from the garden. What the janmi has done is this. He transferred the janmam right to his daughter for a nominal amount and this daughter has filed a suit for eviction of the tenant. Such cases are common in the district. It was to avoid such cases that the hon. Member Sri Seethi suggested that alienees should not be given an opportunity to evict the tenants in such circumstances. So, I submit that there should be a special provision in the Bill that alienees should not be allowed to evict the tenants in such circumstances.

"I have nothing more to add and I shall make my remarks about other matters when the Bill is taken up for discussion clause by clause. Thank you, Sir."

SRI N. GOPALA MENON :—"On a point of personal explanation, Sir. My hon. Friend Sri Appu unnecessarily dragged my name in his speech and said that I was against ulkudidars being given any fixity of tenure and all that. Those who were present here and listened to my speech yesterday would have noted that I did not utter a single word about ulkudidars. But in my dissenting note to the Report of the Joint Select Committee, I have said that ulkudidars are given higher rights than even tenants. It is regrettable that my hon. Friend should have said that I am against ulkudidars and so on, which is not at all warranted either by the speech that I delivered yesterday or by my dissenting note."

* SRI A. APPU :—"In his speech the hon. Member said that our forefathers might have given our lands to the tenants. It is well known that we should not be allowed to evict them."

DEPUTY SPEAKER :—"The hon. Member Sri V. R. Krishna Ayyar will now speak."

(Sri V. R. Krishna Ayyar was sitting on the front Opposition Bench.)

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THE HON. SRI C. SUBRAMANIAM :—"Sir, I do not mind hon. Members sitting anywhere they like when they do not participate in the debate. But the convention should be that hon. Members, when they deliver speeches at least, should remain in their seats. That is a convention which is being followed in all Houses."

* SRI V. R. KRISHNA AYYAR :—"Mr. Deputy Speaker, Sir, on this question of Malabar tenancy, hon. Members coming from Malabar have expressed considerable dissent as reflected in the Report of the Joint Select Committee and in the speeches delivered up till now. I am sure that this will be given serious consideration by hon. Members who do not come from Malabar and who, therefore, perhaps may not be posted with the details of local conditions in Malabar so much as hon. Members coming from that area. I am sure that hon. Members from other districts will bestow sufficient attention on this matter and post themselves with the actual conditions so that they may be in a real position to judge the relative merits of the contentions put forward here by the Government on the one side and by hon. Members sitting in the Opposition and also sitting on the Congress Benches in part. One might have been noticing with perhaps a little surprise that the last speaker, Sri Appu, a Member sitting on the Congress side, had been putting forward a case which, if one would seriously consider, would show the intrinsic merit of the contentions put forward. (Interruption.) (The Hon. Sri C. Rajagopalachari : 'He is just sitting on the Congress side.') The Congress side being associated with the landlords' side and the landlords' side being championed efficiently by the Government, of course, Sri Appu is just sitting on the Congress side, because that is the only way one can annotate the statement of the Hon. the Chief Minister. But in fact, it is clear and absolutely certain that, whether one is returned as a Member on the Congress ticket or on the Muslim League ticket, the Hon. the Chief Minister has considerable regard for the Deputy Leader and the Leader of the Muslim League Party. They are not revolutionaries; they are not likely to be carried away by mere sentiment; they are not likely to be influenced and they will not succumb to the vote-catching devices which are the lower methods of mere democrats and not of those who are here without the aid of elections. Now, the Muslim League, a very sober party and representing also landlords and tenants in the country, some of the Congress Members—Sri Appu is one of the Members returned from Malabar on the Congress ticket—, the Praja-Socialist Party, represented by its leaders, some of whom have already expressed their views on the floor of the House, Independent Members, Members of the Communist Party and others have all voiced their opposition to the measure or the amendments brought in here. So, this question calls for serious consideration. That is my point. Hon. Members from other districts will certainly not assume that the Government must have considered all aspects at the Joint Select Committee stage, that there must have been some discussion, that therefore whatever is recommended by the Government

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or whatever Bill has been brought up, with such amendments as they have chosen to accept, should be to the benefit of all the interests concerned and must be a kind of justice, and that it may be readily accepted. That kind of complacent attitude may not be adopted. Here, it is a case where grave suspicions or doubts are attached to the attitude taken up by the Government. Now, the opposition to this measure is coming not merely from all the political parties in Malabar but also from the Congress Party itself in particular. Therefore, I call upon hon. Members to bestow serious reflection on this issue and come to a decision. Of course, the Members coming from Malabar are few comparatively and, therefore, they may not be able to influence the majority decision here. But they can speak out their minds and impress their views on others so much so that other hon. Members can accept their verdict on the merits of the contentions put forward. There is one very important thing that must be remembered in this connection. It is the tendency to underrate every argument on the ground of vote-catching or just trying to gather support from the people. That is, if I may say so, a fling at democracy altogether. It may be that vote-catching is the motive that is imputed. But the real position is that people do not throw away their votes but that they vote only for those who champion their interests. This Bill is for the commonalty and is decided upon by the majority votes here. The majority votes here depend, in some measure, upon the minority having confidence in the majority and their right action. Therefore, it is quite clear that we must consider the view of the minority. The majority may be there. But the vested interests should not find special favour with the Government. We must consider what exactly makes for the common weal or the welfare of the common lot or the ordinary people. If that be the outlook, there can hardly be any doubt that more and more ameliorative provisions must be introduced in the Malabar Tenancy Act.

“ One fundamental difference—it is not exactly fundamental but one major difference—between the system of tenure in Malabar and that prevalent elsewhere in the Madras State is this. So far as Malabar is concerned, absentee landlordism is the rule. The landlord, whether he lives close by or far away, has absolutely no interest in the land at all. All that he does is to collect the rent. He is not interested in better farming, better manuring and better irrigational facilities being provided there. It is all entirely the concern of the ryot. The improvements made therein, in the majority of cases, will be by the tenant. The cultivation, manner of cultivation, things cultivated, the kind of improvements made and all those things will practically be the responsibility of the tenant and the landlord is there only to collect the rent. He is only concerned with his unearned income, viz., the rents that he collects from the tenants. Absentee landlordism in Malabar is something different from what hon. Members from other parts of the State imagine. They are not a humble lot just putting up with all kinds of legislation passed in the Legislature. It is not

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a question of taking away or depleting their rights. They are as tenacious of their rights as any other landlord in other parts of the State. However, it is a fact that they are not doing anything towards production. They do not contribute anything towards the productive factor. That is a reality which cannot be denied and which everyone will have to accept. They are mainly landlords, having inherited or got at property and are called janmis. This system of ancient janmis is not prevalent anywhere else except in Malabar. As I said, they do not take any interest in the cultivation of the land, but only collect the rent. That is why we see in Malabar these landlords filing suits for 50 years' arrears. I do not think that anybody in Tamilnad would have come across cases where the landlords claim 50 years' arrears. But in Malabar these landlords do file suits for collection of 50 years' arrears—and even 100 years' may not be unknown—and also evict the tenants when they find it difficult to pay the 50 years' arrears. Irrespective of the fact that the tenants might have spent quite a large amount in improving the land in the course of many years, they are sought to be driven away from the land when they find it impossible to pay the 50 years' arrears to the landlords. This is one of the reasons why hon. Members coming from Malabar seek to impress upon the hon. Members of the Legislature that it is really the tenant who is vitally interested in production, who is cultivating the land and who is making improvements to the land. He is the person who has cast his lot with the land and who has bound himself to the land. That is why we plead so much for certain rights being conferred on him. Certain plenary rights to the land have got to be conferred on these tenants who are the actual tillers of the soil and who are called upon to pay enormous rents to the landlords who have no interest in the land and who do nothing in the process of production, but merely extract rent, huge rents from the poor, toiling tenants.

“ Sir, coming to the actual amendments that have been brought up here, there are quite a few controversial matters and I wish to dwell upon one or two of them. The various Opposition Members including, I suppose, the Congress Member I have adverted to, have been asking for one provision which has been tenaciously resisted by the Government. It is this. Suppose the landlord and tenant enter into an agreement with regard to the rent that the tenant has to pay. The present provision in the Bill that has been brought before the House with reference to fair rent will work in such a manner that in many cases, particularly in the case of garden lands, the rent will be multiplied by 2, 3, 5 and even 10 times. Where a person may have been paying Rs. 5, he will have to pay Rs. 50 in some cases according to the fair rent provision. There has not been any agitation on the part of the landlords that their rents should be increased. The Government must come to the help of the weaker sections in such cases. The principle of the many relief measures and social reform measures, such as the Factories Act, is to help the weaker sections. Here in this case, the weaker party is the tenant. So he should

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be helped as against the landlord. He has to get relief from the Government as against the landlord. Where the fair rent goes higher, on account of the operation of the fair rent provision, than the contract rent, the tenant should be allowed to pay only the contract rent and the landlord should not be allowed to collect the higher rent, viz., the fair rent according to the provisions of the present Bill. That is why we have given notice of amendments in regard to this provision to the effect that it should be provided that the landlord should collect contract rent or fair rent whichever is less. All the political parties in Malabar have been agitating for this provision. All kisan organizations have also been saying that there is necessity for adopting such a provision. I do not know why the Government could not agree to such a provision. Furthermore, the background is quite clear. There has never been an agitation by the landlords for increasing the rent. They were content with the contract rent all the time and there is no real point in having a provision in the Bill which will make them collect increased rent from the tenants. Under these circumstances, I humbly commend to the House the acceptance of the amendment that we have given notice of, in regard to this matter, so that the poor tenants may be enabled to pay either the contract rent or the fair rent, whichever is less.

"I now come to another thorny question, viz., eviction of tenants. It is not possible to have a simple rule or a clear provision to the effect that there will be no eviction at all. I agree that it may not be possible. The pattern of holdings is somewhat complicated. Generally speaking, an average tenant who has a minimum holding must not be disturbed from his holding. It has been suggested that 5 acres would be a fairly optimum size of holding beyond which alone a tenant could be disturbed by way of eviction. Even in respect of the tenants who own lands in excess of 5 acres, we have got to recognise one fact. There are tenants who have large extents of land and they too may have large cultivation. Such people need not be masquerading as tenants and pleading disabilities. There is also a large section of petty landholders. On account of the division of families, a number of small landholders have come up. They may have only a few acres and may have hardly anything to fall back upon. Provision may have to be made for such poor landholders also, so that there may be a sensible scheme for eviction. Poor tenants with very small holdings should be protected from eviction. But in the case of big tenants owning enormous extents of land, the petty landlords may be allowed to evict them in certain circumstances and with certain limitations. If some such provisions and safeguards are made, there may be a general contentment in respect of eviction clauses."

THE HON. SRI C. RAJAGOPALACHARI:—"I have been listening to the constructive suggestion made by the hon. Member. But, could we make a discrimination like that? I would like the hon. Member to throw some light on this point."

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* SRI V. R. KRISHNA AYYAR :—"If the Hon. Chief Minister has in mind the Constitution and the articles relating to discrimination mentioned in it, in my humble view there is nothing illegal and there is nothing offending the Constitution. Equality before law always permits classification. The law certainly permits classification in certain matters. Petty landholders who have really nothing to fall back upon and own only a small acreage of land can be classified as one group and the small tenants who cultivate only a small acreage of land can be classified as another group. There is no discrimination in classifying those tenants owning 5 acres and less as one class and classifying those tenants who have 50 or 100 acres as a different class. This will not offend the Constitution. Reasonable classification is permissible and it is not discrimination. Therefore I suggest that some such remedy may be evolved and suitable amendments may be incorporated to this clause dealing with evictions. Generally speaking, eviction as a rule must be tightened up and should not be permitted. However, necessary safeguards for small and petty landholders and small tenants have got to be provided in the manner suggested by me just now.

"Regarding ulkudis, hon. Member, Sri Appu, has dealt with this subject at great length. He also dealt with the speech made by my hon. Friend, Mr. Gopala Menon. I do not think there is much more to be said about Sri Gopala Menon's point in the light of the exposure made this morning.

"There has been considerable dispute regarding fair rents from wet lands. The Hon. Leader of the Opposition, while dealing with this subject observed that one of the important considerations that might arise will be the question as to what should be the cultivation expenses. If I can claim to possess some integrity, I can give particulars regarding the actual position in North Malabar. The cultivation expense which is provided as 22 paras is not at all adequate. It is not an exaggeration if I say that actually it will be anything between 30 and 40 paras. One might wonder at this. But it is the real fact. The fact remains that the wet lands in North Malabar are not fertile and are very poor in quality and they require considerable improvement at great expenditure. Moreover, the wages are also high in North Malabar. The same cannot be said of South Malabar where conditions differ. 10-40 a.m.
So far as North Malabar is concerned, anything between 30 and 40 paras by way of cultivation expenses must be provided, as 22 paras now provided is hardly adequate. This should not be extended to the whole of the Malabar district in view of the fact that conditions obtaining in North Malabar district are quite different from those obtaining in the other part of the district.

"Regarding fair rent in respect of garden lands, I suggest that there should be a reduction. In respect of arecanut gardens under the existing Malabar Tenancy Act, the fair rent is one-eighth of the produce whereas in respect of coconut gardens it is one-sixth. I suggest that this anomaly be removed. If a tenant

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from the dissenting minutes, I feel we have no regrets for not having offered our co-operation and for not having participated in the Select Committee meeting.

“ From the dissenting minutes and also from the opinions expressed by Hon. Members on the floor of the House, I could cull a certain chorus of opposition to some of the main issues in the Bill. I mean particularly to the three main issues, viz., (1) the question of occupancy rights, (2) the fixation of fair-rent and (3) protection of *ulkudis*. These were the main issues against which the dissenting minutes are appended. These three main issues, for the proper solution of which the people of Malabar have all along been clamouring, have not been solved satisfactorily in the Bill that is now on the anvil here to-day. Then is it any wonder that we, who represent the people of Malabar, have been incessantly protesting against the Bill? Let me say a few words about each of these items.

“ Let me first take the question of giving occupancy rights to tenants. Security is a factor which has played a very dominant part in the life of all peoples and of all nations. Human history has been a history of struggles for security. In every country, in every age and in every strata of society that struggle has been going on from time immemorial. As far as Malabar is concerned it has been an unending ceaseless and continuous struggle on the part of the peasant for security, for occupancy rights. This has been repeatedly pointed out by member after member hailing from Malabar. Numerous efforts were made in Malabar on various occasions by the Government of the time to study this question of giving security to the tenant. The first person to study the subject, as far as I know, was Mr. Logan. Logan's Manual is a valuable source of information on matters pertaining to the tenancy prevailing in Malabar. In that book, Mr. Logan has claimed that security should be accorded to the tiller of the soil in the interest of better production. Necessity for offering security for the tenant has been pointed out time and again by committees after committees appointed by the Government. I shall not go into details here. I only wish to point out that in the last enquiry conducted by the Kuttikrishna Menon Committee, Mr. Menon went a little further and pointed out that the owner of the land was not the *janmi* but it was the tiller of the land who should be considered as the owner of the land. Any legislation will only make a *de facto* situation *de jure*. The claim of ownership that the *janmi* makes is only one of force or of conquest. It is only the tiller of the soil who works from dawn to dusk that has any real title to the land. That is why I say that giving the tiller of the soil the ownership right will be only giving a legal recognition to a matter of fact position.

“ In the Bill that is before the House now, security of tenure is provided for those tenants who have been in possession of the land for the last twelve years. That this is an improvement on the present Act, I concede. But it is defective in many ways

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and does not go far enough. In the first place, the time fixed is arbitrary. It may be urged that many undeserving persons may profit by this provision. It is also possible that deserving persons may be excluded. In the second place, the Act makes provision only for time and not for extent of acreage. This clause, perhaps the most crucial clause in the Act, fails to meet in a satisfactory way the basic demand of the people for occupancy rights. The most logical and perhaps the best thing to do is to concede outright occupancy right to the tiller of the soil. Perhaps the Congress Government may not be willing to go to that extent and may, therefore, venture to suggest that the acreage may be fixed as five acres and that occupancy rights may be given to those who hold five acres. I am quite aware and conscious of the fact that that also will create some problems but we can make the necessary adjustments. That is my submission. We are opposed to clause (5) of sections 14 and 20. We are for the complete deletion of it. As it is, a primary right is given for eviction and it is capable of being misused and abused by the landholder. We have been against it and we are still against it. The general consensus of public opinion is also against it. This question of occupancy rights is an important and ticklish problem, over which the minds of Members as well those of the people of Malabar are very much agitated and if a satisfactory compromise is not arrived at on that issue, I am sure, it will lead to terrible discontent in Malabar and awful uncertainty in the life of the peasant.

“ The next question is that of fair rent. As has been pointed out, the problem of fair rent is very closely inter-related with that of fixity of tenure. If the question of fixity of tenure is satisfactorily settled, the question of fair rent becomes more easy of solution. It has been pointed out by one of the Special Officers appointed by the Government, Sri Raghavendara Rao, that the Malabar Tenancy problem can be solved to a very large extent if the question of security of tenure is satisfactorily solved. Eviction and threat of eviction, he contends, is the main source of worry and consequently of agrarian discontent. One must remember and particularly our Tamil Nad friends should remember the fact that the relationship between the landlord and the tenant in Malabar is quite different from what obtains in Tamil Nad. Even Sri Madhava Menon has accepted the fact that the landlord in Malabar absolutely does not give the least consideration to the tenant, that he advances not a single pie, that he gives no capital, that he supplies no manure and that he in no way helps the tenant. Therefore, when we talk of the relationship of landlord and tenant in Malabar, the average man from Tamil Nad is unable to understand it. The tenant in Malabar always lives under constant threat of being evicted. Because he is in danger of this constant threat, because he belongs to a low strata of society and has no resources, and because the landlord often drags him straightway to the court and at times to the High Court—after all, justice in the society as it is to-day constituted can be valued or estimated in terms of money and the heaviness of the

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bank balance—the tenant is incapable of fighting the landlord. Any provision regarding the fixation of fair rent will be unfair to the tenant under conditions that are obtaining in Malabar to-day and so long as he has no permanent occupancy rights, it will go very much against the tenant. We must always in tenancy legislation take into consideration the interest of the tenant more than that of the landlord. Otherwise, it will be against the very spirit of any tenancy legislation. That is all what I have to say about the fixation of fair rent.

"I shall conclude with a few remarks about Ulkudis. The question of Ulkudis also seems to have agitated the minds of the Members of Malabar. It is a very vital problem to-day as far as Malabar is concerned. It has been pointed out that there are five lakhs of Harijans, who are poor, downtrodden, homeless and illiterate, with no means of earning a livelihood except through manual labour. The Government were generous in promising 15 cents of land for every Harijan. But I must confess this is a political stunt, for the Government have not got 15 cents of land to give to every Harijan in Malabar. More lands outside Malabar say in Tamil Nad have been allotted to the Harijans because Government have got in Tamil Nad plenty of poramboke lands to allot. That is why I claim that it is merely a political stunt to say that the Congress Government is giving 15 cents of land. I would like to ask a straight question: 'To how many Harijans have the Government given lands in Malabar?' The institution of ulkudi in Malabar is the product of occupational necessity and also of economic stress. If the Harijans had enough occupation and enough lands, the institution of ulkudi would not have arisen. Ulkudi is a kind of forced labour. The ulkudidar receives very low wages from the man who owns the land. A Harijan or non-Harijan, who lives in the ulkudi, has to be at the back and call of his master all the twenty-four hours. He serves his master day in and day out. It is under those conditions that the institution of ulkudi has arisen in Malabar. Failure to make a satisfactory provision in the Tenancy Act in favour of the Ulkudi dweller will be unfair and will even be cruel. The provision that has been made, namely that he may be evicted from the ulkudi if land is given to him within the *amsam* is also unfair. Every man, who lives on his manual labour, has a certain area or field of work and if he is evicted from that area, naturally he is rendered helpless. An *amsam* may be three or four miles square and if an ulkudi dweller is asked to shift from his area of work and go to a place three or four miles away, he will be thrown into an environment where he will find it difficult to get work. Therefore, a provision should be made to give him land within a radius of half a mile or three-quarters of a mile from the ulkudi where he lives. The provision of three years is not a workable proposition. These persons cannot read and write. They know nothing of law and they will be unable to produce evidence. On the other hand, the landlord who gets the ulkudi dweller evicted from his property, will be able to produce plenty of evidence. These are

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considerations that should be borne in mind when any legislation is made affecting the ulkudidar. I wish to repeat once again that the ulkudis in Malabar are the result of occupational necessity and economic stress. If it is borne in mind that there is no land to be given to the ulkudi dwellers, I am sure the framers of this Bill will be much more considerate towards them. The Hon. Chief Minister was in Malabar recently, and I think he has sensed the feeling of the people there. He should have known how intensely they feel on this one issue. The Ministers are fully aware of the trouble created by the absence of a satisfactory Tenancy Act for the last so many years and by the stay orders. The Bill that has been brought up before this House now is very unsatisfactory. We were talking of Mr. Madhava Menon's Bill. The original draft Bill of Mr. Menon as it was introduced was far more acceptable to the people of Malabar than the Bill as it emerged from the Select Committee. I even make bold to say that the draft Bill of Mr. Madhava Menon as it was introduced is much more acceptable to the people of Malabar than the Bill that is on the anvil to-day. I therefore urge that the Malabar Tenancy Act as it is to-day should be thoroughly overhauled and made more acceptable to the people of Malabar. That is all I wish to say at this stage. I wish that the Congress Government would not use its majority to push through this Tenancy Act but that they would consider all aspects of the question."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, it should be understood that I am not winding up the debate. The debate will be continued. I am only intervening to try if we can reduce the conflict and regulate the debate so that we may finish the Bill at this sitting. I think it is highly desirable that we should not let this matter be pending when we disperse after this sitting. We ought to be able to produce a Bill as approved by this House and wait for the other House to deal with it. It will be unfortunate if we disperse without concluding the consideration of this Bill in this sitting. I wish to mention how far we could go in meeting the criticisms of the various Members who have spoken. My hon. Colleague Sri Kuttikrishnan Nair has asked me to represent the position of the Government in that respect.

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a.m.

"Before I come to the Bill, I would like to mention that Dr. K. B. Menon has not improved his position, as the complaint made by Mr. Gopala Menon still stands unrefuted in my opinion. Dr. Menon gave the reason for his Party's non-co-operation with the Joint Select Committee. The reason makes the position worse, in my opinion. He gave the reason that the members of his Party were convinced that nothing good could come out of this Government. That was the substance of what he said, whatever may be the language used. I am in the habit of putting things clearly though somewhat crudely and I hope hon. Members will forgive it. He has prejudged the issue in saying that nothing good could come out of this Government. I should think that is not fair. At any rate it is not expedient in the management of

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human affairs for any one to start with such a prejudice, when we have to get on with a Government and an Assembly with a mixed body of people. Though all our ideas may not coincide with the views of other groups still we can carry on our affairs successfully. I am sorry for his Party's non-co-operation. At the same time, I must remind hon. Members if they have forgotten it or tell hon. Members who do not know it that we took the step of inviting even the members of the Party to which Dr. Menon belongs and which he is leading to come even though they were not members of the Joint Select Committee. We had an informal meeting at which their views were heard. I was very gratified at the very harmonious and sweet atmosphere that prevailed during that informal conference and we dispersed in the same atmosphere. I am grateful to the gentlemen belonging to Dr. Menon's Party for this, even though formally they non-co-operated and have given rise to this issue.

"It has been said over and over again that the accepted principle of the Congress Party is, judging from the statements made on behalf of the Congress, that the tillers of the soil should be the owners of the land, and that the obstructions placed in the way of reaching that desirable termination are not good. It is true that tillers should be owners and owners should be tillers. But we should not imagine that that solves the difficulty. We are a rapidly increasing population. Whatever acreage we may fix now, and the admittedly difficult proposition was put forward that we might put the limit at five acres, immediately after that we will have more people and no lands to till. Our children and the children's families will grow up. We will have a large population who are willing to till the soil but who have no soil to till. It is easy enough to suggest that any one who happens to be a tiller of the soil in 1954 January should be made the owner of the land. It is far too simple a proposition, and is not a correct one. If the persons who are now the owners according to law, who have been exercising the rights of ownership and who have been admitted to be owners both by the Government and the people, become or are ready to become tillers of the soil, what is there wrong or unreasonable in that soil being handed over to the owner for tillage? Therefore, it is that provision was made in the previous amending Bills and is made in this Bill also to the effect that when a family becomes poor and the members of that family are willing to till the land which is their own for meeting their primary needs, it should be permitted. If that is done, the owner becomes the tiller or the tiller becomes the owner. It is not by one-way change only that we should achieve the result. The Leader of the Opposition eloquently argued that the tiller of the soil should be made the owner of the land if food production was to be increased. It is right that the owner should be the tiller and the tiller should be the owner so that we may get the best out of the land. But it does not follow that a man who has squatted on the land or has become a tenant for one or two years should be declared the owner when the owner is prepared to become the tiller. Simple solutions are

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not always correct. It is easy enough to expatiate eloquently imagining that that is the only solution. But what we have always stood for and we will stand for is a progressive policy by which the owner tills his land and the tiller becomes the owner of the land. From both sides we must proceed with the movement and we must see finally that he who is in legal possession of the land is also the tiller of that land. That end cannot be reached within a reasonable time by expropriation and injustice. It should be reached by a process which is juster, softer and gentler. With this end in view, various amendments were sought to be made from time to time.

"It is quite true that what is just to-day will not be just to-morrow. My hon. Friend Mr. V. R. Krishna Iyer, for whom I have very great regard, put forward the proposition that what is just to-day may not be just to-morrow and what was just yesterday may not be just to-day. Theoretically that is a correct proposition which any philosopher will accept. A basic defect in the Communist Party's thinking is that justice can be altered from time to time and that the right of to-day may become the wrong of to-morrow and the wrong of yesterday may become the right of to-day. If it is interpreted in that way, I would not accept the proposition. But if it is interpreted more philosophically and more soundly, it is true that ideas of justice and ideas of right and wrong are progressive and ideas must change. But it should not be a justification for expropriation and a justification for laying down anything that is unjust at the moment. That is what I would like to mention about it. 11-30 a.m.

"Then much was said about the demands of poverty and the demands of people who were in a difficult position. All that is accepted. But I would like to warn hon. Members in this and other matters that it is not enough that we just provide relief and charity, so to say, to people who are now in distress before us and who are clamouring for it. It is necessary to remember that any step that we take should not close the shop, so to say, and should not make it impossible for other people to come in. I would say that there are large numbers of children waiting to till the soil and it is not right that the present tiller of the soil should be made the means of punishing future people who are willing to serve and work on the land. This applies to industry, agriculture and everything. Trade unions and parties that work progressively from trade unionism to communism, socialism and the like forget that the closed shop or whatever is alike to it, is a gross piece of injustice to the nation. We cannot say, 'A man is here in possession; put him in possession. A Harijan is cultivating here; make him the owner.' If we say that, what about other Harijans who are willing to take it and cultivate it? It is the duty of the Government to keep the resources of the State available for a larger number of people and to cover a larger number of cases than the immediate present. While, on the one hand, we should make the owner the tiller and the tiller the owner, and while, on the one

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hand, we must provide land for cultivation for those who are wanting it we must, on the other hand, remember that we must provide for a sufficient amount of elasticity to meet the needs of the future also. Therefore it is that owners of lands should not be tied down in a rigid manner for which very often proposals come from the Opposition Benches. Now, if these principles are kept in mind, it will be more easy for hon. Members to appreciate the proposals contained in the Bill. It is said that all the people in Malabar are against the Bill, that therefore it is no use and that the old Act is better. That was how the hon. Member Dr. Menon wound up his speech. He said, 'The law as it stands is better than the law which the present Government are proposing.' If that is the opinion of the House, it will relieve the Government of a great deal of trouble. We have no objection whatsoever to it."

DR. K. B. MENON :—" I did not say, 'The law as it stands is better than this Bill.' I said, 'Sri Madhava Menon's original Bill was better than this.'"

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I have not read Sri Madhava Menon's original Bill. I have hardly time enough to read the present Bill. I think it is very necessary to change the law as it stands and, therefore, the present Bill should be accepted. If the hon. Member Dr. Menon had come into the Joint Select Committee, not even as a Member, but as a visitor or an honorary invitee, and said, 'The old Bill is quite good and we do not want the new Bill' very probably the Joint Select Committee would have gone into that Bill. It is no use now saying it for the first time and referring to an inchoate Bill which was not made into law and which is not before the House now."

"Then, appeals were made that this was a question of landlords and tenants of Malabar and that the Tamil people should not, by their action, get into being thought as tyrannizing over the Malayalam people who were primarily concerned with this Bill. Now, it is good parliamentary tactics. That is all I can say about it. It is good parliamentary tactics to divide one's opposition. I have done it and the Opposition is also trying to do it. It is all right as tactics, but it is not fair. We are playing with fire in that matter to rouse feelings like this by a suggestion or indication of Tamil against Malabar and Malabar against Tamil. It should not be suggested that unless the views of the Members now sitting in the Opposition are accepted, it must be assumed and presumed that the Tamil people have done an injustice to the Malayalam people. This kind of suggestion is not good; it is not healthy."

SRI T. C. NARAYANAN NAMBIAR :—" We did not say that."

* THE HON. SRI C. RAJAGOPALACHARI :—" I do not say that you said that. That is why I used the word suggestion or indication. I don't say that you said that, but the result was that, if the Members of the Opposition were suggesting one after

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another, 'This is about Malabar. Let the Malabar people decide the question. Let not others interfere with it. If they interfere and approve of the Bill, they would be dubbed as the enemies of Malayalam people.' Let us talk plainly and frankly. Now, that is not good, I say. I do not say it is out of order. But I say that it is not good. I would request hon. Members to forget that chapter of the debate. The whole House is seized of the Bill. We cannot delegate the rights of legislation to a section of the House to do as they like in substance or in an informal manner. We meet here together though we may pay more attention and greater regard to what those particular hon. Members say. But the decision should be that of the whole House. As yet, we have not handed over the fate of Malabar to six or eight Members who have come from that place. It would not be right to do that. I would submit that that attitude is wrong. It is not a question of Malabar; it is not a question of language; it is not a question of political party; but it is a question of rearrangement of the rights and obligations as between landlords and tenants. It is not a party question in the sense of being a political party question. If there were a landlords' party here and if there were also a tenants' party here, then we could have justice by a debate between the two parties. But what is the state of things now? An election has been conducted on an entirely general plane. It is a general election and Members have come into this House from the Malabar area, belonging predominantly to a particular political party. Now, the one material side in this issue, namely, the landlords, is very poorly represented. I don't say that their case is just. I don't say that their claims are just and the claims of others are wrong. But what I say is that their representation is not fair. Therefore, it would be wrong to hand over the right of legislation entirely to Members who have come from a particular area. That is why the whole House is seized of it. That is why the Government are trying to do justice and not merely to act on a mandate. I may repeat a greater man's phrase here. Our democracy is not a mandatory democracy. We have authority to debate and to decide. We are entitled to consider what is just and to decide. We are representatives elected by the people. On each issue we do not get a mandate from the people. That would be, what is called, a mandatory democracy which was put aside as wrong even from the time of Burke up to the time of Winston Churchill. Our position is exactly the same. The Members who come from the constituencies are independent people. They decide all questions and they decide on a basis of justice, right, truth and the like, and not merely on mandates received from a particular section. If not it would mean that this law relating to landlords and tenants should be altered every time an election takes place and that no law on the statute book should be deemed as really permanent law. That would mean that that is only a party law, like the appointment of judges of Courts in America where as soon as the President is changed, the judges also change. All that is not what we admire or what we desire. The issues involved in the present Bill are issues between landlords and tenants,

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issues involved in agrarian problems and issues involved in social reform to the extent that the peasants and landlords come into the field for discussion in matters of social reform. We must discuss it from that point of view and not merely say, 'All the Members from Malabar are here. If they agree to a piece of legislation, other Members should accept it unless they wish to earn a bad name from the people of Malabar.' That is not right and proper.

11-40 a.m. "The next suggestion dealing with this problem was that it would not be wrong to classify the landlords and that it would be constitutional to do so. It may be expedient to make different laws so to say and to create different rights and obligations for particular classes of landlords and particular classes of tenants. Well, it may be possible. I believe that Mr. Krishna Ayyar has given me good legal advice when he said that it would not be unconstitutional to make this classification. In the legal field it may not be considered as an infringement of fundamental rights. But there are all kinds of classification and it may be dangerous to classify in the manner it is proposed to be done. I concede that it may be justified and it may be constitutional. It is not possible however on the spur of the moment to come to any just conclusion regarding the creation of a new line of classification of landlords and of tenants. We may have to wait for sometime if we have to appoint a Committee to find out what should be the real and proper classification. For instance, let me quote an illustration. Suppose we classify these janmi-pattadars who pay Rs. 100 as one class or unit. The condition of the pattadars in Tanjore who pay the same Rs. 100 will be different. The position of this class of pattadars in other districts may be different. Many such complications are bound to arise in a classification of this kind. So, I do not think the Government can now launch upon a programme of classification based on the amendments that may be proposed. There is no good hon. Members' expecting the Government to agree to such amendments. I would beg of hon. Members not to depend upon that, because it is too complicated a procedure. We must have general laws applying to everybody. I looked into the matter and was able to get information from my Colleague, as to how things stand at present with regard to landlords or landholders in Malabar. I find that in all, joint pattas and separate pattas there are about 4½ lakhs of janmi-pattadars. Out of these 430,000 persons are those who pay an assessment of less than Rs. 50 per annum, about 9,000 pattadars pay an assessment varying between Rs. 50 and Rs. 100 and only about 6,000 pattadars pay an assessment above Rs. 100. So, whatever law we may make will apply 4 lakhs odd janmi-pattadars or small proprietors or small landholders who may pay an assessment of Rs. 10 to Rs. 50. That being so, there is no good calling them all janmis and damning them."

SRI P. K. GOPALAKRISHNAN :—" They are peasant proprietors."

* THE HON. SRI C. RAJAGOPALACHARI :—" This phrase is not yet a vernacular term. Janmi is still the phrase. He is a small

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janmi, or small proprietor or small landholder. Let us use our own language. The fact is he is a proprietor. Whether he is a big or small proprietor depends on the size of the holding and not on the name that we give to him."

SRI P. K. GOPALAKRISHNAN :—" Janmi is one who rents out his land and who does not till it himself."

* THE HON. SRI C. RAJAGOPALACHARI :—" That is all right. Now we tried in Tanjore to find out who exactly may be defined as a cultivator and who is not a cultivator, whether one who is engaged in cultivation for six days in a week or one day in a week and whether he can be called a cultivator and so on. Let us not try to classify these people. Hon. Member Sri Gopalakrishnan seems to imagine it is easy. Before we try to make the classification, we must at least give these people a chance. We cannot straightway make a classification. We will have to ask these people, 'My dear friends, will you cultivate these lands yourselves or will you hand over those lands to us?' We must give them a chance to decide. There are many of them who will be prepared to cultivate the lands themselves. So classification is not possible. Now, I am trying to give a picture of the problem before us. I am not dealing with big janmis who are like big zamindars. But in the case of the 4 lakhs odd small proprietors, we must give them a chance to decide whether they were prepared to cultivate the land themselves or give fixity of tenure to those who cultivate for them. If they do not do so, they will go out and they will be wiped out with the advance of time. We have to be just when we pass these laws. We should not be misguided by wrong notions and wrong ideas. Let us see how things stand and what is the just thing that we should do. It is easy to say that nothing has been done and so on. The Government felt that some just changes must and could be made and certain amendments have been brought forward. I met the friends who were brought to the Assembly yesterday to wait on me in deputation regarding this matter. I had a fairly good discussion with half a dozen of them who put their case from their own point of view. We also know what hon. Members have said here. Although the discussion has been general, they have suggested certain points to which we should apply our minds. We have done that. It is open to Government to wait for the amendments to come up and to answer them then and there with counter amendments and the like, and also to come to some compromise. All that could be done if we had a much longer time than we have at the present moment. Therefore I am anticipating hon. Members and am suggesting that they may accept what seems to me very just. I am appealing to them to do so. To the extent we are able to effect changes, we shall do it to meet the ends of justice. Hon. Members know, though they may not admit it, that I am very gullible person. I am waiting for you to laugh and say 'No'. Whatever it is, I am a gullible person and the Communist party is extracting its utmost from me in every matter. There is no doubt about it; the whole countryside knows it. The complaint is that I am yielding too much to pressure. But it is a matter of duty and that is why I

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do it. It does not matter who makes it. It does not matter whether a proper thing proceeds from my own sense of justice, or the Government's sense of justice or whether it can be equated with the pressure used by able persons among other parties who have been vigorously making the claim. Whatever it is, it is not relevant for the purpose of legislation. For the purpose of political progress and political development and things of that sort, it may be relevant and everybody is entitled to use his own ingenuity and alacrity in claiming this and that. So far as sense of justice goes, it is Government's view that some changes may be allowed and although there may be doubts it is better to yield in these matters so that we will be able to dispose of this Bill quickly.

"The first point to be considered, or I should say the basic point to be considered is, what is the proper share of fair rent that we must provide under this Act. As regards wet lands, the share according to the law as it stands to-day is half and half. In garden lands, especially pepper gardens, it was once 1/5th. The proposal is to make it 1/6th. In the case of coconut gardens, it has been always 1/6th. All these relate to gross produce. I have given only a rough fraction and my Colleague will deal with this subject more accurately. I am suggesting what I think we might agree to. Hon. Members are requested to accept these things. The provision relating to half and half share is left to remain as it is. As far pepper gardens, it is proposed to make the share 1/6th. So far as the coconut gardens are concerned, we are prepared to make it 1/8th instead of the present share of 1/6th. The Government are going to ask hon. Members to accept these amendments. It is easy to make suggestions that it should be 1/10th and so on. It is not for the purpose of bargaining. I am saying these things. If I had intended to bargain, I would not have begun giving the Government's ideas with regard to these matters. I am therefore suggesting that hon. Members may accept these things.

11-50 "Then comes the question of cultivation expenses. Now, it has
a.m. been said that 22 paras is not enough. Heaven only knows what would be enough! It differs from place to place and from man to man. So, I suggest the House should accept 25 paras, Palghat paras, mentioned by a leading member of the Communist Party, in a dissenting minute in a Committee report, Sri Sankaran Nambudripad. Twenty-five paras may be taken as fairly reasonable and this amendment can be introduced in the relevant clause when we reach it to-day.

"Sir, it is wrong to say that only a tenant should have the right to go to a fair rent Court and that the landlord should be prevented from doing so. This is the meaning of saying: 'Fair rent, if it is less than the rent which it was the practice of the tenant to pay previously, which is called contract rent.' Fair rent should be fair. Fairness demands that if a Court after looking into the whole matter especially prices decides that a certain amount of money rent is fair, which is above the previous money rent it should be accepted. To say that a landlord should not be allowed to use this

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provision, as was suggested by an hon. Member on the other side, is not fair. If for any reason we accept this suggestion, then it would not be a fair rent court at all. It would be perfectly wrong and misleading vocabulary to designate it as such. It is saying something like this. Let us have justice, provided it is like this. Let us have a decision from the court provided it is in favour of the accused person. We have to accept the principle of fairness to both sides. Then, there is another kind of fairness and that is that fair rent should not be imposed in such a way as would work harshly on the poor man. This element has to be taken into account when we determine the money value of the fair rent. Where payment is made in kind, there would be no difficulty. But since people want kind to be converted into cash and since prices vary in the world—and vary very enormously in respect of coconut and other commercial products—the question has arisen what the fair rent should be and to what extent the right of the landlord should be reduced to equate it to the capacity of the tenant to pay. Every tenant has a right to go the Court and demand an examination of the matter as to how much will constitute fair rent and how much he has to pay. Provision has been made for that because we cannot deny it. But I agree on behalf of the Government that we should put a maximum limit to the rent that Court may decide on, that is, we must restrict the worst that a landlord can do in respect of fair rent to the tenant. So, I suggest that where a court decides fair rent in favour of the landlord it shall not be more than double the amount that he was getting by way of rent previously. We have had in the Bill a provision that it shall not be more than three times the previous rent. I think that frightened the people and we thought that it should never be more than twice the previous rent. The maximum fair rent cannot be raised to more than twice the previous rent. But I go a step further and add that in no year should it be imposed except to the extent of twenty-five per cent over the previous years rent. Therefore, it should be spread out until it becomes twice the previous amount and cannot be increased further. I submit that this is a fair proposal that I am making. Please accept it wholeheartedly. I am asking hon. Members to do so because no piece of legislation will improve and help society unless it goes with prestige and with sufficient goodwill on all sides. Therefore it is that we make these changes and ask hon. Members to accept them. All these decisions will be carried out in the proper form, in the form of amendments to the Bill."

SRI M. NARAYANA KURUP:—"I want to mention some points which have not been looked into in connexion with the question of fair rent. The Hon. the Chief Minister said that 1/6th may be changed into 1/8th in respect of coconut gardens. But there are two kinds of rent."

* THE HON. SRI C. RAJAGOPALACHARI:—"Probably the hon. Member is referring to coconut trees raised by landlords and those raised by the tenant. I am referring only to those which are raised by the tenant. Otherwise, there is no reason why any such provision is necessary. So far as the provisions of the Bill go, with

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reference to the three points raised by the hon. Member we have done so much. As regards the landlord himself, I do not propose to make any change in the matter of coconut gardens raised by him."

SRI V. R. KRISHNA AYYAR :—" In respect of fair rent for garden land on which pepper and arecanut are raised, the present provision is 1/8th of the produce. It is 1/4th if improvement is made by the landlord. In respect of pepper there are three categories of . . ."

THE HON. SRI C. RAJAGOPALACHARI :—" What I would like to make clear is this. In respect of pepper crop, 1/5th has been proposed to be converted into 1/6th of the produce . . . Let me complete it because I may be wrong and I am not quite sure whether I am right or wrong. I may be corrected if I am in error. In respect of coconuts where they are grown by the tenants, I propose 1/8th instead of what is now obtaining. With regard to trees where the landlord has grown them, the present provision is allowed to remain. With regard to arecanut it is 1/8th and coconut gardens are brought to that level."

* SRI V. R. KRISHNA AYYAR :—" There are two things to be said with regard to pepper. One-fifth is made into 1/6th in respect of gardens where principally pepper vines are grown. In respect of gardens where pepper and areca and coconut are grown, there is a differential treatment in respect of pepper vines and areca. The existing provision is that the rent should be 1/4th if the improvement has been effected by the landlord and 1/8th if it has been effected by the tenant. In respect of coconut it is 1/3rd if improvement is done by the landlord and 1/6th if it is done by the tenant. Now that the Government have agreed to bring the fair rent in respect of coconut down to the level of areca or pepper, I want to know whether a consequential amendment will follow making 1/3rd in respect of coconut where it is grown by the landlord into 1/4th as in the case of areca or pepper."

* THE HON. SRI C. RAJAGOPALACHARI :—" My attention was drawn to that and we considered whether we should tinker with the existing position. I do not think it is a corollary to the amendment I have suggested, except that it may be so in a mathematical way. Where two things are not connected with each other, the provision may remain as it is. That is what I think."

" In respect of ulkudis, I agree at once that the three-year period may be reduced to one year, as far as protection to ulkudis is concerned. I hope we may stop with that. Then reference was made to the twelve year period mentioned in sub-clause 5 of sections 14 and 20 relating to eviction. Sir, this provision really makes no difference at all because the conditions for eviction have been made so hard and impossible that there is no harm in keeping this provision as it is. I have no objection still to make this twelve-year period six years so that there may be no further difficulty about

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that. I submit this is also a very reasonable change and I hope it will be accepted by all. We are dealing with a period when there have been many agitations and the like and so we agree to this six-year period. I am making all these suggestions in the hope that they will quicken the process of getting the Bill passed with the changes I have proposed."

" Sir, finally as regards recovery of arrears, a suggestion was made that the provision relating to this should be changed in so far as it related to the period of claims. I am sorry that it is difficult to do so for the reason that it will be unjust. Hon. Members should not think that I wish to be harsh on the tenants in respect of this. But this difficulty arises. Many suits have been filed and arrears of rent have been deposited in Courts. Therefore, it would not be fair to discriminate between those who have paid the arrears of rent and those who have not cared to go to courts. It will be unjust to those who have already gone to court and who have been law-abiding and have paid the deposits. It is also not right to ask people who have taken the arrears of rent to refund the money. I think it is right that we leave the provision as it is."

DEPUTY SPEAKER :—" I fix a time-limit of ten minutes for each hon. Member."

12
noon.

SRI M. NARAYANA KURUP :—" I wish to speak on one important point . . ."

DEPUTY SPEAKER :—" The hon. Member can have his say when the clause by clause consideration of the Bill comes up. Mr. T. C. Narayanan Nambiar may now speak."

SRI T. C. NARAYANAN NAMBIAR :—" I shall speak afterwards."

* SRI M. NARAYANA KURUP :—" It has been stated that assignees will not be entitled to claim any share in respect of the produce for two years. But it should not be forgotten in this connexion that the tenants are handicapped to a great extent by the insertion of this provision. Inasmuch as no correct records are now being kept in respect of assignment of lands, it more often than not happens that the tenant is not able to take advantage of the provision. He is not able to establish in a Court of law that on such and such a date the assignment has been made and that for two years the assignee should not claim any share in the produce. Moreover the legal proceedings take a long time and in the meantime the two-year period invariably lapses by the time the judicial decision is finally delivered. So the tenant is without any remedy. Therefore I would particularly urge that it would be by far better to provide a longer period, which is very essential."

* THE HON. SRI C. RAJAGOPALACHARI :—" I just wish to add a sentence. I had made these changes so that it would be agreed to by all the Members and would be acceptable to the House. I would only add that a great improvement has been made now,

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But no one has pointed it out or taken care to point out the greatest improvement that has been made in the present Bill. For the first time fixity in respect of a holding has been given statutorily. Now it is necessary to be more careful in dealing justly with the landlord. That is why I laid so much stress on the landlord. If there is no fixity, there is nothing to be gained by going into the question of fair rent. But there is fixity now. We should not be hasty, therefore, in expropriating the landlord to the extent that is now proposed. If hon. Members will agree, clause by clause consideration of the Bill might be taken up now."

(At this stage Mr. Speaker occupied the Chair.)

MR. SPEAKER :—" Have the Government replied? "

THE HON. SRI C. RAJAGOPALACHARI :—" I have tried, Mr. Speaker to reply to some points raised by hon. Members. I have not covered the whole ground. Of course the Hon. Minister for Law will reply. I do hope hon. Members will co-operate with us in making the procedure brief."

MR. SPEAKER :—" I think there are some hon. Members who want to speak. (Mr. P. K. Gopalakrishnan was seen rising to speak).

" Let Mr. Gopalakrishnan speak now. The Hon. Minister will reply to the debate afterwards."

* SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, Sir, of course the Hon. Chief Minister was making certain suggestions some of which are no doubt acceptable, though not all. Before I come to the points covered by the Hon. Chief Minister, I want to point out that we are not as a whole characterizing the Bill as a retrograde measure. Our only grievance is that this Bill has not fulfilled our aspirations.

" I find that section 52 (A) of the original Act is now deleted. In its place a new clause is added. The Hon. Law Minister while introducing the Bill had suggested that the new clause would serve the purpose. Let me point out that it is not so. In the proviso to section 52 (A) of the original Act, it is stated, viz.,

' Provided that in cases where the amount secured by the mortgage is in South Malabar less than sixty per cent of the value of the janmi's rights in the holding, and in other places less than forty per cent of the value of such rights, the Rent Settlement Authority shall until the contrary is proved, presume, that the transaction is not one of mortgage.'

This important provision is now removed. In Malabar there are certain peculiar kinds of tenancy. If you look at a particular kind of kanam, in name it may be a mortgage but in reality it is a kanam deed. There is a history behind this. As far back as 1916 when the tenants began to agitate for occupancy rights, the voice of the landlords of Malabar was in the ascendance. The landlords of Malabar changed the kanam deeds into mortgage deeds. Therefore in reality the deeds are kanam deeds and not mortgage deeds, even though superficially they may appear so. Right from the early ages, ever since the landlords of Malabar in 1916 changed their

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kanam deeds into mortgage deeds, the deeds continue to remain the same. Subsequently no change has been effected. But that fact is now lost sight of. The relationship between the two is one of landlord and tenant and not of a mortgagor or mortgagee, because in reality it is only a kanam deed and not a mortgage deed, as is now sought to be shown. In the proviso to section 52 (A) of the original Act it had been definitely laid down that if the amount secured by the mortgage is in South Malabar less than 60 per cent of the value of the janmi's rights in the holding and in other places less than 40 per cent of the value of such rights, the Rent Settlement Authority (it may be the Rent Court now) shall until the contrary is proved, *presume* that the transaction is *not* one of mortgage. I stress the word '*presume*'. That was a valuable provision. That presumption is now removed. We cannot now decide whether a deed is a kanam or mortgage deed. Taking advantage of the non-existence of that important proviso, the landlords can now take the law into their own hands, and gain their own purpose by showing their deeds which appear superficially as mortgages but which in reality are kanam deeds, as I had pointed out before after tracing the historical background behind it. That is why I say this Bill is a retrograde step on the original Act in this aspect. Unless the original proviso to section 52 (A) of the old Act is inserted as a new clause in the present Bill, this present Bill, will not in any way prove to be anything like a beneficial piece of legislation to the tenants even though it is now paraded that the present Bill is intended for bettering the lot of the tenant. I say that unless that proviso is inserted, more than 50 per cent of the tenants in my constituency would suffer. They could not prove that their deeds are kanam deeds. They would be subjected to the cruelties of the landlords. Now the burden of proof rests with the tenant. He has to prove that it is a kanam and not a mortgage. But how can the poor tenant prove it when this valuable proviso to section 52 (A) of the original Act is removed? He is now left in the lurch. When the Government have thought it fit to remove this important proviso, why have they retained the proviso to section 10 of the original Act which says—

' Provide further that in the case of a kanamdar whose kanartham exceeds in South Malabar sixty per cent of the value of the janmi's rights in the holding, and in other places forty per cent of the value of such rights, the kanamdar shall not have fixity of tenure.'

It is also said in respect of a proviso just before this that

' Provided that no tenant of a commercial site shall have fixity of tenure in respect thereof unless immediately before the commencement of the Malabar Tenancy Amendment Act, 1951, he had fixity of tenure in such site or a right to obtain a renewal of his tenancy thereof.'

Not only have the Government removed the important proviso to section 52 (A) of the original Act, which afforded some security for the tenant, but they have retained the above provisos I have pointed out, viz., provisos to section 10 of the original Act. This proviso to section 10 in fact gives the right of eviction to the landlord. He can now evict the tenant whose kanartham exceeds 60 per cent of the value of the janmi's rights in the holding if the holding is situated in South Malabar and he can evict the tenant whose

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kanartham exceeds 40 per cent of the value of such rights in North Malabar. I do not know why this provision is retained and proviso to section 52 (A) is cancelled. I would strongly plead for the restoration of the proviso to section 52 (A) which in fact would give the right of presumption to the Rent Court to assume in case where the amount secured by the mortgage in South Malabar is less than 60 per cent of the value of the janmi's rights and in other places less than 40 per cent of the value of rights, the transaction is *not* one of mortgage. The majority of the deeds are kanam deeds and if this provision is retained all those deeds could be proved to be kanam deeds.

12-10
p.m.

"Another point I wish to make is with regard to the arrears of rent due. The Hon. the Chief Minister said that no change in that regard can be made and that six years' rent has to be paid. This means that no tenant will be able to pay six years' rent at a time. All of us are aware that during all these years the crops had been failing continuously on account of the failure of the monsoon and for want of sufficient rains. The tenants were not able to remit the rent. Now the Hon. Chief Minister says that all the six years' rent should be paid immediately. This in effect means that all the tenants are liable to eviction and the relief given to the tenants by one hand by means of some provisions of the Act is taken away by the other hand. Unless the period is reduced to one or two years, or at least to a maximum of three years, no tenant will be benefited by this legislation."

* SRI K. T. SREEDHARAN :—"Mr. Speaker, Sir, I am sorry to say that this Government have not come forward to respect the wishes of the people, more especially of the tenants of Malabar. The cry of the people for the last several years had been to give the tenants fixity of tenure. A fair rent must be worked out and as between the fair rent and the contract rent, the lesser of the two should be implemented. The question of ulkudis is a major issue in Malabar and the people of Malabar are demanding that the ulkudi dwellers must also be allowed fixity of tenure. The Government have not come forward to respond to the wishes of the people on all these major issues and so far the Act has not been progressive. As soon as the general election was over and the first session of the Assembly began in Madras, the M.L.As. of Malabar represented to the Hon. the Chief Minister their ultimate stand in this matter and requested him to bring forth a legislation so that everybody's interest may be safeguarded and public opinion respected. The Hon. Chief Minister was kind enough to say then 'After all, you are all united in this matter. I cannot stand in your way. You will definitely have it'. He assured us that he will consider the whole aspect of the matter and will bring forth a legislation on the lines of the joint memorandum then submitted to him. We waited for long and afterwards the Hon. the Law Minister was good enough to consult us on a draft of the Bill. But we were much disappointed to note that all our joint representations had no effect to bring forth a piece of progressive legislation. We disagreed and all the members were unanimous in suggesting a draft

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proposal which the Hon. the Law Minister promised to look into and after making some modifications he promised to bring in a piece of legislation before this House. Again, we had to wait for long and after all this, this legislation is before this House for discussion.

"As hon. Members who had spoken previously had pointed out, the Bill now presented to this House is not and cannot be acceptable to the people of Malabar, especially to the tenants. The fact that even Members from the Congress side have also given dissenting minutes goes to show that all shades of public opinion in Malabar are in agreement on the major issues, namely, fixity of tenure for the tenants, fixation of fair rent and the rights of ulkudi dwellers. So I am really surprised why this Government is taking this stiff attitude when all shades of opinion are definitely in favour of the suggestions made by the opposition. It is high time that the Government decide to accept the modifications suggested by all the members that have spoken on this subject. I am glad that the Hon. Chief Minister has met half way the suggestions made by some members. I hope he will consider still further and adopt some reasonable measures. I do not want to take much time. I once again request the Hon. the Minister for Law to accept the reasonable modification that are suggested by the Opposition members. I thank you, Sir, for giving me an opportunity to speak."

* SRI M. CHADAYAN :—"മിസ്റ്റർ സ്പീക്കർ, സാർ, വളരെക്കാലമായി മലബാറിലെ നല്ലതരം ജനങ്ങൾ ഉറപ്പുനോക്കിക്കൊണ്ടിരിക്കുന്ന മലബാർ കടിയായ്ക്കു ബിൽ ഈ അസംബ്ലിയുടെ മുമ്പാകെ വന്നിരിക്കുന്ന ഈ അവസരത്തിൽ മലബാറിലെ കടിയായ്ക്കന്മാരുടെ നിലനില്പിനും അഭിവൃദ്ധിയിലും വേണ്ടതെല്ലാം വകവെച്ചുകൊടുക്കുകയാണ് ബിൽ നീക്കുന്നതെന്ന് ആവശ്യം. മലബാറിലെ ബഹുമാനപ്പെട്ട ചില മെമ്പർമാർ കടിയായ്ക്കന്മാരുടെ അവശതകളെ സംബന്ധിച്ചു ബിൽ എന്തെല്ലാമാണ് മാറ്റം വരുത്തേണ്ടതെന്ന് ഇവിടെ സംസാരിച്ചു കഴിഞ്ഞു. ഉൾക്കടലിൽ താമസിക്കുന്നതിൽ വലിയൊരു ജനവിഭാഗം (5 ലക്ഷത്തോളം) ഹരിജനങ്ങളാണ്. സെലക്ട് കമ്മിറ്റി ഉൾക്കടലിൽ താമസിക്കുന്നവരുടെ ഹാജരായി മൂന്നു കൊല്ലമെന്ന ബിൽ ചേർത്തിട്ടുണ്ടെങ്കിലും ബഹു: ചീഫ് മിനിസ്റ്റർ ഇപ്പോൾ അത് ഒരു കൊല്ലമാക്കിയതിൽ ആൻ അല്പമെങ്കിലും പ്രത്യേകം അഭിനന്ദിക്കുന്നു. ഹരിജനങ്ങളും backward മുസ്ലിംകളും ആണ് അധിക അധവും ഉൾക്കടലിൽ താമസിക്കുന്നത്. അവർക്കുവേണ്ടി ഈ കടിയായ്ക്കു ബിൽ എന്തെങ്കിലും സംരക്ഷണ വ്യവസ്ഥ ഉൾക്കൊള്ളിക്കണമെന്നുള്ളതിനെ സംബന്ധിച്ച മലബാറിലെ ഹരിജനങ്ങളിൽനിന്നു എനിക്ക് അനവധി ഹരജികൾ ഇവിടെ കിട്ടിക്കൊണ്ടിരിക്കുന്നു. ഹരിജനങ്ങൾ ഉൾക്കടലിൽ താമസിക്കുന്ന സ്ഥലങ്ങൾ ഒരിക്കലും കച്ചിപ്പിക്കാൻ പാടില്ലെന്ന് ഒരു വ്യവസ്ഥകൂടി ഈ ബിൽ ചേർക്കണം എന്നായിരുന്നു.

"രണ്ടാമത്ത്, കൂടിക്കാർ വളരെക്കാലമായി വളരെ ബുദ്ധിമുട്ടുകൾ അനുഭവിച്ചുകൊണ്ടിരുന്നു. അധികം പേരടേയും വീടും പറമ്പും പണയത്തിലാണ്. അതുകൊണ്ട് കൂടികൂടി കൈവശമുള്ള കടിയായ്ക്കന്മാരെ സീരെ കച്ചിപ്പിക്കാൻ പാടില്ലെന്ന് ബിൽ വ്യവസ്ഥ ചെയ്യുന്നു. ചിലർ പാട്ടായി സരികൂട്ടികൾ നാലോ അഞ്ചോ കൊല്ലത്തേക്ക് കടിയായ്ക്കൽ ചാത്തുന്നതെങ്കിലും ആ സമയത്ത് അവർ പണവും അദ്ധ്വാനവും കൊണ്ട് അനുഭവങ്ങൾ അധികം ഉണ്ടാക്കിയിട്ടുണ്ട്. പാട്ടും നോക്കി നിൽക്കുന്ന വ്യവസ്ഥ ബിൽനിന്നു ഏകദേശമായെന്നാണ്. അതുപ്രകാരം അഭിയോടു കൂടി സ്ഥലം കച്ചിക്കുന്നതെന്ന ചാർജ്ജ് കടിയായ്ക്കന്മാർക്കു കച്ചികൂറ്റിന്റെ അനുഭവം കൂടിയായ്ക്കന്മാർക്കു അനുഭവിക്കണം. നോക്കി നിൽക്കുന്ന വ്യവസ്ഥ ബിൽനിന്നു

[Sri M. Chadayan] [7th January 1954]

എഴുത്തുകാര്യം. മലമ്പ്രദേശങ്ങൾ വെട്ടിക്കൊണ്ടിട്ടു കയറ്റുക കൃഷിചെയ്യുവാനു കടിയായ പത്തു രണ്ടു വയസ്സ് വരെ വീട്ടിൽ കാണുന്നു. അത് പത്തു രണ്ടു വയസ്സ് വരെ കാണുന്നു.

“മലബാറിൽ ഏറാട് താലൂക്കിലുള്ള കൃഷിക്കാർ കൃഷിയിൽ വന്നു നഷ്ടംകൊണ്ട് അവരുടെ സ്വത്തും പറയും കടത്തിലാണുള്ളത്. കൃഷിചെയ്യുവാനു നീക്കിവച്ച സ്വത്തു വളരെ കുറവാണ്. അത് കുറച്ചുകൂടി വർദ്ധിപ്പിക്കുകയുണ്ടാകണം. മലബാറിന്റെ നാനൂറു ഭാഗങ്ങളിലുള്ള 90 ശതമാനം വരുന്ന കടിയന്മാർ പ്രാബല്യമായ അനുഭവങ്ങൾ ലഭിക്കാതെ 10 ശതമാനം വരുന്ന ജന്മിമാർ അനുഭവങ്ങൾ ചെയ്യുകയുണ്ടാകുന്നു. കടിയന്മാർ വളരെക്കാലമായി അനുഭവിച്ചിരുന്ന ഒരു ബില്ലിനെക്കുറിച്ചു കടിയന്മാർ രക്ഷയില്ലെന്നുവന്നു. കോടതികളിൽ കേസുകളും കലാപങ്ങളുമായിരിക്കും ഉണ്ടാകാൻ പോകുന്നത്. ഈ ബില്ല് സെപ്റ്റം കമ്മിറ്റിയിൽ വന്നു വെന്നിനെ ഉടനെതന്നെ എത്രയും അതിവേഗം കോടതികളിൽ അന്യായം തയ്യാറാക്കി കൊടുത്തു. ഈ ബില്ലിലെ വ്യവസ്ഥയനുസരിച്ചു ചിലരെ കടിയന്മാരെ ക്ഷമിക്കണമെന്നു കാണുന്നു. ജന്മികളുടെ രക്ഷയ്ക്കുവേണ്ടി ഈ ബില്ലിൽ പലതും ഉൾപ്പെടുത്താൻ അതിവേഗം ശ്രമിക്കണം. അതുകൊണ്ടാണ് ഞാൻ പറയുന്നത്. മുമ്പ് കൈവശമുള്ള യാതൊരു കൃഷിക്കാരനെയും തീരെ ക്ഷമിക്കാൻ പാടില്ലെന്ന ഒരു വ്യവസ്ഥ വന്നാൽ മാത്രമേ കൃഷിക്കാർ രക്ഷയുള്ളൂ എന്ന്. അല്ലെങ്കിൽ കടിയന്മാർ അനവധി ബുദ്ധിമുട്ടുകളും ഉപദ്രവങ്ങളുമുണ്ടാകും. ഞാൻ മലബാറിലെ ഒരു ചെറിയ കടിയനാണ്. 1946 ൽ എന്നെ ക്ഷമിക്കാൻ ജന്മി തളിപ്പറമ്പ് കോടതിയിൽ അന്യായം കൊടുത്തതിന്റെ ഫലമായി എന്നെ ക്ഷമിക്കുവാൻ വിധിയുണ്ടായതാണ് ചെയ്യുന്നത്. കേസുകൾ തന്നെ എനിക്കു നിലവിൽ ഉൾപ്പെടുകയോ ചെയ്യുകയോ ചെയ്യുന്നു. ആ കേസു ഇപ്പോൾ ക്ഷമിക്കാൻ ഹൈക്കോടതിയിൽ നിലവിലുണ്ട്. അതുകൊണ്ട് ഞാൻ എന്റെ അഭിപ്രായം അറിയിക്കുന്നത് പറയുന്നത്, കടിയന്മാർ രക്ഷ നൽകുന്ന വ്യവസ്ഥകൾ വേണം അതുകൊണ്ട് ഈ ബില്ലിൽ ഉൾപ്പെടുത്താൻ. കൃഷിക്കാർ യാതൊരു കാരണവശാലും ക്ഷമിക്കാൻ പാടില്ലെന്നതന്നെ വ്യവസ്ഥ ചെയ്യണം. നാല്പത് ഉൾപ്പെടുന്ന നികുതി കൊടുക്കുന്ന ഭൂമിയിൽനിന്നു ജന്മി 600 ഉൾപ്പെടുകയോ പട്ടം വാങ്ങണം. കടിയന്റെ രക്ഷയ്ക്കാണ് ജന്മി ഉൾപ്പെടുകയെന്നത്. അത് ഈ ബില്ലുകൊണ്ട് അവസാനിപ്പിക്കണമെന്നു വേണം. അതുകൊണ്ട് എനിക്കു ഗവണ്മെന്റിനോടും, ബഹുമാനപ്പെട്ട സഭയോടും അപേക്ഷിക്കാമെന്നുള്ളത് ബുദ്ധിമുട്ടും നാനൂറു ശതമാനം പരിഗണിച്ചു കടിയന്മാർ അനുഭവമായി ഈ ബിൽ പാസ്സാക്കണമെന്നാണ്. ഉൾപ്പെടുന്ന സംബന്ധിച്ചിടത്തോളം ഒരു കൊല്ലമെന്നത് ആരു മാസമെന്ന് വ്യവസ്ഥ ചെയ്യണമെന്നും ഞാൻ അപേക്ഷിക്കുന്നു. സെന്റ് കാന്താ ഫോസ്റ്റർ താലൂക്കിലും ഉൾപ്പെടുന്ന വ്യവസ്ഥ നടപ്പിലാക്കണമെന്ന് ഞാൻ അഭ്യർത്ഥിക്കുന്നു.”

12-20 P.M. *SRI E. T. KUNHAN:—“മിസ്റ്റർ സ്പീക്കർ, സർ, ഏറ്റവും കൂടുതലായി ചോദ്യം ചെയ്ത കടിയ കയറ്റുന്ന കൃഷിക്കാർ അവർക്ക് ആശങ്കയോടെ നൽകുന്ന ഒരു ബില്ലിനുവേണ്ടി എത്രയും കാലമായി അടിച്ചുകൊണ്ടിരിക്കുകയായിരുന്നു. കോൺഗ്രസ്സ് ഗവണ്മെന്റ് അധികാരത്തിൽ വന്നതിനുശേഷം ശ്രീമധവമനോജൻ കൊടുവന്ന ബില്ല് കടിയൻ ബില്ല് അല്ല ജന്മിബില്ലാണ്. ഈ ബില്ല് മാധവ മനോജൻ വളരെക്കാലം ആലോചിച്ചു തയ്യാറാക്കി തയ്യാറാക്കി വന്നു. പക്ഷെ അത് കടിയൻ ബില്ലല്ല, ജന്മി ബില്ലാണ്. അതുകൊണ്ടാണ് കൃഷിക്കാരുടെ ഇഷ്ടത്തെ 1953 ലെ തിരഞ്ഞെടുപ്പിൽ മധവമനോജനെ ആട്ടിത്തള്ളി വയനാടൻ മല കയറിയത്. അവിടെനിന്നും കടിയൻ ബില്ലിനെക്കുറിച്ച് കൃഷിക്കാർക്ക് ബില്ലാക്കണമെന്നാണ്. ശ്രീ മധവമനോജൻ ഈ ബില്ല് പിടിച്ചിട്ട് ഇന്നത്തെ മലയാളത്തിൽ ഒരു നല്ല ബില്ല് കൊടുക്കണമെന്നു പ്രതീക്ഷിച്ചിരുന്നു. പക്ഷെ ഈ ബില്ലും കൃഷിക്കാർ ഏറ്റവും അനുകൂലമായി കാണുന്നത്. ജന്മിമാർ രക്ഷ നൽകുന്ന ഒരു ബില്ലാണ് ഇത്. മലബാറിൽ ഭൂമി പക്കവും ഉൾപ്പെടുകയാണ്. പ്രത്യേകിച്ചും വെണ്ണാനി താലൂക്കിൽ ആവട്ടെ ശക്തമായും ഉൾപ്പെടുകയാണ്. മൂന്നു കൊല്ലം താമസിച്ച് സ്ഥിരവകാശമെന്നൊക്കെ പറയും അതേവകാശം സ്ഥിരവകാശമെന്നൊക്കെ ഉള്ളൂ മറ്റൊരു ജനതാമസിക്കുന്ന വക സ്ഥിരവകാശമെന്നാണു. ഇതിനകത്തന്നെ അനവധി പേരെ ക്ഷമിച്ചു ക്ഷമിക്കുകയും ചെയ്തിട്ടുണ്ട്. ഈ ബില്ല് പ്രസിദ്ധപ്പെടുത്തുന്നതിനുശേഷം എത്രയും ഉൾപ്പെടുന്ന

7th January 1954] [Sri E. T. Kunhan]

കാലം ക്ഷമിച്ചിട്ടുണ്ട്. നാട്ടിക ഫർയിൽ എടത്തിത്തീയിൽ അയ്യൻ മക്കൾ രാമൻ, അടിയ എന്ന പരിജനങ്ങളുടെ വീടിരുന്ന സ്ഥലം പാലം കിടച്ചു നിരത്തി കടിയനാക്കി എന്നൊരു ഹാജി ഉയിടെ എനിക്കു കിട്ടിയിരിക്കുന്നു.

“ഇങ്ങനെ എത്ര ഉദാഹരണങ്ങൾ വേണമെങ്കിലും പറയാമുണ്ട്. തിരൂരിൽ കട വെട്ടു പടിക്കൽ കോത എന്നൊരു ഹരിജനെ കടിയെഴുപ്പിച്ചിട്ടുണ്ട്. അവന്റെ വീട്ടുസാമന്തന്മാരും പുറത്തു വെട്ടിയെറിഞ്ഞുതന്നശേഷം ബലം പ്രയോഗിച്ചാണ് കടിയെഴുപ്പിച്ചത്. ഇങ്ങനെ അനവധി കേസുകൾ ഉണ്ടായിട്ടുണ്ട്. അതുകൊണ്ട് ഞാൻ പറയുന്നത് മൂന്നു കൊല്ലമെന്നുള്ളത് ഒരു കൊല്ലമാക്കിട്ടുണ്ടെങ്കിലും അത് പോര. മൂന്നു മാസമെന്നോ ആറു മാസമെന്നോ ആക്കണമെന്നാണ്. ഇതിനകം ക്ഷമിച്ചിട്ടുള്ള സ്ഥലങ്ങൾ തിരിയെ കിട്ടാനും വ്യവസ്ഥ വേണം. ഇന്നു കൈവശമുള്ള ഉൾപ്പെടുകയോ തന്നെ ആ നിലയിൽ തുടരണം. ഈ ബില്ല് തയ്യാറാക്കി പ്രഖ്യാപിച്ചിട്ടുള്ളത് 1953 മാച്ച് 28-ാം തീയതിയാണ്. അതിനുശേഷം ക്ഷമിച്ചവർക്കും തിരികെ കൊടുക്കുവാനുള്ള വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തണം. ജന്മിമാരുടെ ഒരു ഭൂമി പ്രവൃത്തി താഴെ പറയും വിധത്തിലാകണം. ഒരുവന്നു ആദ്യം ഒരു സ്ഥലം കൊടുക്കണം. അവിടെ അവൻ കഴിഞ്ഞുപോകും വെട്ടു നന്നായി വരുമാനം വേണ്ട ഒരു പറയ് കൊടുക്കണം. അത് നന്നാക്കി കഴിഞ്ഞു ഉണ്ടാക്കി വരുമാനം മറ്റൊരു പറയിലോ മറ്റൊരുകൊണ്ടോ എന്നു പറയും. ഇങ്ങനെ മാറിമാറി വരുന്നതുകൊണ്ട് ഒരു കൊല്ലമെന്നോ മൂന്നു കൊല്ലമെന്നോ വെട്ടുകൊണ്ട് യാതൊരു പ്രയോജനവുമില്ല.

“മറ്റൊരു പറയായുള്ളത് കൃഷിക്കാരുടെ പാട്ടുബാക്കിയെ സംബന്ധിച്ചാണ്. ആ കൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നാണ് ബില്ലിൽ പറയുന്നത്. അതുകൊണ്ട് തന്നെയാണ് പറയുന്നത് ഈ ബില്ല് കടിയന്റെ ബില്ലല്ല, ജന്മിയുടെ ബില്ലാണെന്ന്. പാട്ടം കൊടുത്താൽ രണ്ടോ മൂന്നോ പറ ബാക്കി വന്നാൽ ജന്മി പറയും മറ്റു പറയെ കൊടുക്കുമെന്ന്. കൊടുത്ത സംഖ്യയെ രശീതി കൊടുക്കുകയല്ല. അങ്ങനെ അനവധി കേസുകളുണ്ട്. ഞാൻതന്നെ അനുഭവിക്കുന്നുണ്ട്. പാട്ടം കൊടുത്താൽ ചില പ്ലോൾ രശീതി കൊടുക്കുകയല്ല. എനിക്കുതന്നെ പററിയിട്ടുണ്ട്. ഒടുവിൽ കോടതിയിൽ കേസ് കൊടുത്തപ്പോൾ കോടതി വകവെച്ചു തന്നില്ല. ആരു കൊല്ലം എന്ന് കടിയൻ കൊല്ലമായിട്ടെങ്കിലും കുറയ്ക്കണമെന്നാണ് ഞാൻ അഭ്യർത്ഥിക്കുന്നത്.

“മറ്റൊന്ന്, പത്തു കൊല്ലം കൈവശമുണ്ടായിരുന്ന കൃഷിക്കാർ സ്ഥിരവകാശം കൊടുക്കണമെന്ന ബില്ലിൽ കാണുന്നുണ്ട്. അത് ഒരു ആറു കൊല്ലമെന്നാക്കി തിരുത്തിയിട്ടുണ്ട് എന്നു പറയണം. അത് മാറ്റി മൂന്നു കൊല്ലമെന്നാക്കി ആക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. കൃഷിക്കാർ ഗുണമുള്ള ഒരു ബില്ലാക്കണമെങ്കിൽ മൂന്നു കൊല്ലമാക്കുന്നതന്നെ വേണമെന്നു പറയുകയോ ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

* SRI KUNHI MOHAMED SHAFEE :—“ Mr. Speaker, Sir, the main issues that have to be considered when we discuss the Malabar Tenancy Bill are giving fixity of tenure to tenants and the fixation of fair rent. Provision has been made in the present Bill for giving fixity of tenure. As far as eviction is concerned, it is provided that no eviction should be allowed unless it be that the janmi requires the land *bona fide* for the purpose of raising crops for his own maintenance or for the maintenance of any member of his family. But in the matter of construction of building a loophole as provided by allowing the janmi to apply for eviction if he wants his land for the construction of a building for his own residence. That loophole should be removed.

“There is another loophole under which janmis are likely to evict the tenants and put them to a lot of suffering. It is provided in the present Bill that a transferee can sue for the eviction of his tenant after two years from the date of the instrument of transfer. Our experience in Malabar is that if any provision is made for

12.30 p.m.

[Sri Kunhi Mohamed Shafee] [7th January 1954]

giving the janmi the right to evict his tenant, that provision is always misused or abused and undue advantage is taken by the janmi by transferring his land to his dependants or relatives. That loophole also must be removed.

"As far as clauses 5 and 6 of sections 14 and 20 of the Act are concerned, a distinction is made between the requirement by a janmi of his own land for constructing a building under clause 6, for his own residence and for personal cultivation under clause 5 for meeting his primary needs. Both these must be treated alike.

"At the time of every renewal, the janmi in Malabar used to enhance the rent. Now the rent has reached the maximum, so to say, and the tenant cannot afford to pay more. What we in Malabar want is that there should not be any enhancement of the present rent. But I am of opinion that as a compromise we may accept the concessions announced by the Hon. Chief Minister, because they go a long way to relieve the tenants from the hardships which they have been experiencing. I hope the tenants will avail themselves of those concessions and be very grateful to the Government. Our main object is that there should be contentment and good relationship between janmis and tenants and that the delightful district of Malabar should be put on the road to prosperity and happiness."

12-35
P.M.

* SRI O. KORAN :—"സാർ, മലബാറിലെ ജനങ്ങളെ സംബന്ധിച്ചിരിക്കുന്നതും അതിപ്രധാനമായിട്ടുള്ള ഒരു നിയമമാണ് ഈ നിയമസഭയിൽ ആലോചന ചെയ്യുന്നിട്ടുള്ളത്. എനിക്ക് ഈ സഭ മുന്പാകെ കൊണ്ടുവരാനുള്ള പ്രധാന സംഗതികൾ മറ്റു പല ബുദ്ധിമുട്ടുകളെ മെമ്പർമാരും പറഞ്ഞുകഴിഞ്ഞുവെങ്കിലും ഉൾക്കടിയെ സംബന്ധിച്ചും മറ്റും എനിക്ക് ചിലതു കൂടി പറയാനുണ്ട്. ഈ നിയമത്തിൽ അതിപ്രധാനമായത് കൃഷിക്കാരുടെ സ്ഥിരവകാശം, ഫോറപ്പട്ടം നിശ്ചയിക്കൽ, ഉൾക്കടിയെ കുഴിപ്പിക്കുന്നതിനെ തടയുക എന്നീ കാര്യങ്ങളാണ്. ഈ കാര്യത്തിന് മറ്റൊരു വശത്തുവെച്ചാൽ മലബാറിലെ വസുക്കളിൽനിന്നും ഗവണ്മെന്റ് വ്യതിചലിച്ചതുപോലെ കാണുന്നുണ്ട്. ആദ്യത്തെ നിയമത്തിൽ ഫോട്ട് കൊച്ചിയിൽ ഉൾക്കടിയെ സംബന്ധിച്ച യാതൊരു കാര്യം പരിഗണനയെ വകവെക്കുന്ന സ്ഥിരവകാശം നഷ്ടപ്പെടുന്നതായിരുന്നു. എന്നാൽ ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതികൾ യാതൊരു മെച്ചവും ഉണ്ടാകാൻ പോകുന്നില്ല. ഫോട്ട് കൊച്ചിയിലുള്ള പരിസ്ഥിതികൾതന്നെയാണ് മലബാറിലെതും ഉള്ളത്. മലബാറിൽ കാലം നിശ്ചയിച്ചുകൊണ്ടുള്ള ഒരു നിയമം കൊണ്ടുവരുന്നതുകൊണ്ട് ഉൾക്കടികളെ കുഴിപ്പിക്കാനും ഓഹിക്കാനും ഗവണ്മെന്റ് ജന്മിമാർക്കു സൗകര്യമുണ്ടാക്കിക്കൊടുക്കുകയാണ് ചെയ്യുന്നത്. ഫോട്ട് കൊച്ചിയിൽ കൊടുത്തിരിക്കുന്ന വ്യവസ്ഥ എന്തുകൊണ്ടു കാലപരിഗണന കൂടാതെ മലബാറിലും നടപ്പിൽ വരുത്തുകയും ചെയ്യേണ്ടതല്ല; മന്ത്രിമാർ പറയുന്നില്ല. അടിസ്ഥാനപരമായ ഒരു കാര്യത്തിൽ, അഭാവം പാട്ടുപട്ട പണിയെടുക്കുന്ന സാധ്യതയായ ഉൾക്കടികൾ ഗുണപ്രദമായ ഒരു നിയമം നടപ്പിൽ വരുത്താൻ ഗവണ്മെന്റ് എന്തിനും മടിക്കണം? ഉൾക്കടികൾക്ക് സ്ഥിരവകാശം നഷ്ടപ്പെടുന്ന വ്യവസ്ഥകൾ ഉൾക്കൊള്ളിക്കാൻ മടിക്കുന്നതിനാൽ അക്കുറപ്പായ ഒരു പരമ്പരയായിത്തീരുന്നു. ഇക്കാര്യങ്ങൾ ഗവണ്മെന്റ് വേണ്ടപോലെ പരിഗണിക്കണമെന്നും ആൻ അപേക്ഷിക്കുന്നു.

"ഈ നിയമം വരാൻപോകുന്നവെന്ന് കേട്ടപ്പോൾനിന്നും നിശ്ചയിച്ച കച്ചിട്ട് എഴുതിച്ചു. മറ്റും ഉൾക്കടിക്കാരുടെ പുറംതള്ളിക്കൊണ്ടിരിക്കുകയാണ്. സാർ, മലബാറിലെ കാലയെക്കുറിച്ചു കണ്ടുനിന്ന കച്ചിട്ട് കേസുകൾക്കു നെരിപ്പു വെക്കുകയാണു പോലും സാധ്യമല്ലാത്ത ഒരു നിയമം ജന്മിമാർ പിടിച്ചുപറ്റിക്കിട്ടിരിക്കുന്ന ഒരു വരിത: സ്ഥിതിയാണ് അവിടെ ഉള്ളത്. ഗവണ്മെന്റ് ഇക്കാര്യങ്ങൾ വേണ്ടപോലെ പരിഗണിക്കുമെന്നും ആൻ അപേക്ഷിക്കുന്നു.

7th January 1954] [Sri O. Koran]

"കൃഷിക്കാരുടെ സ്ഥിരവകാശം കൊടുക്കുക, പാട്ടം കുറയ്ക്കുക മുതലായ പ്രശ്നങ്ങളെപ്പറ്റി ഇവിടെ പലരും പറഞ്ഞുകഴിഞ്ഞു. ഈ നിയമത്തിൽ ഒരു വ്യവസ്ഥ ഉൾക്കൊള്ളിച്ചാൽ നന്നായിരിക്കും. കർഷകന്മാർക്കു കൂടുതൽ പ്രതിഫലം നിശ്ചയിക്കുകയും മലബാറിലെ നൽകുകയും കൂടി ചെയ്യാൻ കൊള്ളാം. പാട്ടുവകാശം ആദ്യം തയ്യാറാക്കിയതിൽ നടപ്പിൽ വരുത്താമെന്നും എന്തുകൊണ്ട് മലബാറിലെ നടപ്പിൽ വരുത്തിക്കൂടാ.

"പാട്ടുവകാശം സംബന്ധിച്ചതാണ് മറ്റൊരു പ്രശ്നം. കള്ളപ്പറ വച്ചു പാട്ടം അളന്നെടുത്തു കടിയൊന്നര ഓഹിക്കുന്ന ഒരു ഏപ്പാട്ട് ജന്മിമാരുടെ ഇടയിലുണ്ട്. അതിൽ ഒരു പൊതുവായതുകൊണ്ട് നന്നായിരിക്കും. ജന്മിമാർ വളരെ കടുപ്പമേറിയ വിഭാഗമാണെന്നും മറ്റും ചിലർ പറഞ്ഞുകേട്ടു. നാട്ടുകാരുടെ പലവിധത്തിൽ വിചാരിച്ചിരിക്കുന്ന ഒരു വിഭാഗമാണ് ജന്മിമാർ. കാലമേറേ വീട് കാട്ടിക്കണ്ടമകിൽ ജന്മിയുടെ അനുവാദം വേണമെന്നു പറഞ്ഞാൽ അതുകൊണ്ടു മനസ്സിലാക്കാം ജന്മിമാരുടെ നിലപാട്. ഇതിനെല്ലാം പാട് വെട്ടണം വരുത്തേണ്ടത് ആത്മീയവശമാണ്. കോൺഗ്രസ്സ് ഭരണാധികാരികളിൽ ഇവർക്കൊക്കെ മലബാറിലെ ഭൂരിപക്ഷം ജനങ്ങളുടെ നിലയെ അവഗണിച്ചു ഒരു നിയമം പാസ്സാക്കുന്നത് ജനായത്തവിരുദ്ധമാണ്. കാലത്തിന്റെ ഗതിയനുസരിച്ചു രാജ്യത്തെ മുന്നോട്ടു കൊണ്ടുപോകാൻ ഗവണ്മെന്റ് ശ്രമിക്കണമെന്നും ആൻ അപേക്ഷിക്കുന്നു. അതിന് മലബാറിലെ വ്യവസ്ഥിതിയിൽ അടിസ്ഥാനപരമായ മറ്റൊരു പാട് വരുത്തുകയാണ് ആവശ്യമെന്നു പറഞ്ഞുകൊണ്ടു ആൻ അവസാനിപ്പിക്കുന്നു."

* SRI T. C. NARAYANAN NAMBIAR :—"Mr. Speaker, 2-10
Sir, I would have been the most fortunate and happy man if I had p.m.
been in a position to sign the Report of the Joint Select Committee without recording a dissenting minute. But it was most unfortunate, I would say, that the persuasions, the arguments and the fight—fight in the sense for issues that we raised in the Joint Select Committee—were not fully fruitful as far as the demands of the peasantry of Malabar were concerned. To-day, the position in Malabar is such that the peasant problem, the agrarian problem, the *kudiyar prasnai*, is not a party question. It is above parties. It has become a national question. That is the reason why even—I say 'even' with emphasis—some of the Congress M.L.As., the whole of the Praja-Socialist Party Members, the Muslim League Members and, of course, we, the Communist Members, are unanimous that certain immediate and burning issues should be solved here and now. We do not expect here and now from this Government a radical and basic solution of the agrarian problem, but some burning issues have to be solved. It is for that that we pray.

"With regard to the fixation of fair rent, all of us unanimously argued that the principle of contract rent or fair rent, whichever was less, should be adopted. It is argued on the contrary that it will not be fair to all and that the Government will have to be fair to the janmis. On the question of making the tillers of the soil the owners of the soil and making the owners of the soil the tillers of the soil, I would most humbly suggest that the tillers of the soil should not be made the beggars of the soil. Why I say so is this. The argument that some 20,000 cases have already been filed in the Courts and that the peasantry have already deposited the arrears of rent due so far is baseless. I personally know that in thousands of cases the peasants have mortgaged everything that they had, houses, buffaloes, household utensils, etc. Even then, they have

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got a lot of debts. Out of lakhs and lakhs of peasants, it is only 16,000 peasants that have paid the arrears of rent. Even there all the peasants who were dragged to courts were not compelled to pay by certain courts. I do not know the reason for it. In certain courts only two years' rent was asked to be deposited. Now, the Government claim that fixity of tenures given in this Bill to the peasant to a certain extent. There is a provision in the Bill that failure to pay the arrears of rent is one of the *bona fide* reasons for which the tenant can be evicted. That means what the Government are giving with one hand, that is, fixity of tenure, is being taken away by the other hand.

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"The landlords who are bent upon evicting tenants under some pretext are doing so without any justice and peasants are becoming landless wage-earners. That is what is happening to-day. Thousands and thousands of peasants are being evicted and have become mere agricultural labourers and the landlords' monopoly has increased. Unless and until the tenants are given some protection, this Bill will not be beneficial to the tenants to the expectation of the Hon. Chief Minister which he claims as well as that of the people. The arrears of rent must be wiped out. In 1938, Sri C. Rajagopalachari, who was also the Chief Minister then was convinced of the fact that the wiping out of arrears was a dire necessity and with this end in view he brought forward a provision to the effect that if two years' arrears of rent were paid all the other arrears must be deemed to have been paid. But in 1954, after two world wars, the same Sri Rajagopalachari says that six years' arrears of rent has to be paid. May I humbly ask him whether the material condition of the peasantry of Malabar has changed to-day. I may respectfully submit that it has not. Unfortunately, only the Chief Minister has changed. The condition of the peasantry in Malabar is the same in 1954 as it was in 1938 and even worse. The Hon. Chief Minister is not convinced of the need to relieve the poor peasants of their sufferings. I request the Hon. Chief Minister to be kind enough to reconsider the matter and see that the arrears of rent are wiped out, or at least let him agree to providing that one year's arrears may be paid and the other years' arrears may be wiped out. Otherwise, this Bill will not be beneficial to the peasants of Malabar.

"With regard to pepper gardens, under the existing provisions, in respect of tenants' vines in garden lands, one-eighth of the produce is the fair rent. In the case of dry lands cultivators have to spend quite a lot of money. Even in the Kuttikrishna Menon Committee's report, which I have here, but have no time to read on the floor of the House, it is definitely stated that the expenditure on dry lands was very heavy. The cultivators of dry lands have to incur a lot of expenditure on labour. So, as these dry lands are very much inferior to garden lands, the fair rent must be a lesser proportion and certainly it should not be more than one-eighth.

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"In the name of fairness, the owners of the soil are sought to be made the tillers of the soil. But we only want that the actual tillers of the soil should not be driven out of the land and should not be made beggars. In short, let not the owners become tillers at the cost of the actual tillers. There are poor landlords, I agree. They want homesteads to live in. Provision will have to be made for such people. We are not against such provisions. It is the very reason why we say that a minimum acreage will have to be fixed. Even if we say that six years' time will be given, it will not benefit these people. Because, so many thousands of people will be affected and so many artificial records will be created. That is why I say that a minimum acreage has to be fixed. Fix it as 5 acres. To that effect, we have given an amendment. Unless our amendment in this regard is incorporated, I am sure, this Bill will not at all benefit the poor people.

"Sir, in the name of non-interference, the Government say that the wholesome principle of adopting whichever rent was less, cannot be accepted. In my humble opinion, it is a wrong view that the Government have taken. It is the bounden duty of the Government to interfere in the best interests of a large section of poor people. It is the bounden duty of the Government to come and help weaker section of society, viz., the peasantry. They must interfere in the matter in the interest of the majority of the poor people. That is human justice. I request the Hon. Chief Minister to look into the matter and see that justice is meted out to the poor peasants so that they are not compelled to pay a higher rent than the one that they are paying now.

"With regard to the waste land question, I can give statistics so far as North Malabar is concerned. This place is shown as a deficit area. Why is it a deficit area? Because, the poor peasants are not able to apply the necessary manure to the lands and carry out other necessary improvements to the land, as rack-renting is rampant in that area. In the face of such heavy rack-renting, the peasants cannot be expected to be rich enough to apply the necessary manure to the lands. As a matter of fact, nearly 4 or 5 crores of rupees are being paid to the landlords of Malabar by the poor cultivating tenants by way of rent. These people pay such a heavy rent which is very excessive and which is very much higher than the rent paid by similar tenants in other parts of the State. The landlords do not pay even a single pie towards providing the necessary irrigation facilities. If the rent is reduced as suggested by us, some money will be saved by the poor peasants and that money can be utilized by them to purchase good cattle, fertilisers and manure and better conditions will prevail. This will naturally result in increased production of foodgrains. I request the Hon. Chief Minister to be kind enough to consider our amendments and our views on the various points and accept our amendments so that thousands of poor peasants of Malabar may be saved from the clutches of starvation, death, poverty and misery."

[7th January 1954]

MR. SPEAKER :—“ Before I call upon the Hon. Minister for Law to reply to the debate, I have to announce that amendments to the South Kanara Cultivating Tenants Protection Bill, 1954, and the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, will be received in the office till 9 o'clock to-morrow.”

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Mr Speaker, I am thankful to hon. Members for the suggestions they have made on the floor of this House. Sir, reference was made to certain incidents in the elections. It is not as if I am not in a position to answer them. But I think it is out of place for me to answer them here.

“ When I undertook to pilot this Bill, I knew that this is a difficult Bill and that all sorts of propaganda will be there and I will have to face it. I did it, because I knew Malabar was suffering and I also knew that in spite of the difficulties that I may have to encounter, it was my duty to see that those difficulties were removed.

“ The position of Malabar as far as the agricultural owners are concerned is very peculiar. There are about 4,13,000 pattadars of whom about 1,91,311 are persons who hold less than 10 cents of property. Those who hold more than 10 cents and within 1 acre are 2,34,854. These persons are called the landlords of Malabar and as such, difficulty arises in taking up agrarian reform legislation in Malabar.

1 p.m. “ But the cultivator has to be protected. The petty owners of land have to be given their share of the produce. These are the troubles the Government have to face in Malabar. There is another handicap also as far as Malabar is concerned. That is in respect of each holding there are, on an average, five persons who live on the income from the holding. Therefore, it is not easy to exterminate all the intermediaries. About a fourth of the population of Malabar will have to be exterminated if we do so. That is why the Government have always been considering how best to carry out remedies to the evil of tenures without disturbing a large section of the population. It is true that the agrarian trouble started as early as 1880. But after the 1930 Act was passed, there was not much of difficulty and a perusal of the report of the Kuttikrishna Menon Committee will show that the landlord and the tenant were pulling together. The relationship was good and there was no trouble. It was only after the 1951 Act was passed—unfortunately, I would say, on the eve of the general elections—there was lot of propaganda against it. After that, there has been considerable trouble. Suits filed in 1946 have been stayed and as much as four years' rent has been deposited in courts. Even after the 1951 Act was passed, the suits could not be disposed of because the Act itself did not come into effect. All these things prompted me to see that some land legislation was resorted to be remedy the defects. The most outstanding consideration which prompted the

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Government to take up this question urgently was fixity of tenure to Ulkudis because residence is the most essential thing which a man needs. Strictly speaking, it may not come under any tenancy legislation and even the Kuttikrishna Menon Committee did not recommend it. Yet, we felt that the Ulkudi-holders should not be disturbed and as such, we want to give them as much protection as could be given. It is not possible to do away completely with the provision requiring one year's minimum residence because, if we do it, it is doubtful whether we will be acting according to the provisions of the Constitution. Then, Sir, the ulkudi in Fort Cochin is different from the one in Malabar. The ulkudi in Fort Cochin bears a high incidence of rent which is not the case with Malabar ulkudis. If we apply the same principles to Malabar ulkudis as we do in the case of Fort Cochin, then we will be depriving the ulkudi-holders of Malabar the advantages that they have been having till now. That is why we have made a distinction between the two. I am sure that we have done what is possible under the circumstances in respect of ulkudis.

“ Fixity of tenure is another thing which is more important, as far as any tenancy legislation is concerned. It was granted in the 1930 Act. It was modified in the 1951 amending Act. Now we have gone further and have placed some more restrictions on the landlord in requiring the land for *bona fide* cultivation. You will be surprised to hear, Sir, that before Mr. Madhava Menon took up the amending Act of 1951, the question was ‘ what was the limit to be placed on the landlords requirements? ’ We have to congratulate Mr. Madhava Menon on giving a switch over to this question and making it that ‘ the tenants ’ needs should be taken into consideration and not the landlords ‘ needs ’. In the Kuttikrishna Menon Committee's Report, Mr. E. M. Sankaran Nambudripad recorded a minute of dissent. Even in that dissenting minute, he says that the landlord should be left with 20 acres of land and the tenant should be given five acres. The Government have been going ahead of this suggestion. The Congress has been trying to meet the demands of the people of Malabar and so, now, we have provided that persons who have been in occupation for six years should not be evicted even for *bona fide* cultivation by the landlord. There is a distinction between clauses 5 and 6 of sections 14 and 20. Reference was made to these sections by certain Members of the House and it was said that there should be no distinction between the two. The Government are keeping that distinction because sub-clause (6) of sections 14 and 20 deals with the primary need of the landlord to acquire a plot to build a house of his own. We can deprive him of the enjoyment of his land but we cannot deprive him of his right to get his land back for building a house for residential purposes. That is why the distinction is made. I feel that it should be retained.

“ Hon. Members were saying that the cultivation expenses worked out to be more than fifty paras. Some said it was more than forty paras. But the fact is that nowhere it is more than

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twenty-two paras. Mr. Kuttikrishna Menon's Committee went into this question thoroughly. They got about five hundred memoranda. They examined about hundred witnesses. Mr. E. M. Sankaran Nambudripad in his dissenting minute claims only twenty-five paras as cultivation expenses."

SRI C. H. KANARAN :—" That was at that time."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I am not aware whether the question of seed has become more costly or the expenses have become more since then. I can understand it if it is adjusted in terms of money. But it is in terms of paddy and I think when estimated in terms of paddy, twenty-five paras is reasonable.

" Regarding the portion to be shared between the landlord and the tenant in respect of paddy, of course it should be half and half. That is the principle which Mr. Sankaran Nambudripad had laid down in his dissenting minute. I claim, Sir, that if I am conservative, as the Opposition has said I would be as conservative as Mr. E. M. Sankaran Nambudripad. (Laughter.)

" Regarding ' garden land ', the share which the tenant is entitled to has been fixed according to the enquiries made by that committee. Not a word complaining against the rate fixed by the committee is to be found in any one of the dissenting minutes. It is now complained that the principle laid down by that committee is too vague and that it is beyond the capacity of the tenant to pay. But no member of that committee has appended in his minute of dissent any remark about it. I am one of those who has absolute confidence in the work of Mr. Sankaran Nambudripad. He is an intellectual genius of Malabar and unless and until he is fully convinced of what he should say, Mr. Nambudripad will not say anything. The mere fact that he has not mentioned anything against the principle laid down by the committee in respect of sharing of produce in garden lands is proof of the fact that Mr. E. M. Sankaran Nambudripad has accepted the principle laid down by the Committee. Otherwise he would have made mention of it in his dissenting minute.

" I shall now come to ' pepper cultivation '. Hon. Members should realise that whereas in the Act of 1951 the pepper-share was fixed at 1/5th, we have now made it into 1/6. In this respect also Mr. Sankaran Nambudripad claims the rent which a tenant is entitled to pay in respect of pepper cultivation, as 1/6. We have now incorporated in this Bill what Mr. Sankaran Nambudripad had laid down."

SRI T. C. NARAYANAN NAMBIAR :—" On a point of Order. Sir. The Hon. Minister for Law has all along been referring to the hon'ble Mr. Nambudripad . . ."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Nambudripad was not a Minister."

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SRI T. C. NARAYANAN NAMBIAR :—" He was an hon. Member of the then Legislature. The Hon. Minister for Law has been frequently referring to Mr. Sankaran Nambudripad. Let it be understood that Mr. Sankaran Nambudripad was a Member of the previous Select Committee and not a Member of the present Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953."

MR. SPEAKER :—" Is it a point of order." (Laughter.)

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I will be able to convince, item by item, the justness of the stand taken by us and how the Government have gone far ahead in this Bill in the matter of tenancy reform in Malabar. Of course, hon. Members in the Opposition had characterised this as a retrograde step. It is not true. Sir, I have got certain disadvantages in bringing forward this legislation. I have also to consider that when we bring in this measure, we do not go beyond the Constitution. We should remember that we should not allow the fundamental rights guaranteed to each citizen of India under the Constitution, to be nullified by a tenancy legislation. Our only wish in bringing this Bill is to bring in some sort of measure which will benefit the tenant and give him some fixity of tenure. That has been granted now.

" I shall now come to the question of fair-rent and contract rent. Hon. Members had complained that we have removed the provision in the original Act by which the tenant could pay the contract rent or fair-rent whichever was less."

SRI T. C. NARAYANAN NAMBIAR :—" But Mr. Sankaran Nambudripad has said it."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Just as the hon. Member differs in many respect with our conclusions, and with the Five-Year Plan, I would like to differ from Mr. Nambudripad in this respect. It is not fair, when after elaborate enquiry by the Kuttikrishna Menon Committee the share of the produce which that tenant has to pay as rent has already been reduced, to reduce it still further. Already the rent has been reduced. That is why after going deep into the problem we thought it would be better to delete the provision enabling the tenant to pay either the contract or fair-rent whichever is less. We cannot say that the tenant should be asked to pay the barest minimum, he chooses. That is not correct. Once the tenant has agreed to pay a certain rent to the landlord, he is bound by that agreement. He cannot all of a sudden be allowed to reduce the rent. I am sure that what we have done in this connection is the best that could be done under the circumstances. I am sure that with the modifications made by the Select Committee and with the modifications now proposed by the Hon. Chief Minister, this Bill when it finally emerges as a law would be surely welcomed by the people of Malabar. Let me say that I also, just like all other hon. Members,

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represent the people. I come from Malabar and I also represent the people of Malabar. However much hon. Member on the other side may champion the cause of peasantry, I know the peasants of Malabar would welcome this Bill. I have no doubt about it."

SRI V. GOPALAKRISHNAN :—" Let the Hon. Minister resign and contest the election on this issue."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I think it would be better for me not to talk about the challenge at the present time."

" Let me now come to the amendment proposed for section 51 of the principal Act. We have to remember that the 1951 Act came into operation only on the 15th of March 1952."

1-20 P.M. " We have only brought this bill to remedy certain defects, palpable defects, and this is only an amending Act. After watching the progress of this new Bill, which, I am sure, will be passed into an Act, there will be time enough for us to see what modifications we have to resort to in respect of the specific questions about which we have discussed. Sri Narayana Kurup has remarked that the Rent Settlement Authority ought not to have been abolished. We were compelled to abolish the Rent Settlement Authority not because it was not scientific. It is very scientific to have a Rent Settlement Authority as contemplated by the 1951 Act. But in the working of this machinery we found that we had not sufficient personnel. We also found that at least six years would elapse before we could prepare the Record of Rights and before we could assess the fair rent in respect of all the items. It was also found that the whole operation will cost about 70 lakhs of rupees. People were also dissatisfied with this machinery and there was agitation to scrap that machinery. There was agitation in Malabar that compulsory fixation of rent would be unfair and would lead to clash between the landlords and the tenants. Considering all these things, we came to the conclusion that we could give the power to fix the fair rent in disputed cases to Revenue Divisional Officers or Tahsildars as the case may be. We do not want to give that power to the civil court because the tenants have been agitating that if they were to go to a civil court they would be compelled in each case to deposit Rs. 50 or Rs. 100 as the case may be. That was why we thought that it may be decided by a Rent Court which would be available to him and the matter could be speedily disposed of without any financial commitments to the tenant."

" Sir, at this juncture, I need only say that I am confident that this Bill, with these amendments, would satisfy a good section of the people of Malabar. I know that another section of the people may not be satisfied because there are a series of persons, at least five in number, enjoying the profits or proceeds from a single property. So, if by means of a legislation you help one, the other four, who depend upon the same property for their maintenance,

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will be affected and it is but natural that there will be some people who are dissatisfied with any kind of legislation. I hope that after the announcement of the Hon. the Chief Minister the Opposition will co-operate and see that this Bill is passed into law in this session itself. I know that the Praja Socialist Party has been co-operating and they desire that this legislation should be passed in this session itself. I am sure that Sri Narayanan Nambiar and his party are likewise anxious. Everyone in Malabar is anxious that this Bill should be passed into law and I am sure that every hon. Member will co-operate with us and see that this Bill is passed to-morrow itself, if possible. Thank you, Sir, for having given me an opportunity to explain the position."

MR. SPEAKER :—" The question is—

' That the Malabar Tenancy (Amendment) Bill, 1953, as amended by the Joint Select Committee be taken into consideration.' "

The motion was put and carried.

MR. SPEAKER :—" The House will now adjourn and meet again at 9 a.m. on Friday, 8th January 1954."

The House then adjourned.

III.—PAPERS* LAID ON THE TABLE OF THE HOUSE.

* 1. Report of the Special Officer for the Madras Shops and Establishments Act, 1947, with orders of Government thereon.

* 2. Balance Sheet of the Madras Industrial Investment Corporation, Limited, as on the 30th June 1953.

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APPENDIX I.

[Vide answer to starred question No. 360 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 7th January 1954 page 304 supra.]

Statement showing the number of murder cases reported to the police in Malabar district during the Calendar years 1950, 1951 and 1952, how many of them were charge-sheeted and with what result, and how many were undetected.

	1950.	1951.	1952.
(a) The number of murder cases reported to police.	46	27	64
(b) Number of murder cases charge-sheeted.	41	16	38
(c) Result of murder cases charge-sheeted—			
(i) Convicted	30	11	19
(ii) Acquitted	7	5	9
(iii) Pending trial	4	—	10
(d) Number of murder cases undetected	2	2	4
(i) Number of murder cases referred as mistake of fact.	..	..	4
(ii) Number of murder cases in which charge abated.	3	4	5
(iii) Number of murder cases under investigation at the end of the year.	..	5	13

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APPENDIX II.

[Vide answer to starred question No. 379 asked by Sri K. P. Gopalan at the meeting of the Legislative Assembly held on 7th January 1954, page 319 supra.]

G.O. Ms. No. 1612, Home, dated the 15th May 1953.

[Acts—Madras City Police Act, 1888—Sections extended to mufassal towns—Modification of clauses (x) and (xv) of section 71, substituting the word “permission” for “allow”—Previous notifications Amended—Rates of licence fees—Fixed.]

Read—the following papers :—

From the Inspector-General of Police, Madras, dated 4th January 1949, No. Ro. 1580-A/Stat. 1/48.

From the Inspector-General of Police, dated 17th February 1952, No. Ro. 478 2/Acts/52.

Order—No. 1612, Home, dated the 15th May 1953.

The following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

In exercise of the powers conferred by section 54-A (2) of the Madras District Police Act, 1859 (Central Act XXIV of 1859), the Governor of Madras hereby makes the following amendment to the notifications specified in the Annexure.

AMENDMENT.

In column (2) of the schedule to each of the notifications specified in the annexure, the existing modification against clauses (x) and (xv) of section 71 shall be numbered as item (i), and the following shall be added as item (ii), namely :—

“(ii. For the word ‘allowed’ the word ‘permitted shall, be substituted.”

[7th January 1954]

ANNEXURE.

Name of the district.	Home Department notification number and date.	Date and page in Part I of the Fort St. George Gazette in which the notification was published.		Name of the town in respect of which the notification was published.
	(2)	(3)	(4)	
Anantapur	1334; 7th October 1947	21st October 1947; 895	..	Anantapur, Hindupur, Tadipatri and Guntakal.
Do.	1447; 17th November 1950	28th November 1950; 3142-43	..	Gooty, Urvakonda, Pamidi, Kalyandrug, Kambedu, Belagurra, Pennakonda, Bukkapetnam, Madakastira, Kadiri and Dharmavaram.
Bellary	1202; 13th September 1947	23rd September 1947; 815	..	Bellary, Adoni and Hospet.
Do.	490; 16th April 1948	4th May 1948; 372-373	..	Mallepuram.
Do.	1445; 17th November 1950	28th November 1950; 3141-3142	..	Rayadurg.
Do.	249; 9th February 1951	20th February 1951; 289-290	..	Yemmiganur.
Do.	415; 24th March 1951	2nd April 1951; 518-519	..	Kottur.
Do.	438; 8th April 1952	23rd April 1952; 593	..	Siruguppa.
Do.	1296; 27th November 1952	10th December 1952; 1908-1909	..	Harpenaballi.
Chittoor	1332; 10th October 1947	21st October 1947; 893-894	..	Pakala and Renigunta.
Do.	945; 9th July 1948	27th July 1948; 700-701	..	Tiruttani
Do.	1247; 25th September 1948	19th October 1948; 989-989	..	Palmaner, Kuppam and Tirumalai.
Do.	464; 24th March 1949	5th April 1949; 433	..	Kalahasti.
Do.	1089; 1st September 1951	11th September 1951; 1212-1213	..	Pungunur.
Do.	24; 21st December 1951	1st January 1952; 9	..	Chittoor, Tirupati and Madanapalle.
Cuddapah	1310; 22nd October 1945	20th October 1945; 721	..	Cuddapah and Proddatur.
Do.	302; 3rd March 1946	16th March 1946; 307	..	Rejampet.
Do.	536; 14th May 1952	21st May 1952; 757-758	..	Jammalamadugu.
Do.	1297; 25th November 1952	10th December 1952; 1909	..	Maddur, Pulivendla and Bedvel.
Chingelput	857; 5th July 1946	12th July 1946; 608-619	..	Kanobesapuram, Chingelput, Tiruvellur, Tiruvotiyur, Madhavaram, Alandur, East Tambaram, St. Thomas Mount and Pallavaram.
Do.	406; 18th March 1949	29th March 1949; 390-391	..	Tambaram.
Do.	850; 27th June 1951	10th July 1951; 1020-1021	..	Walajahpet, Seipurumbudur, Aveli, Pettaharam, Red Hills and Polal.
Do.	712; 2nd July 1952	9th July 1952; 1045	..	Tiruvannamylur and Lattice Bridge.
Do.	978; 9th September 1952	17th September 1952; 1371-1372	..	Villivakkam.
Coimbatore	800; 2nd July 1945	10th July 1945; 464	..	Coimbatore, Metturpalem, Tiruppur, Dharampalem, Udumalpet, Pollachi and Erode.
Do.	901; 1st August 1947	12th August 1947; 683	..	Gobichettipalayam, Bhavani, Kollegal, Sular, Palladam, and Kangayam.
Do.	492; 19th April 1948	4th May 1948; 337-374	..	Perur, Anamalai and Kottur.
Do.	493	Do. 374	..	Valeparai.
Do.	494	Do. 374-375	..	Avasthi.
Do.	239; 4th March 1952	11th March 1952; 343	..	Medukkurai, Palathorei, Sorepalayam, Perur and Chettipalayam.
East Godavari	1201; 12th September 1947	23rd September 1947; 814-815	..	Kakinada and Rajahmundry.
Do.	1311; 22nd October 1945	30th October 1945; 721	..	Do.
Guntur	198; 6th February 1945	13th February 1945; 140-141	..	Guntur.
Do.	277; 25th February 1947	11th March 1947; 169	..	Narasaraopet and Tenali.
Do.	662; 12th April 1950	23rd May 1950; 1455-1456	..	Chilakalurpet, Phirangipuram, Vinukonda, Gurzala, Rentachirala, Macheria, Dechipalli, Pedakakani, Mangalagiri, Tadikonda, Amaravathi, Tadepalli, Peddavadalundi, Prattipad, Sattenapalli, Pidugurallai, Chirala, Jandrapet, Vetapalem, Pacheru, Bapatla, Ponnur, Nidubrolu, Tenandur, Cherubolu, Cherukuppalli, Ongole, Chimakurthi, Tangutur, Addanki, Naguluppala, Repalle, Kallur, Vernur, Batiprolu, Nandivelugu, Sanganajagarlamudi, Duggirala Chikur, and Enani.
Krishna	703; 9th June 1945	10th June 1945; 414	..	Vijayavada.
Do.	1492; 19th November 1947	2nd December 1947; 1012	..	Masilipatanam and Guddivada.
Do.	248; 9th February 1951	20th February 1951; 259	..	Nuvvidi.
Do.	26; 21st December 1951	1st January 1952; 10-11	..	Jaggayyapet.
Do.	216; 26th February 1952	4th March 1952; 310	..	Chilapalla and Uyyuru.
Do.	399; 2nd April 1952	16th April 1952; 560-561	..	Pamaru.

[7th January 1954]

Name of the district.	Home Department notification number and date.	Date and page in Part I of the Fort St. George Gazette in which the notification was published.	Name of the town in respect of which the notification was published.	
	(2)	(3)	(4)	
Kurnool	1129; 31st August 1948	14th September 1948; 876-877	Kurnool and Nandyal.	..
Do.	416; 24th March 1951	3rd April 1951; 519-520	Dbone, Nandikotkur, Atmakur, Koilkuntla, Allagadda, Pathikonda, Giddalur, Cumbum and Markapur.	..
Madurai	1227; 6th December 1937	14th December 1937; 2063	Madurai.	..
Do.	1271; 27th September 1947	7th October 1947; 858	Thirupurankundram and Avaniapuram.	..
Do.	1401; 24th November 1951	4th December 1951; 1715	Madakulam, Tirumangalam, Melur, Natham, Allnagar and Cumbum.	..
Do.	1272; 27th September 1947	7th October 1947; 818-859	Kodalkanal.	..
Do.	1273; Do.	Do. 859	Dindigul, Palni, Periakudam and Bodinayakanur.	..
Do.	405; 16th March 1949	29th March 1949; 390	Chinnamanur.	..
Do.	1565; 9th December 1949	20th December 1949; 2253-2254	Usilampatti.	..
Do.	245; 10th February 1950	28th February 1950; 471	Uthamapalayam.	..
Do.	875; 26th June 1950	11th July 1950; 2345-2346	Kombai, Thevaram and Gudalore.	..
Do.	38; 21st December 1951	8th January 1952; 41-42	Sholavandan, Vilampatti, Vadipatti, Matteparai, Chin-nalapatti, Virupakshi, Balasamudram, Nilakkottai, Agraharam, Kelayamputhur, Batlagundu, Ammayanaikanur, Kodai Road, Palapatti, Silakuvarpatti, Pa't.veeranpatti and Ayyampalayam.	..
Do.	170; 4th February 1953	18th February 1953; 250	Tadicombar, Guziliamparai, Eriode, Iyyalur, Andipatti, Devadanapatti, Ayakudi, Keeranur, Oddanchatram, Vedasandur, Athur and Elumalai.	..
Malabar	425; 3rd April 1945	10th April 1945; 260-261	Tellicherry, Cannanore and Badagara.	..
Do.	768; 25th June 1945	3rd July 1945; 448	Keshikode, Fort Cochin and Palghat.	..
Do.	96; 4th January 1949	25th January 1949; 53-54	Ponmani, Tirukandiyur and Feroke.	..
Nellore	667; 2nd June 1945	12th June 1945; 492	Nellore.	..
Do.	939; 1st August 1947	12th August 1947; 682	Kovvur and Gudur.	..
Do.	1075; 12th August 1947	26th August 1947; 734	Kavali.	..
Do.	1246; 25th September 1948	19th October 1948; 988	Bitragunta Railway Station and Railway Colony.	..

[7th January 1954]

Do.	805; 18th July 1952	30th July 1952; 1138	Kandukur, Kanigiri and Podili.	..
North Arcot	1074; 12th August 1947	26th August 1947; 733-734	Vellore, Walajah, Gudiyattam, Vaniyambadi, Tirupattur, Tiruvannamalai, Katpadi, Arkonam, Ambur, Arui, Ranipet and Jolarpet.	..
Do.	1139; 26th August 1947	9th September 1947; 775-776	Arcoot.	..
Do.	580; 10th May 1948	25th May 1948; 443	Palikonda, Kannanangalam, Kalavai, Polur, Sholingur, Pernambut, Cheyyar and Wandiwash.	..
Do.	902; 18th August 1952	27th August 1952; 1270-1271	Sathuvachari, Virinchipuram, Konavattam, Shenbakkam and Sadupuri.	..
The Nilgiris	175; 5th February 1947	18th February 1947; 108	Ootacamund, Coonoor, Wellington and Kotagiri.	..
Do.	370; 1st April 1952	8th April 1952 528	Do.	..
Do.	901; 18th August 1952	27th August 1952; 1270	Do.	..
Do.	930; 21st August 1952	3rd September 1952; 1309	Gudalur.	..
Ramanathapuram.	921; 18th July 1947	29th July 1947; 636	Ramanathapuram, Sivaganga, Manamadurai, Aruppukotai, Muthukulattur, Kamudhi, Abiramam, Karaikudi, Devakkottai, Virudunagar and Rajapalayam.	..
Do.	1333; 11th October 1947	21st October 1947; 894-895	Tirupattur and Paramakudi.	..
Do.	663; 1st June 1948	15th June 1948; 632	Sattur, Srivilliputhur, Sivakasi, Pallattur, Elayangudi and Keelakalai.	..
Do.	1339; 13th October 1949	25th October 1949; 1867-1868	Perunali.	..
Do.	1564; 9th December 1949	20th December 1949; 2252-2253	Rameswaram.	..
Do.	810; 12th June 1950	20th June 1950; 1936-1937	Tiruppuravanam, Tondi and Watrap.	..
Do.	75; 2nd January 1952	22nd January 1952; 82-83	Elayirampennai.	..
Do.	25; 21st December 1951	1st January 1952; 9-10	Kunnakudi, Pandelgudi, Kariapatti and Tiruchuli.	..
Do.	1287; 16th October 1945	23rd October 1945; 704-705	Salem.	..
Do.	1809; 22nd October 1945	30th October 1945; 720-721	Mettur.	..
Do.	849; 27th June 1951	10th July 1951; 1019-1020	Salem, Yercaud, Omalur, Tiruchengode, Namakkal, Rasipuram, Attur, Petaachenpalayam, Thammampatti, Velappedy, Gangavally, Sonkari, Komarpalayam, Velur, Rosur, Mathigiri, Denkanicottah and Harur.	..
Do.	313; 23rd January 1948	10th February 1948; 109	Suramangalam.	..

[7th January 1954]

Names of the districts.

Date and page in Part I of the Fort St. George Gazette in which the notification was published.

Name of the town in respect of which the notification was published.

(1)

(2)

(3)

(4)

Salem ..	437 ; 8th April 1952 ..	23rd April 1952 ; 592	Krishnagiri and Dharmapuri.
Do. ..	483 ; 26th April 1952 ..	7th May 1952 ; 670-671	Mohanur, Sendamangalam and Kaveripattanam.
South Arcot ..	893 ; 7th July 1947 ..	22nd July 1947 ; 612-613	Cuddalore, Chidambaram and Villupuram.
Do. ..	1358 ; 12th November 1948 ..	23rd November 1948 ; 1126-1127	Panruti and Nellikuppam.
Do. ..	463 ; 26th March 1949 ..	5th April 1949 ; 431-433	Vridhachalam,
Do. ..	1074 ; 11th August 1949 ..	23rd August 1949 ; 1355	Tindivanam.
Do. ..	1538 ; 30th November 1949 ..	13th December 1949 ; 2191	Valavanur.
Do. ..	246 ; 11th February 1950 ..	28th February 1950 ; 471-473	Kallakurichi and Chinnasalem.
Do. ..	512 ; 12th April 1950 ..	25th April 1950 ; 1031	Tirukkoyilur.
Do. ..	1446 ; 17th November 1950 ..	28th November 1950 ; 3143	Mailam
Do. ..	129 ; 1st February 1952 ..	5th February 1952 ; 177-178	Kurinjipadi.
Do. ..	464 ; 17th April 1952 ..	30th April 1952 ; 630 ..	Vridhachalam Railway Junction Colony.
South Kanara ..	987 ; 1st August 1947 ..	12th August 1947 ; 680-681	Kemargod.
Do. ..	988 ; Do. ..	Do, 681-682	Mangalore and Udipi.
Tanjore ..	1177 ; 21st September 1945 ..	2nd October 1945 ; 661	Tanjore, Kumbakonam, Mayuram, Nagapattinam, Mannargudi, Tiruvarur and Pattukkottai.
Do. ..	491 ; 27th April 1948 ..	4th May 1948 ; 373	Tiruturaiyudi.
Do. ..	1148 ; 30th August 1949 ..	13th September 1949 ; 1492-1493	Tiruvayaru, Tiruvadamardur, Nannilam, Kuttalam, Arantargi and Sirkali.
Do. ..	182 ; 19th February 1952 ..	26th February 1952 ; 373	Vedaranyam, Thoppukkur and Agasthyampalli.
Tirunelveli ..	992 ; 5th August 1947 ..	12th August 1947 ; 682-684	Palayamkottai, Tirunelveli and Tuticorin.
Do. ..	803 ; 7th June 1949 ..	21st June 1949 ; 872	Melapalayam.
Do. ..	44 ; 21st December 1950 ..	9th January 1951 ; 57-59	Kovilpatti, Sankarankoil, Tentak-cum-Cortallam, Ambasamudram-cum-Kalidakurachi, Vikramasingapuram-cum-Pattanamam (Lower Dam and Upper Dam, Nanguneri, Srivilliputhur and Tiruchendur
Do. ..	66 ; 7th January 1953 ..	21st January 1953 ; 54-55	Mattiyachi Railway Junction.

[7th January 1954]

Tiruchirappalli ..	1227 ; 6th December 1937 ..	14th December 1937 ; 2093	Tiruchirappalli, Srirangam, Golden Rock, Sangliendapuram, Kajamalai, Puddukkottah Road up to Central Jail, Kalhakkudi, Crawford Colony and Central jail premises including staff quarters.
Do. ..	101 ; 16th January 1945 ..	23rd January 1945 ; 55	Karur.
Do. ..	275 ; 20th February 1950 ..	7th March 1950 ; 537-538	Pudukkottah, Annasalai, Tirumayan, Ponnammavathi, Arimale and Karabakkudi.
Do. ..	276 ; 21st February 1950 ..	Do. 538	Muziri, Turaiyur, Perambalur, Ariyalur, Tiruchirappalli comprising the area of Malaipatti, Piretiyur and Ponnalaipatti.
Do. ..	960 ; 25th July 1951 ..	7th August 1951 ; 1162-63	Kirumur.
Do. ..	1035 ; 14th August 1951 ..	28th August 1951 ; 1259-1260	Keechallankottakottai, Sembettu and Manjathidal.
Do. ..	1036 ; Do. ..	Do. 1260-1261	Bilbaserkottai, Palsyagaram, Koothur and Thalakudi.
Do. ..	682 ; 23rd June 1952 ..	2nd July 1952 ; 1016 ..	Lohapet, Mahadanapuram, Krishnarejapurem, Mayanur, Alangudi and Ilupur.
Do. ..	767 ; 14th July 1952 ..	23rd July 1952 ; 1107-1108	Knittalai and Manappare.
Vishakhapatnam, North.	579 ; 8th May 1945 ..	22nd May 1945 ; 350 ..	Visanagaram.
Do. ..	990 ; 1st August 1947 ..	12th August 1947 ; 682-683	Srikakulam, Narasasopota, Parvathipuram, Sompeta and Ichapur.
Do. ..	525 ; 24th April 1948 ..	11th May 1948 ; 399-400	Bhimunipattanam, Palakonda, Rajam, Chipurupalli, Takkali, Bobbili and Salur.
Vishakhapatnam, South.	579 ; 8th May 1945 ..	22nd May 1945 ; 350 ..	Vishakhapatnam.
Do. ..	1073 ; 9th August 1947 ..	26th August 1947 ; 733	Anakapalli.
Do. ..	1362 ; 15th October 1947 ..	4th November 1947 ; 915	Vishakhapatnam Harbour and Malakapuram.
West Godavari ..	426 ; 4th April 1945 ..	10th April 1945 ; 361 ..	Ehru.
Do. ..	208 ; 4th February 1948 ..	17th February 1948 ; 132-134	Palacole, Bhimavaram, Narasapur, Tadepalligudem and Tanuku.
Do. ..	27 ; 13th December 1950 ..	2nd January 1951 ; 17	Nidadavolu and Kovur.

[7th January 1954]

2. Under section 77 of the Madras City Police Act, 1888 (Madras Act III of 1888), as extended to towns under section 54-A (1) of the Madras District Police Act, 1869 (Central Act XXIV of 1869), the Governor of Madras hereby fixes the undermentioned rates of fee that may be levied by the District Superintendent of Police, or the Assistant or Deputy Superintendent of Police concerned, for permissions granted under the Act :—

Section and clause of the Act.	Permissions.	Fee.
		Rs. A. P.
71 (xv)	For playing music	1 0 0
Do.	For use of sound amplifiers	2 0 0
71 (iii)	For driving, riding or leading any elephant or camel.	1 0 0
71 (x)	For exposing for show animal, or vehicle or for making or repairing vehicle, or training or breaking horses.	1 0 0

(By order of the Governor)

O. PULLA RENDI,
Secretary to Government.

To the Inspector-General of Police, Madras-4 (3 copies).

.. all the Collectors. (except Collector of Madras).

.. the Superintendent, Government Press (for publication of the notification in Fort St. George Gazette (paragraph 1 only).

Copy to the Commissioner of Police, Madras.

.. Legal Department.

.. Public Works (Information and Publicity) Department.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 8th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

SRI S. SWAYAMPRAKASAM :—“ I rise on a point of information, Sir. From the list of questions for to-day, I find that only one question number has been put in. Is it because there are no other questions for inclusion? ”

MR. SPEAKER :—“ The other questions will be taken up to-morrow.”

SRI S. SWAYAMPRAKASAM :—“ I rise on another point of information, Sir. The numbers given to the questions are 388-A, 388-B, 388-C and so on, and it looks as if all the questions relate to the same subject. As a matter of fact, question No. 388-C relates to postwar road development scheme for Udayarpalayam taluk and it has no connexion with the subject-matter of either question No. 388-A or question No. 388-B.”

MR. SPEAKER :—“ I will explain. These questions were admitted as short-notice questions and so they were given A, B, C numbers.”

Tube Wells Scheme for South Arcot district.

* 388-A Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the water that comes out of the wells sunk under the 101 tube wells scheme in South Arcot district contains alkaline elements; and

(b) whether the Government have examined the question whether this water has any bad effect on wet (nanja) lands in this area?

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

“ (b) The water has no bad effect whatsoever on the wet lands in the area.”

SRI K. ARANGANATHAN :—“ ஊற்றுக்கிணறுகளிலிருந்து வரக் கூடிய தண்ணீரில் உவர்ப்பு சக்தி இருப்பதால் அந்தத் தண்ணீர் தங்குதிற இடங்களிலெல்லாம் அந்த உவர்ப்பு சக்தியினால் வேர்கள் கெட்டுப்போய் பயிர்கள் அழிந்து விடுகின்றன. அது நாங்கள் கண்ட அனுபவம். அரசாங்கம் இல்லை யென்றால் காரணம் என்னவென்று கெடிகல் அனலைச் செய்து பார்த்தீர்களா? ”

[8th January 1954]

THE HON. SRI M. BHAKTAVATSALAM :—" Yes, Sir, the Government Agricultural Chemist thoroughly examined the water and submitted a report. He has reported after an analysis of 67 water samples, that the total solids content of the water flowing from the artesian bore wells sunk at Government cost in the South Arcot district ranges from 20 to 80 parts over 1,00,000. The alkaline elements present in the water are mainly in the form of calcium and magnesium bicarbonates. The water generally shows a low chloride content. The sulphates are contained partly as magnesium sulphate and partly as sodium sulphate. However, divalent ions (calcium and magnesium) predominate over the monovalent ions and this is a very favourable feature. The water is deemed suitable for irrigation. Although the water as it comes out from the wells exhibits smell of hydrogen sulphide and taste of rusted iron, it becomes suitable for irrigation purposes after aeration."

SRI S. DEIVASIGAMANY :—" Has this water any bad effect on cattle and human beings? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have no information."

SRI K. PARTHASARATHY :—" Is it not a fact that because of the availability of water throughout the year, the ryots cultivate paddy or other crops throughout the year and as a result of this and as a result of the ryots not using fertilizers, the soil becomes poor? "

MR. SPEAKER :—" The hon. Member is giving information."

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to examine that aspect of the question."

SRI K. VINAYAKAM :—" In the course of the answer, the Hon. Minister said that the alkaline content of the water did not have any bad effect on crops. Has any research been made whether the grains produce any bad effect on the human beings who consume them? "

THE HON. SRI M. BHAKTAVATSALAM :—" If the consumers of the rice or other grains convey to me their experiences, I will have the matter examined by experts."

SRI K. PARTHASARATHY :—" Since the 101 artesian wells are in a compact block and adjacent to the Community Project area, will the Government consider the inclusion of this block within the Community Project area, so that the ryots there may have the benefit of getting and using fertilizers on a large scale? "

THE HON. SRI M. BHAKTAVATSALAM :—" I shall consider that suggestion for next year."

[8th January 1954]

Number of murder cases within the limits of the Vaithiri Police station.

* 388-B Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Finance be pleased to state—

(a) how many murder cases took place within the Vaithiri Police station limits, Wynaad, Malabar, during the years 1951 to 1953; and

(b) in how many of them the culprits were detected and in how many undetected?

THE HON. SRI C. SUBRAMANIAM :—" (a) & (b) Two murder cases were reported within the Vaithiri Police station limits during the period from 1951 to end of September 1953. In both cases the culprits were detected."

Postwar road development scheme for Udayarpalayam taluk.

* 388-C Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number and the names of new road works proposed to be undertaken under the postwar road development scheme in Jayankondan Constituency, Udayarpalayam taluk in the five years period 1953-58; and

(b) whether the selection of these works is done in consultation with the President, District Board, or the member of the Assembly?

THE HON. SRI K. RAJARAM :—" (a) The first five-year plan of road development included in the National Five-Year Plan commenced with the year 1951-52 and will end in 1955-56. A statement * specifying the road works included in the Five-Year Plan is placed on the table of the House.

" (b) Works are included in the programme and taken up for execution with reference to needs. Selections are to be made by the district boards on this basis."

Issue of licences for stake-nets.

* 388-D Q.—SRI M. CHADAYAN : Will the Hon. the Minister for Agriculture be pleased to state—

(a) how many licences were issued for holding stake-nets in Chirakkal taluk;

(b) how many such licences were given to Harijans;

(c) why a number of licences were given to one and the same person when there were petitions from others also for licences for stake-nets; and

(d) whether it is a fact that some of these licences were given for rent by those who had obtained such licences?

[8th January 1954]

THE HON. SRI M. BHAKTAVATSALAM :—“(a) Six hundred and fourteen licences were issued for holding stake-nets in Chirakkal taluk.

“(b) None, as Harijans in Chirakkal taluk are not engaged in fishing.

“(c) The number of licences issued to each applicant corresponds to the number of stake-nets held by such applicant at the time of introduction of the licensing scheme.

“(d) Specific instances were not brought to the notice of the Government. But on general representations received, the Government have since issued comprehensive rules prohibiting the leasing or renting of the licences.”

SRI S. DEIVASIGAMANY :—“Is there any licence fee and if there is, may I know what the amount is?”

THE HON. SRI M. BHAKTAVATSALAM :—“I would like to have notice, Sir.”

SRI M. CHADAYAN :—“സർ, പ്രവൃത്തി അറിയുന്ന ആൾക്ക് നിഷ്പക്ഷ നിലയിൽ ലൈസൻസ് വിതരണം ചെയ്യാൻ ഫിഷറീസ് ഡിപ്പാർട്ട്മെന്റ് മനോഹര സ്ഥലം കല്പന നൽകുമോ? ലബോറിയെ ഹരിജനങ്ങൾക്ക് ലൈസൻസ് കിട്ടിയില്ലെന്ന ആക്ഷേപം ഗവർണ്മെന്റിന് കിട്ടിയിട്ടുണ്ടോ? കിട്ടിയിട്ടുണ്ടെങ്കിൽ അതിനെപ്പറ്റി ഗവർണ്മെന്റ് എന്തു നടപടി എടുത്തുവെന്നു മേയറുചെയ്തു മറുപടി പറയുമോ?”

THE HON. SRI M. BHAKTAVATSALAM :—“If Harijans apply for licences, then they can be considered.”

SRI T. C. NARAYANAN NAMBIAR :—“Are the Government aware that one Karunan and other Harijans of Cherukunnu village in Chirakkal taluk, the place from which the hon. Member Sri M. Chadayan comes, applied for licences three times and that they were refused by the department concerned? Will the Hon. Minister be pleased to consider their appeal?”

THE HON. SRI M. BHAKTAVATSALAM :—“I have no information about that matter. If the hon. Member will write to me, I will have it examined. For the benefit of the hon. Member, I will read the rules which were issued in December 1953 :—

(1) No person can get licences for more than four nets;

(2) Poorer people will have preference over others; and persons having Rs. 900 per annum from sources other than fishing will not be eligible for licence;

(3) In the case of the death of the licensee, it may be granted to his son or to his widow as the case may be; and

(4) The licence will be liable to cancellation if the licensee transfers it or leases it to any other or habitually does fishing in *absentia* or otherwise misuses the licence.”

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SRI V. R. KRISHNA AYYAR :—“Are the Government aware that the rule against sub-letting is circumvented by allowing somebody else to carry on and taking the profit illicitly? Would the Government take effective measures to stop this kind of racketing?”

THE HON. SRI M. BHAKTAVATSALAM :—“I would like the hon. Member to take some more interest and give me specific instances so that I may take necessary action.”

SRI T. C. NARAYANAN NAMBIAR :—“The cases that I referred to were strictly within the ambit of the rules. Moreover, as a matter of explanation, I may say that I myself drew the attention of the Fisheries Inspector concerned to this matter and in spite of that, these people were refused licences because it is alleged that others were prepared to give some money.”

THE HON. SRI C. RAJAGOPALACHARI :—“It is very wrong to say that others were prepared to give some money and all that. Very probably, the man's ire was roused by too much interference from Members.”

SRI V. R. KRISHNA AYYAR :—“Would the Hon. Minister be pleased to enquire into the matter represented by the Dharmatam Society who complained that there was sub-letting by another society to a man from Travancore or so, who was not a member of the fisherman community and that it was deriving illegal profit thereby?”

THE HON. SRI M. BHAKTAVATSALAM :—“I would like the hon. Member to write to me about this. Then I shall have it examined.”

SRI K. P. GOPALAN :—“In Chirakkal taluk, North Malabar, I know that there are persons who are having more than twelve licences for stake-nets. Will the Government be pleased to inquire into the matter and issue orders that a single individual should hold licence for four nets only according to the rule?”

THE HON. SRI M. BHAKTAVATSALAM :—“I said that rules were framed only in December last. All these will be restricted under the rules.”

Classification of prisoners in jails.

* 388-E Q.—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Law be pleased to state whether class I and II systems in jails has been abolished and class A, B and C system has been introduced as before and if so, for what reasons?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“Yes. The class I and class II system was unsatisfactory. The classification of A, B and C is considered more satisfactory and just both to the prisoner and to society. The old classification ignored the nature of and gravity of the crime of

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which the prisoners were convicted. The present classification takes this element as well as social standing and mode of life into consideration."

SRI K. MADHAVAN NAMBIAR :—" ഇതു തുടർച്ചയായ ഒരു പ്രശ്നമാണ്, ശരി ? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" This is only to see that justice is done to the prisoner as well as to society."

SRI M. NARAYANA KURUP :—" Will the Hon. Minister explain a little more the expression social standing and mode of life."

THE HON. SRI C. RAJAGOPALACHARI :—" It is a very difficult thing to answer such a question. I can give an illustration only. Suppose a Member of Parliament or a Member of the Legislature commits an offence. His standing is different from that of a habitual offender."

Grant of a portion of land revenue to panchayat boards.

* 388-F Q.—**SRI K. MADHAVAN NAMBIAR** : Will the Hon. the Minister for Local Administration be pleased to state what portion of the land revenue was given to the panchayat boards in the State prior to the passing of the Village Panchayat Act?

THE HON. SRI K. RAJARAM :—" No portion of land revenue was given to panchayats prior to the passing of the Madras Village Panchayats Act, 1950."

SRI K. MADHAVAN NAMBIAR :—" പുതിയ പഞ്ചായത്തു ബോർഡുകളിൽ നിന്നും ഇതിനെ സംബന്ധിച്ച് ഗവണ്മെന്റിന് എന്തെങ്കിലും നിപ്രസരങ്ങൾ കിട്ടിയിട്ടുണ്ടോ ? "

THE HON. SRI K. RAJARAM :—" Yes, Sir. So many representations have been made by panchayats for getting 12½ per cent of the land revenue collections from the Government."

Scale of pay of Hindustani teachers.

* 388-G Q.—**SRI T. C. NARAYANAN NAMBIAR** : Will the Hon. the Minister for Finance be pleased to state—

(a) whether Hindustani teachers, who have successfully undergone " Pandits Training " in any approved institution, are exempted from holding Pracharak Diploma; and

(b) whether such instructors are eligible for I grade scale of pay?

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

" (b) Such Instructors, if they have the necessary language and general educational qualifications are eligible for the Grade I scale of pay provided that they have work for not less than 17 hours in the higher forms of High schools."

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SRI T. C. NARAYANAN NAMBIAR :—" Are the Government aware that teachers who have passed the Pandit's Training Examination of the Madras University are not placed in Grade I in spite of a request to the Director of Public Instruction, Madras, in that regard? Will the Government be pleased to inquire into the matter and see that justice is done according to the Government Order? "

THE HON. SRI C. SUBRAMANIAM :—" If the hon. Member is referring to a specific case, he may kindly write to me about it."

SRI K. VINAYAKAM :—" Arising out of the answer given by the Hon. Minister, if local boards come forward to place those who are qualified having undergone the Pandit's training, under Grade I, as long as their finances permit, will the Government be pleased to accord them sanction? For instance, the Corporation of Madras was approaching the Government of Madras for such sanction. Will the Government take a generous view of the matter and accord sanction? "

THE HON. SRI C. SUBRAMANIAM :—" There is no question of generosity involved here. We have framed certain rules. If they come within the scope of the rules, certainly they will be permitted. If they do not fall within the scope of the rules, simply because a local body makes a recommendation, it would not be possible to accept it."

SRI K. VINAYAKAM :—" I will make my question clearer, Sir. The Government have been refusing sanction on the pretext that if they accord sanction to the Corporation of Madras, whose finances are a bit in a better condition, the other local bodies like district boards and municipalities will also clamour for it though their financial position would not give room for such a contingency. The Corporation of Madras comes within the scope of the rules framed by the Government. But still, in order to have a uniform policy, the Government refused sanction to the Corporation of Madras. Will, at least in this particular instance, the Government be generous? "

THE HON. SRI C. SUBRAMANIAM :—" In spite of the long speech, the question has not been made quite clear. He may discuss it personally with me and I am prepared to go into that question."

Release of Communist prisoners.

* 388-H Q.—**SRI T. C. NARAYANAN NAMBIAR** : Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government received a mass petition signed by 11,700 persons of the Chirakkal taluk in the last week of November 1953, praying for the release of the Communist prisoners in the Central Jail, Cannanore, and if so, the action taken by the Government thereon; and

(b) whether these prisoners are ill?

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“(a) Yes, Sir. The Government received such a petition signed by a large number of people.

“The Government did not, however, consider it proper to comply with the request contained in the petition, as the offences involved a bad type of murder and the period of imprisonment suffered so far is relatively brief.

“(b) The latest medical report about the convicts shows that their general health is quite satisfactory.”

SRI T. C. NARAYANAN NAMBIAR:—“Are the Government aware that these two prisoners were convicted in 1949–50 when they were not given facilities to defend themselves and that the accused in the same case tried after 1951 were acquitted because they had facilities to argue their case? In view of these facts, will the Government be pleased to consider the question favourably?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“The question of acquittal depends upon the evidence available in respect of each of the accused. As far as the persons now convicted are concerned, there was sufficient evidence and they were convicted on the basis of the evidence available. As regards the first part of the question, I am not prepared to accept it.”

SRI C. KANDASAMY:—“அந்தப் பிரதேசத்தில் வசிக்கும் மக்கள் 12 ஆயிரம் பேர்கள் குற்றங்களின் தன்மையை புரிந்திருந்தும் கூட அவர்களை விடுதலை செய்யவேண்டும் என்று கூறியும் அரசாங்கம் இவர்களுடைய அபிலாஷையை கணக்கில் எடுத்துக்கொண்டு அதை கவனிக்குமா?”

THE HON. SRI C. RAJAGOPALACHARI:—“We cannot dispose of questions of criminal justice by mass petitions. Mass petitions to-day can easily be got signed.”

SRI S. RAMALINGAM:—“அவர்களை விடுதலை செய்வதற்கு சர்க்கார் இறுதி யோசனை செய்யும் வரைக்கும் கைதிகளுக்கு வசதி செய்துதொடர்பு பதற்கு சர்க்கார் யோசனை செய்யுமா?”

THE HON. SRI C. RAJAGOPALACHARI:—“We cannot coddle prisoners convicted of criminal offences by courts.”

Separation of the Judiciary from the Executive.

9-20 a.m. * 388-I Q.—**SRI V. GOPALA GOUNDER:** Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government have received any memorandum of objections from the Madras State Bar Federation to the report on the working of the Scheme of Separation of the Judiciary from the Executive; and

(b) if so, what action has so far been taken thereon?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“(a) &

(b) Yes. The attention of the hon. Member is invited to the answer given on the floor of the House to the starred

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question No. 1153 by the hon. Member Sri V. R. Krishna Ayyar answered on 25th July 1953. The matter is under the consideration of Government.”

SRI V. GOPALA GOUNDER:—“Is it a fact that the members of the Bar Federation waited in deputation on the Hon. Minister and raised various objections and if so, may I know what action has been taken by Government on those objections?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“They sent a representation and they also saw me. They made reference to very many items. I can mention one or two major items referred to by them. One of them was in respect of recruitment of District Magistrates, the other was against some remarks made by the Committee with regard to the functions of District Magistrates and another was in respect of recruitment to all cadres. Such administrative matters have been raised by them and the Government are considering those representations.”

SRI S. DEIVASIGAMANY:—“When did the Government receive the Committee's report, I mean Justice Rajagopalan Committee's report?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“I am not able to say the month or date. We got it in 1953.”

SRI V. BALAKRISHNAN:—“May I know what percentage of appointments under this scheme the Federation wants for its members?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“That does not arise. They only want that direct recruitment from among the lawyers must be resorted to.”

SRI V. R. KRISHNA AYYAR:—“The Hon. Minister for Law was pleased to say that the Federation sent a representation and he also saw them. I presume they met him also. May I know whether they raised any objection to the Indian Administrative Service personnel being appointed to the Judiciary?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“Regarding the first part of the question, they have to see me when they meet me. I do not think there is any difference as to that. Regarding the consideration of their recommendations and suggestions, the Government have to examine them in connexion with all the items covered by the report of the Committee.”

SRI M. NARAYANA KURUP:—“Is it not a fact that the Bar Federation was allowed opportunities to tender its views before the Committee which went into the question?”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“If a separate question is put, I will be able to answer.”

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SRI V. GOPALA GOUNDER :—“ May I know whether the attention of the Government was drawn particularly to the recruitment of District Munsifs? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ All aspects of recruitment were brought to my notice and adverted to in detail.”

Supply of bad quality rice in Palghat taluk.

* 388-J Q.—SRI R. KRISHNAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received any complaints from the consumers and producers-cum-consumers co-operative societies of Palghat taluk about the bad quality of rice supplied for distribution through ration shops; and

(b) if the answer is in the affirmative, what action the Government have taken on those complaints?

THE HON. SRI C. SUBRAMANIAM :—“ (a) & (b) The answer is in the negative. A representation was, however, received from the Palghat Chamber of Commerce complaining about the bad quality of rice supplied in the ration shops in Palghat and it was enquired into. The enquiry revealed that the rice under reference was received from Tadepalligudem and that it was red in appearance as it was not polished. It was neither weevilled nor in any way infested. It was also found that the rice when cooked did not give any bad smell as in the case of bad rice. As it was in good condition and as it did not contain any dirt particles or dust, the District Supply Officer, Kozhikode, did not withdraw the rice from the ration shops. The Government agreed with the District Supply Officer's report which was endorsed by the Board of Revenue (Civil Supplies) and dropped the matter.”

SRI R. KRISHNAN :—“ ഇം അരി പാകം ചെയ്യാൻ കഴിവുപോലെയാണിരിക്കുന്നത്. അതുകൊണ്ട് അത് ആരും രാജാക്കൻ ഡിപ്പോകളിൽ കൂടിക്കിടക്കുകയാണ്. അത് തിരിയെ എടുക്കാൻ ഗവർണ്മെന്റിൽ ചെയ്യണമെന്നോ? അരിയുടെ സമ്പിൾ എന്റെ കൈവശമുണ്ട്. ബഹുമാനപ്പെട്ട മന്ത്രിക്ക് പരിശോധിക്കാം.”

THE HON. SRI C. SUBRAMANIAM :—“ These samples are very easily obtained. I do not know wherefrom they are obtained. I understand the same sample is shown everywhere. Apart from that, the main objection was about the colour of the rice. I do agree that red has to be avoided either in politics or in rice quality. (Laughter.) I have been of late receiving complaints that there is a certain amount of small quantity of bad rice going about everywhere. That is being taken advantage of for making complaints everywhere that the rice supplied is very bad. I am looking into this matter and I have already issued specific instructions that the matter should be looked into immediately and when-

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ever or wherever there was any old stock, it should be disposed of one way or the other so that the standing complaint may not be made by hon. Members and by members of the public.”

SRI K. C. GOPALAN UNNI :—“ I have before me copies of letters and resolutions sent by the Palghat Producer-cum-Consumers Co-operative Society to the District Supply Officer and to the Collector of Malabar regarding the bad quality of rice. I have also got a copy of the telegrams sent by them. The Minister now says that the Government have not received any complaint except from the Palghat Chamber of Commerce. I want to know whether the complaints sent to the Collector of Malabar and the District Supply Officer were not forwarded to the Government and whether the Government have not looked into those complaints? ”

THE HON. SRI C. SUBRAMANIAM :—“ The specific question was, whether the Government have received any complaints. I said I have not received any complaint. When complaints are made to the District Collector or the District Supplies Officer, they are also promptly looked into. As a matter of fact, it is not necessary for them to send those complaints to the Government. In fact, when these complaints or representations are made to the local officers, they will be looked into more promptly. As I have already informed the House, specific instructions have been issued by me that this matter should be immediately looked into and wherever there were old stocks, they should be disposed of immediately.”

SRI K. C. GOPALAN UNNI :—“ വടക്കെ മലബാറിൽ കരിയൂർ പി. സി. സി. സൊസൈറ്റിയിൽ ആദ്യം ജനങ്ങൾ വാങ്ങിയിരുന്ന അരി വീണ്ടും വാങ്ങാൻ നിർബ്ബന്ധിക്കുകയും അതിലേക്ക് ഉത്തരവു പുറപ്പെടുവിക്കുകയും ചെയ്തിട്ടുള്ളതായി അറിയുന്നു. അതിനെ തടയാൻ ഗവർണ്മെന്റ് നടപടി എടുക്കുമോ? ”

THE HON. SRI C. SUBRAMANIAM :—“ I am sorry I am unable to follow this brand of Malayalam.”

SRI K. MADHAVAN NAMBIAR :—“ ദുന്നമാസത്തിലധികം സ്റ്റാക്കിലിരിക്കുന്ന അരിയുടെ പോഷകാംശം കുറഞ്ഞുപോകുമെന്നാണ് പറയുന്നത്. മധ്യമധ്യം ദുന്നമാസത്തിലധികം സ്റ്റാക്കിലിരിക്കുന്ന അരി വിതരണം ചെയ്യുന്നതിനുള്ള ഗവർണ്മെന്റ് ഉത്തരവു പുറപ്പെടുവിക്കുമോ? ”

SRI V. R. KRISHNA AYYAR :—“ I am translating the question put by hon. Member Sri Madhavan Nambiar without prejudice to my right to put a supplementary question on the same subject on my own behalf. (Laughter.) This is what the hon. Member wants to know : In view of the fact that at the end of three months, the nutritive value of rice would considerably deteriorate, will the Government give instructions to the concerned authorities that stocks which are more than three months' old should not be allowed to be sold through ration shops? ”

THE HON. SRI C. SUBRAMANIAM :—“ I do not concede the point made by the hon. Member that the nutritive value of three months' old rice will diminish or deteriorate. I know after a certain period, not after three months, but after five or six months, deterioration sets in in the quality of

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rice. That is why I have issued instructions to the authorities to see that these stocks are disposed of as early as possible. Whenever we import rice from outside, especially from the Andhra area, there is likely to be trouble. If the people of Malabar locally produce the rice that they require, they need not have to depend upon such Andhra rice."

SRI V. R. KRISHNA AYYAR :—"Is the Hon. Minister aware of the fact that on account of deficiencies in the nutritive standards of the foodgrains supplied to the people of Malabar, dysentery, cholera and other diseases have become widespread . . . ?"

THE HON. SRI C. RAJAGOPALACHARI :—"I shall get the Health department to give a comparative list of cholera cases throughout the State. It will be seen that the claims of Malabar in this regard are not as correct as they appear to be."

SRI V. R. KRISHNA AYYAR :—"It only means that the Government are neglecting other districts also. (Laughter.)"

"My point is that in view of the malnutrition or I should say in view of the fact that the Government have thrust upon the people of Malabar as a New Year gift this atrociously inferior and unwholesome rice, a sample of which I showed to the Hon. Minister yesterday, the people are attacked by ever so many diseases. Will the Government come forward to help these people from out of their difficulties in this regard? "

THE HON. SRI C. RAJAGOPALACHARI :—"Sir, with your permission let me try to tell hon. Members some science. The more nutritious a grain is, the more easily will it get deteriorated. It is a fact therefore that in the unpolished rice which has vitamins more weevils are attracted. We should not confuse the question of nutrition with the question of deterioration. The more nutritious an article is the more liable it is for early deterioration. Non-nutritious stuff can be preserved for a long time."

9-30
a.m.

SRI S. C. C. ANTHONY PILLAI :—"The Hon. the Minister for Food said that he had issued instructions that this bad quality rice should be disposed of one way or the other. This answer is very vague. We would like to know whether these instructions mean that the authorities concerned should compel the people to take this rice or it should be disposed of in any other manner."

THE HON. SRI C. RAJAGOPALACHARI :—"We are even prepared to put the rice in the manure pit."

SRI V. R. KRISHNA AYYAR :—"The fact of the matter is that the Hon. the Minister is under a colour complex and so he says that it is merely red. Apart from that, the rice that is supplied is very unwholesome and infested and so bad that it is uneatable. Of course, the Chief Minister might say that if it is so bad people would not buy it. But I say that the people are so

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abjectly poor that they cannot buy rice in the free market and so resort to fair price shops. Therefore, may I request the Hon. the Minister for Food to issue immediate instructions to stop issue of such rice which is not rice but an invitation to diseases? "

THE HON. SRI C. RAJAGOPALACHARI :—"I was making the remark that if the sample shown to us was the kind of rice supplied to people all over, in Malabar, then no human being would take it and that there would be no demand in the fair price shops for more quantities of rice. It is not always that the sample produced is the correct sample. People choose samples."

SRI S. RAMALINGAM :—"இந்தமாதிரி கெடுதலான அரிசியை மலபாருக்கு சப்ளை செய்தால் அங்குள்ளவர்கள் ரேஷனை வேண்டாம் என்று கூறுவதற்காகவா? "

THE HON. SRI C. RAJAGOPALACHARI :—"It is in order to increase production of rice." (Laughter.)

SRI K. VINAYAKAM :—"In view of the fact that the existing stocks of rice in Malabar are not consumable according to the allegations made in the House and in view of the fact that these stocks were imported from the Andhra area, will the Government take precautions at least in future—because we are going to import some thousands of tons of rice from Andhra—to see that they import the right type of rice and avoid the mistake of importing bad rice at least in the interests of avoiding a volley of questions in the Assembly on the subject? "

THE HON. SRI C. RAJAGOPALACHARI :—"I would ask the hon. Member not to be the sole repository of anti-Andhra feeling." (Laughter.)

SRI A. APPU :—"For a long time we have been getting bad rice from outside the State, from places like Orissa, Siam, etc. Will the Government be pleased to change the sources of supply to places wherefrom we can get good rice? "

THE HON. SRI C. SUBRAMANIAM :—"We shall consider the suggestion but we have to take into account the cost also."

SRI T. C. NARAYANAN NAMBIAR :—"The Hon. the Chief Minister and the Hon. the Minister for Food were saying that by looking at the sample one could not conclude that the quality was bad. The implication is that they are questioning the *bona fides* of Members who have brought samples. Will the Food Minister issue instructions to the various P.C.C. societies through which rice is supplied to the people of Malabar to send samples of rice available for distribution this week to him so that he may be convinced that this rice is not eatable? "

THE HON. SRI C. SUBRAMANIAM :—"We have made arrangements for samples of rice from various centres to be sent to Government every month. We scrutinize the samples and if there is anything bad with them, we immediately issue

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instructions to the authorities to stop supply of this rice. This has been done for a long time and in spite of that there are a few cases of supply of bad quality rice and I do not know where the fault lies. That is why I asked the department yesterday to look into the matter after representations had been made in that behalf by certain hon. Members in this House."

SRI S. PANCHAKSHARAM :—" Can these complaints be put an end to if the zones are abolished? "

THE HON. SRI C. SUBRAMANIAM :—" The zonal system has nothing to do with this because this is with reference to supply of rice at controlled price through Government agency. That is not going to alter the pattern in any way."

UNSTARRED QUESTIONS.

Improvement of minor ports.

35 Q.—SRI A. RATNAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the State Government applied to the Government of India to advance a loan towards the improvement and repairs of the minor ports in our State;

(b) what are the ports to be improved and repaired;

(c) what is the estimated cost of improvements and repairs to each of the ports; and

(d) what is the amount sanctioned by the Government of India to the State Government and the interest charged per annum?

A.—(a) Yes.

(b) & (c)—

			Original estimate.	Revised estimate.
			RS.	RS.
Cuddalore	..	..	1,19,000	1,19,000
Nagapattinam	..	..	2,54,200	2,54,200
Kozhikode	..	..	3,65,000	3,18,000
Mangalore	..	..	3,30,000	3,30,000
Tuticorin	..	..	9,70,000	9,70,000
Total	..	..	20,38,200	19,91,200

(d) Against a total estimated cost of Rs. 24,78,200 for 23 schemes (19 in Madras State and 4 in Andhra State), the ceiling limit of central assistance by way of loan has been fixed at Rs. 10.39 lakhs. The total cost of the 19 schemes in the Madras State is estimated at Rs. 20,38,200 (subsequently revised to Rs. 19,91,200).

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The ceiling limit of central assistance for Madras State schemes has not been fixed separately. The loan will approximately be equal to half the total cost of the schemes. The loan to be granted by the Centre will have to be repaid in 30 years, the first 12 years of which will be free of interest charges and from the 13th year the loan will carry interest at 4½ per cent and it will have to be repaid in 18 equalled instalments of principal plus interest.

Number of applications and appeals filed under the Tanjore Tenants and Pannaiyal Protection Act.

36 Q.—SRI C. KANDASAMY : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many disputes have been entertained by the various conciliation officers appointed under the Tanjore Tenants and Pannaiyal Protection Act, from the date of enforcement of the same Act, talukwar;

(b) how many disputes have been filed by tenants and pannaiyals and how many by landowners, talukwar, to the conciliation officers;

(c) how many disputes have been settled in favour of tenants and pannaiyals and how many disputes have been settled in favour of landowners, talukwar, by the conciliation officers;

(d) how many appeals were received so far by the Revenue Courts from the date of enforcement of the Act, talukwar;

(e) how many appeals were made by tenants and pannaiyals and how many by landowners, talukwar, to the Revenue Court; and

(f) how many appeals have been disposed of in favour of tenants and pannaiyals and how many in favour of landowners, talukwar, by the Revenue Court?

A.—(a) to (f) The answer ^a is laid on the table of the House.

Ration shops in the South Arcot district.

37 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Finance be pleased to state the number of ration shops, fair price shops and relief shops that were or are existing in South Arcot district from 1942 up to 31st October 1953, how many of them are working now, what is the total deposit made by them and the total amount refunded up to 31st October 1953?

A.—The information required by the hon. Member is furnished in the statement ^b placed on the table of the House.

^a Printed as Appendix II on page 480 infra.

^b Printed as Appendix III on pages 481-482 infra.

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Recruitment to Indian Police Service.

38 Q.—SRI V. BALAKRISHNAN : Will the Hon. the Chief Minister be pleased to state—

(a) the number of Indian Police Service Officials in the employment of Madras State;

(b) the terms and conditions of their recruitment to the State Service;

(c) how many of the Indian Police Service Cadre have superseded employees in the Madras Police Service Cadre; and

(d) how many of the Madras Police Service Cadre have superseded employees in the Indian Police Service Cadre?

A.—(a) Thirty-five.

(b) Recruitment to the Indian Police Service which is an All-India Service is made under rules framed by the Government of India for the purpose. Candidates are selected on the results of a competitive examination and allotted for service in the States, according to the requirements of each State.

(c) & (d) The Indian Police Service and the Madras Police Service Cadres are two separate and distinct cadres and there is no common seniority list between the officers borne on the two cadres. The question of Indian Police Service Cadre Officers superseding the Madras Police Service Cadre Officers or *vice versa* does not therefore arise.

Twenty-five per cent of the senior duty posts borne on the Indian Police Service Cadre of the State is reserved for promotion of State Police Service Officers and if at any time for reasons of administrative necessity the number of State Police Service Officers officiating in senior posts exceeds the promotion quota, the reasons for it are furnished to the Government of India.

Number of surcharges and certificates issued regarding expenditure incurred by local bodies.

39 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Local Administration be pleased to state the total number of surcharges and certificates issued regarding expenditure incurred by local bodies during the year 1952-53 in the Madras State and the amount involved?

A.—The total number of surcharges and certificates issued during 1952-53 was four involving an amount of Rs. 1,383-9-1.

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

II.—BUSINESS OF THE HOUSE—DISCUSSION *re*

* SRI S. SWAYAMPRAKASAM :—“ On a point of order, Sir. You were pleased to say that some more questions were ready to be answered. You are the custodian of the rights and privileges of Members of this House. More than once, the Hon. the Chief Minister himself has said that the question hour is very important and very useful because it affords an occasion for hon. Members to be active also. Nobody doubts the capacity of the hon. Speaker to put sufficient number of questions to cover a period of one hour and as such, I would like to know why only such a small number of questions has been put down for the day.”

MR. SPEAKER :—“ I have got thirty more questions ready to be answered. But I am under the impression that we may sit till Sunday. It is for this reason that I thought that I could distribute them equally on all days—to-day, to-morrow and the day after.”

* SRI S. DEIVASIGAMANY :—“ Now that you have said ‘ till Sunday ’ I would like to know, Sir, how long the present sitting will last because Pongal is fast approaching and we would like to leave Madras shortly.”

THE HON. SRI C. RAJAGOPALACHARI :—“ That is why I am hustling everybody.”

SRI K. ARANGANATHAN :—“ பருளேகர் கமிட்டியின் அறிக்கை ஒரு நாள் இந்த சபையில் விவாதத்திற்கு எடுத்துக்கொள்ளப்படும் என்று சொல்லப்பட்டது. ஆனால் நிகழ்ச்சி நிரலிப்பார்த்தால் ஏமாற்றம் அடைவதாக இருக்குமோ என்று பயம் ஏற்பட்டிருக்கிறது. பருளேகர் கமிட்டியின் அறிக்கை எப்பொழுது விவாதத்திற்கு எடுத்துக்கொள்ளப்படும் ? ”

* THE HON. SRI C. SUBRAMANIAM :—“ It is not ‘ Paraloga Committee ’. (Laughter.) Before I place the report before the House for discussion, it will have to be fully examined by the Department as I must give to the House full information about its implications, both financial and otherwise. Unfortunately, in spite of my trying my best to hurry with its examination and scrutiny, it has not been possible to get it completed in time. That is why I am afraid it may not be possible to place it before the House in this sitting. But my promise still stands that the Report will be placed before the House for discussion and that will be when we meet next.”

MR. SPEAKER :—“ Regarding the present sitting, I would like to know whether we will sit on Sunday.”

* THE HON. SRI C. SUBRAMANIAM :—“ It depends on whether we will finish consideration of the Malabar Tenancy Bill quickly. If it is over to-day, we can sit to-morrow for non-official business. Otherwise I am proposing that we may have afternoon sessions to-day and to-morrow so that it would be possible for us to finish voting on the Bill and disperse to-morrow itself. I hope

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hon. Members will co-operate and if only they co-operate, as the Hon. the Chief Minister said in his appeal to hon. Members, it would be possible for us to disperse to-morrow evening."

* SRI S. SWAYAMPRAKASAM :—" Sir, the Leader of the House is trying to encroach upon our rights. We are taken by surprise in so many other matters. We are coming from the mufassal and we are already suffering from several handicaps. Even people residing in the hostel have their own inconveniences to suffer. We must know the business of the House beforehand so that we can adjust our other engagements. If the Leader of the House decides to have afternoon sessions, it will be a great hardship on us and will interfere with our other engagements. To suit the morning session, we have put off all our other engagements for the afternoon."

* THE HON. SRI C. RAJAGOPALACHARI :—" The Legislature must be treated as the first charge on the Member's time."

* SRI S. SWAYAMPRAKASAM :—" Yes. The House Committee has made several recommendations and the Government do not care for its proposals. They do not at all look into them so that the House Committee can be said to be not functioning at all. Taking my own case, I have not been able to get hot water for the last three days. Even a peon is not available in the hostel. With all these inconveniences, we have been putting up and here comes another suggestion to inconvenience us more. It is not fair to take us by surprise. We must know beforehand what the Government intend to do so that we may arrange our other engagements accordingly."

* THE HON. SRI C. SUBRAMANIAM :—" I am really sorry that so much inconvenience has been caused to hon. Members residing in the hostel. This has not been brought to my notice at any time. I will look into it and I agree that all conveniences should be provided to Members. I shall certainly look into the matter and if there is anything wrong I shall try to set it right."

8-40 a.m. "With regard to the complaint against sitting in the afternoons, let me say I am not myself feeling happy over it. As far as I am concerned I would like to be free in the afternoons. It is not our wish to deprive Members of the opportunity of witnessing the cricket match which has commenced to-day."

SRI S. SWAYAMPRAKASAM :—" As a matter of fact, I do not know how to play cricket nor I am interested in it."

* THE HON. SRI C. SUBRAMANIAM :—" Apart from that, we want to finish the sitting as early as possible. If we do not have afternoon sittings, we will have to sit on the 11th and 12th. But many hon. Members have definitely stated that that would cause them very great hardship inasmuch as Pongal is coming immediately afterwards. Let me tell the House that I am fully aware of the inconvenience caused to Members due to afternoon sittings. But we have to finish the business on hand. So I would

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request hon. Members to co-operate with us without minding the inconvenience caused, so that we may finish our business as early as possible."

SRI S. RAMALINGAM :—" Sir, . . ."

MR. SPEAKER :—" No, I shall now take up the next item in the Agenda."

III.—GOVERNMENT BILLS.

(1) THE SOUTH KANARA CULTIVATING TENANTS PROTECTION BILL, * 1954.

* SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the South Kanara Cultivating Tenants Protection Bill, 1954, and move—

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

" Sir, for the past several months, Government have been receiving representations that the landlords in South Kanara district have been evicting cultivating tenants on an increasing scale and that the relationship between the landlords and tenants are tending to become strained. Hon. Members from South Kanara sitting behind me have also been urging the Government to take immediate action in this regard. Government have reason to believe that such evictions are being resorted to in anticipation of the fear that the Government may introduce land reforms in South Kanara. Government are of the opinion that pending comprehensive legislation the situation in South Kanara calls for immediate protective legislation so that cultivating tenants may not be needlessly disturbed. This Bill accordingly seeks to provide that, subject to payment of current rent, no cultivating tenant in South Kanara district shall be evicted from his holding for a period of one year from the date on which it comes into force. The Bill will not apply to the 33 villages of Kasargod taluk to which the Malabar Tenancy Act, 1929, applies, as conditions there are different and sufficient protection against eviction already exists there. I request the House to give permission for moving this motion of mine."

MR. SPEAKER :—" Motion moved—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.'"

* SRI L. C. PAIS :—" Mr. Speaker, this Government and especially the Hon. Chief Minister deserve to be congratulated on the manner in which they have been trying to help the cultivating tenants of South Kanara, and on their having brought forward this legislation at the opportune moment. This House may be aware that there are three classes of tenants in South Kanara. In the first place, we have what is known as the ' Mulgani ' or the ' permanent ' class of tenants. These tenants do not require any help

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from anybody because their relationship with the landlords are regulated by written agreements which are registered. But there are two other classes of tenants who require definite help from the Government. I refer to the second class who are called 'term lease tenants' or 'vaidegeni' tenants. These tenants enter into agreements with landlords to carry on cultivation on some fixed terms for some fixed period. After the term is over they are liable to be evicted by the landlords at any time the landlords choose. Then there is the third class of tenants.

" They are the chalgeni tenants or 'tenants at will'. They are otherwise called 'chalgeni' tenants. It should be remembered in this connexion that the second class of tenants are reduced practically to the status of chalgeni tenants, the moment the period of their term is over. There is no fixed agreement governing the relationship between chalgeni tenants and their landlords. These tenants enjoy fixity of tenure, terms and conditions being stipulated in printed forms. The High Court has held that the terms and conditions embodied in these printed list are valid and binding on the tenants. The result is the landlords are entitled to evict the tenant after the lapse of a year without any prior notice also. He is entitled to evict the tenant without paying a pie of compensation for any improvement the tenant might have effected on the land. I know several cases where tenants who have been in possession for a very long time (in some cases even for hundred years) have been evicted without payment of any compensation. The question may be asked why these evictions are on the increase. There is a reason behind it. Ever since the days of the Prakasam's Ministry, the Ministers in charge proclaimed that the tenants will be provided with some sort of fixity of tenure and that the fair rent would also be fixed in their case. The landlords naturally began to get panicky and began to evict tenants. In spite of many of us pressing for a tenancy legislation of some kind nothing was done. I am inclined to think that vested interests did prevail in the matter. One of the argument was put forth on behalf of Government, viz., that there was no need for it in South Kanara. This argument was met by departmental statistics called for and produced before the Assembly. The second reason adduced was that the Government cannot bring in piecemeal legislation for a particular district. We are glad that the Hon. Chief Minister has overcome all those obstacles and has brought forward a beneficial piece of legislation at the opportune moment.

" Of course the Hon. Minister for Revenue had stated that pending comprehensive legislation, this beneficial measure may be approved by the House. I welcome his statement. I shall bring to the notice of Government certain aspects concerning the tenancy in South Kanara, which I do request the Government to take notice of, so that they might incorporate what is necessary to remedy those defects in the comprehensive legislation that they might bring some time later.

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" The majority of the landlords in South Kanara are small landlords. We do not have big janmis in South Kanara as we have in Malabar. There are innumerable cases in South Kanara where tenants are in huge arrears to the extent of two or three years. The landlords are also petty landlords. When you give a fixity of tenure for the cultivating tenant (for a year now—it may be extended later on) and when the cultivating tenants get an advantage, is it not also just that the landlords should be protected? Is it not necessary that he should get back his arrears of rent, especially when he has to depend on others. I am only bringing this to the notice of Government so that it may be taken due notice of when the comprehensive legislation is drafted. The landlords should be allowed to take to personal cultivation, after paying the requisite compensation to the tenant. I would also urge whenever a tenant is evicted, the landlord should be asked to pay the necessary compensation.

" There have been tenants who have made very valuable improvements to the property during the last fifty or sixty years. To deprive them of it would be a great hardship to them. I do not want to say more, as most of my South Kanara friends would also like to have their say. I am thankful to the Hon. the Chief Minister and the Hon. the Revenue Minister for this New Year's Gift to South Kanara." 9-50 a.m.

* SRI Y. MANJAYA SHETTY :—" Mr. Speaker, Sir, in supporting the South Kanara Cultivating Tenants Protection Bill, I wish to say a few words. Let me take this opportunity to express my deep sense of gratitude to the Government for bringing this legislation to prevent the unjust eviction of tenants in South Kanara. The people of this district have been intensely feeling that in spite of their agitation nothing has been done by the Government to prevent evictions and to afford relief to the tillers of the soil, though a legislation of that sort is long overdue. What the people desire to have is a legislation which prevents unjust evictions and which assures security of tenure and fair rent. Representatives of the district have, on the floor of this House, more than once impressed upon the Government the urgent need and the imperative necessity for bringing in such a legislation. We are glad that by means of this Bill Government have met our demand half way. In this connection, I must say that our State is singularly fortunate in having a Chief Minister who can understand and appreciate human problems and difficulties. Since he assumed office, several important measures have been introduced by this Government and I must confess that the present Bill under discussion is one of such measures. Let me tell plainly, Sir, that but for the personal interest evinced by the Hon. Chief Minister after his recent tour of the district, this Bill would not have seen the light of the day so soon.

" At present, more than 1,000 eviction suits are pending in the several courts of the district. Thousands of tenants who are about

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to be evicted and rendered homeless have been protected and saved by the present Bill. I must say that this is a timely measure which has conferred great benefits upon the cultivating tenants of the district. The protection granted under this Bill enables the tenants to pay more attention to cultivation operations and grow more food and thereby better their lot without any fear of being evicted by the landlords on flimsy and unreasonable grounds. But let it be understood by the Government that the tenancy problem in the district is not completely solved by this small piece of legislation. The peasants of the district want a more comprehensive legislation which could assure to them fixity of tenure and fair rent. What is wanted is a comprehensive legislation which would establish good and harmonious relationship between tenants and landlords and which would bring happiness and prosperity to the tillers of the soil. I request the Government not to lose sight of these aspects and I hope that the Government will bring forward a comprehensive tenancy legislation which will solve the problem in the district and which will render justice to all classes of people concerned. Let me thank once again the Government, the Hon. the Chief Minister and the Hon. the Revenue Minister for introducing this Bill. Thank you, Sir, for the opportunity given to me."

* SRI T. ANANTA PAI :—" Mr. Speaker, Sir, I am glad that I am following the foot-steps of two of my hon. colleagues of South Kanara. We are grateful to the Government for having brought this measure. A measure like this which brings land reforms in a district naturally bristles with great difficulties. The question of land reforms is not so easy as everyone of us seems to feel. Of course, this measure is intended to prevent unjust evictions of tenants for a period of one year and there will be sufficient time for the landlords to adjust their relationship with the tenants. Personally I feel that very comprehensive land reforms, which would not leave any uncertainty in the mind of either the tenant or the landlord, are absolutely necessary for a happy relationship between the landlord and the tenant. I feel that the only solution to the problem would be to make the tiller of the soil the owner or the landlord himself the tiller of the soil. To have two classes of people continued like this and try to regulate their relationship by a sort of legislation is like regulating the relationship between a husband and a wife by some sort of law. At one stage or other, this becomes a political game and party after party would like to take up and play the game without caring to know what happens to the country at large. Mr. Pais has already pointed out how this process of eviction began in the district. What happened was that immediately after the publication of the report of the Subramaniam Committee on land reforms, to implement which the Government did not take immediate steps, some of the landlords, taking advantage of a provision which enabled them to increase the rent, thought that they should increase the rent even before the recommendations were accepted. If the increase in rent was not

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accepted by the tenants, naturally they were asked to quit. In that way, the process of eviction began in the first stage. Then there was requisition of rice in force in the district and naturally when the tenants found that rice was selling at a higher price in the market, they were rather tempted to remit to the landlord only the stipulated price or the price fixed by the Government. But when the landlords did not accept this, the second stage of the process of eviction began. Now there has been decontrol and this objection no longer remains. But by that time the general elections took place and it had become a matter of political game. I wish, as was pointed out by the Hon. the Chief Minister yesterday, that the matter of land reforms does not become a matter for any party to take credit, because the reforms that we are introducing are of a far-reaching nature and unless sufficient time is allowed to pass, we cannot say whether the desired results have been achieved or not. The main reason why we say that the tiller of the soil must be in complete possession of the soil is that it gives him a sense of duty of creation, it is said, and the tenant is able to devote greater attention because he is entitled to a larger portion of the produce. Time alone can show whether it is so, because in the neighbouring State of Bombay where tenancy legislation has been in force, until recently, the landlord was entitled to one-third of the produce. Recently the Government brought an amendment to the tenancy legislation in Bombay to the effect that the landlord was entitled only to one-sixth of the produce and that even the assessment should be borne by him. Of course, some years have elapsed and it has not been shown that there has been a substantial increase in production from the soil as a result of this revision. Merely conferring a right on the tenant alone cannot improve matters. The tenant requires provision of capital by way of seeds, manure and implements and unless the State is prepared at the same time to bring about an agency which can provide all these in the place of the displaced landlord, it would be difficult indeed for the tenant to get any benefit out of certain rights conferred on him by legislation.

" Then the question arises what happens to the landlord if he wants to till. Are we only conferring the right of occupancy on the tenant and bringing into existence another class of people, another type of zamindari class, who have no interest in the land at all and who only own it and are entitled to the rents every year without having any responsibility to look after the land at all? A time may come when this class may become the so-called parasite class. But if, on the other hand, the absentee landlords, who require to be brought to their senses, are given a chance to go back to their soil and cultivate it themselves—there are educated young men who want to go back to the soil and that is becoming quite an interesting occupation nowadays—should we also not encourage that sort of movement when the landlords like to go back to the soil and cultivate the lands themselves? If we are interested in larger production, naturally we should give sufficient scope for

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such landlords to come forward and take up cultivation. Then the question arises what is going to happen to the tenants who are displaced. That is a problem which we cannot ignore. We have sufficient lands in the district in South Kanara in the possession of Government. The Government must come forward to give such lands to the tenants who are displaced and give them the necessary resources to develop them. There are lands in the Malnad area. The Government can provide them with sufficient capital or start co-operative societies for land improvement. Co-operative farming can also be carried on in such cases.

"On the question of comprehensive land reforms, we found that there was a lot of difficulty in coming to certain conclusions. The first question is what should be the fair rent. Secondly, if the landlord wants to cultivate the land for himself, what should be the ceiling that should be fixed? Because we could not come to a satisfactory conclusion, we thought we should not try to bring comprehensive land reforms for the present. This does not mean that they will not come. They will certainly come. But in a measure like this, we cannot ignore the claims of the landlords, however bad they are supposed to be. We cannot presume that every landlord is necessarily a bad landlord. Any legislation that we pass will affect both the good landlord and the bad landlord. A bad landlord will always be trying to find out loopholes by which he will be able to circumvent the law.

"Unfortunately what has happened in South Kanara is that a large number of landlords belonging to the political parties which are opposing the Congress have been going about creating trouble and asking the tenants to agitate for tenancy legislation. I was always feeling whether the landlords could not confer on their tenants the very rights, which a tenancy law would give, without a law being enacted at all. The system of land tenure prevailing in South Kanara is the mulgeni system, which is a sort of permanent tenure subject to certain conditions. Subject to an enabling legislation, I think it should have been possible for the landlords to have conferred the rights on the tenants. But they did not do it. They only wanted to create a sort of agrarian trouble by asking people to agitate for a tenancy legislation. I have received letters from many tenants of the landlords belonging to the political parties in Opposition asking me to see that they are not evicted. I have forwarded those letters to the leaders of the Praja-Socialist Party and requested them to intervene and see whether the matter could not be settled amicably. They have not intervened. Even after the publication of this Bill in the Gazette, tenants have been threatened with eviction. I have received letters which clearly show that some of the landlords have not been behaving properly. I think the one-year's time that is allowed is sufficient for them to reconsider their position and adjust themselves. This Bill provides that no cultivating tenant shall be evicted from his holding for one year if he pays the current rent.

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The landlord cannot get back the land even if he wants it. He cannot also enhance the rent, because even if he enhances it, no tenant will pay.

"I hope and trust that the Act arising from this Bill will be the harbinger of peace so far as the landlord-tenant relationship is concerned. I do hope that the comprehensive legislation that will come up before the House will be a legislation agreed to by all the political parties. Let not the parties be wrangling here for taking political credit for this or that, because it is wrong to take political credit which may mean happiness or a store of unhappiness for the people at large."

* **SRI M. NARAYANAN NAMBIAR** :— "സർ, എന്താണ് ഇരുപതു കൊല്ലം മുമ്പെങ്കിലും തെക്കൻ കണ്ണടക ജില്ലയിൽ കൂടിയിൽ അധ്വാനം ചെയ്യുന്നവർ സ്ഥിര വകുപ്പും ലഭിക്കുന്നതിന് പ്രയത്നം ആരംഭിച്ചത്. 1934 ലാണ് അന്നത്തെ ഗവണ്മെന്റ് താലൂക്ക് കോൺഗ്രസ്സ് കമ്മിറ്റിയുടെ അഭിപ്രായത്തിൽ അവിടത്തെ ജന്മിമാരുടെ മൂലനിൽനിന്നും രക്ഷ ലഭിക്കുന്നതിനായി, കൂടിയിൽ കർഷകർ സ്ഥിരവകുപ്പും ലഭിക്കാൻ വേണ്ടി, പ്രയത്നം ആരംഭിച്ചത്. അന്നു അധികാരത്തിലിരുന്നത് വിദേശ ധവൽപ്പട്ടം ആയതുകൊണ്ട് ആ പ്രയത്നം കൊണ്ട് പ്രയോജനമൊന്നുമില്ലായില്ല. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നപ്പോൾ, ഇന്നത്തെ മുഖ്യമന്ത്രിയായ മുഖ്യമന്ത്രിയായി വന്നപ്പോൾ, മലബാർ കടിയന്മാർ നിയമം ഭേദഗതി ചെയ്യാൻ തീരുമാനിക്കുകയും അതു തെക്കൻ കണ്ണടക ജില്ലയിലെ കൗസർഗോഡ് താലൂക്കിലേക്ക് വ്യാപിപ്പിക്കുകയുണ്ടായെന്നു എന്നു നോക്കിക്കൊണ്ടിരിക്കുന്നത് 'കൂടിയിൽ മേനോൻ അനേകം കർഷകർ' എന്നായിരുന്നു. കോൺഗ്രസ്സ് ധവൽപ്പട്ടം അധികാരത്തിൽനിന്നും വിട്ടുപോകുന്നതിനായി ആ നിയമം പാസ്സാക്കുവാൻ അധികാരികൾ. അന്നു മുതൽ തെക്കൻ കണ്ണടക ജില്ലയുടെ പല ഭാഗങ്ങളിലും കൂടിയിൽ അവരുടെ അവകാശങ്ങൾക്കുവേണ്ടി പോരാടാൻ തുടങ്ങിയിട്ടുണ്ട്. ഇപ്പോൾ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നു ആ കൊല്ലമായിട്ടുണ്ടെങ്കിലും അവിടത്തെ കൂടിയിൽ രക്ഷ നൽകാൻ ഒരു ബില്ലു കൊണ്ടുവരാൻ തയ്യാറായിട്ടില്ല. അവിടത്തെ കടിയന്മാർക്കു യാതൊരു വിചരവുമില്ല എന്നു ധവൽപ്പട്ടം ധരിച്ചിരിക്കുന്നതിന്റെ ഫലമായിത്തന്നെ അന്നത്തെ എന്റെ സ്പെഷ്യൽ മി. വൈ. പറയുകയുണ്ടായി : അവിടത്തെ ജന്മിമാർ പ്രജാസംഘത്തിന് പാട്ടിക്കൊണ്ടിരുന്നു. അവരാണ് കടിയന്മാർക്കു മേലാൽ ചെയ്യുന്നതെന്നു മറ്റും. എന്നാൽ കൗസർഗോഡ് താലൂക്കിൽ കോൺഗ്രസ്സ് ജന്മിമാർ വളരെ അധികം കടിയന്മാരെ കഴിപ്പിച്ചിട്ടുള്ളതിന്നു തെളിവുകളുണ്ട്. ഒരു കോൺഗ്രസ്സ് എം.എൽ.എ. യോട് ഒരു കടിയന്മാർ കയ്യെത്തിക്കൊടുക്കാൻ തയ്യാറായില്ലെന്നു പറഞ്ഞിട്ടുണ്ടായിരുന്നു. എന്നാൽ അവിടെ ഒരു കടിയൻ നിയമമില്ലെന്നുള്ളതാണ് എല്ലാ കർഷകർക്കും കാരണം. ഒരു കടിയൻ നിയമം ഇല്ലാത്തതിനാലാണ് തെക്കൻ കണ്ണടകയിൽ കഴിഞ്ഞ തെരഞ്ഞെടുപ്പിൽ കോൺഗ്രസ്സിനു ജയിക്കുവാൻ സാധിച്ചത്. കടിയന്മാരെ കഴിപ്പിക്കുമെന്നു ഭീഷണിപ്പെടുത്തിയും താക്കീതു ചെയ്യുമെന്ന് അവർ വോട്ട് വാങ്ങിയത്. അല്ലെങ്കിൽ മന്ത്രിമാരുടെ പിൻഭാഗത്തിലിരുന്ന എം.എൽ.എ. മർ ഇതുവധികം പേർ ഇംഫോസിൽ ഉണ്ടാകുകയല്ലായിരുന്നു. കടിയൻ എന്ന് പറഞ്ഞാൽ യാതൊരു രക്ഷയുമില്ലാത്തവനാണ്. ജന്മിയുടെ ഇഷ്ടാനുസരണം കൂടി നിലം കൈവശം വെക്കുവാനാണ് ഒരു കൊല്ലം എന്ന് പാട്ടുപിടികൾ എഴുതിക്കൊടുക്കുന്നത്."

MR. SPEAKER :—"This is South Kanara Cultivating Tenants Bill and not Malabar Tenancy Bill. I think the hon. Member is dealing with the Malabar Tenancy Bill."

SRI M. NARAYANAN NAMBIAR :—"No, Sir, I am speaking on South Kanara Cultivating Tenants Bill only. കടിയന്മാർ ഈ ഒരു കൊല്ലം അനേകം ജന്മികൾ അനുപിന്നായി എന്തെങ്കിലും ചെയ്യുവാനാൽ അവന്റെ നിലം

എട്ടുതൂ മരൊരാളിനെ കൊടുത്തിരിക്കുന്നവെന്നു പറഞ്ഞാൽ അവർ ഒഴിച്ചുപോയ്ക്കുള്ളേണം. ഒരു കൊല്ലം കൈവശമുള്ള ചന്ദ്രൻ കച്ചപ്പിക്കാൻ പാടില്ലെന്നു ഈ ബില്ലിൽ വ്യവസ്ഥ ചെയ്യുന്നു. വാരണ്ടിട്ട് ഇല്ലത്തു കെട്ടിയിടുക കടിയന്മാരെ നന്നു കാണാൻ സാധിക്കും. പാട്ടം കൊടുത്താൽ രഹിതിപോലും കൊടുക്കുകയില്ല. അങ്ങനെ വളരെയധികം കടിയന്മാർ തെക്കൻ കണ്ണാടക ജില്ലയിലുണ്ട്. അവരെ സംബന്ധിച്ചിടത്തോളം ഈ ബില്ല് കൊണ്ടു എത്രയും ഗുണം കിട്ടുമെന്നറിഞ്ഞുകൂടും. അവർക്ക് രക്ഷ നല്കാൻ എന്റെ കീഴും പ്രത്യേക വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തേണ്ടതായിട്ടുണ്ട്. ഇത്രയും കാലമായിട്ടും കൃഷിക്കാർക്ക് ശരിയായി രക്ഷ നൽകുന്നതിനുള്ള ഒരു ബില്ല് കൊണ്ടുവരാൻ ഗവർണ്മെന്റിനു സാധിച്ചിട്ടില്ല. ഈ നിയമംകൊണ്ടു മാത്രം തെക്കൻ കണ്ണാടക ജില്ലയിലെ കൃഷിക്കാർ രക്ഷപ്പെടുകയാണുള്ളതാണ്. വിചാരിക്കാൻ നിവൃത്തിയില്ല. ഇതു വൈകിയിരിക്കുകയും ഇങ്ങനെ ഒരു നിയമം കൊണ്ടുവന്നു സന്തോഷകരമാണെന്നു. കൃഷിക്കാർക്ക് രക്ഷ നൽകാൻ കൺസ്ട്രക്ടർ ഗവർണ്മെന്റ് ഹെഡ്ക്വാർട്ടേഴ്സുകളിൽ കച്ചപ്പാക്കുന്നത് കണ്ടുവരുമ്പോഴാണ് ഈ ചെറിയ ബില്ലെങ്കിലും ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ആൻ വിചാരിക്കുന്നു. എന്റെ നോട്ടത്തിൽ ജന്മിമാർ പ്രജാ സോഷ്യലിസ്റ്റ് പാർട്ടിയിൽ മാത്രമല്ല, മറ്റു പാർട്ടികളിലുമുണ്ട്. ആൻ വളരെക്കാലമായി കാർഷികഗാന്ധി പ്രവർത്തിച്ചു വരുന്ന ആളാണ്. ഭന്ദിമാരുടെ മദ്യങ്ങളെ സംബന്ധിച്ച പദ്ധതി ആരംഭിക്കുമ്പോൾ എനിക്ക് കിട്ടിക്കൊണ്ടിരിക്കുന്നു. അപ്പോൾ ഒരു കാത്ത് വ്യാപാരംകൊണ്ടു. യഥാർത്ഥത്തിൽ കൃഷിക്കാർക്ക് വളരെയധികം വികാരമുണ്ട്. വരും പാട്ടം കൊടുത്താൽ ശരിയായ രഹിതി ലഭിക്കുകയില്ല. പാട്ടുവീട്ട് എഴുതിക്കൊടുത്തു എന്നുള്ളതിന് എന്തിനായിട്ട് ലഭിക്കുകയില്ല. യാതൊരു രേഖയും കൃഷിക്കാർക്കു സംബന്ധിച്ചതുകൊണ്ടും കാണുകയില്ല. ഇങ്ങനെ ബില്ലു വരുമ്പോഴെങ്കിലും എന്ന് പദ്ധതികൾ വളരെ കഠിനമായി ഉപയോഗിച്ചുവരുന്നുണ്ട്. കൃഷിക്കാർക്ക് കൃഷിയിൽ സ്ഥിരമായൊരു നല്ലതായ നിയമം ഉണ്ടാക്കിയിരിക്കുന്ന പാവവും വളരെ കൃത്യമാണ്. വരവും പാട്ടവും ന്യായമായി നിശ്ചയിക്കുന്നതിന് പ്രത്യേക വ്യവസ്ഥ വേണം. മരൊര കാത്ത് എട്ടുതൂപറയാറുണ്ട്. ഒരു ജന്മി കടിയന്മാനു പറ്റിയും 'നീ ഇവിടെ താമസിച്ചോ, സ്ഥലം നന്നാക്കിയിട്ടോ' എന്ന്. പക്ഷെ അതിനു യാതൊരു രേഖയും കൊടുക്കുകയില്ല. കടിയന്മാർക്ക് അവധാനംകൊണ്ടു സ്ഥലത്തു അറയ്ക്കും ഉണ്ടായിരിക്കാത്താൽ ജന്മി പറയും സ്ഥലം ഒഴിച്ചുപോയ്ക്കുള്ളേണം. ഇതിനു എത്ര ഉദാഹരണം ഉണ്ടെന്നെങ്കിലും പറയാൻ സാധിക്കും. ധാരാളം കടിയന്മാരെ പുറത്താക്കിയിട്ടുണ്ട്. അങ്ങനെയുള്ള കടിയന്മാർക്ക് രക്ഷ നൽകാനുള്ള വ്യവസ്ഥകൾ ഇനി കൊണ്ടുവരാമല്ലോ എന്ന ബില്ലിൽ ഉണ്ടായിരിക്കണം. രേഖയിലുണ്ടെന്ന സ്ഥലങ്ങൾ കൃഷിക്കാർക്ക് ഒഴിച്ചുപോയ്ക്കുള്ളേണ്ടിവരിക കയാണെങ്കിൽ ശരിയായ പ്രതിഫലം കിട്ടാത്ത ഒരു വ്യവസ്ഥകൂടി ഉണ്ടാക്കണം. കടിയന്മാരുടെ തടയുന്നതിനുവേണ്ടിയുള്ള ഒരു ബില്ലാണിത്. വരാനിരിക്കുന്ന ബില്ലിൽ കടിയന്മാർ വളരെയധികം രക്ഷ നൽകുന്നതായിരിക്കണം. ഭൂമി നന്നാക്കിയിട്ടുള്ളവർക്ക് ശരിയായ പ്രതിഫലം കൊടുക്കാനുള്ള ഒരു ബില്ല് ഗവർണ്മെന്റ് കൊണ്ടുവരുന്നത് പ്രതീക്ഷിക്കുകയാണ് ആൻ അവസാനിപ്പിക്കുന്നു.

8th January 1954] [Sri T. C. Narayanan Nambiar]

year within a month after the commencement of this enactment. It will be a great hardship on the peasantry if they have to pay it within one month. But it will be argued that as far as the Indebted Agriculturists (Temporary Relief) Bill is concerned, only one year's stay is granted. But here, if the payment is not made within one month, the peasant will lose the whole holding. Therefore, I hope and trust that the Government will rectify such defects."

SRI S. S. KOLKEBAIL :—“ Mr. Speaker, Sir, better late than never. After all, the Congress Government have thought of bringing in this measure though pressure was brought to bear on them for the last seven or eight years for this purpose. In 1947, the Congress came into the Legislature without much contest in South Kanara district. Ever since 1947 there was no election. So, they thought that they were the masters of the situation. But during the general elections in 1951 there was a mass upheaval. The people of South Kanara then rose up against the anarchy of the Congress Government. They said, ‘ No, you cannot go to the Assembly this time. You are not representing the poor people. You are not espousing the cause of the tenants.’ Hence, there was opposition to the Congress everywhere. Now, they put up all rich landlords, rich bankers and very powerful persons as candidates for elections. Especially, in my constituency one of the richest landlords of the district was pitched against me. The main issue before the electorate was whether they wanted land reform or not. The people voted for me and sent me up here. To-day, the hon. Member, Sri Ananta Pai, has the cheek to say that the Praja-Socialist members were carrying on a propaganda among the tenants to agitate for a tenancy legislation. It is a lie. ”

SRI T. ANANTA PAI :—“ On a point of order, Sir.”

MR. SPEAKER :—“ The hon. Member. . . ”

SRI S. S. KOLKEBAIL :—“ I am not yielding, Sir.”

MR. SPEAKER:—"The hon. Member must yield. When the Chair is on its legs, he should not say that he will not yield. He must apologize to the Chair for having said that he would not yield when the Chair is on its legs."

SRI S. S. KOLKEBAIL :—" I apologize, Sir."

MR. SPEAKER :—" The hon. Member has used an unparliamentary word. He said that the hon. Member Sri Ananta Pai had uttered a lie. ' Lie ' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" The statement which he made is a lie."

MR. SPEAKER :—“ ‘ Lie ’ is an unparliamentary word.”

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SRI S. S. KOLKEBAIL :—" The hon. Member Sri Ananta Pai said that he had received so many letters that the Praja-Socialist Party was carrying on a propaganda. Such a statement is a lie."

MR. SPEAKER :—" What I say is that 'lie' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" It is parliamentary. If necessary, I shall quote chapter and verse from the relevant records."

MR. SPEAKER :—" I know much better than the hon. Member, Sri Kolkebail. Let him withdraw the word."

SRI S. S. KOLKEBAIL :—" If it is unparliamentary, I call it a terminological inexactitude."

MR. SPEAKER :—" Let him first withdraw the word 'lie' and then say that it is a terminological inexactitude."

SRI S. S. KOLKEBAIL :—" I withdraw it, Sir, and use the expression 'terminological inexactitude'."

The hon. Member Sri Ananta Pai rose in his seat.

MR. SPEAKER :—" Let the hon. Member Sri Kolkebail continue his speech."

SRI T. ANANTA PAI :—" On a point of order, Sir. The hon. Member used another unparliamentary expression 'cheek to say'."

MR. SPEAKER :—" The hon. Member did not bring it to my notice then."

THE HON. SRI C. SUBRAMANIAM :—" Just before the hon. Member was called upon to apologize, he said, 'cheek to say'."

MR. SPEAKER :—" I shall go through the proceedings and then give my ruling. I did not hear it. The hon. Member, Sri Kolkebail, will now continue his speech. Let him not get excited now."

SRI S. S. KOLKEBAIL :—" Because the hon. Member, Sri Ananta Pai, gave so much of food for this excitement, I was excited. Otherwise, I had no business to attack him. Because he said that this particular Party was carrying on this propaganda just for political purposes, I had to attack him. What he said was not correct. As a matter of fact, the entire election was fought on this issue. But, all the same, Congress Members were returned in a majority because they had the money and they threatened almost all the tenants in their holdings for getting support."

* THE HON. SRI C. RAJAGOPALACHARI :—" I want to draw the attention of the hon. Member when I tell you, Sir, that we are dealing with a Bill which stops evictions for one year, and we need not expand into all these political rivalries now."

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MR. SPEAKER :—" The hon. Member is excited now. Shall I give him some time and allow him to speak again afterwards? "

THE HON. SRI C. RAJAGOPALACHARI :—" He is not excited, Sir. He is whipping himself into excitement."

SRI S. S. KOLKEBAIL :—" The excitement was not started by me. As a matter of fact, I did not want to speak on this Bill. After all, this is a very small measure. We are all agreed on this point. So, I did not want to talk on this measure. But because the hon. Member, Sri Ananta Pai, attacked the Praja-Socialist Party, I took objection to it."

* THE HON. SRI C. RAJAGOPALACHARI :—" It is well known that the smaller a Party the greater is the excitement." (Laughter.)

SRI S. S. KOLKEBAIL :—" I will here and now contradict what the Hon. the Chief Minister has said. In the last general election, our Party has secured more votes than the Congress Party. But, unfortunately, because the Congress played all kinds of acrobatic feats by putting up particular candidates in the constituencies, they succeeded. But there was a straight fight in my constituency and I defeated one of the most reactionary landlords. There is no meaning in saying that our Party is a weak Party. We are the strongest Party. We are representing a major portion of the electorate. But because of the request or ruling of the Speaker, that I should not get offended at the way in which the hon. Member, Sri Ananta Pai, attacked our Party, I am not going to dilate upon it. This is a measure by which the peasants who form nearly 50 per cent of the population are going to be benefited. In a way, in the Preamble itself and in clause 1, it is indicated that the Government are going to bring in a comprehensive land legislation within a year. Now, I have already given notice of some amendments to various clauses of the Bill, one of which relates to the life of this Bill. I shall speak on them when the relevant clauses are taken up for discussion."

SRI M. NARAYANA KURUP :—" Sir, on this occasion of the first, though meagre, instalment of tenancy reform in South Kanara, my Party, though it is a small Party, has to take some interest in it. Because ours is a small Party, it has a future, whereas big Parties are now on the decline."

" I wish to make only one or two points in regard to the Bill. In clause 3, it is stated that a cultivating tenant cannot be evicted in execution of a decree or order of a Court or otherwise. What I am driving at is that this does not prevent eviction suits from being instituted. Only the execution of the decree has to be deferred for one year."

" Another point I want to make is this. The immunity from eviction that is conferred on the tenant is only from eviction by his landlord. Now, it is well known that in South Kanara there

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10-30 a.m. are a number of landlords. Suppose 'A' is the first landlord, 'B' is the tenant and 'C' is the sub-tenant. Under this Bill, 'C' cannot be evicted by 'B'. It is well known that there is no tenancy legislation in South Kanara and hence, eviction suits will be governed by the principle analogous to that contained in the Transfer of Property Act. If 'A', the landowner, puts an end to the tenancy of 'B' who is his tenant, automatically the tenancy of 'C' terminates. What I want to impress upon the Hon. Minister is that even under this Bill, if 'A' institutes a suit against 'B' and 'C' together, then 'C' has no defence in such suit, and this Bill will not give him any relief. This point also should be remembered. This point may also be remembered. As has been spoken to by many hon. Members, because of the uncertainty of land tenure in South Kanara not only land, but also Harijans and certain other classes of people are bought and sold along with the land. Their condition is so very pitiable. We are glad that at least at this late stage this tenancy reform Bill has been brought forward by the Government to do some justice to these poor people."

* SRI N. N. SUVARNA :—" Mr. Speaker, in supporting this Bill, I intend associating myself with the sentiments of gratitude expressed by my colleagues from South Kanara, of course except the hon. Member, Sri Narayanan Nambiar, who spoke in Malayalam. I could not follow him and could not say whether he has expressed his assent or dissent to this Bill. While expressing my gratitude, I wish to add that our gratitude would have been real if only this relief measure had come in a bit earlier. The delay in the introduction of this Bill for affording some relief to the tenantry of South Kanara has resulted in great hardship and injustice. As the previous speakers had given a catalogue of the number of eviction suits, one can readily infer that the landlords have taken the time by the forelock by filing a number of eviction suits against the poor tenants. In South Kanara, the Congress stood for tenancy legislation and everybody knew that. Even the candidates who got elected during the last elections had made all sorts of promises in respect of tenancy legislation. All that was of no avail. Very possibly, our suspicion was that there was some influence in the inner circles of the Cabinet creating an impression that all was well between the tenants and landlords in South Kanara. That is what we suspected. Of course, my Friend, Sri Pais, referred to vested interests. Well, it is not necessary now to know who formed the vested interests. Anyhow, now that the present Bill has been brought forward, we do not want to enter into this controversy. At any rate, the landlord who took the hint began to file a number of eviction suits and that too on a very large scale. So, hardships increased and what made matters worse was the indiscretion committed by one of our Ministers in the former regime. When once he came to my constituency, Mulki and presided over a Tenants' Conference, he promised that in the next session itself tenancy legislation or legislation to stay

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evictions would be introduced in the Legislature. But nothing of that sort was done. This was followed by the recent general elections during which we had to go round the various places. As a matter of fact, people had more faith in us. That is why, even in the face of non-fulfilment of the promises made by the candidates at the time of the previous election that they would do this and that, the people did not react against us, but elected us to the present Assembly. I really disagree with Mr. Kolkebil when he says that his election was not on this ticket. I may inform him that out of 10 candidates of South Kanara, 9 of the Congress candidates have been returned on this ticket. (Cheers.) After the elections were over, we made repeated representations regarding tenancy legislation. All those representations were put off. People were given to understand that a comprehensive legislation was being attempted for the whole of the State and that South Kanara would also be included in it and so their representations were put off. But suddenly, last year the Hon. Chief Minister came forward with the Tanjore Tenants and Pannaiyal Protection Ordinance which was later converted into an Act. That Act was passed with such rapidity that we were surprised. At the same time, the position of the representatives from South Kanara became pitiable. Because there was a feeling of frustration in the minds of the people of South Kanara we were thrown out of gear. The people of our constituencies have begun to remark that we have no pull and absolutely no influence with the Cabinet. They seemed to feel that some pull with the Cabinet was necessary. In spite of the fact that we did not hear of any agrarian troubles in Tanjore, suddenly an Ordinance was issued and later it was converted into a Bill and introduced into the Legislature and was also passed. On the other hand, the people of South Kanara have been urging the Government, for the last 7 or 8 years, to bring forward some tenancy reform measure. Unfortunately, nothing of that sort, no Bill whatsoever was brought forward by the Government. So, the people began to think that we have been making false statements or giving them false hopes saying that the Government will bring a comprehensive legislation very soon and all that. Thus a feeling of frustration took hold of the people. Fortunately for us, the Hon. Chief Minister visited our place on 22nd December 1953 and met us. In a conference of the representatives of South Kanara held in Mangalore, a united demand was put forward to him and he was requested to bring in immediately the necessary relief measures for the poor tenants. He was convinced of the urgent necessity to bring forward the necessary legislation and he promised to bring forward the necessary Bill in the next session. In bringing the present Bill which is before the House, he has shown that, 'where there is a will, there is a way.' The Government need not have put off this legislation till now. If only they had a will even before, they could have brought forward this Bill much earlier. Anyway, at least at this late stage, this Bill has been brought forward. We only regret that a large number of tenants have been evicted and the

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hardships that they are undergoing have become intolerable. In fact, I can just give an instance where a tenant with a large family who has been on the land from time immemorial has been recently evicted. When the Commissioner went to the locality he appraised the value of the improvements at Rs. 11,000. Not a pie has been paid to the tenant and the entire family of this tenant was driven out and he has now to seek some shelter in some portion of Malnad area. If only the Government can help those tenants who are already evicted, it will be a great benefit for these poor people. Anyway, we are thankful for the small mercies shown by the Government. Therefore, I join my other colleagues from South Kanara in thanking the Government and particularly the Hon. Chief Minister, for sponsoring this Bill in this session itself."

SRI B. VAIKUNTA BALIGA:—"Mr. Speaker, I join the other hon. Members in supporting the Bill that is before the House. There is absolute unanimity of opinion in support of this measure. The measure is very simple and an initial step. I would not have ventured to get up and speak except for the small incident which took place when two different views were espoused. As far as South Kanara is concerned, the people are very simple. I may also add that nobody should go with the impression that in South Kanara there was divergence of opinion as might be indicated or sought to be implied by what transpired here."

10-40
a.m. "Then, Sir, my friend, Mr. Kolkebil, is a very nice gentleman and I have rarely seen him get into the temper such as he has revealed to-day. I am sure he did not mean much of what he said. As far as the fact that he fought the election on this issue in his constituency and that tenants are not behind the Congress is concerned, I believe these are statements which cannot be taken at their face value. It is unnecessary to get into a controversy over these for that will make matters worse. But I do maintain that the voters in South Kanara including tenants—and they are a large number—supported the Congress candidates."

"Coming to the measure again . . . (Sri C. S. Kolkebil: 'Look at statistics.') Statistics will not reveal what the hon. Member has said. Repetition of a wrong statement will not add to the efficacy of the argument. Therefore, I would request my friend not to repeat what he said. Now, Sir, as to the merits of the Bill, so far as the tenants in South Kanara are concerned, they are really desirous of two things. One is fixity of tenure. They do not want to harass the landlords and the landlord also does not want to harass the tenant. What we want in South Kanara is an equitable distribution, right for all to the property so that the tiller of the soil may put in his best in order to make the land give a good yield. I am only hoping that the Government will not stop with introducing measures for guaranteeing fixity of tenure and apportionment of the produce between the two parties in a fair manner but will bestow their attention on providing more ameliorative measures. I am anxious that so far as land in

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South Kanara is concerned, there should be a continual partnership between the landlord and the tenant on the best of terms. Apart from helping on this manner, the Government can do much more for the district as well as the whole State. When I said 'ameliorative measures' I had only the production of food in mind. You are aware, Sir, that in South Kanara we have got perennial rivers which offer great potentialities for undertaking large irrigation projects. If the Government will only aid the cultivator or the tenant with loans or with the supply of pumpsets, may I say that all lands in South Kanara—at least a good portion of them—could be made to yield double the quantity of food that is raised now. With financial assistance and with the proposed supply of power from the Jog, I visualise in the light of this enactment and the further enactment that is to come and which would promise fixity of tenure, peace will prevail, prosperity will come and the tenant will be contented. The Government should do their part of the work in providing cheap power and affording the facilities that I have mentioned now to the cultivators. Besides, manure must be supplied. Facilities must be provided to them to get leaf manure from forests nearby. They should be encouraged in all directions possible so that the tenants in South Kanara may be contented and rise to the highest level that is possible for the common man to reach, and play his part in contributing to the prosperity and advancement of the nation as a whole. Sir, I support the measure wholeheartedly and I thank you for the opportunity you have afforded me for saying these few words."

* SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, தென் 10-44
கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகளை ஒரு வருஷ காலத்திற்கு 2-ம்.
நிலத்திலிருந்து வெளியேற்றக்கூடாது என்ற இந்த மசோதாவை நான்
வரவேற்கின்றேன். அதே சமயத்தில் தென் கன்னட ஜில்லாவுக்கு
வேண்டிய தீவிரமாக ஆலோசிக்கப்பட்ட நிலச் சீர்திருத்தச் சட்டம் கொண்டு
வருவதற்குள்ளாக இந்தச் சட்டம் கொண்டு வரப்படுகிறது என்று குறிப்
பிட்டிருக்கிறார்கள். அந்தக் காரணங்களினாலே இன்று நிலத்திலிருந்து
வெளியேற்றம் வெகு தீவிரமாக அதிகமாகிக்கொண்டுவருவதைத்
உடனடியாகத் தடுப்பதற்கு இந்தச் சட்டம் தேவை என்றும் குறிப்பிட்டிருக்
கிறார்கள்."

"அதேமாதிரியான நிலைமை தமிழ் நாட்டின் இதர ஜில்லாக்களிலும்
இருக்கிறது. சென்ற பல ஆண்டுகளாக சர்க்கார் தொடர்ந்தாற்போல்
தாங்கள் நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரப் போகின்றோம் என்று
சபையிலும் இன்னும் வெளியிலும் வாக்குறுதி கொடுத்துக்கொண்டு
வந்தார்கள். தென் கன்னட ஜில்லாவில் எப்படி விவசாயிகள் நிலத்தி
லிருந்து அப்புறப்படுத்தப்படுகிறார்களோ, அதேமாதிரியான நிலைமையான
தமிழ்நாட்டிலும் இன்றையதினம் இருந்துகொண்டு வருகிறது. விவசாயி
கள் மிகத் தீவிரமாக வெளியேற்றப்பட்டுக்கொண்டு இருக்கிறார்கள். ஆகை
யால், இந்தச் சட்டமானது தென் கன்னட ஜில்லாவுக்கும்மட்டும் என்று
ஜில்லாமல் இதர தமிழ் ஜில்லாக்களுக்கும் விஸ்தரிக்கப்பட்டிருக்கும்படி
யான முறையில் இந்தச் சட்டம் கொண்டுவரப்பட்டிருந்தால் மிகவும்
நன்றாக இருந்திருக்கும்."

"ஒரு வருஷத்திற்கு இந்தச் சட்டம் அமலுக்கு இருப்பதனால் அந்த
ஒரு வருஷத்திற்குள் தென் கன்னட ஜில்லாவுக்கு ஒரு நிலச் சீர்திருத்தச்
சட்டம் கொண்டுவரவேண்டுமென்று ஏற்றுக்கொண்டிருந்தால், தமிழ்

[Sri S. Ramalingam] [8th January 1954]

ஜில்லாக்களுக்கும் நிலச் சீர்திருத்தம் கொண்டுவரவேண்டுமென்ற கட்டாயம் ஏற்பட்டிருக்கலாம். அதைத் தட்டிக் கழிப்பதற்காகத்தான் தென் கன்னட ஜில்லாவுக்கு மட்டும் இதைக் கொண்டுவந்திருக்கிறார்கள். இதர ஜில்லாக்களுக்கு இந்தச் சட்டம் அமுலுக்கு வராமலிருக்கிறது என்று நாம் யோசிக்கவேண்டியிருக்கிறது.

“இந்தச் சட்டத்திலே மூன்றாவது பிரிவிலே கடைசியிலே சொல்லப்பட்டிருக்கிறது. அதாவது, விவசாயி இந்த வருஷத்திற்கு கொடுக்கவேண்டிய குத்தகையோ, வாரத்தையோ கொடுக்காவிட்டால், இந்தச் சட்டம் இல்லாதுபோல் பாவித்து, அவனை நிலத்தைவிட்டு வெளியேற்றலாம்” என்று இந்த மசோதாவின் பிரிவு 3 (பி) சொல்லுகிறது. அந்த மாதிரியான அதிகாரம் நிலச்சுவாந்தார்களுக்கு கொடுக்காமல், விவசாயி குத்தகையோ, வாரமோ, வாடகையோ கொடுக்காவிட்டால், கோர்ட்டுக்கு மனுச் செய்து, அப்படிப்பட்ட விவசாயிகளை நிலத்தைவிட்டு அப்புறப்படுத்தலாம் என்று திருத்தினால் நன்றாக இருக்குமென்று கருதுகிறேன். ஆகையால், இந்தச் சட்டத்தை மற்ற ஜில்லாக்களுக்கும் விஸ்தரிப்பதற்கு சர்க்கார் ஒத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்கிறேன்.”

* SRI M. S. MOGRAL :—“ Mr. Speaker, Sir, I congratulate the Hon. the Chief Minister on bringing forward this beneficial measure. I do not say that it is a perfect measure. Anyhow, I may submit that this is a beginning in the right direction. This Bill heralds the opening of a bright chapter in the history of the South Kanara district. It marks the beginning of a new era in the relationship between the landlords and the tenants of our district. The poor peasants of our district have been looking forward to such a piece of legislation for a long time and I am sure that, though it is a bit belated, it will be welcomed by the tenants as well as by the landlords with gratitude. Sir, the protection afforded to the tenants against arbitrary eviction by capricious landlords is quite adequate and the provision requiring tenants to deposit the current rent in time is quite reasonable, from the landlord's point of view as well. The tiller of the soil will now shake off his lethargy and utilize all the time available to him to see that more food is produced. Rack-renting and evictions under frivolous pretexts which were resorted to by landlords more out of party feelings and personal prejudices will now cease and this Bill will apply a brake to the deterioration of the conditions obtaining now in my district. Sir, I sincerely submit that if this Bill is passed into law, it will lay the foundation for a progressive understanding between the landlords and the tenants and pave the way for comprehensive reforms which the Government intend to introduce ere long.

10-50 a.m. “ We are aware of the fact that the welfare of the tiller of the soil should be the primary concern of Government and as such, our country, being an agricultural one, would prosper by leaps and bounds if our cultivating tenants are taken proper care of. I am sorry my friend Mr. S. Kolkebil has imparted a lot of heat into the discussion. I do not want to enter into any controversy. The previous speaker Mr. Vaikunta Baliga has replied suitably. I feel there is no necessity for me to reply. If my friend Mr. Nambiar and his partymen think that they would carry the day, we

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shall see it in the next district board election. We need not fight here. Mr. Nambiar had said that he had to approach a certain Congress M.L.A. to set right the eviction of a certain tenant by a certain landlord who is a Congressman. I do not know whether Mr. Nambiar's reference is directed towards us. I do not know whom Mr. Nambiar particularly means. I have told him that I had a discussion with the gentleman who had been referred to and he had made me understand that the information which Mr. Nambiar had asked him to carry was not true. That is all what I want to say on this score.

“ There are many others coming from South Kanara who are anxious to speak. Suffice it for me to once again congratulate the Government on having brought forward this useful tenancy legislation for South Kanara.”

*SRI R. S. ARUMUGAM:—“ கனம் சபாநாயகர் அவர்களே, விவசாயி 10-53 a.m. களைத் தவிர மற்ற தொழிலாளிகளுக்கெல்லாம் சட்டத்தின் மூலமாக பாதுகாப்பு இருந்து வந்தது. ஆனால், விவசாயிகளுக்கு இதுவரை சட்டத்தின் மூலமாக சில இடங்களைத் தவிர மற்ற இடங்களில் பாதுகாப்பு இல்லையே என்று எங்கிக் கொண்டிருந்த சந்தர்ப்பத்திலே, இந்த ராஜ்யத்தின் ஒரு பகுதியிலுள்ள விவசாயிகளுக்கு இந்தச் சட்டத்தின் மூலமாக முதலாவதாக ஆதரவு கிடைத்திருக்கிறதென்பதே என் போன்றவர் சந்தோஷப்படாமலிருக்க முடியாது.

“ விரிவான முறையில் நிலச் சீர்திருத்தச் சட்டம், பின்பு கொண்டுவர வேண்டியிருப்பதனால், அப்பொழுது வாரம், கட்டுக் குத்தகை போன்ற விஷயங்களை யோசிக்கவேண்டிய சந்தர்ப்பம் ஏற்படும். அப்படிப்பட்ட விரிவான நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்கு முன்பாக, தென் கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகள் நிலத்திலிருந்து வெளியேற்றப்படாமலிருப்பதற்கு இப்படிப்பட்ட ஒரு சட்டம் மிக அவசரமானது என்ற நிலைமையை சர்க்கார் நன்கு உணர்ந்த காரணத்தினாலே அந்தப் பகுதிக்கு இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. அதைக் குறித்து நான் சந்தோஷப்படுகிறேன்.

“ அதே நேரத்தில், இந்த ராஜ்யத்திலுள்ள பாக்கி இடங்களிலும் நிலத் திலிருந்து விவசாயிகளை வெளியேற்றும்படியான இந்த ஆபத்து இருக்கிற தென்பதை எனக்கு முன்பு பேசிய அன்பர்கள் பலர் எடுத்துச் சொன்னார்கள். நானும் அதைத்தான் சொல்ல விரும்புகிறேன். திருநெல்வேலி ஜில்லா போன்ற இடங்களிலே அடிக்கடி இம்மாதிரி தகராறுகள் ஏற்படும் போது, பெரும்பாலும் அங்கிருக்கிற காங்கிரஸ் அங்கத்தினர்களாகிய நாங்கள் அந்தத் தகராறுகளை சுமுகமான முறையிலே சில விஷயங்களை தீர்த்துக் கொள்ளுகிறோம். இருந்தபோதிலும்கூட, அதற்கென ஒரு சட்டம் இல்லாத காரணத்தினால் பல தகராறுகள் சுமுகமான முறையில் தீர்க்கப்பட்டு முடிவுக்கு வரமுடியாமல் இருக்கிறது.

“ இப்போது இந்தச் சட்டமானது தென் கன்னட ஜில்லாவிற்கு மாத்திரம் வரப் போகிறபடியினாலே எங்களுடைய ஜில்லாவில் இன்னும் அதிகப்படியான தொந்தரவுகள் ஏற்படும் என்பதைத் தெரிவித்துக் கொள்ளுகிறேன். ‘கூடிய சீக்கிரம் சட்டம் வர இருக்கிறது, அதற்கு முன்னால் இருக்கிற விவசாயிகளை நிலத்தைவிட்டு காலி செய்துவிடவேண்டும்’ என்ற மனப்பான்மை நிலச்சுவாந்தார்களுக்கு ஏற்படும். இந்தச் சட்டத்தினால் அந்த மாதிரி நிலைமை எங்கள் ஜில்லாவில் அதிகப்படியாக ஏற்படும். ஏதாவது ஒரு தகராறு ஏற்பட்டால், அதை நாங்கள் போய் சுமுகமாக தீர்க்கவேண்டுமென்று எண்ணினால் கூட, இங்கே சட்டம் இல்லையே என்று சொல்வதற்கு ஏதுவாக இருக்கிறது. ஆகவே, அதிக நாள் நீடிக்காமல் அடுத்த

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சட்டசபைக் கூட்டத்திற்குள்ளாகவே ஒரு 'நோடிபிகேஷன்' மூலமாக தமிழ் நாட்டிலுள்ள எல்லாப் பகுதிகளுக்கும் ஆங்காங்குள்ள விவசாயிகளை அந்தந்த நிலத்தை விட்டு அப்புறப்படுத்த விடாமல் கண்டிப்பாக ஒரு உத்தரவு அனுப்புமாறு கனம் ரெவின்யூ மந்திரி அவர்களையும் கனம் முதல் மந்திரி அவர்களையும் கேட்டுக்கொள்ளுகிறேன். இந்தச் சட்டத்திற்கு எனது பாராட்டுதலையும் தெரிவித்துக்கொள்ளுகிறேன்."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to hon. Members for stating the agricultural conditions prevalent in South Kanara on the whole. It has been explained by one hon. Member that there are three classes of tenants in the district and that in the case of first two classes of tenants there is no necessity for any piece of tenancy legislation and that only in respect of the third-class of tenants, viz., the Challengeni tenants, this legislation is necessary."

* SRI L. C. PAIS :—" May I clarify the position, Sir? I think the Hon. Minister is referring to me. I said that the first-class of tenants are known by the name of "Mulgeni" or "permanent" tenants who are governed by some fixed agreement. I said that in respect of this class, no legislation was necessary. But in regard to the second-class of tenants, viz., 'term tenants', as soon as the terms of their contract are over, they are evicted and the moment they are evicted they are as good as the 'tenants at will' and as such in respect of the second category therefore, this legislation is necessary. Of course I said that the poor third-class 'tenants at will' should be helped."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to the hon. Member for the clarification. I need not go into the details. I am also thankful to the hon. Members hailing from South Kanara for their having stated that an all-embracing tenancy legislation in respect of South Kanara should not be hustled through but that it should be done after mature consideration. Sir, I have always held the opinion that people coming from South Kanara are business-like people. My opinion has come true. Like business-like people they have appreciated the difficulties that lie in the way of bringing forward a comprehensive tenancy legislation. I am thankful to them for it. At the same time, I am sorry to note that some hon. Members from South Kanara went into a sort of post-mortem examination. It was not necessary on the part of Mr. Kolkebail to have done so. He is a man of superlatives and only superlatives can tackle him. I shall not dilate much upon it."

"I have already explained the necessity for bringing this measure and I do hope that the House, will pass it."

MR. SPEAKER :—" The question is—

'That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.'"

The motion was put and carried.

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MR. SPEAKER :—" We shall now take up clause by clause discussion."

Clause 3.

SRI K. R. VISWANATHAN :—" I move my amendment—
'For the words "a month" wherever they occur, substitute the words "three months".'

11
a.m.

The motion was duly seconded.

SRI S. S. KOLKEBAIL :—" I move my amendments—

'After sub-clause (1), insert the following new sub-clause :—

"No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits."

'In sub-clause (2), for the words "within a month", substitute the words "two months after notice from the landlord".'

'In sub-clause 3 (a), after the words "market value", insert the figures, words and brackets "(the price as published in the District Gazette of South Kanara for the month of February 1954)".'

'In items (i) and (ii) of sub-clause (3) (a), for the word "month", substitute the words "two months".'

'In sub-clause (3) (b), for the words "a month", substitute the words "two months".'

The motion was duly seconded.

SRI S. RAMAalingam :—" I move my amendment—

'For the words "as if this Act had not been passed", substitute the words "under the orders of the Court or on an application made by the landlord".'

The motion was duly seconded by Sri K. C. Gopalan Unni.

SRI T. C. NARAYANAN NAMBIAR :—" I beg to move my amendment to clause 3, sub-clause (2)—

'For the words "a month", substitute the words "one year".'

SRI R. KRISHNAN :—" I second it."

MR. SPEAKER :—" The motion as well as the amendments are before the House for discussion."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, Sir, I do not wish to make a long speech on this point. The intention of my amendment is very clear. Now, land reform is the most important

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reform to be introduced in our State because most of our people are agriculturists. By accepting this amendment, you will find that some of the tenants, who are to-day enjoying the lands either under Alivaigani lease (term lease) or under Kayamgeni lease (permanent lease), are suffering on account of certain inherent difficulties in the leases and their rights are being brought to sale and they are evicted in due course of law. So, in order to prevent that, I want to introduce this particular sub-clause, namely, "No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits". Sir, this particular sub-clause emanates from out of my own imagination. There is a similar clause in the Madras Tenants and Ryots Protection Act (Act XXIV of 1949) passed in this very House when you were the Speaker. So if this amendment is accepted, you will find that the Alivaigani tenants holding under term leases and the Kayamgeni and Mülgeni tenants holding under permanent leases will be saved if their lands are brought to sale for non-payment of arrears of rent. The comprehensive legislation may take about a year or even more. Of course, there is the Moratorium Act which gives protection to these people. I hope the Government will have no objection to accept this amendment."

SRI M. NARAYANA KURUP :—"Sir, I have not moved any formal amendments. Still I wish to place before the Hon. Minister the suggestion that I made at the outset. My suggestion is that after the words "his landlord", the words "or his superior landlord" may also be added, because otherwise the protection granted by this Act to the tenants will be incomplete. Of course, there are experts in this House who have got sufficient experience in such kinds of legislation. I do feel and really feel that unless the words "or his superior landlord" are also added, the position of the sub-tenants will not be safeguarded."

11-04 a.m. * SRI S. RAMALINGAM :—"என்னுடைய திருத்தம் என்னவென்றால் இந்த மசோதாவின் மூன்றாவது பிரிவிலே (b) என்னும் உப பிரிவின் இறுதியிலே வரும் 'as if the Act had not been passed' என்னும் வார்த்தைகளுக்குப் பதிலாக, 'or an application made by the landlord' என்னும் வார்த்தைகளை அமைத்துக்கொள்ளவேண்டும் என்பதுதான்.

"அதாவது, விவசாயி வாடகையைக் கொடுக்காவிட்டால், அவனை இந்தச் சட்டம் வராததுபோல் கருதி நிலத்தைவிட்டு நிலச்சுவாந்தார் அப்புறப்படுத்தலாம்" என்று இந்த மசோதாவிலே இருக்கிறது.

"என்னுடைய திருத்தமானது, 'அவன் அம்மாதிரி கொடுக்காமலிருந்தால், நிலச்சுவாந்தார் கோர்ட்டுக்கு அந்த மாதிரி விவசாயி கொடுக்க வேண்டிய வாரத்தைக் கொடுக்கவில்லையென்றும், அதனால் அந்த விவசாயியை வெளியேற்ற வேண்டுமென்றும் மனு செய்து, கோர்ட்டின் மனு உத்தரவைப் பெற்று, அதன் பிறகு தான் நிலத்தை விட்டு அப்புறப்படுத்தவேண்டும்' என்று சொல்லுகிறது. இந்தத் திருத்தமானது மசோதாவினுடைய முக்கியமான கொள்கைக்கு விரோதமானதில்லை.

"A cultivating tenant may deposit in court the rent, என்று மூன்றாவது பிரிவு (a) சொல்லுகிறது. அதாவது, விவசாயி நிலச்சுவாந்தாருக்குக் கொடுக்கவேண்டிய வாரத்தை கோர்ட்டிலே கட்ட

8th January 1954] [Sri S. Ramalingam]

வேண்டுமென்று சொல்லியிருக்கிறது. அப்படியிருக்கும்போது, இந்தச் சட்டத்தின் பிரகாரம் நியாயம் வரி என்ன, நியாயமான வாரம் என்ன, நியாயமான குத்தகை என்ன என்று சட்டத்தில் நிர்ணயம் செய்யப்படவில்லை. ஏற்கெனவே இருக்கிற மாமூல்படி, ஏற்கெனவே செய்து கொண்ட ஒப்பந்தத்தின் பிரகாரம் அவன் வாரத்தையோ குத்தகையையோ கட்டவேண்டுமென்று கண்டிருக்கிறது. அதிகப்படியான வாடகையோ குத்தகையோ கொடுக்கவேண்டுமென்று கோர்ட்டிலே மனுச் செய்துகொண்டு விவசாயிகளின்மேல் ஒரு நிர்ப்பந்தத்தைக் கொண்டுவர சாத்தியம் இருக்கலாம்.

"The court shall cause notice of the deposit to be issued to landlord and determine, after a summary enquiry . . ." என்று 3 (b) சொல்கிறது. விவசாயி ஏதாவது குத்தகையோ வாடகையோ கோர்ட்டிலே கொடுத்திருந்தால் அந்த மாதிரி குத்தகை எங்களுக்கு வந்திருக்கிறது என்று நிலச்சுவாந்தாருக்கு நோட்டீஸ் கொடுத்து குத்தகை கொடுத்தது சரிதான்? சரியில்லையா? என்று கோர்ட்டார் நிர்ணயிக்கிறார்கள். அதிகப்படி கொடுக்க வேண்டுமென்று நிர்ணயித்தால், அதன் பிறகு விவசாயி மனுச்செய்து கொள்ளலாம். டைம் கொடுக்கலாம். ஆகையால், சர்க்கார் என்னுடைய திருத்தத்தை ஒத்துக்கொள்வார்களென்று நினைக்கிறேன்."

* SRI T. C. NARAYANAN NAMBIAR :—"My amendment is a very important one, Sir, which is to the effect that the time-limit given to the tenant should be enhanced from one month to one year. Otherwise, so many tenants will be evicted. I therefore plead that my amendment should be accepted. Sir, it is not a question of money or a question of expenses alone. In other cases, if the tenant does not pay within the time fixed, he will have to pay only some interest. But here it is a question of wholesale eviction and the tenant will be thrown in the street. I, therefore, request that my amendment may be accepted."

* SRI V. R. KRISHNA AYYAR :—"I have only a word or two to say. I support the suggestion made by my hon. Friend Sri Narayana Kurup, because unless it is made clear that 'superior landlords' are also debarred from resorting to eviction proceedings and unless it is made plain that cultivating tenants will be protected, however low they may be in the picture, there is bound to be serious trouble. A similar position arose under the Malabar Tenancy Act and the High Court has repeatedly pointed out that the provision applied to the landlord and the superior tenant. So, there is always difficulty for the cultivating tenant if he happens to be a sub-tenant. He does not get protection. He cannot apply for relief and he will be bundled up if there is collusion between the tenant and the landlord above him. So the sub-tenant will be entirely without redress. We really seek to protect the cultivating tenant by this legislation and if that is the objective—there is no doubt at all about the objective—we should make it clear by introducing a provision in the Act that even though the tenant may not be the immediate tenant under the suing landlord or the plaintiff-landlord, even though he is a sub-tenant only, being the man actually cultivating as a tenant, he must be protected. I support the suggestion of Sri M. Narayana Kurup that the words 'or his superior landlord' may be added after the words 'his

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landlord' in sub-section (1) of Section 3, or, in the alternative the words 'or sub-tenant' may be added after the words 'cultivating tenant'."

11-10 a.m. SRI K. R. VISWANATHAN :—" Sir, under clause 3 of the Bill, a cultivating tenant should pay the rent within a month after the commencement of this Act or within one month after the rent becomes due. The previous several years have been years of drought and it will be very difficult for the tenant to find the money for paying rent or surplus grains for paying the landlord in lieu of rent within one month. So I have moved an amendment for extending the period of payment of rent to three months."

*SRI P. VENKATESHA SHOLAGAR :—" கனம் சபாநாயகர் அவர்களே, இந்த திருத்தத்தைப் பற்றி நான் கூறும்போது சில விளக்கங்களைக் கூறவிரும்புகிறேன். தென் கன்னட மக்களுக்கு ஒரு நில வெளியேற்ற தடை சட்டம் கொண்டு வந்து அவர்களை பல கஷ்டங்களிலிருந்து மீட்க வைத்து செளகரியம் செய்யவேண்டும் என்று இப்பொழுது இந்த சட்டத்தைக் கொண்டு வந்திருக்கிறார்கள். அதைப் போலவே தமிழ் நாட்டிலும் பார்தால் அநேகம் நிலவெளியேற்றம் நடந்துகொண்டு வருகிறது. இந்த நிலைமையில் மலையாளம் தென் கன்னடம் போன்று தஞ்சை ஜில்லா விற்கும் இந்த சட்டத்தைப் போன்ற சட்டம் கொண்டுவரவேண்டிய அவசியம் ஏற்பட்டிருந்தது. சமீபத்தில் கூட தமிழ் நாட்டில் விவசாயிகள் மகாநாடு கூட்டி அதில் 400 பிரதிநிதிகள் இருந்து இந்த நில வெளியேற்றத்தை நிறுத்தவேண்டும் என்று ஒரு தீர்மானம் போட்டு அதுவும் லட்சக் கணக்கான மக்களுடைய முன்னிலையில் தீர்மானம் நிறைவேற்றப்பட்டிருக்கிறது. ஆகவே இந்த நிலைமை மாகாணம் எங்கும் இருந்தும் கூட சர்க்கார் பல முறைகளில் அதை அலட்சியம் செய்துவருகிறார்கள். அப்போதைக்கப்போது ஏற்படும். சிறிசில பிரச்சனைகளை மட்டும் சமாளிப்பதற்கு இதைப்போன்று கொண்டு வருகிறார்கள். அப்படி இல்லாமல் தமிழ் நாடு பூராவும் இந்த சட்டத்தைக் கொண்டு வந்து நில வெளியேற்றத்தை நிறுத்திவிட வேண்டும் இது விவசாயிகளின் ஜீவாதாரமான கோரிக்கை. ஆகவே இதை அலக்கியப்படுத்தாது தமிழ் நாடு அல்லது மாகாணம் பூராவுக்கும் விஸ்தரிக்க வேண்டும் என்று கேட்டுக் கொள்கிறேன்."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

'Add the following as new sub-clause (4) to clause 3 :—

"(4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect."

SRI N. K. PALANISWAMI :—" I second the amendment."

MR. SPEAKER :—" Motion moved—

'Add the following as new sub-clause (4) to clause 3 :—

"(4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, the Government have admitted in the Statement of Objects and Reasons of this Bill that the landlords in South Kanara district have been evicting their tenants with a vengeance in anticipation of the fear that the Government may pass some legislation restricting evictions. From 1950 when the Malabar Tenancy Amendment Act

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was passed, landlords in South Kanara have been evicting their tenants on the presumption that some legislation banning eviction may be extended there also. Therefore I plead in my amendment that the tenants who were evicted from on or after 1st April 1950 should be reinstated."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, may I intervene? We should not make matters more complicated than they need be. The need for this Bill is urgent. It is a short Bill which will have effect only for one year. If we think of expanding it to the whole State or re-open old cases by giving retrospective effect or include inter-district relations, that is relations between landlords in one district and tenants in another district or *vice versa*, the position will become more complicated. The best thing is to restrict the present Bill to the scope of its objects and get through it quickly. Hon. Members should not imagine that all the difficulties and complications that are expected in Malabar will arise in South Kanara. Our experience and even the information received from the hon. Members of this House is to the effect that affairs are smooth and easy in South Kanara. So we need not imagine more complications than what actually exists. In view of this, I hope the hon. Members will accept the advice given by the Mover of the Bill."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, it is not from a mere imagination of the difficulties that I have moved my amendment. The South Kanara District Ryots' Association, which is affiliated to the All-India Kisan Sabha, has represented this matter to me and therefore I have moved the amendment."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the scope of the Bill is very simple and that is to give the tenants protection against eviction for a year. Conditions in South Kanara are pretty fair and things are going on smoothly. So hon. Members need not create unnecessary difficulties there. Hon. Members coming from South Kanara met together and came to the conclusion that the Bill would satisfy the present object in view."

"As regards the amendment for enhancing the period for payment of rent from one to three months, I submit that only the current rent is insisted upon and there is no demand for arrears."

"The other difficulties that have been pointed out will be covered by the Madras Indebted Agriculturists (Temporary Relief) Bill. The amendments are not acceptable, and I request hon. Members to withdraw them."

MR. SPEAKER :—" I will put the amendment and clause 3 to vote. Then I will take up the amendment given notice of by Sri S. S. Kolkebal for adding new clause 3-A. The question is—

'For the words "a month" wherever they occur, substitute words "three months".'

The amendment was put and lost.

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SRI S. S. KOLKEBAIL :—" I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI S. RAMALINGAM :—" I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI T. C. NARAYANAN NAMBIAR :—" I beg leave to withdraw my amendment which reads as follows :—

' In clause 3, sub-clause (2), for the words " a month " substitute the words " one year ".'

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

' Add the following as new sub-clause (4) :—

" (4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect."

The amendment was put and lost.

Clause 3 was put and carried.

New Clause 3-A.

SRI S. S. KOLKEBAIL :—" Sir, I move—

' After clause 3, insert the following as clause 3-A :—

" 33-A. All suits proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed."

This clause is taken word for word from the Madras Tenants and Ryots Protection Act of 1949.

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member should know that the object of this amendment will be covered by the Indebted Agriculturists (Temporary Relief) Bill. It is unnecessary to bring in the amendment here."

SRI S. S. KOLKEBAIL :—" The Moratorium Bill will cover the case. But what is to happen if that Bill is not taken up and passed tomorrow? "

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SRI S. RAMALINGAM :—" It may be referred to a Select Committee."

SRI S. S. KOLKEBAIL :—" So, just by way of abundant caution, I am introducing this amendment and I think the Government will have no objection to it. If anything, it may be redundant, if the other Bill is passed into law."

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I oppose the amendment. As for stay of suits and other proceedings, the other Bill will make the necessary provision."

MR. SPEAKER :—" The question is—

' After clause 3, insert the following as clause 3-A :—

" 3-A. All suits, proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed."

The amendment was put and lost.

Clauses 4 and 5 were put and carried.

MR. SPEAKER :—" I shall now take up the Preamble and clauses 1 and 2. I must tell the House that the hon. Member Sri Ramalingam has given notice of the following amendment :—

' For the words " the District of South Kanara " substitute the words " the State of Madras ".

It is beyond the scope of the Bill. This Bill is intended for South Kanara. The hon. Member wants to enlarge the scope of the Bill so as to extend it to the whole of the State of Madras. So, it is out of order."

* SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதா தென்கன்னட ஜில்லாவுக்குக் கொண்டு வரப்பட்டாலும் நான் கொடுத்திருக்கும் திருத்தம் லாங் டைட்டில் இன் சவுத் கானரா (Long Title in South Kanara) என்றுதான் இருக்கிறது."

MR. SPEAKER :—" இது அவுட் ஆர்டர். (Out of order.) So this amendment of his to the Long Title or the Preamble and a similar amendment to clause 1 are out of order. He has given notice of the following amendment to sub-clause (2) of clause 1 :—

' Insert the following before the word " extends " in line 3 :—
" and the Tanjore Tenants and Pannaiyal (Protection) Act ".

It is not relevant to the Bill and so, it is also out of order. Then comes the amendment of the hon. Member Sri K. R. Viswanathan."

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SRI K. R. VISWANATHAN :—" Sir, I move the following amendment that stands in my name :—

'For the words " for a year ", substitute the words " until a comprehensive Land Reform Bill comes into force " . '

The amendment was duly seconded.

SRI S. S. KOLKEBAIL :—" I do not move my amendment in view of the assurance given by the Hon. the Chief Minister and the Hon. the Revenue Minister."

SRI K. R. VISWANATHAN :—" In the Statement of Objects and Reasons it is stated that just because landlords are afraid of the land reform proposals which are under the consideration of the Government, they have begun evicting the tenants on a large scale. It is only with a view to prevent that large-scale eviction that this Bill has been brought before this House. The time-limit of one year is not at all sufficient because already the Government have taken two years for the consideration of the Report of the Land Revenue Reforms Committee and I do not know whether within one year, they, in all sincerity, will be able to bring the Land Reforms Bill before the House. So, I would like to give permanent relief to the tenants through this Bill until the Land Reform Bill is brought before the House."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Such a vague expression cannot be put in law. What will come up, how it will come up, whether it will come up at all—these are all possibilities. So, this is not a very happy amendment and I cannot accept it."

The amendment was, by leave, withdrawn.

The Preamble and clause 1 were put and carried.

Clause 2.

* SRI A. RAMACHANDRA REDDIAR :—" Sir, I move the following amendment :—

'In sub-clause (c), delete the words " or any waste, vacant or forest land " . '

I am moving this very simple amendment in order to bring the definition of ' land ' into line with the definition of ' cultivating tenant ' and ' cultivation '."

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I do not know what the object of this amendment is. The hon. Member is thinking in terms of conditions in North Arcot district. He must be aware that conditions in South Kanara are different from those in North Arcot."

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The amendment was, by leave, withdrawn.

Clause 2 was put and carried.

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

' That the Bill be passed into law. ' "

MR. SPEAKER :—" Motion moved—

' That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law. ' "

* DR. K. B. MENON :—" Mr. Speaker, Sir, at the fag-end of the debate of this Bill, I wish to say just a few words. If emotion is the weakness of a small Party, I submit that arrogance should never be the privilege of the powerful and the big. I shall now attempt to place a few sane facts in a very sane way."

* THE HON. SRI C. RAJAGOPALACHARI :—" I would like to know whether the hon. Member is referring to my remarks in which case I hasten to explain that it was not arrogance but the contrary of it. I want hon. Members who belong to small parties to be active, to be enthusiastic and even to be excited up to a point, and I am indicatively warning the majority party not to try to prevent such excitement too prematurely, which would only increase the reaction."

* DR. K. B. MENON :—" I shall leave the thing at that stage. South Kanara is our nearest and next neighbour, and the boundary of Malabar just merges or almost dissolves itself into South Kanara. There is, consequently, very much in common in physical features, in the habits of the people, in the economic and social position and, may I also add, in the exploitation of the poor by the rich, South Kanara is a typical example of that old adage."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, we are on the third reading stage and we cannot now discuss general principles. So, hon. Members have to confine their remarks only to the general working of the Bill and give suggestions with regard to the general working of the provisions of the Bill. Hon. Member Dr. Menon cannot take advantage of the third reading of the Bill to make a reply to the Hon. Chief Minister or to claim friendship with South Kanara and things like that."

* DR. K. B. MENON :—" Sir, this is the first time that I am seeing serious objection being raised in this House against freedom of speech."

MR. SPEAKER :—" It is not a question of freedom of speech. As this is the third reading, the hon. Member has to confine his remarks to the general working of the Bill and the various clauses."

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* DR. K. B. MENON :—" I shall put it in a different way and give my opinion. I never knew that we were observing such technicalities till now, as the Hon. Leader of the House claims. I hope and trust that such technicalities will not be brought about in discussions of Bills at different stages."

THE HON. SRI C. SUBRAMANIAM :—" Then rules have to be abrogated! "

MR. SPEAKER :—" It is not a question of technicality or any such thing. There are certain rules and we have to follow them. That is all."

* DR. K. B. MENON :—" Rules after all are a matter of convenience. (Laughter.) The situation in South Kanara is a typical example where only the people who ask for or agitate for a particular thing get it. It is only the crying child that gets milk. In Malabar, tenancy agitation has been 50 or 60 years old. For example, take the compensation paid to the tenants in Malabar and South Kanara. The whole history of legislation so far as South Kanara is concerned is barren of even a minor land tenure or land reform legislation. So, I do not wish to compliment the Government for bringing about this Bill, because I feel that any emergency legislation exposes the weakness of the Government. It shows lack of alertness on the part of the Government. The Government should have long ago realized that South Kanara was in need of land legislation and should have taken steps to introduce the measure long ago. The Government failed to do this in the last so many years and have brought about this legislation at the last minute. That being so, it is not a matter where the Government should be complimented, but it is matter to be regretted. I hope this emergency legislation is being passed for the time being and that the Government will make every effort to bring in a more comprehensive legislation as early as possible."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, as for the general remarks, made by Dr. Menon, I do not propose to raise any technical objection. What I feel is, far from drawing an adverse inference, I am drawing a positive and favourable inference. So far as my experience goes, the relationship between the landlord and tenant in South Kanara, though very near to Malabar, does not present the same difficulties as it presents in Malabar. There is more accord, mutual understanding, moderation in treatment of one another in South Kanara. I am only hoping that the introduction of this small Bill will not create a new chapter in South Kanara. With these remarks, I commend the Bill to the acceptance of the House."

MR. SPEAKER :—" The question is—

'That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law.'"

The motion was put and carried.

MR. SPEAKER :—" As to-day is Friday, the House will sit till 1 o'clock and meet again at 3 p.m. in the afternoon."

"Now the Hon. Revenue Minister may move his motion."

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(2) THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF)
BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir,

* SRI V. GOPALA GOUNDER :—" On a point of order, there is a resolution standing in my name with regard to the Indebted Agriculturists (Temporary Relief) Bill, 1954, that is now coming up for discussion. I do not find it useful to press my resolution with regard to this Bill. In this connexion, I want to make it clear that whatever I may say or what I may do with regard to this Bill may not be binding on the members of the Tamilnad Toilers Party taken as a whole."

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

SRI Y. MANJAYA SHETTY :—" During the discussion on the South Kanara Cultivating Tenants Protection Bill, hon. Member Sri Kolkebail referred to the 'cheek' of Mr. Ananta Pai. May I know whether the Hon. Speaker has come to some decision whether it is a parliamentary or unparliamentary expression? "

MR. SPEAKER :—" I only said that I will go through the official proceedings and see what exactly Sri Kolkebail has said. I have been sitting here all the time and so I have not yet seen the proceedings. The hon. Member must give me some time."

SRI S. KOLKEBAIL :—" It is absolutely parliamentary."

SRI S. SWAYAMPRAKASAM :—" Sir, the Hon. the Minister for Revenue has moved that the Bill be taken into consideration. On a point of . . ."

MR. SPEAKER :—" He has not yet moved the Bill. As soon as he stood up, points of order were raised. So, let him move this Bill first."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, I beg to introduce the Madras Indebted Agriculturists (Temporary Relief) Bill *, 1954, and move—

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

The object of introducing this Bill is as stated in the Statement of Objects and Reasons appended to the Bill itself. Hon. Members are aware that there has been continuous drought during the last five or six years in the State. It is only this year we have had timely rains and the agriculturists have welcomed it and are very enthusiastically taking to cultivation. Naturally, creditors will think that this is the best time for them to collect their dues from agriculturists and they will pounce upon them. This will retard the agriculturists' enthusiasm and make them not enthusiastic in their work. In order that the agriculturists may be spared the distractions and expenditure involved in litigation, this Bill has

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been brought to give them some time of relief. There is a Tamil proverb, 'when a creditor demands money from the debtor, he feels very upset and even the ruler of Ceylon felt so in his distress'. This Bill has been brought forward to provide some temporary relief to the tenants and agriculturists for at least a year."

MR. SPEAKER:—"Motion moved—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be taken into consideration at once.'"

V.—POINT OF ORDER *re* REWORDING OF BILL TO REPLACE AN ORDINANCE.

* SRI S. SWAYAMPRAKASAM :—"I rise on a very important point of order, Sir. Just now the Hon. Minister for Revenue has moved that this Bill be taken into consideration at once. The Bill is intended to replace the Ordinance that was issued on 5th December 1953. The Ordinance has been working. Now, in the last paragraph of the Statement of Objects and Reasons relating to this Bill, it is stated that the 'present Bill seeks to replace the Ordinance by an Act of the Legislature'. In this Bill with reference to suggestions received with respect to the provisions of the Ordinance, certain changes have been made in the definitions of certain terms. . . . So the provisions of this Bill are not the same as the provisions of the Ordinance and certain important changes have been made in the Bill. The Ordinance has been issued under Article 213 (1) which empowers the Governor to issue Ordinances. It is a fact that Article 213 (1) of the Constitution gives power to the Governor to promulgate an Ordinance. But let us see what Article 213 (2) says. It reads as follows :—

'An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(a) shall be laid before the legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council.'

11-45 a.m.

'Therefore, the printed copy should be placed before the House and Members should be given an opportunity to discuss it. In this connexion, I would like to read rule 117 of the Assembly Rules whose marginal note itself says 'Discussion of Governor's Ordinance'. It says—

'As soon as possible after the Governor has promulgated an Ordinance under clause (1) of Article 213 of the Constitution, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the re-assembly of the State Legislature reckoned in accordance with the Explanation to clause (2) of Article 213 of the Constitution, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the other House with a message asking for its concurrence.'

This rule and Article 213 of the Constitution give an opportunity to the House to have a discussion on that Ordinance. It is open to any Member to move a resolution to disapprove of it. In fact, I

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understand that Mr. Gopala Gounder has given notice of a resolution asking the Government to withdraw the Ordinance and this has been done well within the stipulated period of notice, viz., three days. Apart from this, the Ordinance has undergone several changes. The scope of the Ordinance has been changed. It is not as if we are asked to replace the Ordinance. The Bill is a new Bill and has nothing to do with the Ordinance because it contains new provisions. The provision with regard to the applicability of the Bill has been changed. The rule specifically mentions the words 'such Ordinance' and, therefore, the House should discuss only the Ordinance in its original form and not this Bill. If the Government want to make any change in the Ordinance then the procedure is that the Government should bring forward official amendments to the Bill which replaces the Ordinance. Somehow the scope has been altered and the House cannot discuss this Bill because it is not the Ordinance that is sought to be replaced thereby. So, this Bill must be ruled out of order."

* THE HON. SRI C. SUBRAMANIAM :—"There is no question of this Bill being out of order. As far as the Ordinance is concerned, it has already been printed and placed on the table of the House for the information of hon. Members. With reference to the resolution and all that, it is open to anybody to move a resolution. The only specific point for the Hon. the Speaker to consider is whether the Bill is out of order. It is not necessary that the Bill should reproduce what is in the Ordinance word for word. If the Ordinance is not replaced by an Act within six weeks, then it will have no effect. We are bringing forward a specific Bill to-day. Of course we have made changes in some of the provisions of the Ordinance. When we pass this Bill we are passing a specific Bill and the Ordinance will cease to have effect hereafter except with reference to the action taken so far on the Ordinance. The Ordinance will cease to be in force when the Bill is passed into law. If we do not validate the entire Ordinance then it ceases to have effect and there is a specific provision in that respect in the Constitution. So, there is no question of this Bill being out of order."

MR. SPEAKER :—"Apart from the statement of the Leader of the House, I wish to inform the hon. Member that the Government have powers to change the wording of the Ordinance."

SRI S. SWAYAMPRAKASAM :—"I do not dispute that. This is a separate Bill and it must be treated as a separate Bill. If it is one to replace the Ordinance, then the provisions of the Ordinance should be reproduced *in toto* in the Bill."

THE HON. SRI C. RAJAGOPALACHARI :—"The point is very ingenious but there is no substance in it."

THE HON. SRI C. SUBRAMANIAM :—"To replace an Ordinance does not mean to reproduce its contents word for word. This is a Bill only to replace that Ordinance."

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* DR. K. B. MENON :—" What I wish to add to what my friend, Mr. Swayamprakasam said is that it is not fair to the Members of the Assembly if Bills are introduced in this fashion. Bills are included in the agenda and supplied to the Members all of a sudden and they have no information at all about these. Now, this is a very important Bill and is slightly different from the Ordinance in its content. When the Bill is so important and affects the interests of the people so much and so intimately and when it goes beyond the scope of the Ordinance itself, I submit it should not be pounced on the Members. They must be given time to consider the Bill, to discuss it at leisure and it should not be pushed through in a few hours' time."

* THE HON. SRI C. SUBRAMANIAM :—" This point is quite different from what Mr. Swayamprakasam raised. Mr. Menon wants that the time-limit prescribed in the rules should be adhered to. But it is for the Hon. the Speaker to waive it. It is entirely in his discretion and he has done it. Now that he has allowed the Hon. the Minister to move the Bill, there is no question of any point of order arising as to the admissibility of the Bill."

* SRI V. R. KRISHNA AYYAR :—" I wish to submit that the technical point about the non-maintainability of the Bill, if I may so put it, may not be quite correct in itself. There are two distinct points, one raised by Mr. Swayamprakasam as to the tenability of the Bill before the House and the other raised by Dr. K. B. Menon that early notice was not given to Members to consider the Bill in detail. So far as the Constitution is concerned, Article 213 makes it quite clear that the Ordinance must be placed on the table of the House and that has been done. So far as the Bill is concerned, it is open to the Government to bring forward a Bill *de novo* as they do in any other case. This Bill can always be considered independent of and disconnected from the Ordinance. In that way, we have to come to be seized of this piece of legislation. Any amendment can be moved by Members to this Bill and it is open to the House to accept it or throw it out. The Ordinance will automatically lapse on the expiry of the six week period mentioned in the Constitution and nothing will be heard of it thereafter because it will be buried unostentatiously. The main point to be considered is whether the Government have got the power or the right to bring forward a new Bill. Of course, the phraseology used in the Bill is 'to replace the Ordinance'. The provisions of the Bill may be in excess of what the Ordinance contains. But the substance is the same. May be the Constitution does not say all these in so many words. It only says that the Ordinance must be placed on the table of the House and at the end of six week period, it will die a natural death if it is not replaced by a Bill. But it does not mean that the Government should prepare a Bill reproducing *ipsissima verba* the wording appearing in the Ordinance. It may be in conformity with the Ordinance or certain little alterations may be made. In this case, Sir, the Ordinance and the Bill should be understood disjunctively. The Ordinance will expire at the end of six weeks. The Bill may be considered as a fresh Bill unconnected with the Ordinance."

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* THE HON. SRI C. RAJAGOPALACHARI :—" On a point of order, Sir. (Laughter.) Mr. Swayamprakasam is rising to say something. I am trying to find out by a decision from the Chair whether the present discussion is over. Mr. Krishna Ayyar has given a ruling and Mr. Swayamprakasam is trying to answer it. I thought that the matter had been disposed of already."

Mr. SPEAKER :—" Instead of Speaker giving a ruling, the 11-50
hon. Member Krishna Ayyar has answered Mr. Swayamprakasam a.m.
by giving his ruling." (Laughter.)

* SRI S. SWAYAMPRAKASAM :—" Mr. Krishna Ayyar has said that according to clause (2) of Article 213 of the Constitution of India, the Ordinance should be laid before the Legislative Assembly and since this has been done in this case, the procedure adopted by the Government is correct. But that is not so. I say the procedure adopted by Government is wrong. According to clause (2) of Article 213, the printed copy of the Ordinance should be placed on the table of the House."

Mr. SPEAKER :—" It has been done."

* SRI S. SWAYAMPRAKASAM :—" I do not dispute that. I admit that we have been supplied with a printed copy of the Ordinance. But let us see what is said in the latter part of clause (2) (a) of Article 213 of the Constitution. Whenever the Ordinance is placed on the table of the House, any hon. Member of the Legislative Assembly can bring in a resolution disapproving of the same before the expiry of six weeks from the re-assembly of the Legislature. I say that opportunity is denied to us now. We have now before us the Bill with modifications of the Ordinance. We do not have a Bill reproducing the Ordinance as it is. Then only we can say it is replacing the Ordinance. We have on the other hand a Bill before us containing provisions totally different from the one prescribed in the Ordinance. Mr. Gopala Gounder has given notice of a resolution disapproving the Ordinance. But now we have a Bill on altogether different lines. How can that resolution have any binding on this Bill? Therefore it is quite clear that the right of hon. Members of the House to disapprove of the Ordinance, a right given to us under the Constitution is now denied to us. It is clearly evident."

Mr. SPEAKER :—" Mr. Gopala Gounder ought to have told me. When he had given notice of the resolution, he ought to have told me that on such and such a day it should be taken up. But he has not at all made any mention of it to me. He has kept quiet all along. Without the motion being moved, how can we have any discussion."

* SRI S. SWAYAMPRAKASAM :—" I would like to invite your attention, Mr. Speaker, to Rule 117 of the Madras Assembly Rules wherein it is specifically stated that any Member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it

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shall be forwarded to the other House with a message asking for its concurrence. Immediately after the receipt of Ordinance, the hon. Member Mr. Gopala Gounder had given notice of a resolution, disapproving the Ordinance, to the Secretary."

MR. SPEAKER:—"But he has not told me anything about the resolution, nor has he requested me that the same might be taken up on such and such a day."

* SRI S. SWAYAMPRAKASAM:—"According to the Assembly rules, Mr. Gopala Gounder has given the resolution, disapproving the Ordinance. But now we do not have the Ordinance for discussion. We have a Bill containing provisions altogether different from what was contained in the Ordinance. All the same, the Government say it is a Bill replacing that Ordinance. That is totally untrue. In fact, in the present Bill, even though the purport of the Ordinance was to give relief to agriculturists, that relief is taken away. Absentee landlords have been included under the term 'agriculturists,' which was not done in that Ordinance. Whereas the original Ordinance was intended to give relief to agriculturists, that right is now taken away by the present Bill containing different provisions which the Government all the time, maintain is a reproduction of the Ordinance."

* SRI V. BALAKRISHNAN:—"Sir, constitutional proprieties are involved in this case. I would like to know when the notice of resolution given by Mr. Gopala Gounder was received? Was it received before the introduction of this Bill? Was it given immediately after the issue of the Ordinance?"

MR. SPEAKER:—"I cannot answer off-hand."

* SRI V. BALAKRISHNAN:—"Well, Sir, according to the spirit of the Constitution, if the notice of resolution, had come in immediately after the promulgation of the Ordinance, then I believe it is right and proper procedure for this House to have a discussion and take notice of that resolution. But in this case the resolution and the present Bill have come simultaneously in the Agenda. I am at a loss as to which would be taken up first? You must consider whether simultaneous or dual consideration of these two will not militate against the spirit of the Constitution."

* SRI V. GOPALA GOUNDER:—"I have not got very much to say after my friend Mr. Swayamprakasam had clarified the position. I shall make the position clear with regard to my resolution. Immediately after the receipt of the Ordinance, I sent a resolution on the 29th December itself, expressing disapproval of the Ordinance. No notice was given to me up to this moment whether my resolution had been admitted or not or when it will be included or when it was included. Only to-day on coming here, I find my resolution as well as the Bill being put for consideration in the Agenda."

MR. SPEAKER:—"But the hon. Member ought to have told me before, about the resolution he had given notice of."

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* SRI V. GOPALA GOUNDER:—"I acted according to Rule 117 of the Assembly Rules. Immediately after the receipt of the copy of the Ordinance, I gave notice of my resolution. But now instead of the Ordinance, we have a Bill containing provisions altogether different from the one contained in the Ordinance. That has been pointed out by the hon. Member, Mr. Swayamprakasam. Now that we have the Bill and not the Ordinance, my resolution is of no use and I do not want to press it."

MR. SPEAKER:—"If there are changes made in the Ordinance, it is for the House to take cognizance of it and withhold it if it so chooses. The Speaker has nothing to say on it."

"Apart from that, the hon. Member Mr. Gopala Gounder ought to have informed me that he had given notice of a resolution or at least he ought to have requested me that his resolution might be placed on the agenda of 3rd or 4th January for discussion. But the hon. Member had not done so. He had not told me when it should be taken up nor has he written to me as to when the resolution might be taken up for discussion. He ought to have informed me."

* SRI V. GOPALA GOUNDER:—"Rule 117 says that I have to give only three clear days' notice to the Secretary to move my resolution. I have done so. I never expected the Hon. Speaker would delay in putting this resolution of mine before the House."

MR. SPEAKER:—"Even granting for argument's sake that the office had delayed the matter, the hon. Member ought to have brought it to my notice then and there. The hon. Member has not done so."

"Regarding the changes made in the present Bill, as I had already stated, the Speaker has nothing to do with them. It is for the House to take cognizance of it and do the needful. They can withhold sanction to it if they so like it."

"I shall now give my ruling. In my opinion, the present Bill is perfectly in order."

"It is now before the House for discussion. The discussion on it may begin."

III.—GOVERNMENT BILLS—*cont.*

(2) THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954—*cont.*

SRI E. L. RAGHAVA MUDALIAR:—"Sir, I request time may be given for hon. Members to give notice of amendments to the present Bill. The Bill itself had been circulated only recently. Many of us are anxious to move amendments."

MR. SPEAKER:—"The discussion on the motion that the Bill be taken up for consideration now may now begin. Amendments to the Bill may be given notice of till 9 o'clock to-morrow morning."

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SRI E. L. RAGHAVA MUDALIAR :—" But some of us want to move amendments that the consideration of the Bill itself may be taken up at a later date, and that it may be put off now."

* THE HON. SRI C. SUBRAMANIAM :—" That means that the hon. Member is anxious to move a negative amendment. The purpose is to oppose. Let the hon. Member move a motion now, opposing the Bill."

* DR. K. B. MENON :—" I do not know the reason why these things are rushed through the House. Why did the Government give a recess? Why did they not give information to us even before the recess? Why should these laws be brought before the House just on the eve of the close of the session? Why should this Bill be rushed through now and Members not given an opportunity for mutual consultations, for party consultations and for collective thinking? I am against rushing this Bill just at the fag end of the session."

12 noon. * THE HON. SRI C. SUBRAMANIAM :—" The Bill was published day before yesterday in the Gazette and copies of the Bill were circulated to the Members yesterday morning and hon. Members had sufficient time, therefore, to study the Bill. Moreover, this is not as if this Bill is a new one. The Ordinance has been before the public since 5th December 1953, when it was promulgated. Only slight modifications had been made in the Bill. Therefore, it cannot be contended that this is a new subject, as if hon. Members had not been aware of the subject all along. In view of the recent publication of the Bill we are prepared to go even further and allow if any hon. Member were to move an amendment even now at this late stage opposing the Bill. Let us not be criticised as though we are trying to rush this legislation through. This subject had been before us since 5th December 1953, the date when the Ordinance was promulgated. I request that the Bill be taken into consideration."

MR. SPEAKER :—" Does any hon. Member want to move any amendment? "

SRI K. VINAYAKAM :—" Sir, I move—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.' "

SRI V. GOPALA GOUNDER :—" I second it."

MR. SPEAKER :—" Motion moved—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.'

" This motion as well as the main motion are now before the House for discussion."

* SRI V. GOPALA GOUNDER :—" Sir, as Mr. Swayam-prakasam had pointed out earlier, this Bill is not one that simply reproduces the provisions of the Ordinance. In fact, in the Bill

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that is now before the House we find drastic changes. For instance, in the Ordinance the definition of an 'agriculturist' was given in a certain way. Now, in the present Bill an entirely different definition is given. By the present definition, instead of giving relief to the indebted agriculturists, in fact relief is now sought to be given for absentee landlords. There are other sections of the Bill which are controversial. Therefore, I think it would be better if the Bill is referred to a Select Committee, so that all its main clauses may be thrashed out and correct conclusions arrived at. Instead of rushing through hastily with this legislation, I think it would be better if we refer the same to a Select Committee and pass this legislation after bestowing mature consideration on it first by the Select Committee and then by the House."

* SRI K. VINAYAKAM :—" Coming from the Opposition, we are conscious of the laudable approaches the Bill has made. It is our intention that the agriculturist of our State who has been seriously affected by the drought condition prevailing in our State for the past six years should be given relief by such a kind of moratorium as is now sought to be given by the Bill which is under discussion now. Nobody can object to the laudable objects which the Bill seeks to fulfil. What is the intention of the present Government in bringing forward this Bill? They want that the agriculturist who mainly depends upon agriculture for his livelihood should be given some fillip to step up the food production of our State, by giving him relief from paying arrears of rent for one year and by giving him fixity of tenure and protection from eviction. But what is now sought to be done is not to confine the protection to the tiller of the soil alone. Under the present definition of the term 'agriculturist' anyone could be termed as an agriculturist. Any person who holds an interest in a land, no matter where he resides, be he either in Delhi or anywhere, he comes under the category of agriculturists. Absentee landlords are thus given relief. For instance, a man may own an acre of land say in Chingleput, and he may do a lucrative business in Madras. But still he is an agriculturist. He is covered by the definition now given. He is now protected. Is it Government's intention that a person doing business in other fields also but who is an absentee landlord should be termed an agriculturist and protected by the Bill? On the other hand, relief is meant only for the poor agriculturist who tills the soil and depends only on agriculture for his living. It is that person who should be protected and not all and sundry who have little interest in the land. But even one paying a land revenue of Rs. 500 is termed as an 'agriculturist'. Even a merchant who reaps huge profits by business in Madras who pays income-tax and who is an absentee landlord owning some few acres is an 'agriculturist'! Can he by any logic be given any protection? It is the poor villagers who work from dawn to dusk and by whose sweat and labour the produce is raised and who are now heavily indebted that, should be protected. That is why I say it is better if the Bill, instead of being rushed

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through hastily now, be referred to a Select Committee for mature consideration. The Select Committee can go into the pros and cons of the problem and may suggest any improvements they like. Anybody who pays 'sales tax' means he is doing some kind of transactions as far as his business is concerned. Therefore one who pays 'sales tax' should not be considered as an agriculturist. But under the present definition of an agriculturist, he may come in. That is why I repeat, to set right some of the loose definitions given in the present Bill, it would be in the interest of the State if the Bill is referred to a Select Committee to avoid some of the lacunae in the present Bill.

"What is now, the lot of the villagers engaged in cultivation in our rural areas? They are heavily indebted. No doubt the Ordinance would be welcomed by them. But it has its own repercussions. Rural credit facilities have now broken down. Any man who wants to purchase small quantities of manure, seeds, or bulls to plough his land is not now in a position to command rural credit. He cannot now run to a money-lender for such facilities. The money-lender says, 'The Government are coming to your help. Why should I help you? We are prevented from collecting our debts for a period of one year. We are not in a position to help you.'"

12-10 p.m. SRI V. GOPALA GOUNDER:—"On a point of order, Sir. This is a discussion on an amendment to refer the Bill to a Select Committee. My hon. Friend Sri K. Vinayakam is indulging in a general discussion on the Bill."

* SRI K. VINAYAKAM:—"This is not a point of order of a correct nature. I am now convincing the Hon. Speaker as well as the House why I am moving this amendment that this Bill be referred to a Select Committee and I am perfectly right to adduce reasons why I am persuading this House to do so. Now, coming to the point about which I was talking, rural credit facilities have broken down and the Government should find alternative methods of giving them aid through co-operative societies or they should promote some other organization which would easily come to their aid. If such facilities could be given in villages, this moratorium would work well. For these reasons, Sir, I request the Government may be pleased to refer this Bill to the Select Committee."

(At this stage Sri A. Ramasami Tevar occupied the Chair.)

12-12 p.m. * SRI C. MUTHIA PILLAI:—"கனம் சேர்மன் அவர்களே இந்தச் சட்டம் பஞ்சப் பிரதேசத்திற்குக் கொண்டுவரப்பட்டு இருக்கிறது. தஞ்சை ஜில்லாவில் இருக்கக்கூடிய பண்ணையாட்களுக்கும் விவசாயிகளுக்கும் முன்பே ஏகத் தகராறு இருந்துகொண்டு இருக்கிறது. அந்தப் பழைய கடனைத் தள்ளுபடிச் செய்தால், ஒழுங்கான ஒரு நிலை ஏற்படும் என்று அப்போதே நான் சொல்லியிருக்கிறேன். அதை இப்போது கடன் நிவாரணச் சட்டத்தின்மூலம் கனம் மந்திரி அவர்கள் ஒரு வருஷகாலத்திற்கு ஒத்திப்போட்டிருக்கிறார்கள். தஞ்சாவூர் ஜில்லா விவசாயிகளிடம் பரம்பரையாக 100, 200 வருஷங்களாக இருந்துகூட நேற்று வாங்கியதுபோல் எழுதி வாங்கியிருக்கிறார்கள். சென்ற வருஷம் வாங்கிய கடன் இதில் சேர்க்கப்பட

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வில்லை; ஆகையால் இப்பொழுது இந்த சட்டத்தினால் வாங்கியுள்ள கடனைத் தள்ளிக் கொடுத்தால் அங்குள்ள விவசாய மக்களின் நிலைமை உயருமே தவிர வேறு எந்தக் காரணத்தினாலும் உயராது. மேலும் விவசாயிகளுக்கு பண்ணையாட் பாதுகாப்புச் சட்டத்தினால் சாகுபடி செய்வதற்கும் அவர்கள் விதையை வாங்குவதற்கும் இந்த பண்ணையாட் சட்டத்தின்மூலம் கடனாக பணம் கொடுத்துவ வேண்டும். அதற்கு கோவாபரேடிவ் சொசைட்டி மூலமாக முன்சூட்டி அட்வான்சாக கொடுக்க வேண்டுமென்ற சட்டம் விவசாயிகளுக்கு தேவையே தவிர ஒத்திவைப்பதால் ஒரு பிரயோஜனமில்லை. மேலும் இது எல்லா பிரதேச விவசாயிகளுக்கும் இந்த சட்டம் போடப்பட்டிருக்கிறது. அப்படி இருப்பது அவர்களுக்கு கெடுதலை தவிர எந்த விதத்திலும் பிரயோஜனம் இல்லை என்பதை நான் சொல்லிக் கொள்ள ஆசைப்படுகிறேன். விவசாயிகளுக்கு அவர்கள் (manure) ஏரு, விதை வாங்கும்படி உதவி செய்ய இந்தச் சட்டத்தின் தஞ்சாவூர் ஜில்லாவுக்கு கொண்டுவந்து பழைய பண்ணையாட்களுக்கு பாதுகாப்பு அளித்து முன்னர் வாங்கிய கடனைத் தள்ளிக்கொடுக்க கேட்டுக்கொண்டு முடித்துக் கொள்ளுகிறேன்."

* SRI P. G. KARUTHIRUMAN:—"கனம் சேர்மன் அவர்களே, இந்தச் சர்க்காரால்கொண்டு வரப்பட்டிருக்கும் கடன் ஒத்திவைப்புச் சட்டத்தை ஓரளவு ஆதரிக்கிறேன். இப்போது இருக்கும்படியான ஒரு சூழ்நிலை என்ன, சுமார் 25 வருடத்திற்கு முன்னால் இருந்த விவசாயிகளுடைய நிலை என்ன என்பதை பார்க்கவேண்டும். அதைப் பார்க்கும்போது இப்போது எடுத்திருக்கும் கடன் ஒத்திவைப்பு மிகவும் சிறந்ததுதான். ஆனால் அதற்குமுன் விவசாயிகளுடைய விவசாய நிலைமை முன்னால் எப்படி இருந்தது, இப்போது எப்படி இருக்கிறது என்பதையும் ஆலோசனை செய்யவேண்டும். சுமார் 25 வருஷங்களுக்கு முன்னால் விவசாயிகளுடைய நிலையை எடுத்துப் பார்த்தால் விவசாயத் தொழில் மிகவும் இழிவான தொழிலாகக் கருதப்பட்டு வந்தது. அக்காலத்து நிலையானது விவசாயிகளைப் பற்றி யாரும் கவனிப்பது கிடையாது. அப்பொழுது விவசாயிகளுடைய நிலையை ஒருவரும் அறிந்ததும் கிடையாது.

"சுமார் 25 வருஷங்களுக்கு முன்னால் அமெரிக்கா தேசத்திலே என்ன நடந்தது என்பதைப் பார்க்கலாம். அதாவது விவசாயிகளால் விளைவிக்கப்பட்ட பொருள்களை அறுவடை செய்வதற்கு அவர்களால் செலவழிக்கப்பட்ட உற்பத்திச் செலவை விட அதிகமாக செலவான காரணத்தால், விளைந்த பொருள்களையெல்லாம் தீ வைத்து கொளுத்தி அறுவடை செய்யாமலே இருந்து விட்டார்கள். இது 1931-32-ம் வருஷ காலத்திலே. அந்த நிலையை நாம் சென்னை மாகாணத்திலே எடுத்துக்கொண்டாலும், அன்று விவசாயிகள் பட்ட கஷ்டம் சொல்லி முடியாது. அன்று விவசாயிகள் மிகவும் கஷ்டமான ஒரு நிலையில் வாழ்ந்து வந்தார்கள். ஒரு கலம் ரூ. 1-8-0 ஆக இருந்தது. ஆனால் இப்போது இரண்டாவது உலக யுத்தம் வந்த பின்னர்தான் விவசாயிகளுடைய நிலைமை முக்கியமானது என்பதை சர்க்காரும் உணர்ந்தார்கள்; உலக மக்களும் உணர்ந்தார்கள். யுத்தம் காரணமாக விவசாயப் பொருள்களுடைய விலை ஏறு முகமானதன் காரணமாக விவசாயத் தொழிலுக்கு ஒரு உயர்ந்த நிலை ஏற்பட்டது. பழைய விவசாய பொருள்கள் விலையோடு இப்போதுள்ள விவசாயப் பொருள்களின் விலையை ஒப்பிட்டுப் பார்க்கும்போது ஒன்றுக்கு மூன்று பங்காக இருக்கிறது. இந்த நிலையில் ஒரு உண்மையான விவசாயி தன்னுடைய, தனக்கு ஏற்கனவே இருக்கும்படியான கடனை அடைக்க முடியாத நிலைமையில் இருக்கிறானென்றால் மிகவும் வருந்தத்தக்கது தான். ஒரு கண்டி மிளகின் விலை முன்பு 300 ரூபாயாக இருந்தது. இப்போது 4,000 ரூபாயாக இருக்கிறது. அப்படி விற்பும்சூட, இப்போது இந்த விவசாயிகளுடைய கடன் ஒத்திவைப்பு மசோதா ஏற்படுமானால் அதற்கு அடிப்படையான காரணம் என்ன என்பதை அறியவேண்டும். இந்த யுத்தத்தின் காரணத்தால் விவசாயப் பொருள்களுடைய விலைகள் தாறுமாறாக ஏறுமுகமான காலத்திலே சில விவசாயிகள் வியாபாரத்தில் ஈடுபட்டிருக்கிறார்கள். இதில் மூன்று வகையுண்டு. ஒன்று

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உண்மையான சாதாரண விவசாயி. இரண்டாவது, விவசாய வியாபாரி. மூன்றாவது, வியாபாரிகள் அதிகப்படியான பொருள் வேண்டி விவசாயிகளாக மாறும்படியான நிலைமை. இதில் உண்மையாக ஆராய்ந்து பார்த்தால் சாதாரண விவசாயிதான் கஷ்டப்பட்டுக் கொண்டிருக்கிறான். இந்த விலை பொருள்கள் தாறுமாறான காரணத்தால் விவசாயிகள் வியாபாரிகளாக மாறி மஞ்சள், கரும்பு, புகையிலை, வாழை முதலிய பொருள்களை வாங்கி விற்றுக்கொண்டிருந்தார்கள். மார்க்கெட் மந்தம் ஏற்பட்ட காரணத்தால் கடன் ஏற்பட்டது. இதுதான் உண்மை.

“தவிர, இதைப்போல் பல மில் முதலாளிகள் யுத்த காலத்தில் கண்ட ரோல் வந்ததாலும், ரேஷன் ஏற்பட்டதாலும் அவர் அவர்களுக்குத் தேவையான சில பூமிகளை வாங்கி அங்கே விவசாயிகளை வைத்துக்கொண்டு பயிரிட்டு, தங்களுக்குத் தேவையான அரிசியைக் கொண்டு வருவதற்காக சில வியாபாரிகள், மில் முதலாளிகள் விவசாயிகளாக மாறினர். இந்த வியாபாரிகள் இவ்விதமாக தங்கள் நலனுக்காக வேண்டி செய்துகொண்ட தற்கும் நிவாரணம் அளிக்க இச்சட்டம் இடம் தருகிறது. அதையெல்லாம் விலக்கவேண்டும். ஆகையால் இந்த கடன் ஒத்தி வைப்பு சட்டத்தை நன்று ஆலோசனை செய்து இவர்களுக்கு இந்த சட்டத்திலே எந்த விதமான பாத்தியதையும் ஏற்படாது நிலைமை ஏற்படவேண்டும்.

“சாதாரண விவசாயிகளை எடுத்துக்கொண்டால் அவர்கள் உண்மையாகவே உற்பத்தி செய்கிறார்கள். இந்த விவசாயிகளுடைய நிலை பல இடங்களில் பலவிதமாக இருக்கும். தஞ்சை அங்கத்திலார் ஒருவர் சொன்னார். அங்குள்ள பூமிகளுக்கு, அதாவது சில இடங்களில் நீர்ப்பாசன வசதி இல்லாவிட்டாலும், மழை பெய்யாவிட்டாலும் விவசாயம் செய்யலாமென்றார். அவர்களுக்கு கிணற்று பாசனமாவது முக்கியம். அதற்காக அவர்களுக்கு விலக்கு அளிக்கப்படவேண்டும். இதெல்லாம் முக்கியமாக கவனிக்கப்படவேண்டும். இப்படிப்பட்ட பூமிகளில் கால மழை பெய்யாததாலும், வேறு பல காரணங்களாலும் விவசாயிகள் தங்கள் எதிர் பார்த்த அளவு விவசாயப் பொருள்கள் விவையாது போகலாம். அந்த முறையில் கஷ்டப்படும் விவசாயிகளுக்கு, அந்தக் காலங்களில் நிவாரணம் அளிக்கப்படவேண்டியது சர்க்காரின் முக்கிய பொறுப்பு. சாதாரணமாக ஒரு ஏக்கர் சாகுபடி செய்வதற்கு ரூபாய் 300 செலவாகிறது என்று வைத்துக் கொள்வோம். மழை பெய்யாத காரணத்தாலும், இன்னும் பல மாதிரியான சூழ்நிலையாலும் அவன் எண்ணியபடி நிலைமை வராது போகலாம். அதற்கு சர்க்கார் என்ன செய்யவேண்டுமென்று கேட்டால், நான் ஒரு ஆலோசனை சொல்ல முடியும். சாதாரணமாக விவசாயிகளுக்கு இன்சூரன்ஸ் திட்டம் செய்யவேண்டியது அவசியம். இந்தத் திட்டத்தால் வெள்ளாமை செய்ய முடியாத காலத்தில், ஏழை விவசாயிகள் காப்பாற்றப்படுவார்கள். ஆகையால் இந்த இன்சூரன்ஸ் திட்டம் விவசாயிகளுக்கு மிகவும் சிறந்த ஒரு முறையாதலால் இதைச் சர்க்காரோ அல்லது வேறு கோவாபரேடிவ், அதாவது அடமான பாங்கு மூலமாகவோ அவர்களுக்கு வேண்டிய செலவுக்கு குறைந்த பணம் கொடுப்பதற்கு ஏற்பாடு செய்யவேண்டும். இந்த முறை அல்லாது வேறு யாரையாவது கடன் கொடு என்றால் இன்றுள்ள நிலையில் யாரும் கடன் கொடுக்கக்கூடிய நிலையில் இல்லை.

“1937-ம் வருஷத்திலே விவசாய கடன் மசோதா வந்தது. அது வரவேற்கத் தகுந்ததுதான். ஆனால் பயன் என்ன? இதன்படி ரூபாய் 100-க்கு 2 அல்லது 3 ரூபாய் வட்டி வாங்கும்படியான நகரத்து பாங்கர்கள் ஒழிக்கப்பட்டார்கள். இவ்வாறு நாட்டுக்கோட்டை செட்டியார்கள் ஒடுக்கப்பட்டது வாஸ்தவம்தான். அது வெற்றியைத்தான் அளித்தது. ஆனால் இன்றுள்ள நிலைமை வேறு. இந்த விவசாயத்தில் மிகவும் அக்கரையோடு பாடுபட்டு வரும் விவசாயிகளுக்கு ஒரு சரியான விலை கிடைக்காததால், இன்று விலைபொருள்கள் மிகவும் பாதிக்கப்படுகிறது. ஆகவே இன்று இன்சூரன்ஸ் திட்டத்திலே விவசாயிகளுக்கு நஷ்டத்தை கொடுக்க வசதி செய்தாகவேண்டும். தமிழன் மிகவும் பண்பாடுடையவன். வாங்கியதை எப்படிக்வும் திருப்பிக்கொடுத்து விடுவான். கம்பராமாயணத்திலே கூட

[Sri P. G. Karuthiruman] 8th January 1954]

‘கடன் பட்டார் நெஞ்சம் போல கலங்கினான் இலங்கை வேந்தன்’ என்று இருக்கிறது. ஆனால் இன்று ‘கடன் கொடுத்தான் நெஞ்சப்போல கலங்குகிறான்’ என்று சொல்லவேண்டும். ஆகையால் இந்த இன்சூரன்ஸ் திட்டத்தை கொண்டுவந்தால் சர்க்கார் செல்வாக்கு வளரும். அதைக் கொண்டுவரும்படி சர்க்காரை கேட்டுக்கொண்டு, இந்த வசதி இருக்கும்படியான நிவாரணத்தை மிகவும் நல்லதென ஆதரித்து, இதை எல்லா அங்கத்தினர்களும் ஏகமனதாக ஆதரிக்கும்படி கேட்டுக்கொள்ளுகிறேன்.”

* Sri V. BALAKRISHNAN :—“ Mr. Chairman, Sir, before we go into a further discussion of the Bill and discharge much heat for or against this Bill, I would like to know whether the Government are referring the Bill to a Select Committee. Of course, I am cent per cent behind the Ordinance, but in order to save the precious time of the House, I am asking this information. ”

TEMPORARY CHAIRMAN (Sri A. Ramasami Tevar) :—“ I request the Hon. the Chief Minister to answer.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Mr. Chairman, Sir, we discussed the matter in the hon. Speaker's room and it has been agreed that we should carry on the discussion till 1 p.m. The Hon. Speaker will make the announcement, but I am doing it unofficially as the Chairman has asked me. We will carry on the discussion till 1 p.m. and when we meet after lunch at 3 p.m. the Malabar Tenancy (Amendment) Bill will be taken up and continuously proceeded with, so that hon. Members, who are interested in this Bill, will have time till to-morrow to make any amendments or to consider any suggestions. We will take this Bill as soon as the Malabar Tenancy (Amendment) Bill is finished. If necessary, we shall sit on Monday also and finish both the Bills.”

SRI E. L. RAGHAVA MUDALIAR :—“ Mr. Chairman, Sir, the Bill was circulated only yesterday. Many provisions of the Ordinance have been recast and new provisions have been introduced with the result that a certain class of people who were not intended to get any benefit really get the benefit and some class of people who were intended to get some benefit do not get any benefit at all. Many provisions have to be altered after a little consultation and exchange of views. Though this Bill is intended to be in force only for a year, it may have far-reaching consequences, because after Madras Act IV of 1938 was introduced, the agricultural credit of this State has, to a certain extent, been shattered and just when the agriculturists are rehabilitating their credit position, this Ordinance has come up and again the position of the agriculturists has become very bad. No doubt, the local or the village marwari or money-lender might have been hit hard, but he is a very indispensable factor in the rural agricultural economy. If the agriculturist loses his credit with the local money-lender, he would be very much hard pressed and the relief given by this Ordinance is only for a temporary period of one year. After the expiry of this moratorium period, the money-lender will press the agriculturist for payment of his dues.

[Sri E. L. Raghava Mudaliar] [8th January 1954]

"There is another objectionable feature in this Bill, because the most hard-hearted and inexorable persons are the Government and, to a certain extent, co-operative societies, who have lent moneys to most of the agriculturists. The provisions of this Bill will not apply to 'debts' payable to the Government or to any co-operative society. Thus the only debts that are payable in time are the dues to Government and the co-operative societies and under the existing conditions unless those dues are paid within time, coercive steps are taken and moneys are collected by distress or by sale of immovables without granting any time to the agriculturists. But at least a private creditor, if the debtor approaches him properly, will give him time and the agriculturist will get the required relief. The real relief is to be had from the Government and not from the private creditor, because the private creditor realizes the difficulties of the debtor and normally he is willing to give some time.

"Apart from this, I would like to refer to the provision made regarding the bar of suits. Of course, I can understand the provision for staying the filing of suits. But once suits have been filed, I cannot understand why the trial of those suits should be stayed. They can proceed up to the stage of the decree and execution can be stayed."

THE HON. SRI C. RAJAGOPALACHARI:—"That is the practice as lawyers understand it."

SRI E. L. RAGHAVA MUDALIAR:—"I say 'Let that practice be stopped'. When once a person has come to the law court before the Ordinance, why not you allow him to proceed up to the stage of the decree? Let execution of the decree be stayed."

THE HON. SRI C. RAJAGOPALACHARI:—"Let there be peace for the lawyer."

SRI E. L. RAGHAVA MUDALIAR:—"Let there be peace for both the lawyer and the party. Apart from this, if you take statistics of old suits pending in next January, you will find that a large number of old suits have been allowed to stagnate. This means that some additional courts will have to be established."

THE HON. SRI C. RAJAGOPALACHARI:—"I may inform the hon. Member that I have collected statistics from three Munsif's Courts and about 1,500 suits have been stayed. I can understand the objection of the Bar all over."

SRI E. L. RAGHAVA MUDALIAR:—"I am not voicing forth the viewpoint of the Bar. I am only asking that suits which have become old and which are ripe for trial should not be stayed."

THE HON. SRI C. RAJAGOPALACHARI:—"If they are so old, they can wait a little more." (Laughter).

SRI E. L. RAGHAVA MUDALIAR:—"What I wish to point out is that by next January there will be heavy accumulation of

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work in all civil courts and to clear off the arrears we will have to establish some additional courts. This means additional expenditure to the Government.

(At this stage, the Speaker occupied the Chair.)

"Sometimes, we file suits for payment of money coupled with other reliefs also. Suits with regard to payment of money can be stayed, but the other reliefs prayed for may be allowed to be pursued."

* THE HON. SRI C. RAJAGOPALACHARI:—"The object of the Government is that the peasant should not be drawn to the court. He should be left in his field. That is why we have not attempted any classification. The primary point is that the tenant should be given some relief."

SRI E. L. RAGHAVA MUDALIAR:—"I agree that the primary point is that the tenant should be given some relief. The definition of 'agriculturist' in the Bill is very wide and all-embracing. I am not on that point."

"I am not here pleading for lawyers. I am speaking about the administration of justice and the adjustment of work in courts. The creditors will be anxious to recover the money immediately after the expiry of the moratorium. To avoid the creditors rushing to courts immediately after the moratorium and the hardship that may be caused to the tenants in having to repay the debt in one lump, we suggest that provision may be made to spread over the repayment in three or four annual instalments. To consider all these things, we request that the Bill be referred to a Select Committee. The Select Committee may be asked to submit its report within a very short time."

MR. SPEAKER:—"We will continue the discussion on this Bill till 1 p.m. When we meet again at 3 p.m. after the lunch interval, we will take up the Malabar Tenancy (Amendment) Bill, and continue the discussion to-morrow also. After the Malabar Tenancy (Amendment) Bill is disposed of to-morrow, we will take up this Bill. If this Bill is not finished by to-morrow, we will have to sit on Monday."

SRI K. VINAYAKAM:—"Are we not having a non-official day on Monday? Let the Government give us an assurance that there will be a non-official day."

* THE HON. SRI C. RAJAGOPALACHARI:—"We are in the midst of two very important Bills. They are matters of great urgency and we cannot bring in other business now. If necessary we can give non-official days liberally at the next sitting, because then there will not be urgent work."

* SRI V. GOPALA GOUNDER:—"Leave for introduction for the Prohibition (Amendment) Bill, 1953, of which I gave notice was granted in the last session. If that Bill is not moved in this session, I think it will lapse under rule 9 (b) of the Assembly Rules. If there is no non-official day during this session, I have no opportunity of moving the Bill."

12-30
p.m.

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THE HON. SRI C. SUBRAMANIAM :—“ I shall consult the Speaker and Leaders of Parties and see whether any day can be given within this sitting for non-official work.”

* **SRI S. T. ADITYAN** :—“ Mr. Speaker, Sir, I happen to be a lawyer-Member of this House and perhaps come within the purview of the remarks of the Hon. Chief Minister. In spite of his remarks, I make bold to say that this Bill ought to be referred to a Select Committee. The Hon. Chief Minister seems to think that lawyers are at the back of all litigation. Certainly they are not. As a class, we, lawyers, are not very much worried what is going to happen to us. So long as man is man and so long as man has got quarrelsome nature, we can live and there is absolutely no doubt about it. We are not depending on the tender mercies of the Government.”

THE HON. SRI C. RAJAGOPALACHARI :—“ I did not mean lawyers as such; I am myself one.”

* **SRI S. T. ADITYAN** :—“ I shall try to dissociate myself from that appeal which comes to me from my profession and look into the Bill on its own merits.”

“ The Madras Agriculturists' Relief Bill was hustled through the Assembly in 1938. I was not a Member of the Assembly then, but I read the news in the papers. Pretty little time was given for its consideration and if I remember right, the Bill was passed at 10 o'clock or 11 o'clock in the night.”

* **THE HON. SRI C. RAJAGOPALACHARI** :—“ The hon. Member should know that in those days Members did not feel any fatigue at all. It was the early period of Swaraj so to say. If the hon. Member will take the total number of hours that were given to any Bill, I dare say no Bill ever received better attention than they received in those days.”

* **SRI S. T. ADITYAN** :—“ I do not dispute the fact that our predecessors considered elaborately the questions that were referred to them. With all respect to them, I wish to submit that the procedure they were made to follow in hustling the Bill through was defective. As everybody inside and outside this House knows, the Agriculturists' Relief Act was termed a paradise for lawyers. It was bristling with difficulties which could have been foreseen and provided against if the Bill had been considered more carefully and more solemnly. Unfortunately it was hustled through with the result that a large number of cases cropped up. At a certain stage, the High Court had to appoint a Special Bench to decide cases coming under the Agriculturists' Relief Act alone. I submit that a similar position will be repeated, if we rush through this Bill. I do not oppose the principles of the Bill; I stand by them. I want the Bill to become an Act. What I am submitting is that, if we devote a little more time and attention and consider the Bill more solemnly and more deliberately, we will make it not a paradise for lawyers but a paradise for agriculturists.”

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“ I have got a small doubt and I hope the Hon. Speaker will clear it. Are we on the motion that the Bill for referring the Bill to a Select Committee or on a general discussion of the Bill or on both? ”

MR. SPEAKER :—“ The motion as well as the amendment are before the House. The hon. Member can go into the merits of the Bill.”

* **SRI S. T. ADITYAN** :—“ Then, I will have to go into one or two questions relating to the Bill. I will not go into the matter in detail now, because I will have an opportunity of expressing my view when the amendments that I have given notice of are taken up. In this Bill, we are giving relief to agriculturists for at least one year. That is one side of the picture. On the other side of the picture, we have got this, namely, all dispositions or transfers of property of agriculturists are banned for one year, although the Bill does not say so in so many words. Nobody will take an agriculturist's land on mortgage, and that means agricultural credit will be disturbed at the very fountain-head. For a year, not a single person will be willing to lend to agriculturists. I doubt whether the Land Mortgage Bank and the Co-operative Societies will be able to meet the large demand for credit from agriculturists that will arise during the course of the year. I submit that they will not be able to meet the demand. I do not know what alternative arrangements the Government are contemplating. It is not as though this Bill is all an advantage; there are disadvantages also. Every rose has got its thorns, and the thorn in this case is rather sharp and pricking. I expect the Government to consider this aspect and say at the end of the discussion that every effort will be made to stabilize rural credit and that rural credit will not be disturbed.”

“ There are one or two other aspects which I am going to refer to now. One of them is this. There are cases in which this Bill seeks to stay the whole of the proceedings. Instances may arise where the agriculturist himself may not want to reopen the whole of the case but only a part of the case. For example, a plaintiff landlord may file an affidavit before the court and obtain ex parte and injunction order. He may pray for two reliefs, one for payment of arrears of rent and the other for possession of the land or, alternatively, an injunction order. He may file an ex parte affidavit and obtain an injunction order from a civil court prohibiting the defendant agriculturist from entering into the land. Under the present arrangement, in this case if the agriculturist wants to reopen the case, he has to reopen the whole of it and not a part of it. Therefore, some arrangement will have to be made so that the agriculturist may be able to reopen a part of it. Otherwise, he will have to reopen the whole case and submit himself to a decree or he will have to refrain from entering his own land which he has been cultivating and which, he believes, he has got a right to cultivate and which, perhaps, is also covered by a lease deed. That is to say, he is caught between Scylla and Charybdis.”

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Either he has to submit himself to a decree or he cannot reopen the case at all. I submit such a case may arise and does not arise in practice. As a practitioner, I am telling this hon. House that such cases are quite common. They will have to be provided against.

There are again other snags. For instance, a dispute may be whether the defendant agriculturist is in possession of the land or not. In such a case, the defendant agriculturist will have to show that he was and is in possession of the land. That can be shown only by taking out a commission before the Court. Here, I find that the taking out of a commission is also stayed. The only things that are allowed are the addition of a party, substitution of a party, removal of a party and also the addition of legal representatives for a party. But the benefit of the ordinary procedure of taking out a commission which will be so helpful to the cultivating agriculturist to show that he has been in possession of the land is denied to the agriculturist. All these things will have to be considered deeply.

I am afraid there is one other aspect which I should deal with even now. I find, and I am free to admit, that the present Bill as it is introduced, looking at it from the point of view of draftsmanship alone, is much better than the Ordinance. The Ordinance as it was published gave room for a large number of doubts. For instance, one of the doubts was who was a regular cultivator. 'Regularly cultivating the land' was the expression used therein and the question might arise who was a regular cultivator, what was regular cultivation and what was irregular cultivation."

THE HON. SRI C. RAJAGOPALACHARI:—"Why discuss the Ordinance now?"

* SRI S. T. ADITYAN:—"I want only to compare the Ordinance and not to discuss the merits of the Ordinance. I have read the Ordinance in full and I find that the present Bill, as far as draftsmanship goes, is much better than the Ordinance. But as far as the reliefs, substantial reliefs, are concerned, I think that this Bill is a little retrograde when compared with the Ordinance. That is the point that I want to make out, not that I want to discuss the Ordinance. The Ordinance, as far as I am able to see, tried to make a distinction between the actual cultivator as such and the landowner and the person who has got some vague interest in the land. But the Bill leaves alone the cultivating factor as such and the test here is whether a person has got an interest in the land. A mere mortgagee in possession of the land, whether he is the actual cultivator or not, is also an agriculturist under this Bill. A person who is an income-tax payer may also be an agriculturist under this Bill. Many a person who is not actually the tiller comes in as an agriculturist under this Bill. These are things which could be thrashed out better in a Select Committee than in the whole House. However short the time may be, all

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the provisions of the Bill should be properly examined by a Select Committee. I, therefore, request the Government not to oppose but to accept the amendment for referring this Bill to a Select Committee."

* SRI V. R. KRISHNA AYYAR:—"Mr. Speaker, Sir, broadly speaking, I welcome the Bill and, from the point of view of draftsmanship, it is certainly clearer and better than the Ordinance. But there are a few things which I would like to point out. The basic idea which had prompted the Government to bring in this Bill and promulgate the earlier Ordinance was to save the ryots or the cultivators from the distraction mentioned in the Preamble, or from the botheration and the troubles of litigation and the claim and pressure by creditors for their moneys. But, unfortunately, unless we very clearly define the two basic concepts involved in the Bill, namely, who is an agriculturist who should be given relief and what is a debt which must be stayed, there will be a large number of people who will be masquerading as agriculturists and seeking relief although they are not entitled to it, and similarly, there may be a number of people who may be really entitled to relief but who may go without it. So, we have got to see how far the present Bill has realized that objective. Speaking for myself, what I find is that the definition of an 'agriculturist' is rather too wide and takes in a larger number of people who cannot claim to be agriculturists, in the strict sense of the term, and any man who has an interest in the land is straightaway an agriculturist. In the Madras Agriculturists' Debt Relief Act, 1938 (Act IV of 1938), there were some wholesome restrictions. A man who pays more than Rs. 500 as kist, a man who has paid income-tax during the preceding two years, a man who pays profession tax or property tax of over Rs. 600 for a half-year, persons whose main avocation or means of livelihood will be non-agricultural, an agriculturist who pays more than Rs. 500 as assessment and can stand on his own feet—all these people did not require any Ordinance or Bill to come to their succour. Such people should not be entitled to relief under this Bill. Otherwise, very rich and commercial men who may simply own a plot of land will certainly come under this Bill, and I can easily imagine big industrialists and commercial magnates also coming in and seeking relief under this Bill. The general effect is that faith in contracts will be lost and there may be a general shake-up. Therefore I would suggest the tightening up of the definition of 'agriculturist'. We must bring under this term only those who are real agriculturists and whom this House and I suppose the Government also seek to benefit. Those tillers of the soil who entirely depend upon agriculture as the means of their livelihood may come under this term. Some of the provisions in the Agriculturists' Relief Act of 1938 may have to be applied, with suitable modifications wherever necessary, instead of making the definition of 'agriculturist' wide.

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"I now wish to dwell upon another important matter. The object of the Bill as set out here is to relieve agriculturists from the botheration of litigation and the pressure of creditors. Now, institution of suits is prevented. The proceedings in suits are stayed. It has been expressly and deliberately mentioned that appeals could be continued or instituted, second appeals could be filed and continued and even revision petitions could be propelled in the High Court. If I may be permitted to say so, suits in District Munsif's Court will not be much of a bother for the agriculturist as this court will be in his own place or very near his place. But, if it is an appeal in a District Court, it will involve lot of expenditure and distraction for the agriculturists. This expenditure and distraction will be much more in the case of second appeals and revision petitions in High Court. If it is really the object of the Government, as set out in the Bill, to help the agriculturists and to save them from expenditure, litigation and distractions, it cannot be achieved unless the provisions of the Bill apply in the case of appeals and other proceedings. The object of the Government cannot be fully achieved by merely staying suits. In fact, suits filed in District Munsif's Court do not really distract the agriculturist or deplete his resources or take him away from his holding for a long time. There is no reason why appeals and revision petitions could not also be included. Unless these proceedings are also brought within the purview of the Bill, I am sure the Government will not be really helping or sparing these poor agriculturists from the worries and annoyance caused by unnecessary litigation. I request the Government to carefully consider this question."

"There is a clause dealing with limitation. It is said that if the creditor *bona fide* believed that a particular agriculturist was covered by this provision and refrained from instituting a suit or making an application, the time during which the institution of the suit or application was barred may be excluded. The creditor may *bona fide* be under some impression. But the Court or the agriculturist need not be convinced of the *bona fides* of the creditor. These are some of the points which require careful and detailed consideration."

"The amending Bill is good. It is good that we must see that the ryots are not harassed vexatiously by the creditors. After so many years, they have seen some green crops and are happy. So it is necessary that these people must be given some protection particularly in this year. But, unless these agriculturists are given some alternative source of credit wherefrom they can get some money to carry on their usual agricultural operations, this Bill cannot effectively help them. Barring the usual money-lenders, they do not have any other alternative source of credit. So they will be between two stools. Along with the passing of this Bill, the Government must also take steps to provide some

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alternative source for these agriculturists. They should be enabled to get greater amounts from the Co-operative Credit Societies. Takkavi loans should be granted more generously. Hereafter, there should not be a niggardly provision in the Budget under the head, 'takkavi loans'. If the Government seriously want to help the poor agriculturists, there is no point in their passing this legislation without providing alternative source of credit. Their allotment to Co-operative Credit Societies should be considerably increased. There is no use of the Government simply removing the money-lenders from the scene without creating an alternative credit machinery which can be taken advantage of by the agriculturists. I hope the Government will look into the matter and accept my suggestion to make larger amounts available for these agriculturists under takkavi loans and to allot larger sums of money to Co-operative Credit Societies."

MR. SPEAKER:—"To-day being Friday, the House will adjourn at 1 p.m. and reassemble at 3 p.m. after lunch. It is desired by the Government that when the House reassembles after lunch, it should take up the Malabar Tenancy (Amendment) Bill for consideration. In that case the Hon. Leader of the House has to make a motion."

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES.

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Speaker, I beg to move—

'That under Rule 22 (3) of the Madras Assembly Rules, item No. IV, viz., the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), in today's Agenda may be taken up before the Madras Indebted Agriculturists' (Temporary Relief) Bill, 1954.'"

MR. SPEAKER:—"The Hon. Chief Minister, the Leader of the House and the leaders of parties have come to some conclusion with regard to this motion. So, I do not think there is any objection to this motion."

The motion was put and carried.

MR. SPEAKER:—"The House will now rise for lunch and meet again at 3 p.m."

(After lunch—3 p.m.)

III.—GOVERNMENT BILLS—cont.

(3) THE MALABAR TENANCY (AMENDMENT) BILL, 1953—cont.

MR. SPEAKER:—"We shall take up the Malabar Tenancy (Amendment) Bill, 1953. I shall take up clause 3 first since clause 2 deals with definitions and it can be taken up later."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I have given notice of an amendment to introduce a new clause after clause 3. There is no amendment to clause 3 of the Bill and I hope I can move my amendment."

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THE HON. SRI C. RAJAGOPALACHARI:—"Sir, we have an amendment proposing a new clause (clause 1-A) after clause 1. When shall we take it up?"

MR. SPEAKER:—"After we dispose of other clauses, we shall take up clauses 2 and 1 of the Preamble. No hon. Member has given notice of any amendment to clause 3 and so the Hon. the Minister for Law can move him amendment for inserting a new clause after clause 3."

SRI M. NARAYANA KURUP:—"Sir, clause 9 is intimately connected with section 9-H of the principal Act which is supposed to be repealed. Clause 3 seeks to amend this section so as to substitute the words 'Rent Settlement Authority' with 'Rent Court'. Hence it can be taken up later."

MR. SPEAKER:—"Then, we shall take up clause 4. We shall come to clause 3 later, after we have disposed of section 9 of the principal Act."

SRI M. NARAYANA KURUP:—"I want you, Sir, to look into clause 12 which repeals section 9-H of the principal Act, which is closely connected with Rent Settlement Authority."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"The hon. Member has not given notice of any amendment to clause 12."

SRI M. NARAYANA KURUP:—"I oppose the clause which seeks to repeal section 9-H of the Act. Therefore, clause 3 cannot be taken up independently."

THE HON. SRI C. RAJAGOPALACHARI:—"The Government amendment seeks to insert a new clause 3-A. It has nothing to do with clause 3."

MR. SPEAKER:—"We shall take up then clause 4."

New clause 9-A.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Mine is a new amendment and therefore I move it. It has nothing to do with clause 3. I move—

'In the Explanation to clause (c) of section 4 of the principal Act, for the word "twenty-two" substitute the word "twenty-five".'

This is in respect of cultivation expenses. I would request hon. Members who have given notice of amendments in this regard not to move them."

MR. SPEAKER:—"Motion moved—

'In the explanation to clause (c) of section 4 of the principal Act, for the word "twenty-two" substitute the word "twenty-five".'

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"I cannot prevent any hon. Member from moving his amendment. Let him say that he is not moving it."

SRI V. R. KRISHNA AYYAR:—"I am unable to say that I am not moving it. I accept 25 paras suggested by the Government provisionally."

THE HON. SRI C. RAJAGOPALACHARI:—"But he does not actually move his amendment."

MR. SPEAKER:—"That means he is not moving it. However, I shall read Mr. Krishna Ayyar's amendment for the information of the House—

'After clause 3, insert the following as new clause 3-A:—

"3-A. Amendment of section 4, Madras Act XIV of 1930.—In section 4, for the existing Explanation, the following Explanation shall be substituted, namely:—

'Explanation.—Notwithstanding anything contained elsewhere in this Act for the purposes of fixation of fair rent under this section and sections 5 and 6-A, 25 paras of paddy shall be deemed to be the cultivation expenses per acre per crop except in the Wynad, Kozhikode, Kurumbranad, Kottayam and Chirakkal taluks of the Malabar district and Gudalur taluk of Nilgiri district and any other notified area where 200 seers shall be deemed to be the said cultivation expenses:

'Provided that it shall be open to the court to fix any higher quantity of paddy as cultivation expenses in case of any land or class of lands.'"

SRI T. C. NARAYANAN NAMBIAR:—"I want to move my amendment."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I would request the hon. Member not to move his amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"In order to help the other side, we have suggested an amendment. They have given notice of amendments which they do not actually move. If they do not move, then it may be taken as not moved because to extract the word 'withdraw' seems to be rather difficult."

MR. SPEAKER:—"Then the hon. Member is not moving his amendment?"

SRI T. C. NARAYANAN NAMBIAR:—"I am not moving."

MR. SPEAKER:—"I shall read his amendment for the information of hon. Members—

'After clause 3, insert the following new clause:—

"1. Amendment of section 4 of the principal Act.—In the Explanation, for the words 'twenty-two', the word 'thirty' shall be substituted."

He has not moved this. Then, the next amendment relates to the same Member."

THE HON. SRI C. SUBRAMANIAM:—"He does not get up. It means that he is not moving it. Let not hon. Member later on say that he was prevented from moving his amendment."

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THE HON. SRI C. RAJAGOPALACHARI:—"We give him an opportunity. We do not steal his time. But they do not move."

SRI K. VINAYAKAM:—"I want to know, Sir, whether 'not moving' means 'withdrawing'."

MR. SPEAKER:—" 'Not moving' means that the amendment is not before the House. Withdrawal means that it was before the House but was withdrawn after discussion."

SRI K. VINAYAKAM:—"There are several amendments standing in the name of the hon. Member. If he does not want to move them, let him make it clear. It is not proper that he should be asked not to move, not to press and to withdraw. Let us know what is going on in the House. Let the Member be more explicit."

MR. SPEAKER:—"I cannot help promptings in the House. Members have their own parties and such things may go on."

THE HON. SRI C. RAJAGOPALACHARI:—"When Members do not press their amendments, there is no point in saying that we must get oral confessions from them. When the person does not do a thing, it means he does not do it, he does not press it."

SRI T. C. NARAYANAN NAMBIAR:—"I came just now, Sir, and it is my fault. Proceedings have already begun. I am unable to trace my amendment."

MR. SPEAKER:—"It is amendment No. 64."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"It is an amendment to an independent section and I request the hon. Member not to move it."

MR. SPEAKER:—"The difficulty is that there are a number of amendments and the hon. Members themselves are confused."

SRI C. H. KANARAN:—"Mr. Speaker, Sir, Amendment No. 63 has not been taken up and disposed of. I beg to move that amendment:—

New clause after clause 3.

'After clause 3, insert the following new clause:—

(i) Amendment of section 4 of the principal Act.—In the Explanation, for the word "twenty-two", the word "thirty" shall be substituted'.

(ii) In the proviso to the Explanation, the words "on application by the tenant" shall be added at the end."

The motion was duly seconded.

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SRI C. H. KANARAN:—"ക്രിഷ്ണപുരം 25 പാറ എന്ന് നിശ്ചയിച്ചുകൊണ്ട് ഗവണ്മെന്റ് ഒരു ടേബിൾ കൊണ്ടുവന്നിട്ടുണ്ട്. ഏതായാലും അതിൽ കുറഞ്ഞ ഒരു സംഖ്യ കൊണ്ടുവരാൻ ജന്മിമാർക്ക് സൗകര്യം കൊടുക്കുകയുണ്ട്. ക്രിഷ്ണപുരം കുറച്ചുകൊണ്ടു വരാം വലിപ്പിക്കുമെന്നുള്ള ഒരു സ്ഥിതി ഉണ്ടാകുകയുണ്ട്. ക്രിഷ്ണപുരം രണ്ട് കിട്ടാൻ വേണ്ടിയുള്ള ഒരു ടേബിൾ അതിനായിട്ടുണ്ട്. അതുകൊണ്ട് ഇതു സ്വീകരിക്കുകയും അതിൽ ഗവണ്മെന്റ് ഇതു സ്വീകരിക്കണമെന്നു അപേക്ഷിക്കുന്നു."

* THE HON. SRI C. SUBRAMANIAM:—"Just one word of explanation, Sir. New Clause 3-A relates to amendment of clause (c) of section 4 of the parent Act. Unless there is an amendment corresponding to this, there is no point in considering the amendment of the hon. Member."

* THE HON. SRI C. RAJAGOPALACHARI:—"There is one other way. There is really no difference of opinion and we are spending time for nothing. There is no amendment to the new clause 3-A and it can be put to vote with the consent of the House and passed. Anything contrary to this will be out of order."

MR. SPEAKER:—"The Government have moved an amendment. Hon. Member wants to move an amendment to the Government's amendment. This amendment should be disposed of before I put that to the vote of the House."

* SRI N. GOPALA MENON:—"Mr. Speaker, Sir, there is really no necessity for this amendment because there is a proviso to section 4 which says 'Provided that it shall be open to the Rent Settlement Authority (now the Rent Court) to fix any other quantity of paddy as cultivation expenses in respect of any land or class of lands.' It will be thus seen that 25 paras have been fixed only tentatively. It is always open to a party to go to a Court and claim that the actual cultivation expenses really come to a much higher figure or even to a smaller figure. It is equally open to the Rent Court to decide the actual cultivation expenses. Therefore, I submit that there is no real necessity for this amendment which seeks to increase it from 22 paras to 30 paras."

* SRI P. K. GOPALAKRISHNAN:—"I want to support the amendment of the hon. Member Sri C. H. Kanaran. Twenty-five paras have been fixed as the minimum cultivation expenditure and very often it varies between 30 to 40 paras. This amendment to the Explanation is therefore quite necessary. I support it."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I oppose it, Sir, because the allowance of 25 paras is most reasonable and one of the most active peasant workers has stated that that is absolutely sufficient."

MR. SPEAKER:—"I am putting the amendment of Sri C. H. Kanaran to the vote of the House. The question is—

'After clause 3, insert the following new clause:—

(i) Amendment of section 4 of the principal Act.—In the Explanation, for the word "twenty-two," the word "thirty" shall be substituted.

(ii) In the proviso to the Explanation the words "on application by the tenant" shall be added at the end."

The amendment was put and lost.

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MR. SPEAKER:—"The hon. Member Sri T. C. Narayanan Nambiar proposes to move an amendment (amendment No. 64) to section 5 of the parent Act. I would like to know whether it is in order."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Strictly speaking, it is not in order and I request the hon. Member to withdraw it."

* THE HON. SRI C. SUBRAMANIAM:—"In any event, the new clause 3-A will have to be put to vote. There is no further amendment with reference to that and then the question may be taken whether with reference to section 5 of the principal Act a new amendment can be allowed or not."

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

Clause 3-A.

'In the Explanation to clause (c) of section 4 of the principal Act, for the word "twenty-two", substitute the word "twenty-five".'

The motion was put and carried.

* SRI C. H. KANARAN:—"I want to move amendment No. 64."

MR. SPEAKER:—"The hon. Member wants to re-open section 5 of the principal Act. I do not know whether it is in order."

SRI C. H. KANARAN:—"I beg to move—

'After clause 3, insert the following new clause:—

Amendment of section 5 of the principal Act.—In section 5 of the principal Act—

(i) clause (a) shall be omitted;

(ii) after clause (b), after the number "(ii)", the words "the enhanced portion of" shall be inserted;

(iii) in clause (b), the words "whichever is higher" shall be omitted.'

"പുതുക്കിയതിൽ ഒരു ക്ലൗസ് ഭേദഗതിയായി കൊണ്ടുവരാനോ എന്തെങ്കിലും ചോദ്യം ഉണ്ടാകുക, ഇവിടെ പല ക്ലൗസ്സുകളും അങ്ങനെ ഭേദഗതികൾ കൊണ്ടുവന്നിട്ടുണ്ട്. ആ നിബന്ധനയ്ക്ക് അതോ മറ്റോ ഭേദഗതി കൊണ്ടുവരുന്നത്?"

The amendment was duly seconded.

SRI M. NARAYANA KURUP:—"My submission is that the Government themselves have moved an amendment to section 4. Of course, we did not object to that. We are now dealing with an amendment with regard to fair rents, that is, Chapter II. Strictly speaking, this is not an amendment to a section."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"We did not oppose it on that account."

SRI M. NARAYANA KURUP:—"This is an amendment to a section in the chapter dealing with fair rent. My submission is that the amendment is within the ambit of the Bill and that it does not enlarge the scope of the Bill. Of course, we are making mutual adjustments. Even though the amendment may not be directly related to a clause in the Bill, such amendments used to be taken up. A strict interpretation of the rules need not stand in the way."

MR. SPEAKER:—"Having given sufficient time, I will put the amendment to vote. The question is—

'After clause 3, insert the following new clause:—

Amendment of section 5 of the principal Act.—In section 5 of the principal Act—

(i) clause (a) shall be omitted;

(ii) after clause (b), after the number "(ii)", the words "the enhanced portion of" shall be inserted;

(iii) in clause (b), the words "whichever is higher" shall be omitted.'

The amendment was put and lost.

Clause 4.

* SRI T. C. NARAYANAN NAMBIAR:—"Sir, I move—

'In clause (a) of section 6 of the principal Act, for the word "one-fourth", substitute the word "one twentieth".'

"This amendment is about the fair rent for kypad cultivation. Punjakole or kypad cultivation is a system of river-bed cultivation. The expenses involved in it are very high and such cultivation fetches practically nothing for the tenants. Therefore, it will be very difficult for them to pay as rent one-fourth of the gross produce. As some relief has to be given to the tenant, I have moved the amendment."

SRI C. H. KANARAN:—"Sir, I second the amendment."

* SRI N. GOPALA MENON:—"Sir, my Friend Sri T. C. Narayanan Nambiar says that the expenses involved in kypad cultivation are very high. I suppose punjakole and kypad cultivations are more or less similar. In this system, it is the landlord who bears the entire expenses of bund-building and the baling out of water. So far as punjakole cultivation is concerned, I am very definite. But I am not definite about kypad cultivation which is probably in vogue in North Malabar. What happens in punjakole cultivation in South Malabar is this. The bunds will

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have to be thickened and the water will have to be baled out. These are expensive processes which are ordinarily done by the landlord at his own expense. What the actual cultivator does is merely to plough the land and sow the seeds. The reaping expenses are borne half and half by the landlord and tenant. This is a complicated system, and it will be unwise to reduce the rent from one-fourth to one-twentieth merely on the strength of the statement made by the hon. Member Sri T. C. Narayanan Nambiar that the cultivation expenses are high, without making any investigation. Even as it is, there is a lot of grumbling among landlords that their share has been reduced to one-fourth of the gross produce. Therefore, I submit that this should not be tampered with."

*SRI M. NARAYANA KURUP :—" Sir, the facts stated by my hon. Friend Sri Gopala Menon are not correct. If the landlord is himself cultivating, there is no question of rent. Kypad cultivation is cultivation of water-logged regions. Tenants engage machinery or manual labour to bale out water about knee-deep or even deeper. It is a very difficult cultivation. Kypad cultivation is not on a par with other systems of cultivation, because it involves heavy expenditure. That is why it has been treated on a different footing even in the original Act."

*SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, regarding kypad cultivation, which is more or less the same as punjakole cultivation, Sri Gopala Menon spoke as if from personal experience. I have also some familiarity with that kind of cultivation. So far as I can gather, it is entirely wrong to say that the landlord bears the expenses of bunding up and the baling out of water and shares the harvesting expenses. It is unknown in the whole of North Malabar where kypad cultivation is widely prevalent. Kypad cultivation is more hazardous and the crop is more fluctuating, as such cultivation depends upon a series of uncertain factors. The amount of cultivation expenses is very heavy, relatively speaking. For instance, water inundation of the land is a common thing. If the rains do not come in time, there may have to be baling out of water and prevention of salt water entering from the sea or backwater and all kinds of complications will arise. Considerable attention and expenditure are required. That is why there has been agitation for a separate and differential treatment for punjakole and kypad cultivation. I, therefore, support the amendment moved by Sri T. C. Narayanan Nambiar."

THE HON. SRI C. SUBRAMANIAM :—" There is already a differential treatment."

SRI V. R. KRISHNA AYYAR :—" No doubt there is already a differential treatment in the Statute, but it is not at all fair. The proportion must be further reduced from the existing one-fourth to one-twentieth."

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THE HON. SRI C. RAJAGOPALACHARI :—" Hon. Members may be right in saying that Sri Gopala Menon has exaggerated the position. Even now it is one-fourth and not one-half and that is the difference."

SRI V. R. KRISHNA AYYAR :—" One-fourth of the gross produce."

THE HON. SRI C. RAJAGOPALACHARI :—" Three-fourths of the gross produce the tenant gets."

*SRI P. K. GOPALAKRISHNAN :—" The statement made by Sri Gopala Menon is not correct so far as South Malabar is concerned. I have got personal experience about punjakole cultivation in the constituency from which Mr. Gopala Menon hails. No landlord pays even a single pie for the construction of bunds or the baling out of water. About three-fourths of the gross produce will have to be expended on cultivation. If the tenant is to give the landlord the remaining one-fourth, there will be nothing at all left for the tenant."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the amendment. The fair rent fixed is reasonable. I request the hon. Member to withdraw the amendment."

Sri C. H. Kanaran rose to speak.

MR. SPEAKER :—" It is a very bad practice for any hon. Member to rise after the Minister replies. Hereafter, if any Member wants to speak, let him stand up before the Minister replies."

SRI C. H. KANARAN :—"സർ, കല്യാട്ട് നിലങ്ങളെ സംബന്ധിച്ചതൊക്കെ മറ്റൊരാൾക്കു അറിയാവുന്ന വിവരമാണ്. അതിൽ സംശയം ഉണ്ടാകില്ല. ആരെങ്കിലും നിന്റെ ഏകദേശം മുക്കാൽക്കൊത്തുവെക്കുക. ചെലവുകൾ, നാലിലൊന്ന് എന്നു പറഞ്ഞാൽ കൃഷിക്കാരന് അങ്ങനെയൊക്കെയല്ലെന്ന് മാത്രമല്ല, വളരെ നഷ്ടവും ഉണ്ടാകും. പുഞ്ചക്കോളിനെപ്പറ്റി എനിക്ക് നല്ല അറിവില്ല. അതുകൊണ്ട് ഞാൻ അതിനെപ്പറ്റി ഒന്നും പറയുന്നില്ല."

THE HON. SRI C. RAJAGOPALACHARI :—" அவர்களுக்குத்தான் கால் பங்கு கிடைக்கப் போகிறதே. அவர்கள்தானே எடுத்துக்கொள்ளப் போகிறார்கள்."

SRI V. R. KRISHNA AYYAR :—" On a point of order, Sir. May I know whether the Hon. Chief Minister spoke in Tamil so that he may not be understood by the Malabar Members? "

THE HON. SRI C. RAJAGOPALACHARI :—" I spoke in Malayalam."

MR. SPEAKER :—" The question is—

'In clause (a) of section 6 of the principal Act, for the word "one-fourth", substitute the word "one-twentieth".'

The amendment was put and lost.

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MR. SPEAKER :—" I will put clause 4 to vote. Then I will take up the Government amendment to the proposed clause 4-A."

Clause 4 was put and carried.

New clause 4-A and clause 17.

3-30 p.m. MR. SPEAKER :—" The Hon. Minister for Law will move his amendment."

SRI M. NARAYANA KURUP :—" There is an amendment to section 6-A of the principal Act given notice of by me. The amendment to be moved by the Hon. the Minister for Law seeks to amend section 7 of the principal Act. Therefore, I may be allowed to move my amendment first."

THE HON. SRI C. SUBRAMANIAM :—" The amendment of the hon. Members seeks to amend a section of the principal Act not contemplated by the Bill."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" We can take it up afterwards, Sir."

SRI M. NARAYANA KURUP :—" Let us take up the amendments seriatim. First, let us take up the amendment to section 6-A of the principal Act. Afterwards, we can take up the other amendments."

MR. SPEAKER :—" All right. The hon. Member Sri Narayana Kurup will now move his amendment."

SRI M. NARAYANA KURUP :—" Sir, I move the following amendment which stands in my name—

' After clause 4, insert the following as clause 4-A :—

" 4-A. Amendment of section 6-A, Madras Act XIV of 1930.—In section 6-A, after the words ' the Nilgiris district ', the words ' and such other like regions in Malabar district to be notified by the Collector ' shall be added."

Sir, section 6-A of the principal Act, gives more favourable terms in regard to paddy rent in mountainous areas than in other areas. Two taluks are mentioned therein for that purpose, namely, Wynaad and Gudalur taluks. The purpose of my amendment is to extend that concession to similar regions of other taluks. For instance, Nilambur and Attapadi in Walluvanad taluk are worse than Wynaad and Gudalur taluks. Those places are also malarial regions and the same conditions which prevail in Wynaad and Gudalur prevail there also. Therefore, I submit that my amendment is not a revolutionary one. The concession referred to may be extended also to other areas to be notified by the Collector as being similar in conditions to Wynaad and Gudalur."

The amendment was duly seconded.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the amendment because it is not necessary, all things being considered, the necessary restrictions have been put in the Act."

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MR. SPEAKER :—" The question is—

' After clause 4, insert the following as clause 4-A :—

" 4-A. Amendment of section 6-A, Madras Act XIV of 1930.—In section 6-A, after the words ' the Nilgiris district ', the words ' and such other like regions in Malabar district to be notified by the Collector ' shall be added."

The amendment was put and lost.

SRI T. C. NARAYANAN NAMBIAR :—" Sir, there is an amendment of mine to the same section 6-A, namely, amendment No. 66."

MR. SPEAKER :—" I shall do one thing. I shall ask the Government to move their amendment. After it is moved, hon. Members may move their amendments."

THE HON. SRI C. SUBRAMANIAM :—" Sir, the amendment of the hon. Member introduces a new provision."

MR. SPEAKER :—" But if it comes within the scope of the Bill, I cannot help allowing it."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move the following amendment given notice of by me on 4th January 1954 :—

' After clause 4, insert the following as new clause 4-A :—

" 4-A. Amendment of section 7, Madras Act XIV of 1930.—In section 7 of the principal Act—

(i) in sub-section (1), after the words ' fair rent ' where they first occur, the words, figures and brackets ' subject to sub-sections (5), (6) and (7), ' shall be inserted;

(ii) in sub-section (2), for the word ' one-sixth ', the word ' one-eighth ' shall be substituted;

(iii) after sub-section (4), the following sub-sections shall be inserted, namely :—

' (5) Fair rent determined under section 9-CC shall not exceed twice the rent payable for the agricultural year 1949-50 and fair rent determined under section 9-G shall in no case exceed twice the rent payable for the year immediately preceding the date of the application for revision.

(6) Where fair rent under sub-sections (2) to (5) exceeds the rent payable for the year 1949-50 or for the year immediately preceding the date of the application for revision, as the case may be, the increase shall be spread over more than one year so that in no year the rent shall be more than one and a quarter times the rent payable for the year immediately preceding.

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(7) *Notwithstanding anything contained in sub-sections (5) and (6) or section 9-E, the tenant may elect to pay in kind and, if he does so, the landlord shall be bound to accept, the share of the produce ascertained by the Rent Court in accordance with sub-sections (2) to (4).* " " " "

* SRI T. C. NARAYANAN NAMBIAR:—" I move the following amendment which stands in my name:—

' In sub-section (2) of section 7 of the principal Act, for the word " one-sixth ", substitute the word " one-twelfth " and for the word " one-third ", substitute the word " one-sixth ".

' In sub-section (8) of section 7, for the word " one-eighth " substitute the word " one-sixteenth " and for the word " one-fourth ", substitute the word " one-eighth ".

' Add the following proviso to sub-section (3) of section 7:—

" Provided that the usufructs belonging to the landlord will be deemed to have been not existing after twelve years from the date of this enactment coming into force for purposes of calculating rent." " " "

The motion was duly seconded.

SRI M. NARAYANA KURUP:—" Sir, we have reached the most important and the most controversial clause. Now, this subject has to be taken up along with clause 17 of the Bill which deals with section 28 of the principal Act, that is, payment of contract rent or fair rent, whichever is less. If one of these amendments is carried, then the other is out of place. Therefore, amendments to clause 17 dealing with section 28 of the principal Act as well as all the amendments to section 6-A of the principal Act will have to be moved and discussed in detail before we take a decision or before anything is put to vote."

* THE HON. SRI C. RAJAGOPALACHARI:—" I think the hon. Member Sri Narayana Kurup is quite right when he stresses the importance of this and he has also rightly stressed the contrary character of those amendments and this. That is why I rise to say that the amendment that has now been proposed by the Government meets all the difficulties, as far as the Government are able to do and, as I explained, it is fair and just, and any further extension will only make the phrase ' fair rent ' completely anomalous. We cannot say a thing is fair when we completely close the door against one party. Therefore it was that I said that hon. Members should accept the amendment of the Government as now proposed. It is complete. It may be opposed or it may be amended. It is quite right to say that both should be discussed together, but the discussion may not be prolonged. I hope hon. Members will accept the accommodation that has been given in the matter in the form of the present amendment."

MR. SPEAKER:—" I have no objection to the arrangement proposed."

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* SRI C. H. KANARAN:—" There is my amendment, amendment No. 62, about the definition of ' fair rent '."

MR. SPEAKER:—" We shall take it up afterwards."

* SRI C. H. KANARAN:—" Sir, my amendment seeks to define ' fair rent ' as meaning rent as determined in accordance with the provisions of Chapter II, but when the rent so determined exceeds the existing rent, the existing rent shall be the fair rent. This is really an amendment to the amendment that has been moved."

THE HON. SRI C. RAJAGOPALACHARI:—" If one amendment is accepted, the others go."

SRI V. R. KRISHNA AYYAR:—" It is quite true that if we accept one amendment, the others are automatically rejected. That is precisely why the hon. Members Sri Narayana Kurup, Sri Kanaran and I want our amendments to be brought in at this moment, because they are all cognate things and they could be discussed and disposed of together and the Government amendment may not be isolated and picked up for being moved."

THE HON. SRI C. RAJAGOPALACHARI:—" It is a question of time. We are discussing all the amendments."

SRI V. R. KRISHNA AYYAR:—" My amendment No. 31 deals with the same subject. The subject-matter is identical. Can I move that, Sir?" 3-40 p.m.

SRI M. NARAYANA KURUP:—" Sir, I suggest that we may take section 28 first. If one is disposed of, the other could be easily disposed. This is an important matter. If we cross the hurdle here, it will be easy to cross other hurdles. As this is a very important matter, it will necessarily take some time."

THE HON. SRI C. RAJAGOPALACHARI:—" Mr. Kurup's point seems to be that the Government amendment and the other amendments may be taken up together. They contradict one another. If one is passed, the other will automatically be rejected."

SRI S. RAMALINGAM:—" The idea is that all the amendments relating to this matter may be moved and discussed."

THE HON. SRI C. RAJAGOPALACHARI:—" Yes, always the discussion is common."

SRI V. R. KRISHNA AYYAR:—" As for my amendment No. 31 . . . "

MR. SPEAKER:—" I think we have disposed of the hon. Member's amendment No. 31."

SRI V. R. KRISHNA AYYAR:—" It has not been disposed of, Sir. This relates to a different matter."

SRI S. RAMALINGAM:—" There are two amendments having the same number 31. Sri V. R. Krishna Ayyar is referring to the first amendment."

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SRI M. NARAYANA KURUP :—" Sir, I do not claim any particular virtue for my amendment. But, inasmuch as it covers the points at issue, I think the House can consider it."

THE HON. SRI C. RAJAGOPALACHARI :—" The principle underlying the hon. Members' amendments is the same, viz., adoption of either contract rent or fair rent, whichever is less. Whatever be the language, this is what is mentioned in the Praja Party's resolution as well as the Communist Party's resolution. The Government want to come to some compromise."

MR. SPEAKER :—" It is better if we follow the amendments in the order in which they are given."

SRI V. R. KRISHNA AYYAR :—" My amendment No. 31 relates to the same subject. All these are connected matters. This is my amendment, Sir. (i) After item (1), insert the following new item : " after clause (f)"

MR. SPEAKER :—" It relates to clause 2. When we take up clause 2 for consideration and discussion, the hon. Member may move it."

SRI T. C. NARAYANAN NAMBIAR :—" If one amendment is accepted, the other will be rejected automatically."

SRI K. M. SEETHI SAHIB :—" As the matter is not very clear, I would like to have clarification from the Hon. Minister concerned or from the Hon. the Chief Minister. With regard to the ceiling now placed as to the increased rent, may I know whether it applies to garden lands as well as wet lands?—"

THE HON. SRI C. RAJAGOPALACHARI :—" I think I have made it clear that the ceilings apply to all."

MR. SPEAKER :—" I will ask the Government to move their amendment. Then I will dispose of amendment No. 66. If Sri V. R. Krishna Ayyar wants to move his amendment No. 31, I have no objection."

SRI T. C. NARAYANAN NAMBIAR :—" I think we can take amendment No. 62 also along with amendment No. 66."

MR. SPEAKER :—" It relates to a different clause. How can that be moved here? When we come to the clause to which it relates, we can take up that amendment."

SRI C. H. KANARAN :—" When we fix fair rent, we must also provide that, 'either contract rent or fair rent, whichever was less' must be adopted."

SRI M. NARAYANA KURUP :—" As the Hon. the Chief Minister has himself said that the Government amendment and our amendments are closely connected, I say all the amendments may be moved, discussed and voted upon."

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* THE HON. SRI C. RAJAGOPALACHARI :—" All these amendments may be deemed to have been moved. At the end, they may be separately put to the vote of the House, if necessary."

SRI T. C. NARAYANAN NAMBIAR :—" I have no objection to Sri Narayana Kurup moving his amendment."

SRI M. NARAYANA KURUP :—" Sir, I think if the Government move their amendment, i.e., new section 28, I can move my amendment."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, the objection seems to be that I have not moved clause 17, as reported by the Joint Select Committee. So, I move—

'That clause 17 as reported by the Joint Select Committee do stand part of the Bill.'

MR. SPEAKER :—" Motion moved—

'That clause 17 as reported by the Joint Select Committee do stand part of the Bill.'

"Now, the hon. Member Sri Narayana Kurup may move his amendment."

SRI M. NARAYANA KURUP :—" Sir, I move my amendment . . ."

MR. SPEAKER :—" Let the hon. Member kindly tell the number of his amendment. We have got 90 amendments or so. Unless the hon. Member gives the number of his amendment, it will be very difficult to follow him."

SRI M. NARAYANA KURUP :—" Sir, I move amendment No. 13 standing in my name which reads as follows :—

'For the proposed section 28, substitute the following :—

"28. The maximum rent payable by every cultivating tenant, of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyruppu, every holder of an ulkudi and every holder of a kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before, if such rent is less than the rent thus fixed."

SRI K. T. SREEDHARAN :—" I second the amendment, Sir."

MR. SPEAKER :—" Motion moved—

'For the proposed section 28, substitute the following :—

"28. The maximum rent payable by every cultivating tenant, of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyruppu, every holder of an ulkudi and every holder of a kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before, if such rent is less than the rent thus fixed."

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3-50 SRI M. NARAYANA KURUP:—“ Sir, before speaking on
p.m. my amendment, I will have to refer to the proposed section 28
which reads as follows:—

‘ 28. Every cultivating tenant of a holding other than a kanomdar or customary verumpattamdar, every tenant of a commercial site who is entitled to fixity of tenure under this Act, every tenant of a kudiyiruppu, every holder of a protected ulkudi and every holder of a kudikidappu shall be bound to pay to his landlord—

(a) in case fair rent has been determined under section 9-CC, such fair rent as modified in appeal, if any, under section 9-D,

(b) in case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B,

(c) in case there is no such agreement, the fair rent, if any, fixed under this Act, as it stood before the commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), or

(d) in case no fair rent has been fixed as aforesaid, the rent payable according to the contract, express or implied between the parties :

Provided that in the case mentioned in clause (a), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent.’

The main difference is with regard to the question as to what is the rent payable by a tenant, when to-day he is paying a lesser amount. I do not want to say much in detail because of the fact that the tenants in Malabar to-day are paying very exorbitant rent. One hon. Member gave a very rosy picture of the income of the tenants. But it is our experience and it is the experience of all that what the tenant gets to-day is not what is fixed or determined by the Tenancy Act, but very much less. As you know, the 1930 Act fixed the tenant's share of the income as one-third of the net produce. But as has been observed by everyone who went into the question, land especially South Malabar is notoriously and grievously rack-rented. Not only that. It was in 1953 that an American expert who was engaged by the Government of India to advise them on agrarian questions that observed, after a careful survey of the conditions in Malabar and Tanjore, that the cultivating tenants were giving the landlords 75 per cent of the gross-produce. You will contrast this 75 per cent which the tenants give to the landlords with the one-third net which they are entitled to. Therefore it is that we plead for the intercession of the Government to reduce the rack-rent. The Government have often interfered and always interfered to protect the weaker section which is in this case the tenant class. The enactments made by the Government were always intended to protect the tenant and to give him relief in respect of the contract wherever the tenant had contracted more favourable terms. It has never been the practice for the Government to say that the tenants must pay more. It is exactly in this respect that my amendment differs from the Government amendment. The simple question before the House is whether in a tenancy legislation as a result of the measure which the Government bring forward the tenants' burden should be increased or whether the existing state

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of things should continue where the tenant has got advantageous terms. The Hon. the Chief Minister said that words were immaterial. But I do believe that words are material, very material in dealing with such a question. The expression ‘ contract rent or fair rent, whichever is less ’ will not suffice because we know what is meant by ‘ contract rent ’. It means this legally. Suppose a tenant has taken lands on lease for a particular period of years. Within that period it will be construed as contract rent. But all those who are acquainted with conditions in Malabar know that the leases especially in respect of paddy lands are registered only for one year and even leases for longer periods are only ‘ holding over ’. Leases may be for sixty years and the lessee may be holding the land under the same conditions. That is why I have said the liability of the tenant is to pay only the fair rent or the existing rent whichever is less.

“ Then, Sir, I most vehemently oppose clause (b) of the proposed section 28, because, as I said, the aim of the Government should be to give protection to the tenants against contracts. This clause means to give legal sanction to contracts entered into by parties even though it might be that the rent is higher than the rate fixed by this enactment. It says—

‘ (b) In case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B.’

Take the case where a tenant has filed a petition to get the hundred rupees rent that he has been paying reduced to a reasonable level. If the landlord is able to get the signature of the tenant to a document saying that the rent was Rs. 150, then this clause (b) will validate that agreement. I can understand if complete fixity is given to the tenant. But that is not given. Still we have a provision which is capable of such interpretation as I pointed out. Therefore, it is such a mischievous clause which is not to be found in any other tenancy legislation.

“ Then the proviso says—

‘ Provided that in the case mentioned in clause (a), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent.’

This is definitely in favour of the landlord. You will find, Sir, there is a principle embodied here that where the terms of the contract are favourable to the tenant, the Government say that he must pay the higher rent. Take for instance, the clause dealing with pepper. There it is said that the rent payable by the tenant is one-sixth and that it must be paid every sixth year and every 12th year. But there also there is a proviso saying that if the tenant has contracted for payment every year, that should be paid accordingly. We know that it is the most oppressive provision.”

MR. SPEAKER :—“ The hon. Member is making a very long speech.”

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SRI M. NARAYANA KURUP :—" I am contrasting this to show that where the contract is favourable to the landlord, it is given effect to and where it is favourable to the tenant it is given the go-by. If such provisions are included in the Bill, the Government must be prepared to face the accusation that they intend to favour the landlord wherever possible. I strongly press that the tenant's liability should never be increased and that it should continue as it is. I, therefore, commend my amendment to the House for its acceptance."

* SRI V. R. KRISHNA AYYAR :—" Sir, in seconding the amendment, I have hardly a word to add to what Mr. Narayana Kurup has mentioned. The Hon. the Chief Minister has been saying in season and out of season that the notion of fairness will always be adhered to and that fair rent will be really fair. It is like saying that if it is in favour of the tenant, then the fair rent should be denied and if it is against him, then it should be given effect to. This is the very basic notion of the Government and this is most unjust. It is not mere legalistic argument that I put forth. I want that the system of compelling the tenant to pay a rent that is unreasonable should be put an end to."

4 p.m. " Public opinion has all along been that the existing rents which are high should be brought down so that these poor gullible folk, I mean, the poor tenants might carry on their work with satisfaction. But what is now sought to be done is a strange thing. All along the fair rent has been less than the contract rent agreed to between the landlords and tenants, because the landlords had the upper hand and they dictated their own terms and the poor tenants for fear of eviction agreed to those terms. This was the state of affairs prior to 1951. But after 1951 Act when some sort of fixity of tenure was given to the tenant and fair rent was fixed statutorily by the Rent Settlement Authority the provision was laid down giving the option to the tenant to pay either the contract rent or fair rent whichever was less. But that provision is now deleted. It is an accepted principle, in fact it has been the accepted policy of the people of Malabar irrespective of party affiliations to stick to that principle enabling the tenant to pay whichever was less. That was what the former Ministry also accepted when the 1951 Act was passed and put into force from 15th March 1952. I do not know by what logic it is now proposed to delete that valuable provision. If the Hon. Chief Minister were to characterize this important provision as simply a verbal one without attaching the importance it deserves, may I crave his indulgence to accept the amendment of Mr. Narayana Kurup which is more or less on the same lines as mine and which in fact stipulates that the maximum rent which a cultivating tenant has to pay in respect of a holding for which fixity of tenure has been given shall be the fair rent fixed under this Act or the rent which has been paying before, if such rent is less than the rent thus fixed. In fact, it has been the cry all along from all quarters of Malabar that the poor cultivator should not be rack-rented and that he should be given some protection. When with that laudable object this tenancy legislation is brought forth, I do not see any reason

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why this provision, prohibiting the tenant from paying either the contract rent or fair rent whichever is less, a provision on which the whole crux of the problem lies, is now deleted. May I appeal to the good sense of the Hon. Chief Minister if only verbal stipulations alone hurt his conscience, to accept the amendment of Mr. Kurup to which I had already referred. As I have stated before let us not do away with the salient provision in the original Act enabling the tenant to pay the lesser of the contract or fair rent, when all along the cry has been there that the poor cultivator should be given security and all that. Let us understand that it is the landlord who has the upper hand. If you do not give the benefit of paying the rent which is less of the two, to the tenant, then he has no other go but to pay the landlord the contract rent which in all probability will be higher than the fair rent. That is the pitiable situation in which the tenant is placed. Let us remember that. In fact if one were to ascertain public opinion in Malabar, there will be only one voice and that voice will be in support of the provision enabling the tenant to pay the rent either the contract or fair rent whichever is less. In fact, that has been what the tenants had been clamouring for all along. So, I request that either my amendment or Mr. Kurup's amendment running on similar lines may be accepted. I do not know how the Hon. Chief Minister thinks that, by accepting this amendment, the notion of fairness would be violated. On the other hand, I am inclined to think that the acceptance of that amendment would, on the other hand, strengthen the hands of the tenant, for whose welfare this tenancy reform is contemplated."

MR. SPEAKER :—" Let Sri Seethi Sahib now move his amendment."

SRI K. M. SEETHI SAHIB :—" I now move my amendment :—

' For the existing proviso under the proposed section 28 (d) (of the principal Act and now clause 17 of the present Bill), substitute the following :—

" Provided that in the case mentioned in clause (a) where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less. " "

The amendment was duly seconded.

* SRI K. M. SEETHI SAHIB :—" While moving my amendment, let me also support the amendment of Mr. Krishna Ayyar and Mr. Kurup, for all these try to fulfil the same purpose, by enabling the tenant to pay the rent either the contract or fair rent, whichever is less. There seems to be an opinion that the existing rent, I mean, the contract rent which has been agreed to be paid by the tenant to the landlord, was fixed many years back and that it is reasonably liable to be revised, occasionally. Evidently it is thought that that rent is very low. But I think people forget the fact that these rents were subject to periodical revisions every twelve years and that when renewals were effected, the rents were

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enhanced. Thus the contract rent that is prevalent now is the result of periodical revisions and looking at it from the tenants' point of view it is fairly high and hardly within his capacity to pay. Now that fixity of tenure is assured for the tenant and there is provision for fixation of fair rent, it is but fair and reasonable that the tenant should be allowed to pay either the fair rent or in case the fair rent is not fixed, and he is bound by the contract he had entered into between himself and the landlord, the contract rent whichever is less. The tenant should be given the opportunity to choose the lesser of the two. I think it is but fair and reasonable that our amendment seeking to provide the benefit of paying the rent which is less, is fair and reasonable. I think the acceptance of that amendment would go a long way to satisfy the needs of the peasants and improve the relationship between the landlord and tenant, which is so necessary to step up food production. My amendment as well as the amendments of Mr. Krishna Ayyar and Narayana Kurup are on almost identical terms. Any one of the amendments may be accepted."

MR. SPEAKER:—"I think, Mr. Shafee has also given notice of the same amendment. Let him formally move it."

SRI KUNHI MUHAMED SHAFEE:—"Sir, I move—

'For the existing proviso under the proposed section 28 (d) (of the principal Act and now clause 17 of the present Bill), substitute the following:—

"Provided that in the case mentioned in clause (a) where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less."'

The motion was duly seconded.

MR. SPEAKER:—"Motion moved—

'For the existing proviso under the proposed section 28 (d) (of the principal Act and now clause 17 of the present Bill), substitute the following:—

"Provided that in the case mentioned in clause (a) where there is a contract, express or implied, the tenants shall pay the contract rent or the fair rent whichever is less."'

"I think Mr. Gopalan wants to move an amendment. Let him move it."

SRI K. P. GOPALAN:—"Sir, I move—

'In the proviso to the proposed section 28 (d), for the words "pay at his choice, either the contract rent or the fair rent and" substitute the words "pay either the contract rent or the fair rent, whichever is less, and".'

"While moving my amendment, I also support the amendment moved by M. Narayana Kurup."

SRI P. K. GOPALAKRISHNAN:—"I second it."

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MR. SPEAKER:—"Motion moved—

'In the proviso to the proposed section 28 (d), for the words "pay at his choice, either the contract rent or the fair rent and" substitute the words "pay either the contract rent or the fair rent, whichever is less, and".'

* SRI P. K. GOPALAKRISHNAN:—"While supporting the amendment, I wish to point out the necessity for allowing the tenant to pay the fair rent or contract rent whichever is less. This is an important provision. The Hon. Chief Minister has not taken care to point out how the fair rent is arrived at. He seems to be under the impression that the fair rent in fact is much lower than the contract rent. It is not true. In the fixation of fair rent proper allowance should be made for cultivation expenses. That has not been taken into account. I shall now come to the coconut gardens. The Hon. Law Minister had now come forward with an amendment proposing that rent should be one-eighth of gross-produce. It may be in certain areas that the cultivation expenses are low. But that cannot be taken into account in arriving at the fair rent. It should be noted in this connexion that watering and manuring of coconut gardens costs much. It is the tenant who has to undertake all these works. Therefore when we take the gross-produce into account for fixation of fair rent, we must make due allowance for cultivation expenses, viz., the labour which the tenant had undertaken to raise the produce. The same is the case in respect of cultivation in wet lands in Malabar. But what do we find in this Bill? The valuable suggestion enabling the tenant to pay either the contract rent or fair rent whichever is less is removed. If that is not acceptable to those sitting in the Treasury Benches at least Mr. Narayana Kurup's amendment may be accepted."

* SRI T. C. NARAYANAN NAMBIAR:—"I am supporting the amendment just moved. In fact, all the amendments given notice of by us are almost identical in the respect that we want to reduce the burden on the poor tenant. From time immemorial the cry has been there to lessen the rack-renting of tenants. But now what is done? Not only is the valuable provision enabling the tenant to pay either the contract rent or fair rent whichever is less is removed from the original Bill drafted in 1950 but the power to increase the rent is now provided for. I say unless and until the original provision enabling the tenant to pay either the contract or fair rent whichever is less is restored, all the tenants of Malabar would be doomed. If the present state of affairs continue, the poor tenants have got to pay 100 or 150 per cent more than the rent which they should normally be expected to pay."

* DR. K. B. MENON:—"I wish to make a last minute appeal to the Hon. the Chief Minister not to press his point of view. I know that in 1951 when Sri Madhava Menon introduced his last Bill, this provision of contract rent or fair rent, whichever was less, was there. The Congress mind then was like that and I do not know of anything that has happened during the last two or three years that has made the Congress change its mind. If the

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Congress was fair then, I wish the Congress to be fair to-day and I therefore appeal to the Hon. the Chief Minister not to press the Government amendment."

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, every attempt has been made to put a political complexion, a political interpretation and a political consequence on what is now going on. I do not think that we should look at things in that way. A great deal of argument was advanced by Sri Narayana Kurup that all these things show one by one that the Government are in favour of landlords. If he thinks that anything can be gained for his party or for his friends by enunciating such a construction, he is free to do so. But the Government are not ashamed of being just, whether it is in favour of the landlord or whether it is in favour of the tenant. It is not any definite policy of the Government to favour one or the other. There is no creed or dogma to be accepted in this matter. It has been suggested that it should be a dogma with the Government always to be in favour of the tenant as against the landlord. Why? It is because the tenants are the class of people who are larger in number and therefore it is 'public opinion' and the opinion which is in accordance with justice. If it is in favour of the landlords, it is the opinion of a smaller number of people and therefore it is not 'public opinion' and should be rejected. Sir, all this is fallacious. It is extremely bad besides being fallacious. We should all decide to do things justly. Now, it was rightly pointed out to me and it was again indicated here that if it is a question of rack-rent we should try to reduce it till it reaches the normal level. But all the information that we have had—at any rate that I have had—is that the landlords in Malabar have dealt with their tenants far more justly, far more kindly and far more humanly than landlords in other places. That is my impression. It is no good looking at a few odd big janmis and getting jealous of their good condition and way of living and then imagining that everybody is badly treated. Hon. Members coming from Malabar do not know or care to compare the ratios that are prevailing between the landlord's share and the tenant's share in other parts of the country. Otherwise, they would not have been saying all this and they would be more grateful to the generous janmis who have been fair hitherto. But we need not come to a decision on that. Opinions may differ. Now, because it was alleged that the basis of the whole thing is the fairness of what is called the 'fair rent', if that is correct, then it will be agreed that 'fair rent' should be fair rent for either side. I accept that proposition. I asked them where the basis was wrong. After considering the matter further, we said that the cultivation expenses in the case of paddy lands should be raised to 25 paras instead of 22 paras. With regard to coconut gardens, it was mentioned that the labour that the tenant puts in over raising coconut plantations should be taken into account and that a large handicap must be given in his favour. We admitted that and that is why the ratio is further reduced in the case of coconut garden lands. Now, taking all these things into consideration, we have tried to make

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out a formula for just treatment of the tenants. It has allowed for the mistakes that are possible and we have presented this formula. If this is all taken together without forgetting one when we are dealing with another, it will be seen that the formula which the Government have evolved by this amendment makes the whole thing quite fair and proper. Then again it was said that a sudden rise in prices may happen. If a thing is shared in a particular ratio, say 1/6th or 1/8th or 1/12th, both the landlord and the tenant get their corresponding share because it is in kind, but when it is converted into money, then the question of prices comes in and in recent times prices have risen very high. So when there was no fixity, the landlord was agreeable to take a very low rent converted into money so to say for he was content with it and that is why I say that the landlord in Malabar is better than the landlords elsewhere. He was content with it for a long time. Can we hit him in both ways? We must either make it possible for him to get a better tenant or we must allow him to get a fair rent from court. That is what is provided for. Then it was said that even though it may be just in terms of money value according to present day prices of commodities like coconuts, pepper and the like, it may be too much of a sudden rise. It was asked: 'Last year the tenant was paying Rs. 5. Is he to pay Rs. 175 this year?'. He won't be asked to pay Rs. 175. If last year he was paying a rent of Rs. 5, it can never go beyond Rs. 10 and that too spread over a number of years before that Rs. 10 is reached. But if we exaggerate the premises, we get these anomalous results. If last year a man was paying Rs. 5 and if he is asked to pay Rs. 20 now, it may be wrong. Under the present proposal you cannot raise it to more than Rs. 10 at the most. Even if you go to a court, it cannot be increased beyond this. Very probably you will get decree for a much smaller sum. If what is unexpected happens and it is doubled, then it has to be spread out. Therefore, I submit that we have met the difficulties from every point of view and the House should be one in accepting this. But I am sorry that parties are eager to push their own case forward and make out that the Government are bad and favouring the landlords. We will try to meet such propaganda as best as we can."

SRI M. NARAYANA KURUP:—"Sir, the Government said that they were not ashamed of the position taken by them and we on our part are not the least ashamed for the position taken by us which we think is just. The Hon. the Chief Minister made out that the landlords of Malabar were very generous and he will not give credence to anything that we are saying because it comes from the Opposition. He need not believe us, but I will quote a paragraph from the speech of ex-Minister Sri Madhava Menon who introduced the Bill describing the pitiable condition of the tenants of Malabar. He said: 'As I said now, the present position of rent in Malabar, ordinarily—of course, there may be exceptions—is that the actual cultivator gets very little from the land. In Malabar, the landlord does not spend anything by way of seed, or cultivation expenses or fertiliser or manure; but the

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seed and entire cost of cultivation are borne by the tenant and so the tenant practically gets nothing; but perhaps in some cases he may get some straw."

THE HON. SRI C. RAJAGOPALACHARI:—"After all that long and eloquent speech, he has reduced it to a certain extent and we are reducing it more. What is the point of reading that speech?"

SRI M. NARAYANA KURUP:—"He might have reduced it in spite of himself!"

THE HON. SRI C. RAJAGOPALACHARI:—"But he has made a generous speech!"

SRI M. NARAYANA KURUP:—"Under the 1951 Act, the rent could not be increased in the first five years and even with regard to the rest it was spread over a period of 15 years with the result that the entire rent would be claimable only at the end of 20 years. Can the Government contend that the provision which they have now made is an improvement over section 28 of the 1951 Act? The principle that we have advanced is a principle which is accepted by all jurists and by persons who have had anything to do with this subject on governmental side. Sri N. Raghavendra Rao who considered this question aptly says that in cases where the prevailing rent is lower than the fair rent fixed, he would recommend no change and that the existing rate which has been in force for a long time may be presumed to be fair according to the general principles of fixing the rent and allowed to continue. I have nothing to add to this."

* SRI T. C. NARAYANAN NAMBIAR:—"On a point of personal explanation, Sir. The Hon. Chief Minister said that we were advocating this principle for propaganda purposes and that it was all a competition or race between parties. It is not at all so. In 1948 the Government convened a conference at Kozhikode in which different interests participated. This principle was unanimously accepted by the conference. This is a life and death question for the Malabar peasants. That is why we are pressing the principle."

"It was argued that the Government should be fair to all parties. That is right. As far as landlords are concerned, in certain cases the rents are very low. I have got a paramba in Narath village. At present the landlord is a Nambudri, manager grandfather's property. He thought it was his pride and glory to be the tenant of a Nambudri, the manager of a temple. So he leased out his land in favour of the temple and he became a tenant of course on a very nominal rent. But actually the land was in our hands."

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"That is why, Sir, in certain cases the rent is very low. But now, if this principle of contract rent or fair rent whichever is less is not accepted and the provision made by the Government stands as it is, the rent can be enhanced considerably. That is the reason why I say that the principle contained in the amendment moved by Sri M. Narayana Kurup should be accepted by the Government."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Mr. Speaker, Sir, I oppose the amendments. We have taken into account the share payable by the tenant as fixed by the 1951 Act. We have taken samples from each taluk and I may tell the House that nowhere is the rent enhanced to two, three or four times. Only in Fort Cochin, there is a rise from the existing rate of rent. Reference was made to the remarks of Sri K. Madhava Menon. The then existing condition was bad. A committee was formed and in that committee all these things were considered. Sri E. M. Sankaran Namboodiripad was a member of that committee and he also gave a minute of dissent to the report of that committee. Then none of the members raised the point that the rent fixed was excessive. In spite of that, we had talks with the Members of the Opposition and reduced the rent still further. Even for the enhancement, we have provided a ceiling limit of twice the existing rent and the increase is spread over a number of years. There is another factor also which we have taken into consideration. The landlord is not at liberty to go to the Rent Court for the determination of fair rent for three years from the date of the commencement of this Act. So for three years the rent will not be enhanced, unless the tenant himself applies to the Court and gets it enhanced. I think the proportion that we have fixed in the Bill is reasonable."

SRI T. C. NARAYANAN NAMBIAR:—"Under Madhava Menon's Act of 1951, the period is five years, but under this Act it is three years."

THE HON. SRI C. RAJAGOPALACHARI:—"Are we now competing with Sri Madhava Menon or making a law?"

MR. SPEAKER:—"The question is—

'For the proposed section 28, substitute the following:—

"28. The maximum rent payable by every cultivating tenant of a holding other than a kanomdar or a customary verumpattomdar, every tenant of a commercial site who is entitled to fixity of tenure under the Act, every tenant of a kudiyiruppu, every holder of an Ulkudi and every holder of a Kudikidappu shall be fair rent fixed under this Act or the rent which he has been paying before if such rent is less than the rent thus fixed." "

The amendment was declared lost.

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A poll was demanded and the House divided thus :—

Ayes 38.

4-30 p.m. Sri C. Ahmed Kutti.
" T. S. Ardhanari.
" A. Ayyar.
" V. Balakrishnan.
" M. Chadayan.
" P. Chokkalingam.
" P. K. Gopalakrishnan.
" K. P. Gopalan.
" K. C. Gopalan Unni.
" M. Kandaswami Kander.
" C. H. Kanaran.
" M. Kattimuthu.
" S. S. Kolkebail.
" O. Koran.
" V. R. Krishna Ayyar.
" R. Krishnan.
" E. T. Kunhan.
" Kunhi Mohamed Shafee.
" P. Kunhirama Kidav.

Sri C. Kunhirama Kurup.
" K. Madhavan Nambiar.
Dr. K. B. Menon.
Sri K. Moidu.
" M. Mottayan.
" M. Narayana Kurup.
" M. Narayana Nambiar.
" T. C. Narayana Nambiar.
" M. Palaniandi.
" P. B. K. Rajachidambaram.
" K. T. Raju.
" S. Ramalingam.
" P. Rangaswami Reddiar.
" V. Sankaranarayana Menon.
" K. M. Seethi Sahib.
" K. T. Sreedharan.
" A. K. Subbiah.
" P. Venkatesha Sholagar.
" K. Vinayakam.

Noes 66.

Sri L. Anandan.
" T. Ananta Pai.
" A. Appu.
" K. S. Ardhanareswara Gounder.
" R. S. Arumugam.
" S. R. Arumugam.
" V. Arumugam.
" B. Bhakthavatsala Naidu.
" V. S. Chinnaaswami Naidu.
" Chinnathambi Thevar.
" V. Darmalinga Nayakar.
" T. P. Elumalai.
" N. Gopala Menon.
" G. Govindan.
" H. M. Jagannatham.
" T. M. Kaliannan.
" M. Kandasamy Padayach.
" P. G. Karuthiruman.
" P. S. Krishnasami Ayyangar.
" V. Krishnaswami Padayachi.
" R. Krishnaswami Naidu.
" R. Kuppuswamy.
The Hon. Sri K. P. Kuttikrishnan Nair.
The Hon. Sri M. A. Manickavelu Naicker.
Sri P. G. Manickam.
" Y. Manjaya Shetty.
" M. Marimuthu.
" M. S. Mogral.
" N. Mounaguruswamy Naidu.
" M. S. Muniswami Pillay.
" V. Muthu.
" M. C. Muthukumaraswami.

Sri B. K. Nallasamy.
" O. A. Nanjappa.
" L. C. Pais.
" R. M. Palaniappan.
" V. C. Palanisami Gounder.
" S. Panchaksharam.
" N. Rajagopal.
" O. Rajam Ramasami.
" K. Rajaram.
" A. Ramachandra Reddiar.
" N. Ramakrishna Ayyar.
" V. K. Ramasamy Mudaliar.
" S. Ramasamy Naidu.
" P. S. Rangasamy Naidu.
" A. Sambasivam.
" E. K. Sankara Varma Raja.
" T. V. Sannasi.
" P. Selvaraj.
The Hon. Sri A. B. Shetty.
Sri Somasundara Gounder.
The Hon. Sri C. Subramaniam.
Sri I. K. Subramania Pillay.
" M. Subramania Nayakar.
" R. Thangavelu.
" M. D. Thiagaraja Pillay.
" S. Thinnarasami Thevar.
" P. K. Thirumurthi.
" G. Vagheesam Pillay.
" B. Vaikunta Baliga.
" O. Venkatasubba Reddi.
" S. Venkatrama Ayyar.
" K. Venkatramana Gowda.
" K. Venkateswamy Naidu.
" S. C. Virupakshiah.

Neutral—Nil.

Ayes—38.

Noes—66.

Neutral—Nil.

The amendment was lost.

4-40 p.m. The amendments of the hon. Members Sri Seethi, Shafee and Sri Gopalan were, by leave, withdrawn.

SRI M. NARAYANA KURUP :—" Of course, my amendment has been defeated. But the proposed section 28 has a number of clauses. So, the amendment to this section may be put to the vote of the House clause by clause."

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MR. SPEAKER :—" I am going to put clause 17 to the vote of the House. When we come to section 28, we can consider that."

SRI M. NARAYANA KURUP :—" I request the Chair to put it to the vote of the House clause by clause."

MR. SPEAKER :—" I do not understand what the hon. Member says. I am going to put clause 17 to the vote of the House."

SRI M. NARAYANA KURUP :—" I have not been correctly understood, Sir. Clause 17 makes amendments to section 28 of the principal Act. There are so many clauses in this section. I request that those clauses may be put to vote separately."

MR. SPEAKER :—" It is a wrong procedure."

SRI M. NARAYANA KURUP :—" I submit it is quite within the competence of the Chair to put to vote each clause separately when there are various clauses in a section."

MR. SPEAKER :—" The Speaker can separate them but we should not do a thing in the wrong way."

Then clause 17 was put and carried.

MR. SPEAKER :—" I shall now put the amendments of the hon. Member Sri Narayanan Nambiar. The question is—

" In sub-section (2) of section 7 of the principal Act, for the word "one-sixth", substitute the word "one-twelfth" and for the word "one-third", substitute the word "one-sixth".

" In sub-section (3) of section 7, for the words "one-eighth", substitute the word "one-sixteenth" and for the word "one-fourth", substitute the word "one-eighth".

" Add the following proviso to sub-section (3) of section 7 :—

" Provided that the usufructs belonging to the landlord will be deemed to have been not existing after twelve years from the date of this enactment coming into force for purposes of calculating rent." "

The amendments were put and lost.

MR. SPEAKER :—" I shall now put the Government amendment, namely, amendment No. 4 to vote. The question is—

" 4. After clause 4, insert the following as new clause 4-A :—

" 4-A. Amendment of section 7, Madras Act XIV of 1930.—In section 7 of the principal Act—

" (i) in sub-section (1), after the words "fair rent" where they first occur, the words, figures and brackets "subject to sub-sections (5), (6) and (7)," shall be inserted;

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(ii) in sub-section (2), for the word "one-sixth", the word "one-eighth" shall be substituted;

(iii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Fair rent determined under section 9-CC shall not exceed twice the rent payable for the agricultural year 1949-50 and fair rent determined under section 9-G shall in no case exceed twice the rent payable for the year immediately preceding the date of the application for revision.

(6) Where fair rent under sub-sections (2) to (5) exceeds the rent payable for the year 1949-50 or for the year immediately preceding the date of the application for revision, as the case may be, the increase shall be spread over more than one year so that in no year the rent shall be more than one and a quarter times the rent payable for the year immediately preceding.

(7) Notwithstanding anything contained in sub-sections (5) and (6) or section 9-E, the tenant may elect to pay in kind and, if he does so, the landlord shall be bound to accept, the share of the produce ascertained by the Rent Court in accordance with sub-sections (2) to (4) " " " " "

4-50 p.m. The amendment for the insertion of a new clause 4-A was put and carried.

Clause 5.

* SRI C. H. KANARAN :—" I move the following amendment that stands in my name :—

'In item (i), for the words "sixth year" substitute the words "tenth year".'

"സാർ, കരുമുളകു തോട്ടങ്ങളെ സംബന്ധിച്ച കെ. പി. സി. സി. ഒരു സബ്ജക്ട് നറിയെ നിയമിച്ചിരുന്നു. ആ സബ്ജക്ട് കമ്മിറ്റിപോലും 1/8 എന്ന് പ്രപാർസ് ചെയ്തിട്ടുണ്ട്. ആറിംഗെനെന്നുള്ള പരമിംഗെനെന്നാണെന്നാണ് എന്റെ മേദാതി. കരുമുളകു കൃഷി ചെയ്തു വളരെയുണ്ട്. മറ്റുള്ള വിളകൾക്കു നിശ്ചയിക്കുന്നതു പോലെ കരുമുളകിൽ നിശ്ചയിക്കുന്നതു ശരിയല്ല. കരുമുളക് തോട്ടങ്ങളുടെ വിഖ നോക്കിയാൽ, സ്ഥാപങ്ങൾ ഇല്ലായെ വിഖകൾ വാങ്ങിയിട്ടുള്ളവയാണ്. ഏക്കറിനു രൂപാളി കയിലധികം ആവുകയില്ല. എന്നാൽ കൃഷിചെയ്തു ഏക്കറിൽ 2,500 രൂപാളികയിലധികം വരും. ആറിംഗെന്നാണ് അറിയുടെ അവകാശമായിട്ടു കണക്കാക്കിയിരിക്കുന്നത്. കെ. പി. സി. സി. സബ്ജക്ട് കമ്മിറ്റിതന്നെ പറയുന്നത് 1/8 കൊടുക്കണമെന്നാണ്. അത് 1/10 എന്നെ എന്റെ മേദാതികൊണ്ടുളളപ്പിക്കുന്നു. റാവർജ്ജ് അതു സ്വീകരിക്കണമെന്നു വിശ്വസിക്കുന്നു."

* SRI T. C. NARAYANAN NAMBIAR :—" I second the amendment, Sir. In doing so, I wish to mention one or two points. As far as garden lands are concerned, we have made our position clear. Even according to the existing provision of the Malabar Tenancy Act, the rent is three times the assessment in the case of dry lands. It is by the sweat and toil of the tenants that these pepper vines are grown. I do not see any justice in demanding that one-sixth has to be paid. Under the existing provisions

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relating to tenants' vines in garden lands, one-eighth of the produce is the fair rent. As the dry lands are far inferior to garden lands, the rent must be of a lesser proportion. In the case of these dry lands, the tenants have to spend quite a lot of money for making improvements. The tenants should not be penalised for the additional labour that they put and for the additional expenditure that they have to incur on these dry lands. So I request that this amendment may be accepted."

MR. SPEAKER :—" Motion moved—

'In item (i), for the words "sixth year", substitute the words "tenth year".'

* SRI V. R. KRISHNA AYYAR :—" I have only a word just to point out whether there is any justice or fairness in this provision. In the case of dry lands, I wish to submit that they are far inferior to garden lands. That being so, the tenants on dry lands should not be asked to pay the same share to the landlord as the tenants cultivating fertile lands. Such a provision is against all sense of justice. If the Government think that this is a just provision, then it is all right. Let them think so. But the fact is, it is against all canons of justice. Even the K.P.C.C. Special Committee which was appointed to study the agrarian problem came to the conclusion that the tenants who raise these pepper gardens by their own labour should be shown some consideration and should not be asked to pay the same share as other tenants cultivating fertile lands. I therefore submit that the amendment may be accepted."

SRI M. NARAYANA KURUP :—" Sir, I have a request to make the Hon. Speaker. If I remember aright, on former occasions when Bills were considered, every sub-clause used to be put by you for discussion as well as vote."

MR. SPEAKER :—" Can the hon. Member please tell me when I put the sub-clauses? I have put only the clause as a whole for discussion as well as vote."

SRI M. NARAYANA KURUP :—" In some cases, the Hon. Speaker has put the sub-clauses one by one and then the clause as a whole to the vote of the House. So . . . "

MR. SPEAKER :—" Can the hon. Member point out one instance from the Official Proceedings in which I have done in the manner suggested by the hon. Member? I am sure I would not have done that. I would have put only the clauses as a whole and not sub-clauses."

SRI M. NARAYANA KURUP :—" Where the various sub-clauses of a particular clause deal with an important matter and where they are different, they have been put to the vote of the House."

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MR. SPEAKER :—" Let me again tell the hon. Member that I would not have put sub-clauses to the vote of the House. I would have put only the main clauses to the vote of the House."

SRI M. NARAYANA KURUP :—" Sir, I have given notice of an amendment (No. 5) to omit item (iii) of clause 5 which deals with contract rent. It is provided that the tenant is liable to pay the rent in the sixth year and then in the 12th year. The effect of the proviso is that if there is a contract, the tenant will be liable to pay one-sixth in each year. The bone of contention between the landlord and the tenant is, what is the rent payable and what is the share that each should get. If it is fixed as once in six years or once in twelve years, the landlord will take the entire produce at the 12th year or the 6th year as the case may be, and there will be no controversy. Otherwise, there will be interminable controversy between the landlord and the tenant and the tenant will be subjected to considerable harassment. Therefore, I wish to say that no useful purpose will be served by inserting the proviso. It will only embitter the relationship between the landlord and the tenant. The usual practice in these areas is for the landlords to take the share in the sixth year and then in the twelfth year. Therefore, this unnecessary and harassing proviso need not be incorporated in this clause."

* SRI K. P. GOPALAN :—" Sir, I move my amendment No. 28 which reads as follows :—

'In item (i), for the words "every sixth year" substitute the words "every eleventh year".'

SRI R. KRISHNAN :—" I second the amendment, Sir."

SRI K. P. GOPALAN :—" Sir, I come from a constituency where there are thousands of acres of pepper gardens. So I know the position of the pepper gardeners very well. If we take into account the condition of pepper growers, I can say without fear of contradiction that the properties of 90 per cent of them have been mortgaged. Especially in North Malabar, there is a custom according to which every fifth year, the janmis' or landlords' agent will go to the tenant and he will fix the yield. He will fix it in such a way as to enable the landlord to get a larger share. That is the custom obtaining in North Malabar, especially in Payyanur firka. Owing to some reason or other, the yield may not be good in some years. Even in such years, the poor tenants will have to give the share of the landlord. In this way, I know many of the tenants have been ruined in Payyanur firka. I request the Hon. Chief Minister to look into the matter and accept my amendment so that these people may derive some real benefit out of this Bill."

SRI P. K. GOPALAKRISHNAN :—" Sir"

MR. SPEAKER :—" The hon. Member need not move the first part of his amendment No. 41. It is enough if he moves the second part."

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SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendment standing in my name :—

'(ii) In item (ii) for the words "six years" substitute the words "eleven years".'

Sir, wherever the rent is payable in cash under the contract it should be open to the tenant to continue to pay it in cash. I request the Government that the existing system of paying rent in money may not be disturbed wherever the landlord and tenant may have agreed. Let the Government allow the existing practice in this regard to continue. That is all what I want to say, Sir."

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Sir, I move—

5 p.m.

'In item (i), for the words "every sixth year", substitute the words "every eighth year".'

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" I move—

'In item (ii) for the words "six years", substitute the words "eight years", and for the words "sixth year", substitute the words "eighth year".'

The amendment was duly seconded.

SRI E. T. KUNHAN :—" Sir, I move—

'In item (ii) for the words "six years" substitute the words "ten years" and for the words "sixth year", substitute the words "tenth year".'

'In item (iii), for the second proviso, substitute the following :—

"Provided further that where under the existing contract rent is payable in money or in some other manner than the crop of the year or share in the crop of a year, it shall be open to the tenant to continue on the existing basis notwithstanding which has been stated above."

'In sub-section (3) of section 8 of the principal Act, for the word "one-eighth" substitute the word "one-twelfth".'

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, I move—

'Omit item (iii) of the clause.'

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Sir, I move—

'Omit item (iv) of clause 5.'

The amendment was duly seconded.

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SRI T. C. NARAYANAN NAMBIAR:—"Sir, I move—

Add the following as item (v):—

"(v) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) A cultivator who raises punam or fugitive cultivation shall not be bound to pay by way of rent or compensation per year more than twice the annual assessment payable in respect of the land so cultivated." "

The amendment was duly seconded.

* SRI V. R. KRISHNA AYYAR:—"Sir, under the existing law, the tenant is not entitled to any reduction of rent if in respect of a holding—say under paddy—there is complete failure of crops on account of drought conditions. What I say is if there is a revenue remission there should be a proportionate reduction of rent. On account of the compounded tax system in Malabar, unless both the crops fail, there cannot be any revenue remission in respect of wet lands. On account of the Board Standing Orders and other technical rules framed by the Government, there is no abatement with regard to the rent notwithstanding the general failure of crop. I only want that the Court should be in a position to order a just reduction in rent where there is a general failure of crops."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I oppose all the amendments before the House and would request the House to accept clause 5 as it stands. There is no enhancement of the rate of fair rent. You know that even Mr. E. M. Sankaran Nambudripad in his dissenting minute has stated that only 1/6 need be taken as constituting fair rent. He is a man who knows the situation in Malabar and he is one who is working for the welfare of the people. We differ only in respect of ideologies. Sir, it has been brought to our notice that in respect of garden lands the same principle is not maintained. That is because this is a mixed garden where commercial crops are grown. As you know, Sir, prices have gone up to 3,000 to 3,500 rupees from Rs. 300 obtaining previously in respect of pepper. So, there is no scope for reducing the proportion of rent and I submit the Government have proposed a most reasonable rent."

SRI M. NARAYANA KURUP:—"Is it the contention of the Government that they will believe in the statements made by persons on this side and not those made by their own friends who are sitting in the House?"

THE HON. SRI C. RAJAGOPALACHARI:—"I thought the hon. Member was quoting profusely from other people's opinions."

SRI C. H. KANARAN:—"Sir, the position is in places like Chirakkal and Kottayam, the share system does not prevail. I cannot agree to the share proposed by the Government."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I come from Malabar and I know the position."

SRI V. R. KRISHNA AYYAR:—"The Hon. the Chief Minister has said nothing at all about reduction of rent with reference to cases where there is a general failure of monsoons."

THE HON. SRI C. RAJAGOPALACHARI:—"There is no use of appealing to the Chief Minister when all his attempts at trying to get at a settlement have thoroughly failed."

MR. SPEAKER:—"I shall now put the amendments to the vote of the House. The question is—

'In item (i), for the words "sixth year", substitute the words "tenth year".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (i) for the words "every sixth year", substitute the words "every eleventh year".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (ii) for the words "six years", substitute the words "eleven years".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (i) for the words "every sixth year", substitute the words "every eighth year".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (ii), for the words "six years" substitute the words "eight years", and for the words "sixth year" substitute the words "eighth year".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (ii) for the words "six years", substitute the words "ten years" and for the words "sixth year" substitute the words "tenth year".'

'In item (iii), for the second proviso, substitute the following:—

"Provided further that where under the existing contract rent is payable in money or in some other manner than the crop of the year or share in the crop of a year, it shall be open to the tenant to continue on the existing basis notwithstanding which has been stated above."

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In sub-section (3) of section 8 of the principal Act, for the word "one-eighth" substitute the word "one-twelfth".

The amendment was put and lost.

MR. SPEAKER :—" The question is—
' Omit item (iii) of the Clause.' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—
' Omit item (iv) of Clause 5.' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—
' Add the following as item (v) :—

" (v) after sub-section (4), the following sub-section shall be inserted, namely :—

' (5) A cultivator who raises punam or fugitive cultivation shall not be bound to pay by way of rent or compensation per year more than twice the annual assessment payable in respect of the land so cultivated.' "

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6 was put and carried.

MR. SPEAKER :—" I now adjourn the House to meet again at 9 a.m. tomorrow."

The House then adjourned.

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

Amendments to the Madras Motor Vehicles Taxation Act, 1931—

* (1) Notification No. 1160, issued with G.O. Ms. No. 3617, Home, dated 1st December 1953.

* (2) Notifications Nos. 1161 and 1162, issued with G.O. Ms. No. 3572, Home, dated 28th November 1953.

* (3) Notification No. 1170, issued with G.O. Ms. No. 3719, Home, dated 10th December 1953.

8th January 1954]

APPENDIX I.

[Vide answer to starred question No. 388-C asked by Sri K.R. Viswanathan at the meeting of the Legislative Assembly held on 8th January 1954, page 381 supra.]

Statement showing the road works included in the Five-year Plan under Tiruchirappalli district in Jayankondan Constituency.

Serial number and description of work.	Post-War classification in the programme.
(1)	(2)
<i>Major District Roads—Nil.</i>	
<i>Other District Roads.</i>	
1 Senthurai-Kadur road	O.D.R. No. 33 (a)
2 Ellakuruchi-Karuppur-Sevapatti road	O.D.R. No. 29.
3 Muthuvanoheri to Sathampadi road	O.D.R. No. 30.
4 Udayarpalam-Unjeri-Sendurai road	O.D.R. No. 33.
5 Sendurai-Ariyalur road (small bit from Sendurai side)	O.D.R. No. 48.
<i>Village Roads.</i>	
6 Forming a road from Kadambur to join with O.D.R. No. 30.	V.R. No. 55.
7 Forming a road from Elayaperumalnatham	V.R. No. 4.
8 Forming a road from Pichanur-Vethiarvettu	V.R. No. 5.
9 Forming a road from Kattagaram	V.R. No. 6.
10 Forming a road from Ulkottai	V.R. No. 15.
11 Forming a road from Periathirukunnam	V.R. No. 8.
12 Forming a road from Iranganjur to Karikuruchi	V.R. No. 22.
13 Forming a road from Variankalli-Nevalkudi-Veeragan	V.R. No. 28.
14 Forming a road from Periakullaehi-Porrarapi	V.R. No. 29.
15 Alagapurem road	V.R. No. 32.
16 Tandalai-Nallur road	V.R. No. 34.
17 Selamadevi Kallpur-Kodali road	V.R. No. 37.
18 Eravankudi-Arukudichan road	V.R. No. 44.
19 Periakrishnapuram-Tirukalathur road	V.R. No. 46.
20 Sulangudi road	V.R. No. 50.
21 Alagiamanavalem-Karuvadi-Tathin road	V.R. No. 51.
22 Oriyur-Pungankulai-Andipattikadu-Chinnapathikodu road	V.R. No. 52.
23 Ulliyakudi road	V.R. No. 56 (a).
24 Nayakkannaiperial road	V.R. No. 61.

* Laid on the table under section 11 (3) of the Madras Motor Vehicles Taxation Act, 1931.

[8th January 1954]

APPENDIX II.

[Vide answer to unstarred question No. 36 asked by Sri C. Kandasamy at the meeting of the Legislative Assembly held on 8th January 1954, page 393 supra.]

(a) Number of applications entertained by Conciliation Officers.		(b) Number of applications filed by			(c) Number of cases decided in favour of		
(1)	(2)	Tenants.	Pannai-yals.	Land owners.	Tenants.	Pannai-yals.	Land owners.
Tanjore ..	904	560	41	303	462	20	174
Papanasam ..	2,028	1,018	156	854	466	119	336
Kumbakonam ..	4,259	4,089	187	121	2,553	80	80
Sirkali ..	2,214	2,051	126	38	1,586	51	13
Mayuram ..	2,376	2,188	328	52	1,046	146	17
Nannilam ..	1,961	1,019	509	433	857	375	102
Nagapattinam ..	1,616	445	837	334	319	722	96
Mannargudi ..	1,064	288	824	41	152	633	30
Tirutturaipundi ..	939	233	714	43	132	545	41
Pattukottai ..	144	141	..	14	85	..	..
Arantangi ..	156	224	..	29	10	..	..
Total ..	17,661	12,256	3,721	2,362	7,668	2,691	889

(d) Number of appeals entertained by Revenue Courts.		(e) Number of appeals filed by			(f) Number of appeals decided in favour of		
(9)	(10)	Tenants.	Pannai-yals.	Land owners.	Tenants.	Pannai-yals.	Land owners.
Tanjore ..	52	19	..	33	11	..	14
Papanasam ..	106	25	..	81	13	..	29
Kumbakonam ..	1,091	338	..	753	303	..	344
Sirkali ..	96	28	..	68	14	..	36
Mayuram ..	234	127	2	105	29	2	40
Nannilam ..	105	46	..	59	33	..	23
Nagapattinam ..	29	14	..	15	6	..	3
Mannargudi ..	51	8	..	43	5	..	20
Tirutturaipundi ..	13	2	..	11	2	..	3
Pattukottai ..	45	8	..	37	8	..	6
Arantangi ..	17	5	..	12	5	..	12
Total ..	1,839	620	2	1,217	429	2	539

8th January 1954]

APPENDIX III.

[Vide answer to unstarred question No. 37 asked by Sri K. Aranganathan at the meeting of the Legislative Assembly held on 8th January 1954, page 393 supra.]

Particulars of the number of ration shops, relief shops and fair price shops in South Arcot district from 1942 to 31st October 1953 and the amount collected as security deposit and amount refunded up to 31st October 1953.

Year to which the particulars relate.	Number of shops.			Amount of security deposit collected.	Amount of deposit refunded.
	Ration shops.	Relief shops.	Fair price shops.		
(1)	(2)	(3)	(4)	(5)	(6)
I. Chidambaram taluk—					
1942 to 1945 ..	..	..	..	..	..
1946 ..	68	..	..	6,575	..
1947 ..	73	..	..	425	..
1948 ..	..	110	..	3,425	..
1949 ..	..	107	..	200	1,000
1950 ..	..	107	..	..	..
1951 ..	..	107	..	..	100
1952 ..	..	*107	34	..	100
1953 ..	..	..	34	25	625
				10,650	1,825
II. Virudhachalam taluk—					
1942 to 1945 ..	..	..	..	..	..
1946 ..	94	..	..	9,550	100
1947 ..	106	..	..	2,475	2,900
1948 ..	..	137	..	3,250	1,400
1949 ..	..	139	..	200	100
1950 ..	..	140	..	100	..
1951 ..	..	140	..	..	..
1952 ..	..	145	*146	500	250
1953 ..	..	..	40	100	2,100
				16,175	6,850
III. Tirukoilur taluk—					
1942 to 1945 ..	..	..	..	..	..
1946 ..	92	..	..	18,650	..
1947 ..	149	..	..	1,775	..
1948 ..	121	..	..	3,500	150
1949 ..	127	..	..	3,750	250
1950 ..	94	..	..	3,550	1,000
1951 ..	..	91	..	1,425	3,750
1952 ..	..	..	25	..	3,900
1953 ..	..	..	16	700	4,700
				33,350	13,750

* Up to 15th June 1952.

[8th January 1954]

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 9th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

National Extension Scheme in Tanjore district.

* 388-K Q.—SRI S. RAMALINGAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the amount allotted for the National Extension Scheme at Tanjore district; and

(b) the improvements proposed to be made under the Scheme?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) Two blocks have been selected for development under the National Extension Service in the Tanjore district. The programmed cost of working a Development Block under the National Extension Service for a period of three years is Rs. 7.5 lakhs as detailed below:—

	RS.
	LAKHS.
Recurring expenditure	1.5
Non-recurring expenditure	2.0
Loans — — —	4.0
Total	7.5

“(b) The attention of the hon. Member is invited to the answer furnished to clause (b) of the Starred Question No. 332 put by Sri A. Ratnam, M.L.A. on the floor of this House on 6th January 1954.”

SRI S. RAMALINGAM:—“அந்த இரண்டு ‘பளாக்குகள்’ எந்தெந்த இடங்களில் இருக்கின்றன என்பதை கனம் மந்திரி அவர்கள் சொல்லுவார்களா?”

THE HON. SRI M. BHAKTAVATSALAM:—“One block is Vedaranyam comprising Vedaranyam firka and the other block comprises Talanayar, Alathambadi and Saliamangalam with Tiruturaipundi as headquarters.”

SRI S. RAMALINGAM:—“சர்க்காரால் பிரசுரம் செய்யப்பட்டிருக்கிற ‘ஐந்தாண்டு அபிவிருத்தித் திட்டம்’, என்ஐறு புத்தகத்திலே, சாலிய மங்கலம் பிரிக்காவில் ஒரு மணிக்கூண்டு கட்டியிருப்பதாகப் போட்டிருக்கிறார்கள். ஆனால், அந்த மணிக்கூண்டு நாகப்பட்டணத்தில் இருக்கிறது. அம்மாதிரி தவறுதலாக விஷயங்களை வெளியிடாமலிருப்பதற்கு கனம் மந்திரி அவர்கள் முயற்சி செய்வார்களா?”

Year to which the particulars relate.	Number of shops.			Amount of security deposit collected.	Amount of deposit refunded.
	Ration shops.	Relief shops.	Fair price shops.		
(1)	(2)	(3)	(4)	(5)	(6)
				RS.	RS.
IV. Kallakuriobi taluk—					
1946	..	..	..	..	..
1947	48	..	..	10,800	..
1948	48	..	..	7,550	..
1949	92	..	..	..	..
1950	73	..	..	2,025	..
1951	..	85	..	800	2,250
1952	..	..	32	100	1,700
1953	..	..	22	200	6,450
				21,475	10,400
V. Cuddalore taluk—					
1945	189	..	..	Yearwar parti-	Yearwar parti-
1946	205	..	..	culars not avail-	culars not avail-
1947	221	..	..	able. Total	able. Total
1948	300	..	..	amount collec-	amount of
1949	312	..	..	ted as security	deposit refund-
1950	328	..	..	deposit—	ed—Rs. 26,900.
1951	40	324	..	Rs. 47,725	
1952	..	372	..		
1953	..	..	51		
VI. Villupuram taluk—					
Yearwar statistics not available. Total number of shops in force till 1952.	..	132	..	Total amount of security deposit collected.	Total amount of deposit refund-
Number now existing 1949-53.	..	..	36	15,325	7,400
VII. Tindivanam taluk—					
Total number of shops.	..	305	..	75,610	39,735
Number of shop now existing.	..	..	39	..	..
VIII. Ginjee taluk—					
Total number of shops.	..	..	102	25,250	15,500
Number of shops now existing.	..	..	24	..	..

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THE HON. SRI M. BHAKTAVATSALAM :—“ About the point raised by the hon. Member I have no information. But I do not admit that there was any wrong information given in the publications of the Government of Madras. I would also like to give the hon. Member the assurance that no incorrect information would be furnished to the public.”

SRI K. VINAYAKAM :—“ Sir, are Community Projects different from National Extension Service? If so what are the salient features of these different schemes? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Community Project is not very different from the National Extension Schemes. Whether it is the National Extension Scheme or the Community Project, the object is integrated development of rural life in the villages concerned.”

SRI A. RAMASAMY TEVAR :—“ May I know from the Hon. Minister for Agriculture whether this scheme will be extended to Pattukkottai taluk? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ This scheme will be extended next year to some firkas but I cannot give an assurance that it will be extended to Pattukkottai taluk.”

SRI S. C. VIRUPAKSHIAH :—“ Is there any hard and fast rule in the selection of the centres? Is backwardness of the area a primary consideration in the selection of these centres? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, there is no hard and fast rule in this matter. For the purpose of National Extension Schemes this year, the former firka development areas have been selected. It is possible that certain backward areas have been left out because of this.”

SRI R. KRISHNASWAMI NAIDU :—“ இந்தத் திட்டத்தின்கீழ் கொடுக்கப்பட்டபோதும் கடன்கள் குறுகிய காலக் கடன்களாக கொடுக்கப்படுகின்றனவா, அல்லது நீண்டகாலக் கடன்களாக கொடுக்கப்படுகின்றனவா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I think it will be short-term loans to ryots for agricultural improvements.”

SRI T. ANANTA PAI :—“ Sir, is it the intention of Government to give up firka development schemes altogether in view of the National Extension Scheme? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, there is no question of giving up firka development. Firkas development work is merged in the National Extension work.”

SRI P. VENKATESHA SHOLAGAR :—“ இந்தத் திட்டத்தில் சேர்த்துக்கொள்ளப்படும் பிரக்காக்கள் யார் யாருடைய யோசனையின் பேரில் சேர்த்துக்கொள்ளப்படுகின்றன? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I have already answered about the selection of these centres, Sir. This year only the former firka development areas have been taken up.”

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SRI A. SAMBASIVAM :—“ இந்த பிரக்கா அபிவிருத்தி எரியாக்களில் அஞ்சுள்ள ஆசிரியர்களைக்கொண்டு கல்வி அபிவிருத்திக்கு ஏதாவது திட்டம் வகுத்திருக்கிறார்களா? இதுவரை மற்றவர்களைக்கொண்டு செய்த அபிவிருத்திகள் ஏதாவது பயன் தந்திருக்கின்றன? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Not only with the co-operation of teachers, Sir, but with the co-operation of the general public it is proposed to give concentrated attention to the development of education in these areas. Regarding the actual advance made in the Firka Development scheme, I would like to have notice, Sir.”

SRI S. RAMALINGAM :—“ சர்க்காருடைய பிரசுரங்களில் தவறான செய்திகள் இருக்காது, என்று கனம் மந்திரி அவர்கள் பதில் சொன்னார்கள். ஆனால், தஞ்சாவூர் ஜில்லாவில் ‘ஐந்தாண்டு அபிவிருத்தித் திட்டம்’ என்ற புத்தகத்தில், நாகப்பட்டணத்தில் இருக்கக்கூடிய ஒரு மணிக்கூண்டை சாலிய மங்கலம் பிரக்கா அபிவிருத்தித் திட்டத்தில் கட்டப்பட்டது என்று இருக்கிறது. இதைச் சர்க்கார் கவனித்து, அப்படி சொல்லியிருப்பதை மாற்றி ஒரு அறிக்கையாவது விடுவதற்கு ஏற்பாடு செய்வார்களா என்று கேட்கிறேன்? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I can tell the hon. Member that the Hon. Minister in charge of Publicity will no doubt look into the matter and if any incorrect information had been published, he will have it corrected.”

• Licence for the tapping of sweet toddy.

* 368-L Q.—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Minister for Prohibition be pleased to state whether the Government have recently directed departmental heads concerned to insist upon the tappers applying for licences to furnish two sureties? 9-10 a.m.

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ No, Sir. The condition that every toppler to whom a licence is issued should produce two other tappers as sureties, has been in existence since November 1947.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, if the persons who apply for licence are prepared to give an assurance that they are prepared to abide by the rules and regulations under the Prohibition Act, will the Hon. the Minister for Prohibition be pleased to consider their case? ”

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ Mere faith and assurance will not satisfy the Government. If a person is prepared to produce two other sureties, according to Government orders, certainly his case will be considered.”

SRI V. BALAKRISHNAN :—“ Will the Government be pleased to enlarge the quantum and quality of the sureties to counteract the abuse of such tappers as are undermining the Prohibition laws in letter and spirit? ”

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ The Government are satisfied that the present conditions are enough.”

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SRI S. DEIVASIGAMANY :—“ May I know, what action has been taken against the sureties, if the fresh licensee commits an offence? I take it that the sureties give sureties as a matter of course or probably in good faith.”

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—

“ In case a licence-holder, for whom the other two sureties are held responsible, commits an offence, the licences of both the sureties along with the offender will be cancelled.”

SRI P. K. GOPALAKRISHNAN :—“ If a licence-holder violates the Prohibition law, he can be punished but I cannot understand why the other two sureties also are to be punished. Will the Hon. the Minister for Prohibition be pleased to state, whether the Government are taking sureties for any other trade purposes? This provision for surety is only intended to enforce the proper discharge of the duties of the licence-holder. In view of the fact that there are other provisions in law to punish a licence-holder who violates the Prohibition Act, will the Government cancel this order? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, this is a matter of general policy to secure good conduct and to secure obedience to the laws. These persons who sign recognizance bonds that they will forfeit a certain sum of money if the other man goes wrong, will constantly be watching the other man against misconduct and if the misconduct is proved, this man will lose his bond.”

SRI C. KANDASAMY :—“ பதனி இறக்கும் ஏழைத் தொழிலாளி களுக்கும் இந்த நிபந்தனை விதிக்கப்படும்போது, குடிக்க ‘பர்மிட்’ வாங்கு கிறவர்களுக்கும் இதேவிதமான நிபந்தனை விதிக்கப்படுமா? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Yes, Sir, in some bad cases, we are asking for security.”

SRI V. R. KRISHNA AYYAR :—“ Is the Hon. Minister for Prohibition aware that one of the obnoxious conditions in the surety bond is that if the principal licensee is convicted or commits an offence, the sureties also will be guilty of the offence and be liable to the same punishment. This is a vicarious liability cast under a criminal law unknown to any system of criminal jurisprudence? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Complaint may be made when that ‘obnoxious’ condition is enforced, but so long as it acts on the morality of the person concerned, it is a good thing.”

SRI R. KRISHNAN :—“ Sureties வேண்டுமென்று உத்தரவு வந்த தினுலே ஏராளமான tapper-களுக்கு sureties கிடைக்காமல் unemployment ஏற்படுகிறது. அவர்களுக்கு surety யாக, அவர்களுடைய தகப்பனாரோ பெண்டாட்டியோ இருந்தால் போதும் என்று ‘ஆர்டர்’ கொடுக்கமுன்வருவார்களா? ”

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—
“ Provided his father and wife also hold licences.”

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Merger of the Prohibition Department with the Police Department.

* 388-M Q.—SRI A. RATNAM (on behalf of Sri M. Dharma-lingam) : Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that the Prohibition Department is proposed to be merged with the Police Department; and

(b) if so, when and whether any arrangement has been made to absorb the existing staff of the Prohibition Department?

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—

“ (a) & (b) Prohibition is at present enforced by the Excise and Prohibition Department in the districts of Chingleput, South Arcot, Ramanathapuram, Tirunelveli, the Nilgiris, Malabar, South Kanara and Madras City. It is enforced by the Police Department in the other districts of the State as part of their regular duties. The Government have under consideration a proposal to entrust to the Police Department the enforcement of Prohibition throughout the State. The arrangements necessary for absorbing the existing staff of the Excise and Prohibition Department and the other implications of the proposal are now being examined.”

SRI V. R. KRISHNA AYYAR :—“ May I bring to the notice of the Hon. Minister for Prohibition two important facts? So far as the Police are concerned, they have been in very friendly contact with hot drinks in the pre-Prohibition days and, generally speaking, therefore they have a particular tradition in the enforcement of the Prohibition Act. Secondly, they are already having surfeit of powers, concentration of powers. More powers given to them will only prove that absolute power corrupts absolutely. In view of that, will the Government distribute the powers of enforcing the Prohibition Act to persons or departments with a clean tradition or without an unclean tradition? I suggest that the enforcement of Prohibition may not be handed over to the Police.”

MR. SPEAKER :—“ This is only a suggestion.”

THE HON. SRI C. RAJAGOPALACHARI :—“ It is not merely a suggestion but a long argument with a number of accusations which are not correct. All classes of society suffer from some disabilities, as the policemen did when there was no prohibition, including lawyers, Members of the Government, officers, Members of the Legislative Assembly and for that matter, everybody. There is no necessity to specially pick out the Police. As regards the Excise department, probably they were in greater contact with liquor than the Police. Therefore, there is an advantage in the Police being there. On the whole, the hon. Member's objection, apart from the accusations he has made which are groundless, will also be considered along with other matters.”

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SRI K. VINAYAKAM :—“ Will the Hon. the Chief Minister be pleased to assure the House that when the prohibition work is transferred to the Police Department, the men employed in the Prohibition Department will not be thrown out of employment and that nobody should be discharged from service? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Every measure of economy, every rearrangement on grounds of policy and expediency involves this difficulty. Hon. Members should not imagine that their business is only to defend the retrenched people but the general expediency of the State should be the first concern of hon. Members.”

SRI P. SELVARAJ :—“ Sir, by this merger, does the Government effect economy or efficiency? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Only efficiency is the object but economy is always kept in mind.”

SRI M. NARAYANA KURUP :—“ In view of the fact that the success of Prohibition depends upon the quality of men who are engaged in this work, will the Government entrust the enforcement of this Act to specially trained people? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, it is not propaganda that is involved in the matter. It is the detection and punishment of offenders and the like. Now, here no question of training is involved other than what is involved in ordinary criminal investigation and that is why, the Police are considered better.”

SRI A. RAMASAMY TEVAR :—“ May I know from the Hon. the Chief Minister, whether the Government will consider the desirability of revising the Prohibition Act so as to inflict capital punishment and thus mitigate illicit distillation and illicit drink? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Merely changing the sentences in the Penal Code will not improve our people. We should all set examples.” (Laughter.)

Refugees from foreign pockets in India.

9.20
a.m.

* 389 Q.—SRI K. MADHAVAN NAMBIAR: Will the Hon. the Chief Minister be pleased to state whether any refugees from foreign pockets, like Pondicherry and Mahe have taken shelter in this State; and if so, their number and the extent of State-aid given to them?

THE HON. SRI C. RAJAGOPALACHARI :—“ The answer to the first part of the question is in the affirmative. Exact figures are not available, but it is estimated that about 800 men, 400 women and 200 children have come over from the French Settlements to this State.

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“ This Government recognized the fact that these persons had to leave their homes and employment on account of their political views and therefore all possible assistance is given to such of these men as are found suitable for being put in work.”

SRI D. KRISHNAMURTHY GOUNDER :—“ இந்த அன்னிய பிரதேசங்களை, இந்திய யூனியனில் சேர்க்கத்தக்க முயற்சி எடுத்துக்கொள்ளுவார்களா? ”

MR. SPEAKER :—“ This has to be addressed to the Government at Delhi and not to this Government.”

SRI D. KRISHNAMURTHY GOUNDER :—“ Sir, I want to know what this Government have recommended.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, my opinion is as advanced as that of the hon. Member in this matter.”

SRI P. KUNHIRAMA KIDAV :—“ Sir, may I know whether this Government have any information regarding the properties of these refugees in Pondicherry and Mahe and what steps have they taken to safeguard those properties? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, those who leave their places of residence and come away take the consequences whether such action is voluntary or involuntary. How can this Government take any care of the properties in the territories of another Government especially when it is not even connected with us like a neighbouring State but is an independent Government? ”

SRI M. PALANIYANDI :—“ இந்த அன்னிய திட்டிகள் இருப்பதால் மதுவிலக்குத் திட்டம் அமுலாக்கமுடிவதில்லை, மேலும் கள்ள வியாபாரத்தால் மாகாண வியாபாரம் மோசமடைகிறது. இதை அரசாங்கத்தார் கவனித்துத் தடுப்பதற்கு முன் வருவார்களா? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, it is true that many people—a very large number of people—in the French and other foreign possession in India are interested in exploiting the difference in taxation in trade and commerce, that is to say, engage themselves in smuggling activities. Unfortunately, I admit that smuggling and politics are very much mixed up together.”

SRI K. T. RAJU :—“ 1947-ம் வருஷத்திலிருந்து இதுவரையில் 10,000 பேர்கள் தாயகத்தில் சேர்வென்றமென்பதற்காக அன்னியத் திட்டிகளில் இருந்து வெளியேறியிருப்பதாகத் தெரிகிறது. அப்படி வெளியேறிய 10,000 அகதிகளுக்கும் நமது சென்னை சர்க்கார் பாதுகாப்பளித்து உதவி செய்வதற்கு பொறுப்பு ஏற்றுக்கொண்டிருக்கிறார்களா? இருந்தால் என்ன நடவடிக்கை எடுத்து இருக்கிறார்கள்? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Member gave us figures that 10,000 people have come away from the French Settlements. My figures are slightly different, namely, it is 1,500.”

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SRI K. MADHAVAN NAMBIAR :—“ ഗവണ്മെന്റിന്റെ കണക്കുകൾ ഒട്ടും ശരിയല്ല. കൂടുതൽ അഭയാത്ഥികൾ ഉണ്ടെന്നറിവില്ല. വീണ്ടും കണക്കുകൾ ശേഖരിച്ചു അവിടെ വേണ്ട സഹായം ചെയ്യാൻ കഴിയുമോ ? ”

SRI T. C. NARAYANAN NAMBIYAR :—“ Sir, the hon. Member says that the statistics given by the Government are not at all correct.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I cannot take it from the hon. Member that the statistics collected by our officers are wrong. Of course, statistics are generally right only up to a point. It may be both are right but we cannot say this as between 1,500 and 10,000.”

SRI S. RAMALINGAM :—“ பிரஞ்சு செட்டில்மெண்டு எல்லையில் இருக்கும் பாண்டிச்சேரி, காரைக்கால் பிரதேசங்களில் நம்முடைய மக்கள் அங்குள்ள போலீசாரால் தாக்கப்படுவதால் பலர் காயம் அடைந்ததாக பத்திரிகைகளில் செய்தி வந்தது. இதைத் தடுப்பதற்கு இந்த சர்க்கார் என்ன நடவடிக்கை எடுத்துக்கொண்டதாகள் ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, we are taking the greatest amount of interest in this matter but as it is an international and political matter all the things that we do cannot be set out to the general public in newspapers or in answers to questions in the House. It is a matter which we have to deal with very carefully. The Government of India is far more anxious to look after these people and to bring these difficulties to a termination than any Member of this House either on this side or on that side.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, the Hon. the Chief Minister was saying that it is an international question and beyond the control of this Government to help these refugees whose properties were left in Mahe. May I know, whether the Hon. the Chief Minister will be pleased to state, if these refugees who have left their houses and movable property in Mahe are prepared to go there with the help of the democratic public and take the movable properties from their houses, that police aid will not be given in favour of this Foreign Settlement? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I am surprised at the naivete of the hon. Member. We cannot possibly send our policemen into French territory without taking the risk of both sets of people, police officers and men, being arrested and put in prison. We cannot do such a thing. We are trying to give employment to those who are fit for employment and we are trying to do all that we can for them. We cannot go and interfere in the internal police affairs of the other State.”

Mobile medical units.

* 390 Q.—**SRI V. R. KRISHNA AYYAR :** Will the Hon. the Minister for Health be pleased to state whether the Government have received nay representation or report requesting that mobile

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medical units be made permanently available at the rate of one for every five or six villages; and if so, the action taken by them thereon?

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

SRI V. R. KRISHNA AYYAR :—“ Sir, in view of the fact that in Malabar it is very difficult to get medical aid on account of the hospitals being few and far between and on account of their inaccessibility by road, would the Government consider the permanent establishment of Mobile Medical Units for visiting the villages, say, at the rate of one for each five or six villages? ”

THE HON. SRI A. B. SHETTY :—“ Sir, there are at present proposals under the consideration of Government for starting as an experimental measure four Mobile Medical Units based on Taluk Headquarters Hospitals and the hon. Member may be glad to know that one of the places suggested is Tellicherry. There is also another scheme for running Mobile Medical Units based on primary centres at the rate of one centre for each district which are not included in the first scheme. It will be very difficult to start such Mobile Medical Units, one for every five or six villages, because it will cost a very huge amount.”

DR. K. B. MENON :—“ Sir, since this question has arisen because of the unsatisfactory character of medical aid in the rural parts, will the Government consider some kind of a proposal for improving medical aid by diverting the reserves in the Producer-cum-Consumer Societies by amending the Act? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, it is purely a financial suggestion.”

THE HON. SRI A. B. SHETTY :—“ I think the hon. Member may put a fresh question regarding this matter to the Hon. the Minister for Finance.”

SRI K. R. NALLASIVAM :—“ இந்த மாகாணத்தில் சமுதாயநல அபிவிருத்தி திட்டத்தின்கீழ் எத்தனை ‘மோபைல் மெடிகல் யூனிட்’ வேலை செய்துகொண்டிருக்கின்றன ? ”

THE HON. SRI A. B. SHETTY :—“ Sir, I do not think that there are any at present but, if the people of the area where the Health Centres are located make a contribution for this purpose, I think that within the Community Project areas these Mobile Medical Units can be started.”

SRI K. V. RAMASWAMI :—“ கிராம பிரதேசங்களில் மருத்துவ வசதி செய்வதற்கு வேறு என்ன சாத்தியமான நடவடிக்கையை எடுக்க சர்க்கார் உத்தேசித்திருக்கிறது ? ”

THE HON. SRI A. B. SHETTY :—“ Sir, the Government have at present under consideration a scheme for training a new type of medical and rural health worker, namely, the scheme which has been sent to this Government for consideration by the Central Ministry of Health.”

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SRI P. RANGASWAMI REDDIAR :—" Sir, may I know what is the extent of contribution expected from the people in the Community Project areas? "

THE HON. SRI A. B. SHETTY :—" At least 50 per cent, Sir."

SRI K. MADHAVAN NAMBIAR :—" ചകിത്താ ഞെക്കയങ്ങൾ തീരെ ഇല്ലാത്ത മല പ്രദേശങ്ങളിൽ ചികിത്സാസൗകര്യം ഒരു വലിയത് നൽകുവാൻ വാഗ്ദാനം ചെയ്തിട്ടുണ്ടോ? "

SRI T. C. NARAYANAN NAMBIAR :—" Sir, the hon. Member wants to know whether in the hilly tracts where at present there is no medical aid, the Government will consider the question of establishing these Mobile Medical Units? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir. The Government are at present having a Mobile Medical Unit in the Nilgiris for the purpose of giving medical relief to the Todas and other hill tribes."

SRI K. PARTHASARATHY :—" Sir, is the inability to provide more medical aid due to the reluctance of doctors to settle in rural areas and, if so, what action do the Government propose to take to provide doctors who have undergone a short course? "

THE HON. SRI A. B. SHETTY :—" Sir, the difficulty is due to the shortage of medical personnel and also to the general unwillingness of doctors to settle down in rural areas. I have already said that we have under consideration a scheme for training Auxiliary Medical and Health Personnel for this work."

SRI V. R. KRISHNA AYYAR :—" Sir, our recent experience in North Malabar is that these Mobile Medical Units are mobile but not medical in view of the fact that they were mostly distributing milk powder and not medicine. May I request the Hon. the Minister to see that they would be medical units in the real sense of the word and that they would be equipped with a complement of medical supplies? "

THE HON. SRI A. B. SHETTY :—" Sir, I do not think the hon. Member is right here. Wherever these Mobile Units are functioning the people welcome them. Our teaching Colleges in the Madras City and some other mufassal cities also are running such Mobile Units and they are very popular."

SRI S. C. VIRUPAKSHIAH :—" Sir, may I know where these Mobile Units are functioning? "

THE HON. SRI A. B. SHETTY :—" The proposal is to leave 2 units in the Tamil districts and two in the West Coast districts."

SRI M. PALANIYANDI :—" Sir, even in the first Budget of this Assembly, the Hon. the Minister for Public Health promised to provide Mobile Medical Units for all the districts. May I know why the Government have not kept their promise? "

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THE HON. SRI A. B. SHETTY :—" Sir, I did not make any such promise except to state that it will be considered. On account of financial difficulties due to drought and other conditions we have not been able to implement them so far. These are very costly schemes. For instance, the four Mobile Medical Units will cost Rs. 77,600 recurring expenditure and Rs. 1,03,200 non-recurring expenditure."

Construction of a road from Mukkam to Arikkode.

* 391 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Local Administration be pleased to state whether there is a proposal to construct a road from Mukkam in Kozhikode taluk, Malabar, to Arikkode in Ernad taluk? 9-30 a.m.

THE HON. SRI K. RAJARAM :—" No, Sir."

SRI K. P. GOPALAN :—" May I know from the Hon. Minister whether, in view of the fact that the road will be very useful for trade and purposes of communication, the Government will be pleased to consider the proposal? "

THE HON. SRI K. RAJARAM :—" It may be useful, Sir. If the proposal comes from the District Board, the Government will consider it."

SRI KUNHI MOHAMED SHAFEE :—" In view of the fact that there is already an old abandoned road in existence from Mukkam to Arikkode and that it can be repaired at a very comparatively low cost, may I know whether the Government will consider the necessity of repairing the road as soon as possible? "

THE HON. SRI K. RAJARAM :—" Yes Sir, there is already a road up to Mukkam. If the District Board sends up a proposal to the Government to extend it, it will be considered."

The Ayurvedic dispensary at Karivallur, North Malabar.

* 392 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Health be pleased to state the amount of money that the Government have allotted for the Rural Ayurvedic dispensary at Karivallur, North Malabar, yearly and the number of patients attending this dispensary daily?

THE HON. SRI A. B. SHETTY :—" The Ayurvedic dispensary at Karivallur is not one subsidised by the Government. The daily average attendance of the patients treated at the dispensary is 4 and 11 for the years 1952 and 1953, respectively."

SRI K. P. GOPALAN :—" May I know from the Hon. Minister when this Ayurvedic dispensary at Karivallur was opened, when the doctor for this dispensary was appointed, when Ayurvedic medicines for distribution to the patients reached the dispensary and when the doctor began to give treatment? "

THE HON. SRI A. B. SHETTY :—" I have not got all those particulars. I understand that the medical officer joined duty on 10th December 1952."

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SRI V. R. KRISHNA AYYAR :—“ Since Ayurvedic science has been developed in Malabar so far as this State is concerned and since there is acute deficiency in medical facilities, would the Government consider the establishment of Ayurvedic hospitals in various places in the villages of the district of Malabar? ”

THE HON. SRI A. B. SHETTY :—“ I am not sure that Ayurvedic science has developed in Malabar. It is only surviving there. There are a large number of Ayurvedic dispensaries in every district and so also in Malabar.”

SRI K. P. GOPALAN :—“ May I know whether the Hon. Minister for Health is aware that after the opening of the dispensary at Karivallur, for ten months there was no medicine in the dispensary and that the people who visited the dispensary had to return without medicines? ”

THE HON. SRI A. B. SHETTY :—“ This is a matter for the District Board.”

Import of ' Songu Cholam ' from Australia.

* 393 Q.—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Finance be pleased to state—

(a) how many persons were affected by consuming ' Songu Cholam ' imported from Australia which was found to contain ' Dhatura ' seeds on examination;

(b) what was the nature of the injurious effect produced by eating it and how it happened that such stuff was allowed to be marketed;

(c) what measures were taken by the Government following the report of the Government Analyst; and

(d) what was done with the remaining stock of the cholam that was withdrawn from the market?

THE HON. SRI C. SUBRAMANIAM :—“ (a) Sixty-eight persons were affected.

“ (b) (i) The injurious effects produced by eating the Sorghum were giddiness, losing consciousness, symptoms of delirium in some cases, and in some other cases the affected people turned turbulent and appeared mentally deranged.

(ii) Two allotments of Australian Sorghum ex S.S. “ Nord-vest ” and S.S. “ Franta ” were made by the Government of India under the basic plan, just as milo from other foreign countries or jowar from other States. There were no special or peculiar circumstances which led to the import of these stocks and they were distributed in the usual manner.

“ (c) Telegraphic instructions were issued to the Collectors concerned to stop issues pending further orders. Detailed

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instructions regarding the cleaning of sorghum stocks contaminated with dhatura seeds were also issued. The stocks are being cleaned now, and for this purpose the Government have sanctioned a special staff.

“ (d) The stocks of sorghum withdrawn from the market are being cleaned, and in most of the districts the cleaning work is in progress.”

SRI M. NARAYANA KURUP :—“ May I know, Sir, whether it is a fact that allotments of Australian sorghum were made to other States also and that no injurious effects were produced by eating the sorghum there and whether they were noticed in this State only and the reasons therefor? ”

THE HON. SRI C. SUBRAMANIAM :—“ I am not aware of the fact whether there were any injurious effects noticed in other States. Anyhow I shall try to get the information.”

SRI C. KANDASAMY :—“ இதுபற்றி ஆஸ்திரேலிய அரசாங்கத்திற்கு தெரிவித்து, அதுபற்றி ஏதாவது பதில் கேட்கப்பட்டதா? ”

THE HON. SRI C. SUBRAMANIAM :—“ Yes, Sir. The matter has been taken up with the Australian Government and we have not yet received the reply.”

SRI M. S. MOGRAL :—“ May I know from the Hon. Minister the amount of loss incurred by the Government on account of destroying the balance of sorghum left with the Government? ”

THE HON. SRI C. SUBRAMANIAM :—“ No stock was destroyed. It was only cleaned, and of course in that way we have incurred some loss and I do not have now the actual figures of loss incurred in this connection.”

SRI P. KUNHIRAMA KIDAV :—“ May I know whether any death was reported as a result of taking the Australian sorghum and whether the Government have paid any compensation to the families of the deceased? ”

THE HON. SRI C. SUBRAMANIAM :—“ Only in Ramanathapuram district one child succumbed to the effects of this poisoning and no other case of death has been reported to the Government.”

SRI P. RANGASWAMI REDDIAR :—“ May I know whether the Government can say whether dhatura seeds were mixed or whether dhatura in powder form was mixed with the sorghum stocks, whether it was mixed in Australia or whether it was mixed after it was imported and whether the mixing of dhatura was discovered before the sorghum stock was sent to Chemical Examiner for analysis or whether it was discovered after it was sent for chemical analysis? May I also know why the Government did not take steps to examine the sorghum stocks before it was released to the public for consumption? ”

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THE HON. SRI C. SUBRAMANIAM :—“ Since these dhatura seeds were found even in unopened stocks, our inference is that the mixing of the dhatura seeds was done in Australia and we have taken up this matter with the Australian Government.”

SRI K. PARTHASARATHY :—“ The Hon. Minister for Food while answering questions referred ‘ Songu Cholam ’ as ‘ Sorghum ’. May I know whether it is called so because it helps the consumer during the period of giddiness to realise the dream of attaining ‘ the much coveted swargam ’ ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The word ‘ swargam ’ and the word ‘ cholam ’ are intimately connected.”

SRI M. NARAYANA KURUP :—“ May I know whether the Government examine the foodstuffs imported from foreign countries as to whether they are injurious or not before releasing them for public consumption? ”

THE HON. SRI C. SUBRAMANIAM :—“ This is the only instance we have come across. Certainly we will be more careful in future.”

Sri Balakrishna Lalji temple, Kozhikode.

* 394 Q.—SRI A. APPU : Will the Hon. the Minister for Religious Endowments be pleased to state whether any complaint has been received from Kozhikode that Sri Balakrishna Lalji Temple has not been thrown open to Harijans; and if so, what action has been taken by the Government and when the complaint was received?

THE HON. SRI K. VENKATASWAMI NAIDU :—“ In November 1948, a complaint was received from the Secretary of the Malabar Harijan Sevak Sangh that Sri Balakrishna Laljee Temple, Kozhikode, had not been thrown open to Harijans. It is the subject-matter of a suit in the High Court, Madras, by the trustee of the temple.”

MR. SPEAKER :—“ As the matter is said to be *sub judice* I pass on to the next question.”

Extension of the Kattiampalli-Pavannur road to Irikkoor.

* 395 Q.—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the reasons for dropping the original plan of extending the Kattiampalli-Pavannur road to Irikkoor via Chedicherry; and

(b) whether the Government have any scheme to repair the abovementioned road?

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THE HON. SRI K. RAJARAM :—“ (a) There is a village road from Kattiampalli up to Mayyil only which is being maintained by the Malabar District Board. There is a track from Mayyil to Pavannur and on to Irikkoor via Chedicherry which is an unmaintained earthen road. There is no proposal to take up the said track for maintenance by the Malabar District Board.

“ (b) No, Sir.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, the Hon. Minister has committed some error in his answer to my question. There is already a road from Mayyil up to Pavannur constructed by the District Board. My question is why the original plan of extending the Kattiampalli-Pavannur road to Irikkoor has been given up and the alignment changed? ”

THE HON. SRI K. RAJARAM :—“ I am only giving the answer prepared by the Special Officer of the District Board. It is not clear how the hon. Member was saying that the District Board was maintaining the road.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, I belong to the area concerned and I know the place. I know everything there. I know there is the road from Kattiampalli to Pavannur? ”

THE HON. SRI K. RAJARAM :—“ I have already stated that there is an earthen road, but it is not maintained by the District Board.”

X-ray plant for the Government Hospital, Cannanore.

* 396 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Health be pleased to state whether the Government have decided to instal an X-ray plant in the Government Hospital, Cannanore?

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

SRI K. P. GOPALAN :—“ In view of the fact that even the members of the profession have to go to Kozhikode for X-ray examination from Cannanore and Payyanur, and that it is very difficult for patients to go to Kozhikode from Cannanore, will the Government be pleased to instal an X-ray plant in the Cannanore hospital? ”

THE HON. SRI A. B. SHETTY :—“ The Government have set up X-ray apparatus for diagnostic work in City hospitals, District Headquarters Hospitals, and Tuberculosis sanatoria and clinics. On account of the lack of sufficient number of people trained in this work and also on account of the large sums required for buying X-ray apparatus, we have not yet installed X-ray diagnostic units in taluk headquarters hospitals except in about three places.”

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SRI C. KANDASAMY:—“What is the cost of an X-ray plant, and does any private medical practitioner have any X-ray plant in Cannanore?”

THE HON. SRI A. B. SHETTY:—“There is a private X-ray clinic there. The Director of Medical Services is considering how X-ray diagnosis can be provided at this private clinic for poor patients attending Government hospitals.”

Propaganda tours by Ministers in regard to the new Elementary Education Scheme.

* 397 Q.—SRI A. RATNAM: Will the Hon. the Minister for Finance be pleased to state—

(a) how many meetings in the Tamilnad were addressed by the Hon. Chief Minister and other Hon. Ministers on the new Elementary Education Scheme; and

(b) whether travelling expenses for attending these meetings were debited to Government account; and if so, how much?

THE HON. SRI C. SUBRAMANIAM:—“(a) The Ministers are entitled to explain and defend the policies of Government during their official tours. While some meetings and conferences were convened specifically to explain the Modified Scheme of Elementary Education, there were other meetings at which the Chief Minister, the Minister for Finance and Education, and the other Ministers have touched upon the New Scheme among other important subjects as it was their proper function and duty to do.

“(b) The Ministers' official tours are to be paid for from Government account.”

SRI A. RATNAM:—“புதிய கல்வித் திட்டத்தை விளம்பரப்படுத்த அமைச்சர்கள் பிரசாரம் செய்து இருக்கிறார்கள். அதே காலத்தில் பல காங்கிரஸ் மெம்பர்களும், பல மாற்று கட்சியினரும் அதைக் கைவிடவேண்டுமென்று கேட்டுக்கொண்டும் கைவாடப்படவில்லை. எனவே 23, 24 தேதிகளில் ஈரோட்டில் பெரியார் ஈ. வே. ராமசாமி அவர்கள் தலைமையில் பல லட்சக்கணக்கான மக்கள் இப்புதிய கல்வித் திட்டத்தை எதிர்த்து அசெம்பிளியை நோக்கி படையெடுக்க கூடப்போகிறது என்பது அரசாங்கத்திற்கு தெரியுமா? அப்படியானால் என்ன.”

MR. SPEAKER:—“இந்த கேள்வியோடு ஒரு சம்பந்தமும் இல்லை. Next question.”

SRI S. SWAYAMPRAKASAM:—“Sir, he was just beginning to put the question, at the end.”

MR. SPEAKER:—“He wants to know whether the Government are aware of the fact that Sri Ramasami Naicker held a meeting in which thousands of people were present. That is his question.”

SRI T. SHANMUGAM:—“பாயின்ட் ஆப் ஆர்டர், சார், ஸ்ரீ ஈ. வே. ராமசாமி பெரியார் பேச்சு இங்கு வரக்கூடாது?”

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MR. SPEAKER:—“ஸ்ரீ ரத்தனம் கேள்வியில் இதுபற்றி இல்லை. ஆகவே அதைத் தெரிந்துகொள்ளுங்கள் முதலில். உங்களுக்கு தெரியாமல் நீங்கள் பேசாதீர்கள். கேள்வியிலிருந்து இது எழவில்லை என்பதைத் தெரிந்து கொள்ளுங்கள்.”

(Sri T. Shanmugam remained standing while Mr. Speaker was on his legs.)

THE HON. SRI C. SUBRAMANIAM:—“Order, order.”

(Point of order *re.* the Leader of the House saying “order, order” when decorum in the House is involved.)

SRI K. P. GOPALAN:—“Sir, I rise on a point of order. When the supplementary question was being put, the Hon. the Finance Minister said ‘order, order’. I want to know whether the Hon. Speaker or the Finance Minister and Leader of the House conducts this Assembly.”

THE HON. SRI C. SUBRAMANIAM:—“I can rise and point out to the Speaker that there is disorder by saying ‘order, order’.”

THE HON. SRI C. RAJAGOPALACHARI:—“When the Hon. Speaker has given his ruling, and the hon. Member is not found obeying, it is the custom in all Legislatures including the British Parliament for other Members to say ‘order, order’.”

MR. SPEAKER:—“There is no objection to hon. Members saying at times ‘order, order’. I will give an instance. When one hon. Member is addressing the House, and another hon. Member passes between the Chair and the Member addressing him, hon. Members can cry out ‘order, order’ to draw the attention of the Chair. This is perfectly in order.”

Desilting of the Kolianur channel.

* 398 Q.—SRI V. R. NAGARAJAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government received representations from the ryots of the villages served by the Kolianur channel flowing through Villupuram town about the unsatisfactory conditions of the channel;

(b) what steps the Government have taken to restore the channel to its original condition; and

(c) whether the Government would issue orders to the Villupuram Municipality and the Southern Railways for the immediate desilting of the channel in their respective jurisdictions over the channel?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“(a) & (b) Government have not received any representation in the matter. Representations have however been received by the Collector of South Arcot who has asked the Executive Engineer, South Arcot Division, to take necessary

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action for effecting silt clearance of the channel at State cost as a special case and to prepare an estimate for the work.

"(c) No, Sir. The Villupuram Municipality and the Southern Railways are not liable to repair the channel."

Suspension of the Coonoor Municipal Council.

* 399 Q.—SRI N. K. PALANISAMI: Will the Hon. the Minister for Local Administration be pleased to state the reasons for the suspension of the Coonoor Municipality?

THE HON. SRI K. RAJARAM:—"The attention of the hon. Member is invited to the notification appended to G.O. No. 1709, L.A., dated 12th August 1953, which states the reasons for the supersession of the Coonoor Municipal Council for two years, a copy of which was placed on the table of this House on the 14th December 1953."

SRI N. K. PALANISAMI:—"காங்கிரஸ்காரர்கள் மெஜாரிட்டி இல்லை என்ற காரணத்தால் அந்த முனிசிபாலிட்டி கலைக்கப்பட்டதா?"

THE HON. SRI K. RAJARAM:—"The municipality itself agreed to the supersession."

(Sri A. Ramasamy Tevar was seen raising hand.)

MR. SPEAKER:—"நீங்கள் பேசாமல் நில்லுங்கள், போதும். கையை அப்படியும் இப்படியும் தூக்கக் காண்பிக்கவேண்டாம்."

SRI A. RAMASAMY TEVAR:—"Thank you for your compliment, Sir."

MR. SPEAKER:—"It is no compliment. (Laughter.) Let the hon. Member put the question."

SRI A. RAMASAMY TEVAR:—"May I know from the Hon. Minister for Local Administration whether, in view of the fact that most of the Municipal Commissioners are administering municipalities in a haphazard manner thinking themselves pinchback 'Mussolinis', the Government will consider the feasibility of superseding all municipalities chiefly to let all the Commissioners scot-free to carry on the administration?"

THE HON. SRI K. RAJARAM:—"Whenever the Government find that any municipal council is not able to carry on its business, that municipal council will be superseded."

SRI N. K. PALANISAMI:—"அங்கிருந்து ஜனங்கள் சார்பாக தூது கொஷ்டி வந்ததா? அப்படி வந்திருந்தால் அங்கே இருக்கக்கூடியவர்கள் அங்கு முனிசிபாலிட்டியை ஏற்படுத்தவேண்டும் என்று சொல்வதாகச் சொன்னார்களா? அதன்படி என்ன நடவடிக்கைகள் அரசாங்கம் எடுத்திருக்கிறது?"

THE HON. SRI K. RAJARAM:—"No, Sir. I am not aware of any such thing."

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SRI S. DEIVASIGAMANY:—"Sir, I must confess that there are some of us who have not gone through the Government Order referred to by the Hon. Minister. May I know what are the reasons for the supersession of these municipalities?"

THE HON. SRI K. RAJARAM:—"The newly elected Coonoor Municipal Council came into office on 1st November 1952. Sri K. I. Varghese was elected as its Chairman on 20th November 1952. Within a month of his election numerous petitions from councillors containing allegations against him were received by Government. An enquiry into the allegations from councillors containing allegations against him rival groups and was torn by bitter faction, resulting in one party trying to undo the work of the other, and that the Council was unable to transact any business. Both the Regional Inspector of Municipal Councils and Local Boards, Western Range, and the Inspector, after personal inspection, recommended the supersession of the municipality for two years. In G.O. No. 1557, L.A., dated 17th July 1953, the Coonoor Municipal Council was called upon under section 41 (1-A) of the District Municipalities Act, 1920, to show cause within a month why it should not be superseded for a period of two years for the reasons stated therein. The municipal council in its resolution No. 854, dated 29th July 1953, agreed to the supersession for two years. In other words it had admitted the charges levelled against it, in the Government Order, dated 29th July 1953. The municipal council was therefore superseded for two years from 26th August 1953 as it had become incompetent to perform the duties imposed on it by law."

SRI M. NARAYANA KURUP:—"Sir, inasmuch as the condition inside the municipality was a projection of the conditions outside, may I know what proposals the Government have to set right the conditions outside the municipality?"

THE HON. SRI K. RAJARAM:—"It all depends upon local politics."

SRI M. PALANIYANDI:—"அந்த கௌன்ஸிலிலுள்ள மெஜாரிட்டி யார் அந்த முனிசிபாலிட்டி நடவடிக்கைகள் நடக்கமுடியாமல் தடுத்ததா? அப்படி தடுத்ததினால்தான் அதை கலைக்கப்பட்டதா? அதேமாதிரியாக எல்லா ஜில்லாக்களிலும் அப்படி தடுப்பதற்கு இடம் கொடுக்கவில்லையா அரசாங்க நடவடிக்கை?"

THE HON. SRI K. RAJARAM:—"It is not at all possible. A minority cannot obstruct the proceedings of the House."

Hostels for Harijans.

* 400 Q.—SRI A. RATNAM: Will the Hon. the Minister for Animal Husbandry be pleased to state—

(a) how many hostels for Harijans were opened by the Government in the State this year (1953-54);

(b) the names of the places and the names of the hostels districtwar and the number of students (boys and girls) maintained in them;

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(c) whether any subsidized hostels in those places were cancelled;

(d) if so, the names of the subsidized hostels whose recognition was cancelled and the number of students maintained in those hostels during the year 1952-53;

(e) the total subsidy granted to each of the hostels last year; and

(f) the total estimated cost of running the new hostels by the Government?

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“(a), (b) & (f) Three hostels in the Residuary State. The total estimated expenditure is Rs. 55,896 recurring and Rs. 700 non-recurring. Other details are furnished in the statement placed on the table of the House.

“(c) Yes.

“(d) & (e) Please see the statement No. II placed on the table of the House.”

SRI A. RATNAM:—“ஹரிஜன் ஹாஸ்டல்களில் ஒரு பகுதி மாணவர்களுக்கு மட்டும் ம. த. ம. ரூ. 15 வீதம் மான்யம் கொடுக்கப்படுகிறது. எனவே நூற்றுக்கணக்கான மாணவர்கள் வசதி அற்று திண்டாடுகிறார்கள். அதைப் பற்றி ஹரிஜன் டைரெக்டர் அரசாங்கத்திற்கு போதிய மான்யம் கோரி இருக்கிறாரா? எனவே உடனடியாக ஹரிஜன் மாணவர்களுக்கு வசதி செய்ய அரசாங்கம் போதிய மான்யம் ஒதுக்குமா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“This question cannot be satisfactorily dealt with unless Government are in a position to allot very large amount in this respect.”

SRI M. MARIMUTHU:—“இப்பொழுது ராஜாமடம், ஒர்த்தநாடு இந்த இரண்டு இடங்களிலும் ஹரிஜன் மாணவர்கள் வருஷா வருஷம் எத்தனையோ பேர்கள் ஹாஸ்டலில் சேர்ந்தோ சேராமலோ மவனியில் சாப்பிட்டுக் கொண்டு வருவது மந்திரி அவர்கள் தெரிந்து சொல்லுவாரா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“A separate question may be put, Sir.”

SRI O. KORAN:—“May I know whether the Government will consider the desirability of opening hostels for Harijan girls in Malabar?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“The matter will be looked into, Sir.”

SRI D. KRISHNAMURTHI GOUNDER:—“இன்மேல் புதிதாக திறக்கப்படும் ஹாஸ்டல்களுக்கு மான்யம் கொடுக்க அரசாங்கம் யோசிக்குமா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“Government have got a plan to start fresh hostels every year.”

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SRI K. R. VISWANATHAN:—“May I know the reasons for the cancellation of the recognition of these three hostels?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“Sir, in the opinion of the Government some of these hostels were not run properly and mismanagement was reported. Hence the recognition was withdrawn.”

SRI R. S. ARUMUGAM:—“தனிப்பட்ட முறையில் யாராவது மாணவர்களை நட்டத்தியதை நீக்கிவிட்டு சர்க்கார் ஏற்று நடத்துவதால் தனிப்பட்ட மாணவர்களை நட்டத்தியதை பாதிக்கப்பட்டு ஏதாவது நஷ்டம் ஏற்பட்டவர்களுக்கு சர்க்கார் நஷ்ட ஈடு தொகை கொடுக்க முடியுமா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“No, Sir.”

SRI S. R. ARUMUGAM:—“கோயம்பத்தூரில் காலேஜ் மாணவர்களுக்கு ஒருவர் தனிப்பட்டவர் என்ற முறையில் ஹாஸ்டல் நடத்தி வந்தார். அது ஏன் மூடப்பட்டது? அதை மறுபடியும் எடுத்து நடத்துவதற்கு சர்க்கார் யோசிக்குமா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“Notice, Sir.”

SRI S. SWAYAMPRAKASAM:—“The Hon. Minister said that because of mismanagement of the hostels, recognition was withdrawn. What arrangements were made for the continuance of the boarding arrangements for the students?”

THE HON. SRI C. RAJAGOPALACHARI:—“Government are quite aware of the difficulties as much as the hon. Members are aware of the difficulties. Unfortunately both in the matter of aided schools and in the matter of aided hostels, certain men have made use of them as a sort of private business. We are trying our best to avoid irregularities and make the best arrangement possible.”

SRI P. G. MANICKAM:—“கோயம்பத்தூரிலுள்ள சுவாமிநாத ஹாஸ்டலிலே இருக்கும் கவர்ன்மெண்ட் சாமான்களை கவர்ன்மெண்டார் எடுத்துக் கொண்டதா, இல்லையா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“Notice, Sir.”

SRI A. RATNAM:—“ஹரிஜன் ஹாஸ்டல்கள் ரத்து செய்த பிறகு கவர்ன்மெண்டார் அதை எடுத்து நடத்துகிறார்களா? ஆனால் அதே ஹாஸ்டல் பிள்ளைகளை கவர்ன்மெண்டார் ஹாஸ்டலில் எடுத்துக்கொள்வதால் மாணவர்கள் அவதிப்படுவது அரசாங்கத்திற்குத் தெரியுமா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“No such grievances were brought to the notice of the Government. If they are real grievances, they will be looked into, if brought to the notice of Government.”

SRI S. RAMASAMY NAIDU:—“ரத்து செய்யப்பட்ட ஹாஸ்டல்களின் நிர்வாகஸ்தர்களிடமிருந்து சர்க்காருக்கு பணம் வரவேண்டியதாக இருக்கிறதா?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“I want notice, Sir.”

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Formation of roads in Kadampuliyur firka.

* 401 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the amount of contribution made by the villagers to form roads in the rural welfare centres in Kadampuliyur firka in South Arcot district so far?

THE HON. SRI M. BHAKTAVATSALAM:—"The villagers have contributed only in the form of labour to the extent of Rs. 9,405-5-0."

SRI K. ARANGANATHAN:—"சென்ற ஆண்டுகளில் ரோடுகள் (பெயர்கள்) மாங்களில்தான் தொங்கிக்கொண்டிருக்கின்றன என்று புகார் சொல்லப்பட்டது. இந்த ஆண்டு ரோடுகள் போடப் படிருக்கின்றனவா? எத்தனை ரோடுகள் கிராமங்களில் போடப்பட்டிருக்கின்றன? அவைகளின் நீளம் எவ்வளவு?"

THE HON. SRI M. BHAKTAVATSALAM:—"Sir, twelve roads were sanctioned and six roads have been completed. Six other roads are pending completion because of the obstruction of owners of land over which the roads have to pass. Acquisition under the Land Acquisition Act is under consideration of the Government. I have no information about the length of the roads."

Inam villages.

* 402 Q.—SRI S. T. ADITYAN: Will the Hon. the Minister for Land Revenue be pleased to state when the Government propose to introduce legislation to amplify section 3 (2) (d) of the Madras Estates Land Act, 1908, defining an 'Inam village' in pursuance of their undertaking to do so?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The matter is under the consideration of the Government. This was a subject of decision by a Bench of the High Court, and then by a Full Bench of the High Court. Therefore, Government are carefully examining it."

SRI S. T. ADITYAN:—"How long is it since the promise was made by Government that the amendment will be made?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"As to when the promise was made, probably the hon. Member is better aware than myself. I shall try to expedite the matter."

Quality and quantity of rice despatched from Vijayavada to Cannanore.

* 403 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state with reference to the answer given to starred question No. 1027 answered on 25th July 1953, whether the Government have taken any final decision in the matter?

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THE HON. SRI C. SUBRAMANIAM:—"The matter is still under investigation and a final decision has not yet been taken by the Government."

Appointment of Collectors.

* 404 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Chief Minister be pleased to state—

(a) the number of Collectors in the State who belong to Backward Classes; and

(b) the number of direct recruits and the number appointed by transfer from the grade of Deputy Collectors?

THE HON. SRI C. RAJAGOPALACHARI:—" (a) None of the Collectors belongs to the Backward Classes as distinguished from the Scheduled Castes. There are two Collectors of the latter group. But if we take in all officers of Collectors' rank including those in posts other than district charge, there are six Scheduled Caste officers of that rank."

" (b) The posts of Collectors are not filled by direct recruitment. Of the fourteen Collectors, six belong to the I.C.S., six to the I.A.S. recruited from among Deputy Collectors and two appointed to the I.A.S. by open competition."

SRI K. R. VISWANATHAN:—"In view of the fact that none from the Backward Classes is acting as Collector in the whole of the State, am I to infer that the reservation of 25 per cent of all kinds of posts for the Backward Classes is a farce?"

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, there is no question of direct recruitment to the posts of Collectors as such. They must be promoted from below. Hon. Member will realize the inappropriateness of making any reservation like that for particular posts. But so far as the bottom recruitment goes, hon. Member knows what the arrangements are."

SRI K. VINAYAKAM:—"Sir, arising out of the answer given by the Hon. the Chief Minister to clause (a), is it not a fact that the Collector of Chingleput, Sri Muthirulandi, belongs to the Backward Classes?"

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, as I have already said, if the distinction between the Scheduled group and the Backward Classes is kept in mind, hon. Member will not misunderstand me when I say that the Collector of Chingleput is marked down in the Scheduled group."

SRI A. RATNAM:—"சென்ற ஆண்டில் சாதாரணமாக எத்தனை ஜில்லாக் கலெக்டர்கள் ஹரிஜனங்களைச் சேர்ந்தவர்கள் என்று கேட்டதற்கு தோழர் முத்திருளாண்டியை ஹரிஜன இனத்தைச் சேர்ந்தவர் என்று முதல் அமைச்சர் கூறி இருக்கிறார். நான் கேட்டேன், தோழர் முத்திருளாண்டியை 20 ஆண்டுகளுக்கு முன்பு இருந்தாரா?"

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THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member is wrong in misusing the term Harijan in that case. What I said was that the Collector of Chingleput, the present Collector Sri Muthirulandi, is one who is to be classified under the Scheduled group as distinguished from the Backward Class. It is not new. It was the old classification. This has got to be kept in mind, along with particulars furnished in his personal papers."

10 a.m. SRI C. RAJAM RAMASWAMI :—" May I know, Sir, whether there are any Collectors belonging to the Vanniyakula community who claim to be more than 70 per cent of the total population of this State? "

THE HON. SRI C. RAJAGOPALACHARI :—" We will reach the time when all these classifications will become utterly anomalous and intolerable. At present we are trying our best to help those people who are backward."

SRI V. BALAKRISHNAN :—" Sir, are these figures furnished proportionate to the percentage fixed for Backward Classes in this cadre of services in this State? "

THE HON. SRI C. RAJAGOPALACHARI :—" There is no object to be gained by making things immediately proportionate. If we do that the anomaly will be greatly exaggerated. The best possible arrangements have been made in the Constitutional changes that were made recently."

MR. SPEAKER :—" I will take five more minutes and finish the rest of the questions."

Bridge at Chethukatavu on the Kozhikode-Mukkam road.

* 405 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that a bridge was existing at Chethukatavu on the Kozhikode-Mukkam road some years ago;

(b) if so, when it actually disappeared; and

(c) whether any steps have been taken to put up a bridge there again?

THE HON. SRI K. RAJARAM :—" (a) A bridge appears to have existed at the place some years ago.

" (b) No records are available to show as to when it actually disappeared.

" (c) No, Sir. It is a question for the consideration of the district board."

SRI K. P. GOPALAN :—" If the people of the locality are prepared to make contributions to construct the bridge, will the Government be pleased to consider the matter? "

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THE HON. SRI K. RAJARAM :—" Yes, Sir. Let the hon. Member approach the Collector who may even include this item in the local development programme."

Resettlement of the zamindari areas.

* 406 Q.—SRI A. RATNAM : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) when the resettlement of the zamindari areas taken over by the Government is likely to be completed;

(b) how many acres and villages have been resettled so far; and

(c) how many zamindaris are still under dispute?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" (a) The survey work is likely to be completed by April 1958. After the completion of the Survey work, a large volume of statutory enquiries under the Abolition Act has to be completed and settlement work itself consists of a number of stages beginning with the classification of soil, etc. Hence the settlement work is likely to take at least four or five years after the completion of the survey work. It is likely to be completed by 1963.

" (b) Settlement work has not been completed in all its stages in any district so far. Soil classification has been completed in 927 villages comprising 1,119 square miles."

" (c) The number of estates under dispute is 144."

Survey of the estates taken over by the Government.

* 407 Q.—SRI D. KRISHNAMURTHY GOUNDER : Will the Hon. the Minister for Land Revenue be pleased to state when the survey of the estates taken over by the Government will be completed?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The survey work in the estate areas taken over by the Government under the Abolition Act is likely to be completed by April 1958."

Assignment of lands to Scheduled Castes in Ponneri taluk.

* 408 Q.—SRI O. CHENGAM PILLAI : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many acres of land were assigned to the Scheduled Castes in Ponneri taluk, Chingleput district, during the year 1952;

(b) how many applications were received; and

(c) how many were rejected and for what reasons?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" (a) Nil.

" (b) Ninety-six.

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“(c) Ninety-one applications were rejected for the reason that all the lands applied for were objectionable poramboke lands.”

SRI O. CHENGAM PILLAI :—“ பொன்னேரி தாலுகா, பஞ்செட்டி கிராமத்திலுள்ள ஹரிஜன மக்கள் சுமார் 40 குடும்பங்கள் பயிரிட்டிருந்த நிலங்களில் சமீபத்தில் எந்நகதிர் முற்றி வருவதற்கு முன் அந்த பிரக்கா ரெவினியூ இன்ஸ்பெக்டர் அவருடைய ஆய்வுக்கொண்டு அறுத்துவிட்டு வாஸ்தவமா? அதற்காக என்ன நடவடிக்கை அரசாங்கம் எடுத்துக்கொண்டார்கள்? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ This is a different question, but still I shall answer it. I am taking very speedy action in the matter.”

Community projects in Pudukkottai division.

* 409 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of community works or projects started in Pudukkottai Division of Tiruchirappalli district for the years 1952-53 and 1953-54;

(b) the places where they were started and the nature of such works; and

(c) their cost and the contribution to it from the communities?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) No project has so far been set up in Pudukkottai.

“(b) Does not arise.

“(c) Does not arise.”

Construction of a road from Eruvasi to Coorg.

* 410 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the possibility of a road connection from Eruvasi in Irikkoor firka to Coorg has been considered by the Government; and

(b) if so, the final decision regarding the matter?

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

“(b) Does not arise.”

Community Projects Scheme for the Chingleput district.

* 411 Q.—SRI K. VINAYAKAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that some villages in Chingleput district have been chosen for improvement under the Community Projects Scheme;

(b) if so, the names of those villages; and

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(c) the improvements that have so far been effected in those villages?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) to (c) A statement” is laid on the table of the House.”

SRI K. VINAYAKAM :—“ Sir, will the Hon. Minister for Agriculture assure this House that the suggestions made by the villagers for the improvement of the scheme will be taken into consideration by the Government and is he aware of the fact that some of the officers employed under this scheme are going about canvassing in the villages, that only if they vote for the Congress Party in future, such kind of schemes will fructify in their areas? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ No assurance is necessary from me. I welcome suggestions for implementing the Community Project Schemes from these people. I want the hon. Member to take more active interest in canvassing suggestions like that. I can tell the hon. Member that I am not aware of any instance of officers doing any political work and if there is any specific instance and if he writes to me specifically about it, I shall look into the matter.”

Consumption of sugar in the State.

* 412 Q.—SRI A. RATNAM: Will the Hon. the Minister for Finance be pleased to state—

(a) what was the annual consumption of sugar in our State during the ration period;

(b) what is the approximate consumption of sugar annually at present;

(c) what was the stock of sugar held in the Nellikuppam Distilleries and Sugar Factory, Limited, South Arcot, last year;

(d) what was the production of the E.I.D. & S.F. Limited, this year; and

(e) the total deliveries from the company this year?

THE HON. SRI C. SUBRAMANIAM :—“ (a) Nearly 55,000 tons for Madras State as constituted at present.

“(b) Somewhat higher, up to probably 60,000 tons.

“(c) The stock of sugar held by the Nellikuppam factory on 1st November 1952 was 3,910 tons.

“(d) Total production in 1952-53 was 27,552 tons.

“(e) Total deliveries made from the factory from 1st November 1952 to 31st October 1953 come to 30,979 tons.”

SRI A. RATNAM :—“ நெல்லிகுப்பம் சர்க்கரை ஆலையில் உற்பத்தியாகும் சர்க்கரையில் ஆயிரக்கணக்கான மூட்டைகள் ஜப்பானுக்கும் மற்ற வெளி நாடுகளுக்கும் ஏற்றுமதி செய்யப்பட்டு, வெளிநாடுகளிலிருந்து சென்னை ராஜ்யத்திற்கு அதிகமான விலை கொடுத்து இறக்குமதி செய்து உண்டா? ”

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சர்க்கார் அப்படிச் செய்வதனால் நெல்லிக்குப்பம் ஆலையில் வேலைசெய்யும் தொழிலாளர்களினுடைய போனஸ் 10 சத விசதம் குறைந்திருக்கிறது. அரசாங்கத்திற்கும் நஷ்டம் ஏற்பட்டிருக்கிறது. அரசாங்கத்திற்கு கம்பெனியார் கணக்குகளை சரியாகக் காட்டுவதில்லையென்பதை அரசாங்கம் அறியுமா? அதற்காக அரசாங்கம் என்ன நடவடிக்கை எடுத்துக்கொள்ளுவார்கள்? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, the hon. Member is completely misinformed. There was no export of sugar from the Nellikuppam factory to any outside country."

SRI M. PALANIYANDI :—" சர்க்கரை குறைவாக இருக்கும்போது ஏன் அரசாங்கம் புகலூர் சர்க்கரை ஆலையை எடுத்து நடத்துவதற்கு முன் வரவில்லை? அதை அரசாங்கம் எடுத்து நடத்தினால் சர்க்கரை உற்பத்தி பெருக்கப்படும் என்பதை கனம் மந்திரி அவர்கள் அறிவார்களா? "

THE HON. SRI C. SUBRAMANIAM :—" That question may be addressed to the Minister for Agriculture."

SRI S. DEIVASIGAMANY :—" Is it a fact that the present price of sugar per viss is much higher than what it was last year? "

THE HON. SRI C. SUBRAMANIAM :—" It is slightly higher. It is not much higher."

Expenditure incurred by the Fisheries Department.

* 413 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the total net loss incurred, if any, by the Fisheries Department during the year 1952-53?

THE HON. SRI M. BHAKTAVATSALAM :—" The net expenditure incurred by the Government during 1952-53 on account of the Fisheries department was Rs. 15,88,496. This is a development department and therefore the expenditure cannot be spoken of as loss."

Repairs to Monappa Eri, Gingee taluk.

* 414 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state for how long the estimate for the repairs to Monappa Eri, Gingee taluk, South Arcot district, is pending sanction with the Government?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" No estimate is pending with the Government. The matter is under the consideration of the Collector of South Arcot and the Executive Engineer (Public Works Department), Cuddalore."

SRI K. ARANGANATHAN :—" How long it is pending with the Collector? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" It is pending for some time." (Laughter.)

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Dental course.

* 415 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Health be pleased to state—

(a) how many qualified dentists there are in the Madras General Hospital; and

(b) whether a dental course has been opened in Madras State?

THE HON. SRI A. B. SHETTY :—" (a) Two, Sir.

" (b) Yes, Sir."

SRI K. ARANGANATHAN :—" Is the Hon. Minister aware of the fact that when people suffering from teeth trouble go to the General Hospital for treatment, their teeth are extracted and boils are formed? As a result of this improper treatment, they are famously known as 'Shenoy boils'."

THE HON. SRI A. B. SHETTY :—" It is a very interesting information. I am not aware of it."

Retrenchment of teachers.

* 416 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Finance be pleased to state— 10-10 a.m.

(a) whether the Government have received any complaint regarding retrenchment of teachers due to the enforcement of the new Elementary Education Scheme; and

(b) if so, how many teachers have been retrenched?

THE HON. SRI C. SUBRAMANIAM :—" (a) & (b) None has been retrenched and no complaints have been received."

* SRI K. C. GOPALAN UNNI :—" ഈ വരുന്ന നടപ്പിൽ ഓന്നിരുന്നതും കൂടാതെ ഡിവിഷൻ ക്ലാസ്സ് ഹൈസ്കൂൾ ഗവണ്മെന്റ് അനുമാനം നിശ്ചയിച്ചിട്ടുണ്ടോ? "

SRI T. C. NARAYANAN NAMBIAR :—" (Translation) Sir, generally the classes are divided when the average attendance of the standards increase. In view of the new modified scheme being implemented the classes are not divided because the pupils are divided into two shifts and consequently retrenchment has taken place."

THE HON. SRI C. SUBRAMANIAM :—" Sir, no teacher has been retrenched on account of the implementation of the new modified scheme. If there is any such case, it may be brought to my notice and I will look into it."

Improvement of Kangayam breed of cattle.

* 417 Q.—SRI V. K. RAMASWAMY MUDALIAR: Will the Hon. the Minister for Animal Husbandry be pleased to state the result of the scheme for the improvement of Kangayam breed

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of cattle tried at the instance of the Indian Council of Agricultural Research at the Hosur Cattle Farm for the last so many years over that of the Kangayam breed at Pattagar's Farm?

THE HON. SRI V. C. PALANISWAMI GOUNDER :—" No scheme for the improvement of Kangayam breed of cattle was conducted at the Livestock Research Station, Hosur, at the instance of the Indian Council of Agricultural Research."

SRI S. DEIVASIGAMANY :—" Sir, how could there be an improvement in the breed of the cattle? If there is any improvement it will become hybrid."

THE HON. SRI V. C. PALANISWAMI GOUNDER :—" No, Sir. There is improvement in grade."

MR. SPEAKER :—" Next question. Mr. Aranganathan."

SRI K. ARANGANATHAN :—" Mr. Speaker, Sir, I request you to take up this question to-morrow."

THE HON. SRI C. SUBRAMANIAM :—" Sir, it will not be necessary in view of the answer I am going to give. It need not be taken up to-morrow because the answer is :

' The particulars are not yet available. They are being compiled.' "

The question was put.

Statistics about the students belonging to backward classes.

* 418 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Finance be pleased to state the total number of pupils and students of the backward classes (Hindus) reading in all the schools and colleges including technical and professional during 1952-53?

THE HON. SRI C. SUBRAMANIAM :—" The particulars are not yet available. They are being compiled."

Outbreak of cholera in certain areas in the Chingleput district.

* 419 Q.—SRI K. VINAYAKAM : Will the Hon. the Minister for Health be pleased to state—

(a) the number of cases of cholera that were reported from Ponvilaintha Kalathur, Perumal Eri, Kuppam of Tirukalikundrum in Chingleput district during the months of October and November 1953;

(b) how many were cured;

(c) how many of them died; and

(d) the steps taken by the authorities to prevent the spread of the epidemic in those areas?

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THE HON. SRI A. B. SHETTY :—" (a) to (c) The particulars are given below :—

Name of the village.	Number of attacks.	Number cured.	Number of deaths.
(1)	(2)	(3)	(4)
Ponvilaintha Kalathur ...	17	7	10
Perumaleri ...	16	9	7
Kuppam of Tirukalikundrum.	5	2	3

" (d) Immediately on receipt of reports of infection, Health Inspectors visited the villages and control measures such as inoculation, disinfection and chlorination of water sources, were instituted."

SRI K. VINAYAKAM :—" Sir, has the incidence of cholera now abated or is it still prevalent in these parts? Is it not also a fact that medical aid was rushed to the places affected only after havoc and ravage was wrought by the epidemic and that even when information was brought to the medical authorities at Chingleput the authorities did shrug their shoulders and say that they had not enough personnel to tackle this disease and much less enough stock of medicine? "

THE HON. SRI A. B. SHETTY :—" Sir, this particular disease has completely subsided in Chingleput district and there are only a few sporadic cases. I cannot understand what is the basis of the information the Member has to make such an allegation."

SRI K. VINAYAKAM :—" Sir, I am bringing to the notice of the Hon. the Minister for Public Health that I am the representative of that constituency and the basis of collecting this information is personal knowledge and the allegation made by the Hon. Minister that I am not posted with proper information is not correct? "

THE HON. SRI A. B. SHETTY :—" There were only 20 deaths here and I do not understand, Sir, why the hon. Member is exaggerating the matter like this."

SRI S. RAMASAMI NAIDU :—" Sir, have the Government received any report of the ameliorative work done by the representative of that area in regard to the prevalence of cholera? "

THE HON. SRI A. B. SHETTY :—" Sir, I presume the hon. Member is mostly in Madras City."

Tours of Revenue Divisional Officers and Sub-Collectors.

* 420 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Land Revenue be pleased to state whether there is any instruction to the Revenue Divisional Officers and Sub-Collectors that they should stay at Pirka Headquarters in their periodical tours in their jurisdictions?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" There is no such instruction."

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SRI K. ARANGANATHAN :—“ There are, Sir, instructions in the Board's Standing Orders that the Revenue Divisional Officers and Sub-Collectors should camp only in the headquarters of the firka when they tour in their jurisdiction. When there is an order like that, why should the Government say that there is no such instruction? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, there is no such order, as referred to by the hon. Member. There is an order that the halts and marches should be in the proportion of 1 : 2.”

Explanation re a question and reply.

THE HON. SRI C. RAJAGOPALACHARI :—“ Mr. Speaker, Sir, I wish with your permission to correct a mistake. When hon. Member, Sri V. Balakrishnan, put a supplementary question, I thought it referred to reservation for Backward Classes but I understand it was a question about reservation for Scheduled Castes. My answer was therefore not correct.”

SRI V. BALAKRISHNAN :—“ Excuse me, Mr. Speaker, my question referred only to reservation for Backward Classes.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Then my answer was correct.”

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

II.—ANNOUNCEMENTS BY THE HON. SPEAKER.

(1) MESSAGES FROM THE COUNCIL.

MR. SPEAKER :—“ I have to announce to the House that I have received messages, dated 7th January 1954, from the Hon. the Chairman, Madras Legislative Council, transmitting copies of the following Bills as agreed to by the Council without any amendments and signed by him :—

(1) The State Co-operative Societies (Reconstitution and Formation) Bill, 1954 (L.A. Bill No. 1 of 1954).

(2) The Madras General Sales Tax (Amendment) Bill, 1954 (L.A. Bill No. 2 of 1954).

(3) The Madras Preservation of Private Forests (Amendment) Bill, 1954 (L.A. Bill No. 5 of 1954).

(4) The Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954).

“ I have also to announce to the House the following message, dated 7th January 1954, received from the Hon. the Chairman, Madras Legislative Council :—

“ In accordance with rule 112 of the Madras Council Rules, I return the Madras Contingency Fund Bill, 1954 (L.A. Bill No. 3 of 1954), as passed by the Council on the 7th January 1954 without any recommendation and signed by me.”

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(2) MESSAGE FROM THE GOVERNOR.

“ I have also to announce to the House that I have received the following message, dated the 31st December 1953, from the Governor of Madras :—

“ In pursuance of Article 207 (1) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Muslim Wakfs Bill, 1953.”

III.—NON-OFFICIAL BUSINESS.

INFORMATION re ORDER OF PRECEDENCE AMONG BALLOTTED ITEMS.

SRI G. GOVINDAN :—“ கனம் சபாநாயகர் அவர்களே, தனி நபர் மசோதாக்கள் 1954-ம் ஆண்டு ஜனவரி மீ 4உ அன்று சட்டசபை உதவிக் காரிய தரிசி அவர்களுடைய காரியாலயத்தில் போட்டு எடுக்கப்பட்டன. அப்பொழுது சென்னை ராஜ்ய (ஆட்சி மொழி) மசோதாவானது முதல் ஸ்தானம் பெற்றது. ஆனால், இன்றைக்கு கிடைத்திருக்கும் நிகழ்ச்சி நிரலில் (agenda), கனம் அங்கத்தினர் ஸ்ரீ வி. கோபால் கவுண்டர் அவர்கள் கொடுத்த சென்னை மது விலக்கு (திருத்த) மசோதாவானது முதல் ஸ்தானம் பெற்றிருக்கிறது. இதற்குக் காரணமென்னவென்று தெரிவிப்பீர்களா? ”

SRI S. SWAYAMPRAKASAM :—“ Mr. Speaker, Sir, the hon. Member says that in the ballot held in the Assistant Secretary's room, the Bill given notice of by him got the first place but now in the Agenda, hon. Member Sri V. Gopala Gounder's Bill has been given the first place. He wants to know the reason for it.”

MR. SPEAKER :—“ The hon. Member should meet me in my Chamber. I cannot give a reply off-hand. I must go through the files.”

SRI D. KRISHNAMURTHY GOUNDER :—“ இந்த சட்டசபைக் கூட்டம் இன்னும் எத்தனை நாட்கள் இருக்கும் என்பதைத் தெரிவிக்கும்படி கேட்டுக்கொள்ளுகிறேன்.”

MR. SPEAKER :—“ நீங்கள் இந்தக் கேள்வியை Leader of the House வந்த பிறகு தயவுசெய்து கேளுங்கள்.”

SRI S. DEIVASIGAMANY :—“ Sir, on a point of order, may I know whether you are going to allot a day for non-official business during this session? ”

MR. SPEAKER :—“ It is not for me to answer this question. As soon as the Hon. the Leader of the House comes, he will reply.”

IV.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953—cont.

MR. SPEAKER :—“ We are now in the Malabar Tenancy (Amendment) Bill, 1953. We have passed clauses 4, 4-A, 5 and 6. We are now in clause 7.”

Clause 7.

SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Speaker, Sir, I move the amendment standing in my name, namely :—

“ That in item (i), line 6, for the words “ a protected ulkudi or ” substitute the words “ an ulkudi or ”.”

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SRI P. K. GOPALAKRISHNAN :—" Sir, 1 second it."

MR. SPEAKER :—" Amendment moved—

'That in item (i), line 6, for the words " a protected ulkudi or " substitute the words " an ulkudi or ".'

* SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, you have reserved the clause relating to 'Definitions' to the end. The definitions relating to this clause may also be considered now so that both may be disposed of. We are now considering the rent of the ulkudi, kudikidappu and the protected ulkudi but the definitions themselves have not yet been taken up."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Speaker, Sir, when definitions are taken up, the hon. Member wants that to be postponed. When the clauses are taken he wants them also to be postponed. We must get on one way or the other. It would be best to take the definitions first, I quite agree. But the definitions carry no meaning unless the clauses are passed. We may therefore take that whatever we do now is subject to revision of the definitions."

MR. SPEAKER :—" Hon. Member, Sri P. K. Gopalakrishnan, has also given notice of an amendment, No. 58, which defines what an 'Ulkudi' is. All these things can be taken up in the end when we come to definitions."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, nothing is lost. Let it be clearly understood that when we take up the definitions, if any consequential changes become necessary, we will also take them up."

10-20 a.m. * SRI M. NARAYANA KURUP :—" If the definition is accepted, there may not be any controversy at all whether there should be ulkudi, protected ulkudi and kudikidappu or whether there should be only ulkudi. It is not my idea at all that we should postpone taking a decision on this matter. Inasmuch as one is dependent on the other, both these may be considered and any disposal of this question will automatically cover the other."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" We began with the definition and then, as the hon. Member Sri M. Narayana Kurup objected to it we passed on to clause 7. Under clause 17 which we have already passed the word 'protected ulkudi' has been approved."

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, as hon. Member, Sri P. K. Gopalakrishnan, has given a similar amendment to clause 2 and as it is going to come up for discussion before the House, I am not pressing the following amendment standing in my name—

'In item (i), line 6, for the words " a protected ulkudi or ", substitute the words " an ulkudi or ".'

The amendment was by leave of the House withdrawn.

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* SRI M. NARAYANA KURUP :—" The question before the House is whether there should be these differences in respect of 'ulkudi'. In the Bill, 'ulkudi' has been defined as a hut in any portion of a land outside Fort Cochin in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land. Protected ulkudi has been defined as an ulkudi which has been in the continuous occupation of a holder for not less than one year. Protected ulkudis and ulkudis in Fort Cochin are described as 'kudikidappu'. We are all aware of the history of these names. Originally these names meant only 'ulkudis'. Then the Government wanted to treat Fort Cochin area separately and gave the name 'kudikidappu' to ulkudis in that area. I submit these words are a distinction without difference. An ulkudi which has been in continuous occupation for not less than a year is called 'protected ulkudi' and there is no need for making this distinction between ulkudis and protected ulkudis in view of the fact that it would be very difficult to prove the period of occupation. I submit that all the rights attached to 'protected ulkudis' must be conferred on all ulkudis and therefore I oppose the classification of ulkudis into ulkudis and protected ulkudis and kudikidappus."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I submitted in my speech introducing the Bill that this classification of ulkudis is absolutely necessary. Kudikidappu in Fort Cochin has got a peculiarity, namely, that rent is paid. In the rest of Malabar where ulkudi holders live, rent is not paid. That is why we have split it up into ulkudis and kudikidappus. We are also giving fixity to holders of ulkudis who have been in continuous occupation for one year and they are called 'protected ulkudis'. Therefore, this classification of ulkudis is absolutely necessary and I request that the clause as it stands may be passed."

SRI M. NARAYANA KURUP :—" I wish to know whether the distinction is based on payment of rent or non-payment of rent or on the difference in areas in which they are situated."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The classification is made because the incidence of the holding differs and because custom also differs. Both are totally different kinds of licences or permission."

Clause 7 was put and carried.

Clause 8.

SRI V. R. KRISHNA AYYAR :—" I beg to move—

'That in the proposed section 9-BB, after the words " a holding " occurring in line 3, insert the words " is lost for purposes of agriculture on account of reasons beyond the control of the tenant " and after the words " extent of the land ", insert the words " so lost or ".'

[Sri V. R. Krishna Ayyar] [9th January 1954]

* The proposed clause 9-BB reads thus—

'Exclusion of certain lands from liability to fair rent.—Notwithstanding anything contained in sections 5 to 9-B, where any land included in a holding is set apart for communal purposes, and is used as such, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with those sections.'

To make this clause all-comprehensive, I suggest that the words suggested in my amendment may be added to the clause. It is proper, Sir, that a tenant should be given some benefit when land is lost for purposes of agriculture on account of reasons beyond his control such as actions of Nature. Though the amendment suggested is not a material change, still it will provide for certain situations of hardship. I do not think there can be any grounds for objecting to this amendment."

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR:—"Mr. Speaker, Sir, I beg to move the following amendment:—

'That in the proposed section 9-BB, for the words "as such" occurring in line 4, substitute the words "for such purposes".'

It is only a verbal amendment or a schoolmaster's amendment, if I may say so. In clause 9-BB, it has been stated, ' . . . where any land included in a holding is set apart for communal purposes, and is used as such . . . ' The word 'such' used here is a pronoun which should stand for some noun going before it . . . "

SRI C. RAJAM RAMASAMI:—"I second the amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"The amendment suggested by the hon. Member is quite correct and the Government will accept it. Instead of the words 'as such' we should have 'for such purposes'."

10-30 a.m. * THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, the hon. Member, Sri V. R. Krishna Ayyar's amendment is out of place. There is a section in the Malabar Tenancy Act which contemplates such cases. What we do under clause (a) is only to examine whether communal lands set apart for communal purposes come under the purview of fixation of fair rent. So, I have to oppose the amendment."

SRI V. R. KRISHNA AYYAR:—"So far as I can gather, there is no section in the Malabar Tenancy Act. If the Hon. Minister says there is, I would like to know from him what is that section."

* THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member will forgive me for explaining to him that according to the general law if the tenant has lost lands, he has a right to say 'I do not pay'. If it is a question of raising a dispute every time about the actual extent—one cent more or one cent less—it would lead to more litigation. If the land is entirely lost, it will be hardly necessary to fix the proper rent."

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SRI V. R. KRISHNA AYYAR:—"When there is a special law as against the general law, it may be that the courts accept a reduction in rent or abatement only if there is specific provision. It is only to clear up a possible apprehension and dispute, I have brought forward my amendment. There is no harm in accepting the amendment. It is only by way of abundant caution I have moved my amendment."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"The amendment is not necessary. There is already provision in the Malabar Tenancy Act."

MR. SPEAKER:—"The question is—

'In the proposed section 9-BB, after the words "a holding" occurring in line 3, insert the words "is lost for purposes of agriculture on account of reasons beyond the control of the tenant" and after the words "extent of the land", insert the words "so lost or".'

The amendment was put and lost.

MR. SPEAKER:—"Are the Government accepting the amendment of the hon. Member Sri P. S. Krishnaswami Ayyangar?"

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Yes, Sir."

MR. SPEAKER:—"The question is—

'In the proposed section 9-BB, for the words "as such" occurring in line 4, substitute the words "for such purposes".'

The amendment was put and carried.

Clause 8, as amended, was put and carried.

Clause 9.

SRI S. S. KOLKEBAIL:—"Sir, I move the amendment standing in my name, namely—

(i) 'In sub-section (1) of the proposed section 9-C, for the word "Tahsildar", substitute the words "Revenue Divisional Officer".'

(ii) 'In sub-section (2) of the proposed section 9-C, for the words "shall have the power to depute any officer of the Revenue Department", substitute the words "shall have the power, or to depute any officer of the Revenue Department".'

(iii) 'In sub-section (2) of the proposed section 9-C, after the words "any officer" occurring in line 7, insert the words and brackets " (not below the rank of a Tahsildar or Deputy Tahsildar) ".'

(iv) 'In sub-section (2) of the proposed section 9-C, after the words "to make local enquiry and inspection and to collect data", insert the words "after due notice to the parties".'

[Sri S. S. Kolkebail] [9th January 1954]

(v) 'Add at the end of sub-section (2) of the proposed section 9-C, the words and brackets " (after giving the parties the right to cross-examine the officer who held the local enquiry) "'.

(vi) 'Other consequential amendments be made to this clause'.

"I am moving these amendments because we are ousting the jurisdiction of the Civil Courts. The Rent Courts must be presided over by the Revenue Divisional Officer and decisions must be taken by them. Because there will be lot of complications and lot of troubles in the administration of this Act between the landlord and the tenant, it is better that an officer of the status of the Revenue Divisional Officer is entrusted with these powers.

"The Government have given powers under this clause to the presiding officer to depute any officer of the Revenue Department to make local enquiry and inspection. The local inspection must be held by the presiding officer, and he should not delegate his power of inspection to anybody else. If the Government want that power to be delegated to a subordinate officer, then that power should also vest in the officer presiding, because there will be lot of troubles otherwise. Further I find in the main clause that the report that will be submitted by the officer concerned, after holding the necessary local inspection, will be treated as evidence. My submission is that evidence which is not subject to cross-examination cannot be accepted, because such a thing is in direct contravention of the Evidence Act itself. The party must be given the necessary opportunities to cross-examine the evidence, just to see on what grounds it is based. I find also no provision in the section for issue of notice to the parties before holding the necessary local enquiry. These are all things not conducive to a proper enquiry of the case. So, I submit that all these amendments are very ordinary ones, and there is no harm in accepting them. So, I commend them to the acceptance of the House."

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR :—"Sir, I move the amendment standing in my name, namely,—

'In sub-section (2) to section 9-C after the words "any officer of the Revenue Department", insert the words "subordinate to the officer functioning as Rent Court".'

Sir, the reason for this amendment is this. The Revenue Court may depute an officer of the Revenue Department to make a local inspection. It does not impose any restriction on the choice of the revenue officer that it has to make. A Tahsildar who functions as a Revenue Court—an eccentric Tahsildar—may take it into his head to ask a Collector of his own district to attend to this business of local inspection. This will look absurd. Therefore, the Revenue Court, wherein the Tahsildar functions, should assign this work only to an officer subordinate to him. Otherwise such oddities may occur. To prevent such things, I move this amendment."

The amendment was duly seconded.

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SRI T. C. NARAYANAN NAMBIAR :—"I shall move my amendment to Section 9-C and also my amendment to Section 9-E. I think both can be moved."

MR. SPEAKER :—"Amendment to section 9-E relates to Clause 10."

SRI T. C. NARAYANAN NAMBIAR :—"But the amendment is to Section 9-E of the principal Act."

MR. SPEAKER :—"When we come to Clause 10, the amendment to Section 9-E can be moved."

* SRI T. C. NARAYANAN NAMBIAR :—"Sir, I move the amendment standing in my name, namely,—

'For the proposed section 9-C, substitute the following :—

"9-C. (1) The fair rent payable under sections 5 to 7 and 9 to 9-B, the instalments, if any, in which it shall be payable, and the date or dates, on or before which such fair rent or the instalments thereof shall be payable, shall be determined by the Rent Settlement Authority in such manner as may be prescribed.

(2) The Rent Settlement Authority shall be the village Panchayat Board wherever there is one and in places where there is not one, a representative of the Government and the representative of the Jenmi Sabha, the Kisan Sabha and Kisan Panchayat and the Kisan Congress which are accorded recognition by the Collector will constitute the rent settlement authority."

"The *modus operandi* for fixation of fair rent according to the amendment of Government is the Rent Court. It is a known fact that Revenue Officers would be there and the Revenue Divisional Officer would preside. As has been pointed out by some Members, usually it happens in Malabar that the Tahsildar's office is situated far away and the revenue officials are not fully conversant with the conditions obtaining in the local areas. On the other hand, the elected representatives of the people, the Panchayats elected by the villagers are more conversant with the local conditions. Therefore, it would be advisable that panchayats or a tripartite organization as suggested in my amendments should constitute the machinery for fixation of fair rent rather than the Rent Court as is now sought to be provided in the Bill."

* SRI P. K. GOPALAKRISHNAN :—"While seconding the amendment just moved, I shall cite an example from my own experience. The offices of the Tahsildar and the Revenue Divisional Officer are far away from certain villages. For instance, the distance from my village to the office of the Tahsildar is 60 miles. When such is the case, can we expect Revenue officials working 60 miles away to be fully alive to the needs of our villages? Can we say with confidence that all the difficulties of agriculturists are known to them? No, the answer is surely in the negative. On the other hand, who are the people who are most conversant

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a.m.

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with local conditions? It is the Village Panchayatdars. It is the local elected representatives of the people. That is why I say instead of putting the Revenue officials in charge of the Rent Court, it would be advisable to constitute a machinery consisting of the Panchayatdars, and some members of the Janmi and Kisan Sabhas (where there is no Panchayat Board) for the fixation of fair rent. Otherwise, I am afraid that justice will not be done to the poor cultivators. The Revenue Divisional Officer invariably is not at all fully conversant with local conditions. He does not know the local conditions prevalent in each taluk. That is why I say it would be better to have the Panchayatdars to be in charge of fixation of fair rent."

* SRI C. H. KANARAN :—" Even though Government appoint so many persons to be in charge of Revenue administration of the State, I am sure the question of fixation of fair rent could not be easily solved within five or six years. It is a complicated question. Government cannot think that the Tahsildar or the Revenue Divisional Officer is the competent person to decide the question of fair rent. It is not so. The Tahsildar's office is far away from many of the villages. The Tahsildar is not aware of the local conditions in many of the taluks under his jurisdiction. The case is all the stronger in the case of the Revenue Divisional Officer who is above the Tahsildars. Then the question may be asked who are the persons who are fully conversant with local conditions? I say it is the Panchayat Boards and the local representatives of the people of those areas, viz., the M.L.A's. Some may say that the village karnams are fully alive to the needs of the villages. But I know how these village karnams have become corrupt. I know how they will behave if they are asked to share out the produce between the tenant and the landlord. They will try to propitiate their stomachs first. That is why I say it would be by far better to entrust this work of rent fixation to a corporate body like the Panchayat Board. I know that even now Panchayat Boards try so many minor cases and they have conducted themselves creditably. That is why I support the idea of a corporate body like the Panchayat Board being entrusted with the work of fair rent fixation rather than the Tahsildar or the Revenue Divisional Officer. Let not the Government think that anything would go wrong by entrusting the Panchayat Boards with the work of fixation of fair rent."

SRI V. R. KRISHNA AYYAR :—" In the midst of the variety of suggestions just offered, may I champion, as I had so often done before, the cause of the Civil Court. On more than one occasion, I had expressed the view that the Revenue officials are not sufficiently conversant with the law pertaining to the fixation of rent. My experience has been bitter in this line. Revenue officials are not fully conversant with local conditions and with the laws governing rent settlement, fixation of fair rent and the like. Therefore, I would suggest that it would be by far better to have civil courts rather than rent courts. Incidentally, the difficulty pointed out by my friend Mr. Gopalakrishnan, viz., that the

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villagers are far away from the office of the Tahsildar or the Revenue Divisional Officer and as such, these authorities are not fully alive to the needs of the agriculturists, may be overcome if we have the civil courts as the authority in charge of rent fixation. Civil courts are much nearer. Revenue officials have got to be going on to various places for umpteen jobs and they cannot be expected to possess full facts regarding the legal issues involved in the matter of rent fixation. It is better inasmuch as his work itself is voluminous in the other sphere, to keep the Revenue Divisional Officer aloof. These Revenue officials have got to cover 50 to 60 miles to reach villages to ascertain the local conditions. When such is the case and when even their normal work takes their breath away, I see no reason why this additional burden of fixation of fair rent is also imposed on the Revenue Divisional Officer. A suggestion had been made that inasmuch as the Panchayats are fully alive to the needs of the respective locality in which they are situated, it would be far more feasible to constitute them and the local representatives of the people into a machinery in charge of fixation of fair rent. I am in agreement with that suggestion."

* SRI N. GOPALA MENON :—" Mr. Speaker, it will be very unwise to entrust this question of fixation of fair rent to local officials, for they are, for one reason or other, intimately connected or associated with the tenants or owners in the village and as such, they cannot be expected to be impartial in their outlook. If a dispute in a village between a landlord and a tenant regarding the sharing of the produce is referred to the Panchayat Board, it invariably happens that one of the members is interested in one party or the other in the dispute. So, we cannot expect an impartial verdict. That is my view. Therefore it is very essential if you want to instil confidence in the tenants as well as in the landlords that justice will be meted out to them both, and for that the deciding authority should be away from the village and unconnected with it so that the disputes may be decided in an impartial manner. I also very strongly deprecate public bodies like the Kisan or Jenmi sabhas taking active part in the dispensation of justice to the people in their own areas. The actual execution of work should be entrusted to officers who are conversant with that type of work. I know that in Malabar there is some little difficulty because of distances. My friend Mr. Gopalakrishnan has complained that the office of the Tahsildar and the Revenue Divisional Officer being situated far away from villages, the parties will have to travel long distances; I concede that the distance between Nattika and Ponnani is about 40 miles and not 60 as the hon. Member had observed. Of course, it is desirable that the Tahsildar or the Revenue Divisional Officer concerned camps from place to place if there are a sufficient number of cases to be disposed of, so that poor villagers may not be put to undue hardship. It is also a fact that it is not at all completely quasi-judicial work that these officers have to do. For instance, in England, we do not have any Rent Courts but we have officers known as 'Arbitrators'. They decide the question of eviction, fixation of fair rent, etc. Of course, these may incidentally raise some big questions where big legal

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issues are involved. These may be referred to the higher judicial authorities, or the parties themselves may have recourse to the same. I think that even the people of Malabar will not mind the civil courts being entrusted with this work. I do not think that such a procedure would cause too much litigation. But the difficulty is that the number of cases are on the increase to-day. I think it would be by far better for the expeditious disposal of cases to entrust the work to an arbitrator it may be the Tahsildar rather than the civil court. I think that Government could alleviate the difficulties of tenants and landlords having to go long distances for the settlement of their disputes to the Tahsildars' offices, by directing the Tahsildars to periodically go to these places where there is accumulation of work. In these circumstances, I oppose the amendment just now moved by the Opposition."

10-50 a.m. * SRI M. NARAYANA KURUP :—" I would not have spoken on this amendment but for its close inter-connection with section 9-C. When I try to bring to the notice of this House that certain clauses are connected and may be considered together, nobody need suspect my motive. It is not dilatory tactics. It is done with the best of intentions so that the whole thing may be accepted and we may not be asked to take up positions inconsistent with the ones previously taken up. I hope such a contingency will not arise. The practical result of this amendment is to annul the existing provision regarding the Rent Settlement Authority which confers a valuable right with regard to compulsory fixation of fair rent. The Hon. Law Minister was pleased to describe this as a scientific arrangement, but he said that it was not practicable. Sir, when a thing is scientific, it is given the go-by because it is impracticable and when a thing is practicable it is ignored because it is unscientific. I would not have raised this unless I sincerely believe that, in the absence of security to all tenants, compulsory fixation of fair rent is essential to give them even the smallest benefit. Of course, I realize that they have tabled amendments giving fixity of tenure to tenants who have been in occupation for six years, but it will not give real relief to the rack-rented peasantry who are likely to be excluded from that category. Therefore, any provision for fixation or determination of fair rent will be incomplete unless there is a machinery provided for it and the State undertakes to fix the responsibility. It was pointed out by the Hon. the Law Minister that it will involve a huge cost of about Rs. 70 lakhs. It is a question concerning many lakhs of people. An expenditure of Rs. 70 lakhs is nothing. The Government are not a trading concern run for profit. Where money has to be expended for the benefit of large sections of people, it has to be expended. I would not have raised this if the Government had gracefully consented to give fixity of tenure to the cultivating tenant so that he may go to the court with the conviction that he will not be driven out of his property and he can approach the authority to get the fixation of fair rent. Special emphasis was laid by the Officer who went into this question. It was not as though the rent was fair in Malabar that though twenty years had elapsed since the provisions had been made, no complaint has been

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made. It was not because the rent was not rack-rent but it was due to the fear of the tenant that the landlord might use the weapon of eviction to drive him away. Therefore, in the absence of fixity of tenure to the tenant, I have to oppose this clause which has the effect of annulling the machinery provided for compulsory fixation of rent."

SRI P. K. GOPALAKRISHNAN :—" On a point of information, Sir. The distance from my village to Ponnani is sixty miles by bus route *via* Chowghat, not less and not more."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I wish to clear the position. The hon. Member can explain the whole thing after me. Mr. Krishna Ayyar's suggestion is that the power should be given to civil courts and Mr. Narayanan Nambiar's suggestion is that the Rent Settlement Authority should be kept up and all the lands in the district should be settled, so to say, notwithstanding any question of cost. Apart from that, I admire the courage of hon. Members of the opposite block who suggest that the fixation of rent should be handed over to local political bodies of a kind whose operations are such that practically the entire fate of the areas would be handed over to these political bodies if their suggestion is to be accepted. We must also have a large police in these places to maintain order with regard to the disputes that will arise. Here is a question where an assessment has to be made from a judicial point of view after taking the data into account. It is impossible to entrust it to elective bodies such as are proposed."

SRI V. R. KRISHNA AYYAR :—" I should like to point out to the Hon. Speaker that I have given notice of an amendment in regard to the definition of the expression 'Rent Court' [Amendment No. 31 (ii)]."

MR. SPEAKER :—" We will take it up when we come to definitions."

* SRI T. C. NARAYANAN NAMBIAR :—" The Hon. the Chief Minister was, of course, appreciating the courage that I had in moving the amendment. I take it as a compliment. As representatives of the public, we have got the courage to say that we have got more faith and confidence in the elected representatives. If the representatives of the Congress political party can rule this State, I ask, why should not the elected representatives be entrusted with this task of fixing a fair rent with regard to fields and gardens in a village? "

THE HON. SRI C. RAJAGOPALACHARI :—" There is no point in shouting. Do you presume to give judgment in these cases? "

* SRI T. C. NARAYANAN NAMBIAR :—" I am not in favour of continuing the old Rent Settlement Authority. Of course, the form will be there with different content. I am putting forward a more democratic content in it. I want that Panchayat Board,

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composed as it is of elected representatives of the people, should determine the fair rent. But where there is no Panchayat Board, a representative of the tenants, a representative of the landlords and also a representative of the Government, who can be a Judicial Officer, can constitute the Rent Settlement Authority. That is the reason why I have moved this amendment."

THE HON. SRI C. RAJAGOPALACHARI :—"The function of these bodies should be to reconcile and give conciliatory suggestions and not to decide."

* **SRI C. H. KANARAN** :—"Panchayat Boards are now dealing with so many cases and police force has not been employed till now. Apart from this, we have suggested that there should be a representative of the Government in addition to representatives of the Janmi Sabha, the Kisan Sabha, the Kisan Panchayat and the Kisan Congress. The Government representative is not excluded here."

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR** :—"Sir, the whole mistake lies in not realizing that this machinery is to assess fair rent. It requires a knowledge of the quality of the soil, the yield, conditions prevailing in the places and other things. Panchayat Boards are already looking after sanitary arrangements, road-laying and they have also other functions. We will be burdening them with this additional responsibility and they would not be able to carry on. That is why, Sir, we have proposed that a Revenue Divisional Officer or a Tahsildar shall fix the fair rent. The provision for Rent Settlement Authority contained in the principal Act has been scrapped as it would not give benefit to either party for a long time. There are about ten lakhs of holdings in Malabar and if the fair rent in respect of these holdings is to be fixed and the Record of Rights is to be prepared, it will take six years. Besides, the staff required for this work, is one Collector, 12 Deputy Collectors, 47 Tahsildars, 63 Upper Division Clerks, 173 Lower Division Clerks, 48 Typists, 146 Revenue Inspectors and about 800 other subordinate staff. We were not able to provide sufficient staff and without the machinery and without the equipment, it is not possible to work out that scheme. That is why it was scrapped and the people also agitated for its abolition."

SRI M. NARAYANA KURUP :—"Are this Government incapable of providing such a machinery?"

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR** :—"That is why we had to give it up. What is required is quick disposal of disputes between the landlord and the tenant. That is the reason why we have come forward to revise the machinery itself. We have been very careful to revise the rates and we have been very careful to give them further facilities. The original Bill constituted only the Revenue Divisional Officer as the Rent Court. The amendment that the Tahsildar also may function as a Rent Court was taken into consideration to enable the tenants to get at closer quarters with the Rent Courts concerned. Regarding the suggestion of Sri V. R. Krishna Ayyar, it is out of question because if in

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each case the tenant is asked to pay a commission batta of Rs. 50 or Rs. 100, that will be denying the relief what we are giving to him and he will be at the mercy of the money-lenders. The tenants have been agitating that it would not be possible for them to agitate their claims against rich landlords in civil courts.

"As regards the amendment relating to instalments, we have fixed the fair rent. We have also fixed the maximum up to which it can be increased, and provided the facility of spreading over the increase over a number of years. So that amendment also is not necessary.

"As regards Mr. Krishnaswami Ayyangar's amendment for adding the words "subordinate to the officer functioning as Rent Court" after the words "any Officer of the Revenue Department", the Officer can order his subordinates to make local enquiry and inspection even without this amendment. So the amendment is not necessary. 11 a.m.

"As regards the amendment proposing that the application should be to the Rent Court 'having jurisdiction over the area in which the particular land is situated', the application can only be to the Court which has jurisdiction over the area. Therefore that amendment also is not necessary.

"Sri Kolkebil's amendment is not necessary. The Select Committee thought that the inclusion of Tahsildar for the purpose of performing the functions entrusted to a Rent Court was absolutely necessary in the interests of the tenant. If we accept the amendment, the tenant will be deprived of a concession which the Select Committee has given.

"Regarding the proposed section 9-C (2), it gives power to the Rent Court to depute any officer of the Revenue Department to make local enquiry and inspection. In all Courts, the Judges have got the power of local enquiry and inspection as every lawyer knows.

"I think I have covered all the main points. I am unable to accept the amendments, and I request the hon. Members to withdraw them."

SRI V. R. KRISHNA AYYAR :—"Even assuming that the Government over-rule all the other amendments, I submit that Sri Kolkebil's amendment about giving of notice to the parties concerned is a reasonable one and may be accepted. If the Revenue Inspector collects the data and submits a report, the Tahsildar or Revenue Divisional Officer will simply okay that report. So it is absolutely necessary to give notice to the parties and hear them if they have got to make any representation."

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR** :—"Sub-section (2) says that the Rent Court shall follow the same procedure as is followed by a Court of Small Causes and the procedure to be followed by a Court of Small Causes is laid down in the Provincial Small Causes Court Act, 1887. So the amendment is not necessary."

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SRI K. C. GOPALAN UNNI :—“ഏതാണ്ടു പത്തു ലക്ഷം ഹോൾഡിംഗ്സാ ഉണ്ടെന്നു ബഹു : മന്ത്രി പറയുകയുണ്ടായി. മുമ്പത്തു നിയമപ്രകാരം കുറെ കലക്ടർമാരെയും മറ്റുമുൾപ്പെടെയും നിശ്ചയിച്ചിരുന്നുവെന്നും അവർ പാട്ടം നിജപ്പെടുത്താൻ ആദ്യ കൊല്ലം വേണ്ടിവരുമെന്നും മന്ത്രി പറയുകയുണ്ടായി. അപ്പോൾ പത്തു ലക്ഷം ഹോൾഡിംഗ്സിനെ സംബന്ധിച്ചു തീരുമാനമെടുക്കണമെങ്കിൽ എത്ര കാലം വേണ്ടിവരുമെന്നാണ് ഗവണ്മെന്റിന്റെ ഉദ്ദേശം? അതോ അങ്ങിനെ പാട്ടം നിജപ്പെടുത്താനുള്ള ഹിരങ്കി ഉണ്ടാകയില്ലെന്നാണോ ഗവണ്മെന്റിന്റെ വിചാരം?”

*** THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“We are not having compulsory fixation of fair rent. It is only optional for the tenant, and the landlord also can apply after three years. So the question put by him does not arise. He has not read the Bill. That is why the mistake has arisen.”

*** SRI M. NARAYANA KURUP :—**“Have the Government considered the suggestion in the Raghavendra Rao's Report that this need not be magnified? Officials more or less know which are the most rack-rented areas and this can be done very easily without going into all the ten lakhs of holdings.”

*** THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“The Government have considered all these aspects and they have come to the conclusion that the provisions made in this Bill are the best to safeguard the interests of the tenant and the landlord in Malabar.”

SRI V. R. KRISHNA AYYAR :—“Sir, as regards Sri Kolke-bail's amendment, no doubt the sub-section provides that the Rent Court shall follow the procedure laid down in the Provincial Small Cause Courts Act. But it does not compel the Revenue Inspector, who will probably be deputed to inspect and report, to give notice to the parties and hear their representation. If no notice is given it may even be held illegal. It is a very very simple demand. That the amendment should be viewed with suspicion simply because it comes from the Opposition is rather strange.”

*** THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“It is not correct to say that I am not accepting the amendment because it comes from the Opposition. I will always accept what is reasonable. Sri Krishna Ayyar knows. I know and all lawyers know, that it is not necessary.”

*** SRI C. H. KANARAN :—**“Will this authority tour and see things on the spot or arrive at decisions sitting at the office table?”

*** THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“An interpellation may be asked about this.”

*** SRI T. C. NARAYANAN NAMBIAR :—**“The Hon. Minister for Law said just now that Sri V. R. Krishna Ayyar and the lawyers on this side know the thing. I consider it an insult. We may not know jurisprudence and the various Acts. But we know one thing that Revenue Inspector cannot do justice to the

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parties without hearing them. The Hon. Law Minister was saying that he was not accepting the amendment simply because it came from the Opposition.”

*** THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—**“That is not correct. The misunderstanding must be due to my not being clear in my speech or due to the hon. Member not correctly following the speech.”

*** SRI P. S. KRISHNASWAMY AYYANGAR :—**“Sir, speaking about my amendment, I wish to submit that there should not be any void in the legislation that we pass.”

MR. SPEAKER :—“But the Government are not accepting the hon. Member's amendment.”

*** SRI P. S. KRISHNASWAMY AYYANGAR :—**“I wish to make one more representation. If the Government do not accept my amendment, I shall not press it.”

“We should not take it for granted that a Tahsildar who functions as a Rent Court will always depute only a subordinate of his to make the local enquiry and inspection. There may be charges pending against a Tahsildar who is appointed as a Rent Court. The charges might have been initiated by the Collector and there may be ill-feeling between the Tahsildar and the Collector. The Tahsildar may be quite sure that the charges against him would be proved and he may like to exercise his power just on the eve of the charges being proved and punishment being inflicted upon him. So he may send an order to the Collector to go and make the local enquiry and inspection. The Collector may resent the order and say: ‘I am your superior. I am the Head of a District and you cannot pass an order asking me to do the inspection’. But then the Tahsildar may say: ‘I am the Rent Court and under this Act, I have got every authority to order you to make the local enquiry and inspection’. There will be an anomalous position, if my amendment is not accepted.”

*** THE HON. SRI C. RAJAGOPALACHARI :—**“Sri Krishna- 11-10
swamy Ayyangar need not think that his suggestion has been a.m.
ignored. It is not necessary to repeat in every section the point of jurisdiction and the point of authority. It is always presumed that a person cannot be given power to direct somebody superior to him and that somebody cannot do anything outside his own jurisdiction. All these are presumed while framing a law.”

*** SRI S. S. KOLKEBAIL :—**“Sir, I would not have moved my amendment but for the fact that from the Report of the Joint Select Committee I find that certain extraordinary powers have been given to the Tahsildar or the Rent Court to appoint or depute anybody to go, hold an enquiry and collect data, and that such report might be marked as evidence. Such being the case, certainly the parties must be given the right to have notice of the inquiry. For instance, when the Munsiff appoints a commission,

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the rule provides that the commissioner should give notice to the parties concerned in the locality. We are asking only that much of right to be given. Here, there is no provision at all that the party should be given the right to cross-examine the officer who is responsible for submitting the report. But power has been given to mark such report straightway as evidence. By this amendment, I am seeking to give a right to the party concerned to cross-examine the officer responsible for submitting such report in the presence of the officer who is going to treat it as evidence. This is a simple amendment. I do not think that there will be any great harm in accepting it."

MR. SPEAKER:—"The question is—

(i) In sub-section (1) of the proposed section 9-C, for the word "Tahsildar", substitute the words "Revenue Divisional Officer".

(ii) In sub-section (2) of the proposed section 9-C, for the words "shall have the power to depute any officer of the Revenue Department", substitute the words "shall have the power, or to depute any officer of the Revenue Department,".

(iii) In sub-section (2) of the proposed section 9-C, after the words "any officer" occurring in line 7, insert the words and brackets "(not below the rank of a Tahsildar or Deputy Tahsildar)".

(iv) In sub-section (2) of the proposed section 9-C, after the words "to make local enquiry and inspection and to collect data", insert the words "after due notice to the parties".

(v) Add at the end of sub-section (2) of the proposed section 9-C, the words and brackets "(after giving the parties the right to cross-examine the officer who held the local enquiry)".

(vi) Other consequential amendments to be made to this clause."

The amendment was put and lost.

The following amendment of Sri P. S. Krishnaswamy Ayyangar was, by leave, withdrawn:—

"(i) In sub-section (2) of section 9-C, after the words 'any Officer of the Revenue Department', insert the words 'subordinate to the officer functioning as Rent Court'."

The following amendment of Sri T. C. Narayanan Nambiar was, by leave, withdrawn—

"For the proposed section 9-C, substitute the following:—

9-C. (1) The fair rent payable under sections 5 to 7 and 9 to 9-B, the instalments, if any, in which it shall be payable, and the date or dates on or before which such fair rent or the instalments thereof shall be payable, shall be determined by the Rent Settlement Authority in such manner as may be prescribed.

(2) The Rent Settlement Authority shall be the Village Panchayat Board wherever there is one, and in places where there is not one, a representative of the Government and the representative of the Janmi Sabha, the Kisan Sabha and Kisan Panchayat and the Kisan Congress which are accorded recognition by the Collector will constitute the Rent Settlement Authority."

Clause 9 was put and carried.

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Clause 10.

MR. SPEAKER:—"Now, let us take up clause 10."

* SRI T. C. NARAYANAN NAMBIAR:—"Before that, there is an amendment to section 9-E of the principal Act given notice of by me, namely, amendment No. 70."

MR. SPEAKER:—"Let us first dispose of clause 10. The hon. Member wants to introduce a new clause by means of his amendment."

* SRI T. C. NARAYANAN NAMBIAR:—"My amendment is an amendment to section 9-E of the principal Act."

THE HON. SRI C. RAJAGOPALACHARI:—"The clause proposed by the hon. Member is a new one. So, let us dispose of clause 10 first."

Clause 10 was put and carried.

New clause after clause 10.

* SRI T. C. NARAYANAN NAMBIAR:—"Sir, I move the following amendment which stands in my name:—

For section 9-E of the principal Act, substitute the following:—

"9-E. It is left to the option of the tenant to pay the rent, either in cash or in kind."

"In Section 9-E of the principal Act, with regard to the mode of payment of fair rent, it is stated that if the landlord and the tenant agree, the tenant can pay the rent in kind or in cash, as the case may be. In this connection, I have to say this. Most of the big landlords live in far-off places. For example, in my own village, namely Narath village, we have got some 300 tenants whose landlords live in places thirty or forty miles away. If the landlord does not agree to the suggestion of the tenant that the fair rent will be paid in cash, the tenant concerned will have to carry the bags of paddy thirty or forty miles to the place of residence of the landlord, in which case the wages to be paid to the coolies who carry these bags of paddy will be too much of a hardship on the tenant.

"There is also another point to be considered. When this paddy, that is, rent in kind, is carried to the barn or the granary of the janmi concerned, there the janmi or his agent will measure it. While measuring it, the janmi or his agent, as the case may be, will put aside paddy, which we call 'nuri', for every ten measures is over, he will take which may amount to some two or three paras of paddy. Apart from that, when the tenant takes the paddy to the granary of the landlord, the tenant will have to be at the mercy of the kariasthans or agents concerned. My humble suggestion is this. I have no objection to payment of rent in kind if the tenant so agrees. If it is left to the discretion of the landlord also, there is no purpose in saying 'at the option of the tenant'. I request the Hon. the Chief Minister to take these things into consideration and accept my amendment which gives the option only to the tenant."

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SRI K. MADHAVAN NAMBIAR :—“ സർ, ഞാൻ ഈ ഭേദഗതിയെ പിൻ്റെക്കുന്നു. കുടിയാൻ കന്നം മലയും കയറി വളരെയധികം ദുരം കടന്നു ജന്മിയുടെ വീട്ടിൽ കൊടുക്കുകയും എന്നുള്ളതുതന്നെ വളരെ റിഷമമാണ്. അങ്ങനെ ചെറുകുടിത്തൊഴിക്കുന്ന പലപ്പോഴും അളവിൽ കൃത്യം കാണിച്ചു മടക്കി അയക്കുന്നുണ്ട്. ജന്മിമാരെ പഠിപ്പിക്കാൻ അദ്ധ്യാപനത്തിനവന്റെ പ്രയത്നഫലം തട്ടിക്കിടന്നു നോക്കുകയാണ്. അതുകൊണ്ട് കുടിയാന്മാരുടെ സൗകര്യമനുസരിച്ചു വേണം പാട്ടം കൊടുക്കൽ, എന്നു വ്യവസ്ഥ ചെയ്യണം. ജന്മിമാരുടെ ഹിതമനുസരിച്ചു പാടില്ല. കാരണം നെല്ലിനും അരിയ്ക്കും ക്കാലം നേരിട്ടു കാലത്തു അദ്ധ്യാപനിച്ച കൃഷിക്കാരൻ തിന്നാതെ ജന്മിക്ക് ധാന്യം തന്നെ കൊണ്ടുകൊടുക്കേണ്ടിവരിക എന്നതു കഷ്ടമാണ്. ”

* **SRI C. H. KANARAN** :—“ സർ, കൂടാതെ പറ, കോട്ടയം പറ എന്നിങ്ങനെ പലതരം പറകൾ നടപ്പിലുണ്ട്. നെല്ലു കൊണ്ടുപോയത് അളവു ഏല്പിക്കാൻ സാധിക്കാതെ ജന്മി തുകയിടല്ലെന്നു പറഞ്ഞു മടക്കിയതിനാൽ തിരിയെ കൊണ്ടുപോരേണ്ടിവന്നിട്ടുണ്ട്. അതുകൊണ്ടു നെല്ലല്ലെങ്കിൽ നെല്ലിന്റെ മാർക്കറ്റു വിപ്ലവം കൊടുത്താൽ മതിയെന്നുള്ള വ്യവസ്ഥ ആവശ്യമാണ്. കൃഷിക്കാർ അല്ലെങ്കിൽ വളരെ ബുദ്ധിമുട്ടേണ്ടുന്നതാണ്. ”

* **SRI R. KRISHNAN** :—“ സർ, കുടിയാന്മാർ ജന്മിയുടെ വീട്ടിൽ പോയി അളവുകൊടുക്കണമെങ്കിൽ ജന്മിയുടെ സൗകര്യം നോക്കണം. നെല്ലുകൊണ്ടു ചെന്നാൽ നാളെയോ മറ്റൊന്നോ ചാക്കൻ പറയും. ഇതു സാധാരണ പരിവാണം. പാവപ്പെട്ട കൃഷിക്കാരെ ഇങ്ങനെ ഉപദ്രവിക്കുവാനുള്ള ഒരു വ്യവസ്ഥ ഭരണകൂടത്തിൽ ഉൾപ്പെടുത്തരുതെ എന്നു എനിക്ക് ബഹുമാനപ്പെട്ട മന്ത്രിമാരോടു അപേക്ഷയുണ്ട്. ”

11-20
a.m.

SRI N. GOPALA MENON :—“ Mr. Speaker, the amendment that Mr. Narayanan Nambiar wants to introduce is against all humane considerations. Suppose there is a landlord who has got a plot of land which he has leased out to a tenant. If that tenant takes away the harvested yield to his home saying that he would pay cash for the paddy that he has harvested, the poor landlord on whose land the paddy is grown has to go to the Government Ration Shop and get rice, a description of which has been very frequently given on the floor of the House. That will be the position of many of the landlords if a provision is incorporated to the effect that the tenant will have the option to give the paddy to the landlord or not. Therefore, it is I say that humane consideration should be shown to the landlord. ”

“ One of the hon. Members said that the tenants have to take the paddy to great distances. Section 52 of the principal Act which refers to this subject clearly states as follows :—

‘ Where the rent is payable in kind, it shall be delivered to the landlord or his agent at the granary or some other place belonging to the landlord in the village where the holding is situated and of which due intimation has been given to the tenant, or in case the landlord has no such place, at the threshing floor where there is one, and where there is none, at some place in the village belonging to the tenant and of which due intimation has been given to the landlord. ’

Therefore, it is clear that the produce has to be given in the village at the threshing floor of the tenant or the granary of the landlord. To say that the tenants will have to carry the produce for long distances and pay hire and so on, is all absolutely incorrect. ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Sir, I do not have anything to say except to oppose the amendment. ”

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MR. SPEAKER :—“ I am now going to put Sri T. C. Narayanan Nambiar's amendment to the vote of the house. The question is—

‘ For section 9-E of the principal Act, substitute the following :—

“ 9-E. It is left to the option of the tenant to pay the rent, either in cash or in kind. ”

The amendment was put and lost.

Clause 11.

* **THE HON. SRI K. P. KUTTIKRISHNAN NAIR** :—“ Sir, I move the following amendment :—

‘ For the existing clause, substitute the following, namely :—

“ 11. Substitution of new section for section 9-G in Madras Act XIV of 1930 :—for Section 9-G of the Principal Act, the following section shall be substituted, namely :—

‘ 9-G. Revision of fair rent.—The fair rent determined by the Rent Court shall not be liable to be revised on the application of the landlord before the expiry of twelve years from the date of the order of the Rent Court but may, for sufficient cause, be reduced by the said Court on the application of the tenant. ’ ”

MR. SPEAKER :—“ As this amendment is to substitute a new clause for the existing clause 11, I do not think hon. Members Sri P. S. Krishnaswamy Ayyangar will press his amendment to the original clause. ”

* **SRI P. S. KRISHNASWAMY AYYANGAR** :—“ Sir, even here the word ‘ date ’ is mentioned. My amendment to the original clause was to substitute the expression ‘ date ’ by the expression ‘ year ’. Now that the entire clause has been substituted by another new clause, I do not propose to move the amendment, Sir. ”

MR. SPEAKER :—“ I think hon. Member Sri V. R. Krishna Ayyar also will not move his amendment No. 35 to this clause as the entire clause has been substituted by a new clause. ”

SRI V. R. KRISHNA AYYAR :—“ I have spoken in support of this amendment while speaking on some other clause and it has had its fate. I am not moving it now. ”

The Government amendment was put and carried.

Clause 11, as amended, was put and carried.

Clause 12.

MR. SPEAKER :—“ Hon. Member Sri T. C. Narayanan Nambiar cannot move his amendment as it has a negative effect. If he wants, he can oppose the clause. ”

* **SRI T. C. NARAYANAN NAMBIAR** :—“ Sir, I oppose clause No. 12, which has now been taken up for consideration. If this clause is passed, the present controversies, disputes, and

[Sri T. C. Narayanan Nambiar] [9th January 1954]

troubles in the villages will continue. If a record of rights is maintained, so much trouble in the villages can be averted. So far as Malabar is concerned, from 1836 onwards, there have been agrarian troubles and quarrels due to disputes over the rights of properties of the parties concerned. Now, with regard to every holding if a record of rights was maintained, we could easily ascertain the right of the janmi, the right of the intermediary kanamdar and the right of the cultivating tenant, verumpattamdar, and the nature of the right of a particular tenant. A record of rights would, therefore, be very useful. Even in the interests of public peace and tranquility, it is quite essential to have a record of rights. I request the Government to accept my suggestion in this regard."

* SRI K. M. SEETHI SAHIB :—" Sir, I strongly support clause 12 and oppose the points raised by my Friend Sri Narayanan Nambiar, who wanted the creation of a record of rights. Mr. Kurup was harping on the point that the abolition of the Rent Settlement Authority was an undesirable step and would cause great hardship and injustice to the tenant. I am of the opinion that if there is one beneficial and prompt thing done by the Government even before the enactment of this Bill with reference to the relationship between the landlord and tenant in Malabar, it is the abolition of the Rent Settlement Authority. The attempt to prepare a record of rights through that Authority has been found to be absolutely futile. From the experience of the Government too, and on representation from the public, the Government have rightly abolished that Authority. As a matter of fact, there is no necessity for the preparation of record of rights with the cost and the inconvenience and the inordinate delay that are incidental to such an attempt. The tendency of the present legislation being the liquidation of the intermediaries, there is no necessity for the preparation of a record of rights laying down the rights of the various links that constitute the relationship between the head janmi and the bottom tenant or the cultivating tenant. In cases of disputes, it will be open to the Rent Court and the Civil Court to decide them. For this purpose, we need not have the Rent Settlement Authority.

11-30
a.m.

" The amendment of the Government is very necessary and the earlier the Rent Settlement Authority goes, the better will be the prospects of peace and tranquillity in the district. As a matter of fact, it is only when there are disputes, that there should be someone to bring about a settlement. In all civilized countries, there exist land courts only to settle disputes regarding lands when they are referred to them. When there is no dispute between the landlord and the tenant, it is unwise to have compulsory fixation of fair rent which will unsettle the peaceful relations existing between the landlord and the tenant. We can have such a machinery where disputes arise and not otherwise. We need not stir up disputes and rouse the tenants or landlords to unsettle the present relationship by a compulsory settlement of rights and fixation of rents. That is absolutely unnecessary and undesirable in my humble opinion. I support the Government amendment and oppose Mr. Kurup and Mr. Nambiar."

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* SRI M. NARAYANA KURUP :—" Sir, I oppose the Government amendment. Many of the defects in any tenancy or agrarian reform can be traced to the fact that there are no statistics. The very fact that Malabar tenancy is something very strange to the people in other parts of the State indicates that there is no proper record of rights. I believe that such a record is maintained in respect of land in other parts of the State. The preparation of a record of rights need not be confused with the Rent Settlement Authority. Whenever the question of agrarian reform is taken up, the Government are saying that there are no proper statistics. They say : ' We have been considering it for years but still, in order that a satisfactory solution of the whole problem on a comprehensive scale might be evolved, we want statistics and we are preparing statistics.' So, if, for effecting an agrarian reform, a record of rights is not necessary, then for what else it is necessary I do not know. By this means, the Government are trying to postpone introduction of agrarian reforms at least in respect of Malabar. I am sure no reform satisfactory to the various interests in Malabar can be evolved in the absence of a record of rights. Therefore, I oppose the Government amendment."

* SRI A. APPU :—" Sir, I rise to support the Government amendment and oppose the suggestions made by Mr. Kurup and Mr. Nambiar. The preparation of a record of rights is not an easy task. It would mean regular resettlement work and take a lot of time. It is also dangerous to allow such a thing to take place at this stage because it will take at least six years for the Rent Settlement Authority to finish the work and we have to depend upon the unscrupulous karnams. I understand that the village karnams were siding with landlords and sometimes with the tenants also with the result false records were prepared when the work was taken up last. It is not at all desirable to create a record of rights at this stage. Rent settlement will take at least six years to be completed. As suggested by Mr. Seethi, if there is a dispute it may be settled by a civil court. As I said, a record of rights was prepared at the time of the last resettlement in Malabar and this will be changing now and then. It can never be brought up-to-date. Therefore, I support the Government amendment."

* DR. K. B. MENON :—" Sir, it is surprising how a modern Government as the Madras Government claim themselves to be, can say that there is no necessity to keep records. Records are essential for any constructive reform to be taken up. I would ask the Government the question whether they are saying that no Government records need be kept and that the whole situation may be left in a nebulous state. Are the Government not preparing the ground to say that the Government have no information whenever a reform is asked for? Even with regard to unemployment, the Government have confessed on the floor of the House that they have no records, no facts, and that they cannot gather statistics because it would be very expensive and difficult. Therefore, is it not better at least at this stage to begin keeping records so that in future such facts and statistics as can be collected now may be available? I oppose the clause, Sir."

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11-40
P.m.

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the Leader of the Praja Socialist Party has made an observation which may have far-reaching effects. It is true that the Government of Madras claim to be a model for others. But it is not true to say that they do not keep any records. The Socialist Party is getting internationally important now. That is why I am rising to answer his charge. The tenants and landlords are concerned with this legislation. In the proposed record of rights what is really intended to be done is to compile the landlord's rights. But the landlord's rights are in the record. Pattas are registered and the village officers have those records. If we now create a record of rights, it cannot include anyone who has no rights. As a matter of fact, we are proposing in this Bill to give various rights to persons who have no rights to be recorded at present. The tenants have no such rights such as will go into record. All that we can do is to prepare a list of names of persons who are really cultivating and nothing else can be done. If a record of rights is created, it will come to this that thereafter no landless man will have any chance to become a cultivator or tenant. Therefore, to create a record of rights in Malabar as is demanded by Mr. Kurup would be very adverse to the very people on whose behalf we are considering this Bill.”

* SRI T. C. NARAYANAN NAMBIAR :—“ Sir, Sri Seethi was saying that if a record of rights was maintained, then there would be troubles in future and that in the interests of peace and tranquillity, no such thing should be maintained. Sir, it is just like saying, ‘ we will give medicine if any epidemics or other diseases come, but we will not do anything to prevent them.’ My suggestions are preventive in character and prevent the disease. But Sri Seethi says that it can be cured when it comes. I would request the Hon. the Chief Minister to reconsider the matter. He was saying that in the best interests of the tenants, who have no right at all at present, there should be no record of rights. What I say is that they have even now occupancy rights. They have got so many other interests which can be proved and also recorded. Therefore, it would be in the best interests of the tenantry, if it is maintained.”

SRI K. C. GOPALAN UNNI :—“ റിപ്പോർട്ട് ആഫ് റൈറ്റ്സ് റെക്കർഡിംഗ് സംബന്ധിച്ചതാണ്. കർഷകർക്ക് മേന്മയുള്ള കർമ്മനിയമം ഒരു ഹിപ്പാർഡിയം കെ. പി. സി. സി.യുടെ ഒരു ഹിപ്പാർഡിയം ഉണ്ട്. അതുകൊണ്ട് ഗവണ്മെന്റ് അതിനെ കർഷകർക്ക് നൽകണം.”

SRI K. M. SEETHI SAHIB :—“ I am sorry to say that the hon. Member Sri Nambiar has not understood what I said and brought in an analogy which did not apply to the remarks I made. I did not say that the record of rights will bring about troubles in the district in the sense in which he put it. What I said was, where there are no disputes there is no necessity for compulsory raising of disputes and settlement of matters. So his analogy does not apply to what I said. He has misunderstood and misquoted me. I never made the remarks ascribed to me by the hon. Member.”

The clause was put and carried.

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Clause 13.

SRI P. K. GOPALAKRISHNAN :—“ I beg to move—

‘ That for the words “ a protected ulkudi ”, substitute the words “ an ulkudi ”. ’ ”

* SRI M. NARAYANA KURUP :—“ How can these words be added or subtracted when the words themselves have not been defined? We have left the consideration of the definition clause to a later stage.”

MR. SPEAKER :—“ If consequential changes are necessary, we can make them then.”

* SRI P. K. GOPALAKRISHNAN :—“ Sir, the object of the Government is to protect only the ‘ protected ulkudis ’. The purpose of my amendment is that protection should be given to all. It is the prime necessity of life that every one should have an abode to live in. Government do not want to give that protection to all. I hope the Government will now reconsider the position and accept my amendment.”

SRI E. T. KUNHAN :—“ I second the amendment, Sir, and also move my amendment that—

‘ Renumber the existing clause 13, as item (1) of that clause and insert the following as item (2) :—

“ (2) the following proviso shall be added at the end :—

‘ Provided that any ulkudidar who has been evicted from possession of ulkudi on or after 15th March 1952, shall be restored to possession on an application.’ ”

* SRI T. C. NARAYANAN NAMBIAR :—“ I second the amendment, and move my amendment, namely,—

‘ For the second proviso in section 10 of the principal Act, substitute the following :—

“ Provided further that, in the case of a kanamdar whose kanartham exceeds 60 per cent of the values of the janmi's rights in the holding, the kanamdar shall not have the fixity of tenure.” ”

“ Sir, I am moving this amendment in order to see that the difference between North and South Malabar is not maintained. So far as South Malabar is concerned, it is 60 per cent and so far as North Malabar is concerned it is 40 per cent. Actually there is not much difference between North and South Malabar. I therefore want that it should be 60 per cent for both North and South Malabar.”

SRI P. K. GOPALAKRISHNAN :—“ I second the amendment, Sir.”

MR. SPEAKER :—“ The Hon. Minister will now reply.”

* SRI P. K. GOPALAKRISHNAN :—“ The amendment moved by the hon. Member Sri Kunhan has not been explained, Sir.”

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MR. SPEAKER :—“ Let him explain, I have no objection ”

* SRI P. K. GOPALAKRISHNAN :—“ I will do it on his behalf, Sir. The object of the amendment is to see that ulkudidars ousted from the land should be restored. The date 15th March 1951 is fixed in the amendment because it was on that date that the Malabar Tenancy Act of 1951 came into operation. Landlords have been evicting tenants because in that Act there is a provision stating that the provisions relating to ulkudi can be extended to all places in Malabar by a notification in the Gazette. Expecting that Government would issue such a notification, landlords were evicting ulkudidars even before this provision was actually extended to other places in Malabar. Now when a new amendment is brought to that Act, naturally those ousted from the land should be restored to possession from that date, namely, 15th March 1951. That is the intention of the amendment given notice of by the hon. Member Sri Kunhan. I hope Government will consider this and see that ulkudidars evicted are restored to possession from 15th March 1951.”

* SRI C. H. KANARAN :—“ Sir, I want to speak on the amendment moved by the hon. Member Sri Nambiar. മലബാറും തെക്കെ മലബാറും തമ്മിൽ വ്യത്യസ്തമായ ഒരു നിയമ വെച്ചിട്ടുണ്ട്. കാണാതെ വടക്കെ മലബാറിൽ 60 ശതമാനമെന്നും തെക്കെ മലബാറിൽ 60 ശതമാനമെന്നും കാണുന്നു. വടക്കെ മലബാറിലും തെക്കെ മലബാറിലെപ്പോലെയും 60 ശതമാനമാക്കണമെന്നാണ് ഞാൻ പറയുന്നത്. കാണസംഖ്യ വലുപ്പിച്ചുകൊണ്ട് കടിയേറാത്ത അവകാശങ്ങളെ നിഷേധിക്കാനുള്ള ശ്രമം നടക്കുന്നുണ്ടെന്നു തോന്നുന്നു. കോട്ടയം മുതലായ താലൂക്കുകളിൽ അധികം കാണസംഖ്യ തരണമെന്നു പറഞ്ഞു കടിയേറാതെ ഉപേക്ഷിക്കുന്നുണ്ട്. കൃഷിക്കാരന്മാർക്കു കിട്ടാൻ വേണ്ടി 60 ശതമാനമെന്നുള്ളതു് വടക്കെ മലബാറിലേക്കും കൂടി ബാധകമാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.”

SRI E. T. KUNHAN :—“ ഞാൻ ഈ ഭേദഗതി ഹാജരാക്കാനുള്ള കാരണം ഈ ബിൽ തയ്യാറാക്കിയിട്ടുള്ളതു് 1953 മാർച്ച് 28-ാം തീയതിയാണ്. അതിനുശേഷം അനവധി ഉൾക്കടിക്കാതെ ബലമായി ഒപ്പുവെച്ചിട്ടുണ്ട്. അവർ ആ കൂലികൾ തിരികെ കൊടുക്കണമെന്നുള്ളതാണ് എന്റെ ഭേദഗതിയുടെ ഉദ്ദേശം. അതു സ്വീകരിക്കാമെന്നു വിശ്വസിക്കുന്നു. ”

* SRI K. UPPI :—“ Sir, it is very surprising to hear hon. Members from North Malabar saying that the kanam in North Malabar is the same as the kanam in South Malabar. Kanam of North Malabar is nothing but usufructuary mortgage with the condition that only after a stated period the kanam amount will be paid and the kanari, the man who takes the land on kanam, is never considered a tenant. They are always big jenmis or moneyed people. The difference between North and South Malabar is, in South Malabar, Kanam is a tenure. Kanam amount is very nominal for the land the income from which might be thousand paras of paddy; the kanam is only 100 panams or so according to modern money it is about Rs. 20 only. There is michavaram, that is the tenant has to pay to the landlord a rent. On the other hand in North Malabar the kanari—I do not know whether any of the hon. Members from outside Malabar understands this term, kanari is one who takes the land on kanam—need not pay anything to the landlord. On the

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other hand, he will be receiving interest on the money invested by him on this land, from the rent on the land. It was to distinguish this from the South Malabar kanam that the clause was added in the Act of 1930. Kanam in North Malabar is entirely mortgage. It is only a misnomer to call it a kanam. It is just like saying that a man who mortgages his property should not have the right to take back the land by paying the amount. What is suggested in the amendment is really surprising and if it is accepted, it would really be a revolutionary thing, it would only be expropriation.”

SRI V. R. KRISHNA AYYAR :—“ Sir, I regret to point out that Mr. Uppi Sahib unfortunately did not speak about the realities as they took place in the year 1953. He referred to the Malabar Tenancy Act of 1929 which classified kanamdars as ‘ kanamdars of North Malabar ’ and ‘ kanamdars of South Malabar ’. We are living in the year 1954 and do we want that classification to be continued now also? On the other hand, in the Madras Agriculturists’ Relief Act, ‘ Kanartham ’ has been excluded and there is no reference either to North Malabar or South Malabar. Common experience shows that kanam tenures are all of a sort and there is no need to make an invidious distinction and thus further complicate the law.”

SRI K. UPPI :—“ Let my hon. lawyer friend tell me whether the kanam of North Malabar is a tenure? ”

SRI M. NARAYANA KURUP :—“ I believe, Sir, we are discussing clause 13 relating to ‘ ulkudi ’. How the question of kanam of North or South Malabar comes here? It has nothing to do with this clause.”

MR. SPEAKER :—“ The hon. Member, Sri Uppi, said something about ‘ Kanam ’.”

SRI V. R. KRISHNA AYYAR :—“ Sir, now we are not concerned with the ‘ Kanam ’ of North or South Malabar.

“ Kanam tenures are distinct from mortgages. The very use of the word ‘ Kanam ’ indicates it is not a mortgage. Really there is no reason why we should not classify Kanam lease-hold as a kind of tenure. If we accept the position that Kanam is a kind of tenure—as it is a tenure—then the point is, whether there is any reason why we should make a distinction between South and North Malabar by providing 60 per cent and 40 per cent respectively. There is no reality in it. I, therefore, commend the proposal to make it uniform for the whole of Malabar.”

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Sir, I oppose all the amendments. The hon. Member Sri Gopalakrishnan in his amendment wants that the words ‘ an ulkudi ’ should be substituted for the words ‘ a protected ulkudi ’. The term ‘ protected ulkudi ’ is defined in the Act. Special privileges are given to these ulkudidars and an ulkudidar of even one year’s standing enjoys all the benefits. Therefore, the Government are unable to accept this amendment.

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"As regards the amendment of Sri Kunhan, it is not possible to accept it. That amendment wants that retrospective effect should be given from 15th March 1952. If retrospective effect is given, many difficulties will arise. Therefore, we are unable to accept it."

"The third amendment relates to fixing the terms for security at 60 per cent. This matter was fully gone into and it was found necessary to make a distinction between North and South Malabar and the terms were fixed accordingly. I oppose that amendment also."

MR. SPEAKER:—"I am going to put the amendment of Mr. Gopalakrishnan to the vote of the House. The question is—

'For the words "a protected ulkudi", substitute the words "an ulkudi".'

The amendment was put and lost.

MR. SPEAKER:—"I am going to put the amendment of Mr. Kunhan to the vote of the House. The question is—

'Renumber the existing clause 13, as item (1) of that clause and insert the following as item (2):—

"(2) the following proviso shall be added at the end:—

'Provided that any ulkudidar who has been evicted from possession of ulkudi on or after 15th March 1952, shall be restored to possession on an application.'"

The amendment was put and lost.

MR. SPEAKER:—"I am going to put the amendment of Sri Narayanan Nambiar to the vote of the House. The question is—

'For the second proviso in section 10 of the principal Act, substitute the following:—

"Provided further that, in the case of a kanamdar whose kanartham exceeds 60 per cent of the values of the jenmi's rights in the holding, the kanamdar shall not have the fixity of tenure."

The amendment was put and lost.

Clause 13 was put and carried.

Clause 14.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I move—

'For the proposed section 11, substitute the following:—

"11. Right to prove real nature of transaction.—(1) Notwithstanding anything in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, any person interested in any land may plead, adduce evidence and prove that a transaction entered into on or after the 1st January 1916 and purporting to be a mortgage of that land is not in fact a

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mortgage, but a transaction by way of kanam, kanam kuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 10.

(2) Where under the last foregoing sub-section the Court holds that the transferee is entitled to fixity of tenure in accordance with the provisions of section 10, it shall be lawful for the Court to pass a decree containing directions regarding the application of the sum, if any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties."

"I shall answer the points raised by hon. Members in my reply."

MR. SPEAKER:—"In view of the Government amendment, I do not think it is necessary for the hon. Members Messrs. Narayana Kurup, Sankaranarayana Menon, Sreedharan, Koran, Kunhrama Kurup and Dr. K. B. Menon to move their amendments. The Government amendment seeks to change section 11."

* SRI M. NARAYANA KURUP:—"My submission is that in the Bill as presented to us, there was no sub-section. Therefore, I wanted to insert a new sub-section (2) and renumber the proposed section 11 as sub-section (1) of section 11. No doubt, the Government have incorporated in the new amendment some of the things which I wanted. That does not go the whole hog. Therefore, I want to move this portion of the amendment."

MR. SPEAKER:—"Let the hon. Member move that portion of the amendment."

SRI M. NARAYANA KURUP:—"Sir, I move—

'Insert the following as sub-section (2):—

"(2) Where according to a decision under section 11 (1) a transaction has been held to be a mortgage in fact, but a transaction by way of Kanam, Kanam Kuzhikanam, Kuzhikanam, Verumpattam or other lease, the amount purporting to be secured by way of mortgage shall with effect from date of decision—"

Here in the Government amendment, it has been left nebulous, and I want to make it clear—

(i) be treated as Kanartham in case the transaction has been held to be a Kanam or Kanam Kuzhikanam and security for due payment of rent on other cases, and

(ii) bear interest at the rate specified in the instrument relating to the transaction or at five and a half per cent per annum whichever is less."

In fact, it is an amplification of the unknown power that is vested in the amendment. Therefore, it is necessary."

SRI C. H. KANARAN:—"I second it."

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* SRI M. NARAYANA KURUP :—“ Now that I have moved my amendment, I want to explain it. Sir, this is an important clause. Persons connected with the tenancy system in Malabar would know that the first organized attempt at a tenancy reform was started in 1915 and the land-owners in order to overcome the probable effects of any legislation, converted since 1916 a number of Kanams and Kuzhikanams and other leases into mortgages. It was to safeguard the tenants against these transactions and to confer upon them the rights which these documents stood for originally, that section 52 (a) was incorporated in the Act of 1951. It is a very valuable section and I do not see that any purpose is served by deleting that section and incorporating a new section. It was no doubt a very long section but it was inevitable. Now, in trying to compress the whole matter into a small compass, it has been made obscure. In fact, the amendments proposed by me are bodily taken from the latter part of section 52-A of the Act of 1951. As I said, the substance of it is here but one important factor has been omitted. As we all know, Sir, this section gives the right to the tenant to claim, adduce evidence and prove that the transaction is not a mortgage but a lease. We can understand the heavy burden that is placed on the tenant in proving such a thing. The burden of proof is, therefore, an important factor in this case. What section 52-A of the Act of 1951 did was to lay down certain principles so that . . . ”

SRI Y. MANJAYA SHETTY :—“ Sir, on a point of order, a crow has entered the Assembly Hall and is causing a lot of disturbance.”

* SRI M. NARAYANA KURUP :—“ Sir, in the 1951 Act, in section 52-A, it was provided that if the kanam or the amount secured by a particular document was below a certain amount, there was a presumption in favour of the tenant that the document will be presumed not to be a mortgage. But a change has now been made inasmuch as this right has been taken away. Moreover, Sir, when the court or any other authority has to decide whether a document is a mortgage or a lease, what principles it should follow has not been explicitly stated. Even in the present amendment proposed by Government, I submit that it is bad to leave things in a nebulous state. Therefore what the Courts should do, as provided for in the original section must also be provided here. If the Government is bent upon inserting this section in place of section 52-A of the Act of 1951, my submission is that the purpose will be better served if this new Clause is not pressed and the old Clause is allowed to stand. In case the Government think that it is absolutely necessary to do so, I would press for my amendment.”

* SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, in the original Bill that the Hon. the Minister for Law introduced in this House, there was a Clause directing the deletion of section 52-A.

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The content of section 52-A is simply that in respect of a transaction which has come into being on or after 1st January 1916, the tenant is given the right to agitate the real character of the transaction whether it is a tenancy, a leasehold or a mortgage. I think that after 1st January 1916, the date statutorily presumed to be the date from which the agitation for tenancy reform started the landlords have been trying the ruse of converting all the kanam and other leasehold rights into mortgages. If it is a mortgage, it cannot obviously be a tenure and it is easy for the landlord to recover possession at will or to alter the terms at his will because it is a mortgage governed by the Transfer of Property Act. Under section 52-A of the Act of 1951 it was open to the tenant to approach the Rent Settlement Authority and establish the true character or the real nature of the transaction and to prove that it was only a leasehold right and not a deed in the guise of a mortgage. This has now been changed. The tenant must be given all the rights and protection to which he is entitled as a tenancy holder. This Statute of 1951 has provided yet another valuable presumption and though it is only of a provisional character it amounts to almost a substantive right. The proviso to sub-clause (1) of Clause 52-A states that if it is found that the mortgage amount is less than 60 per cent of the value of the janmi's rights in the holding in South Malabar and in other places less than 40 per cent of the value of such rights the presumption is in favour of the tenant that it is really a kanam and not one of mortgage. This is the most important part of the whole of section 52-A. A very innocuous reason, a very harmless reason and a very pious-looking reason was given, namely, that after all they were doing away with the Rent Settlement Authorities and therefore there was no reason why they should have section 52-A of the Act of 1951. This was the reason given for the deletion of this Clause when the present Bill was introduced. It could hardly convince anyone and I am sure that even the Hon. the Minister for Law himself is not convinced. If the Rent Settlement Authority is to be taken away, why should the right of the tenant to agitate the real nature of the transaction be also taken away? It passes one's comprehension and there is very little of logic behind it. If the Rent Settlement Authority is to be done away with, in section 52-A, instead of the words 'Rent Settlement Authority' the words 'Rent Courts' or the 'Civil courts' or whichever authority, as the case may be the Government choose to nominate, may be substituted. This authority may be clothed with the powers of the Rent Settlement Authority and the substantive rights given to the tenants need not be taken away under the guise or the pretext of the elimination of the Rent Settlement Authority. Suppose, we say that a particular Tribunal is to be eliminated, that does not mean that the rights conferred upon the parties to agitate before that Tribunal should also be extinguished. The powers should be conferred on the alternative Tribunal that is to be provided. In this case, the Rent Settlement Authority has been abolished but the valuable right of the tenant to agitate the real nature of the transactions has been taken away. This aspect was urged before the Select Committee and what has

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come up as a result of this is the new section 11 to the principal Act of 1930. In the beginning, all that the Hon. the Law Minister gave as the reason was that as the Rent Settlement Authorities were to be abolished the Government did not want section 52-A of the Act of 1931. The real object, as it has now been disclosed, is to see that as much as possible of the right to agitate the real nature of the transaction is taken away. When in the Select Committee this cause was championed by various sections of the Members of the Committee the Hon. the Law Minister found that the clause to delete section 52-A had to be replaced and in the replacement thereof he did what harm he could to the tenantry, if I may put it that way. I am only bringing it to the notice of the Government because, if the Hon. the Chief Minister also adverts to it, it will be apparent that it is an unnecessary harm inflicted upon the tenant. The new section 11—*Right to prove real nature of transaction*—says that it shall be open to the party to go before the Rent Court notwithstanding anything contained in the Indian Evidence Act. But it has not been so specified in the section and the Rent Court is not specified in it."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" It is not specified as the Rent Court and therefore it has to come before a Civil Court."

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p.m.

* SRI V. R. KRISHNA AYYAR :—" But Sir, we cannot take leave so completely of the practical side of things. What happens in a Civil Court is that when a document describes itself as a mortgage, although in all its previous history and in all its previous career, it was described as kanam, the Civil Courts always hold that the parties with their eyes open described it as a mortgage and there is no reason why it should be considered as a kanam deed. This will always be so unless there is some rule, a presumption or a statutory indication to the Courts that it is a kanam deed and not a mortgage. In a very recent case, 1, M.L.J. 1952, if the hon. Members would only consult it, the same point arose. For over 50 years a party was having a leasehold right and then right about 1924 or so, if I may say so, it was quietly converted into a mortgage. The same point was agitated before the Courts saying that the entire character of the transaction and the entire history of the transaction showed that the party was only a lessee and was only a tenure holder and the transaction was not a mortgage. The matter came up before the High Court in 1952 and the hon. Justice Raghava Rao held in spite of all these protests that the parties had entered into the transaction with their eyes wide open and they had themselves chosen to call it a mortgage and, therefore, there was no reason not to recognize the formal character of the words in which the deed was couched and that it was really a mortgage and not a kanam."

1 p.m.; " It has been stated that the new section (section 11 to the principal Act) introduced by the Government is a substitution for

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section 52-A of the principal Act. But the main valuable guarantee provided under section 52-A has been taken away. There is no reason why such a substantive right should be taken away. In the beginning, a lame reason was given that as the Rent Settlement Authorities are to be abolished, the Government do not want section 52-A of the old Act. If the Rent Settlement Authorities are to be abolished, why not the Government nominate some other authority and clothe them with the powers of the Rent Settlement Authority so that substantive rights given under section 52-A may not be taken away. I entreat and beg of the Government to consider this matter. The amendment moved by Sri M. Narayana Kurup does not offend any principle, and may be accepted."

* SRI K. M. SEETHI SAHIB :—" Mr. Speaker, Sir, we have given notice of an amendment relating to section 52-A of the principal Act."

MR. SPEAKER :—" The hon. Member's amendment relates to clause 21 of the Bill and can be taken up when we come to that clause."

* SRI K. M. SEETHI SAHIB :—" What I wish to emphasise, Sir, is that the presumption provided in section 52-A is a very valuable right in favour of the tenant and that the proviso to section 52-A should be inserted in the new section 11 proposed by the Government under clause XIV of the Bill, if that section is really to be useful for the tenant. As it is, there is a very wide margin left to the civil courts in the matter of judging the real nature of a transaction, as has been pointed out by the previous speaker Sri V. R. Krishna Ayyar in the reference to the reported case 1 M.L.J. 1952. I request that either section 52-A should be retained or that the most important part of section 52-A should be inserted in the new section—section 11—and it is only then the section will serve the purpose for which it is intended."

* SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, Sir, I support whatever has been stated by hon. Members Sri V. R. Krishna Ayyar, Sri M. Narayana Kurup and Sri K. M. Seethi. The new section 11 is ostensibly a substitute for section 52-A which gives a presumption valuable to the tenants. The proviso to section 52-A reads as follows :—

' Provided that in cases where the amount secured by the mortgage is in South Malabar less than sixty per cent of the value of the janmi's rights in the holding, and in other places less than forty per cent of the value of such rights, the Rent Settlement Authority shall until the contrary is proved, presume that the transaction is not one of mortgage. '

In the above section, the words ' Rent Settlement Authority ' can be replaced by the words ' Rent Court '. As far back as 1916, the janmis have been changing kanam deeds into mortgage deeds. In my very constituency fifty per cent of the kanam deeds have been converted into mortgage deeds. The presumption provided for in the proviso to section 52-A has been working very usefully

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in favour of the tenants. I do not know why this important proviso should be removed. I trust the Hon. Chief Minister will restore it in the new section."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr Speaker, Sir, I oppose the amendment. It is not necessary to accept it, as all the material things that the members who spoke in favour of the amendment are in the new section 11 proposed by the Government. Hon. Members are aware that we have abolished the Rent Settlement Authorities altogether. When questions have to be settled by such a Tribunal as the Rent Settlement Authority specific directions, the method of procedure, etc., have to be dealt with in detail in the new section. Deciding the nature of a transaction is within the inherent rights of a civil court. I have already submitted at the time of the Select Committee that this is a right which the civil courts have got. Every man can go to a civil court to prove that a document is not a mortgage or tenancy or conditional assignment and get them agitated in a civil court and no presumption or procedure is to be prescribed in respect of that. But to satisfy some of the Members, we have brought this section and this deals with all the materials necessary and we cannot say that the civil court has to proceed in this or in that manner. Sir, in the Government amendment a new sub-section is brought forth to see that clarification is made how the amounts secured in the document are to be treated. With the addition of this, the whole problem can be easily solved and there is no difficulty as to the suffering of a tenant or the suffering of a landlord. I request that the Government amendment may be passed and that the other amendment may be withdrawn."

* SRI V. R. KRISHNA AYYAR :—" Sir, on a point of clarification, section 52-A confers certain rights. There is hardly any reason why at all under a Government with a progressive complexion we should take away the rights conferred by Mr. Madhava Menon's law. If a right which is claimed by all the Members belonging to Malabar district as valuable is taken away, then the measure cannot be called progressive. Originally the Government told us that the reason for the repeal of this section 52-A was that Rent Settlement Authorities were being abolished. Now the Government are saying that as the Rent Settlement Authorities are not conversant with the law 'presumptions' had to be given to them. But as far as the civil courts are concerned, no such presumptions need be given because they know all about the law. 'Presumptions' are an important branch of law and where presumptions have to be drawn, it is better to lay down in the law the circumstances under which a presumption should be raised. The civil courts always attach importance to the formal character of the documents. Even under the Debt Relief Act . . ."

THE HON. SRI C. RAJAGOPALACHARI :—" On a point of order. It has become a habit in the course of this debate that

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replies by Members are given after the Law Minister's speech and the Law Minister is left behind. Once or twice it does not matter. I would like to know whether it is all right."

* SRI V. R. KRISHNA AYYAR :—" The Law Minister is not left behind because he can certainly answer any point that is left behind and if continuity is necessary for the completion of discussion, such a procedure may be necessary. I was saying that the civil courts take into account the formal character of the documents whether they are single transactions of mortgage or whether they are double transactions of mortgage and lease. Civil courts always hold that legally they are two formal transactions. The danger arising from such a position has already been brought home by the recent decision of the High Court which I have mentioned earlier. In spite of that, the Hon. Minister clings to his point of view."

" The formal character is what is going to be enforced by Civil Court. Therefore, I say once a document is found to be not a mortgage deed we are not going to care whether it is kanam or any other deed. There should be certain circumstances under which a presumption may be raised. In fact, in the original Act such a presumption was given. But now it is deleted. This is a matter of prestige. The existence of presumption is a question wherein the tenants would be protected for, in a majority of cases, the deeds are kanam deeds even though it is argued that they are mortgage deeds. By the deletion of that provision the real object of Government seems to be to take away the rights of the tenants to prove that the deeds are kanam deeds, which right had been given by the previous Act. I, therefore, implore the Hon. Minister for Law not to exhibit a recalcitrant attitude but accept our salient suggestion restoring the right of presumption to the Rent Court, which right had been given under the original Act to the Rent Settlement Authority."

* SRI M. NARAYANA KURUP :—" I have nothing to say because my stand had been ably supported by hon. Members sitting behind me. Whenever anything is said about the landlords, the Government feel very touchy. Whatever beneficial provision in respect of tenants the Act of 1951 contained, has now been deleted. The Government are determined to do some mischief or other. For instance, they have now removed this important provision giving the right of presumption, which right had been given to the Rent Settlement Authority by the 1951 Act. I do not know the reason why the Hon. Law Minister is so very persistent to delete the previous important proviso and in its stead incorporate a reactionary provision, in a progressive piece of legislation."

* THE HON. SRI C. RAJAGOPALACHARI :—" Since everyone has been rising again and again for clarification, I rise to make one matter clear to hon. Members sitting opposite. It may be taken for granted and it is not necessary to repeat it. The Opposition may hold and maintain that Sri Madhava Menon's Bill was

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better than this Bill and that this Government are always favouring the landlords. It is not necessary to repeat these charges at every stage. They may preserve it as a propaganda point. But the question here is really a question of law. It is a legal procedure and not a matter to be dealt with otherwise. Mr. Krishna Ayyar says that a presumption should be raised and should not be allowed to be dropped by any amendment now made. As a matter of fact, in the amendment now moved, that presumption is preserved. In respect of any written document, in spite of the provision in the Evidence Act that a written document cannot be reversed by oral evidence, it is now specifically provided as a specific measure of law that a presumption may be raised. The only question is that the presumption should not be a conclusive presumption, as Mr. Krishna Ayyar wants it, but it should be a rebuttable presumption. In fact, in the present amendment the existing presumption as a rebuttable presumption is preserved."

* SRI V. R. KRISHNA AYYAR :—" On a point of personal explanation, Sir, I am not for irrebuttable or conclusive presumption. In fact in the 1951 Act an irrebuttable presumption is provided for. That is why I said inasmuch as that presumption is now taken away, it is wrong on the part of Government to have done so. That is why I pleaded for the re-insertion of that important proviso to section 52-A of the principal Act."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I have nothing to say on the merits of the clause. The position has been made clear by the Hon. the Chief Minister. I do not think it would be proper for me to answer here to the political aspect of the speeches."

* SRI V. R. KRISHNA AYYAR :—" If points are raised, they have got to be met here. I think hon. Members have a right to raise their points in this House. A duty is cast on the Hon. Ministers to consider the suggestions of hon. Members. I want to raise the point of order whether it is not wrong if the hon. Members are denied the right to express their viewpoints in this House and even when they do raise some points, the Hon. Ministers do not reply to them."

* THE HON. SRI C. RAJAGOPALACHARI :—" Instead of arguing on the merits of the clause under discussion if the hon. Members were to go on accusing the Government of being always in favour of the landlords, that they are pro-landlord, and that some other Bill, perhaps Mr. Madhava Menon's Bill, was by far better than the present Bill now under discussion there is nothing gained, and I say it is wrong for hon. Members to indulge in that kind of argument. That is only propaganda. Hon. Members should raise points in respect of the merits of the provisions contained in the Bill and not compare them with some other proposals made at some other time. They should not repeat the slogan that the Government are always pro-landlord, which is not true."

SRI V. R. KRISHNA AYYAR :—" Sir . . . "

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MR. SPEAKER :—" I have given enough time. I shall now put amendment No. 7 to the vote of the House. The question is—

' Insert the following as sub-section (2) :—

" (2) Where according to a decision under 11 (1) a transaction has been held to be a mortgage in fact, but a transaction by way of Kanam, Kanam Kuzhikkanam, Kuzhikkanam, Verumpattam or other lease, the amount purporting to be secured by way of mortgage shall with effect from date of decision :—

(i) be treated as Kanartham in case the transaction has been held to be a kanam or kanam kuzhikanam and security for due payment of rent on other cases, and

(ii) bear interest at the rate specified in the instrument relating to the transaction or at five and a half per cent per annum whichever is less." " "

The amendment was put and lost.

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

' For the proposed section 11, substitute the following :—

" 11. *Right to prove real nature of transaction.*—(1) Notwithstanding anything in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, any person interested in any land may plead, adduce evidence and prove that a transaction entered into on or after the 1st January 1916 and purporting to be a mortgage of that land is not in fact a mortgage, but a transaction by way of kanam, kanam kuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 10.

(2) Where under the last foregoing sub-section the Court holds that the transferee is entitled to fixity of tenure in accordance with the provisions of section 10, it shall be lawful for the Court to pass a decree containing directions regarding the application of the sum, if any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties." " "

The amendment was put and carried.

The clause as amended was put and carried.

Clause 15.

MR. SPEAKER :—" I wish to inform hon. Members who have given notice of amendments in respect of this clause, that the Government have given notice of an amendment substituting a new clause for the existing clause. The amendments of hon. Members which relate to the original clause are not necessary now. Therefore I wish to know whether in the circumstances the hon. Members wish to press those amendments."

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* SRI M. NARAYANA KURUP :—" It is true that the Government have now come forward with a new amendment by which a new clause is now sought to be substituted in respect of the original clause 15. But the Government have not made substantial changes. For instance, I think, our amendment that clause (5) of section 14 of the principal Act dealing with bona fide cultivation be omitted, is necessary."

MR. SPEAKER :—" I shall allow the hon. Member to move that amendment then."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move—

For the existing clause, substitute the following :—

" 15. Amendment of sections 14 and 20, Madras Act XIV of 1930.—In sections 14 and 20 of the principal Act—
(1) after clause (5), the following shall be added, namely :—

Explanation.—In considering requirements for maintenance, regard shall be had only to primary needs.

(2) in clause (6) the word ' bona fide ' occurring between the word ' thereof ' and the words ' for the purpose ' shall be omitted and between the words ' a building ' and the words ' for his own residence ' the word ' bona fide ' shall be inserted.

(3) in the second proviso—

(i) in clause (ii), for the words ' an ulkudi ', the words ' a protected ulkudi ' shall be substituted,

(ii) after clause (ii), the following shall be added as clause (iii), namely :—

' iii) no person whose rights to evict arises under an instrument of transfer inter vivos shall be entitled to sue for eviction on the ground specified in clause (5) or clause (6) until the expiry of two years from the date of the instrument.'

(4) In section 14 of the principal Act, after the Explanation to clause (5), add the following :—

' Exception.—Nothing in this cause shall apply to any holding which has been in the continuous occupation of the tenant or of any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than six years.' " " " "

12-30 p.m. * SRI M. NARAYANA KURUP :—" Sir, I move the amendment standing in my name—

For the existing item (1), substitute the following :—

" (1) Clause 5 shall be omitted." "

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Sir, the Government have moved an Exception to Clause (5) to sections 14 and 20 of the principal Act. I am moving another Exception, namely :—

' Re-number the proposed Exception under Clause (5) as Exception No. 1 and insert the following as Exception No. 2 :—

" Exception No. 2.—In case of any other holding in the occupation of a tenant it shall apply only to that part of the holding in excess of lands assessed to or assessable to Rs. 50 per annum."

I am not moving the amendment for the insertion of the new item (2-A). The Government have said that an assignee or a transferee will not be entitled to take advantage of Clause (5) for two years. My proposal is to raise it to twelve years. The Government have said ' under an instrument of transfer inter vivos '. I want to insert the words ' either voluntary or involuntary ' after the words ' inter vivos ' so as to cover cases of involuntary transfers by Courts. I am moving this amendment also, namely—

' In the proposed new clause (iii) to the second proviso,

(i) after the words " inter vivos ", insert the words " either voluntary or involuntary ";

(ii) for the words " two years ", substitute the words " twelve years ". " "

The motion was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" I am moving the amendment, standing in my name, namely,—

' For the existing clause, substitute the following :—

" 15. Repeal of Sections 14 and 20, Madras Act XIV of 1930 :—Sections 14 and 20 of the principal Act shall be repealed and the following section shall be inserted, namely :—

' A landlord possessing less than five acres of land can evict upto five acres of land from a tenant possessing land more than five acres :

Provided that the total extent of land in the possession of landlord including land to which he becomes entitled for possession after evicting the tenant shall not exceed five acres :

Provided also the land in the possession of the tenant after eviction shall not be less than five acres.' " " " "

The motion was duly seconded.

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SRI K. P. GOPALAN :—" Sir, I am moving the amendment standing in my name—

" For the existing clause, substitute the following :—

" 15. Repeal of Sections 14 and 20, Madras Act XIV of 1930.—Sections 14 and 20 of the principal Act shall be repeated." "

The motion was duly seconded.

* SRI V. R. KRISHNA AYYAR :—" Sir, I am moving the amendments standing in my name—

' Add at the end of the Explanation the words " of food, shelter and clothing ".

After item (3), insert the following as item (4) :—

" (4) after the existing provisos, the following further provisos and Explanations shall be added, namely :—

' Provided further that no holding shall be evicted if the tenant or occupant thereof or any part thereof be an educational, charitable, philanthropic or other public institution;

Provided further that no tenant shall be evicted by any person who is a " large farmer ", or a " non-agriculturist " on the date of the institution of the proceeding for eviction;

Provided further that if the tenant, in the event of such eviction, will have in his actual enjoyment either as tenant or otherwise, in all only less than five acres of land, he shall not be evicted from the holding or any part thereof; if there are more suits than one for eviction against the same tenant, the landlord who institutes the earlier suit will have preference under this clause in respect of any land held by the tenant in excess of the extent specified above;

Provided further that a landlord who requires any holding bona fide for the cultivation of himself or of any member of his family, shall be entitled to evict a tenant who is a large farmer in respect of any excess over the minimum required to make him a " large farmer ".

Explanation.—Large farmer with reference to any particular date means any person who being an individual has more than the equivalent of 25 acres of wet land in his actual possession and if a family has in its actual enjoyment more than the equivalent of 60 acres or five acres per member (whichever is less) of wet lands;

Explanation.—For the purpose of this section if the context requires it one acre of wet land shall be treated as the equivalent of three acres of garden land and 10 acres of dry land (forests and mere waste being excluded).

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Explanation.—" Non-agriculturist " with reference to a particular date, means a person who has been assessed in any of the two financial years immediately preceding the date of suit to income-tax under the Indian Income-tax Act, 1922 or has, in all, the four half year immediately preceding the date of suit been assessed profession tax on a half-yearly income of more than Rs. 750 derived from a profession other than agriculture under the Madras District Municipalities Act, the Cantonment Act, the Madras Local Boards Act or the Madras Village Panchayats Act or has been assessed to property or house tax under any of the aforesaid four Acts within the same period where the aggregate annual value of the property or building is not less than Rs. 1,000 as ascertained in the manner prescribed.' "

The motion was duly seconded.

* SRI K. M. SEETHI SAHIB :—" Sir, the existing provision in the Act gives a loophole to the landlord to circumvent the Act. I have given notice of an amendment and I move—

11. (i) Omit the Exception under item (1).

(ii) After item (2), insert the following as item (2-A) :—

" (2-A) after clause (6), the following shall be added, namely :—

' Exception.—Nothing in sub-clauses (5) and (6) shall apply to any holding which has been in the continuous occupation of the tenant or any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than twelve years.' "

(iii) In item (3) (ii), in the proposed clause (iii), omit the words " until the expiry of two years from the date of the instrument ".

The motion was duly seconded.

* SRI T. C. NARAYANAN NAMBIAR :—" I am moving the amendment standing in my name, namely :—

' Omit items (1), (2) and (4) of sections 14 and 20 of the principal Act.

In item (3) of section 14 of the principal Act for the words " three months ", substitute the words " one year ".

Add the following proviso to that item :—

" Provided that if the tenant in the event of eviction under items (5), (6) or (7) will have in actual enjoyment either as tenant or otherwise in all only five or less than five acres of wet land he shall not be evicted from the holding and if he has more than five acres of wet land only the excess shall be available for eviction and in no

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case shall the landlord be entitled to claim eviction under the aforesaid clause if he has already in his actual cultivation an extent of five acres of land.

Explanation.—One acre of land is equal to two acres of garden land and three acres of dry land."

In item (3) (ii) of clause 15, in the proposed clause (iii) for the words "two years", substitute the words "six years." " " "

The motion was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" I am moving amendment standing in my name—

After item (3), add the following item (4) :—

" (4) the following further proviso shall be added, namely :—

' Provided further that any tenant of " ulkudi ", " protected ulkudi " or " kudikidappu " who has been evicted from possession of the site of land in his possession from 28th March 1953 shall be restored to possession of the land in question.' " " "

The motion was duly seconded.

MR. SPEAKER :—" All these amendments are before the House for discussion."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, in moving the amendment to delete items (1), (2) and (4) of Sections 14 and 20 of the principal Act, I wish to submit that this is a very important amendment. Landlords want to keep the peasantry in perpetual fear and slavery. No useful purpose will be served by keeping these clauses on the Statute Book. That is why I say that these clauses should be omitted. Clause (3) of Section 14 of the principal Act lays down that a suit for eviction shall lie if the tenant has not paid, within three months after the due date, the whole or any portion of the rent due in respect of the holding. The custom in Malabar is that the first harvest takes place in the month of Kanni, that is September. The second crop is harvested by the month of Kumbum, that is March-April. I want to raise the time-limit to one year. The harvesting seasons in Malabar, as pointed out by me, are such that it will be absolutely impossible for the tenant to stick to the time-limit provided in the clause. Because some concessions are made in favour of the tenants, the landlords will get infuriated and they will try to wreak vengeance upon the peasantry. I request that this amendment raising the time-limit to one year may be accepted.

" The object of my other amendment is this. Under Clauses (5), (6) and (7) of Section 14 of the principal Act, the tenant can be evicted if the landlord requires the holding *bona fide* for his own purposes at the end of an agricultural year. Although the Government have considered our request and the representation made by

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the jatha which came and met the Hon. Chief Minister and as a result of our discussion the Hon. Chief Minister was kind enough to reduce 12 years to six years for occupancy right, there are poor people who have got one or two acres or even less and who may not have six years occupancy also. These people will be hit hard and they can be evicted by the landlords. Even our friend Sri Sankaravarma Raja pointed out the other day that there are a large number of poor landlords. My suggestion is that a tenant who has in actual enjoyment either as a tenant or otherwise only five or less than five acres of wet lands shall not be evicted from the holding. Only the excess over five acres should be made available for eviction and it is to this effect that I have given notice of this amendment. I request that this may also be favourably considered."

* SRI M. NARAYANA KURUP :—" I shall only briefly refer to my amendments. As I have said already, the most important questions are fair rent and fixity of tenure. On the question of fair rent, we have been found against. We are on the second line of defence and of course, our discussion on this tenancy Bill will practically conclude with this section. Sir, security of tenure is the most-prized right of a tenant. Insecurity has been made a lever for rack-renting, and that has been the bane of cultivating tenants in Malabar. Therefore security of tenure is very important. We realize that the security or fixity of tenure given to tenants with six years' standing is an improvement. We do not grudge to give credit where it is due; it should not be thought that we are opposing even good laws. As has been pointed out, a large class of small tenants who are at the mercy of landlords are outside the protection of security of tenure given by this Act. Therefore I have moved an amendment that at least with respect to such tenants, the eviction may be restricted to land in excess of five acres. Of course, our main demand is that clause (5) should be deleted, because if any loophole for eviction is given, the provision is likely to be abused. ' Bona fide purpose ' is capable of such varied and various interpretations that the provision is likely to be abused. Such abuse has been there in the past and it will continue in future also.

" Length of possession has never been recognized as a basis for conferring occupancy right, and the opinion of the Subrahmanyam Committee on this aspect is very illuminating. In fact, to base occupancy right on the length of possession of the tenant is tantamount to penalising a good and benevolent landlord who allowed the same tenant to cultivate his lands for a period of years and conferring an undue advantage on a bad and malevolent landlord who has been changing his tenants capriciously. Therefore I press my plea that it is not a sound proposition. If we give fixity of tenure, it must be to all tenants alike irrespective of the length of occupation.

" One of the ways in which the provision permitting eviction for bona fide purposes has been abused is by the assignment of the lands by the owner. If a tenant is not in the good books of his landlord, the landlord, even though he may have thousands of

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acres, may assign that particular plot of land in his possession to a third party. If that assignee institutes a suit for eviction, the tenant has no defence under sections 14 and 20 of the principal Act. Such abuse has been going on ever since these sections have been there on the Statute Book. Of course, in this Bill the Government have provided for a two-year period. But a two-year period is too short. I have suggested twelve years, because twelve years is the period prescribed for obtaining a prescriptive right under the Limitation Act. If the Government are not prepared to disallow the right of the assignee, I submit that at least the twelve-year period may be accepted.

"There is another provision in this Bill which confers upon the tenant the right to treat any document executed by him as void and not binding upon him. There it has been provided—I am not accusing the Government of partiality—that the assignee or transferee is not entitled to that right. It has been conferred as a personal right and it cannot be availed of by a transferee. In the same manner why should not the right of eviction for bona fide purposes be confined to the owner himself and the assignee or transferee be debarred from enjoying that right? I find neither logic nor reason in this. Therefore I press that this right must be conferred on the owner as a personal right. It should not be extended to assignees and if at all it should be extended to them, it may be after twelve years.

"Then, transfer *inter vivos* is a transaction between two parties, but it does not cover sales involuntary by Court. A landlord may become insolvent and his property may be sold by the Official Assignee or Official Receiver. This Bill does not cover such transactions. We know how section 73 of the Civil Procedure Code has been misused. When an honest creditor obtains a decree, bogus and collusive documents are obtained for the purpose of ratable distribution. In the same manner, if a landlord cannot get at the property by assignment, he will suffer a suit to be filed. A property may be sold in adjudication or a mortgaged property may be sold for realizing the mortgage amount. This Bill does not cover such transactions, because they are not transfer *inter vivos*. So I request the Government to so amend the Bill as to cover sales involuntary also. I have covered the most important points that I wanted to say in a very summary way. After the Hon. Minister replies to these points, I shall offer my remarks if I have got anything to say."

* Sri R. KRISHNAN — "സർ, മൂന്നു മാസം പാട്ടഞ്ചാടി വന്നാൽ ഒഴിപ്പിക്കാനാവുകയെന്നത് മേമ്പാറയിന്ന സംബന്ധിച്ചിടത്തോളം ഏറെയും അപകടം പിടിച്ച ഒരു വ്യവസ്ഥയാണ്. ചിങ്ങമംഗലത്തിലെ കൊയ്ത്തുകുടിത്താൻ പഞ്ചായത്തം കൊയ്ത്തിന്ന മകരമാസമാകും. ഏറെനമിപ്പം നമ്മുടെ വിട്ട നടുവെട്ടാൽ എങ്ങിനെയാണ് മൂന്നു മാസത്തിനകം പാട്ടംകൊടുക്കാൻ സാധിക്കുക? ബഹുമാനപ്പെട്ട മന്ത്രിക്ക് അതിന്റെ ബുദ്ധിമുട്ട് അറിയാവുന്നതാണ്. അതുകൊണ്ട് ഒരു കൊല്ലമാകണമെന്നാണ് എന്റെ അഭിപ്രായം."

"അതാമട്ട്, ആ കൊല്ലം കൈവശമുള്ളവർ ഒഴിച്ചുവെക്കുന്ന പന്യായം. ആ കൊല്ലം കിടങ്ങിപ്പെട്ടതിൽ തന്നെയും ആ കൊല്ലം വരെ കൈവശമാക്കുന്ന കൊല്ലം ഒഴി

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പ്പിക്കുന്നത് വളരെ കടുമാണ്. അതുകൊണ്ട് അതിനെ ഒഴിപ്പിക്കുകയാണെന്നതിൽ തന്നെയും ഏതെങ്കിലും കൈവശം വെച്ചുകൊള്ളാൻ അനുവദിക്കണം. അല്ലെങ്കിൽ കടിയൊഴിക്ക് ഏറെയും സങ്കടകരമാണ്."

* Sri V. SANKARANARAYANA MENON:—"സർ, ശ്രീ നാരായണക്കുറുപ്പിന്റെ ഭേദഗതിയോടു ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. കടിയൻ നിയമത്തിലെ ഏറെയും മർദ്ദമായ ഭാഗം ഒരു കടിയൻറെ സ്ഥിരവകാശമാണ്. സ്ഥിരവകാശം കൊടുക്കാനു നിയമം കടിയൻറെ രക്ഷയ്ക്കുള്ള നിയമമല്ല. ഇവിടെ കടിയൻറെ സ്ഥിരവകാശം ഈ ഭേദഗതികൊണ്ട് ഉന്മാർക്കുന്നില്ലെന്നു സമ്മതിച്ചേ തീരൂ. ഈ ബില്ലിന്റെ ഒരു പ്രസിദ്ധപ്പെടുത്തിയപ്പോൾ ഒരു കാലാവധിയും പേജിരുത്തില്ല. പിന്നീട് ഗവണ്മെന്റ് ആറു കൊല്ലമെന്നു കണക്കുവെച്ചു. എന്നാൽ ഇതുകൊണ്ടെന്താണ് കടിയന്നു സ്ഥിരമായ ഒരു രക്ഷ കിട്ടാൻ പോകുന്നില്ല. എപ്പോഴും ജന്മിക്കു ആവശ്യമുണ്ടെങ്കിൽ ഒഴിപ്പിക്കുമെന്നും അതിന്നു പുറമെ ഇളയമുളള മേറ്ററാൾക്കു അന്യായീനപ്പെടുത്തിയതുകൊണ്ടു കൊല്ലം കഴിഞ്ഞു അയാൾക്കു ഒഴിപ്പിക്കുമെന്നു വന്നാൽ സ്ഥിരവകാശം എന്നു പറയുന്നതു കേവലം നിരർത്ഥകമാണ്. ഈ ബില്ലിൽ മറ്റൊരുപട്ടത്തെ സംബന്ധിച്ചിടത്തോളം എന്തെല്ലാം വ്യവസ്ഥകളുണ്ടെങ്കിലും സ്ഥിരവകാശം ഇല്ലാത്തിടത്തോളം കാലം കടിയന്നു വലിയ ഒരു കിട്ടാൻ പോകുന്നില്ല. സ്ഥിരവകാശം കൊടുക്കാൻ ഗവണ്മെന്റു എന്തിനത്ര വൈമനസ്യം കാണിക്കുന്നു? ഇന്നു പ്രവൃത്തി എടുക്കുന്ന എങ്കിലും തുറന്നിട്ടുള്ള ആളുകൾക്കു സ്ഥിരവകാശമില്ലെ? വ്യവസായങ്ങളിൽ പ്രവൃത്തി എടുക്കുന്നവന്നു സ്ഥിരവകാശമില്ലെ? ഗവണ്മെന്റ് പ്രവൃത്തിയെടുക്കുന്നവന്നു സ്ഥിരവകാശമില്ലെ? ഭൂമിയിൽ കൃഷി ചെയ്യുന്ന കൃഷിക്കാരനും മാത്രം സ്ഥിരവകാശം കൊടുക്കുന്നതിന്നു എന്താണ് ആർക്കുപാ? മുമ്പുതന്നെ ഒരു രണ്ടു ആർക്കു പടാർ പറയുകയുണ്ടായി. ഒന്നാമതു ചില കുടുംബം സ്ഥിരവകാശം കൊടുക്കാൻ നിവൃത്തിയില്ലെന്ന്. ഈ കാഴ്ചത്തെപ്പറ്റി ചിലപ്പോഴുമ്പോൾ കൂട്ടമകളുടെ പ്രതിനിധികൾ ഈ സഭയിൽ വേണ്ടത്ര ഇല്ലെന്നാണ് രണ്ടാമത്തെ ഭാഗം. ഭൂമി നടപ്പുകാരിൽനിന്ന് ജന്മിക്കു ആവശ്യമുണ്ടെങ്കിൽ വിചകൊടുത്തു വാങ്ങണമെന്നാണ് ഞാൻ പറയുന്നത്. കൃഷി ചെയ്യു ജീവികാണെന്നതിൽ ജന്മിക്കുതന്നെ വിചകൊടുത്തു വാങ്ങണം. ജന്മിക്കു എപ്പോൾ തീർച്ചവേണമെന്നു പറയുന്നവോ അപ്പോൾ തീർച്ചകൊടുക്കാനുള്ള വ്യവസ്ഥ സഭിക്കുമല്ല. മലബാറിലാണെങ്കിൽ നാലു ചക്കത്തിലധികം പട്ടയക്കാരെ. ഞാൻ പറയുന്നത് ഒരു ചെട്ടിയു കടിയും പേരിടല്ല. രാജ്യത്തിന്റെ കേന്ദ്രത്തിന്നുവേണ്ടി പറയുകയാണ്. ജന്മിക്കു ന്യായമായി കൊടുക്കേണ്ടതു കൊടുക്കുന്നതെന്നുവേണം. രാജ്യത്തിന്റെ കേന്ദ്രത്തിന്നു ഇതെല്ലാം ആവശ്യമാണ്. അതു ചെയ്യാൻ എന്തിന്നു മടിക്കണം? ഇന്ത്യയിൽ ഏതായാ രാജാക്കന്മാരുടെ സ്ഥാനങ്ങൾ രാജ്യം ഇന്ത്യയുടെ ഏകീകരണം അധിച്ചത് ഒരു പാട്ടിപ്രചരണത്തിന്നുവേണ്ടിയല്ല. അതുപോലെ നാട്ടിലെ അധ്വാനിക്കുന്ന കൃഷിക്കാരുടെ രക്ഷയ്ക്കു വേണ്ട വ്യവസ്ഥകൾ സ്വീകരിക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

* Sri K. M. SEETHI SAHIB:—"Sir, I have to explain the 12-50 amendments that I have given notice of. These amendments relate P.m. to sections 14 and 20 of the principal Act. Under sub-sections (5) and (6) of section 14 the landlord has been given the right of evicting the tenant. Sub-section (5) relates to the *bona fide* requirement of the landlord for the cultivation of the land for his own primary needs and the needs of the members of his family. Sub-section (6) relates to the *bona fide* requirement of the landlord to recover possession of the land for the purpose of building a house for his own occupation. Now fixity is proposed to be given to the tenant. Under sub-section (5) the landlord can evict the tenant if he wants the land for his *bona fide* cultivation. He cannot exercise that right now in respect of a tenant who has been in occupation of the land for not less than six years. But sub-section (6) even now stands and enables the landlord to evict any tenant without regard to his period of occupation. Under this sub-section the landlord can evict a tenant for the *bona fide* purpose of putting up a house for

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his own residence. The object of my amendment is that there is no justification for making a distinction between sub-sections (5) and (6) in this respect. Neither under sub-section (5) nor under sub-section (6) should the landlord be entitled to evict a tenant who has been in possession of the land for six years. The very scheme of the Act makes no distinction between sub-sections (5) and (6). Section 40 (2) of the principal Act relating to the melcharthdar makes no distinction between sub-sections (5) and (6) of section 14 or section 20. A melcharthdar cannot exercise the right of eviction under sub-sections (5) and (6) of section 14 and section 20. I hardly find any reason why the Government should make a distinction between sub-sections (5) and (6). I say that sub-section (6) also must be brought within the ambit of the amendments moved by the Government for giving fixity of tenure to the tenant.

"The other point which I have raised is with reference to the denial of the right of eviction to the transferee of the landlord. The landlord is entitled to exercise the right of eviction. While this right may be deemed to be a personal right to him, the transferee should not have this right of eviction for the reasons given by the hon. Member who preceded me. This will be a loophole given to the landlord to circumvent the fixity of tenure given to the tenant by exercising his right of transferring the lands in favour of his own dependants or his own relations and getting the tenant evicted thereby by enabling the transferee to put forward the claim that he wants the land *bona fide* for his primary needs. This right may not be available to the landlords or the janmis, in many cases and, in such cases they may transfer the land in favour of their own dependants. So, I have moved for the deletion of the words

'until the expiry of two years from the date of the instrument.'

The result will be that the transferee does not get the right of evicting the tenant under sub-clauses (5) and (6) of sections 14 and 20."

* SRI V. R. KRISHNA AYYAR :—"Sir, I have moved my amendment. I shall read the amendments which are self-explanatory. The amendments read thus—

'After item (3), insert the following as item (4) :—

"(4) after the existing proviso, the following further Provisos and Explanations shall be added, namely :—

'Provided further that no holding shall be evicted if the tenant or occupant thereof or any part thereof be an educational, charitable, philanthropic or other public institution :

Provided further that no tenant shall be evicted by any person who is a 'large farmer', or a 'non-agriculturist' on the date of the institution of the proceeding for eviction ;

Provided further that if the tenant, in the event of such eviction, will have in his actual enjoyment either as tenant or otherwise, in all only less than five acres of land, he shall not be evicted from the holding or any part

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thereof; if there are more suits than one for eviction against the same tenant, the landlord who institutes the earlier suit will have preference under this clause in respect of any land held by the tenant in excess of the extent specified above ;

Provided further that a landlord who requires any holding *bona fide* for the cultivation of himself or of any member of his family, shall be entitled to evict a tenant who is a large farmer in respect of any excess over the minimum required to make him a "large farmer";

Explanation.—Large farmer with reference to any particular date means any person who being an individual has more than the equivalent of 25 acres of wet land in his actual possession and if a family has in its actual enjoyment more than the equivalent of 60 acres or 5 acres per member (whichever is less) of wet lands ;

Explanation.—For the purpose of this section if the context requires it, one acre of wet land shall be treated as the equivalent of three acres of garden land and 10 acres of dry land (forests and mere waste being excluded).

Explanation.—'Non-agriculturist' with reference to a particular date, means a person who has been assessed in any of the two financial years immediately preceding the date of suit to income-tax under the Indian Income-tax Act, 1922 or has, in all, the four half year immediately preceding the date of suit been assessed profession tax on a half-yearly income or more than Rs. 750 derived from a profession other than agriculture under the Madras District Municipalities Act, the Cantonment Act, the Madras Local Boards Act or the Madras Village Panchayats Act or has been assessed to property or house-tax under any of the aforesaid four Acts within the same period where the aggregate annual value of the property or building is not less than Rs. 1,000 as ascertained in the manner prescribed."

I suppose there cannot be any controversy over the amendments. Suppose there is a school, which is in a leasehold property—If the landlord wants to evict the school from that place, naturally in public interests that school should be protected. Similarly charitable and philanthropic institutions should be protected from the private interests of the landlord. I have moved my amendment only for the purpose of protecting public institutions, although the institutions may only have a lessee's right. It might widely affect the rights of the landlords, but public institutions have to be protected from eviction. My amendment is a very desirable amendment.

"My amendment regarding 'large farmer' or a 'non-agriculturist' is a very wholesome one. Under the existing Act Sthanis are precluded from evicting their tenants. On the same principle large farmers and non-agriculturists must be precluded from evicting their tenants. They are persons who have large extents of land under their cultivation already. Such people are in no need whatever of evicting their tenants. Eviction proceedings should be taboo in their case. Non-agriculturists are big magnates and commercial men, and they derive their income from operations other than agriculture. Such people need not crowd into the land on which there is already enough crowd. There is no need to invite these people to come to the land."

MR. SPEAKER :—"The hon. Member can continue his speech after lunch. The House will now rise for lunch and meet again at 3 p.m."

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(After lunch—3 p.m.)

MR. SPEAKER :—" I must tell the House that our progress in regard to this Bill is very slow. We are proceeding at snail's pace. With the co-operation of the House, I want to expedite the passing of this Bill. A large number of amendments have been given notice of. It is better hon. Members confine themselves to one amendment in regard to amendments of similar nature. Further, one hon. Member wants to speak on all amendments. I hope the House will co-operate with me in expediting the disposal of this Bill."

* SRI V. R. KRISHNA AYYAR :—" Sir, in the forenoon I was dealing with the question of protection that should be extended to educational, charitable, philanthropic and other public institutions. As I said, it is really non-controversial and very much desirable in public interests that a school which happens to be the occupant should not be evicted even for the default of the manager thereof who may be the tenant—as it is obviously argued—because the persons who will consequently suffer will be the public, namely, the students studying therein. Similarly, if a charitable institution is to suffer by way of eviction on account of the manager thereof committing a default, it will be too serious a consequence to be visited upon the public who are really the beneficiaries. That is why I commend this somewhat innocuous and very desirable provision that no holding should be evicted if the tenant or occupant thereof or any part thereof be an educational, charitable, philanthropic or other public institution."

" The second provision which I am suggesting is a new concept, if I may say so. That is to say, if a person has a considerable acreage under his own cultivation, i.e., a large farmer or an owner of a large extent of land, or if a person depends for his livelihood upon, or has his source of income from, non-agricultural occupations, such a person should not be allowed to evict a tenant, because there are enough people who are seeking to cultivate the land and there is not space enough for all of them. There is no reason why a non-agriculturist or a person who has a large extent of land already under his cultivation should come into the land. That is covered by another portion of my amendment."

" Next, I have suggested a very important thing, namely, a holder of less than 5 acres should be immune to eviction. In fact, that is a sentiment which does not at all come from me for the first time. It has been in the air for a long time. The K.P.C.C. Sub-Committee has recommended it. Various other Parties have also suggested the same thing. If less than 5 acres is the optimum extent of a holding immune to eviction, it will help in seeing to it that good farming is promoted because a tenant will have 5 acres under his cultivation and it will also prevent the evils of eviction in a substantial measure. I do not wish to make a long speech on this matter. I am not quite sure how far the Government will be

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convinced by my contentions. Anyway, they are contained in the amendment and I have already explained the salient points. I, therefore, suggest that the House may accept my amendment."

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" Sir, I have moved the following amendments which stand in my name :—

* For the existing clause 15, substitute the following :—

" 15. Repeal of sections 14 and 20, Madras Act XIV of 1930.—Sections 14 and 20 of the principal Act shall be repealed and the following section shall be inserted, namely :—

" A landlord possessing less than five acres of land can evict up to five acres of land from a tenant possessing land more than five acres ;

Provided that the total extent of land in the possession of landlord including land to which he becomes entitled for possession after evicting the tenant shall not exceed five acres ;

Provided also the land in the possession of the tenant after eviction shall not be less than five acres. "

* After item (3) of clause 15, add the following item (4) :—

" (4) the following further proviso shall be added, namely :—

" Provided further that any tenant of ' ulkudi ', ' protected ulkudi ' or ' kudikidappu ' who has been evicted from possession of the site of land in his possession from 28th March 1953 shall be restored to possession of the land in question. "

Sir, my first amendment expresses that small landlords who are not in possession of lands even up to five acres are entitled to get land evicted up to five acres from big tenants. That disproves the allegation made against the Opposition that we are not allowing landlords to resume personal cultivation."

" My second amendment suggests that an ulkudi tenant who was evicted from his land on or after the 28th March 1953 should be restored possession of the land in question. This is quite different from the amendment moved by my hon. Friend Sri E. T. Kunhan. His amendment suggested that ulkudi tenants who had been evicted from the land since the 15th March 1952 should be restored possession of the land. But my amendment refers to the 28th March 1953, the date on which the present Bill was introduced in its original form. From that day onwards, eviction of ulkudi tenants has been going on. It was stated in the original Bill that three years' notice should be given before evicting an ulkudi tenant. Therefore, the landlords feared that they could not evict any ulkudi tenant for the next three years and they began evicting such tenants forcibly. The amendment which I am suggesting seeks to restore possession of the land to such an ulkudi tenant. I hope that the Government will accept my amendments."

The amendments were duly seconded.

* SRI C. H. KANARAN :—" പറയട്ടെ കൊല്ലം എന്നുള്ളത് ആദ്യം കൊല്ലം എന്നുകേൾക്കുക. കേരളത്തിൽ, അതിൽ അധികം ആവശ്യത്തിന് വേണ്ടി ഒഴിപ്പിക്കേണ്ടതും പറയുമ്പോൾ ഒഴിപ്പിക്കേണ്ടതും അതുകൊണ്ട് യാതൊരു ഉത്തരവു കൽപ്പിക്കേണ്ടതും. ഭരണകർമ്മത്തിന് യാതൊരു അംഗങ്ങളുള്ള ഒരു അതി കർമ്മത്തെ എടുക്കാം. അതിൽ അതിൽ അംഗങ്ങൾ ഒഴിപ്പിക്കേണ്ടതും അധികം ഉണ്ട്. അതുകൊണ്ട്

[Sri C. H. Kanaran], [9th January 1954]

യാണെങ്കിൽ അനുകൂലം അംഗങ്ങളുള്ള കമ്മ്യൂണിറ്റി കൗൺസിൽ എല്ലാ കടിയായാറേയും ഒഴിപ്പിക്കുന്നതിനുള്ള സൗകര്യം വരുന്നതാണ്. അതുകൊണ്ട് ഏതെങ്കിലും ഒരംശം കൈവശം വിട്ടിട്ടു ബാക്കി മാത്രം ഒഴിപ്പിക്കാനുള്ള വ്യവസ്ഥയെല്ലാം. അതുകൊണ്ടാണ് ഓരോരുത്തർക്കും ജന്മിയുള്ള കൂടിക്കാഴ്ചയിൽനിന്നു മാത്രമേ ഒഴിപ്പിക്കുകയുണ്ടാവൂ എന്നു ആവശ്യപ്പെടുന്നത്. ജനസംഖ്യ വളരെ വർദ്ധിച്ചു വരുന്നുണ്ട്. കൂടിക്കാഴ്ച കൈവശം വകാശത്തിന്നു സ്ഥിരതയുണ്ടാകാൻ വരുകയാണ്. അതുകൊണ്ട് ഓരോരുത്തർക്കും വ്യവസ്ഥ വളരെ പ്രധാനമാണ്. ആറു കൊല്ലമൊഴി കൂടിക്കാഴ്ചയോ ഒരു കൊല്ലമോ ആകയാലും ശരി ജന്മിക്ക് ഒഴിപ്പിക്കാനുള്ള കാലത്തോളം കൂടിക്കാഴ്ച രക്ഷയില്ല. അതുകൊണ്ട് അദ്ദേഹം ഏതു എന്നുള്ള വ്യവസ്ഥ സ്വീകരിക്കേണ്ടതാണ്."

* SRI N. GOPALA MENON :—" Sir, these sections of the Act, namely, sections 14 and 20, are the two sections around which a lot of controversy has raged. I am glad to say that this Bill has received a good reception at the hands, generally, of the vernacular Press in Malabar and I have also received letters from some of my friends saying that the Bill is fairly satisfactory to all of them, in spite of the opposition that may be raised here. Some of the hon. Members have said that one clause in section 14, which says that if the tenant does not pay the rent within three months after the due date, he should be evicted, causes a hardship. But they forget that there is another provision, namely, section 15 (3) which says that even if a suit has been filed for eviction, it is open to the tenant to deposit the rent in Court, in which case there will be no eviction at all.

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p.m.

" Then, another point has been raised regarding the provision that if there is a transfer *inter vivos*, there could be no eviction for two years. The object of this provision is to see that in cases of *mala fide* transfers, the transferee may not be able to resume possession of the land. In every similar measure, much shorter period is provided. For instance, take the Madras Buildings Lease and Rent Control Act where a period of three months is provided. If a person after purchasing a house, wants to take possession of the house and evict the tenant, he gets only three months. Here, in this Bill, the period provided is two years. I, however, want to say that this clause, although it has been considered so often and so long contains certain inherent defects. For instance, in the second proviso to section 20 of the parent Act, it is stated that 'nothing contained in clauses (5) to (7) shall apply to the holding or that portion of the holding which consists of a kudiyiruppu, an ulkudi or a kudikidappu.' There is no provision in the whole enactment whereby an ulkudi-holder could be evicted. He can with immunity deny the landholder's title and prescribe a title to himself by adverse possession. This is an oversight in drafting. The right of the ulkudi-holders has been granted by this legislation. It was not there in the 1951 Act. This is an inherent defect in this enactment, which I hope the Government will somehow or other try to correct. There is also an Explanation under section 14 of the parent Act which says, 'In the case of a landlord governed by a law other than the Marumakkattayam law (or the Aliyasantana law) the wife or husband and the father, mother and children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding.' This

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provision was found in the old Act. Under the old law, the wife and child of those landlords governed by the Marumakkattayam law were not considered to be their heirs. But now they have become heirs of the landlord. Still, the definition of family that wife and child shall not be included is still retained. This is another defect which is noticeable and I hope the Government will take steps to correct this also.

" Under section 20 relating to kanamdars and others, we may say that persons who have been in continuous possession or occupation should not be evicted and they should be given fixity of tenure. These are a few observations which I have to make regarding the purport of these clauses. There has been much discussion regarding these clauses which are not very happily worded.

" Then, Sir, my hon. Friend Sri Seethi Sahib said that the provision regarding giving fixity of tenure should also be made applicable to sub-section (6) of section 14. That is, no person should get any portion of his own land for the purpose of constructing a building for himself. This was discussed in the Select Committee and it was thought that there may be cases where persons who had left Malabar or other occupations might want to come back to Malabar and spend the evening of their life there. For that purpose, they may require some place to construct a house so that they may live there and die there. That is why a provision has been incorporated that in such cases if the person is actually in need of a building for his residence in his own holding, he could evict the occupant thereof for this *bona fide* purpose. On the whole, I am glad that these two sections have been more or less satisfactorily settled and there is a sort of general agreement that these provisions will satisfy both the landlord and the tenantry of Malabar. The time that has been spent in discussing this Bill would be justified, I think, by the result, viz., that it is fairly satisfactory."

* DR. K. B. MENON :—" Mr. Speaker, Sir, the two sections, 14 and 20 are perhaps the most important sections. Talking on these two sections, I am willing to concede that the sections as they stand in the Bill make some liberal concessions, more than the draft Bill of Mr. Madhava Menon which subsequently became the Amending Act of 1951. In this connection, I would like to say that accusations were made that the Opposition is making use of Mr. Madhava Menon in order to condemn the Government now in power. It is not so. If the Government suspect that we want to make political capital of it, they should also know that we in the process are accumulating political liabilities along with it. We know Mr. Madhava Menon is a Congress member and a potential rival at that. We are only interested in giving—if I am not using an unparliamentary expression—the devil its due. That is the only reason why the draft Bill of Madhava Menon was often quoted as better than some aspects of the present Bill.

" Sir, even while I was talking during the first reading of the Bill, I said that clause (5) of sections 14 and 20 in the parent Act should go. I still stand by it. As long as that clause stands, the very purpose of the Bill will be defeated. I know that it has been

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amended to a very slight degree, but that amendment does not make any substantial concession and is still unsatisfactory, inadequate and it will not work in the best interests of the tenants of Malabar. One must remember that in a place like Malabar where there are so many intermediaries, it is very difficult if any of the intermediaries are allowed to evict a tenant. If the tenant has always to live in dread of being evicted, such evictions in the long run will upset the economic equilibrium of the agricultural community, and the larger interests of the community as a whole. I feel that some amount of security from eviction must be provided to the tenant. In the second place, one must also remember that in Malabar, these intermediaries are absentee-landlords. They are merely rent collectors. The verumpattamdar, who is the last in the ladder has certain rights. It is not fair that these intermediaries are given the right to evict.

"Finally, I would like to point out that in the case of assignees, under no circumstances, they should be given more privileges than the landlords. As it stands to-day, the assignees have certain preferential rights which will make the position of the tenant very weak and insecure. These are the points that I have to say at this stage."

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p.m.

* SRI A. APPU :—"Sir, I had also given notice of an amendment to sections 14 and 20 of the Act but in view of the important announcement made by the Hon. the Chief Minister giving liberal concessions to the tenant and in view of the amendments brought in by the Hon. the Law Minister incorporating those concessions, I did not move it. I do not propose to move that amendment even now. But I must say a few words on the provision which enables transferees to evict tenants after the expiry of two years. Even now there are cases in which some bogus transfers have been made and suits have been filed for eviction of the tenants. I quoted an instance in my speech the other day wherein a tenant, whose family was holding about 150 acres of land completely planted with coconut trees, was sought to be evicted. To avoid such things happening, I submit that that particular clause should be deleted. Mr. Seethi Sahib put forth a very able argument in this behalf and I entirely agree with him. I request that the Government will be pleased to consider the matter sympathetically."

"Sir, there is a clause which says that a jenmi can evict a tenant on grounds of 'primary needs'. I request that the Government will give an explanation as to what primary needs are. I hope the Hon. the Chief Minister will define what primary needs are. Otherwise, the janmis are likely to raise that point in a court of law and different courts are likely to give different interpretations. Sir, on the whole, I am satisfied with the Bill and I am very thankful to the Chief Minister for all the concessions that he has been pleased to make. He has taken a very lively interest in this measure. I said it in my speech on the Bill during the introduction stage though that was mistranslated by the *Mathrubhoomi* as 'lovely interest'. He has been taking a lively interest and I thank him again."

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* SRI K. MADHAVAN NAMBIAR :—"അർ, തിരുവിതാംകൂർ-കൊച്ചി മുൻനിന്നു ചർച്ചക്കുണ്ടായിരുന്നില്ല. കൂടിക്കാഴ്ച മലബാറിന്റെ കിഴക്കൻ പ്രദേശങ്ങളിൽ ചർച്ചയായി കൂടിക്കാഴ്ചയുണ്ടായിട്ടുണ്ട്. മിക്കവാറും കഴിഞ്ഞു ആറ് കൊല്ലത്തിനു ശേഷം വന്നവരാണ്, ആറ് കൊല്ലമെന്ന വെളുത്തയണക്കിൽ ചർച്ചക്കുണ്ടായിട്ടുള്ള കൂടിക്കാഴ്ച ഇപ്പോഴും കഴിഞ്ഞിട്ടില്ലെന്നുള്ള സാധ്യതയുണ്ട്. മറ്റൊരു സാഹചര്യം കൂടിയിട്ടുണ്ട് നിയമവിരുദ്ധമായി വിട്ടുകൊടുത്ത അധികാരികൾ സാമൂഹികമായ അനീതികൾ ചെയ്തിട്ടുണ്ട്. ഏകദേശം കഴിഞ്ഞുവന്നു, അതുകൊണ്ട് ഏകദേശം കൂടുതൽ കൂടിക്കാഴ്ചകൾ നിന്നു മാത്രമേ കഴിഞ്ഞുവന്നു പാടുള്ളൂവെന്നും വ്യവസ്ഥ ചെയ്തതാണ് അതുകൊണ്ട് മാത്രമേ എനിക്ക് ബലമായ അഭിപ്രായമുണ്ടു്."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Sir, I beg to submit that the amendment moved by the Government was decided upon after taking all aspects of the question into account. We have to consider while we scan this amendment, the fact that fixity is given to all tenants and the provision now under discussion relates to cases of exemption when a landlord seeks to evict a tenant. If the landlord *bona fide* wants to have a part of the land to be redeemed for purposes of building a house for himself, when he has no house, it is a case which we have to consider to be as essential as that of the tenant. It is because of this fact that we have given fixity in the case of *ulkudis* where huts exist and where people having no particular interest are now allowed to stay on. The Government are not able to accept the suggestion that they must prescribe a maximum area in terms of acres. I must again bring to the notice of the Members that out of 444,725 pattas, about 430,032 relate to land below six acres in extent. That is why we are finding it very difficult to fix a ceiling in terms of acres in this case. There is also another difficulty because the productive capacity of the soil in Malabar differs from place to place. So, to adopt the basis of acreage is not possible. What we have done now is to see that, if a person has been in occupation of the land for six years, he is prevented from being evicted, under clause 5 for purposes of *bona fide* cultivation. We have narrowed down the scope of the clause in this way. We have narrowed it down in another way also. We have stated that *bona fide* requirements would mean only 'primary needs'. We have restricted the scope of operation of the clause as much as possible. As I have already said once, Sir, the 1951 Act and this Bill have considered the needs of the tenant only in the matter of eviction and not the needs of the landlord. Until these were taken up, everybody was agreed on the question that a certain acreage of land should be left in the possession of the landlord. But we have now completely changed the outlook and we must view the eviction question from the background of the changed outlook."

"Sir, most of the points raised by hon. Members have been answered already, mostly by hon. Members themselves. I think I need not take any more time. This is a most difficult problem which we have to solve. We have to solve it without putting others to difficulties and without infringing the provisions of the Constitution. Without violating the Fundamental Rights of the individual, we have to give fixity of tenure to tenants. We have

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considered all these aspects of the question and the amendment of the Government alone is the solution as far as this aspect of the legislation is concerned. I have nothing more to say."

* SRI V. R. KRISHNA AYYAR:—"Sir, I want to know whether the Government are opposed or not to eviction being disallowed in the case of educational and other public institutions. I specifically raised this point and I am not clear about the Government's attitude to this question. I want the Government to clear the doubt."

* SRI M. NARAYANA KURUP:—"I wish to know whether the Government have any reply to the points raised by me. I want to know whether transfers effected through court sales and by the Official Receivers and the Official Assignee, will also be covered by the provision. That point has not been touched upon."

3-30 p.m. * THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Up till now there was no restriction made. Now we have said that within two years he cannot evict the tenant. He cannot take advantage of the clause to evict the tenant. If we say here that the alienee will not get full rights in property, it will bring down price of property in Malabar and also offend the clause pertaining to transfer. So we have gone to the extent to which we can go."

"In this connexion, Sir, I may also add that I must be given the last chance to reply. The hon. Members may make suggestions but I should be given the last chance to reply."

MR. SPEAKER:—"Will Government always have the last word? Hon. Members who have moved amendments have a right of reply. They have said what they wanted to say by way of reply. Then the Hon. Minister has a right of further reply."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I only request I may not be called twice, thrice or even four times."

SRI V. R. KRISHNA AYYAR:—"If the Hon. Minister has no word to say, he may not be compelled to say the last word."

SRI M. NARAYANA KURUP:—"Sir, it has now been made amply evident that the Government do not intend to cover such transfers."

MR. SPEAKER:—"Under what rule is the hon. Member entitled to speak after the Minister has replied? I have already allowed him the right of reply. But he is speaking again."

SRI M. NARAYANA KURUP:—"Sir, the Hon. the Minister for Law quoted figures and there has been a jugglery in figures. He mentioned that there were four lakhs of pattas in Malabar..."

MR. SPEAKER:—"The hon. Member cannot speak on the amendment. I am now going to put the amendments to the vote of the House."

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* THE HON. SRI C. RAJAGOPALACHARI:—"If you will permit me, Sir, I want to say a few words. I think the Opposition is sometimes arguing against its own case. I shall explain it. The various suggestions made as to acreage and things like that really reduce the case of the tenants a little more than the Government proposals bring it to, because whatever may be the extent of the holding, the Government amendment prohibits the taking over of the land on the ground of requirement for maintenance unless it is for primary needs, even if it be that the landlord has only one acre. This amendment is more in favour of the tenants. So I would advise hon. Members not to press the acreage clause. With regard to the further definition of primary needs, both *bona fide* and primary needs taken together, it restricts the landlords opportunity very greatly. I would, therefore, ask hon. Members not to press their amendments."

The amendments of Sri P. K. Gopalakrishnan were by leave of the House withdrawn, namely,

'(1) For the existing clause, substitute the following:—

"15. Repeal of sections 14 and 20, Madras Act XIV of 1930.—Sections 14 and 20 of the principal Act shall be repealed and the following section shall be inserted, namely:—

'A landlord possessing less than five acres of land can evict up to five acres of land from a tenant possessing land more than five acres:

Provided that the total extent of land in the possession of landlord including land to which he becomes entitled for possession after evicting the tenant shall not exceed five acres:

Provided also the land in the possession of the tenant after eviction shall not be less than five acres.' "

(2) After item (3) add the following item (4):—

"(4) the following further proviso shall be added, namely:—

'Provided further that any tenant of "ulkudi", "protected ulkudi" or "kudikidappu" who has been evicted from possession of the site of land in his possession from 28th March 1953 shall be restored to possession of the land in question.' " " "

MR. SPEAKER:—"Then comes hon. Member Sri K. P. Gopalan's amendment. The question is—

'For the existing clause, substitute the following:—

"15. Repeal of sections 14 and 20, Madras Act XIV of 1930.—Sections 14 and 20 of the principal Act shall be repealed." " " "

The amendment was put and declared lost.

MR. SPEAKER:—"The question is—

'For the existing item (1), substitute the following:—

"(1) clause (5) shall be omitted;" " " "

The amendment was put and declared lost.

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A poll was demanded and the House divided thus :

Ayes—51.

Sri K. Aranganathan.
 " T. S. Ardhanari.
 " V. Gopala Gounder.
 " P. K. Gopalakrishnan.
 " K. P. Gopalan.
 " K. O. Gopalan Uppi.
 " A. Govindaswamy Nayar.
 " C. Kandasami.
 " P. Kandasamy Gounder.
 " S. Kandaswami Gounder.
 " C. H. Kanaran.
 " S. S. Kolkeball.
 " O. Koran.
 " V. R. Krishna Ayyar.
 " R. Krishnan.
 " E. T. Kunhan.
 " P. Kunhirama Kidav.
 " O. Kunhirama Kurup.
 " K. S. Lakshminpathy Naicker.
 " K. Madhavan Nambiar.
 " M. Manickasundaram.
 Dr. K. B. Menon.
 Sri K. Moidu.
 " Mookkiah Thevar.
 " A. Muthuswamy.
 " K. R. Nallasivam.

Sri M. Narayana Kurup.
 " M. Narayana Nambiar.
 " T. O. Narayanan Nambiar.
 " M. Palaniyandi.
 " N. K. Palanisami.
 " S. Radhakrishnan.
 " E. L. Raghava Mudaliar.
 " P. B. K. Rajaschidambaram.
 " P. R. Rajagopala Gounder.
 " K. T. Raju.
 " K. Ramakrishnan.
 " S. Ramalingam.
 " S. S. Ramasamy Padayachi.
 " P. Rathinaswami Pillai.
 " K. R. Sambandam.
 " V. Sankaranarayana Menon.
 " A. Senapathi Gounder.
 " K. T. Sreedharan.
 " M. P. Subramanyam.
 " S. Swamikannu.
 " S. Swayamprakasam.
 " A. Veloo.
 " C. Velukkan.
 " P. Venkatesha Sholagar.
 " K. Vinayakam.

Noes—76.

Sri L. Anandan.
 " T. Anantha Pai.
 " A. Appu.
 " T. S. Ardhanari.
 " S. Arumugam.
 " S. R. Arumugam.
 " V. Arumugam.
 " K. H. Bomman.
 " P. Chellathurai.
 " V. S. Chinnasami Naidu.
 " Chinnathambi Thevar.
 " AR. A. RM. Chokalingam Chettiar.
 " T. P. Elumalai.
 " T. Ganapathy.
 " N. Gopala Menon.
 " G. Govindan.
 " V. Govindaswamy Naidu.
 " K. Ishwara.
 " H. M. Jagannathan.
 " M. Jagannathan.
 " T. M. Kaliannan.
 " M. Kandasamy Padayachi.
 " P. G. Karuthiraman.
 " P. S. Krishnasamy Ayyangar.
 " V. Krishnasamy Padayachi.
 " R. Krishnaswami Naidu.
 " R. Kuppuswamy.
 " K. P. Kuttikrishnan Nair.
 " S. Lakshmana Gounder.
 " M. A. Manickavelu Naicker.
 " P. G. Manickam.
 " Y. Manjaya Shetty.
 " A. K. Masilamany Chettiar.
 " M. S. Mogral.
 " K. G. Muniswami Gounder.
 " M. S. Munisamy Pillai.
 " V. Muthu.
 " M. C. Muthukumaraswamy.
 " B. K. Nallaswami.

Sri G. Narayanaswami Naidu.
 " L. Ch. Pais.
 " B. M. Palaniappan.
 " V. C. Palanisami Gounder.
 " S. Panchaksharam.
 " K. Parthasarathy.
 " N. Rajagopal.
 " C. Rajam Ramasami.
 " K. Rajaram.
 " T. K. Rama.
 " M. R. Ramchandran.
 " A. Ramachandra Reddier.
 " N. Ramakrishna Ayyar.
 " V. K. Ramaswamy Mudaliar.
 " S. Ramaswamy Naidu.
 " A. Ramasamy Tevar.
 " A. Ramasundara Karunaiya Pandian.
 " E. K. Sankara Varma Raja.
 " P. Selvaraj.
 " M. G. Shanker.
 " A. B. Shetty.
 " K. Shunmugam.
 " V. S. Sivaprasadam.
 " Somasundara Gounder.
 " A. S. Subbaraj.
 " C. Subramaniam.
 " I. K. Subramania Pillay.
 " M. Subramania Nayakar.
 " R. Thangavelu.
 " M. D. Thiagaraja Pillai.
 " S. Thinakarasami Thevar.
 " P. K. Thirumurthi.
 " G. Vachasam Pillay.
 " O. Venkatasubba Reddi.
 " K. Venkatramana Gowda.
 " K. Venkataswamy Naidu.
 " S. C. Virupakshiah.

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Neutral—3.

Sri K. M. Satchi Sahib.
 " Abdul Wahid Shahid.

Sri M. Chadayan.

Ayes—51; *Noes*—76; *Neutral*—3.

The amendment was lost.

MR. SPEAKER:—"Is the hon. Member Narayana Kurup pressing the other amendment?"

SRI M. NARAYANA KURUP:—"Yes, Sir."

MR. SPEAKER:—"The question is—

'Re-number the proposed Exception under clause (5) as Exception No. 1, and insert the following as Exception No. 2:—

"Exception No. 2.—In case of any other holding in the occupation of a tenant it shall apply only to that part of the holding in excess of lands assessed to or assessable to Rs. 50 per annum."

The amendment was put and lost.

MR. SPEAKER:—"Is the hon. Member pressing the other part of the amendment?"

SRI M. NARAYANA KURUP:—"I am not pressing it, Sir."

The amendment, i.e.,

"In the proposed new clause (iii) to the second proviso,

(i) after the words 'inter vivos', insert the words 'either voluntary or involuntary'; and

(ii) for the words 'two years', substitute the words 'twelve years'."

MR. SPEAKER:—"I will now put the amendment of hon. Member Sri V. R. Krishna Ayyar to the vote of the House. The question is—

'Add at the end of the Explanation the words "of food, shelter and clothing".'

The amendment was put and lost.

MR. SPEAKER:—"Then comes the amendment of Sri T. C. Narayanan Nambiar. Is he pressing the amendment?"

SRI T. C. NARAYANAN NAMBIAR:—"I am not pressing the first part, Sir. The latter part of it may be put to the vote of the House."

MR. SPEAKER:—"The question is—

Omit items (1), (2) and (4) of sections 14 and 20 of the principal Act.

In item (3) of section 14 of the principal Act for the word "three months" substitute the words "one year".

[Mr. Speaker] [9th January 1954]

Add the following proviso to that item :—

"provided that if the tenant in the event of eviction under items (5), (6) or (7) will have in actual enjoyment either as tenant or otherwise in all only five or less than five acres of wet land he shall not be evicted from the holding and if he has more than five acres of wet land only the excess shall be available for eviction and in no case shall the landlord be entitled to claim eviction under the aforesaid clause if he has already in his actual cultivation an extent of five acres of land.

Explanation.—One acre of land is equal to two acres of garden land and three acres of dry land " " "

SRI T. C. NARAYANAN NAMBIAR :—" Withdraw this part of my motion."

The amendment was by leave withdrawn.

MR. SPEAKER :—" The question is—

' In item (3) (ii) of clause 15, in the proposed clause (iii) for the words " two years ", substitute the words " six years " " "

The amendment was put and lost.

Then amendment of Sri V. R. Krishna Ayyar for insertion of new clause (4) was put and lost.

MR. SPEAKER :—" Now I am going to put the amendment of Sri K. M. Seethi Sahib to the vote of the House.

The question is—

' (i) Omit the exception under item (1).

(ii) After item (2), insert the following as item (2A) :—

" (2 A) after clause (8), the following shall be added, namely :—

' *Exception.*—Nothing in sub-clauses (5) and (6) shall apply to any holding which has been in the continuous occupation of the tenant or any member of his tarwad, tavashi, ilom, kutumba, kavaru or family for not less than twelve years " "

(iii) In item (3) (ii) in the proposed clause (iii), omit the words " until the expiry of two years from the date of the instrument " " "

The amendment was put and lost.

MR. SPEAKER :—" Now I will put the Government amendment to the vote of the House. The question is—

' For the existing clause, substitute the following :—

" 15. Amendment of sections 14 and 20, Madras Act XIV of 1930.—In sections 14 and 20 of the principal Act—

' (1) after clause (5), the following shall be added, namely :—

" *Explanation.*—In considering requirements for maintenance, regard shall be had only to primary needs."

(2) in clause (6), the word " bona fide " occurring between the word " thereof " and the words " for the purpose " shall be omitted and between the words " a building " and the words " for his own residence " the word " bona fide " shall be inserted.

[Mr. Speaker] [9th January 1954]

(3) In the second proviso—

(i) in clause (ii), for the words " an ulkudi ", the " a protected ulkudi " shall be substituted;

(ii) after clause (ii), the following shall be added as clause (iii), namely :—

" (iii) no person whose right to evict arises under an instrument of transfer *inter vivos* shall be entitled to sue for eviction on the ground specified in clause (5) or clause (6) until the expiry of two years from the date of the instrument."

(4) In section 14 of the principal Act, after the Explanation to clause (5), add the following :—

" *Exception.*—Nothing in this clause shall apply to any holding which has been in the continuous occupation of the tenant or of any member of his tarwad, tavazhi, ilom, kutumba, kavaru or family for not less than six years." " " " "

The amendment was put and carried.

Clause 15 as amended was then put and carried.

Clause 16.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I move that—

' The clause be omitted.' "

MR. SPEAKER :—" Hon. Members from the other side also have given notice of amendments to omit the clause. Therefore I think it is not necessary to allow a discussion on this. I will put the amendment to the vote of the House."

The amendment was put and carried.

Clause 18.

MR. SPEAKER :—" I want to make the position clear to hon. Members. I will put clause 18 to the vote of the House now. Then I will take up all the new clauses referred to in amendments 76, 77, 78 and so on."

Clause 18 was put and carried.

New clause after clause 18.

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move the amendments standing in my name—

' In sub-section (2) of section 29 of the principal Act, omit the words " to the extent such rent . . . tax in equal shares " "

In the first proviso to sub-section (3), for the words " borne wholly by the tenant ", substitute the words " in equal shares by the tenant as well as by the landlord " and after the word " labour ", insert the words " the increased portion of " "

[Sri T. C. Narayanan Nambiar] [9th January 1954]

For the existing section 29-B of the principal Act, substitute the following:—

"29-B. Whenever for any reason the whole or any part of the crop or any yields have failed the tenant shall be entitled to get rent remitted by the Rent Fixation Authority on an application by the tenant for the period concerned.

The State Government on report from the Rent Fixation Authority and on request from the pattadar shall remit the whole or any part of the assessment payable in respect of the land for which remission of the rent has been made by the Rent Fixation Authority."

Retain the provisos under section 29-B.

(i) In section 32-B of the principal Act, for the words "twenty times", substitute the words "ten times".

In the first proviso, for the words "one month", substitute the words "six months".

In the second proviso, for the words "on condition that sufficient security is furnished by the tenant", substitute the words "the security for the regular payment of such instalments being the tenant's right on the holding".

(ii) In section 33 for the words "consecutive ten years", substitute the words "consecutive three years".

In the proviso, for the words "on condition . . . of such instalments", substitute the words "the security for the regular payment of such instalment being the tenant's right on the holding".

Add the following Explanation—

"Explanation.—Any tenant who had kudiyruppu right over a holding for three consecutive years after September 1940, although the right had been changed into 'Kooli sheet' or any such document denying the kudiyruppu right of the tenant, that holding will be treated as kudiyruppu and shall be restored as though no such document to the contrary had been made."

(iii) Omit section 34."

* SRI C. H. KANARAN :—"സാർ, ഞാൻ ഈ മോശതികളെ പിന്നാക്കുന്നു. ആക്ടിനും 29-B സെക്ഷനും ഞാൻ ഒരു മോശതി ചെയ്തിട്ടുണ്ട്. ഇന്നുള്ള നിയമ പ്രകാരം കൂടിക്കാഴ്ച കൂടിനാശം വന്നുകഴിഞ്ഞാൽ നികുതി വിട്ടുകൊടുക്കാൻ മന്ത്രാലയം പാട്ടം വിട്ടുകൊടുക്കുകയുണ്ട്. വെള്ളപ്പൊക്കം കൂടി ധാരാളം നഷ്ടപ്പെടാൻ പാട്ടം വിട്ടുകൊടുക്കുകയും ചെയ്തു. അതുകൊണ്ട് നിയമപ്രകാരം പാട്ടം വിട്ടുകൊടുക്കാൻ ജമ്മിനാർ നിർബന്ധിതരല്ല. ഗവണ്മെന്റാണെങ്കിൽ നികുതി വിട്ടുകൊടുക്കാൻ തീരെ മനസ്സില്ലായതാണ്. വില്ലേജ് ഉദ്യോഗസ്ഥന്മാർ ജമ്മി നമ്പർ കളിൽ ഉള്ളവരാണ്. അല്ലെങ്കിലും അഡ്ക്ട് അന്വേഷകരാണ്. ജമ്മിനാറെ കരുതി നികുതി വിട്ടുകൊടുക്കണമെന്ന് അവർ ഗവണ്മെന്റിനോടു പറയുകയില്ല. നികുതിയും പാട്ടവും വിട്ടു കിട്ടാത്ത സാക്ഷ്യംവേണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണ് ഈ മോശതി ഞാൻ കൊണ്ടുവന്നിട്ടുള്ളത്."

9th January 1954]

MR. SPEAKER :—"The amendments are now before the House for discussion."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Sir, I have nothing to say. I oppose the amendments."

MR. SPEAKER :—"For the sake of convenience, I am going to put all the amendments together to the vote of the House even though it is not a proper method. The question is—

'In sub-section (2) of section 29 of the principal Act, omit the words "to the extent such rent . . . tax in equal shares".

In the first proviso to sub-section (3), for the words "borne wholly by the tenant", substitute the words "in equal shares by the tenant as well as by the landlord" and after the word "labour", insert the words "the increased portion of".

For the existing section 29-B of the principal Act, substitute the following:—

"29-B. Whenever for any reason the whole or any part of the crop or any yields have failed the tenant shall be entitled to get rent remitted by the Rent Fixation Authority on an application by the tenant for the period concerned.

The State Government on report from the Rent Fixation Authority and on request from the pattadar shall remit the whole or any part of the assessment payable in respect of the land for which remission of the rent has been made by the Rent Fixation Authority."

Retain the provisos under section 29-B.

(i) In section 32-B of the principal Act, for the words "twenty times", substitute the words "ten times".

In the first proviso, for the words "one month", substitute the words "six months".

In the second proviso, for the words "on condition that sufficient security is furnished by the tenant" substitute the words "the security for the regular payment of such instalments being the tenant's right on the holding".

(ii) In section 33, for the words "consecutive ten years", substitute the words "consecutive three years".

In the proviso, for the words "on condition . . . of such instalments", substitute the words "the security for the regular payment of such instalment being the tenant's right on the holding".

Add the following Explanation:—

"Explanation.—Any tenant who had kudiyruppu right over a holding for three consecutive years after September 1940, although the right had been changed into "Kooli sheet" or any such document denying the kudiyruppu right of the tenant, that holding will be treated as kudiyruppu and shall be restored as though no such document to the contrary had been made."

(iii) Omit section 34."

The amendments were put and lost.

[9th January 1954]

Clause 19.

MR. SPEAKER:—"The hon. Members, Messrs. Moidu, M. Narayana Nambiar, Kunhirama Kidav, Velukkan and others have given notice of an amendment. It is only a consequential amendment. I think, the House has already given its verdict against a similar amendment to clause 18. This amendment is not therefore in order."

SRI M. NARAYANA NAMBIAR:—"I am not moving it."

MR. SPEAKER:—"Is the hon. Member, Mr. T. C. Narayanan Nambiar, moving his amendment?"

SRI T. C. NARAYANAN NAMBIAR:—"Yes, Sir, I am moving the amendment. I move—

'For the existing clause, substitute the following:—

"Amendment of section 35, Madras Act XIV of 1930.—In section 35 of the principal Act, the words 'and in constructing the new hut' shall be added at the end."

Sir, in the existing clause only expenses to be incurred in shifting the site are taken into consideration. The expenses to be incurred in constructing a new hut are not taken into consideration. My amendment provides for such a thing. It is a reasonable amendment and I hope the Government will accept it."

SRI C. H. KANARAN:—"I second the amendment."

MR. SPEAKER:—"Amendment moved—

'For the existing clause, substitute the following:—

"Amendment of section 35, Madras Act XIV of 1930.—In section 35 of the principal Act, the words 'and in constructing the new hut' shall be added at the end."

"The amendment is now before the House for discussion."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I oppose the amendment because the Government have now conferred on the ulkudidars more benefits than were even contemplated in the previous Act."

MR. SPEAKER:—"The question is—

'For the existing clause, substitute the following:—

"Amendment of section 35, Madras Act XIV of 1930.—In section 35 of the principal Act, the words 'and in constructing the new hut' shall be added at the end."

The amendment was put and declared lost.

Clause 19 was put and carried.

Clause 20.

Clause 20 was put and carried.

[9th January 1954]

New clause 20-A.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I move—

'After clause 20, insert the following as new clause 20-A:—

"20-A. Amendment of section 51, Madras Act XIV of 1930.—In section 51 of the principal Act—

(a) in sub-section (1)—

(i) for the words 'every month', the words 'in the months of January, April, July and October every year' shall be substituted;

(ii) for the words 'current market price', the words 'the average market price during the immediately preceding three months' shall be substituted;

(b) For sub-section (2), the following sub-section shall be substituted, namely:—

'(2) Where, for the payment of rent or michavaram by a tenant to whom the provisions of this Act apply, the cash value of any of the crops referred to in sub-section (1) has to be determined, such value shall be determined at the market price at the taluk headquarters last published under sub-section (1) before the date when such rent or michavaram became payable.'"

Sir, the Government have brought this amendment because there were complaints that though the price of the produce had to be declared every month by the Collector, it was not declared for months together, with the result the tenant was put to difficulties and he was compelled to pay a price which the landlord asked him to pay. It was also represented to the Government that different prices were fixed in different courts by adopting different methods. It is in pursuance of the above considerations, the Government have brought this amendment. I am sure, no hon. Member will oppose this amendment."

* SRI M. NARAYANA KURUP:—"Mr. Speaker, Sir, this is not at all an improvement on the existing provision and it carries no sense. As it is, to-day the Collector has to notify and publish the paddy price every month. The prices are published in the papers also. We have, therefore, some tangible evidence now to produce before the Collector that there is some discrepancy in the notification made by him. Now, what is attempted here is that the notifications are to be made once in three months. We are unable, Sir, without statistics to verify the notifications. If the Collector notifies the average price of paddy for the first quarter of the year, he will not notify that in January the price was so much, in February the price was so much, etc. If, due to some reason, the Collector notifies a wrong figure it is impossible for us to verify it. It will be more difficult for verification than it is now."

"There is also another point. The rents to be paid by the tenants are governed by the price notified when the rents are due."

4 p.m.

[Sri M. Narayana Kurup] [9th January 1954]

Now, it may so happen that the notification made by the Collector when the rents are due may relate to the three months previous to the month when the rents are due. Thus the tenant will be affected.

"Therefore, my objections are two-fold. It is not possible to verify the notification made by the Collector if he publishes merely the average price once in three months and secondly this section does not say that the notified price that is to be taken into account is that which relates to the month in which the rents are due. I do not question the intention of the Government, Sir, but this section does not help us in carrying out their intention. Of course, we can personally represent to the Collector. I think some improvement is necessary in regard to the notification of prices, but from what the Hon. the Minister for Law has said, and though I tried my best to understand it, I can say this is no improvement. We wanted some change but this is not the change which will help us. This is all my complaint, Sir."

* SRI R. KRISHNAN :—" Mr. Speaker, Sir, I beg to move the amendment standing in my name—

'That at the end of section 46 of the principal Act, the following be added :—

"Notwithstanding anything mentioned in any lease the tenant shall pay rent measured in Palghat para or Macleode seer."

"സർ, പാലക്കാട് താലൂക്കിൽ പലതരത്തിലുള്ള പാട്ടപ്പറകളും ഉപയോഗിച്ചു വരുന്നുണ്ട്. ഗവർണ്മെന്റ് അംഗീകരിച്ചിട്ടുള്ള മുദ്രപ്പറയ്ക്കു പാട്ടം അളന്നും വറവാരി എന്ന പേരിലും മറ്റും കൂടുതൽ എടുക്കുന്നുണ്ട്. അതരവ ചിട്ടുകൊണ്ട് കോടതികളിൽ വിധിപട്ടം ഉണ്ടായിട്ടുണ്ട് അതിനെ തടയാൻ വേണ്ടിയാണ് ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവന്നിരിക്കുന്നത്."

*SRI K. MADHAVAN NAMBIAR :—" സർ, വടക്കു മലബാറിൽ ചറക ഭൂടേയും ഇടത്തൂർകുടേയും ഗുൽമാൻ വളരുന്നുണ്ട്. അന്നപ്പറ, അമ്പാനപ്പറ, കച്ചാണിപ്പറ ഇങ്ങനെ പല ഗുൽമാൻപറകളുമുണ്ട്. മറ്റുമല്ല, കോട്ടയം സേർ, കോട്ടയം വാരസേർ, മുദ്രസേർ എന്നിങ്ങനെ ഒരു പ്യൂഡന്റായില്ലാത്ത അളവുകളുണ്ട് അതെല്ലാം നിറുത്തണം. പകരം കൂടികരിച്ച ഒരു ഗവർണ്മെന്റഡ് നടപ്പിൽ വരണം. അതുകൊണ്ട് വലിയ കച്ചപ്പമുണ്ട്. I second the amendment "

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, I beg to move the amendments standing in my name, namely—

'In sub-section (1) (a) of section 43 of the principal Act, for the words "one year", substitute the words "two years" wherever they occur.'

'In sub-section (2) of section 51 of the principal Act, omit the word "paddy".'

'Insert the following as sub-section (3) :—

"(3) Where any rent of a wet land has to be converted into money, paddy shall be valued for the purpose of determining the sum due at the average market price of the previous five years published under sub-section (1) "."

The amendment was duly seconded.

9th January 1954]

MR. SPEAKER :—" Motion moved—

'That at the end of section 46 of the principal Act, the following be added :—

"Notwithstanding anything mentioned in any lease the tenant shall pay rent measured in Palghat para or Macleode seer."

MR. SPEAKER :—" Motion moved—

'In sub-section (1) (a) of section 43 of the principal Act, for the words "one year" substitute the words "two years" wherever they occur.'

'In sub-section (2) of section 51 of the principal Act, omit the word "paddy".'

'Insert the following as sub-section (3) :—

"(3) Where any rent of a wet land has to be converted into money, paddy shall be valued for the purposes of determining the sum due at the average market price of the previous five years published under sub-section (1) "."

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, my amendment to sub-section (1) (a) of section 43 of the principal Act, namely, the substitution of two years for one year is a very important one in the sense that it extends the time by another year within which a tenant can institute proceedings to get back the holding from which he has been evicted by the landlord under sub-section (5) of section 14 of the principal Act. A doubt may arise whether this amendment would not be more in favour of the landlords than in favour of the tenants. My contention is that the poor tenant may not be in a position to file a suit within the stipulated time and hence he may have to lose his right to get the holding restored to him. I have, therefore, suggested this amendment.

"My second amendment is to the effect that the word 'paddy' should be omitted from the items given in sub-section (2) of section 51 of the principal Act for which the prices are to be fixed by the Collector and that paddy should be treated separately. In so fixing the price of paddy, the average price of the previous five years should be taken into account. It is only for this purpose I have moved my second amendment."

SRI P. K. GOPALAKRISHNAN :—" Mr. Speaker, Sir, one of the biggest agitation that is going on in Malabar is in regard to the fixing of the price of varam paddy, that is, the price of paddy to be given as rent. The Collector fixes the price arbitrarily and at times it goes up to Rs. 5 per para. At the time of decontrol the price of paddy per para was only Rs. 2. The Collector now fixes the price arbitrarily at Rs. 4-8-0 or Rs. 5 and usually the courts also accept it in their decrees. Therefore a tenant who was paying Rs. 200 as rent for 100 paras at Rs. 2 per para at the time of decontrol has now to pay Rs. 500 which is an increase by 250 per cent over what he was paying. A great agitation is therefore going on amongst all classes of tenants in Malabar to fix the price

[Sri P. K. Gopalakrishnan] [9th January 1954]

of paddy at the controlled rate. Now, the suggestion made by hon. Member, Sri T. C. Narayanan Nambiar, is that the price of paddy should be fixed as the average price of the last five years. I hope the Government will accept this amendment. If the price of paddy during the last five years is taken into consideration, the average price may be taken as the price of varām paddy."

* SRI V. R. KRISHNA AYYAR:—"Sir, I wish to associate myself wholeheartedly with what has already been said on the point. The 1929 Act provided for fixing the price as the average of the last five years. Therefore, what is now asked for is nothing new nor is there anything alarming or disquieting about it for the Government to accept it. It is only a very moderate demand for restoring the rights of the tenants under the 1929 Act, namely, that they may not be called upon to pay the present very high prices prevailing but may be called upon to pay the average price of the last five years. I submit that this is a particularly moderate demand because the tenants are suffering on account of the notified prices of the Collector being very high. In fact, the prices of foodstuffs in the rest of the districts in the State compare favourably with that of Malabar. If only we look into the notifications made every month, the prices prevailing in the various taluks of Malabar are so high that the tenant's back is broken. I submit that the tenant's position has to be considered and that could be achieved only by taking the average of the last five years into account."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I have to oppose the amendment for substituting two years for one year. I feel, Sir, the tenant will be at a loss. He will be delayed by one year in getting back possession of the property. This aspect was considered and that is why one year was fixed."

"Regarding the question of taking into account the five years' average price, I think, it will work as a hardship because this is to be applied only in cases where value has to be paid under the Improvements Act. The current price is cheaper and better for the tenant and I therefore oppose this amendment."

4-10
p.m.

MR. SPEAKER:—"The question is—

'Add at the end of section 48 of the principal Act, the following:—

"Notwithstanding anything mentioned in any lease the tenant shall pay rent measured in Palghat para or Macleode ser." "

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In sub-section (1) (a) of section 43 of the principal Act for the words "one year", substitute the words "two years", wherever they occur.' "

The amendment was put and lost.

9th January 1954]

MR. SPEAKER:—"The question is—

'In sub-section (2) of section 51 of the principal Act, omit the word "paddy".'

'Insert the following as sub-section (3):—

"(3) Where any rent of a wet land has to be converted into money, paddy shall be valued for the purpose of determining the sum due at the average market price of the previous five years published under sub-section (1)."

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'After clause 20, insert the following as new clause 20-A:—

"20-A. Amendment of section 51, Madras Act XIV of 1930.—In section 51 of the principal Act—

(a) in sub-section (1)—

(i) for the words 'every month', the words 'in the months of January, April, July and October every year', shall be substituted;

(ii) for the words 'current market price', the words 'the average market price during the immediately preceding three months', shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Where, for the payment of rent or michavaram by a tenant to whom the provisions of this Act apply, the cash value of any of the crops referred to in sub-section (1) has to be determined, such value shall be determined at the market price at the taluk headquarters last published under sub-section (1) before the date when such rent or michavaram became payable."

The motion was put and carried.

Clause 21.

SRI P. K. GOPALAKRISHNAN:—"Mr. Speaker, Sir, Clause 21 provides for the repeal of section 52-A of the principal Act and the Government have introduced a new section—section 11 to the principal Act—under clause 14 of the Bill in the place of section 52-A of the principal Act. Section 52-A of the principal Act deals with the right of tenants to prove before the Rent Settlement Authority whether a transaction is a mortgage or a tenancy. A part of this section has been incorporated in the new section—section 11—but the important part of section 52-A has been omitted. The proviso to section 52-A of the principal Act states that if it is found that the mortgage amount in South Malabar is less than sixty per cent of the value of the janmi's rights in the holding and in other places less than 40 per cent, the Rent Settlement Authority shall, until the contrary is proved, presume that the transaction is not one of mortgage. I want to know from the Hon. the Chief Minister why the Government do not want to incorporate this very important proviso."

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THE HON. SRI C. RAJAGOPALACHARI:—"We have already discussed that question and we are now on a different clause."

* SRI T. C. NARAYANAN NAMBIAR:—"The hon. Member Sri P. K. Gopalakrishnan referring to the proviso to section 52-A wanted to know only why the powers conferred on Rent Courts to decide whether a deed is a mortgage or tenancy have been taken away. The Rent Courts decide whether a deed is a mortgage or tenancy and if the latter is proved, fixity of tenure is given to the tenants. The hon. Member referred only to this aspect of the matter and not to the ratio 60 : 40 per cent on which basis the Rent Courts decide whether a deed is a mortgage or a tenancy."

Clause 21 was put and carried.

New clause after clause 21.

* SRI T. C. NARAYANAN NAMBIAR:—"I beg to move—
'For sub-section (1) of section 52-B, substitute the following:—

"(1) The rent-fixing authority shall on application from any person desiring to cultivate any waste land or forest land require by order, the landlord of such land to lease it for agricultural purposes to such person within such time as may be specified in the order in tenancy terms."

Retain the proviso under sub-section (1).

In sub-section (2) of section 52-B, omit the words "or officer" and for the word "may" substitute the word "shall".

"My amendment is a very important one. Every hon. Member is aware of the fact that the district of Malabar is deficit in food. Some hon. Members even call my district as a liability on the State, in the sense that the Government have to spend a large sum of money for supplying food to the people of that district. There are lakhs and lakhs of acres of cultivable land remaining uncultivated. Unlike the Andhra State or the remaining districts of this State, the cultivable waste lands in the district of Malabar belong to private parties and not to the Government. These private owners of waste lands are not willing to lease these lands to poor cultivators for cultivation purposes. Under section 52-B of the principal Act, the State Government or such officer as they may authorise in this behalf may, by order, require the landlord of any waste land to lease it for agricultural purposes. It is in that connection that I have given the amendment and my amendment lays down that the rent-fixing authority shall on application from any person desiring to cultivate any waste land require the landlord of such land to lease it for agricultural purposes. It is a very important amendment. Even now I have got several telegrams and memoranda that landlords are not allowing the poor tenants to cultivate their lands. Realising the importance of the matter,

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at least as far as the food deficiency in the district of Malabar is concerned, I would request the Hon. the Chief Minister to give attention to this matter."

The amendment was duly seconded.

MR. SPEAKER:—"Motion moved—

'For sub-section (1) of section 52-B, substitute the following:—

"(1) The rent-fixing authority shall on application from any person desiring to cultivate any waste land or forest land require by order, the landlord of such land to lease it for agricultural purposes to such person within such time as may be specified in the order in tenancy terms."

Retain the proviso under sub-section (1).

In sub-section (2) of section 52-B, omit the words "or officer" and for the word "may", substitute the word "shall".

* SRI V. R. KRISHNA AYYAR:—"Mr. Speaker, Sir, under section 52-B of the existing Act, the State Government or such officer as they may authorise may require the landlord of any waste or forest land to lease it for agricultural purposes to such person, for such term, subject to such conditions and within such time as may be specified in the order. Although the Malabar Tenancy Act, 1951, came into force on the 15th of March 1952 and though two years have nearly elapsed, no officer has been authorised by the Government to exercise the powers under section 52-B. In the book called 'Five Years' Achievements' regarding the district of Malabar, it is stated that the extent of cultivable waste land available is about 18 lakhs of acres. In an answer to a question in the earlier days of the Assembly, the Hon. the Revenue Minister was pleased to say that there are five to six lakhs of acres of cultivable land. Whether the extent of cultivable land is five or six or eighteen lakhs of acres, it is immaterial. The fact is there that there is an enormous extent of waste land available for cultivation purposes. Malabar is a deficit district and more and more food production should be encouraged. Instead, there has been inordinate and inexplicable delay in the matter and the Government is indifferent to promotion of cultivation of waste lands. Not an acre of waste land has been brought under cultivation. The amendment proposed seeks to create a machinery, namely, a Rent Court to whom a willing cultivator may make an application and the Rent Court may straightaway consider the application. A machinery is absolutely essential for the purpose of carrying out section 52-B and the purpose of the amendment is only to create that machinery."

* SRI C. H. KANARAN:—"സർ, ഈ മലബാറിലുള്ള പുഴയറ കരണം, മലബാറിൽ അരിയ്ക്കു തുടികൾ ഇല്ലാത്തതിനാലാണ്; ഇന്നത്തെ ഭരണകോശം, യാതൊരു അരിയ്ക്കുതുകയും തുകി ചെയ്യാൻ സാദ്ധ്യമായിട്ടില്ല. തുകിക്കായിട്ട് അരിയ്ക്കുതുകൾ റവറുമെന്റ് കൊടുത്തിട്ടില്ല. തിരുവിതാംകൂർ-കൊച്ചിയിൽ നിന്നും ധാരാളം അരിയ്ക്കുതുകൾ മലബാറിന്റെ ചിലകൾ പ്രവേശിപ്പിച്ചിട്ടുണ്ട് വന്നുകൊണ്ടിരിക്കുന്നു."

[Sri C. H. Kanaran] [9th January 1954]

കുറേ. മലബാറിൽ കുറെ ലക്ഷക്കോളം ഭൂമി തരിശായി കിടപ്പുണ്ട്. ഈ അസംസ്കൃത ഭൂമി മുൻപിൽ തരിശായി കിടക്കുന്ന ഭൂമികളെപ്പറ്റി ചോദ്യങ്ങൾ വന്നിട്ടുണ്ട്. അതിനെ കുറിച്ച് ആലോചിക്കണമെന്നു പറയുന്നതല്ലാതെ ഇതേവരെ എന്തെങ്കിലും നിയമിതമായി ചെയ്യാമെന്നു പറഞ്ഞിട്ടില്ല. മലബാറിലെ ജനങ്ങളുടെ പിട്ടിണി കരയെങ്കിലും തീരണമെങ്കിൽ ഈ ഭേദഗതി സ്വീകരിക്കണം. കൃഷി ചെയ്യാനാഗ്രഹിക്കുന്ന കൃഷിക്കാർ ഭൂമി കിട്ടണമെന്നുള്ളതാണ് ഈ ഭേദഗതിയുടെ ഉദ്ദേശം. കൃഷിക്കാർ കൃഷി ചെയ്യാൻ സാധിക്കണം. ജനങ്ങളുടെ പിട്ടിണി തീരണമെന്നുള്ള ആഗ്രഹം ഗവൺമെന്റിന്റെ അടുത്തകാലത്ത് ഈ ഭേദഗതി സ്വീകരിക്കണം. ഇതു സ്വീകരിക്കണമെന്നാണ് എന്റെ വിശ്വാസം."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, there is already section 52-B of the original Act. We are taking steps to see that the lands are distributed. Necessary action is being taken in that regard. Regarding the appointment of a machinery, viz., a Rent Fixation Authority, I do not think it will be able to function properly. We have to appoint a Special Officer. All these things are under the active consideration of Government. It was held up because of the impending Bill. But as soon as we pass this Bill, I think we will be able to move quickly. That is all what I have to say. I think the suggestion put forward is not workable. It may land us in difficulties."

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p.m.

SRI V. R. KRISHNA AYYAR :—" Has the Hon. Minister for Law given active consideration as to how to implement section 52-B of the original Act? Have they decided upon the officers to be appointed for this purpose? The Hon. Minister has not given a definite answer. I think the acceptance of the suggestion now put forward would definitely go to create a concrete machinery for bringing waste land under cultivation."

* SRI C. H. KANARAN :—" The Hon. Minister for Law said just now that steps are being taken by Government for bringing waste lands under the plough. Will the Hon. Minister amend the Bill now itself in such a way that a concrete machinery could be created for carrying out the work of bringing waste lands under cultivation? "

MR. SPEAKER :—" I shall now put the amendment of Sri T. C. Narayana Nambiar to the vote of the House. The question is—

'For sub-section (1) of section 52-B, substitute the following :—

" (1) The rent-fixing authority shall on application from any person desiring to cultivate any waste land or forest land require by order the landlord of such land to lease it for agricultural purposes to such person within such time as may be specified in the order in tenancy terms."

Retain the proviso under sub-section (1).

In sub-section (2) of section 52-B, omit the words "or officer" and for the word "may", substitute the word "shall".

The amendment was put and lost.

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Clause 22.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I intend first moving my amendment seeking to substitute a new section for section 52-E."

MR. SPEAKER :—" How can that be done? I shall take up amendments to section 52-C first. 'E' must come after 'C'." (Laughter.)

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move—
'In the proviso to sub-section (4) of the proposed section 52-C add at the end the following :—

" Whose rights claimed in the suit, the legal representative shall succeed subject to the liability to which the original plaintiff would be subject if the latter were alive and conducted the suit to its end."

" I have got a little doubt to be cleared and if the Government say that there is no room for any doubt and if they clarify the position, I shall not press my amendment. It is said in sub-section (4) of the proposed section 52-C that certain rights are personal to the cultivating verumpattamdar. But even when he has filed a suit, and dies subsequently it is said that his legal representative may continue the suit and if the legal representative continues as such he shall be subrogated to the rights which the original verumpattamdar possessed when he instituted the suit. I want to know whether the expression that the 'legal representative shall be entitled to continue the suit' also implies that the legal representative shall succeed to the rights of the original plaintiff subject to the liability to which the original plaintiff would be subject to if the latter were alive and conducted the suit to its end. I want to have that doubt cleared. If it is cleared, I shall withdraw my amendment."

SRI M. JAGANNATHAN :—" I second the amendment just moved."

MR. SPEAKER :—" Motion moved—

'In the proviso to sub-section (4) of the proposed section 52-C, add at the end the following :—

" Whose rights claimed in the suit, the legal representative shall succeed subject to the liability to which the original plaintiff would be subject, if the latter were alive and conducted the suit to its end."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I may tell the hon. Member that I had gone through the new section 52-C carefully and I do not think it is necessary to include the present amendment suggesting an addition to the proviso to the proposed section 52-C."

The amendment was, by leave of the House, withdrawn.

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MR. SPEAKER :—" I shall now take up the amendment of Sri T. C. Narayanan Nambiar. Let the hon. Member move it."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

In the proposed section 52-C, sub-section (1) omit the proviso :—

"In sub-section (2) for the figures and words '28th March 1953' substitute the figures and words '28th July 1950'."

"I congratulate the Hon. Law Minister and the Hon. Chief Minister on their having brought forward a new amendment for the insertion of the new section 52-E to the original Act. I have given the same amendments and also representations have been made on that issue. I hope the Hon. Minister will move it shortly. I congratulate him beforehand. That amendment deals with fugitive cultivation. I am glad that the Government have taken into consideration the difficulties of the tenants engaged in fugitive cultivation and have come to their rescue.

"Apart from that, coming to my amendment which I have just moved, I request the Government to accept it, for in fact it seeks to give relief to the verumpattamdar, to raise whose standard of living and status, the present Bill is intended. This is a vital issue. The tenants should be given protection from 28th March 1950 and not from last year."

SRI C. H. KANARAN :—" I second it."

MR. SPEAKER :—" The question is—

In the proposed section 52-C, sub-section (1) omit the proviso :—

"In sub-section (2) for the figures and words '28th March 1953' substitute the figures and words '28th July 1950'."

The amendment was put and lost.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move—

Insert the following as new section 52-E :—

"52-E. Rent for fugitive cultivation.—Where only a crop known in Malabar as Punam crop is raised on land let for fugitive cultivation rent shall be twice the assessment payable on the land or, where the land has not been assessed, twice the assessment payable on similar land in the neighbourhood."

SRI V. R. KRISHNA AYYAR :—" The amendment that is now sought to be introduced is no doubt good. But let it be understood that this has been already recommended by the Kuttikrishna Menon Committee as early as 1939. I am grateful to the Government for agreeing to that suggestion at least now."

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MR. SPEAKER :—" The question is—

Insert the following as new section 52-E :—

"52-E. Rent for fugitive cultivation.—Where only a crop known in Malabar as Punam crop is raised on land let for fugitive cultivation rent shall be twice the assessment payable on the land or, where the land has not been assessed, twice the assessment payable on similar land in the neighbourhood."

The amendment was put and carried.

The clause as amended was put and carried.

Clause 23.

Clause 23 was put and carried.

Clause 24.

* SRI V. R. KRISHNA AYYAR :—" Since the present Malabar Tenancy Amendment Bill is an important one and since we have no time to go through the clause-by-clause consideration of the Bill leisurely, I suggest if it is agreeable to the House that we would better sit till 6 o'clock and finish the clause-by-clause consideration of the Bill."

THE HON. SRI C. RAJAGOPALACHARI :—" I heartily commend that suggestion, Sir."

SRI K. VINAYAKAM :—" May I bring to the notice of the House that the Hon. Minister for Harijan Uplift had invited some hon. Members belonging to the Backward Classes for an engagement to-day evening and as such the acceptance of Mr. Krishna Ayyar's suggestion would amount to depriving us of being present here at 6 o'clock."

THE HON. SRI C. RAJAGOPALACHARI :—" But Malabar is more backward, Sir." (Laughter.)

MR. SPEAKER :—" The hon. Member is at liberty to attend that engagement. The only question is whether he would like to be present here till 6 o'clock he would not press for a division when a specific amendment is put to vote."

SRI K. VINAYAKAM :—" How can we give a blank cheque like that, Sir." (Laughter.)

SRI E. K. MOIDU :—" Sir, I move—

For the words and figures "six agricultural years beginning with 1947-48 and ending with 1952-53", substitute the words and figures "three agricultural years beginning with 1950-51 and ending with 1952-53."

The amendment was duly seconded.

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MR. SPEAKER :—" Motion moved—

' For the words and figures " six agricultural years beginning with 1947-48 and ending with 1952-53 ", substitute the words and figures " three agricultural years beginning with 1950-51 and ending with 1952-53 " . . . '

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p.m.

* SRI T. C. NARAYANAN NAMBIAR :—" I move that—
' For the words " six agricultural years . . . 1952-53 ", substitute the words " one agricultural year, i.e., 1952-53. " . . . '

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—" I move that—

' For the words and figures " six agricultural years beginning with 1947-48 and ending with 1952-53 " substitute the words and figures " two agricultural years beginning with 1951-52 and ending with 1952-53 " . . . '

SRI R. KRISHNAN :—" I second the amendment."

* SRI T. C. NARAYANAN NAMBIAR :—" I am not moving the amendment No. 87 as No. 45 moved by Sri P. K. Gopala-krishnan deals with the issue."

SRI V. R. KRISHNA AYYAR :—" I am not moving the amendment No. 37 as it only overlaps the hon. Member Mr. Moidu's amendment."

MR. SPEAKER :—" I wish to know whether the Government want to say anything."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I oppose the amendments, Sir."

SRI P. K. GOPALAKRISHNAN :—" This is a very important matter, Sir. This pertains to arrears of rent payable by the tenant. All these six years, there had been failure of crops and drought prevailing. Now the Government come forward and say that tenants who had been unable to pay rent for the last six years should pay it immediately within three months . . . "

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, if it is on the ground of ' unable ', most of the tenants have deposited the money in courts. It will lead to discrimination."

SRI P. K. GOPALAKRISHNAN :—" Many have even cleared their rent dues. It is no reason why that rent remission should not be given to those who are unable to pay the rent."

THE HON. SRI C. RAJAGOPALACHARI :—" Suits have been filed and money has been deposited in many pending cases. We cannot make a discrimination. It is a very difficult thing."

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SRI P. K. GOPALAKRISHNAN :—" Sir, the question is this that for the last six years there had been failure of crops and drought conditions. It is a known fact that in Malabar the situation is much worse. If provision is made now that six years' rent should be paid, the tenants will not be able to pay such large amounts. The security of tenure that is given by one hand is taken back by the other hand. All the tenants who have got arrears to pay would be ousted from land. I hope Government would reconsider the suggestion put forward by me. Even the Malabar Pradesh Congress Committee has recommended only three years' arrears of rent and not six years'. (Interruption by Hon. the Finance Minister.) The Communist Party says ' one year ' ; the Praja Socialist Party says, ' two years ' and the Congress Party says ' three years '. We may accept if a compromise is arrived at ' three years ' ."

* SRI M. NARAYANA KURUP :—" Sir, the statement made by the Hon. Chief Minister that the tenants have deposited the amounts in suits is not correct. Though there had been suits since 1947, what the Courts did was that they interpreted section 55 of the existing Malabar Tenancy Act as covering all cases and even cases where the suits should have been stayed only on deposits they stayed without deposits due to some reason or discretion. Now therefore in a good number of cases that are pending . . . "

* THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member Mr. Kurup has really thrown more light on the difficulty that I pointed out. Even though there was necessity for depositing as per law, some have been good enough, orderly enough to deposit, but some have not deposited. So any change now will mean discrimination and it would be unfair."

* SRI V. R. KRISHNA AYYAR :—" In fact, some people have not deposited. They have been tripped on law. Certain courts interpreted the rights and protection given under the section in such a manner that even without deposits they had stayed; but the High Court held that there will be no stay without deposit. Thus, they were tripped on the law. (Interruption by the Hon. Finance Minister.) The Hon. Food Minister knows what lawyers do and I suppose he is certainly aware that lawyers are faithful to their clients in espousing their cause. When judges take certain views and those views become accepted, there are other litigants. There were divergent views in the Courts. That is one reason. Another reason is, I shall give a constructive suggestion, whatever the period fixed whether it is one year, two years or three years—I have already expressed my views when speaking on my amendments—it will not be possible for the tenant to deposit a large amount that might have accumulated within a year, that is, twelve months. Even under the Ordinance, the Indebted Agriculturists Relief Bill, the tenant gets one year. Even within that one year he will not be able to pay. So, in any case, it must be two years' period within which he will be enabled to deposit the rent, whatever the period fixed for arrears of rent."

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P.M. * SRI R. KRISHNAN :—“ മലബാർ കടിയായ് നിൽക്കുന്നതിൽ പാട്ടായിരിക്കുന്നതിനോടുകൂടി വകുപ്പുകൾക്കു എല്ലാ ഗുണങ്ങളും രാഷ്ട്രീയകാര്യങ്ങൾക്കും സൗകര്യം നൽകുന്ന ഒരു വ്യവസ്ഥയാണ് ഒരു കൊല്ലത്തെ പാട്ടുവാക്കി കൊടുക്കണമെന്നു പറയുന്നത്. ചില ജന്മദാർ പാട്ടം അളന്നാൽ രശ്മിരി കൊടുക്കണമെന്നാണ്. ഇതിനെയും ഇങ്ങനെ പാട്ടുവാക്കി പാട്ടുവാക്കിയുടെ പേരിൽ കൃഷിക്കാരന്റെ വീടും പറയും വീട്ടുസാധനങ്ങളും ജപ്തി ചെയ്യുന്നതിന് സൗകര്യം ജന്മദാർ കിട്ടുന്നുണ്ട്. അതുകൊണ്ട് ഈ വകുപ്പ് ഭേദഗതി ചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം.”

* SRI T. C. NARAYANAN NAMBIAR :—“ The difficulty expressed by the Hon. Chief Minister was that it will be a discrimination against those of the tenants who had already deposited. Sir, it is quite customary if there had been any excess payment of rents, it will be counted for the next year. Thus, there is no difficulty so far as those who have already deposited are concerned. In view of what the Hon. Law Minister said yesterday about those people who had remitted arrears of rent, I hope the Hon. Chief Minister will consider this question again. As I said yesterday, it was during his time when he was the Chief Minister in 1938 that the arrears of rent were wiped off provided two years' arrears were paid. I do not find any more prosperity or any more improvement in the condition of the tenants of Malabar now so that they can be asked to pay six years' arrears of rent. Moreover I am afraid that it is for the Hon. Chief Minister that a change has come in the sense that he does not help the tenantry, as he was doing in 1938. I hope the Hon. Chief Minister will see the justice of this demand.”

4-40
P.M. SRI K. MADHAVAN NAMBIAR :—“ ഒരു കൊല്ലത്തെ പാട്ടംതന്നെ കൊടുക്കണമെന്നു നിയമം പടിക്കുന്ന ബഹുമാനപ്പെട്ട മുഖ്യമന്ത്രിയെ 1937 ൽ കാക്കിപ്പാലാസനിയം പാട്ടുവാക്കിയത് കാൽപ്പെട്ടതിനൊക്കെല്ലാം.”

SRI C. H. KANARAN :—“ ‘Is it a question of discrimination?’, I ask. We cannot look at the problem like that. There are a large number of tenants who are yet to deposit the arrears and those who have paid have mortgaged their ornaments, etc. and have sold everything. I would request that there should be a provision only for two years' arrears. The provision requiring the tenant to deposit the arrears of rent for six years will cause considerable hardship.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ When my colleague (the Hon. Minister for Law) was absent, Sri V. R. Krishna Ayyar suggested that the period may be two years instead of one year. There will be no difficulty. But look at the whole Act and the present changes. It will be rather difficult to make a new provision just now. In the old Act itself there is a provision to the following effect: ‘If before the expiry of twelve months from the commencement of this Act or such further time as the Collector may from time to time allow.’ So the Collector can grant further time. I request the hon. Member not to press his amendment.”

Mr. SPEAKER :—“ Is the hon. Member pressing his amendment?”

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SRI T. C. NARAYANAN NAMBIAR :—“ Yes, Sir.”

Mr. SPEAKER :—“ I am now putting Sri K. Moidu's amendment to the vote of the House. The question is—

‘For the words and figures “six agricultural years beginning with 1947-48 and ending with 1952-53”, substitute the words and figures “three agricultural years beginning with 1950-51 and ending with 1952-53”.’

The amendment was put and lost.

Mr. SPEAKER :—“ I am now putting Sri T. C. Narayanan Nambiar's amendment to the vote of the House. The question is—

‘For the words “six agricultural years . . . 1952-53”, substitute the words “one agricultural year, i.e., 1952-53”.’

The amendment was put and lost.

Mr. SPEAKER :—“ I shall now take up the amendment of Sri P. K. Gopalakrishnan—

‘For the words and figures “six agricultural years beginning with 1947-48 and ending with 1952-53”, substitute the words and figures “two agricultural years beginning with 1951-52 and ending with 1952-53”.’

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am appealing to my Friend not to press his amendment. I have explained the difficulty. Surely there will be discrimination especially because some have already paid and some have not paid. It will be unfair to a very large number of persons if we allow this amendment. Then there will have to be a provision barring those who have already deposited to get refund.”

Mr. SPEAKER :—“ Is the hon. Member pressing his amendment?”

SRI P. K. GOPALAKRISHNAN :—“ I would like to know whether the Hon. Chief Minister would accept the position.”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ We are not able to accept it.”

Mr. SPEAKER :—“ I am putting the amendment of Sri P. K. Gopalakrishnan to the vote of the House. The question is—

‘For the words and figures “six agricultural years beginning with 1947-48 and ending with 1952-53”, substitute the words and figures “two agricultural years beginning with 1951-52 and ending with 1952-53”.’

The amendment was declared lost.

A poll was demanded. The division bell was rung. The amendment was again put and lost. The demand for poll was not pressed.

Clause 24 was put and carried.

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Clause 25.

* SRI M. NARAYANA KURUP :—" Sir, I move only the amendment standing in my name—

' After sub-clause (2), insert the following proviso :—

" Provided further that where suits, execution and other proceedings have been stayed by Courts under section 54 or 55 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) without going into the question whether they came under section 54 or 55, and stay has been ordered without deposit as required by section 4 of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), then the Court shall have discretion, notwithstanding the time-limit fixed by section 4 of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949) to allow such deposits to be made within three months after the commencement of the Malabar Tenancy (Amendment) Act, 1954."

4-50 P.M. " In moving this amendment, I have to say that I have brought forward this amendment to overcome the difficulty that was mentioned before. Under sections 54 and 55 of the existing Act, there are a number of suits pending in Malabar Courts, without going into the question whether really those suits are governed by section 54 or section 55, think that they are entitled to stay all suits. The difference between these two sections is this, namely, if a suit comes under section 54 and is governed by the provisions of the Madras Tenants and Ryots Protection Act, a deposit has to be made of two years' arrears and the tenant must continue to make the deposit in future also, but in other cases no such deposit need be made. Now, what happened was—of course it may be due to misinterpretation or wrong interpretation of the law by courts—that even cases which came under section 54 were stayed under section 55 without any order for making the deposit. In certain cases that went on appeal, the Hon. the Judges of the High Court have held that if a case really came within the scope of section 54 of the Act it should not be stayed without the necessary deposit. The difficulty arises in this way. If a suit, which ought to have been really stayed under section 54, is stayed under section 55 without any deposit and the time for deposit is also over, the tenants will be helpless and they will automatically be evicted. We are now repealing the Tenants and Ryots Protection Act. What is contemplated in this amendment is to give an opportunity to the Court to rectify any mistake by asking the tenant to deposit the arrears of rent and giving the relief that he is entitled to under this Act, if mistakes have crept in for no fault of the parties to the suit but due to interpretation of the Statute by the Court. Otherwise a large class of tenants whose suits have been stayed without deposits will be hard hit which is not the intention of the Legislature nor the intention of the Judges who granted the stay without

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deposit. Let the Government examine the amendment. My amendment need not be accepted, but I shall be satisfied if relief is given in the way the Government think fit."

SRI S. S. KOLKEBAIL :—" I second the amendment."

* SRI V. R. KRISHNA AYYAR :—" Sir, I understand from the Hon. Law Minister that he is going to modify the clause in conformity with the substance of the amendment of which I have given notice. Hence I do not propose to move my amendment."

* SRI K. M. SEETHI SAHIB :—" Sir, I have given notice of an amendment. The object of it is to give the benefit of the present Act to the tenants who have been dispossessed of the land in their possession. There is a provision in the Malabar Tenancy (Amendment) Act of 1951 giving the benefit of that Act to persons who were dispossessed of the land in their possession. I want a similar right to be given under this Act also. I would like to know the attitude of the Government towards my amendment."

* THE HON. SRI C. RAJAGOPALACHARI :—" As regards the first part of the amendment notified by Sri M. Narayana Kurup, the Government have no objection to accept it. It could be bodily incorporated in clause 25 of the Bill.

" As regards the amendment given notice of by Mr. Seethi Sahib, it proposes to give retrospective effect which will mean dispossession of people and re-instatement of others."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The proviso in Sri Narayana Kurup's amendment may be included as the second proviso under sub-clause (2) of clause 25 with slight verbal changes. The first part of the amendment should read as follows :—

' After sub-clause (2), insert the following as the second proviso :

" Provided further that where suits, execution and other proceedings have been stayed by Courts under section 54 or 55 of the Malabar Tenancy (Amendment) Act, 1951"

SRI M. NARAYANA KURUP :—" I accept the changes proposed."

SRI V. R. KRISHNA AYYAR :—" I take it that the Hon. Law Minister is extending the operation of the Act to pending decrees and orders, as I suggested. I thought he had agreed to it."

MR. SPEAKER :—" Is the hon. Member Mr. Seethi Sahib moving his amendment? "

* SRI K. M. SEETHI SAHIB :—" I have not heard the view of the Hon. Law Minister regarding my amendment."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, we have already taken certain decisions. If Mr. Seethi Sahib's amendment is accepted, there will have to be dispossession and re-possession of land and so on. Hence we are not in a position to accept the amendment."

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* SRI K. M. SEETHI SAHIB :—" I am not moving my amendment as the Government are not willing to accept it."

MR. SPEAKER :—" I will put to vote the amendment of Sri K. Narayana Kurup with the verbal changes proposed by the Hon. Law Minister and accepted by the hon. Member. The question is—

' After sub-clause (2), insert the following as the second proviso :—

" Provided further that where suits, execution and other proceedings have been stayed by Courts under section 54 or 55 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) without going into the question whether they came under section 54 or 55, and stay has been ordered without deposit as required by section 4 of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), then the Court shall have discretion, notwithstanding the time-limit fixed by section 4 of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), to allow such deposits to be made within three months after the commencement of the Malabar Tenancy (Amendment) Act, 1954." "

The amendment was put and carried.

Clause 25 as amended was put and carried.

New Clause 26.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move—

' After clause 25, insert the following as clause 26 :—

" 26. The Secretary to Government in the Law Department shall renumber the sections and divisions of sections of the Malabar Tenancy Act, 1929, as amended by this Act, so that the sections and divisions shall bear consecutive numbers or letters as the case may be and make necessary consequential corrections in the references to sections and divisions of sections occurring in the Act; and the Act so prepared and certified by the said Officer shall be deemed to be the Malabar Tenancy Act, 1929 as amended by the Malabar Tenancy (Amendment) Act, 1954." "

" This is only a formal amendment."

MR. SPEAKER :—" The question is—

' After clause 25, insert the following as clause 26 :—

" 26. The Secretary to Government in the Law Department shall renumber the sections and divisions of sections of the Malabar Tenancy Act, 1929, as amended by this Act, so that the sections and divisions shall bear consecutive numbers or letters as the case may be and make necessary consequential corrections in

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the references to sections and divisions of sections occurring in the Act; and the Act so prepared and certified by the said Officer shall be deemed to be the Malabar Tenancy Act, 1929, as amended by the Malabar Tenancy (Amendment) Act, 1954." "

The amendment was put and carried.

Schedule to the Principal Act.

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move the amendment standing in my name, namely,—

' Add the following 22 villages to the Schedule :—

" Chittari, Kekkanam, Panayal, Pallikaru, Uduma, Baara, Kalanad, Chananad, Perimbusha, Thikkil, Adur-1, Adur, Adur-1-1, Katakam, Muliya-1, Muliya-2, Chengalam, Pata, Muttathodi, Kasaragod, Kootal, Kalingara." "

" The Malabar Tenancy Act has been extended to thirty-three villages of the South Kanara district. My amendment is for further extension of this Act to 22 more villages in the South Kanara district, because the tenure system and other conditions are the same there as prevail in other parts where this Act is in operation. I request the Government to accept my amendment."

SRI C. H. KANARAN :—" I second the amendment, Sir."

* THE HON. SRI C. RAJAGOPALACHARI :—" May I make an appeal that this substantial addition to Malabar area need not be pressed now? If it is only a question of examination of the conditions in a few villages the Government will look into it and bring in the necessary measures. No need to take them up now, because it will be a question of deciding whether they are really Kannada area or Malabar customs area."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, on the assurance given by the Hon. the Chief Minister that if necessity arises, the Act will be extended to other areas by a notification, I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

Clause 3.

Clause 3 was put and carried.

Clause 2.

MR. SPEAKER :—" Motion moved—

' That clause 2 do stand part of the Bill '."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move the amendment standing in my name, namely,—

" In paragraph (ii) (vv) in item (iv) of clause 2 for the word "three" substitute the word "one"."

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* THE HON. SRI C. RAJAGOPALACHARI :—“ Instead of ‘ three ’ to be made into ‘ one ’, an explanation can be added to it. I want hon. Members to listen to the explanation that I now read. The explanation is—

‘ *Explanation.*—Any interruption of the continuity of possession of an *ulkudi* that has taken place after the 28th March 1953 and before the Malabar Tenancy (Amendment) Act comes into force shall be deemed not to have taken place.’ ”

MR. SPEAKER :—“ Is the hon. Member Sri T. C. Narayanan Nambiar moving his amendment to Clause 2 ? ”

SRI T. C. NARAYANAN NAMBIAR :—“ I am not moving my amendment, Sir.”

SRI P. S. KRISHNASWAMY AYYANGAR :—“ Sir, there are three amendments standing in my name, namely :—

‘ (i) After the definition of “ Rent Court ”, insert the following proviso :—

“ Provided that where a Revenue Divisional Officer is appointed to function as a rent court, no Tahsildar subordinate to him shall be appointed to function as a Revenue Court within the said Revenue Divisional Officer’s Division.” ’

I move this amendment, but if the Government think that they can accept it, I shall press my amendment. Otherwise, I drop it. The Revenue Divisional Officer or a Tahsildar may constitute the Rent Court. If a Tahsildar is the Rent Court of any particular area within a Revenue Division, the Revenue Divisional Officer, having jurisdiction over the same Revenue Division, cannot be a Rent Court in regard to some other area of that Revenue Division. If a Revenue Divisional Officer and a Tahsildar happen to be Rent Courts in the same Revenue Division, then the independence of the Courts, for which we are pleading on all occasions, will be jeopardised. For instance, there may be two similar cases pending before the Revenue Divisional Officer and the Tahsildar.”

SRI V. R. KRISHNA AYYAR :—“ May I know whether it is in order for an hon. Member to speak of a condition, namely, ‘ if the Government are prepared to accept my amendment ’ ? Is the hon. Member in order in moving this amendment so conditionally as to depend upon the grace of the Government ? ”

SRI P. S. KRISHNASWAMY AYYANGAR :—“ Sir, if I am not in order, I withdraw my condition, and I move the amendment ” (Laughter.)

The amendment was duly seconded.

MR. SPEAKER :—“ Is the hon. Member Sri V. R. Krishna Ayyar moving his amendment ? ”

SRI V. R. KRISHNA AYYAR :—“ It has already been dealt with on an earlier occasion. I am not moving my amendment.”

MR. SPEAKER :—“ Is the hon. Member Sri T. C. Narayanan Nambiar moving his amendment ? ”

SRI T. C. NARAYANAN NAMBIAR :—“ What is the number of the amendment, Sir ? ”

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MR. SPEAKER :—“ It is 62 (iii). It reads—

‘ (iii) *Re-number* the existing item (iii) as item (iii) (b) and insert the following as item (iii) (a) :—

“ (iii) (a) In clause (v) defining ‘ tenant ’, after the words ‘ and includes ’ the words ‘ a sub-tenant how low so ever ’ shall be inserted.” ’

If the hon. Member is not moving his amendment let him say so.”

SRI T. C. NARAYANAN NAMBIAR :—“ I do not know where is this to be inserted.”

SRI C. H. KANARAN :—“ This amendment was not circulated Sir.”

MR. SPEAKER :—“ It was circulated.”

The amendment was not moved.

MR. SPEAKER :—“ Is the hon. Member Sri V. R. Krishna Ayyar moving his amendment ? ”

SRI V. R. KRISHNA AYYAR :—“ What is the number of my amendment, Sir ? ”

MR. SPEAKER :—“ The amendment reads as follows :—

‘ (iv) Add the following as item (iii) (c) :—

“ (iii) (c) To clause (v), the following proviso shall be added, namely :—

‘ Provided that any person who cultivates the land of another for consideration as lessee or as sub-lessee or on any other customary tenure, shall be entitled to claim the benefits conferred upon a tenant by this Act even though he may not be the immediate tenant under the landlord against whom he claims the benefit.’ ” ’

SRI V. R. KRISHNA AYYAR :—“ Is the Hon. Speaker asking me about amendment No. 81 ? ”

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THE HON. SRI C. RAJAGOPALACHARI :—“ The whole of it hinges on the other amendment relating to ‘ contract rent or fair rent whichever is less ’.”

SRI V. R. KRISHNA AYYAR :—“ If I heard the Hon. Speaker aright, I want to extend it not merely to tenants who often times happen to be intermediaries but to the actual cultivating tenants who may be described as sub-tenants, so much so that the privileges or the benefits extended under the Act to a tenant may be available to a sub-tenant who is an actual cultivating tenant. That is the purport of my amendment.”

SRI P. S. KRISHNASWAMY AYYANGAR :—“ Sir, I move the following amendment to clause 2 of the Bill :—

‘ In item (iv) for the word “ or ” occurring between the word “ *ulkudi* ” and the word “ *kudikidappu* ”, substitute the word “ and ”.’

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As I stated with regard to a previous amendment it is only a grammarian's amendment. The Government may kindly accept the amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"With reference to a definition in the previous Act, the word 'or' has been used. Therefore, it is correct to use here the word 'or'."

* SRI P. S. KRISHNASWAMY AYYANGAR:—"Sir, I shall say what I wish to say. After that, if the Government feel that the word 'or' is all right, I have no objection. Now, if copies of the Act are printed and if in some copies 'ulkudi' alone is defined and in some other copies 'kudikidappu' is defined, then one may say that the proposed definition may be accepted as the definition of 'ulkudi' or 'kudikidappu'. But in every copy that we print, there is the definition of 'ulkudi' and 'kudikidappu'. Therefore, 'and' would be the proper word here. Even then, if the Government think that the word 'or' is properly used here, I have no objection. But to me it seems that 'and' alone would be the proper word here. If the mistake has already been committed in a previous Act I feel that that mistake need not be continued here."

* THE HON. SRI C. RAJAGOPALACHARI:—"We are revising the previous Act and in the previous Act on page 9 of the printed book, the hon. Member will see clauses (v), (vv) and (vv). In clause (vv) it is stated 'Ulkudi' or 'kudikidappu' means 'so and so.' So, we have to refer to it only that way."

* SRI M. NARAYANA KURUP:—"Sir, I move the following amendment which stands in my name—

'After item (iv), insert the following as item (v):—

"(v) in clause (iv) (2) defining 'cultivating verumpattamdar' the words 'or substantially the whole of it' shall be added at the end.'"

Sir, this is a very small amendment to the definition of 'cultivating verumpattamdar'. The object of my amendment is this. A cultivating verumpattamdar must be first a verumpattamdar and must cultivate the land. Now, in a holding of, say, ten acres there may be one or two kudiyruppus or a few cents which are in the possession of tenants. Courts have held that in order that a verumpattamdar may be a cultivating verumpattamdar, he must be in entire possession of every inch of the property. That the object is not so is clear on a reading of the other provisions which refer to the major portion of it or substantially the whole of it in his possession. Therefore, my amendment is intended only to rectify this defect. It is more or less a technical amendment. No material changes are proposed and my amendment is intended only to cure this defect created by some judicial decisions. I hope it will be accepted by the Government."

The amendment was seconded.

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SRI C. H. KANARAN:—"Sir, I move—

'Renumber the existing item (iii) as item (iii) (b) and insert the following as item (iii) (a):—

"(iii) (a) in clause (v), defining 'tenant' after the words 'and includes', the words 'a sub-tenant how low so ever' shall be inserted.'"

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN:—"Sir, I move the following amendment that stands in my name:—

'For item (iv), substitute the following:—

"(iv) clause (vv) defining 'ulkudi' or 'kudikidappu', the following clause shall be substituted, namely:—

"(vv) (i) "Ulkudi" means any portion of land outside Fort Cochin in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord whether such person has agreed to pay rent or not.

(ii) "Protected ulkudi" means an ulkudi which has been in the continuous occupation of the holder or of any member of his tarwad, tavazhi, illom, kutumba, kavaru, or family for not less than one year.

(iii) "Kudikidappu" means any portion of a land in Fort Cochin in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord whether such person has agreed to pay rent or not.'"

Sir, my amendment is in consonance with the provisions of the principal Act. The present Bill seeks to amend the definition of 'ulkudi', as meaning a hut in any portion of a land whereas in the original Act 'ulkudi' or 'kudikidappu' was defined as meaning any portion of a garden land wherein a hut was allowed to be put up. There is much difference between the two. According to the definition proposed in the Bill, an ulkudidar has got a right only over the hut and has no right over the appurtenant land. Naturally an ulkudidar will be raising some plantains or some vegetables around his hut. Now, if the definition proposed in the Bill is accepted as it is, the janmi or the landlord will be able to see that all those plantains and vegetables are removed. That is going on now in Malabar. I have come across dozens of cases of ulkudidars trying to raise plantains and other vegetables around their huts and the landlord coming and forcibly removing them unless all the fruits are given to him. Now, the present Amending Bill seeks to give protection in this respect to the landlord and not to the tenant. In this connexion, I would draw the attention of the House as well as of the Government to the dissenting note written by the hon. Member Sri A. Appu to the Report of the Joint Select Committee, wherein he has said—

'Instead of improving upon the definition of "ulkudi" and "kudikidappu", the present Amending Bill has mutilated the original definition and it would

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appear as though the ulkudi tenant has to cling on to the superstructure of his hut and not to stay on the site and the appurtenant land so absolutely needed for his residence The present Bill is markedly retrograde compared to the Amending Act of 1951 in the above respect.

This is a very important thing because the attack on the part of landlords against ulkudidars raising vegetables and other things around the hut has been going on and ulkudidars have been in a disadvantageous position. Now the Government come forward to give legality to the attacks of the landlord. I hope that the Government will realize the position and amend the definition suitably. Again, the Hon. the Chief Minister the other day promised that for protected ulkudi, one year's stay would be enough for security of tenure. That has not been expressed in the Bill. So, that question has also to be considered."

* SRI V. R. KRISHNA AYYAR :—" Sir, I want to draw the serious attention of the Government to one small point and it is just this. Under the existing Act as interpreted by the Courts, it has always been held that the Act is concerned only with the landlord and his immediate tenant. So, a sub-tenant who is entitled to relief under the Act has always been denied that relief for the reason that he is not a tenant but only a sub-tenant. The Malabar Tenancy Act does not deal with a sub-tenant. Actually what the Government and the House intend is to benefit the cultivator. The cultivator may not have the right at all to claim the benefits under the Act if he is not a tenant but is only a sub-tenant. It is common knowledge that in Malabar we have got a number of intermediaries and each intermediary becomes a tenant, a man below him being only a sub-tenant. I, therefore, seek by this amendment to confer all the benefits that a tenant can claim, that is, that an intermediary can claim, upon the cultivator even though he may happen to be a sub-tenant. The Government must protect this class of people also. Therefore we suggest that some suitable provision may be inserted so that these sub-tenants can also be brought within the field of beneficiaries under this Bill."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, regarding the definition of Ulkudi, we have given the correct definition. We have given them further rights and I do not think there is any difficulty with reference to the present definition. Regarding the point raised by Mr. Krishna Ayyar, if a sub-tenant was actually cultivating the land, he is also protected under the Act. He also gets benefit under this Act and there is no necessity to have a provision as suggested by Mr. Krishna Ayyar."

* SRI V. R. KRISHNA AYYAR :—" As regards sub-tenants, there are some hard cases decided by the High Court right from 1941 to 1952, to the effect that they are not included within the category of tenants. I will be thankful to the Hon. Minister if it could be expressly stated that these people also come under the category of tenants. By so doing, nothing will be lost, but much may be gained."

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* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" There is no difficulty as to that. Regarding Mr. Kurup's amendment, we find it difficult to accept the same. As for Mr. Krishna Ayyar's suggestion, the Government are not prepared to accept any one of the amendments, as they are not necessary. As regards ulkudi and protected ulkudi, we have come to certain conclusions and according to those conclusions, we will act."

SRI C. H. KANARAN :—" What about our amendment No. 62, Sir? "

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, the Government are not able to accept that amendment, as it is not necessary to accept it. Regarding Mr. Kurup's amendment also, the Government find it difficult to accept it as it is unnecessary."

MR. SPEAKER :—" What has the Hon. Minister to say about the amendments of Sri P. S. Krishnaswami Ayyangar? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Those amendments are also unnecessary. I request him to withdraw them."

MR. SPEAKER :—" Is the hon. Member Sri Krishnaswamy Ayyangar withdrawing his amendments? "

SRI P. S. KRISHNASWAMY AYYANGAR :—" I have moved two amendments. To which amendment, is the Hon. Minister referring, Sir? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" All the amendments."

SRI P. S. KRISHNASWAMY AYYANGAR :—" I withdraw all the amendments, Sir."

The amendments of Sri P. S. Krishnaswamy Ayyangar were, by leave of the House, withdrawn.

The amendment of Sri M. Narayana Kurup was put and lost.

SRI C. H. KANARAN :—" What about our amendment for the inclusion of the words, ' a sub-tenant how low so ever ' ? "

MR. SPEAKER :—" Is he withdrawing the amendment? "

SRI C. H. KANARAN :—" No, Sir."

MR. SPEAKER :—" The question is—

' *Renumber* the existing item (iii) as item (iii) (b) and insert the following as item (iii) (a) :—

" (iii) (a) in clause (v) defining ' tenant ', after the words ' and includes ', the words ' a sub-tenant how low so ever ' shall be inserted."

The amendment was put and lost.

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MR. SPEAKER :—" I am now going to put the amendment of hon. Member Sri P. K. Gopalakrishnan to the vote of the House. The question is—

' For item (iv), substitute the following :—

" (iv) for clause (vv) defining ' ulkudi ' or ' kudikidappu ', the following clause shall be substituted, namely :—

' (vv) (i) " Ulkudi " means any portion of land outside Fort Cochin in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord, whether such person has agreed to pay rent or not.' " " "

(ii) " Protected ulkudi " means an ulkudi which has been in the continuous occupation of the holder or of any member of his tarwad, tavazhi, illom, kutumba, kavaru, or family for not less than one year.

(iii) " Kudikidappu " means any portion of a land in Fort Cochin in which a person is allowed to put up a hut and reside therein or is allowed to reside in a hut put up by the landlord, whether such person has agreed to pay rent or not.' " " "

The amendment was put and lost.

SRI V. R. KRISHNA AYYAR :—" On a point of order, often-times, when ' ayes ' are called, we find the voice from Government benches is raised so much that it appears that it is one and the same voice that is being reflected." (Laughter.)

MR. SPEAKER :—" I am now going to put the Government amendment to the vote of the House. The question is—

' In paragraph (ii) of (vv) in item (iv) of clause 2, for the word " three ", substitute the word " one ".' " "

The amendment was put and carried.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move that the following be added to paragraph (ii) of (vv) in item (iv) of clause 2 :—

' Explanation.—Any interruption of the continuity of possession of an ulkudi that has taken place after 28th March 1953, and before the Malabar Tenancy Amendment Act, 1954, comes into force, shall be deemed not to have taken place.' " "

The amendment was put and carried.

Clause 2, as amended, was put and carried.

Clause 1.

Clause 1 was put and carried.

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New Clause 1-A.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move the following amendment standing in my name, which is a consequential one :—

' After clause 1, insert the following as clause 1-A :—

" Amendment of section 2, Madras Act XIV of 1930.—In section 2 of the principal Act,—

' (i) in sub-section (1), the words " or for fugitive cultivation " shall be omitted.

(ii) in the same sub-section, after the words " for the market ", the words " or, subject to section 52-E, land let only for fugitive cultivation " shall be added.' " " "

The amendment was put and carried.

PREAMBLE.

MR. SPEAKER :—" The motion is—

' That the Preamble do stand part of the Bill.' "

5-30
p.m.

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

' Insert the following further Preambles :—

" And whereas rents of agrarian holdings are being levied at high and unreasonable rates;

And whereas there has been widespread demand for protection of cultivating tenants against exorbitant rentals and fixing up of more moderate and fairer rentals by bringing down the existing rents;

And whereas it is necessary to protect the tenants from eviction and give fixity of tenure to them.' " " "

SRI K. C. GOPALAN UNNI :—" I second the amendment."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" It is unnecessary, Sir. I oppose it. What is mentioned in the Bill is sufficient and I would request the hon. Member to withdraw his amendment."

SRI T. C. NARAYANAN NAMBIAR :—" The Bill has provided for fixity of tenure and reduction of rent, according to the Government. Then why should they fight shy of having the Preamble that I have suggested? "

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, it will be a bad precedent to introduce propaganda in statutes."

SRI C. H. KANARAN :—" Why should amendments that do not go against the purposes of the Bill be withdrawn? "

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MR. SPEAKER :—" It is only the title of the Bill. I shall put the amendment to the vote of the House. The question is—

Insert the following further Preamble :—

" And whereas rents of agrarian holdings are being levied at high and unreasonable rates;

And whereas there has been widespread demand for protection of cultivating tenants against exorbitant rentals and fixing up of more moderate and fairer rentals by bringing down the existing rents;

And whereas it is necessary to protect the tenants from eviction and give fixity of tenure to them." "

The amendment was put and lost.

The Preamble was put and carried.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I move—

' That the Malabar Tenancy (Amendment) Bill, 1953, as amended be passed into law.'

Sir, in doing so, I have to thank hon. Members for the way in which they have co-operated with the Government in getting through this piece of legislation which is perhaps one of the most difficult of measures which the House has ever had to consider. I must also thank you, Sir, for giving us an opportunity to discuss this Bill in such detail."

MR. SPEAKER :—" Motion moved—

' That the Malabar Tenancy (Amendment) Bill, 1953, as amended be passed into law.' "

(At this stage Sri T. C. Narayanan Nambiar occupied the Chair.)

SRI P. K. GOPALAKRISHNAN :—" Mr. Chairman, Sir, the Malabar Tenancy (Amendment) Bill is going to be passed into law in a few moments. It does not meet some of the most important demands of the peasants of Malabar. It falls short of the demands of the peasants of Malabar in three respects. One is with regard to security of tenure; that is, we demanded deletion of sections 14 and 20 of the principal Act. That has not been done. With regard to wiping out of arrears of rent, it has not met our demand. Then, thirdly with regard to definition of *ulkudis* and *kudikidappus*, again it falls short of our expectations. Almost ninety per cent of the demands of the peasants of Malabar have thus not been met. Therefore, I would like to point out that if the Government seek to remove the difficulties of the tenants in Malabar, they will have to bring forward another amending Bill in the near future. Unless the Government bring forward another amending Bill which seeks to give all the facilities that the tenants demand by way of security of tenure, reduction of rent, etc., I am sure that the tenants will start agitating against this Act itself. Of course, the Bill contains some provisions which are acceptable to us. But that does not

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mean that the main demands of the peasants of Malabar are met. The Government have always tried to prevent any reasonable amendment moved by the Opposition being accepted by the House. Only four Members from Malabar belonging to the Congress Party did not stand with the Opposition while a large majority of Members from Malabar were proposing amendments acceptable to the tenants. That should show what the will of the people and what the mind of the people of Malabar are. I hope Government have understood it and they will immediately—say within a few months' time—bring forward another Bill to amend this Act and provide facilities for tenants to live in peace."

* SRI V. R. KRISHNA AYYAR :—" Mr. Chairman, Sir, I rise with mixed feelings on this occasion. I unhesitatingly recognize that the provisions of this Bill will certainly improve the lot of the ryot or the tenant in Malabar. But I also see that the large expectations of the tenantry of Malabar and the fairly unanimous public opinion in Malabar have not been fully respected. With some disappointment, I may mention that in certain respects there has been even certain retrograde features in the Bill. It is unfortunate that the Government have viewed the various suggestions made by the Opposition with considerable suspicion. Even the salutary suggestions that have been made have been carried by the Government saying they are unnecessary or that they do not accept them. That was the sort of argument put forth by the Government. There were many suggestions, many good and constructive suggestions put forth by the Opposition. They were also very moderate in their tone. They were positive, constructive and sober. All the same, they did not commend themselves to the Government. They were rejected. I do not know why. This attitude of the Government has created a sense of sadness. Even in respect of fairly unanimous demands made by the people of Malabar, the Government did not accept them. They have not chosen to feel the pulse of the people. They have not understood the feelings of the people of Malabar. On the whole, the Government did not permit the Opposition to help them with constructive suggestions. On the other hand, by a majority—I do not know if 'brute majority' is a parliamentary expression—I would say by a mute majority they have allowed themselves to overrule the feelings and sentiments of the Malabar people. All the same, I must thank the Government for certain improvements made in the Bill, particularly the one relating to fugitive cultivation and the like. Whatever it is, this question cannot be solved just by tinkering with the problem in a piecemeal way and by bringing forward patchwork amendments. This kind of policy will not achieve anything. Unless a comprehensive legislation, which will establish peasant proprietorship on a compensatory basis which is possible and practicable, is brought forward we cannot tackle this problem. The wish of the people and the consciousness of the people are ripe enough to work such a reform and that alone will be a happy consummation of their wish. We devoutly wish for the early consummation of that wish and I wonder whether we will have it achieved during the life of the present Government itself."

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the same, we, the Members of the Muslim League Party, have to certainly congratulate the Government on this piece of legislation they are placing in the Statute Book. It is undoubtedly a great advance on the existing Act as amended by the amending Act of 1951. It will certainly be appreciated by the tenants of Malabar. Indeed no piece of legislation can be considered to be the final word on the subject. As time advances amendments may come in. Public opinion might veer round and Government may have to accept such amendments as would meet the demands of the public. For the time-being, the legislation that is being placed on the Statute Book should be welcomed by very large sections of the public in Malabar. In this connexion, it is my earnest wish and prayer that all of us should contribute to the contentment and prosperity of the people in Malabar by bringing about good understanding between the landlords and tenants. We should give them a stimulus to cultivate the land peacefully and well so that food production may increase and with the increase in food production the prosperity of the land may also increase. This can only be achieved by the establishment of good relationship between the landlords and the tenants. May this piece of legislation bring in peace and contentment among the people in the district of Malabar."

SRI K. P. GOPALAN :—“ Mr. Chairman, Sir, for the past two days we have been discussing this Bill. We brought forward many amendments and pressed them for the acceptance of Government and opposed many of the amendments brought forward by Government. From the deliberations here, I am sure, the people of Malabar will judge what we have done in the Assembly and what the Government have done for the good of the people. I need not speak much on that.

“ Even for this piece of legislation the people of Malabar fought so many big battles. It is because of the great sacrifices made by the people of Malabar that the Government were forced to bring in this legislation. When the original Bill was introduced in the House, I protested vehemently against the provisions contained in that Bill. Though some concessions have been made by Government in the present Bill, they have not effected any basic change in the tenure system of Malabar and this Bill I am sure, will not satisfy the people of Malabar. I have no doubt about it. Regarding the amendments moved by us I am certain the people of Malabar, the peasants of Malabar, will support us in having moved those amendments and oppose the Government for rejecting them. Government did not take a favourable view especially in regard to arrears of rent for the non-payment of which the landlord could evict the tenant from his holding. We pressed the Government to accept the formula that in fixing fair rents, the fair rent or the contract rent whichever is less should be accepted. But Government did not agree to this formula. Now provision has been made in the Bill that if a tenant was in possession of a holding for a period of six years, he shall not be evicted from his holding. But I wish to bring to the notice of Government, there are thousands and thousands of peasants who are in possession of the land for

* SRI K. M. SREETHI SAHIB :—“ Mr. Chairman, Sir, when the Government Bill was first published, it came to us all as a disappointing piece of legislation and some of us expressed frankly our views about the Bill. But while the Bill was considered by the Select Committee and later when it came up for discussion on the floor of this House, I should gratefully acknowledge that the Government took a very helpful attitude. Government showed very sympathetic attitude towards the points raised by us a definite bias in favour of the welfare of the tenants. They agreed to and formulated a number of amendments which will give far-reaching benefits to the tenant class in Malabar. It will be sheer ingratitude on the part of hon. Members here to deny the credit due to Government for having given all these concessions to the tenants. I convey my heartiest congratulations to Government for having extended those concessions to the tenants of Malabar. Firstly in the matter of fixity, Government have given fixity of tenure to all tenants who have been in occupation of the land for six years, a proposition which came as an agreeable disappointment to most of us on this side of the House. Fixity of tenure after a period of occupation of twelve years was considered by some of the leading organs of public opinion in Malabar to be a very liberal concession made by the Government. The present concession, namely, that six years period would be sufficient to give fixity of tenure to the tenant, is a greater concession. But we, the Members of the Muslim League, have to express our disappointment at the Government not accepting some of the amendments moved by us on account of the difficulty which Government expressed in reconciling conflicting interest with reference to land tenure in Malabar. All

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three years, two years and one year. So we requested Government that at least 5 acres of land should be provided for these people. We said the area in excess of five acres may be allowed to be taken away by the landlords. This request also was turned down by the Government. Regarding pepper gardens, I come from a constituency where there are thousands and thousands of acres of pepper gardens, I know the conditions prevailing there. In regard to this also the Government have not done the right thing to the tenants.

(At this stage the Speaker resumed the Chair.)

"The people of Malabar will only take this as a stepping stone for demanding further agrarian reforms. Until the demands of the Kisan Sabha of Malabar are conceded, the people of Malabar will not keep quiet. Members from Malabar belonging to the Communist party, the Paraja Socialist Party, the Muslim League Party, Independents, all put forward their demands unanimously but I regret to state they were all turned down by the Government. Though the Government had made some concessions, the people of Malabar will not be satisfied with this Bill. The people of Malabar will unite and fight for further agrarian reforms. With these words I resume my seat."

* **SRI T. C. NARAYANAN NAMBIAR** :—"സർ, ഈ മലബാർ കടിയായ ഭേദഗതി നിയമം ഈ സഭയിൽ ആലോചനക്കു എടുത്തതുകൊണ്ട് അതിന്റെ വകുപ്പുകളെക്കുറിച്ചും ഭേദഗതികളെക്കുറിച്ചും ഇംഗ്ലീഷിലായിരുന്നു ആൻ സംസാരിച്ചത്. മലയാളം അറിഞ്ഞുകൂടാത്ത അംഗങ്ങൾക്കുകൂടി മനസ്സിലാക്കണമെന്ന ഉദ്ദേശ്യത്തോടുകൂടിയാണ് ആൻ അങ്ങനെ ചെയ്തത്. ഇപ്പോൾ ആർ മലയാളത്തിൽ സംസാരിക്കണമെങ്കിൽ അത് എല്ലാ മലയാളികൾക്കുംകൂടി മനസ്സിലാക്കണം എന്നതുകൊണ്ടാണ്. സർ, ഈ ഭേദഗതി സ്ഥിതി ചെയ്യുന്ന ഒരു സെക്ഷൻ കമ്മിറ്റിയിൽ ചേർന്നു. അതിന്റെ ഏകദേശം എട്ടുപേർ സെക്ഷൻ കമ്മിറ്റിയിൽ ചേർന്നു. ജനങ്ങളുടെ ആവശ്യങ്ങൾ എന്തെല്ലാമെന്നു പറയണമെന്ന കരുതി അതിൽ ചേർന്നു കഴിയുന്നതെല്ലാം പ്രവർത്തിച്ചിട്ടുണ്ട്. ചിലതെല്ലാം ഭേദഗതിയെപ്പറ്റി എന്നല്ലാതെ മലബാറിലെ കൃഷിക്കാരുടെ ന്യായവും മിതവുമായ എല്ലാ ആവശ്യങ്ങളും വകവെക്കുകയും ഗവണ്മെന്റ് തയ്യാറായിട്ടില്ല. പാട്ടമ്പാക്കി ആറു കൊല്ലത്തോളം ഇടാക്കണമെന്നുള്ള ഗവണ്മെന്റ് നിയമത്തിനെതിരായി ഒരു കൊല്ലമാക്കണമെന്ന അങ്ങനെയൊരു ഭേദഗതി സ്വീകരിച്ചിട്ടില്ല. എന്നാൽ ചില ഭേദഗതികൾ സ്വീകരിച്ചിട്ടുണ്ടെന്നുള്ളത് സന്തോഷവഹകമാണ്. പൂനം കൃഷിയുടെ പാട്ടത്തോളം നിശ്ചയിച്ചിട്ടുള്ളതിനെ ആൻ സ്വാഗതം ചെയ്യുകയാണുണ്ട്. അതു ഞങ്ങൾ വിട്ടുനോക്കുന്നു. മലബാറിലെ പ്രശ്നത്തിന്റെ ആഴം മനസ്സിലാക്കിയിട്ടുള്ള, അതിന്റെ അടിയിൽനിന്നുവന്ന മനസ്സിലാക്കിയിട്ടുള്ള ആളുകൾക്കു മനസ്സിലാക്കുന്നതാണ്. ഞങ്ങൾ ഇവിടെ ഉന്നയിച്ചിട്ടുള്ള ആവശ്യങ്ങൾ കാക്കിക്കാരന്റേപ്പോലും രാജ്യഭരണത്തിനും അനിവാര്യമായിരിക്കണമെന്നാണ്. ബഹുമാനപ്പെട്ട കോൺഗ്രസ്സ് മെമ്പർമാർ അതിനെതിരായി വോട്ടുചെയ്തിട്ടുണ്ടെങ്കിൽ അത് ഒരു നല്ല ലക്ഷണമായി ആൻ കണക്കാക്കുന്നു. ഗവണ്മെന്റ് സംസ്ഥാനമാക്കി അടയ്ക്കുന്നതിനായി ഒരു കാക്കിക്കനിയമം കൊണ്ടുവരാൻ പോകുന്നുവെന്നു പ്രസ്താവിക്കുകയുണ്ടായിട്ടുണ്ട്. അത് എപ്പോൾ എത്തിയെ വരുമെന്നുള്ളത് പറയാനായിട്ടില്ല. അടിയന്തരമായ ചില കാര്യങ്ങളെ സംബന്ധിച്ചാണ് ആൻ ഭേദഗതികൾ കൊണ്ടുവന്നിട്ടുള്ളത്. അവ ഉൾപ്പെടെ അടിയന്തിരമായിട്ടുണ്ടെന്ന വിവരമായ ഒരു കാക്കിക്കനിയമം കൊണ്ടുവരണമെന്നായിട്ടുണ്ട്. അത് ഗവണ്മെന്റ് ചെയ്യുമെന്നു ആനാശിക്കുന്നു. ശ്രീ വി. ആർ. കൃഷ്ണയ്യരുടെ ഒരു ബിൽ അടയ്ക്കുന്നതിനെക്കുറിച്ചുണ്ട്. അത് ആലോചനയെടുക്കണമെന്നു ആൻ പ്രതീക്ഷിക്കുന്നു."

* **SRI K. MADHAVAN NAMBIAR** :—"സർ, ഞങ്ങളിൽ ഈ ബില്ലിനെക്കുറിച്ചുള്ള മലബാറിലെ ചെറുകുടുംബക്കാർക്കു കണ്ടെയ്നറും ആപസം നൽകണമെന്നുള്ളത് വളരെ സന്തോഷകരമാണ്. അതായത്, ഈ ബില്ലിന് ആദ്യം കൊണ്ടുവന്ന

[9th January 1954] [Sri K. Madhavan Nambiar]

തിൽനിന്നു കണ്ടെയ്നറും മറ്റേതെങ്കിലും പോലീസുണ്ടെന്നുള്ളത് പറയാനായിരിക്കാൻ നിവൃത്തിയില്ല. എന്നാൽ പല പ്രധാന കാര്യങ്ങളിലും ഗവണ്മെന്റ് വിട്ടുവീഴ്ച ചെയ്യാത്തതിൽ ആൻ ചേർക്കുകയും ചെയ്യുന്നു. ഇത്രയും വിട്ടുവീഴ്ചകൾ ചെയ്യുന്നതിനെ മന്ത്രിമാരെ അറിയിക്കുന്നതോടൊപ്പം മലബാറിലെ കൃഷിക്കാരുടെ ശക്തിമത്തായ പ്രക്ഷോഭത്തിന്റെ ഫലമായിട്ടും ഈ സഭയിലെ ഭൂരിപക്ഷം മലയാളിമെമ്പർമാരുടെ യോജിച്ച ഏതുവിധത്തിലും ആണ് ഇത്രയും വിട്ടുവീഴ്ചകൾ ചെയ്യാൻ ഗവണ്മെന്റ് തയ്യാറായിട്ടുള്ളതെന്നു വസ്തുതയും ആൻ അനുസ്മരിക്കുന്നു. പാട്ടത്തിന്റെ കാര്യത്തിലും കച്ചിപ്പിടകളിന്റെ കാര്യത്തിലും ചില വിട്ടുവീഴ്ചകൾ ചെയ്തിട്ടുണ്ടെങ്കിലും മൂലപ്പെടുത്തണമെന്ന സബ്ജക്ട് വ്യവസ്ഥകൾ വളരെ ഭോഷകരമാണ്. എന്തിന്, ഒരു ബിൽ നടപ്പിൽ വന്നാൽ പാട്ടം ഇറക്കിക്കൊണ്ടുള്ളത് നീക്കം ചെയ്താണ്. ആറു കൊല്ലത്തെ പാട്ടം കൊടുത്തു നീക്കിക്കൊണ്ടുള്ള വ്യവസ്ഥയെ സംബന്ധിച്ചും ഗവണ്മെന്റ് വിട്ടുവീഴ്ചചെയ്യാത്തതിൽ ആൻ പരിതപിക്കുന്നു. മാത്രമല്ല ബഹുഭൂരിപക്ഷം മലയാളിമെമ്പർമാരുടെ ഏതുവിധത്തിലും അത്തരം പ്രധാന കാര്യങ്ങൾ സ്വീകരിക്കാൻ സർക്കാർക്ക് ഒരർത്ഥശൂന്യമായിട്ടുണ്ട്. പക്ഷെ ഈ ആവശ്യങ്ങൾ നേടുന്നതുവരെ മലബാറിലെ കൃഷിക്കാർ അടങ്ങിയിരിക്കാൻ പോകുന്നില്ല എന്നു ഗവണ്മെന്റിനെ കാണപ്പെട്ടു വരികൊണ്ടു് ഞാൻ അവസാനിപ്പിക്കുന്നു."

* **SRI K. C. GOPALAN UNNI** :—"മിസ്റ്റർ സ്പീക്കർ, സർ, വളരെ യഥാർത്ഥം ആൾക്കുമാറ്റം ചെയ്താണ് ഈ കടിയായ ബില്ലിനെ മലബാറിലെ ജനങ്ങൾ നേർക്കുകൊണ്ടിരുന്നത്. പക്ഷെ ഇപ്പോൾ പാസ്സാക്കിയിട്ടുള്ള നിയമത്തിൽ പാട്ടം ചുരുക്കുന്നതിന്നു പകരം വലിപ്പിക്കാനുള്ള അവകാശം ജനങ്ങൾക്കു കൊടുത്തിരിക്കുകയാണ്. പാട്ടം നിജപ്പെടുത്താനുള്ള നിബന്ധനയെല്ലാം മനോഹര സ്മൃതി. ആറു കൊല്ലത്തെ ബാക്കിപാട്ടം കൊടുക്കണമെന്നാണ് ഇപ്പോൾ വ്യവസ്ഥയായിരിക്കുന്നത്. അത് കൃഷിക്കാർക്കു സഹായിക്കാനുള്ള ഒരു വ്യവസ്ഥയല്ല. അതു തികച്ചും വ്യസനകരമാണ്. ആറു കൊല്ലത്തെ ബാക്കി പകരം ഒരു കൊല്ലത്തെ ബാക്കി കൊടുത്താൽ മതിയെന്നു ഇവിടെ അവതരിപ്പിച്ച ഭേദഗതി സ്വീകരിച്ചിരുന്നെങ്കിൽ അതു വളരെ ആശ്വാസകരമായിരുന്നു. എന്റെ നിരോധനമണ്ഡലം ആ സബ്ജക്ട് തോളം ഗവണ്മെന്റിന്റെ നീലപാടിൽ വലിച്ചു ആക്കേണ്ടതെന്നു വകയുണ്ട്. മല ചരിവുകൾ വണ്ടിച്ചു കൂടിക്കയറിയിട്ടുള്ള ആളുകൾക്ക് മൂലപ്പെടുത്തിയ വ്യവസ്ഥ കണ്ടു പാട്ടം ഇറക്കിക്കൊണ്ട് പോവുകയാണ്. അതിനെ സംബന്ധിച്ച ഗവണ്മെന്റ് യാതൊരു വിട്ടുവീഴ്ചയും തയ്യാറാകുന്നതല്ല വ്യസനകരമാണ്. ഏതായാലും ഈ ബില്ലിന് കണ്ടു മലബാറിലെ ജനങ്ങൾ തൃപ്തിപ്പെടുകയില്ലെന്നു ഗവണ്മെന്റിന്നു വളരെ മേലം മനസ്സിലാക്കണം. മലബാറിലെ ജനങ്ങളുടെ പ്രതിനിധികൾ ഇവിടെ ഉള്ളതുകൊണ്ട് മലബാറിലെ കൃഷിക്കാരുടെ പ്രശ്നം ഇനിയും ഇവിടെ എത്രയും. ഇതിലും നല്ലൊരു നിയമം അടങ്ങിയതാണെന്നു കൊണ്ടുവരാൻ ഗവണ്മെന്റ് നിബന്ധിക്കണമെന്നതിൽ റെപ്പോർട്ട്."

* **SRI R. KRISHNAN** :—"സർ, എന്തായാലും ഒന്നരണ്ടു കൊല്ലക്കാലം കാത്തിരുന്ന് ഒടുവിൽ ബില്ലിനെ ഒരു ബില്ലാക്കുവാൻ അതു പാസ്സാക്കാനും സംഗതിയായിരുന്നില്ല. മലബാറിലെ ജനങ്ങൾ കൃഷിക്കാരുടെ തമ്മിൽ കോടതികളിൽ കേസ് കൊടുത്തു ബില്ലിടുത്തതിൽനിന്നും വിമോചനം നൽകാൻ ഇടയായിരുന്നില്ല, ആൻ ബഹുമാനപ്പെട്ട മന്ത്രിമാരെ അഭിനന്ദിക്കുന്നു. അതോടുകൂടിത്തന്നെ ഈ നിയമത്തെ പല ചില കുറവുകളെപ്പറ്റി പായാതിരിക്കാൻ നിവൃത്തിയില്ല. ആറു കൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നും ആറു കൊല്ലം ആകത്തുവരെ കച്ചിപ്പിടക്കണമെന്നും വ്യവസ്ഥ വച്ചിട്ടുള്ളത് കഷ്ടമായിട്ടുണ്ട്. ഇന്നത്തെ മാതിരിയുള്ള ഒരു ഗവണ്മെന്റിന് ഇതിൽ പാ മുന്നോട്ടുപോകാൻ അതില്ലെന്നാണിത് കാണിക്കുന്നത്. പക്ഷെ ജനങ്ങളുടെ ഒരു ഗവണ്മെന്റിന്നു മാത്രമേ കൂടുതൽ ജനാധിപത്യപരമായ ഒരു ബില്ലാ കൊണ്ടുവരാൻ സാധിക്കുകയുള്ളൂ. അങ്ങനെയൊരു ന്യായമായ പല ഭേദഗതികൾ സ്വീകരിക്കാത്തതിൽ ആൻ ചേർക്കുന്നു. മലബാർ കിസാൻ സഭയും കമ്മ്യൂണിസ്റ്റ് പാട്ടിയും മലബാറിലെ ഭൂരിപക്ഷം ജനങ്ങളും നിർദ്ദേശിച്ചതായിട്ടുള്ള ഒരു ബിൽ അടുത്തുതന്നെ കൊണ്ടുവരാൻ സംഗതിക്കെന്ന വിവരം അറിയിക്കുന്നു."

* **SRI M. NARAYANAN NAMBIAR** :—"മിസ്റ്റർ സ്പീക്കർ, സർ, ചില കാര്യങ്ങളിൽ പുരോഗതി ഉണ്ടായിട്ടുണ്ടെങ്കിലും മെച്ചപ്പെട്ട കാര്യങ്ങളിൽ മലബാറിലെ കർഷകർ സംബന്ധിച്ചിട്ടുണ്ടോളം ഈ ബില്ലിന് തൃപ്തികരമെന്നു പറയാൻ നിവൃത്തിയില്ല."

[Sri M. Narayanan Nambiar] [9th January 1954]

എന്റെ നിശ്ചയമെന്തെന്നു സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ ഞാൻ കണ്ണടകൾ ഞെട്ടിപ്പോകുന്ന പ്രാമാണ്യത്തിൽ ഇരുന്നിരിക്കണം. എന്നാൽ ചില പ്രശ്നങ്ങളെ വീക്ഷിക്കുകയാണ്. ബഹുജനപ്രിയ കമ്മ്യൂണിസ്റ്റ് പാർട്ടിയുടെ അനേകം പ്രവർത്തനങ്ങൾ നമ്മുടെ സമൂഹത്തിൽ വളരെ ഉറപ്പു നൽകിയിട്ടുണ്ട്. അതിനെ സംബന്ധിച്ചു എല്ലാ രാഷ്ട്രീയ പാർട്ടികളും ഗവണ്മെന്റിന്റെ മുമ്പാകെ വന്നു. രാഷ്ട്രവേദനയും റിപ്പോർട്ടും കട്ടിക്ലാസ്സ് മുന്നോട്ടു കൊണ്ടുവന്നു. ചില കലശൽ മാത്രമല്ല റിപ്പോർട്ടും ഗവണ്മെന്റിന്റെ മുമ്പാകെ വന്നു. ആ റിപ്പോർട്ടുകളെ അടിസ്ഥാനമാക്കിയാണ് ഇരുന്നിട്ടുള്ളതെന്നു വ്യക്തമാക്കണം. ഇത് വ്യവസ്ഥകൾ ഉൾപ്പെടുത്താമായിരുന്നു. ഗവണ്മെന്റ് തന്നെ ഇത് കാഴ്ചയിൽ ഒരു മോശം കൊണ്ടുവന്നിരിക്കുന്നു. അതായത് ഇപ്പോൾ കമ്മ്യൂണിസ്റ്റ് പാർട്ടിയുടെ ഉറപ്പു നൽകിയ ഉറപ്പു നൽകിയാണ് അത് ചെയ്യുന്നത് വിശ്വസിക്കുകയും അതിനുള്ളിൽ.

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* THE HON. SRI C. RAJAGOPALACHARI:—“ Mr. Speaker, Sir, I must first express my gratification that we have come to the concluding stage of this Bill in spite of all the difficulties involved. I am very glad that it has been possible to make a great improvement in the position of the tenants. Notwithstanding the observations of the hon. Members sitting opposite that what has been done is not much, I do feel sincerely that a great deal has been done and that the position of the tenants has been very greatly eased.

“ The number of concessions that we introduced in the Bill and which I enunciated the other day, I thought, would satisfy hon. Members to the extent of changing their minds and their attitude altogether. I am grievously disappointed at the persistent stand which they have taken. But I can understand that policy of theirs. Because, if the sum-total of the concessions are important and if they changed their attitude, it means that they must wind up their party in Malabar, which it is impossible for them to do. If our concessions are really so big and good and if that should satisfy the Communist Party, they have no future, as they imagine in Malabar. It is very natural indeed. And, therefore, I can understand the vehement statements and protests that they are making at the concluding stage of the proceedings, which indicate that they have really appreciated the great changes made and that they are very much concerned about their own future. That is why they say, this Bill will never satisfy the people of Malabar and they will bring the entire people against this Bill.

“ Sir, after all, they should deal with me in a different way. They might deal with the party that is in office in the way in which they have done. But, I think, they are wrong in dealing with me in this manner when I have broken all conventions and have allowed myself to be exploited by the hon. Gentlemen sitting opposite. I have allowed myself willingly and voluntarily to be exploited by them and have made many concessions. As a matter of fact, though it was the Government's own decision and the Government's own voluntary decision, still I am willing to put it this way: that the concessions were due to the requests made by them and due to the pressure brought to bear on us by them. Yet they did not take advantage of that position. They could have

[Sri C. Rajagopalachari]

[9th January 1954]

gone out and said to the people of Malabar: ‘ These are the concessions that we got. Look at the statement of the Chief Minister. He says that he gave them on account of pressure brought to bear upon him by us. That is our utility and you must, therefore, recognise us as an important party in the country. ‘ They could have done that in a reasonable way. If I had been leading their party, I would have done it. But they are unable to understand the position that way. They think on narrow lines. They think that only forceful speaking, shouting and vehement utterances bring strength to the party. They are greatly mistaken. After receiving the announcement of the concessions from me and after expressing great and cordial approval in the manner in which they received it in the House, I saw Members and the deputation that came and I questioned them, understood their case, considered their position. Then I saw Mr. Kelappan who came on his party's account and mentioned to me certain points. Although they non-co-operated when they were invited to participate in the Joint Select Committee, they came and explained their view points. We dispersed in a cordial atmosphere. We have carried out here, in this House, most of the things pressed for and some that were refused in the Joint Select Committee. Now, hon. Members sitting opposite and the same deputation go out and hold public meetings and shout, at the top of their voice, that this Bill has been forced by the Government on the people of Malabar and they will resist it to the last drop of their blood. I do not know if they used the word ‘ blood ‘. (Voices from the Opposition: ‘ No. ‘) I am glad that they did not use the word ‘ blood ‘. Metaphorically, it means not the blood but all the energy that it contains. This is not a fair way of dealing with one who has done so much not only for the tenants but so much for the party opposite in every respect, not only in this matter but in every respect. I am treating them like my children. They do not appreciate it. I am expressing my feelings as a father would do. But after all this, what is the position? In this connection, I wish to point out a fundamental mistake. It is true, in a political contest, any particular party, whether it is the Congress Party or the Communist Party or any other party, may come on top in the elections. We have a Constitution and it is not the Communist Constitution but the Congress has given a Constitution to the country which has been accepted. This Constitution is based on adult suffrage so that the larger number of people have a majority and govern. Now, does it mean, therefore, that under the Constitution, whatever the larger number of people, who will always be on the top, demand in their interests, must be the law? But, to claim that what pleases the majority of the people or the larger number of people and what satisfies the private interests of the majority of the people must be taken to be the law for the country and accordingly, must be made the law of the country, would be a demonstration that adult suffrage and democracy are unjust. No country can tolerate such a tyranny of the majority. I stand for another principle. Hon. Members should understand it. If they do not immediately understand it, I want them to reflect on it. It may

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be that adult suffrage is right. It gives the majority always to the 'have-nots.' But that does not mean that the 'have-nots' can oppress the 'haves.' It does not mean that the majority should always have it according to their own private interests. Now, the claim of the tenants here is the claim of the interests of the tenants. It is true that the number of tenants is larger than the number of landholders. That does not mean that it is always right to legislate in the democracy that we are working under, on the basis that whatever the larger number of the people demand, must be made into law. We must resist that wrong principle. It is not what is demanded, that should guide us. We have a right to sit together, consider and discuss things and we must do the right thing and not merely what the larger number of people want. This applies to any party. Therefore, I want the younger Members of the Communist party to realise that until we adopt a different system of life and Government, we ought not to act in this manner. Simply because a large number of people have signed certain printed forms or a large number of people have been returned on the tenants' side, must landholders be liquidated? Must there not be landholders at all? But that is not possible. Therefore, hon. Members should reflect on the position. We must consider the Bill not from the point of view of what a large number of people of Malabar would be pleased with, but from the point of view of what is good for the largest number of people. If the landlords are bad and oppressive, whether they are in a majority or minority, I can understand a move to prevent those landlords from oppressing the tenants and to give due rights to the tenants. But what is exactly the case? Lakhs and lakhs of landlords are miserably poor people. It has been proved by statistics that four lakhs of people are small owners of land. What does it matter whether the poor man is called a landlord or a tenant? Is there any justice in saying that the tenants shall have all the rights in the land and that these other poor people, who imagined till now that in reality they are owners, should become practically beggars in the street? We cannot allow that. Therefore it is that we have provided, I say, fairly good terms for both sides and they can live happily together.

"Now, I wish to point out to my young Friends in this House that happiness is not to be got by laws or by regulations. All these years the law has grown. Did anybody make any law defining a Verumpattamdar or an Ulkudi? All these terms have grown by themselves. This tenancy law has grown in the culture of Malabar. It is a voluntary law which has grown, so to say, by custom. Let us not break it by imagining that we can draft a law better than what custom has made into law. The culture of Malabar is inherently connected with these rights, these duties and obligations. If we break all that made the culture, we will break up the culture also. I say to my Friends from Malabar that if they want the culture of Malabar to be retained they must not break all that produced that culture. If we cut at the root, the tree falls to the ground. There is nothing else to result from it. If, therefore, my Friends of Malabar desire that they should

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maintain their culture, they should maintain their laws and customs, the substantial ones that produced that culture and remove only the dead wood—remove only what is unfair and unjust. They must not replace one set of poor people by another set of poor people and create starvation and begging in the streets of Malabar. Therefore, I submit, that the Bill that we have concluded to-day is a good law and hon. Members should go to the country and say 'This is a good law.' They must even now say that they withdraw their statement that this is an oppressive legislation and that it has been forced on the people against their will. It is not true to say that it has been forced by us. We did not want this. It is because the people of Malabar altogether wanted certain things that we have tried to do these things.

"I want my young Friends on the other side to tell the people that much of what was asked for has been conceded. Let them not over-state or under-state things. They may even go to the extent of saying that the Government would not have conceded these things but for them. That may not be true but they can claim it according to the practice of politicians but they should not say 'This is oppressive. This is useless.' They will only make the people unhappy while they have no reason to be unhappy.

"Let us make progress. It is admitted that the people of Malabar are on the whole poor. How shall we become richer? We can become richer, wealthier and happier only if we try and make further progress. But, how is this further progress possible? The 'haves' as well as the 'have-nots' must unite, co-operate and work together. What about the general condition of Malabar when the last public loan was raised? I wish to mention this now at the end of to-day's business. We raised a public loan of Rs. 10 crores. All the twenty-five districts each contributed on the average about twenty to twenty-five lakhs of rupees. Some districts contributed more and they are only one or two, Coimbatore and probably Krishna also. But, on the whole, Chingleput contributed 23 lakhs, North Arcot 13 lakhs, Salem 18 lakhs, Madurai 23 lakhs, Ramanathapuram 21 lakhs, South Kanara 38 lakhs and Malabar also contributed 23 lakhs of rupees. I want the young hon. Members to think about it. Did the tenants contribute this money? Could they have contributed it? It is not possible because where money is so distributed in dribblets they cannot do it. Do we not want any loans at all? How can the country progress unless there are some people who can contribute to capital expenditure? Here are the 'so-called landlords'—a few and not too many—and these few have been able to retain wealth instead of wasting it. They have been able to retain it because they are not too many and they were able along with others to make up this average contribution from Malabar also. Now, if we abolish all these and if we remove all possibility of accumulation, saving and contribution to public expenditure, we will only be worse off than we were before. Let my young Friends reflect over it. Their ideology cannot permit them immediately to accept what I say but they will accept it when they see the progress of events. Suppose, we destroy all our reservoirs.

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The dry land-owners in our country may easily be gulled into saying: 'We do not want wet lands. We do not want mirasdars. We do not want any reservoirs. Let there be rainfall every year. Let no reservoirs be constructed.' What applies to water applies also to wealth. A certain number of people must save and retain and imagine that they are very rich, very happy and important and the Government must take the money from them and spend it on the people. Supposing all the landlords are gone and everyone is a cultivator tenant, what will be the position? No one tenant will be able to save anything. Malabar will not progress and there will be no improvement. This is only my general observation. I do not imagine that the Communist party will accept this doctrine but the Communist party consists of members who are intelligent, consists of members who are Indians, consists of members who are Malayalees and consists of members who know something about the culture of their own country. I, therefore, hope that they will reflect on this and will accept this Bill in a mood of cheerfulness and present it to the people that it is a gain which they have made from the recalcitrant Congress Government and not say it is bad and useless."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Mr. Speaker, Sir, I will not take much of the time of the House and will simply recount whatever things we have done in enacting this Bill. More than two dozen of amenities and advantages have been granted to the tenants by this Bill. I claim, Sir, that we have done much more in this legislation than in any other legislation in respect of tenancy in Malabar. We have given fixity to *ulkudis*. A mere extension of the advantages of *ulkudidars* in Fort Cochin to the rest of Malabar would never have given them the advantages we have given by this new legislation. We have also seen to it that in cases where no rent is payable as per the contract between the landlord and the *ulkudidar*, the *ulkudidar* need not pay any rent while in Fort Cochin he has to pay rent. We have also added that a suitable site, not any site, has to be given to an *ulkudidar* in the event of his eviction from a particular site. We have also provided that *ulkudidars* in dry lands as well as wet lands get the same advantages. Sir, these are very important things and, perhaps, I would claim this as the most important piece of legislation that we have enacted.

"Regarding fixity, we have given fixity of tenure in respect of tenants who are in possession of the land for six years continuously. Fixity, the primary thing, has been prescribed and there is no likelihood of rich people exercising the right of eviction as alleged or as has been alleged to have taken place in recent years. An assignee also could not evict a tenant unless two years elapse after the assignment. These are regular improvements or safeguards in respect of sections 14 and 20 of the principal Act which give fixity of tenure to the tenants.

"With regard to fair rents, we have done much in this Bill. In wet lands the tenant had to pay half the assessment. We have

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eliminated that provision and he is given relief to this extent. Up to this time 25 paras was fixed as cultivation expenses. Now, we have raised it to 30 paras.

"In respect of garden lands and in respect of coconut gardens the rent that was payable was one-sixth of the produce. We have now reduced it to one-eighth.

"In respect of the rise in prices, if fair rent is to be ascertained, we have fixed a ceiling that it shall never exceed twice the contract rent. We have also given a provision that the collection of this enhanced rate is to be spread over a number of years. In respect of pepper gardens we have reduced the tenant's liability to pay rent from one-fifth of the produce to one-sixth and also we have prescribed that the first instalment should be paid 12 years after plantation instead of 11 years. In respect of communal lands for which the tenant had to pay rent hitherto, we have exempted him from payment of rent. We have, under this law, enacted that in respect of *punam* cultivation of paddy the tenant is required to pay only twice the assessment. The extent of this relief can be realised from the fact that there are one and a half lakhs of acres under this kind of cultivation.

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p.m.

"Sir, we have simplified the machinery for ascertaining fair rent and we have made it available to the tenant and that too without much cost. We have also extended the time for deposit of rent in case the tenant has not deposited it under sections 54 and 55 of the Malabar Tenancy Act.

"I do not wish to say anything more. We have done all that could be done in the circumstances. It is for the people of Malabar to decide whether this is enacted for their benefit, whether this will give them peace and whether this will tend to promote good feelings and friendly relationship between the landlord and the tenant. I have also to say that all the Members of the Assembly coming from Malabar have co-operated and I have to thank them for the suggestions they have made. I have also to thank you, Sir, for giving us the opportunity to express our views in this House. I have nothing more to add and I am sure this Bill will be welcomed by the people of Malabar."

* SRI T. C. NARAYANAN NAMBIAR:—"On a point of order. The Hon. Minister for Law in his anxiety to exaggerate the concessions already given stated in his speech that the cultivation expenses per acre per crop have been raised from 25 to 30 paras, which is not a fact."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, it is a mistake. The cultivation expenses per acre have been raised from 22 to 25 paras."

MR. SPEAKER:—"The question is:

'That the Malabar Tenancy (Amendment) Bill, 1953, as amended, be passed into law.'

The motion was carried and the Bill, as amended, was passed into law.

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V. BUSINESS OF THE HOUSE—DISCUSSION *RE*

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“ I would like to know the programme of the House. I think, hon. Members who have been sitting so patiently throughout the debate will require some reward. I understand that on Monday it is proposed to go through the Moratorium Bill. I would like to submit that the Moratorium Bill may not be finished on Monday. If it is not going to be finished on Monday, would it not be advisable for this House to adjourn to-day in view of the Pongal festival coming so shortly? Several of the Members who have come here have told me that they would be very happy to leave for their homes for Pongal. Personally speaking, I have no inconvenience.

“ I would like to submit to the Government that the Moratorium Bill is a very serious question. Many hon. Members feel that it should go through a Select Committee. There are very many defects in it. I am sure, if these are pointed out the Hon. the Chief Minister would be very glad to consider them. After all we are accustomed to Ordinances, and we are all living in the days of Ordinances. What does it matter, Sir, if one Ordinance is replaced by another Ordinance after the Assembly is adjourned? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The present Ordinance will cease to have effect on a particular day unless the Madras Indebted Agriculturists (Temporary Relief) Bill is passed.”

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“ I can understand the procedure, Sir. After we adjourn, the Assembly can be prorogued and another Ordinance can be issued. I just want to say that I am not against this Bill. Let not hon. Members understand that I, sitting behind the Hon. Chief Minister, am not likely to oppose the Bill at all. As a matter of fact, I have no . . . ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Hence this indirect procedure! ”

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“ We always credit the Hon. the Chief Minister with great shrewdness and we could never miss that shrewdness. He has understood the point very shrewdly. He is such a good person, otherwise how is it possible to express our views? In a polite manner we have to bring to his notice our inconveniences. This Bill seeks to give relief to poor cultivators. I wish to point out to hon. Members of this House that agriculturists are not going to be helped much as a result of the passing of this Bill. Only big landowners are going to be benefited by this Bill. If the Government want to give relief to the tenants, the Bill will have to be amended suitably. You know, Sir, that amendments cannot be properly moved and considered on the floor of this House. There is one other matter which I wish to bring to the notice of

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hon. Members. The Bill has already resulted in the freezing of credit facilities. The scheduled banks are already refusing to give loans to agriculturists. This Bill helps only rich people. I may give also another example as to how this Ordinance operates. A ginning factory owner owning a couple of acres of land can defer payment of a loan of two lakhs of rupees which he has borrowed for the purpose of running the factory as a result of the protection given in the Ordinance.”

SRI K. P. GOPALAN :—“ The hon. Member is giving his opinion about the Bill and that cannot be allowed now.”

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“ I am not giving any opinion about the Bill. I would request hon. Members not to act as barristers or solicitors for the Treasury Bench. It is most reprehensible and I object to it.”

SRI T. C. NARAYANAN NAMBIAR :—“ I submit, Sir, the hon. Member who has just spoken was saying in an insinuating language that the Members on this side of the House . . . ”

MR. SPEAKER :—“ The Members of the Opposition are representing only themselves.”

THE HON. SRI C. RAJAGOPALACHARI :—“ We are now concerned about meeting on Monday or not.”

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“ I would like to submit that I am not going into the merits of the Bill. I have been sufficiently long in the House and I know the procedure of the House. No one can mistake it. The Hon. Chief Minister, the Hon. Leader of the House and you yourself, Sir, will bear testimony to my experience. I am not likely to commit even a small mistake. I would submit again, Sir, that the Moratorium Bill is a far-reaching one and even the intention of the Government in introducing the Bill cannot be carried out by rushing it through all the stages on Monday. It may be that the Bill may be put on the Statute Book for a period of one year. But what guarantee is there that it will not be extended year after year? ”

* THE HON. SRI C. RAJAGOPALACHARI :—“ The hon. Member is no doubt entitled to claim experience and therefore he knows the rule that he should not go into the merits of the Bill. While even saying and admitting that, he is going too far into the merits of the Bill. In fact I want to take the earliest opportunity to make it clear that this Bill does not intend to wipe out any obligations or debts. The very object of the Bill, as has been explained in the Statement of Objects and Reasons, is that on account of the harvests expected—particularly this year has been a good year for harvest—we want to give some more time to the people. Meanwhile the hon. Member is anticipating the whole position and probably prejudicing the position which I do not wish him to do. The whole question is whether we meet on Monday or not. When we meet and take up this Bill, it is open for the hon. Member to give his opinion, as to what we shall do with the Bill.

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"I should like to mention why I press that we should sit on Monday. If we disperse now, and as the hon. Member suggests, and as it would indeed become necessary in the position created to ask the Governor to prorogue both the Houses and issue a new Ordinance, it can be considered as a very illegitimate use of powers. There is one Ordinance and to replace it by another Ordinance in the same terms, whatever be the minor changes, would not be quite proper when it was possible for the House to sit on Monday and discuss the matter. I submit it would be improper for the Government to be a party to postponing the consideration of the Bill and proroguing the Houses at the same time. We must, therefore, meet on Monday and do what is right and proper on that day."

3-30 p.m. RAJA MUTHIAH CHETTIAR OF CHETTINAD :—"I am not indulging in dilatory tactics. My only feeling is that if we are to start discussing the Bill on Monday, we will not be able to finish the clause-by-clause consideration of the Bill inasmuch as there are numerous amendments in respect of each clause. Therefore what is the alternative left than proroguing the Legislature, immediately after the close of the session on Monday? That is why I pleaded that it would be by far better to adjourn the House *sine die* today itself rather than discuss the Bill indefinitely on Monday and then prorogue the Legislature for passing another Ordinance."

* THE HON. SRI C. RAJAGOPALACHARI :—"With due deference to the Raja Muthiah Chettiar of Chettinad, I would request him to keep a more open mind than he is doing now. He should not imagine things. He does not understand my difficulty. He must make up his mind to understand the difficulty of Government and not think only of his own view point. Our difficulty is that if we put off all other things and once for all decide even now that the House should be prorogued, which course ought to be adopted if we adjourn today without discussing the Moratorium Bill and once for all decide to issue another Ordinance, it would be considered improper. We would be opening ourselves to serious objection. Whereas if on Monday we meet and then submit to the circumstances that may be presented, if we really find it impossible to finish consideration of the Bill, then we could at least say that we tried to get the Bill through the House; decided to put it off; such a course would be less improper and a little more proper than adjourning today itself."

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—"Mr. Speaker

MR. SPEAKER :—"I am going to adjourn the House now. The House is now adjourned and will meet again at 9 o'clock on Monday, 11th January 1954."

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 400 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 9th January 1954, page 502 supra.]

No. I—Particulars of Government Harijan Hostels newly opened during 1953-54.

Name of the hostel and place.	Sanctioned number of boarders.	Recurring cost.	Non-recurring cost.
(1)	(2)	(3) rs.	(4) rs.
Government Harijan Hostel for boys at Mayuram (Tanjore district).	40	8,940	Nil.
Government Harijan Hostel for boys at Srivilliputhur (Ramanathapuram district).	200	36,228	500
Government Harijan Hostel for boys at Coimbatore (Coimbatore district).	50	10,728	200
Total	290	55,896	700

No. II—Particulars of Harijan Hostels whose recognition was cancelled.

Name of the hostel and place.	Number of students maintained during 1952-53.	Amount sanctioned.
(1)	(2)	(3) rs.
Tanjore district—		
Jubilee Hostel attached to the Board High School at Kuttalam.	38	5,700
Coimbatore district—		
Sevashram Hostel, Coimbatore	35	5,250
Ramanathapuram district—		
C.S.M. Boarding Home at Srivilliputhur.	129	19,350
Harijan Hostel, Srivilliputhur	65	9,750
Total	267	40,050

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APPENDIX II.

[Vide answer to starred question No. 411 asked by Sri K. Vinayakam at the meeting of the Legislative Assembly held on 9th January 1954, page 509 supra.]

(a) Not some, but a block consisting of 115 villages has been selected in Chingleput district for improvement under the Community Projects Scheme.

(b) The names of villages are as follows :—

Manamalai firka.

1 Zamin Mahabalipuram.

Tirukalikundram firka.

- | | |
|----------------------|----------------------|
| 2 Perumaleri (Inam). | 33 Meyyur. |
| 3 Vadakadumbadi. | 34 Solaikuppam. |
| 4 Vallanpethal. | 35 Sadras. |
| 5 Kulipanthandalam. | 36 Pudupattanam. |
| 6 Echoor. | 37 Voyalur. |
| 7 Puliyur. | 38 Vengadu. |
| 8 Egai. | 39 Avapakkam. |
| 9 Acharavakkam. | 40 Vasavasamudram. |
| 10 Pattikadu. | 41 Merkandai. |
| 11 Melakuppam. | 42 Lattur. |
| 12 Kadambadi. | 43 Sooradimangalam. |
| 13 Kokkilimedu. | 44 Chinakattupakkam. |
| 14 Edaiyur. | 45 Nallathur. |
| 15 Manamai. | 46 Bommarajapuram. |
| 16 Nallur. | 47 Panankattucheri. |
| 17 Amaipakkam. | 48 Kodakarikuppam. |
| 18 Narasankuppam. | 49 Nerumbur. |
| 19 Neikuppi. | 50 Pakkam. |
| 20 Nathankariacheri. | 51 Perumbedu. |
| 21 Mullikulathur. | 52 Ammanambakkam. |
| 22 Karumarpakkam. | 53 Ithangaranai. |
| 23 Kunnavakkam. | 54 Soorakuppam. |
| 24 Naduvakkalai. | 55 Mangalam. |
| 25 Veerapuram. | 56 Navalur. |
| 26 Neeradi. | 57 Tirukalikundram. |
| 27 Aminjikarai. | 58 Narapakkam. |
| 28 Periakattupakkam. | 59 Thathalur. |
| 29 Vitlapuram. | 60 Gurumugai. |
| 30 Vengapakkam. | 61 Pooncheri. |
| 31 Kunnathur. | 62 Kothimangalam. |
| 32 Kalapakkam. | 63 Anganambattu. |

Chingleput firka.

- | | |
|---------------------|-----------------------|
| 64 Nattham. | 70 Vembakkam. |
| 65 Chingleput. | 71 Pa'avelli. |
| 66 Gundur. | 72 Kammalampattu. |
| 67 Melameyyur. | 73 Vedanarayanapuram. |
| 68 Anumanthapurthi. | 74 Irungunrampalli. |
| 69 Vallam. | 75 Ozalur. |

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P.V. Kalathur firka.

- | | |
|--------------------|-----------------------------------|
| 76 Nemeli. | 97 Edaiyur. |
| 77 Thunjam. | 98 Kilapakkam. |
| 78 Pulleri. | 99 Vellapandthal. |
| 79 Keeradpakkam. | 100 Mudaiyur. |
| 80 Alakasamundram. | 101 Mambakkam. |
| 81 Thazhambedu. | 102 Salur. |
| 82 Kangayankuppam. | 103 Vembakkam. |
| 83 Sogandi. | 104 Anur. |
| 84 Meleripakkam. | 105 Korapattu. |
| 85 Keezhavedu. | 106 Vazhuvadur. |
| 86 Alapakkam. | 107 Elimichambattu. |
| 87 Thirumani. | 108 Vallipuram. |
| 88 Pudupakkam. | 109 Vilagam. |
| 89 Ottivakkam. | 110 Pandur. |
| 90 Manapakkam. | 111 Edaiyathur. |
| 91 Udayambakkam. | 112 Irumbulicheri. |
| 92 P. V. Kalathur. | 113 Attavattam. |
| 93 Mosivakkam. | 114 Theppanambattu (uninhabited). |
| 94 Advilagam. | 115 Janagipuram. |
| 95 Veerakuppam. | |
| 96 Ponpadirkuttam. | |

(c) The Government have not yet finalized the details of the schemes to be carried out in these villages, as a preliminary survey of the block is just proceeding.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 11th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of a lady doctor in the Government Hospital at Perintalmanna.

* 421 Q—SRI KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Health be pleased to state whether the Government have sanctioned or have under contemplation the appointment of a lady doctor in the Government Hospital at Perintalmanna in Malabar district?

THE HON. SRI A. B. SHETTY:—"No, Sir."

SRI KUNHI MOHAMED SHAFEE:—"Since the hospital is situated in the headquarters of the taluk with a population of some six lakhs of people and since the services of a lady doctor even as a private practitioner is not available in the taluk, will the Government be pleased to appoint a lady doctor at least in the immediate future?"

THE HON. SRI A. B. SHETTY:—"Government will consider the necessity of posting a lady doctor to the hospital during this year, if the attendance of women patients is such as to require the services of a lady doctor."

SRI O. KORAN:—"In view of the fact that the present hospital building has not got sufficient accommodation, will the Government be pleased to take steps to construct a new building?"

MR. SPEAKER:—"The question is about lady doctors. But the hon. Member is talking about buildings."

DR. K. B. MENON:—"Since the Hon. Minister has given a negative answer, may I know how many lady doctors' services are available in Malabar? Has the Hon. Minister got necessary figures?"

THE HON. SRI A. B. SHETTY:—"A separate question may be put."

SRI K. PARTHASARATHY:—"Is there any provision for appointment of lady doctors and can discrimination be shown on the ground of sex in appointments to public offices?"

THE HON. SRI A. B. SHETTY:—"If there are a large number of women patients and we find it necessary to appoint a lady doctor, we appoint one whenever lady doctors are available."

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SRI T. ANANTA PAI:—"Is it not a fact that we do not have sufficient number of lady doctors to man our hospitals? If so, will the Government take steps to relieve such a situation?"

THE HON. SRI A. B. SHETTY:—"We give a 20 per cent reservation in our medical colleges for women candidates. But unfortunately some of them leave their studies during the course of their training because they marry. Some of them even after they are recruited as doctors continue for some time and then resign their jobs because they marry, some get children or for some other reason."

SRI P. KUNHIRAMA KIDAV:—"May I know, Sir, when the above hospital was taken over by Government from the Malabar District Board? Is it not also a fact that no improvements have been made to the hospital since then?"

MR. SPEAKER:—"This question is about lady doctors. The hon. Member is staying away from the main question."

SRI T. C. NARAYANAN NAMBIAR:—"The Hon. Minister had said that if the statistics show that there are sufficient number of women patients coming to the hospital, the question of appointment of a lady doctor would be considered. But is it not a fact that due to want of accommodation in the hospital, a large number of women patients who come daily to the hospital are being turned out and they return without receiving any medical assistance? Does that not produce discontent among the people because there is no lady doctor to attend to them and there is not sufficient accommodation?"

THE HON. SRI A. B. SHETTY:—"This hospital was provincialized in 1952. I think the hospital will be extended and additional staff appointed in due course."

SRI V. BALAKRISHNAN:—"Is it not a fact that this Government are conniving at recruitment of or lady doctors by foreign agencies thus depriving us of the services of these doctors?"

THE HON. SRI A. B. SHETTY:—"Lady doctors are anxious to be in towns and cities. When they are posted to far-off places, some of them resign their jobs. I wonder whether any of them will be prepared to go to foreign places."

SRI KUNHI MOHAMED SHAFEE:—"May I know the average number of women patients required for appointment of a lady doctor in Perintalmanna hospital?"

THE HON. SRI A. B. SHETTY:—"There is no proportion fixed. It is left to the discretion of the District Medical Officer and the Director of Medical Services."

[11th January 1954]

Grievances of village karnams

*422 Q.—**SRI K. R. VISWANATHAN:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received a memorandum, dated 26th March 1953, regarding the grievances of village karnams from the Tanjore District Karuneegar Sangham; and

(b) if so, the action taken thereon?

THE HON. SRI M. A. MANICKAVELU NAICKER:—" (a) No. But a memorandum from the Association has been received by the Collector of Tanjore.

" (b) Many of the requests contained in the Memorandum have already been considered and disposed of by the Government on previous occasions. The new requests now made have been examined by the Government in consultation with the Board of Revenue and the Collector of Tanjore. Suitable orders will be passed on them shortly."

SRI K. R. VISWANATHAN:—"May I know, Sir, what is the 9-10 nature of the requests made by the Association?" a.m.

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"Quite a number of requests, Sir. They are about 8 or 9. They want permission to reside outside the village. They want extra travelling allowance. That has been conceded to some extent and then they want to do some extra job and that has been allowed to be done with permission."

SRI K. R. VISWANATHAN:—"Are the Government aware that widespread corruption is prevalent among karnams because of their meagre pay and because they have to pay mamools to higher officials during Jamabandi and if so will Government take steps to rectify this situation?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Is corruption found among karnams only, Sir?"

SRI V. BALAKRISHNAN:—"Sir, why are the concessions granted to non-gazetted officers in respect of education of their children not extended to village officers?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"That is also under consideration, Sir. That is one among the many requests and the matter will be decided in consultation with the Board of Revenue and Collectors."

SRI M. PALANIYANDI:—"கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது கணக்குப்பிள்ளைகளிடத்தில் மட்டும் ஊழல் இல்லை, மற்ற எல்லா உத்தியோகஸ்தரங்களிடத்திலும் கூட ஊழல் இருப்பதாக ஒத்துக்கொண்டார்கள். அதைத் தடுப்பதற்கு முன் வருவாரா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Why with officials only, Sir? It is even with non-officials."

[11th January, 1954]

Water-supply scheme for Tindivanam.

* 423 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Health be pleased to state whether there is any scheme with the Government for the provision of drinking water-supply to the Tindivanam Municipal area in South Arcot district; and, if there is any, when it will be executed?

THE HON. SRI A. B. SHETTY:—“The plans and estimates for the first stage of the Tindivanam Water-supply Scheme comprising the construction of an experimental well and the conduct of yield and quality tests have been approved by the Government. The Executive Engineer (Public Health), Central Division, has taken up the scheme for execution.”

SRI K. ARANGANATHAN:—“Sir, is there any other scheme to get water from the river?”

SRI V. GOPALA GOUNDER:—“Is any amount allotted for taking up the work this year in 1953-54?”

THE HON. SRI A. B. SHETTY:—“The municipality has agreed to finance the scheme from their funds, Sir.”

Applications under the Madras Preservation of Private Forests Act, 1949.

* 424 Q.—SRI K. G. GOPALAN UNNI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many applications for (i) selection felling and (ii) clear felling were received by this Government under the Madras Preservation of Private Forests Act, 1949, from Malabar during 1952-53;

(b) how many of these applications were for cultivation purposes;

(c) what is the total area involved in these applications;

(d) how many applications were rejected and how many sanctioned; and

(e) whether the Government have any information as to the area cultivated and the area left waste after clear felling has been made during the last three years?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Ninety-five applications for selection felling, and 132 applications for clear felling, were received during 1952-53.

“(b) Ninety-one applications were for cultivation purposes.

“(c) 7,917 acres.

“(d) Permits were granted in 64 applications for selection felling and 27 applications were rejected. As regards applications for clear felling, permission was granted in 67 cases and 49 applications were rejected. Four applications for selection felling and sixteen applications for clear felling are pending disposal.

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“(e) The area cultivated during the last three years (1950, 1951, and 1952) was 10,447.41 acres and the area left waste was 2,033.80 acres.”

Supply of ammonium sulphate to South Arcot district.

* 425 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the quantity of sulphate of ammonia supplied so far after decontrol to the South Arcot district and the quantity sold therefrom to other districts and to the traders therein?

THE HON. SRI M. A. MANICKAVELU NAICKER (on behalf of the Hon. Minister for Agriculture):—“A quantity of 2,532 tons of ammonium sulphate was available in South Arcot district on 1st October 1953 (i.e., after decontrol) for distribution. In November, 1,080 tons were transferred to South Arcot from other districts.

No quantity was transferred from South Arcot district to other districts.

A quantity of 477 tons was distributed to traders from the agricultural depots in South Arcot district in October 1953.”

SRI K. ARANGANATHAN:—“நாற்றுக்கணக்கான டன் அமோனியம் சல்பேட் மதுரை, கோயமுத்தூர், சேலம், திருச்சிராப்பள்ளி, ஆயி ஜில்லாக்களுக்கு அனுப்பப்பட்டது. அதற்கான தாக்கீதுகள் மேலிருந்து கிடைத்தன. இருந்தும் அனுப்பப்பட்டிருக்கிறது. அது ஏன்?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“Sir, I have stated that 1,080 tons of ammonium sulphate were transferred from other districts to South Arcot. The hon. Member has brought upon himself the adverse answer by his question.”

SRI K. ARANGANATHAN:—“ஒரு மூட்டை அமோனியம் சல்பேட் ரூ. 60-க்கு விற்பது அரசாங்கத்திற்கு தெரியுமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“That is a different question, Sir. Let me have notice.”

Construction of additional blocks in the Government Hospital, Kozhikode.

* 426 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Health be pleased to state—

(a) when the construction of the remaining two blocks in the Government Hospital, Kozhikode, will begin; and

(b) why it has been delayed?

THE HON. SRI A. B. SHETTY:—“(a) & (b) The construction of the remaining two blocks of buildings in the Government Headquarters Hospital, Kozhikode, has been deferred owing to financial stringency.”

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SRI K. P. GOPALAN:—"May I know, Sir, whether for want of space in the hospital, so many patients are forced to lie on the floor and so many patients do not get admission? Will Government be pleased to reconsider the matter and construct two more blocks in the hospital?"

THE HON. SRI A. B. SHETTY:—"The Director of Medical Services is examining the proposal for purchasing a plot of land owned by a private company near the hospital and for constructing buildings."

Elections to the Malabar District Board.

* 427 Q.—**SRI C. KUNHIRAMA KURUP:** Will the Hon. the Minister for Local Administration be pleased to state when the Government propose to hold elections to the Malabar District Board?

THE HON. SRI K. RAJARAM:—"The elections to all district boards in this State will be completed before the 1st July 1954."

MR. SPEAKER:—"Questions 428 and 429 are on the same subject. The reply will be given together."

Agitation against the new Scheme of Elementary Education.

* 428 Q.—**SRI A. RATNAM:** Will the Hon. the Chief Minister be pleased to state how many persons were arrested on account of the picketing and agitation against the new Scheme of Elementary Education district-war?

THE HON. SRI C. RAJAGOPALACHARI:—"Arrests were made for defiance of prohibitory orders against taking processions in certain places and for intimidating children from going to schools and the like. The numbers are shown in a statement* placed on the table. Most of them were released all at once."

* 429 Q.—**SRI K. ARANGANATHAN:** Will the Hon. the Chief Minister be pleased to state the total number of arrests made of demonstrators against the introduction of the new Scheme of Education so far up to 31st August 1953?

THE HON. SRI C. RAJAGOPALACHARI:—"The attention of the hon. Member is invited to the answer given to question No. 428."

SRI A. RATNAM:—"முதல் மந்திரி அவர்கள் ஒரு ஸ்டேட்மென்ட் வைத்திருக்கிறார். அதில் சென்னை ஜில்லாவில் ஒரு ஸ்கூல் அரண்மனை செய்யப் பட்டதில் என்றும், வட ஆற்காடு ஜில்லாவில் ஜில்லா மாதத்தில் 3 பேரும், அக்டோபர் மாதத்தில் 6 பேரும் அரண்மனை செய்யப்பட்டிருக்கிறார்கள் என்றும் சொல்லப்பட்டிருக்கிறது. இந்த ஜில்லாக்களில் ஆயிரக்கணக்கான தொண்டர்கள், மறியல் செய்திருக்கிறார்கள். காலை வேளையில், மறியல் செய்திருக்கிறார்கள். சைதிரி மாதத்தில், இதற்குப் பதிலாக பாடசாலைகளில் விரிதரும் மாணவர்களுக்கு, பகல் உணவு அளித்தாவந்ததை, அன்று

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முதல் மந்திரி அவர்கள் மாணவர்கள் வரவில்லை என்பதற்காக மாணவர்களுக்கு இரண்டு நாள் சாப்பாடு அளிக்காமல் பட்டினி போட்டிருக்கிறார்கள். இப்பற்றிய தகவல் அரசாங்கத்திற்கு தெரியுமா?"

MR. SPEAKER:—"மக்களிடம் விஷயமாக கேள்விகேட்டு, பள்ளிக்கூட விஷயமாகப் பேசுகிறார்கள். அதற்கும் இதற்கும் ஒருவித சம்பந்தம் மில்லையென்பது தெரியுமா? அதைத் தெரிந்து பேசுங்கள்."

SRI K. VINAYAKAM:—"The Hon. Chief Minister said that almost all those who were arrested were released immediately. That implies that there are still a few behind the bars. Since the agitation was of a political nature, will he consider the desirability of releasing those who have been imprisoned under this scheme?"

9-20
a.m.

THE HON. SRI C. RAJAGOPALACHARI:—"The imprisonment was not under this scheme; the imprisonment was for causing certain specific disturbances. I do not think there is anybody still detained in connection with cases of picketing."

SRI S. DEIVASIGAMANY:—"Is it a fact that there was no trial of any person who picketed as a protest against the introduction of the new education scheme?"

THE HON. SRI C. RAJAGOPALACHARI:—"Persons who disobeyed prohibitory orders and picketed and created disturbances in front of schools were arrested and released. There was no reason for trial. It was a preventive action."

SRI V. BALAKRISHNAN:—"Is not picketing highly unconstitutional, undesirable and intolerable, especially when the means of expressing one's opinion through the ballot box is readily available?"

THE HON. SRI C. RAJAGOPALACHARI:—"It depends upon the nature of picketing. In this case, the picketing was before elementary schools where small children come in and go out and, therefore, it was undesirable. That is why we took this step."

SRI Y. MANJAYA SHETTY:—"The other day the Hon. Chief Minister told this House that the attendance in elementary schools in Madurai district had increased by 50 per cent after the introduction of the new education scheme. Of all districts, Madurai records the highest number of arrests. May I know whether the highest number of arrests is due to the increase in attendance?"

THE HON. SRI C. RAJAGOPALACHARI:—"I am not quite prepared to accept the argument. But I am glad that the strength has increased."

SRI K. R. NALLASIVAM:—"புதிய கல்வித் திட்டத்தை எதிர்த்து மறியல் செய்ததற்காக சர்க்கார், எவ்வளவு செலவு செய்தது? மறியல் செய்தவர்களிடம் அபராதமாக வசூலிக்கப்பட்ட தொகை எவ்வளவு?"

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THE HON. SRI C. RAJAGOPALACHARI:—"I do not think the Government get any revenue whatsoever from these activities. When there is deterioration in the law-abiding character of our people, the Government have to spend some money and we cannot help it."

SRI C. KANDASAMY:—"மறியல் செய்தவர்கள் அரசியல் அபிப்பிராயத்தைச் செய்ததால், இப்போது மறியல் செய்ததற்காக கைது செய்யப்பட்டுள்ளார்கள். இவர்களை விடுதலை செய்வது பற்றி அரசாங்கம் கவனிக்குமா?"

THE HON. SRI C. RAJAGOPALACHARI:—"Nobody has been fined or punished in this matter as far as I am aware. There is no reason for any demand for release or anything like that. In this connection nothing very serious has happened."

SRI S. RAMASWAMI NAIDU:—"மறியல் செய்தது காங்கிரஸ் சர்க்கார் கொண்டுவந்தது என்ற காரணத்திற்காகவா அல்லது அரசியல் அபிப்பிராய பேதத்தால் செய்தார்களா என்று கேட்க விரும்புகிறேன்?"

THE HON. SRI C. RAJAGOPALACHARI:—"I agree that there is a tendency to make everything political including even murder."

SRI S. RAMALINGAM:—"சுமார் 1,813 பேர் புதிய கல்வித் திட்டத்தை எதிர்த்து மறியல் செய்து கைது செய்யப்பட்டதால், அதிலிருந்து இதற்கு எவ்வளவு எதிர்ப்பு இருக்கிறது என்பதைச் சுலபமாக புரிந்து கொள்ளலாம். இதை மதித்தாவது அரசாங்கம் இப் புதிய கல்வித் திட்டத்தை கைவிட முதல் மந்திரி அவர்கள் சிபார்சு செய்வார்களா?"

THE HON. SRI C. RAJAGOPALACHARI:—"The number 1,813 is very insignificant in any movement of this kind in modern times as against a population of three crores."

SRI A. GOVINDASWAMY NAYAGAR:—"கைது செய்யப்பட்டவர்களில் எழுதப் படிக்கத் தெரிந்தவர்கள் எத்தனை பேர் என்பது அரசாங்கத்திற்கு தெரியுமா?"

THE HON. SRI C. RAJAGOPALACHARI:—"If the Members on the opposite side will not take offence, I must say most of them are illiterate."

Activities of the Dravidian Progressive Federation volunteers.

*430 Q.—

MR. SPEAKER:—"The hon. Member Sri M. P. Subramaniam who has given notice of the question is not in his place. The question and answer will be printed in the proceedings."

SRI M. P. SUBRAMANIAM: "Will the Hon. the Chief Minister be pleased to state—

(a) how many of the Dravidian Progressive Federation volunteers were arrested on 15th July 1953 in connexion with the stopping of trains throughout Tamilnad;

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(b) how many trains were stopped on that date and at what places; and

(c) from how many of the Dravidian Progressive Federation volunteers, fines were forcibly collected even after they had courted arrest and undergone imprisonment?

THE HON. SRI C. RAJAGOPALACHARI:—" (a) & (c) The Government have no information as to how many persons among those who were arrested or who were convicted, were volunteers of the Dravidian Progressive Federation.

" (b) The Government consider it against public interest to give particulars as it would encourage such acts of lawlessness."

Stopping of trains, arrests made in connection with.

* 431 Q.—SRI K. ARANGANATHAN: Will the Hon. the Chief Minister be pleased to state the total number of arrests made on 15th July 1953 in connexion with the stopping of trains?

THE HON. SRI C. RAJAGOPALACHARI:—"Government consider that it is not desirable to disclose the information sought for as to stopping of trains, as an answer to the question is likely to encourage such unlawful activities."

SRI K. ARANGANATHAN:—"What was the object in stopping trains?"

THE HON. SRI C. RAJAGOPALACHARI:—"I am sorry I had no discussion with the gentlemen who stopped the trains. But I think it had something to do with the politics of the present Dravidian Progressive Federation."

SRI S. DEIVASIGAMANY:—"Is it to be inferred from the answer that the agitation was so much that it will not be in the public interest to give the figures asked for?"

THE HON. SRI C. RAJAGOPALACHARI:—"The Government consider that the stopping of trains was very unnecessary, and to give figures will encourage more people to do such acts, whatever the object may be, on different occasions. We do not wish to show that we tolerated so many cases of lawlessness."

SRI K. R. VISWANATHAN:—"May I know whether notice of stopping trains was received by the Government in advance and, if so, why precautionary measures were not taken to avert the tragic effect?"

THE HON. SRI C. RAJAGOPALACHARI:—"When a man gives previous notice in his own individual capacity that he would do an act, we can take action. But when there is a general previous notice that such things will take place, we will be guilty of hasty action if we do not give *locus poenitentiae* to those who induced them to do that act."

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SRI A. GOVINDASWAMY NAYAGAR:—“அகாரணத்திற்காக ரயிலை நிறுத்தினால் ரூ. 50 அபராதம் விதிக்கப்படும் என்று போட்டிருக்கிறார்கள். ஆனால் நேரு அவர்கள் ‘நான்சென்ஸ்’ என்று சொன்ன காரணத்திற்காக, அதுவும் ரயிலை நிறுத்தப் போவதாக அறிவித்துவிட்டு ரயிலை நிறுத்தினார்கள். அது எப்படி குற்றமாகும்? குற்றமென்று கருதினால் அதற்கு 50 ரூபாய் அபராதம் போடாமல், அதற்குப் பதில் ஏன் சடவேண்டும், சிறைச்சாலை தண்டனை விதிக்கவேண்டும் என்று சர்க்காரைக் கேட்கிறேன்.”

THE HON. SRI C. RAJAGOPALACHARI:—“The supplementary question is based on a number of erroneous conclusions.”

Bharathi Works Publication Committee.

* 432 Q.—**SRI P. JEEVANANDAM:** Will the Hon. the Minister for Finance be pleased to state—

(a) the nature and composition of the machinery provided by Government for popularizing Poet Bharathiar's literary works; and

(b) if the machinery is only a committee the names of the individuals constituting the Committee and the work done by them?

THE HON. SRI C. SUBRAMANIAM:—“(a) & (b) The Government have appointed a Committee known as the Bharathi Works Publication Committee in order to advise them on the editing, printing, publication, etc., of the works. The following persons are members of the Committee:—

- (1) Sri R. Krishnamurthy, (2) Professor K. Swaminathan, (3) Sri R. P. Sethu Pillai; and (4) Sri C. Viswanathan.

Both the Government and the Director of Public Instruction seek the advice of this Committee on all matters relating to the poet's works including the use of passages from the poet's works for text-books and the use of his songs in films.

The Committee helps the Government in printing and publishing collected editions of the poet's works. This work is in progress in the Government Press.”

SRI M. PALANIYANDI:—“தனிப்பட்டவர்களிடமிருந்து உரிமையை வாங்கி இப்போது இந்த அரசாங்கம் வியாபாரம் செய்கிறதா? அரசாங்கம் விரைவில் பாரதியாரின் கவிதை, கட்டுரைகளை வெளியிடுவதற்கு முன் வருமா?”

THE HON. SRI C. SUBRAMANIAM:—“Steps are being taken to publish these works as early as possible. That is why I said that the work was in progress in the Government Press. The edition will be out very soon.”

SRI K. VINAYAKAM:—“The works of Subrahmanya Bharathi inspired and cultivated a revolutionary spirit in the days

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of the British rule. Do the Government want to have a monopoly of his works, so that his poems and writings may not create a revolutionary spirit against the present Government?”

THE HON. SRI C. SUBRAMANIAM:—“It is not for having any monopoly. First, we want to publish an edition containing a correct version of the various poems and articles written by Subrahmanya Bharathi. Afterwards, the question will be considered by the Government how they should be thrown open to the entire public without any restriction whatsoever.”

SRI K. C. GOPALAN UNNI:—“Have the Government taken any steps to popularise the works of Malabar poets?”

MR. SPEAKER:—“How does this arise as a supplementary question?”

SRI K. ARANGANATHAN:—“பாரதியாரின் நூல்களின் உரிமையை அரசாங்கம் எடுத்துக்கொண்டதால், பாரதியார் குடும்பத்திற்கு ஏதாவது பணம் கொடுத்திருக்கிறார்களா?”

THE HON. SRI C. SUBRAMANIAM:—“Yes, Sir, a certain amount has been paid.”

SRI P. KUNHIRAMA KIDAV:—“In view of the fact that Subrahmanya Bharathi was a national poet, will the Government consider the desirability of translating his literary works into Malayalam?”

THE HON. SRI C. SUBRAMANIAM:—“If the hon. Member will take some interest and induce some poet to take steps for translating the works into good Malayalam, the suggestion will be considered.”

SRI A. GOVINDASWAMY NAYAGAR:—“பாரதியார் குடும்பத்திற்கு ஏதோ ஒரு தொகை கொடுத்ததாக நிதி மந்திரி அவர்கள் சொன்னார்கள். அந்த தொகை எவ்வளவு என்று நிதி மந்திரியார் விபரமாகச் சொல்லுவாரா?”

THE HON. SRI C. SUBRAMANIAM:—“The poet's widow and two daughters were given Rs. 5,000 each.”

SRI S. DEIVASIGAMANY:—“Are the members of the committee here who are doing such useful work, paid any remuneration?”

THE HON. SRI C. SUBRAMANIAM:—“It is purely honorary work.”

DR. K. B. MENON:—“In the translation the full effect will be lost and I suggest that a transcript may be attempted.”

THE HON. SRI C. RAJAGOPALACHARI:—“Probably, Dr. Menon is right. Especially when it is poetry, no translation is of any use.”

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Registration of births and deaths.

* 433 Q.—SRI A. VELOO (on behalf of Sri P. Rangaswamy Reddiar): Will the Hon. the Minister for Health be pleased to state—

(a) what steps the Government are taking to ensure that births and deaths are properly and accurately registered by the respective Registrars under the Madras Registration of Births and Deaths Act, 1899;

(b) the action, if any, taken by them against Registrars who default in submitting their monthly returns as per rule 3 of the Rules issued under Act III of 1899;

(c) how many Registrars were punished or warned by the respective Collectors under the provisions of section 18 (b) of Act III of 1899, during the years 1948–53; and

(d) the number of returns regarding births and deaths not received from each district during the years 1948–53?

THE HON. SRI A. B. SHETTY:—“(a) to (d) A paper* is placed on the table of the House.”

Co-operative Housing Scheme in Tillainagar of Tiruchirappalli town.

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

(a) the extent of cultivable nanja lands involved in the execution of the Co-operative Housing Scheme in Tillainagar of Tiruchirappalli town;

(b) the probable loss in the production of foodgrains by the conversion of such lands into house-sites and other constructions; and

(c) the costs paid to the land owners?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“(a) 74.94 acres.

“(b) Approximately 110 tons of paddy annually.

“(c) Rs. 5,22,561–5–10.”

SRI V. BALAKRISHNAN:—“Will the Government be pleased to prohibit the wholesale conversion of such cultivable nanja lands into house-sites hereafter?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“Yes, Sir, if the word ‘wholesale’ is emphasised.”

SRI P. B. K. RAJACHIDAMBARAM:—“Is it not a fact that the allowing of wet lands to be in the centre of a town is injuries to the health of the population of the town?”

THE HON. SRI C. RAJAGOPALACHARI:—“Wet lands in the middle of urban cities will improve the general health of

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the population of the city not because of the wetness but because of the open space. Taking all things into account, to build up on wet lands is bad.”

SRI S. DEIVASIGAMANY:—“May I know what induced the Government to convert wet lands into house-sites?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“The hon. Member should know that Tiruchirappalli is the third or the fourth biggest town in the State. The population is increasing and there must be some space for people to live in.”

SRI C. KANDASAMY:—“வேறு புஞ்சை நிலத்தை அங்கே வீடு கட்டுவதற்குக் கொடுப்பார்களா?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“அந்த நிலம்தான் சௌகரியமாக இருந்தது.”

SRI M. PALANIYANDI:—“முதல் அமைச்சர் பதில் சொல்லும் போது காலியான இடம் இருப்பது நகருக்கு சுகாதார வசதி அளிக்கும் என்று சொன்னார். திருச்சி நகர மத்தியில் காலி நிலங்களை அரசாங்கம் வீடு கட்டுவதற்குக் கொடுத்தது தவறு அல்லவா? அது மாதிரி இனிமேல் கொடுப்பதற்கு முன் வராமல் இருப்பதற்கு அரசாங்கம் முன் வருமா?”

THE HON. SRI C. RAJAGOPALACHARI:—“I gave my opinion. I tried my best to prevent it. I have failed in many places. Such is the greed of owners of lands.”

SRI V. BALAKRISHNAN:—“Is it not a fact that wide, extensive and expansive space is available within the vicinity of Tiruchirappalli town for this purpose?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—
“Not as convenient as this, Sir.”

SRI K. VINAYAKAM:—“While the question is being answered, the Hon. the Chief Minister expresses one view and the Hon. the Minister for Revenue expresses another view. Are not the Government aware of the conflict of views expressed by the Cabinet on the same question?”

THE HON. SRI C. RAJAGOPALACHARI:—“The Revenue Minister gives facts and expresses what has been done. I am giving the opinion of the Government. Unfortunately, Government are not always successful when dealing with vested interests.”

Velayutha Mudaliar High School, Kurinjipadi.

* 435 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the action taken by the Government on the request made by the management of Sri S. K. Velayutha Mudaliar High School, Kurinjipadi, South Arcot district to restore the sanction to open Form IV?

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THE HON. SRI C. SUBRAMANIAM:—"The management of Sri S. K. Velayudha Mudaliar High School, Kurinjipadi, has been permitted to retain the Form IV opened in the school from the beginning of the current school year."

SRI K. ARANGANATHAN:—"பள்ளிக்கூட கட்டம் திறப்பதற்கு முன்பு நாலாவது பாரம் ஆரம்பிக்கலாம் என்று உத்தரவு கொடுத்த பிறகு ஏன் நாலாவது பாரத்தை ஆரம்பிக்காமல் உத்தரவை வாபஸ் வாங்கிக் கொண்டார்கள்."

THE HON. SRI C. SUBRAMANIAM:—"There was really some misunderstanding and that led to the withdrawal of the permission already granted to open Form IV. That mistake would have been rectified much earlier. But, unfortunately, the party went to Court for a writ and while it was pending in Court, we could not take any further action."

SRI A. GOVINDASWAMI NAYAGAR:—"ஜில்லா போர்ட் ஹைஸ்கூல் திறந்திருக்கிறார்களே, அந்த ஹைஸ்கூல் நடக்குமா அல்லது தனிப்பட்ட முதலியாரால் திறக்கப்பட்ட ஹைஸ்கூல் நடக்குமா?"

THE HON. SRI C. SUBRAMANIAM:—"I have called for a report from the Special Officer of the District Board whether there is any need for the continuance of the District Board High School in view of the private school existing there. After the receipt of that report, we will take a final decision."

SRI K. PARTHASARATHY:—"Is there any objection to locating two high schools in the same place?"

THE HON. SRI C. SUBRAMANIAM:—"It will be a waste unless there is necessity for two high schools. With reference to the population of the students available there, to have two high schools would be a waste. The Government will take into consideration all these factors and come to a final decision."

SRI K. ARANGANATHAN:—"What is the misunderstanding between the Government and the management of the school?"

THE HON. SRI C. SUBRAMANIAM:—"The fact that permission had already been granted for the opening of Form IV was not brought to the notice of the Government when sanction was given to open Form IV in the District Board High School. Therefore, it was stated in the orders that the private management might run the school with Forms I to III and the District Board might run the school with Form IV. But later on it came to the notice of the Government that permission had already been granted for the opening of Form IV in the school run by the private management, and before the mistake could be rectified, the party rushed to Court."

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Title disputes in regard to ryotwari patta.

* 436 Q.—SRI S. T. ADITYAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether there has been serious delay in the decision of title disputes to ryotwari patta by Settlement Officers under section 15 of Act XXVI of 1948;

(b) whether any legal defects have been disclosed in the working of the Act; and

(c) what steps, if any, have been taken by the Government to remedy the same?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) No instance of serious delay has been brought to the notice of the Government.

"(b) & (c) Certain suggestions have been received by the Government and are being examined."

SRI S. T. ADITYAN:—"Has there been a representation from the Ryots' Association of Tirunelveli district on this point?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir."

SRI R. V. SWAMINATHAN:—"The Hon. Minister said that there had been no delay in this respect. When the Estates Abolition Act was passed, the Government gave the impression that the settlement work would be over in three or four years. Already, nearly six years have elapsed. Still, the Hon. Minister says that there has been no undue delay. Then, what is the time the Government require for a settlement work to be completed? May I also know what is undue delay and what is reasonable delay?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I admit that there is some delay. I said in my answer that there had been no serious delay. The Government are taking all steps to expedite the work. In fact, in the pre-partition days an amending Bill was brought up in order to remove defects and prevent delay. But the hon. Member knows that it could not be proceeded with. The Board is now examining the question. As soon as the examination is over, we shall take action."

SRI S. VENKATRAMA AYYAR:—"With regard to the legal defect in the matter of inquiries under sections 15 and 56 (1) (c) of the Estates Abolition Act, have Government received representations about the anomalous position arising out of conflicting decisions with regard to the same subject-matter of dispute under both the sections by different Settlement Officers and, if so, may I know whether the Government will be pleased to frame appropriate rules providing a common machinery for inquiry into such cases contemplated under sections 15 and 56?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—"For the information of the House, I may state that the hon. Member also sent a memorandum in this connection. The whole matter is being considered by the Board."

SRI R. V. SWAMINATHAN:—"May I know what is the maximum time that the Government require to complete this settlement work and when they hope to finish it?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"In such matters, we cannot fix either a minimum or a maximum time."

SRI S. JAYARAMA REDDIYAR:—"இதற்கு முன்பு ஜமாபந்தி காலங்களில் பட்டா மாறுதல் செய்யப்படுகிறதா என்று கேள்வி இருந்து வந்தது. அந்தக் கேள்வியும் வழக்கமாக இருந்து வந்தது. இப்பொழுது அந்தக் கேள்வி இல்லை என்பது தெரிய வருமா? பட்டா மாறுதல்கள் அந்தந்த வருஷங்களில் செய்யப்பட வேண்டும். இதைச் சர்க்கார் மறுபடியும் வற்புறுத்துவார்களா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Probably, the hon. Member refers to general patta transfer. We are now considering cases under the Estates Abolition Act."

SRI S. RAMALINGAM:—"ஜமீன்தாரி ஒழிப்புச் சட்டத்திற்குத் திருத்தம் ஏற்கனவே இந்த சபையில் வந்து அது நிறுத்தி வைக்கப்பட்டிருக்கிறது. அதை மீண்டும் இப்பொழுது கொண்டுவரப்போகிறார்களா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I cannot state the exact time. I shall try to bring it as early as possible."

SRI V. BALAKRISHNAN:—"Is the settlement work taken up on a regional basis or on a district basis? If it is on a regional basis, will the Government appoint some more officers for districts where the work is heavy?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Whether it is on a regional or a district basis, it must be on a convenient basis."

Reports in lieu of surcharge made to the Inspector of Municipal Councils and Local Boards.

* 437 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Local Administration be pleased to state the number of reports in lieu of surcharge that were made to the Inspector of Municipal Councils and Local Boards against the executive authorities of panchayats in the Madras State, during the year 1952-53?

THE HON. SRI K. RAJARAM:—"Twenty-five, Sir."

SRI K. ARANGANATHAN:—"எந்தந்த ஜில்லாக்களிலிருந்து இப்படிப்பட்ட ரிப்போர்ட்கள் வந்திருக்கின்றன?"

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THE HON. SRI K. RAJARAM:—"A specific question may be put, Sir."

SRI M. PALANIYANDI:—"Sir, இந்த பஞ்சாயத்து போர்டில் அவர்கள் கையில் பணம் இருந்தாலும்கூட அவர்கள் ரோடு போடுவதற்கு செலவு செய்யும்படி பல கடிதம் எழுதியும்கூட பதில் கிடைப்பது கஷ்டமாக இருக்கிறது. இப்பொழுது ரோடு போடாததன் காரணமாக சர்சார்ஜ் செய்வது தடுக்கப்படுமா?"

THE HON. SRI K. RAJARAM:—"No such surcharge is made for this purpose."

Opening of a Revenue Court under the Tanjore Tenants and Pannaiyal Protection Act in South Arcot.

* 438 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state when the Revenue Court was opened under the Tanjore Tenants and Pannaiyal Protection Act, 1953, in South Arcot area?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"No separate Revenue Court has been constituted under the Tanjore Tenants and Pannaiyal Protection Act, 1952, in the South Arcot district. The Revenue Divisional Officer, Chidambaram, is exercising the functions of a Revenue Court with effect from 1st July 1953, the date in which the Act was extended to portions of Chidambaram and Cuddalore taluks."

Report of the Indian Finance Commission.

* 439 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state what are the steps taken for the supply to Members of the copies of the report of the Indian Finance Commission, headed by Sri Neogi and the copy of the Memorandum of the Madras Government to the above-said Commission referred to in the Hon. Finance Minister's reply to question No. 262 at page 659 of the Official Report of the Madras Legislative Assembly Debates, dated 1st April 1953?

THE HON. SRI C. SUBRAMANIAM:—"The report is a priced publication of the Government of India costing Rs. 2. All hon. Members wanting copies may inform the Legislative Secretariat in writing and the required number of copies will be bought and supplied at Government cost."

SRI K. ARANGANATHAN:—"What about the memorandum submitted by the Government?"

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

Price of sugarcane.

* 440 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state whether the Government have since fixed up the price of sugarcane for this year and,

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if so, what is the price of sugarcane as referred to in the Hon. Agriculture Minister's reply to question No. 237 at page 560 of the Official Report of the Madras Legislative Assembly Debates, dated 30th March 1953?

THE HON. SRI M. A. MANICKAVELU NAICKER (on behalf of Hon. the Minister for Agriculture):—"For the 1952-53 season, the price to be paid to growers for sugarcane delivered to factories was fixed in consultation with the Government of India and the sugar factories at—

- (a) a statutory minimum of Rs. 1-5-0 per maund for gate delivery and Rs. 1-3-0 per maund for rail delivery; plus
- (b) an additional price to be determined with reference to the percentage of recovery of sugar from cane and sugar prices obtained by the factories.

The minimum price was already paid by the factories on delivery of cane. The additional price had to be determined in November this year, after data regarding sugar recoveries and sugar prices were available. Such data have since been collected in respect of the Nellikuppam factory and based on this the total price to be paid to growers in this area is reported to be Rs. 5-1-1 per ton. Similar prices for other factories will be fixed after necessary data are completely collected."

SRI S. RAMALINGAM :—"நெல்லிக்குப்பம் சர்க்கரை பாக்டரிக்கு கரும்பு கொடுத்த விவசாயிகள் அந்த மில்லிலிருந்து தங்களுக்கு கிடைத்த விலை போதாது என்று சர்க்காருக்கு மகஜர் எழுதி யிருக்கிறார்கள். அதன் பேரில் என்ன நடவடிக்கை சர்க்கார் எடுத்திருக்கிறார்கள்?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Under this scheme, by a rough and ready calculation, a certain amount was given. But having regard to sugar obtained from cane and sugar prices obtained by the factories, another amount will be paid subsequently."

SRI M. PALANIYANDI :—"திருச்சி ஜில்லாவிலுள்ள புகளூர் ஆலைக்கு கரும்பு சப்ளை செய்த விவசாயிகளுக்குச் சரியான விலை கொடுக்காததால் அந்த ஆலை மூடப்பட்டிருக்கிறது. அந்த விவசாயிகளுக்குச் சரியான விலை கொடுத்தால் அந்த ஆலையை அவர்கள் துவக்குவார்கள் என்பது அரசாங்கத்திற்கு தெரியுமா?"

THE HON. SRI C. RAJAGOPALACHARI :—"Sir, I had something to do with it personally. The reason is that jaggery-making attracted sugarcane more than the factory."

SRI S. RAMALINGAM :—"நெல்லிக்குப்பம் பாக்டரியில் வரவு செலவு கணக்கைப் பார்த்து அவர்களுக்குக் கிடைத்திருக்கக்கூடிய லாபத்திலிருந்து கரும்பு சப்ளை செய்த விவசாயிகளுக்குச் சரியான பங்கு கொடுக்க சர்க்கார் ஏற்பாடு செய்வார்கள் என்று உறுதி கூறினார்கள். ஆனால் வரவு செலவு கணக்கைப் பார்க்கவில்லை. நெல்லிக்குப்பம் சர்க்கரை ஆலைக்கு நல்ல லாபம் கிடைத்திருக்கிறது என்று சர்க்கார் ஒப்புக்கொண்டிருக்கிறார்கள். ஆகையால் நெல்லிக்குப்பம் ஆலையின் கணக்குகளைப் பார்த்து விவசாயிகளுக்கு நிபந்தனையைக் கொடுப்பதற்கு சர்க்கார் முன் வருமா?"

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THE HON. SRI M. A. MANICKAVELU NAICKER :—"The reasonable price is not fixed by the profit that is made. It is fixed by other means."

SRI A. GOVINDASWAMY NAYAGAR :—"வெள்ளைக்காரர்களை விரட்டி அடித்த காங்கிரஸ் சர்க்கார் வெள்ளைக்கார ஆதிபத்தியத்தில் இருக்கும் சர்க்கரை ஆலையை எடுத்து தேசியமயமாக்குவதற்கு முன் வருவார்களா?"

THE HON. SRI C. RAJAGOPALACHARI :—"Sugar tastes the same whoever makes it. There is no contamination on account of the white or black people. As regards business itself, much depends on who starts the sugar factories."

SRI V. BALAKRISHNAN :—"Is it a fact that the sugar factory owners are permitted to collect a sort of irrigation cess from these sugarcane cultivators?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Not that I am aware of."

Delay in the payment of travelling allowance to certain teachers in Malabar in connexion with census and election works.

* 441 Q.—**SRI T. C. NARAYANAN NAMBIAR** (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Minister for Finance be pleased to state how many teachers and N.G.Os. in Malabar district remain to be paid travelling allowance and other charges—

(i) for duties connected with the preparation of the National Census of 1950-51; and

(ii) for working during the last General Elections?

THE HON. SRI C. SUBRAMANIAM :—" (i) 929.
" (ii) 553."

SRI K. VINAYAKAM :—"In view of the many questions of a similar nature always inundating this House on the same subject, I come to the conclusion that there is something wrong in calculating this travelling allowance which does no credit to the Government. Will the Government take proper steps to clear this kind of arrears and see that similar questions do not come before the House in future?"

THE HON. SRI C. SUBRAMANIAM :—"I do agree that there is something wrong in Malabar with reference to this subject. I am personally looking into it. I may assure the hon. Member that I wish to see that these things are cleared as early as possible."

SRI T. C. NARAYANAN NAMBIAR :—"The Hon. Minister for Education had been kind enough to give such assurances several times and in spite of those assurances, there are a number of cases where payment is yet to be made. Will the Hon. Minister be pleased to take this as a serious matter and see that defects are rectified wherever they may be found?"

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THE HON. SRI C. SUBRAMANIAM:—"I am really sorry that, in spite of my assurance, I have not been able to carry it out. I have taken it seriously and I am looking into the matter."

SRI V. BALAKRISHNAN:—"Is the delay in payment of travelling allowance due to delay of claims or is it due to the sluggishness in the working of the office?"

THE HON. SRI C. SUBRAMANIAM:—"The main reason given by the officials is that the present address of the claimant is not known. I do not think that should be a difficulty which could be put as an excuse. That is why I am looking into the matter. I have taken the matter seriously and I shall see that this defect is rectified."

SRI P. K. GOPALAKRISHNAN:—"I had brought to the notice of the Government the present address as well as the special cases in which travelling allowances are not paid. The Government have not taken steps. May I know the reason for this?"

THE HON. SRI C. SUBRAMANIAM:—"The Government have taken steps. There is something wrong at the other end, Malabar. That is why I said that I am looking into the matter. I shall try my best to rectify this delay."

Public receptions in honour of Government servants.

* 442 Q.—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar): Will the Hon. the Chief Minister be pleased to state whether the Government have passed any orders prohibiting, permitting or regulating the acceptance of dinners and other similar receptions got up in honour of (a) Executive Officers and (b) Judicial Officers, on the occasion of their transfer and otherwise; if so, what they are?

THE HON. SRI C. RAJAGOPALACHARI:—"Yes. A copy* of rule 4 of the Government Servants' Conduct Rules in force on the subject is placed on the table of the House."

SRI V. BALAKRISHNAN:—"Will the Government in furtherance of the spirit underlying the answer given to this question, completely prohibit the garlanding of officials from Ministers downwards?"

THE HON. SRI C. RAJAGOPALACHARI:—"Personally, I would prefer non-garlanding. I do not like to have the cold bath that the garlands give. But the point is this. We have examined the rules and I found some flaws. I think at my instance all the Secretaries met. The present subsidiary rules carry things very far. According to these rules, much of the matter has been prohibited."

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SRI S. DEIVASIGAMANY:—"If dinners and parties are given or even garlanding is done to persons who are retiring or who are going from one place to another on transfer, it is in appreciation of their good services. What is there in this which should prompt the Government to issue instructions to prevent such dinners and parties and least of all garlanding?"

THE HON. SRI C. RAJAGOPALACHARI:—"I shall explain it. The rules as they stood for a long time made it wrong for a Government servant to receive public farewell entertainments; but it was right when it was private and informal. Subscriptions were raised on a voluntary basis to meet the expenses of such farewell entertainments. We thought that these voluntary subscriptions might deteriorate into compulsory extraction. Therefore, we have made the rules strict. There is no objection to garlanding and things like that. The objection is to the raising of funds for entertainments which may really involve a very high figure as far as expenses are concerned."

SRI S. SWAYAMPRAKASAM:—"In reply to the supplementary question put by Mr. Balakrishnan, the Hon. the Chief Minister was pleased to say that he did not personally like flower garlands because they had water in them. Does it mean that he likes lace garlands alone?"

THE HON. SRI C. RAJAGOPALACHARI:—"No, Sir. I would prefer yarn garlands so that I might use them for hanging myself if necessary."

SRI S. PANCHAKSHARAM:—"In paragraph 2 of the answer placed on the table of the House, it is mentioned that a Government servant may, at the request of any public body, sit for a portrait. What is a public body? Do two persons, that is more than one, make a public body? Or will a committee of hosts constitute a public body?"

THE HON. SRI C. RAJAGOPALACHARI:—"It says that a Government servant may, at the request of any public body, sit for a portrait, bust or statue not intended for presentation to him. It is easy to understand this. Even if two persons make a request, it must be on behalf of a public body."

SRI R. V. SWAMINATHAN:—"While appreciating the action of the Government in introducing such a rule, may I ask the Chief Minister whether he will issue instructions to local authorities and district authorities to stay, while they go on tour, in public buildings like the travellers' bungalow and not to stay in buildings owned by private persons?"

THE HON. SRI C. RAJAGOPALACHARI:—"I think he is referring to Ministers more than to Government servants."

SRI R. V. SWAMINATHAN:—"My question is about Government officials?"

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THE HON. SRI C. RAJAGOPALACHARI:—"Officials are subject to various rules of discipline and any specific rule to prevent them from staying here or staying there is totally unnecessary because the officials come under very strict discipline in such matters. But we must remember that after we have sent away foreign officials, it is not absolutely necessary, in the interests of democracy and proper administration, to outlaw, so to say, every Government servant from social contact."

Sale of breeding bulls in the Hosur Cattle Farm.

* 443 Q.—SRI V. K. RAMASWAMY MUDALIAR: Will the Hon. the Minister for Animal Husbandry be pleased to state—

(a) whether it is a fact that a large number of breeding bulls are kept unsold in the Hosur Cattle Farm; and

(b) if so, what it is due to; and why they were not distributed for Livestock Improvement work in rural areas where they are badly required?

THE HON. SRI C. SUBRAMANIAM (on behalf of the Hon. Minister for Animal Husbandry):—" (a) There are about 96 breeding bulls available for sale at the Hosur Farm.

" (b) There was no demand from the public for the purchase of the bulls on account of the unfavourable seasons and probably on account of the high price of the bulls.

The bulls could not be distributed for livestock development work in rural areas as the Government deferred during 1952-53 a scheme known as Government Male Stock Distribution Scheme under which bulls are given to custodians for making them available for service in the local areas."

SRI V. K. RAMASWAMY MUDALIAR:—"Will the Government kindly consider the desirability of reducing the price of these bulls so that middle-class agriculturists may purchase them easily?"

THE HON. SRI C. SUBRAMANIAM:—"The matter is under the consideration of Government."

SRI R. V. SWAMINATHAN:—"May I know why these bulls are kept idle in large numbers in this particular place? It is because these are not giving effective services or for any other reason?"

THE HON. SRI C. SUBRAMANIAM:—"There is a farm in Hosur; that is why they are all there. It is not as if the bulls were taken to Hosur and segregated there. The trouble is there has been no demand for these bulls because of the 'high price'. The Government are considering whether it is possible to reduce the price of these bulls."

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SRI K. VINAYAKAM:—"If the breeding bulls, otherwise known as stud bulls, are kept in Hosur for want of purchasers, will the Government consider the desirability of moving them to district headquarters and putting them under the control of the District Veterinary Officer, so that they may give free services wherever needed?"

THE HON. SRI C. SUBRAMANIAM:—"The distribution of these bulls in the best and most useful way is under the consideration of the Government."

SRI P. B. K. RAJACHIDAMBARAM:—"May I know how the price of the bull is fixed and is there any formula adopted by the Government?"

THE HON. SRI C. SUBRAMANIAM:—"Up to 1943, the price fixed was Rs. 600 per bull. Later on, it has been increased to Rs. 800. When compared to the price of bulls sold by private people, for example, the Pattagar of Palayakottai offers bulls at the rate of Rs. 1,200 to Rs. 1,700 each—ours is a very reasonable price. But still, I do not know why there must be so much prejudice against these. This is my inference after looking into the whole matter now."

SRI S. RAMASAMI NAIDU:—"Will the Government consider the advisability of subsidising the purchase of these bulls so that ryots may come forward to buy them at least to a certain extent?"

THE HON. SRI C. SUBRAMANIAM:—"There is a scheme and it will be given effect to in 1954-55."

SRI P. SELVARAJ:—"Will the Government consider the desirability of selling these bulls on an instalment basis?"

THE HON. SRI C. SUBRAMANIAM:—"The suggestion will be considered."

SRI K. PARTHASARATHY:—"Will the Hon. the Minister give us information as to the various types of breeds available in the Farm?"

THE HON. SRI C. SUBRAMANIAM:—"It has been advertised in the papers but has resulted in no demand from the farmers of this State or even from outside the State."

Abolition of the "1936" whole inams.

* 444 Q.—SRI S. T. ADITYAN: Will the Hon. the Minister for Land Revenue be pleased to state whether the Government have arrived at any and, if so, what decision regarding the abolition of the "1936" whole inams?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The Government have decided not to acquire the '1936' whole inams."

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SRI S. T. ADITYAN:—“Has there been a definite promise on the floor of the House that it will be abolished?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“I do not know.”

Abolition of District Boards.

* 445 Q.—SRI K. MOOKKIAH THEVAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have come to any decision in regard to the abolition of district boards and the revival of taluk boards; and

(b) if so, whether any date has been fixed for holding the general elections to taluk boards?

THE HON. SRI K. RAJARAM:—“(a) No, Sir.

“(b) Does not arise.”

SRI K. MOOKKIAH THEVAR:—“ஜில்லா போர்டை ஒத்தது தாலுகா போர்டைக் கொண்டுவரப் போகிறதும் என்று சொல்வது தேர்தலை நடத்தாமல் ஸ்பெஷல் ஆபீசர் காலத்தை நீடிப்பதற்கு கொடுக்கும் காரணமா? அல்லது தேர்தல் தேதியைத் திட்டமாக கனம் மந்திரி அவர்கள் சொல்வார்களா?”

THE HON. SRI K. RAJARAM:—“In answer to a question a few minutes back I said that elections to district boards will be conducted and completed before 1st July 1954.”

SRI M. PALANIYANDI:—“தாலுகா போர்டுகள் அமைக்கப்போவதாக மந்திரி அவர்கள் பல இடங்களில் பேசியிருந்தும் கூட, தற்போது ஜில்லா போர்டு தேர்தலை நடத்தப்போவதாகச் சொல்லுகிறார். இந்த திட்டம் மாற்றத்திற்கு என்ன காரணம்?”

THE HON. SRI K. RAJARAM:—“It may take pretty long time to introduce the Bill and get it passed by the House. It may have to go before a Select Committee also. Therefore, elections to taluk boards may be held within another two years.”

Honorary Adviser to Government for Elementary Education.

* 446 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) what the need was for creating a new post of Honorary Adviser to Government for Elementary Education;

(b) the special qualifications of the present incumbent;

(c) the reason for paying him an honorarium of Rs. 750 which is more than the regular pay of gazetted officers of this State; and

(d) why the Government have permitted him to have two offices, one at Madras and the other at Gandhigram?

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THE HON. SRI C. SUBRAMANIAM:—“(a) Government felt that the services of one experienced in Basic Education and Village Industries with the proper background required for the Modified Scheme of Elementary Education would be most useful.

“(b) He has served for a good length of time in the Basic Education programme of Sevagram as well as in the Gram Udyog department at Maganwadi under Mahatma Gandhi's direction. He has served in the Gandhi Ashram, Tiruchengode, and worked strenuously in all the rural activities connected therewith. He was a Minister in the Government of Travancore in the Thanu Pillay Ministry. His work has demonstrated the correctness of the choice which was also affirmed by what the eminent Chairman of the Parulekar Committee expressed to the Chief Minister.

“(c) It was fixed in consideration of his status and the important work assigned to him.

“(d) His office is at Gandhigram where he has important work to do. While at Madras, he is in touch with the Director's office, but owing to want of space in the Director's office, he manages to do his work in a small room in Government Estate. Government are satisfied that the space given to him is not more but less than adequate.”

SRI K. ARANGANATHAN:—“ஸர்லிஸ் கமிஷன் மூலமாக அவர் தேர்ந்தெடுக்கப் பட்டிருக்கிறார்?”

THE HON. SRI C. SUBRAMANIAM:—“No, Sir. This is a special job and there was no necessity to refer the choice to the Public Service Commission.”

SRI S. DEIVASIGAMANY:—“May I know the name of the present incumbent and under what conditions he has been appointed?”

THE HON. SRI C. SUBRAMANIAM:—“I think the hon. Member knows the name more than myself. The name of the incumbent is Sri G. Ramachandran. The answer to the latter part of the hon. Member's question is found in answer to clause (c) of the main question.”

SRI K. VINAYAKAM:—“After the appointment of the present incumbent, what is the nature of the advice he has so far given and have the Government given effect to those recommendations of his by translating them into action?”

THE HON. SRI C. SUBRAMANIAM:—“If a separate question is put, I shall place on the table of the House a long statement.”

SRI R. V. SWAMINATHAN:—“In respect of the answer to clause (c), I want to put a supplementary question. Let it not be misunderstood by Government. May I know why the Government should give Rs. 750 per month to the present incumbent as honorarium, when they could as well give it as a salary?”

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THE HON. SRI C. SUBRAMANIAM:—"I may assure the hon. Member that Government will never misunderstand him, but will understand him in the right way. As far as the honorarium is concerned, it was because the present incumbent objected to be a servant of the Government. That is why it has been fixed as an honorarium."

SRI A. GOVINDASWAMY NAYAGAR:—"SRI G. ராமச்சந்திரன் அவர்கள் கல்வி திட்டத்தை ஆதரித்துப் பேசுகின்றபோது, இந்தக் கல்வித் திட்டத்தை எதிர்க்கின்ற பெரியார், அண்ணாத்துரை போன்றவர்களைத் தாக்கீப் பேசுவது முறையா என்று கனம் மந்திரி அவர்களைக் கேட்கிறேன்?"

THE HON. SRI C. SUBRAMANIAM:—"No instance has been brought to the notice of the Government that the present incumbent had talked in the manner as the hon. Member had complained."

SRI M. PALANIYANDI:—"கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது, அவருடைய தகுதியைப் பார்த்து சம்பளம் நிர்ணயிக்கப்பட்டது என்று சொன்னார். காந்திஜியின் கீழ் வேலை செய்த தொண்டர்களுக்கு ரூ. 750 கொடுப்பது தகுதியா? காந்திஜி இப்பொழுது இருந்தால் இதைப் பொறுத்துக் கொண்டிருப்பாரா?"

THE HON. SRI C. SUBRAMANIAM:—"Many of the non-officials who had served under Gandhiji are now serving the Government and are receiving thousands by way of salaries."

SRI A. GOVINDASWAMY NAYAGAR:—"SRI G. ராமச்சந்திரன் அவர்கள் கடலூரில் ஜில்லா கலெக்டருடைய தலைமையில் நடந்த கூட்டத்தில் தான் அண்ணாத்துரை, பெரியார் போன்றவர்களைத் தாக்கீப் பேசினார். இதற்காக அவர் மீது நடவடிக்கை எடுப்பதற்கு சர்க்கார் முன் வருமா என்று கனம் கல்வி மந்திரி அவர்களைக் கேட்கிறேன்?"

THE HON. SRI C. SUBRAMANIAM:—"I do not know whether this information is as correct as the one has given with reference to the Governor's incident."

DR. K. B. MENON:—"Will the Government be pleased to place on the table of the House the advice given so far by the officer concerned without a separate question being put in that connection?"

THE HON. SRI C. SUBRAMANIAM:—"I shall consider the suggestion."

SRI S. RAMALINGAM:—"சம்பளமாகக் கொடுத்தால் சர்க்கார் உத்தியோகஸ்தர் என்று கருதப்படுவார், அதனால் அவர் அரசியல் இயக்கங்களில் பங்கெடுத்துக்கொள்ள முடியாது. ஆனால் அரசியலில் பங்கெடுத்துக்கொள்ள முடியுமென்றும், காங்கிரசுக்கு பிரசாரம் செய்யமுடியும் என்ற நோக்கத்துடன் இந்த ரூ. 750 ஆனது honorarium என்ற முறையில் கொடுக்கப்படுகிறதா?"

THE HON. SRI C. SUBRAMANIAM:—"I may inform the hon. Member that the present incumbent is not taking part in political activities."

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Working of the Prohibition Act by the Police department.

* 447 Q.—**SRI V. GOPALA GOUNDER:** Will the Hon. the Minister for Prohibition be pleased to state—

(a) in which districts the working of the Madras Prohibition Act, 1937, has been entrusted to the Police department; and

(b) whether there is any proposal to extend the experiment to other districts and if so, when and to what districts?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—

"(a) The enforcement of Prohibition has been entrusted to the Police department in the districts of Coimbatore, Madurai, North Arcot, Salem, Tanjore and Tiruchirappalli;

"(b) The Government have under consideration a proposal to entrust to the Police department the enforcement work in all the remaining eight districts of Chingleput, Madras, Malabar, the Nilgiris, Ramanathapuram, South Arcot, South Kanara and Tirunelveli also."

SRI V. GOPALA GOUNDER:—"When will the proposal come into effect in the remaining eight districts?"

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—

"That has to be decided by the Government."

SRI S. THINAKARASAMI THEVAR:—"May I know whether the scheme has succeeded ever since the Police department were entrusted with the enforcement of Prohibition in Madurai district?"

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—

"It has been as good as in other districts, Sir."

Price of paddy in Palghat taluk.

* 448 Q.—**SRI K. C. GOPALAN UNNI:** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government received recently any representation from the Kollengode Congress Committee, Palghat taluk, Malabar district, regarding the abnormal increase in the price of paddy; and

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

THE HON. SRI C. SUBRAMANIAM:—" (a) No.

" (b) Does not arise."

SRI K. C. GOPALAN UNNI:—"In view of the complete failure of the second crop in Malabar, will the Government consider the desirability of taking immediate steps in the matter to prevent food scarcity in Malabar?"

THE HON. SRI C. SUBRAMANIAM:—"I have directed the Civil Supplies Commissioner to go to Malabar. He will tour the place, and take note of all problems connected with

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the failure of the crop. All aspects of the problem would be gone into. Government will take necessary action soon after the report of the Civil Supplies Commissioner is received."

Nurses' Training Centre at Kozhikode.

* 449 Q.—SRI P. KUNHIRAMA KIDAV (on behalf of Sri M. Narayana Kurup): Will the Hon. the Minister for Health be pleased to state whether the Government propose to discontinue the Nurses' Training Centre at Kozhikode; and if so, why?

THE HON. SRI A. B. SHETTY:—"Yes, Sir. The nurses' training programme had to be slowed down, as it was not found possible to provide employment in Government Medical Institutions for a large number of the nurse pupils who successfully completed their training every six months. Three of the Nurses' Training Centres, viz., the Central Preliminary Training School at Madras and the training centres attached to the Headquarters Hospitals at Salem and Kodhikode were therefore ordered to be closed down."

SRI K. P. GOPALAN:—"May I know whether the Government have recently opened a Nurses' Training Centre anywhere in the State?"

THE HON. SRI A. B. SHETTY:—"No, Sir."

MR. SPEAKER:—"Questions over."

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

II.—GOVERNMENT BILL.

THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954.

10-05 a.m. * SRI V. GOPALA GOUNDER:—"கனம் சபாநாயகர் அவர்களே, இப்பொழுது விவாதத்தில் இருக்கும் கடன்பட்ட விவசாயிகளுக்கு ஒரு வருஷ காலத்திற்கு நிவாரணம் அளிக்கக் கொண்டு வந்திருக்கும் மசோதாவைப் பற்றி நான் சில வார்த்தைகள் பேச விரும்புகிறேன்."

"இந்த மசோதாவானது சென்னை கவர்னர் அவர்களால் 1953-ம் வருஷம் பிப்ரவரி 5-ல் அன்று அவசரச் சட்டத்தின் மூலமாக பிரகடனப்படுத்தப்பட்டது. அன்று முதல் மாகாணத்திலுள்ள எல்லா பாகங்களிலும் இந்த அவசரச் சட்டமானது அமுலுக்கு வந்துவிட்டது."

"மாகாணத்திலே ஒரு நெருக்கடியான சூழ்நிலை ஏற்படுகிற காலத்திலே, சட்டசபை நடக்காமலிருந்தால், அந்தக் காலத்திலே கவர்னர் அவர்கள் சூழ்நிலைக்குத் தகுந்த முறையில் ஒரு அவசரச் சட்டத்தைப் பிரகடனப்படுத்த அரசியல் சட்டம் அதிகாரம் அளித்திருக்கிறது. அந்த அதிகாரத்தின் கீழ்தான் அந்தச் சட்டம் கொண்டுவரப்பட்டிருப்பதாக அந்தச் சட்டத்தின் Preamble-ல் சொல்லப்பட்டிருக்கிறது. இந்தச் சபை டிசம்பர் 14-ந் தேதி துவங்கியிருக்கிறது. டிசம்பர் 5-ந் தேதி இந்த அவசரச் சட்டம் அமுலுக்கு வந்திருக்கிறது என்பதை நீங்கள் ஞாபகத்தில் வைத்துக்கொள்ளவேண்டும். சட்டசபை கூடுவதற்கு ஒருவாரத்திற்குள்ளாகவே ஏன் இந்த அவசரச்

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சட்டம் அவசரம் அவசரமாகப் பிரகடனப்படுத்தப்படவேண்டும் என்பதையும் நீங்கள் நன்றாக யோசித்துப் பார்க்கும்படி கேட்டுக்கொள்ளுகின்றேன். இந்தச் சட்டம் இல்லாவிட்டால் விவசாயிகளுக்கு பெரிய கெடுதல் உண்டாகிவிடும். ஆகையால் இம்மாதிரி ஒரு சட்டம் அவசரமாக வரவேண்டும் என்று சொல்லக்கூடிய ஒரு சூழ்நிலை ஏற்பட்டதாகத் தெரியவில்லை. பொது ஜனங்களிடத்திலிருந்தோ, மற்ற எந்த இடத்திலிருந்தோ இம்மாதிரியான சட்டம் அவசரமாக—அதுவும் சட்டசபை கூடுவதற்கு ஒரு வாரத்திற்கு முன் முன்பாகவே—கொண்டுவரப்படவேண்டும் என்ற எந்தத் தகவலும் சர்க்காருக்குக் கிடைத்ததாக நமக்குத் தெரியவில்லை. சட்டசபை கூடப்போகிறது என்று தெரிந்தும் கூட அவசரம் அவசரமாக இந்தச் சட்டம் பிரகடனம் செய்யப்பட்டதின் மர்மம் என்ன என்பது சர்க்கார் பின்னால் சொல்லப் போகும் பதிலிலிருந்துதான் ஏற்படவேண்டும்."

"இந்தச் சட்டம் உண்மையிலேயே விவசாயிகளுக்கு என்று பிரகடனப்படுத்தப்பட்டிருக்கிறது. அது உண்மையில் விவசாயிகளுக்குப் பொருந்துமா? சட்டத்திலுள்ளபடி விவசாய மக்களுக்கு இது ஏதாவது நிவாரணத்தை அளிக்குமா என்பதைப்பற்றி நாம் யோசிக்க வேண்டியிருக்கிறது."

"இந்த மசோதாவில் 'விவசாயி' என்ற பதத்திற்கு இரண்டு விதமாக பொருள்படும்படி வியாக்யானம் இருக்கிறது. இன்றைக்கு கொடுத்திருக்கும்படியான திருத்தத்தின்படி பார்த்தால் என்னென்ன விதமாக அந்தப் பதத்தை அர்த்தம் செய்யமுடியுமோ அந்த மாதிரி யெல்லாம் மாற்றி மாற்றி சொல்லப்பட்டிருக்கிறது. பிரகடனப்படுத்தப்பட்ட அவசரச் சட்டத்திலே விவசாயி என்ற பதத்திற்கு சாதாரணமாக உழு பவனும், நேராக பயிரிடுபவனும், நிலச் சுவாந்தார் தன் சொந்த மேற்பார்வையிலே பயிரிடுபவனும் என்று அர்த்தம் என்று பிரகடனம் செய்யப்பட்டிருக்கிறது."

"சட்ட ரூபமாக இந்த சபைக்கு வருகிற காலத்திலே அந்தச் சட்டத்திலே விவசாயி என்ற பதம் யாருக்கு நிலத்தில் அக்கரை உண்டோ அவரையும் அந்த அக்கரை காரணமாக அந்த நிலத்தில் சம்பந்தப்பட்டுக்கொண்டிருக்கிற அவரையும், பின்னால் அந்த நிலத்தில் வருமானம் பெறுகின்ற அவரையும் குறிக்கும் என்று இரண்டாவது மசோதாவில் காணப்பட்டிருக்கிறது."

"திருத்தத்தைப் பற்றி பின்னால் பேசுகிறேன்."

"இந்தப்படி, விவசாயி என்ற பதத்திற்குப் பொருள் என்ன ஏற்படுகிற தென்று பார்த்தால், உண்மையிலேயே நிலத்திலே பயிரிடக்கூடிய அவனுக்கு இந்தச் சட்டத்தில் இடம் இல்லை என்று இந்த மசோதாவில் கண்டிப்பாக ஏற்படும். நிலத்தில் சொந்தக்காரனுக்குத்தான் அக்கரை உண்டாகுமே தவிர, குத்தகைக்கு பயிரிடுகிறவனுக்கு இருக்க முடியாது. வெகு காலமாக அந்த நிலத்திலே குத்தகைக்குப் பயிரிட்டு ஜீவனம் செய்பவனுக்கு இந்தச் சட்டத்தில் இடமே கிடையாது. ஏனென்றால், குத்தகைக்காரனுக்கு நிலத்தில் அக்கரை ஏற்படாது. நிலத்திலிருந்து வரும் மகசூலில் அக்கரை ஏற்படும். ஆகவே, இந்தச் சட்டத்தின்கீழ் பார்த்தால், அந்தக் குடியானவன் நிலத்திலே பயிரிடக்கூடியவனுக்கு குத்தகை செலவுகளுக்கும் ஒரு வித செளகரியமும் இல்லை. யாருக்கு இந்தச் சட்டம் அனுகூலம் கொடுக்குமென்று சொன்னால், பெரிய மிராசுதார்கள் நிலங்களை விட்டு விட்டு எங்கோ வெளியூர்களிலே இருந்துகொண்டு வேறு விதமான வியாபாரத் துறைகளிலே காலம் கழித்துக் கொண்டிருப்பவர்களுக்கு இந்தச் சட்டம் நிவாரணம் அளிக்குமே யொழிய, உண்மையிலேயே உழைக்கக்கூடிய ஒரு விவசாயிக்கு இந்தச் சட்டம் அனுகூலத்தை அளிக்கும் என்று நான் நினைக்கவில்லை."

"பிறகு ஏதோ ஒரு திருத்தம் சர்க்கார்த் தரப்பிலே கொடுக்கப்பட்டிருக்கிறது. அதைப்பற்றி அவசியமானால் பின்னால் பேசிக்கொள்ளுகின்றேன். பொதுவாக இந்தச் சட்டத்தினால் விவசாயிகளுக்கு ஏதாவது நன்மை வரும்மா, வராதா என்றுதான் தேள்வி, சாதாரண விவசாயி அன்று."

[Sri V. Gopala Gounder] [11th January 1954]

வாழ்க்கைக்கு, அன்றாடக் கொடுக்கல் வாங்கலுக்கு செலாகரியம் இருந்தாலொழிய அவன் தன் வாழ்க்கையை நடத்த முடியாது என்பது உங்களுள்ளோருக்கும் தெரியும். அந்தந்த ஊரிலே ஏதோ ஒரு பணக் காரனிடமிருந்து தினம் தினம் அவன் குடும்பச் செலவுக்கும், பயிர்ச் செலவுக்கும், மற்ற இதர செலவுகளுக்கும் அடிக்கடி கொடுக்கல் வாங்கல் செய்ய நாணயம் இருந்தால்தான் அவன் தன்னுடைய வாழ்க்கையை நடத்த முடியும். இந்தச் சட்டம் வந்தவுடனே அம்மாதிரி குடும்பச் செலவுக்கு தினம் தினம் கொடுத்து உதவும் பெரிய பணக்காரர்கள் தங்களுடைய கொடுக்கல் வாங்கலை உடனே நிறுத்திக்கொள்ளுவார்கள். அதனால் அவன் வாழ்க்கையே கண்டிப்பாக பாதிக்கப்படும் என்பதில் சந்தேகமேயில்லை. விவசாயிக்கு இருந்த நாணயம் கிராமத்தில் கெட்டுவிடும் என்பது என்னுடைய அபிப்பிராயம். அந்த முறையிலே பார்த்தால், இந்தச் சட்டமானது அந்த ஊரிலே ஏழை விவசாயிகளின் நாணயத்தைக் கெடுக்குமே யொழிய அவனுக்கு உதவி செய்யும் என்று நாம் நம்ப முடியாது. அதையும் நீங்கள் நன்றாக யோசிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“சதாரணமாக, இந்தச் சட்டத்தைப் பார்த்தால் பூரா நிவாரணம் கொடுத்ததாக இல்லை. ஏதோ பட்டிருக்கும் கடனை ஒரு வருஷம் பொறுத்துக் கொடுக்கலாம் என்று சொல்லப்பட்டிருக்கிறது. அதனால் அவனுக்கு ஒரு வருஷத்திற்கு நிவாரணம் கொடுக்கப்பட்டிருக்கிறது என்றுதான் அர்த்தம். அந்த ஒரு வருஷத்திற்கு வட்டி இல்லாமற் போனாலும், பட்ட கடனைக் கொடுக்கக் கடைப்பிடிப்பவன் என்பதில் சந்தேகம் இல்லை. அவன் பட்ட கடனை எப்படியும் கொடுத்துத்தான் ஆகவேண்டும்.

“கடனைத் திருப்பிக் கொடுப்பதில் அனேக சங்கடங்கள் இருக்கின்றன. தனிப்பட்டவர்களிடம் பட்ட கடனை மட்டும்தான் அவன் ஒரு வருஷத்திற்குக் கொடுக்காமல் நிறுத்திக்கொள்ளலாமே தவிர, அவன் சர்க்காரிடம் பட்ட கடனை நிறுத்த முடியாது. சர்க்காருக்கு செலுத்த வேண்டிய கிஸ்தி தொகை, சர்க்கார் உதவி பெற்ற பாங்குகளில் வாங்கிய கடன் ஆகியவைகளை அவன் நிறுத்த முடியாது. தனிப்பட்டவர்களிடமிருந்து வாங்கிய கடனை ஒரு வருஷம் நிறுத்திக்கொள்வதனால் அவனுக்கு ஒரு அளவு நிவாரணம் இருக்கிறதே யொழிய, சர்க்காருக்குச் செலுத்தவேண்டிய கிஸ்தி போன்றவைகளை அவன் எப்படியும் கொடுக்கத்தான் வேண்டியிருக்கிறது. இந்தக் குறைபாடுகளும் இந்த மசோதாவில் இருக்கின்றன.

“நான் ஏற்கெனவே சொன்னேன், ஊரிலுள்ள பணக்காரர்களிடமிருந்து வாங்கிக்கொண்டிருந்தவர்கள் இனி அவர்களிடமிருந்து இந்தச் சட்டத்திற்குப் பிறகு கடன் வாங்க முடியாது என்று. இந்த ஒரு வருஷத்திற்குத்தான் இந்த சட்டம் நிவாரணத்தை அளிக்கும். ஐந்து, ஆறு வருஷமாக மறைமாயமாக இருந்து இப்பொழுது ஏதோ மறைமாயப் பெய்திருக்கிறது. அதனால் அவர்களுக்கு அதிகமான பலன் கிடைத்துவிட்டது என்று சொல்ல முடியாது. மறைமாயத்தால் ஓரளவுக்கு செலாகரியம் ஏற்பட்டிருப்பது வால்தவம். ஆனால், அவனுக்கு இன்னும் அனேக சங்கடங்கள் ஏற்பட்டிருக்கின்றன. பயிர்களில் பூச்சி ஏற்பட்டு சரியான மகசூல் கிடைக்குமோ கிடைக்காதோ என்ற நிச்சயமில்லாத நிலையில் இருந்துகொண்டிருக்கிறார்கள். அப்படியிருக்கும்போது, மறைமாயப் பெய்துவிட்டது, அதனால் விவசாயிகளுக்குப் பூரண மகசூல் கிடைத்துவிடும், ஜனங்கள் மறைமாயப் பெய்துவிட்டதினால் உன்னத நிலையை அடைந்துவிட்டார்கள் என்று எண்ணுவது நியாயமில்லை. அவர்களுக்கு கிடைத்த மகசூலிலிருந்து ஏற்கனவே பட்ட கடனைக் கொஞ்சமாவது கொடுத்தால்தான் தங்கள் காரியங்களுக்கு பிறகு கடனைப் பெறமுடியும். அந்த நாணயத்தை இதனால் கெடுத்து விடுகிறோம். சர்க்காருக்குக் கொடுக்க வேண்டிய கடன்களுக்கும், மற்ற கடன்களுக்கும் இவர்களுடைய விவசாயப் பொருள்களை அநியாயமான விலைக்கு விற்கும் படி நேரிகிறது. இந்தக் கடன்களைக் கொடுப்பதற்காக அவர்களுக்கு ஈட்டத்த யோசனை அநியாயமான விலைக்கு விற்கும்படியாக நிர்ப்பந்தம் இந்த மசோதாவினால் ஏற்படுகிறது.

[11th January 1954] [Sri V. Gopala Gounder]

“கடன்காரர்களுக்குக் கடனைத் திருப்பிக்கொடுக்க அவனிடம் பண வசதி இல்லை. ஆகவே, மகசூல்களைக் கொண்டுவந்து விற்க முயற்சிப்பார்கள். அந்தக் காலத்திலே வியாபார மந்தம் கண்டிப்பாக ஏற்படும். அப்படி வலுவிலேயே தானியங்களைக் கொண்டு போய் விற்க முயற்சிப்பதனால் அவனுடைய பொருள்களுக்கு நல்ல விலை கிடைக்காமல் குறைந்த விலைக்கு விற்க வேண்டிய நிர்ப்பந்தம்தான் இந்த மசோதாவினால் ஏற்படுகிறது.

“ஆகவே, இந்த இரண்டு வாதங்களையும் பார்த்தால், இந்த சட்டம் விவசாயிகளுக்கு நன்மை அளிப்பதாக இல்லை. இந்தச் சட்டமானது இந்த நிலையில் அவசியமும் இல்லை. ஒருக்காலத்தில் சட்டம் வேண்டுமென்று சொன்னது வாஸ்தவம். இரண்டு வருஷங்களுக்கு முன்னாடி, ஜனங்கள் பஞ்சத்தால் பாதிக்கப்பட்டு, அதிக தொந்தரவுக்குள்ளாகிக்கொண்டிருந்த காலத்தில் இந்தச் சட்டம் அவசியம் இருந்தது. இந்தச் சபையிலுள்ள ஒரு தரப்பார் சொன்னது உண்டு. சர்க்கார் அப்பொழுது இம்மாதிரியான ஒரு காரியத்தைச் செய்ய முன்வரவில்லை. இப்பொழுது நிலைமை சரிப் பட்டுக்கொண்டு வருகிற சமயத்தில், ஒவ்வொருவனும் மற்ற இதர செலவுகளை ஒருவாறு சமாளிக்கிறான் என்ற நிலை ஏற்படுகிற காலத்திலே இம்மாதிரியான சூழ்நிலை உண்டாக்கி தங்களுடைய நாணயத்தைக் கெடுக்கக் கூடிய இந்தச் சட்டம் வரவேண்டிய அவசியம் இல்லை என்பது என்னுடைய கருத்தாகும்.

“ஆனால், ஒரு வருஷத்தில் இந்தச் சட்டம் சர்க்காருக்கு உதவிகரமாக இருக்கலாம். இந்த சட்டத்திலே நாம் என்ன பார்க்கிறோம். விவசாயிகளுக்குத் தற்கால நிவாரணம் அளிக்கிறது என்று சொல்லும்போது, அதே சமயத்தில் சர்க்காருக்கு இந்தச் சட்டம் உதவிகரமாக இருக்கிறதென்றுதான் சொல்ல முடியும். ஏனெனில், பஞ்சத்தின் காரணமாக இதுவரை சர்க்காருக்குச் சேரவேண்டிய கடன்கள், நிலத் தீர்வை, இவைகளை சுலபமாக வசூலிக்க, இந்த சட்டம் வந்ததற்குப் பிறகு, ஒரு வழி ஏற்படும். அது கண்டிப்பாக ஏற்படலாம். அதைப்பற்றி சந்தேகம் இல்லை. நான் தவறாகச் சொல்லவில்லை. சர்க்காருக்குச் சேரவேண்டியது நியாயம்தான். அது இல்லாமல் சர்க்கார் நடக்க முடியாது என்பதை ஒத்துக்கொள்கிறேன்.

“இந்தச் சட்டத்தைப் பற்றி நான் சொல்லும்போது வக்கீல் என்ற ஹோதாவில் நான் சொல்லவில்லை. சட்டசபை அங்கத்தினர் என்ற முறையில் நான் சொல்லுகின்றேன். இந்த சட்டம் பிரகடனப்படுத்தப்பட்டவுடன் அனேக சிவில் கோர்ட்டுகளும், ரிஜிஸ்திரார் ஆபீஸ்களும் மூடப்படும் என்பதில் எனக்குச் சந்தேகம் இல்லை. அதனால் அனேக உத்தியோகஸ்தர்களுக்கு வேலையில்லாமல் போகும்படியான நிலைமை ஏற்படும். அதனால் சர்க்காருக்கு மிச்சம் உண்டாகலாம். அதைப்பற்றி கவலையில்லை. ஆகவே, இந்தச் சட்டத்தின் நேரடியான லாபம் சர்க்காருக்கு இருக்கலாமேயொழிய, உண்மையிலேயே விவசாய மக்களுக்கு அதிக லாபம் இருக்காது என்பது என்னுடைய அபிப்பிராயம். ஆகவேதான் இந்தச் சட்டம் பிரகடனப்படுத்தப்பட்டவுடனே நான் இந்தச் சபை அங்கீகாரத்திற்கு ஒரு தீர்மானத்தை சபாநாயகர் அவர்களுக்கு அனுப்பினேன். துரதிருஷ்டவசமாக, என்னுடைய தீர்மானம் பின்னால் போய்விட்டது. அதைப்பற்றி அதிகமாக இப்பொழுது பேசத் தயாராயில்லை.

“முதலில் பிரகடனப்படுத்தப்பட்ட அவசரச் சட்டத்தின் விதிகளுக்கும், இந்தச் சட்டத்தில் இருக்கும் விதிகளுக்கும் அனேக முரண்பாடுகள் இருக்கின்றன. அதன் காரணமாக நியாயஸ்தலங்களில் இந்தச் சட்டம் வந்ததற்குப் பின்னால் சரியான நீதி கிடைக்குமென்று நான் நினைக்கவில்லை. சப்ரீம் கோர்ட்டு வரையில் போகும்படியான பிரச்சனைகள் கிளம்பலாம். விவசாயிகளுக்கு நிவாரணம் அளிக்க நாம் நினைக்கிறோம். ஆனால், கடைசியில் கிளம்பும் சட்டப் பிரச்சனைகளினால் சப்ரீம் கோர்ட்டுக்குப் போகக்கூடிய நிலையில் இந்த அவசரச் சட்டம் பிரகடனப்படுத்தப்பட்டிருக்கிறது.

“அவசர சட்டத்தின்பின் இந்தச் சர்க்கார் மசோதா ஒன்று கொண்டு வருகிறது, அதற்குச் சில திருத்தங்களும் கொண்டுவந்திருக்கிறார்கள். அந்தத்

[Sri V. Gopala Gounder] [11th January 1954]

திருத்தங்களைப் பார்த்தால் முன்னுக்குப் பின் முரணாக இருக்கிற ஆகவே, எனது நண்பர் ஸ்ரீ சுயம்பிரகாசம் அவர்கள் சொன்னதுபோல அவசரச் சட்டத்தின் விதிகளை பின்னால் கொண்டுவரப்பட்ட மசோதாவில் இல்லை. ஆகவே, இந்த மசோதா சட்டப்படி சட்டசபைக்கு விவாதத்திற்கு வந்ததுதான் என்று அன்று விவாதத்தில் கனம் முதல் மந்திரி அவர்கள்கூட பதில் சொன்னார்கள். நம்முடைய சபாநாயகரும் தீர்மானித்துவிட்டார். அதைப்பற்றி பேசத் தயாராயில்லை.

“அதற்குப் பிறகு அனேகம் குறைகளைப்பற்றி அங்கத்தினர்கள் அனேகமாக இந்த சட்ட விதிகளைப்பற்றி சர்க்கார் முடிவிற்கு திருத்தங்கள் அனுப்பியிருக்கிறார்கள். அந்தத் திருத்தங்களைப் பார்த்தால் சட்டப் பிரச்சினைக்குரிய அம்சங்கள் இருக்கின்றன. அதற்கு சட்ட நுணுக்கத்துடன் ஆராய்ச்சி செய்தாலொழிய இந்தச் சட்டத்தின் முடிவு எந்த விவசாயிக்கும் லாபத்தைக் கொடுக்காது. கோர்ட்டுக்குப் போனாலும்கூட, உண்மையிலேயே நல்ல சௌகரியங்கள் அவர்களுக்குக் கிடைக்குமென்று என்னால் நம்ப முடியாது. ஆகவே, நான் சொன்னேன், இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விட்டு, இந்த சட்ட விதிகளை ஒவ்வொன்றாக தீர்மானித்து, அதன் பின்னால் இந்த சட்டத்தைக் கொண்டுவந்தால் நல்லதாக இருக்குமென்று எண்ணித்தான் நண்பர் ஸ்ரீ வினாயகம் அவர்கள் பிரேரேபித்த பிரேரேபணையை நான் ஆதரித்துப் பேசினேன். ஆகவே, நான் வக்கீல் என்ற முறையில் பேசுவதாக சில பேர்கள் தப்பிப்பிரயம் கொள்ளுகிறார்கள். இந்த சட்டத்திற்கு இங்குள்ள வக்கீல் அங்கத்தினர்கள் எதிர்ப்பாக இருக்கிறார்கள் என்றும் மற்றவர்களெல்லோரும் இதற்குச் சாதகமாக இருக்கிறார்கள் என்றும் ஒரு கெட்ட அபிப்பிராயம் இருந்துவருகிறது. இங்கு மட்டுமல்லாமல் வெளியேயும் இம்மாதிரியான அபிப்பிராயம் கிளம்பியிருக்கிறது. அதற்கு என்ன பதில் சொல்கிறேன் என்றால், உண்மையிலேயே நான் வக்கீல் தான். இருந்தாலும் நான் Civil கோர்ட்டுக்குப் போனதே இல்லை. ஆகவே, இந்தச் சட்டமானது என்னைக் கட்டுப்படுத்தாது.”

THE HON. SRI C. RAJAGOPALACHARI :—“நீங்கள் பேசின தோரணையிலேயே அது தெரிகிறதே.”

* SRI V. GOPALA GOUNDER :—“ஆகவே, நானும் சரி மற்ற வக்கீல் தோழர்களும் சரி இந்தச் சட்டம் வேண்டாமென்று சொல்லவில்லை. எனது வக்கீல் தோழர்கள்கூட உண்மையிலேயே Civil கோர்ட்டுக்கு அதிகமாகப் போவதில்லை என்று தெரியும். இருந்தாலும் இந்தச் சட்டம் அவர்களை ஒன்றும் பாதிக்காது. நான் இதைப் பொதுவாக வக்கீல் என்ற தோரணையில் சொல்லவில்லை. இந்தச் சபையின் சாதாரண அங்கத்தினர் என்ற எண்ணத்தில் நான் என்ன நினைக்கிறேன். இந்தச் சட்டத்தைப்பற்றி எனக்கு என்ன தோன்றுகிறதோ அதைத்தான் பேசுகிறேனே யொழிய, வக்கீல் என்ற முறையில் பேசவில்லை. ஆகவே, நான் ஏற்கனவே சொல்லியபடி இந்தச் சட்டம் அவசரம் அல்ல என்று மீண்டும் சொல்லுகின்றேன். அவசரச் சட்டம் பிறப்பிக்கப்படவேண்டுமென்றால், அதற்கு ஒரு அவசரம் இருக்கவேண்டும். அதற்காக எங்கு பார்த்தாலும் கிளர்ச்சி இருக்கவேண்டும். அந்தக் கிளர்ச்சியின் காரணமாக அந்தச் சூழ்நிலையைத் தவிர்க்க வேறு வழியில்லாமல் போனால், சட்டசபை அப்பொழுது இல்லாமலிருந்தால், அந்த மாதிரி சமயத்தில் திடீரென்று பிரகடனப்படுத்துவது நியாயம். அந்த மாதிரி சந்தர்ப்பம் ஏதாவது இருக்கிறதா என்று பார்த்தால் ஒன்றுமில்லை.

“ஜனவரி மாதம் வந்தால் வசூல் ஆரம்பிக்கவேண்டும். அதற்காக ஒரு வேளை சர்க்காருக்கு சந்தேகம் இருக்கலாம். மற்ற கடன்காரர்கள் வந்து தங்களுடைய கடனை வசூல் செய்துகொண்டுபோய்விட்டால், சர்க்காருக்கு விவசாயிகள் செலுத்தவேண்டிய கடன் தொகை, மற்றும் கிஸ்தி போன்றவைகளை செலுத்தாமல் இருந்து விடப்போகிறார்களே என்ற ஒரு காரணத்தினால் செய்திருக்கலாமோ என்று நினைக்கிறேன். அம்மாதிரியான நோக்கம் சர்க்காருக்கு இருக்குமோ என்னவே” என்று

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நினைக்கிறேன். அதைப்பற்றி நான் கவலைப்படவில்லை. ஏனென்றால், சர்க்காருக்குச் சேரவேண்டியது வந்தால்தான் சர்க்காரை நடத்த முடியும்; சர்க்கார் வசூலித்துக்கொள்வதற்கு நான் தடை சொல்வதாக சர்க்கார் நினைக்கவேண்டாம். நான் சொல்வது என்னவென்றால், சர்க்கார் கடனைப் போலவே இதர மனிதர்களுடைய கடனையும் பாவிக்கவேண்டும். இதரர்களுடைய கடனைக் கொடுத்தால்தான் விவசாயிகள் மீது மற்றவர்களுக்கு ஒரு நல்ல எண்ணம் இருக்கும். இல்லாவிட்டால் விவசாயிகளுடைய நாணியம் பாதிக்கப்படும். விவசாயிகள் தங்களுடைய கிராமங்களில் ஒரு நாணியத்தோடு இருக்குப்படியாக இருந்தால்தான் வாழ்க்கையை நடத்த முடியும். ஆகவேதான் நான் இதைச் சொல்லுகிறேன்.

“இந்தச் சட்டம் வந்ததினால் விவசாயிகள் தங்களுடைய குடும்பச் செலவுக்குக் கூட கடன் வாங்க முடியாத நிலையில் இருக்கிறார்கள். அடுத்து வரக்கூடிய பொங்கல் பண்டிகைக்குக்கூட கடன் வாங்கி நடத்த முடியாத அளவுக்கு அவர்களுடைய நாணியம் பாதிக்கப்பட்டிருக்கிறது. அனேக குடும்பங்கள் இந்தச் சட்டத்தினால் பாதிக்கப்பட்டிருக்கிறார்கள் என்று கட்டாயமாகச் சொல்ல முடியும். ஏன் இதைச் சொல்கிறேன் என்றால், நாளைக்குப் பொங்கல் வருகிறது. இதுவரை இன்னும் மகசூல் அறுவடையாகாமல் அனேக கிராமங்கள் இருக்கின்றன. அவன் கடன் கேட்டுத்தான் பொங்கல் பண்டிகையை நடத்தக்கூடிய நிலையில் இருக்கிறான். இந்தச் சட்டத்தின் காரணமாக கிராமத்திலிருக்கும் பணக்காரர்கள் கடன்கொடுத்து உதவமுடியாத நிலை ஏற்பட்டிருக்கிறது. அந்த நிலையிலே இந்தச் சட்டம் என்ன செய்யப்போகிறது என்பதைத்தான் நீங்கள் யோசிக்கவேண்டும்.

“ராஜ்யம் முழுவதிலும் உள்ள கூட்டுறவு சங்கங்கள் மூலமாக சுலபமாக வேண்டிய உதவியைச் செய்ய முன்வந்திருக்கிறோம் என்று எழுதியிருந்தால் ரொம்ப சௌகரியமாக இருந்திருக்கும். கிராமத்தில் யாரும் கடன் வாங்கமுடியாத ஒரு முட்டுக்கட்டையான நிலையை இந்தச் சட்டம் ஏற்படுத்திவிட்டது. இந்தச் சட்டத்திற்கு இப்பொழுது அவசரம் இல்லை. நெருக்கடி வரும் அந்தக் காலத்திலே இந்தச் சட்டத்தை சர்க்கார் கொண்டுவர யோசிக்கலாம். கனம் மந்திரி அவர்கள் இதை நன்றாக யோசித்துப் பார்த்து இந்தச் சட்டத்திற்கு ஒரு வழியாக முடிவு கட்டுப்படி நான் ரொம்பவும் கேட்டுக்கொண்டு என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகின்றேன்.”

* THE HON. SRI C. RAJAGOPALACHARI :—“I wish to 10-25
speak, Sir, for one purpose, and that is to reduce the amount of a.m.
discussion and I hope hon. Members will bear with me and accept my object as genuine. We all of us have been told that everybody is anxious to go away and book his seat on account of Pongal. That is the reason why I intervene in this manner, namely, that we should reduce the discussion. Of course, it would be good to have any amount of discussion so that we can understand all points of view. But we have to work under the special circumstances that I have mentioned.

“Therefore, after studying the one hundred odd amendments that have been given notice of, I make bold to say that there are certain things which we cannot accept and there are other things which can be provided for by a couple of amendments which I propose to introduce apart from other verbal changes. You will permit me to say that the hon. Member, Mr. Gopala Gounder has tried to take contrary attitudes in a very able manner and I concede or rather I promise that it will not be said by any of us that the party to which he belongs has stood in the way of this Bill. Yet, he wants to stand in the way . . . (interruption); whatever it may be, I will try my best to see that the hon. Member

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Sri Gopala Goundar and his Friends do not stand in the way. He wanted to improve the Bill. He said, 'this Bill will not help the agriculturists; much more should be done' and so on. 'Therefore, what he wanted to do? 'Nothing should be done.' I wish to know whether it will help anybody if we did nothing. It may be that we have to do much more. It may be that we are doing only very little. It may be that we should have done this much earlier. But that does not mean, nothing should be done now. I submit that that is a wrong attitude to take up and that is why I lay the charge that he took up a contrary attitude. If we really wish to help people, let us do it as far as we can and as far as possible in the circumstances. Let us do what we can now and later on we can improve. We need not postpone the whole thing.

"All the arguments about the legal difficulties that will be raised are also present in my mind. I have reconciled myself to this: so long as there are able lawyers—and they are progressive both in number and in quality, they are getting abler and abler and larger and larger in number—we cannot prevent litigations and questions being raised in Courts. That is an unfortunate fact to which we should reconcile ourselves. Nor are we entitled to say that we do not want lawyers. It will not be right to say so. Even if we are entitled to say so, it would be not correct to say so. So we want lawyers also to get on in this world somehow. We can try our best to reduce the amount of litigation and that is what we are trying to do. There are two evils from which we should choose the lesser. One is to increase litigation and the other is to try to save the debtor peasants from a particular situation. I think it is far more important to prevent unnecessary litigation than to add to the benefits at the risk of litigation. After all the object of the Bill is only to give time for one year. Let me make it categorically clear on the floor of this House that it is not the policy or intention of the Government to wipe off these debts progressively. It is necessary to maintain the credit of the agriculturists and cultivators and it is necessary therefore not to wipe out the debts and create an impression that the man or the Bank who lends money, would lose his money. I may make it perfectly clear on this occasion that our intention is only to give time strictly in the sense of a moratorium. It is not the intention to wipe off debts. The object of the Bill, as stated, will be stuck to, namely, to give time, a temporary moratorium in respect of those classes who are likely to suffer.

"Then the next point is, if in our attempt to improve the Bill, we create doubts, what follows is that the whole year would be spent in litigation as against the relief we wish to give. That is why we have not classified, as we would have classified, 'an agriculturist' in a more detailed manner. If we went about classifying more and more, all those points would be taken up by the time to which the hon. Sri Gopala Goundar belongs, the hon. Sri S. V. Raghava Mudaliar belongs and the hon. Sri Swayamprakasam belongs. It is not a fault of theirs. It is the fault of the civilization to which we belong. But we cannot allow that thing

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to happen and so, if there is some defect, we prefer that to continuous litigation. So, Sir, I propose that those who are assessed to income-tax and there is a minimum income fixed for assessment—either in this year or the last two years—which would disclose the status in a way of the person,—shall not be entitled to the benefits of this moratorium. If that is done, I think, we get away from a lot of mischief, that is, apprehended, namely, disturbance of credit, safeguarding money lent out by banks, and this and that. When we exclude persons assessed to income-tax, we exclude a large number of cases of misuse of the concession that we give. So I propose, in the definition of agriculturist to make one thing clear, namely, to change the word 'owns'. The definition 'a person who owns an interest in land' has led to some doubts. Some people fear that it will exclude lessees and mortgagees. So I propose to change that. We will have, instead of 'owns', 'possesses an interest in land' and we also add clearly to include 'essees' so that there will be no doubt about it. So, we propose to add at the end of the clause 'shall include a lessee, provided that on one shall be deemed an agriculturist for the purpose of this Act if he has been assessed to income-tax in any of the years 1951-52, 1952-53 or 1953-54.' And this same proviso will be added to Explanation II also, namely, 'where a joint Hindu family, etc., is an agriculturist, every coparcener, etc., shall be deemed to be an agriculturist,' provided he has not been assessed to income-tax in any of the years 1951-52, 1952-53 and 1953-54.

"So, that clears a large number of amendments that have been prepared and a large number of alternative amendments that have been proposed also. It was also possible to provide an exclusion based on the amount of land revenue that a man pays. But if we did that, what would happen is, we would be opening up litigation, as to whether a man is within the limit or not, whether assessment in one taluk, two taluks or all taluks should be counted or not and so on, and questions may be raised even in clear cases and will be taken to courts, so that the whole year will be spent upon that. So I submit that the House may accept the 'income-tax formula' for the purpose of limiting the benefit and we need not have the 'land revenue formula'. After full consideration, I have given up that idea, for I do not want to increase litigation through this measure or take away with one hand what we give with another hand. Secondly, all these—some of these—land owners will have some business and pay some income-tax. Therefore, I think the proviso as to income-tax will exclude most of these people. If somebody who is not a businessman at all, but is purely an agriculturist, a big land-owner, had borrowed only for the purpose of the business of the land, he must have borrowed from someone richer than himself. It does not matter if we give the benefit of postponement to him. We need not very much worry about it.

"Then, we propose that in Clause 2, that sub-clause (b) shall be omitted, namely, definition of 'creditor'. It is used only in two places and it could be better described in those places and we

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need have no definition which may raise doubts as to the substantive law. So we propose that the word 'creditor' in the definition be omitted altogether.

"Then we come to definition of 'debt'. This has created some doubt. It was rightly pointed out that it reads as if we were thinking only of rent and not ordinary debts. We have recast it completely. It will read thus, if hon. Members will please look into the Bill and the amendments circulated—

"debt" means any sum of money which a person is liable to pay under a contract and includes rent in cash or kind which a person is liable to pay or deliver in respect of land under a contract (express or implied).

This will not include mesne profits, trespasser's claim and other things. It will include only rent as such, as we all understand. This definition may therefore be accepted as better than the definition in the Bill.

"Then by another amendment, we exclude rent due for house property from the scope of this Bill. Under 'Exception' we insert items (i) and (ii) in advance of the exceptions already on the paper and it will read as follows:—

- (i) Rent or compensation for the use and occupation of house property;
- (ii) rent or compensation for the use and occupation of immovable property not being house property, accrued due after the 31st March 1953.

"The amendments of many hon. Members are met by this. Rent due for the current year must be given.

"There was another question raised about the clause relating to wages. For the existing clause, we propose, 'wages or remuneration due as salary or otherwise for services rendered.' Petty officials' wages who may not be agricultural labourers should be protected. So we have since exempted wages or remuneration due for services rendered.

"Then, doubt was raised whether land suits would be held up on account of this law. So we propose to provide in Explanation II of clause 3, which reads, 'a suit shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit, etc.', a clear proviso at the end, namely, 'provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit.' But ordinary land suits—partition suits and the like—will not be held up merely because mesne profits are also prayed for in connection with the suit.

10-40
a.m.

"In clause 6, instead of the words 'under section 53 (1) of the Transfer of Property Act . . . ' We propose to put in the words 'any suit or proceedings' so that claim petition in execution and the like also may be covered. This is only a verbal amendment, and my Hon. Colleague will explain when the amendment comes up.

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"So the position is like this. We have accepted the suggestion made by a large number of Members for excluding income-tax payers, rent for house property and current rent. I hope that with these amendments the Bill will be acceptable to the House and that we can proceed with the clause by clause discussion and finish the Bill, instead of postponing, before we disperse for Pongal. I say that we should look upon this Bill as our Pongal present to the agriculturists of our country.

"It was mentioned by Mr. Gopala Gounder that this Bill benefited the Government. As he himself admitted, benefit to Government is not a bad thing. Government must go on. If we disturb the normal working of co-operative societies and other bodies by a moratorium of this kind, the whole of our economic structure will be disturbed. Especially rural economics is built-up and intertwined with the working of co-operative societies. Like the Finance Departments of the Government of India and the Government of Madras, co-operative societies should be protected. Therefore we do not propose to disturb them.

"The argument that either everything should be given or nothing should be given is not correct. Even admitting the proposition that consistency demands that this moratorium should cover debts due to co-operative societies and the Government, it does not go to show that what we propose to give is not good. We cannot disturb the financial organization of the country too much. When we are not able to give five things, let us give at least two. It should not be pressed that the other three also should be given or none at all. To say that all the amendments should be accepted for this Bill to go through or we will delay the passage of the Bill is, I submit, not a correct attitude."

DR. K. B. MENON:—"Sir, I rise to seek clarification on one point. In Explanation I in clause 2, there is reference to 'any special Indian law'. May I ask the Chief Minister to tell us the scope of it?"

THE HON. SRI C. SUBRAMANIAM:—"For example, the Indian Banking Act."

SRI K. VINAYAKAM:—"On a point of personal explanation, Sir. The House may be aware that I was the person who wanted this Bill to be referred to a Select Committee. The way in which the Hon. Chief Minister painted the picture impels me to explain my position."

MR. SPEAKER:—"I will give an opportunity to the hon. Member afterwards."

"The hon. Member Sri Swayamprakasam can move his amendment for circulating the Bill to elicit public opinion and then speak."

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"I suggest that the discussion can go on till 12-30 p.m. At 12-30 I will call upon the Hon. Member to reply. Then I will put the amendments and the motion to vote. In the afternoon session, we can take the Bill clause by clause."

THE HON. SRI C. RAJAGOPALACHARI:—"Is it necessary to put it so late as 12-30?"

MR. SPEAKER:—"I want to know the consensus of opinion of the House."

THE HON. SRI C. RAJAGOPALACHARI:—"If at the end of it all the Bill is not passed, I will not be misunderstood if I carry on a furious propaganda that the delay in the passage of the Bill was entirely due to the Opposition."

SRI S. SWAYAMPRAKASAM:—"Let the Chief Minister carry on the propaganda with all the facilities available with the Government."

SRI S. RAMALINGAM:—"சில முக்கியமான திருத்தங்கள் கொண்டு வரவிருப்பதாலும் சபையிலுள்ள பல அங்கத்தினர்கள் இதைப்பற்றி வற்புறுத்தியபேசப் போவதாலும், இன்று பூராவும் சர்க்கரையை மட்டும் வைத்துக்கொண்டு, நாளை Clause by clause reading ஐ வைத்துக்கொள்ளுமாறு கேட்டுக்கொள்ளுகிறேன். சாயங்காசம் பில்லை முடித்துக்கொள்ளலாம்."

MR. SPEAKER:—"பல மெம்பர்கள் தங்கள் ஊருக்குப் போவதற்காக முன்னாலேயே டிக்கட்டுகளை 'புக்' பண்ணி விட்டார்களே?"

SRI S. RAMALINGAM:—"போகிறவர்கள் போகட்டும். நாளைக்கு முடிவு செய்துகொள்ளலாம். அதற்கு time கொடுக்கும்படி கேட்டுக் கொள்கிறேன்."

* SRI S. SWAYAMPRAKASAM:—"Mr. Speaker, Sir, I move—

That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be circulated to elicit public opinion.

"At the outset I thank the Hon. Chief Minister for the readiness with which he accepted the substance of some of the amendments. We on this side welcome the Bill so far as it goes. Whether the amendments accepted by the Government satisfy all the demands made from this side is another question. The Hon. Chief Minister was saying that lawyers from a certain section of the House were adopting dilatory tactics to delay the passage of the Bill. It is absolutely incorrect. As a matter of fact, I welcome the principle underlying this Bill and wish that the Bill should be passed early. So also many other Members on this side share that view."

"The Ordinance was issued on 5th December 1953. What is the reason for the Government delaying this Bill so long and bringing it before the House at the far end of the session? Who asked the Government to give an interval of eight days from 27th December to 3rd January? We were prepared to go on with this

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Bill. No doubt, Budget takes the first place in the order of priority of business. Immediately after the budget discussion, the Government could have brought forward this Bill. If this Bill had then been placed before the House, we could have devoted as much time as was necessary."

"For future occasions, I am suggesting this. I am putting it not from a legal point of view but from the commonsense point of view. The Ordinance is issued under Article 213, clause (1). The Governor says 'And whereas the Legislature of the State is not in session' the Ordinance is issued. As soon as the Legislature meets, the Bill embodying the Ordinance should be placed for the consideration of the House. The Legislature is a sovereign body. As soon as the Assembly meets, it must take up the Bill and consider it."

* THE HON. SRI C. RAJAGOPALACHARI:—"If it is a complaint about the procedure, I wish hon. Members to hear our explanation immediately. The Ordinance was issued on 5th December and there was ample notice to every one of what the Government were proposing to do. So there cannot be any substantive complaint that the Members did not know what the Government proposed to do."

"As regards introducing the draft Bill to replace the Ordinance, certain preliminary things had to be gone through. Laws like the Civil Procedure Code are touched by this Bill and therefore we had to get a number of concurrences. The Bill has been introduced on the earliest possible day."

* SRI S. SWAYAMPRAKASAM:—"My point is that it is the duty of the lawyer-Members of this House to point any legal flaws that may exist so that they may be cured at the earliest possible opportunity. The business of the doctors is not only to cure the disease but also to prevent it. Similarly the business of a lawyer is not only to argue in courts of law but also to prevent litigation as far as possible. It is from that point of view that I am putting forward my view. The Prohibition Act was passed several years ago. Recently a case under that Act has been launched, a preliminary objection has been taken and arguments are going on in a court of law. As the Hon. the Chief Minister has very often said, lawyers are there to take advantage of loopholes in particular provisions of the Act and the courts are there to uphold the points raised. When the Government are bringing forth a legislation for the benefit of illiterate, innocent persons like agriculturists, the language must be simple so that there cannot be any two meanings for a particular word and there cannot be any scope for ingenious lawyers to cling to any loopholes. The object of this Bill is this. A certain section of the public, namely, the agriculturist class, is engaged in cultivation operations. So, the time of such an agriculturist should not be wasted in going to the court of law to find out whether there is any relief available to him or not."

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* THE HON. SRI C. RAJAGOPALACHARI:—"Time is not the only thing relevant. Capacity is also a factor to be taken into consideration."

* SRI S. SWAYAMPRAKASAM:—"The agriculturists are actually engaged in cultivation operations and they must know beforehand what relief is given to them under the particular Act. Therefore, the language must be very simple. If a particular word is likely to have two meanings, the Government must eschew that word and use simple language in such a way that ingenious lawyers will have no scope for interpreting it as they like. (Interruption.) There is bound to be that kind of hair-splitting. Lawyers are there to do that. So long as lawyers are there, so long as the Government or any other machinery has not put an end to the lawyer class and so long as the courts are there, we must anticipate all the arguments of ingenious lawyers and make suitable provisions taking them into account. Now, the point I was driving at was this. The Ordinance was issued when the assembly was to meet shortly. That sovereign body, namely, the Assembly, must have the opportunity to say 'yes' or 'no' to the Ordinance. That body has the power to legislate and pass laws. That power was taken away by the Governor in issuing the Ordinance. I have met some Members of Parliament and they have said that the practice in the Parliament with respect to such matters is this. When an Ordinance is issued, it is afterwards introduced in the House or in the Parliament without any change in the form of a Bill. Only on the floor of the House or the Parliament, if the Government want to make any changes, it can be modified by way of amendments. Otherwise, certain ingenious lawyers may later on take the matter to the Court of Law and argue that the procedure adopted by the Government is not proper. Then, the whole Bill may be declared *ultra vires* and it may become a nullity. Therefore, if such a contingency should arise and if the enactment is declared null and void, then what is the relief that we are giving to the public concerned? That is the anxiety of lawyer Members on this side of the House.

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

"Now, the Hon. the Chief Minister was saying that he had come forward with an amendment to the clause relating to definitions so that the term 'agriculturists' would include lessees also. Originally it was, as a matter of fact, argued by some of my lawyer friends and by some Ministers also that the expression 'a person who owns an interest in land' would include a lessee also. Now, even 'The Hindu' wrote a leader the other day agreeing with my view and saying that this Bill would exclude lessees. The Hon. the Chief Minister may say, 'Do not put it this way that even 'The Hindu' has written such and such a thing.'"

* THE HON. SRI C. RAJAGOPALACHARI:—"Yes, what if 'The Hindu' says it?"

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* SRI S. SWAYAMPRAKASAM:—"The Hindu is not an ordinary paper. It is read by all the judicial officers and they come to conclusions, taking into account the view expressed by it."

THE HON. SRI C. RAJAGOPALACHARI:—"The newspaper is there simply to raise all sorts of doubts."

* SRI S. SWAYAMPRAKASAM:—"As I said, the language must be very simple. One gentleman may read a particular portion of the Bill and understand it one way. Another lawyer may read it in his own way and understand it differently. Suppose the Judge happens to feel like myself, what will be the fate of the agriculturists? The relief sought to be given cannot be given. I am glad that the amendment is introduced at least now. Only income-tax assesses have been excluded from the purview of the Bill. What about the big mirasdars? It is stated that people who are actually engaged in the cultivation of lands should not be disturbed by having to go to a Court of Law and waste time. Sir, big mirasdars are not going to the field for cultivation purposes. Why do the Government contemplate giving relief to big mirasdars owning 1,000 and 2,000 acres? Where is the necessity for it? The object of the Bill is to give relief to agriculturists who are actually engaged in the cultivation of lands. (Interruption.) Surely, credit facilities will be affected. Why should the Government give relief to big mirasdars?"

* THE HON. SRI C. RAJAGOPALACHARI:—"I have already explained that I do not want litigation to go on as to the amount or extent of land in three or four districts and so on. If the hon. Member will give me a list of names, I shall proscribe those people."

* SRI S. SWAYAMPRAKASAM:—"As a matter of fact, I not have in my possession any names. But there are persons of the kind referred to. I only complain about the way in which the Bill has been brought up for discussion towards the end of the session. The Government do not allow us to have a free discussion and understand the implications of the various amendments. The Government have got in their minds some big people to whom they want to give relief."

THE HON. SRI C. RAJAGOPALACHARI:—"Let the hon. Member give me a list of such persons."

* SRI S. SWAYAMPRAKASAM:—"I am not interested in all these things. The Government have asked the concerned people to prepare a Bill for this purpose and they have for months considered this matter. At last, the Ordinance was promulgated which gave relief to both the big people and the poor people. Now, in the Bill, you take away the relief sought to be given to the poor people."

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THE HON. SRI SUBRAMANIAM:—"I want to know whether the Deputy Speaker has taken away anything. The hon. Member should address the Deputy Speaker."

SRI S. SWAYAMPRAKASAM:—"I do not understand why the Hon. the Leader of the House interrupted me."

THE HON. SRI C. SUBRAMANIAM:—"The hon. Member should address the Deputy Speaker and not me."

SRI S. SWAYAMPRAKASAM:—"Mr. Deputy Chairman, Sir, . . ."

THE HON. SRI C. SUBRAMANIAM:—"He is not Deputy Chairman; he is Deputy Speaker."

DEPUTY SPEAKER:—"The hon. Member should address the Chair."

SRI S. SWAYAMPRAKASAM:—"Mr. Deputy Speaker, Sir, I am only complaining about the way in which the Bill has been introduced and the provisions of the Ordinance have been changed. According to the Ordinance, relief would be available to the big mirasdars as well as the poor agriculturists."

(At this stage, there was some noise in a section of the House.)

DEPUTY SPEAKER:—"If hon. Members want to speak with one another, let them leave the House and do so."

* SRI S. SWAYAMPRAKASAM:—"In this Bill, the relief sought to be given to poor persons has been taken away. But, on the other hand, the relief given to big mirasdars is kept. It leads us to think that the Government have got some proposals to give relief to certain particular set of persons."

11 a.m. "That is exactly our argument and that is exactly why I raised a point of order the other day. There is no point in asking me to supply names. That is all beside the point. When we bring forward a legislation like the one that we are now considering, we ought to be careful and ought to comply with objects underlying the Bill. The statement of Objects and Reasons appended to the Bill states very clearly that the Bill provides relief only to those who are actually engaged in cultivation. It is definitely stated that this Bill has been brought forward in the best interest of the Grow More Food Campaign and in the best interests of those persons who are actually engaged in cultivation. But we find that according to certain provisions in the Bill, even those people who are far away from the lands and who do some other business are also sought to be included here. That is exactly the point which I wish to bring to the notice of the Government. I request the Government to look into the matter and see that only those who are really engaged in cultivation get the benefit."

[11th January 1954] [Sri S. Swayamprakasam]

"The Hon. Chief Minister was pleased to say that co-operative institutions must be exempted. Nowadays, some people have been saying that co-operative institutions are bringing relief to poor agriculturists. We find that to-day the number of persons who get relief from these co-operative institutions is increasing day by day. A great number of them get relief from these societies. That being so, what is the point in excluding the co-operative societies from the operation of this Bill? What is the real remedy that these poor agriculturists will get when these societies are excluded? Practically, they will get no remedy at all. Their suffering will not be reduced, but will only increase. It so happens that many a private money-lender and many a private creditor accommodate these poor agriculturists to a greater extent than these co-operative societies. These people are inclined to give some time to these poor agriculturists to clear off their dues, but not these co-operative societies. The method adopted by these societies is this. Even for a paltry sum, they take away the valuable properties of the debtors and that too without their knowledge. Actually, these poor people are not aware of the societies' action for taking away their things for the paltry sum that they owe them. This creates a lot of difficulties and suffering for the poor agriculturists. If we calculate the number of people, I mean the poor agriculturists in Tamilnad who are indebted to these co-operative societies, I am sure it will be a very great number. That being so, I cannot really understand the reason for excluding co-operative societies from the operation of the Bill. I request the Government to see that these societies are also brought within the purview of the Bill."

"About the clause relating to limitation, I myself am not quite clear. There are people who doubt whether the Government are within their rights and whether they have got power to give this limitation. The limitation question has got to be considered very carefully and examined. If this clause relating to limitation is decided to be *ultra vires*, the whole Bill goes to the ground. The relief that has been given in the Bill will be taken away. When the Bill has now come before us for consideration, it is but proper that we should have facilities and we should also take some time to study the various provisions carefully. This Bill must be considered leisurely and properly. There is no point in rushing the Bill. This is a very important legislation which should give relief to those who are really in need of it. It should not be hastened like this. With these few words, I insist that it must be properly considered and should be circulated for eliciting public opinion."

The motion was duly seconded.

DEPUTY SPEAKER:—"I fix a time limit of 5 minutes for each hon. Member. Hon. Member Sri Rajachidambaram will now speak."

[11th January 1954]

1-04
a.m. * SRI P. B. K. RAJACHIDAMBARAM :—“ மன்றத்துணைத் தலைவர் அவர்களே ! விவசாயிகளின் நலனுக்காக அரசியலார் எடுத்துக்கொண்டிருக்கும் இந்தக் கடன் ஒத்திவைப்பு மசோதாவை ஆதரிக்க நான் முன்வந்திருக்கிறேன். ஆனால் இந்த மசோதாவிலுள்ள முழு பலனும் இந்த ஒரு சூழ்நிலையில் ஏற்படுமா என்றுதான் அஞ்சுகிறேன். காலையில் முதல் அமைச்சர் அவர்கள் சில விஷயங்களைச் சொல்லியதிருந்து இந்த சூழ்நிலை சற்று தெளிவாக ஆயிற்று. அதற்கு நான் அவர்களுக்கு நன்றி செலுத்தக் கடமைப்பட்டிருக்கிறேன். இருந்த போதிலும், முதல் வந்த அவசரச் சட்டத்தைவிட, பின்னால் கொண்டு வந்திருக்கும் சட்டத்தில் பல வசதிகள் செய்யப்பட்டதாக சொல்லப்படுகிறதே, அந்த பலனெல்லாம் இந்தச் சட்டத்தால் கைகூடுமா என்பதைப் பற்றி சிந்தித்துப் பார்க்க வேண்டும். எல்லாம் வேண்டும் அன்றேல் ஒன்றும் வேண்டாம் என்று குறைகூறுகிறார்களென்று கனம் முதல் மந்திரி அவர்கள் சொன்னார்கள். அதை ஒப்புக்கொள்ளுகிறேன். ஆனால் அதே சமயத்தில் நாங்கள் செய்யக்கூடியதைத்தானே செய்யச் சொல்லுகிறோம். செய்வதில் என்ன ஆட்சேபனை என்று நான் கேட்க விரும்புகிறேன். (சிரிப்பு.) இன்று காலையில் நண்பர் கனம் சுயம்பிரகாசம் அவர்கள் பதில் சொல்லும்போது இதுபற்றி நன்றாக விளக்கம் கொடுத்தார். அது ஓரளவு சரியாகத்தான் இருக்கிறது. ஆனால் நான் அவரைப்போல் சட்டம் அறிந்தவன் அல்ல. நான் ஒரு கிராமவாசி. மசோதாவில் லீசி (lease) என்ற வார்த்தையை அவர் உபயோகப்படுத்தி இருக்கிறார். அதன்படி ஒருவர் இந்தச் சட்டத்தின் சலுகைபெற லீசியாக இருக்கவேண்டியிருக்கிறது. சென்ற வருஷம், அல்லது அதற்கு முந்திய வருஷங்களில் லீசியாக இருந்து, இப்போது அவர்கள் குத்தகைக்காரராக இல்லாமல் இருந்தால் இந்தச் சட்டத்தில் சலுகை இல்லை என்று சொல்வது நியாயமாகத் தெரியவில்லை. அதை மாற்றவேண்டுமென்று நான் ஏற்கனவே சொன்னேன். ஆனால் நான் சட்டம் அறியாதவன்.”

THE HON. SRI C. RAJAGOPALACHARI :—“ அவ்வாறு மாற்ற முடியாது.”

* SRI P. B. K. RAJACHIDAMBARAM :—“ கனம் முதல் மந்திரி அவர்கள் விளக்கிவிட்டார். குத்தகைக்காரர்களுக்கு இந்தச் சட்டத்தில் விலக்குக் கொடுக்கமுடியாது என்று சொல்லிவிட்டார். இந்தச் சட்டத்தின்படி முன்பே கடன்பட்டிருக்க வேண்டுமென்று கூறப்படுகிறது. இன்று உண்மைக் கடனான யார் என்று கணக்கெடுப்பது கடினம். ஆகவே இன்று அவர்களிடமிருந்து வசூல் செய்வதும் முடியாது என்று சொல்லுகிறேன். கிராம வாழ்க்கையை நன்று உணர்ந்தால் இந்த சந்தேகம் கனம் நிதி மந்திரி அவர்களுக்கு ஏற்படாது.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ எனக்கு நன்கு தெரியும்.”

* SRI P. B. K. RAJACHIDAMBARAM :—“ கிராமத்தில் வாழ்பவர்கள் அனைவருக்கும் நிலத்தை வைத்துக்கொண்டு யாரும் கடன் கொடுப்பதில்லை. அவர்களுக்கு இன்று பணம் கடனாகக் கிடைப்பது பூராவும் அவர்களின் நாணயத்தின் மதிப்பாலேயே கொடுக்கப்படுகிறது. விவசாயிகளுக்கு கடன் ஒத்திவைப்பு வசதி செய்யப்படுவதால் ஒருவித பலனும் கிடைக்காது. ஏராளமான சொத்துக்கள் அவர்களின் நாணயத்தை நம்பியேதான் கொடுக்கப்படுகிறது. ஆகவே விவசாயிகளின் நாணயத்தை நாம் குறைக்கக்கூடாது. நம் மாகாணத்தை எடுத்துக்கொண்டால் ஒரு வருஷத்திற்கு ரூ. 250 கோடி விவசாயத்திற்கு செலவிடப்படுவதாக கணக்கிடப்பட்டிருக்கிறது. இத்தொகையில் பத்து கோடி ரூபாய்தான் அரசாங்கத்தின் மூலமும் ஐக்கிய நாணய சங்கத்தின் மூலமாகவும் கடனாக கொடுக்கப்படுகிறது. கிராமத்திலுள்ள விவசாயி பாரபட்சமில்லாமல் விவசாயத்தை நடத்திவருகிறான். அவனுக்கு எழுதப்பட்டிருக்கக்கூட தெரியாது. அவன் எவ்வித வழக்குக்கும் செல்வதில்லை. ஒவ்வொரு வருஷமும் அவன்

[11th January 1954] [Sri P. B. K. Rajachidambaram]

பயிரிட செலவு செய்துகொண்டிருக்கிறான். அவனுக்கு நிவாரணம் அளிப்பதற்கும், திரும்பி பெறுவதற்கும் கனம் நிதி மந்திரியவர்கள் எவ்வித வழியும் சொல்லவில்லை. 100-க்கு 10 பேருக்கு தானே குறைந்த வட்டிக்கு பணம் வழங்குவதாகமட்டும் நிதி மந்திரியவர்களால் சொல்லப்படுகிறது. மீதி 90 பேரும் நாணயத்தின் பேரில்தான் விவசாயிகளுக்கு கடன் கொடுத்துவருகிறார்கள். ஆகவே இன்று சிலரும், பத்திரிகைகளும் கிராமத்திலுள்ள குடியானவர்களுக்கு நிவாரணம் அளிக்கப்படுவதாகச் சொல்வது அவர்கள் கிராம வாழ்க்கையை அறியாத காரணம் என்பதை சொல்ல விரும்புகிறேன். அவர்கள் விவசாயி என்ற பதத்திற்கு சரியான அர்த்தம் அறிந்துகொள்ளவில்லை என்பதை மீண்டும் எடுத்துச்சொல்லி இதில் குத்தகைதாரர்களையும் சேர்த்துக்கொள்ளும்படி இந்த சபை முடிவு செய்யும்படியாகக் கேட்டுக்கொள்கிறேன்.

“கனம் முதல் மந்திரி அவர்கள் குத்தகைக்காரர்களுக்கு இதில் விதிவிலக்கு அளிக்கக்கூடாது என்று கூறினார். இதனால் கிராமத்திலுள்ள குத்தகைக்காரர்களுக்கு மிகவும் பாதகம் ஏற்படும் என்பதை அறியவேண்டும். அரசாங்கத்தால் பொதுமக்களுக்கு 20 வருஷ காலத்தவீணையில் பணம் வசதி செய்துகொடுக்க ஏற்பாடு செய்யப்படுகிறது. அவ்வாறு ஒதுக்கியுள்ள பணத்தில் இந்தக் குத்தகைக்காரர்களையும் சேர்த்துக் கொண்டு நிவாரணமளிக்க என்ன ஆட்சேபனை இருக்கிறது என்று தெரியவில்லை. அவர்களுக்கும் விதிவிலக்களித்து இதில் சேர்த்துக்கொள்ள வேண்டுமென்று மீண்டும் கேட்டுக்கொள்கிறேன்.

“தவிர நில அபிவிருத்தி சட்டத்தின் (Land Improvement Act) கீழ் விவசாயிகளுக்கு இனாமாக அரசாங்கத்தாரால் கிணறு வெட்டுவதற்கு பணம் கொடுக்கப்பட்டது. அத்தொகையை பல விவசாயிகள் வாங்கி, அதோடு தாங்கள் கொஞ்சம் கடன் வாங்கி கிணறுகளை வெட்டினார்கள். ஏதோ சில காரணங்களுக்காக இப்போது அரசாங்கம் அதைத் திருப்பிக் கொடுக்குமாறு கேட்கிறார்கள். அதை ஒத்திவைத்துக்கொள்ளுமாறு கேட்கப்படுகிறது. அவ்வாறு ஒத்திவைப்பதில் என்ன ஆட்சேபனை இருக்கிறது என்று தெரியவில்லை.

“மேலும் Pump set, ரசாயன உரம் முதலியன வாங்குவதற்கு அரசாங்கம் பணம் உதவி அளிக்கிறது. அதையும் ஒரு ஆண்டுக்கு ஒத்திப்போடுவதில் என்ன ஆட்சேபனை இருக்கிறது என்பதை கனம் முதல் மந்திரி அவர்கள் சொல்லவில்லை. அந்த முறையிலும் இதை ஒப்புக் கொள்ள முடியாது. இங்கு எனக்கு அளிக்கப்பட்ட நேரம் 5 நிமிஷமே யாதலால் நான் இன்னும் சொல்லவேண்டுமென்று நினைத்துள்ளவற்றை சொல்ல முடியவில்லை. நண்பர்களும், பிறரும் இன்னும் பல விஷயங்களை நல்ல முறையில் எடுத்துச் சொல்லுமாறு கேட்டுக்கொள்கிறேன்.”

* SRI S. RAMASAMY NAIDU :—“ கனம் உதவி சபாநாயகர் அவர் 11-10 களை! பழுதில்லா உழுதொழிலை மேற்கொண்டும் தொழுதுண்டு வாழ் கிறான் விவசாயி. அவனுக்கு சர்க்கார் உதவி செய்ய முன்வந்தது நியாயமானதே. ஆனால் இன்று அந்த விவசாயிக்கு உண்ண உணவு இல்லை; நல்ல வீடு இல்லை; சௌகரியமாக படுக்க படுக்கையில்லை. நிலத்தை உழுது பயிரிடும் விவசாயிக்கே உண்ண உணவில்லாது இருக்கும் நிலையில், இன்று அரசாங்கம் அவர்களுடைய சௌகரியத்திற்காக கடன் வசூலிப்பை ஒத்தி வைத்திருக்கிறது. அப்படிப்பட்ட மான்யத்தை இன்றைக்கு சர்க்கார் கொண்டுவந்து ஓரளவு நிவாரணம் அளிக்க முன்வந்திருப்பதற்கு மிகவும் பாராட்டுகிறேன்.

“குறிப்பாக 6 வருஷங்களுக்குப் பிறகு இன்றைக்கு பருவ மழை பெய்ததினால் இயற்கையின் அருளால் விவசாயிகள் உண்ண உணவும், கைச்செல்விற்கு சிறிது பணமும் வைத்திருக்கும் நிலையில் இருக்கிறார்கள். அதை கடன்காரர்கள் வந்து கேட்காமல் இருப்பதற்கு அவர்களுக்கு இந்தக்

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கடன் ஒத்திவைப்பு மசோதா செளகரியம் செய்கிறது. பின்னால் கடனை கொடுத்துக்கொள்ளலாம் என்பதற்காகவும், அதிக கடன் பளு ஏறுமலிருப்பதற்காகவும் தங்கள் கையிலிருக்கும் பொருளை வைத்து அதிக மகசூல் செய்து அடுத்த வருஷம் சேரவேண்டியதை செலுத்த அதிக சக்தியிருக்கும் என்ற நோக்கத்தோடுதான் இந்தக் கடன் ஒத்திவைப்பு மசோதா கொண்டு வரப்பட்டிருக்கிறது. இந்த மாதிரியான ஒரு நல்ல முறையால் இன்றைக்கு எல்லாப் பெரிய விவசாயிகளுக்கும் சலுகை கொடுக்கப்படுகிறது என்று சொல்லுகிறார்கள். அவர்களுக்கு மட்டும் ஒத்தாசை செய்வதை மனதில் கொண்டதான் இன்றைக்கு எல்லோருக்கும் செளகரியம் செய்யப்படுவதாக சர்க்கார் இந்த மசோதாவைகொண்டு வந்திருப்பதாக சிலர் கருதுகின்றனர். அதை ஒப்புக்கொள்ள முடியாது. 'நெல்லுக்கிறைத்த நீர் வாய்க் கால் வழியோடி புல்லுக்கும் ஆங்கே பொசியுமாம்' என்பதைப்போல், ஏழை விவசாயிகளுக்கு செய்யப்படும் செளகரியங்கள் காரணமாக ஒரு சில பெரிய விவசாயிகளுக்கும் செளகரியம் ஏற்படுகிறது என்றே சொல்லவேண்டும். அவர்களை கணக்கெடுத்தாலும் வெகு சிலரே இருப்பார்கள். அதைப் பற்றி கவலைப்படவேண்டியதில்லை. ஏழைகளின் கஷ்டத்தை நீடிக்க விடாமல் நிவர்த்திசெய்ய இந்தச் சட்டத்தை அமுலுக்கு கொண்டுவந்ததற்காக எதிர்க்கட்சிக்காரர்களாயிருந்தாலும், காங்கிரஸ் கட்சிக்காரர்களாயிருந்தாலும், இந்தச் சட்டசபையிலுள்ள எல்லா அங்கத்தினர்களும் பெருமை கொள்ளவேண்டும். ஆகவே இச்சட்டத்தை நிறைவேற்றி ஏழைமக்களுக்கு பொங்கல் பரிசாக நாம் அளிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

"இப்போது கூட்டுறவு இயக்கத்தில் கொடுக்கப்பட்டிருக்கும் கடனையும் ஒத்திவைக்கவேண்டுமென்று எதிர்க்கட்சி நண்பர்கள் பலர் கேட்டார்கள். கூட்டுறவு இயக்கத்தில் விவசாயிகளுக்கு எவ்வளவு பணம் எந்த முறையில் கொடுக்கப்பட்டிருக்கிறது என்பதை கணக்கெடுத்துப் பார்க்கவேண்டும். அப்படி கணக்கெடுத்துப் பார்த்தால் 8 மாதம், 10 மாதக் கடனை அதிகமாகக் காணப்படுகிறது. அந்தக் கடனும் 6 வருஷ காலத்திலே எவ்வளவு கொடுக்கப்பட்டு வசூலிக்கப்பட்டிருக்கிறதென்பதை கணக்கெடுத்தால் அந்த பாங்குகளுள்ள ஒவ்வொரு பிரதேசத்திலும் அதிகப்படியாக 100-க்கு 90-க்கு மேல் வசூல் செய்யப்பட்டே இருக்கிறது. பணம் கிடைக்காத பஞ்ச காலத்திலே விவசாய சமயத்திற்கு சொற்ப வட்டிக்கு, கடன் கொடுக்கப் பட்டதென்பதையும் நாம் நினைவில் வைத்துக்கொள்ளவேண்டும்.

"தவிர, அதிகப்படியான பணத்திற்கு 20 வருஷக் கடன் வாய்தா மூலம் நில அடமான பாங்கால் (Land Mortgage Bank) கொடுக்கப்பட்டு, 20 வருஷத்திற்கு வசூலிக்கும்படி செய்யப்பட்டுள்ளது. அது விவசாயிகளை பாதிக்காது என்பது நிச்சயம். ஆகையால் இன்றைக்கு இந்த ஒரு வருஷக் கடன் ஒத்திவைப்புச் சட்டத்தை நாம் வரவேற்கவேண்டும். அதற்காக நாம் பெருமைப்படவும் வேண்டுமென்று சொல்லிக்கொள்ளுகிறேன். இன்றைக்கு விவசாயிகள் மிகவும் கஷ்டப்படும் நிலையில் இருக்கிறார்கள்.

'ஆவீன மழை பொழிய இல்லம் வீழ

அகத்தடியாள் மெய் நோவ அடிமை சாவ

மாவீரம் போகுதென்று விதை கொண்டோட

வழியிலே கடன்காரர் மறித்துக்கொள்ள'

என்பதுபோல் இந்த வருஷத்துப் பலனை ஆதாரமாக வைத்து கடவுளருளால் நல்ல மழை பெய்து அடுத்த வருஷம் விதைக்கப்போகும் வேளையிலே கடன்காரர்கள் வழிமறிக்க இல்லாமலிருப்பதற்காக இன்றைக்கு இந்தச் சட்டத்தைக் கொண்டுவந்திருக்கிறார்கள். ஆகவே இந்தச் சட்டம் விவசாயிகளுக்கு மிகவும் உபயோகமாக இருப்பதாகும். அதை அனைவரும் ஆதரித்து, நான் வரப்போகும் பொங்கல் புதுதினப் பரிசாகக்கொண்டு போக இதை அமுலுக்கு கொண்டுவரவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

[11th January 1954]

Sri S. S. RAMASAMY PADAYACHI:—"கனம் உதவி சபா 11-15
நாயகர் அவர்களே, இன்றைக்கு விவசாயிகளுக்கு தற்காலிகமாக நிவாரணம் அளிப்பதற்கு அவர்கள் வாங்கிய கடனை ஒரு வருஷத்திற்கு வசூலிக்காமல் இருப்பதற்கு அரசாங்கம் ஒரு சட்டம் கொண்டுவந்திருப்பதை நான் வரவேற்கிறேன். அதை ஆதரிக்கும் முறையில் சில வார்த்தைகளைக் குறிப்பிட விரும்புகிறேன். இன்றைக்கு நாட்டில் இந்த சட்டத்திற்கு எந்த தரப்பிலிருந்து எதிர்ப்பு வந்திருக்கிறது என்றால் அது வக்கீல் சங்கங்களிலிருந்துதான் வந்திருக்கிறது. இந்த மாகாணத்திலுள்ள வக்கீல் சங்கங்கள்தான் இதற்கு எதிர்ப்பு செய்துகொண்டுவருகின்றன. இது நாடு அறிந்த உண்மை. அதைப்பற்றி கவலைகொள்ளவேண்டியது இல்லை. 'விவசாயிகளுக்கு எந்த விதமான நன்மைகளும் இல்லை. இந்த சட்டத்தில் அநேகம் இழுக்குகள் இருக்கின்றன' என்ற பலச் சட்ட நுணுக்கங்களை எடுத்துக்காட்டி இருக்கிறார்கள். இந்த சட்டம் சரியில்லை. இதைத் தள்ளுபடி செய்யவேண்டும் என்றும் சொல்லிவருகிறார்கள். இந்த சட்டம் எந்த விதத்திலும் நிறைவேற்றப்படாமல் இருக்க அதை தடுத்துவிடவேண்டும் என்று சொல்லக்கூடிய அளவில் இந்த சட்டத்தைக் கொண்டுவராமல் இருப்பதற்கு அவர்கள் முயற்சி செய்துவருகிறார்கள். அதனால் இதை Select Committee-க்கு விடவேண்டும் என்று சொல்லி வருகிறார்கள். அதையெல்லாம் எடுத்துக்கொள்ளாமல் இன்றைக்கு இந்த சட்டத்தில் பலவித திருத்தங்கள் செய்து அவைகள் விவசாயிகளுக்கு பயனளிக்கும் படியாக அதை சட்டமாக்கவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

"கடந்த ஏழு எட்டு வருஷங்களாகப் பருவ மழை இல்லாமல் விவசாயிகள் பல கடன் தொல்லைகளுக்கு ஆளாகி இருக்கிறார்கள். கிராம விவசாயிகளுக்கு சொத்துக் கிடைப்பது. அவர்களுடைய நாணயத்தின்பேரில் தான் அவர்களுக்குக் கடன் கொடுத்துவருகிறார்கள். சில இடங்களில் வட்டி வாங்காமலும் நாணயமாக கடன் கொடுத்துவருகிறார்கள். பருவ மழை தவறியதால் இதுவரையிலும் அவர்களால் கடனைக் கொடுக்க முடியவில்லை. இந்த வருஷம் அதைக்கொடுக்க முன்வருகிறார்கள். அவர்கள் வாங்கிய பணத்திற்கு வட்டி கொடுக்காமல் கடனைக் கொடுக்க வசதி வந்தவுடன் அவர்களுக்கு வட்டி விலக்கு அளிக்கவேண்டும் என்று வீட்டை தேடிக்கொண்டு வருகிறார்கள். கோர்ட்டு வழக்கைத் தடுத்து வருவதோடு அவர்களாகக் கொடுக்க முன்வருவதைத் தடுத்து நிறுத்தவேண்டும் என்ற எண்ணம் இந்த சட்டத்தில் எழவில்லை. தற்காலிகமாக ஒரு வருஷத்திற்குக் கடன் கொடுக்கவேண்டும் என்று நிர்ப்பந்திக்கக்கூடாது என்றுதான் சட்டத்தில் சொல்லப்படுகிறது. இப்பொழுது பருவ மழை பெய்து நன்றாக விவசாயம் ஏற்பட்டிருக்கிறது. இந்த வருஷத்திலாவது அவர்கள் முன்வரலாம் என்பதற்காகத்தான் இதைக் கொண்டுவந்திருக்கிறார்கள். இந்த எண்ணத்தான் அரசாங்கத்திற்கு இருக்கிறது. இந்த விதத்தில் விவசாயிகளுக்கு பாதுகாப்பு அளிப்பதற்கு அரசாங்கம் முன்வந்ததற்கு அரசாங்கத்தைப் பாராட்டவேண்டும். அதன்படி அவர்களுக்கு இதைச் சட்டமாக்கி வசதி செய்துகொடுக்கவேண்டும். அதே மாதிரி கூட்டுறவு மூலமாக வாங்கிய கடன்களைக் கொடுப்பதிலும் அவர்களுக்கு நிவாரணம் அளிக்கவேண்டும். கனம் ராஜா சிதம்பரம் சொன்னதை நான் வரவேற்கிறேன். அரசாங்கம் மாத்திரம் கொடுத்த கடனை வசூலிக்கலாம் மற்றவர்கள் கொடுத்த கடனை மட்டில் ஒரு வருஷம் தள்ளி கொடுக்கலாம் என்று சொல்வது எந்த வகையில் நல்லது என்று கேட்கிறேன். ஒரு விதத்தில் நிவாரணம் அளிக்கவேண்டும் என்று சட்டம் கொண்டுவரும்போது இதையும் கவனிக்கவேண்டும். இப்பொழுது ஒரு வருஷம் கழிந்த பிறகு எல்லா கடனையும் ஒரே தடவையில் வசூலிக்கக்கூடிய ஆபத்தும் இதில் இருக்கிறது. இந்த ஆபத்தைத் தடுக்க அரசாங்கம் ஒரு திருத்தம் கொண்டுவரவேண்டும். அதாவது கடன்கள் வாங்கியதை மூன்று தடவைகளாகக்கொடுக்கவேண்டும் என்ற ஒரு திருத்தம் கொண்டுவரவேண்டும். மற்றொரு விஷயம். இப்பொழுது விலைவாசிகள் குறைந்து இருக்கிறது. விவசாயம் செய்யும் செலவுகள் இன்னும் குறையவில்லை. சென்ற வருஷம் ரூ. 30 என்று விற்பது இந்த வருஷம் ரூ. 20-க்கு விற்ப்படுகிறது. ஆனால் விவசாய செலவு குறையவே இல்லை.

[Sri S. S. Ramasamy Padayachi] [11th January 1954]

ஆகையினால் விவசாயிகள் தங்களுடைய கணக்கை சரிக்கட்ட முடியவில்லை. ஆகையால் வாங்கிய கடனை ஒரேயடியாக கொடுத்துவிட முடியாது. மூன்று ஆண்டுகளில் மூன்று தடவைகளில் அதைக்கொடுக்க ஏற்பாடு செய்யவேண்டும். ஆகவே மூன்று தடவைகளில் திருப்பிக்கொடுக்கவேண்டும் என்ற யோசனையை இந்த சட்டத்தில் சேர்த்து இதை நிறைவேற்றவேண்டும் என்று கேட்டுக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்."

* SRI V. K. RAMASWAMI MUDALIAR:—"Mr. Deputy Speaker, Sir, though I welcome this Bill, I am of opinion that it should be gone into in detail and in all its aspects. Unless it is examined carefully, I am afraid, agricultural credit will disappear and the villagers will be put to much hardship. Therefore, the Bill should be referred to a Select Committee now and then it should be taken up leisurely, in the next session if possible. I am of opinion, that it requires certain modifications in respect of certain provisions, particularly 'Definitions'. Before I speak on those modification, I would request the Government to extend this concession to the loans advanced by them, like takkavil loans, pump-set loans, etc. They should not think that other loans alone should be taken into account. I know in some cases certain landlords—I mean house-owners in Madras—have purchased waste lands in the adjoining Chingleput district in places like St. Thomas Mount and Pallavaram. They purchased these waste lands during ration days for purposes of bringing rice into the city. They did not pay any income-tax or property tax nor do they pay now. They borrowed money for business purpose and they should not be allowed to take shelter under this Bill in the matter of repayment of such loans. No protection should be given to such people."

"Then, Sir, I shall speak about the amendments which I consider essential. In the Preamble, wherever the expression 'agriculturist' occurs, the words in the State of Madras' should be added. There are business people here in Madras having lands and they may come forward to claim the concession now afforded. That is a matter for serious consideration. Therefore, the term 'agriculturist' should be defined as one who holds and owns lands in the State of Madras. Then, to clause 2 (c), there should be a proviso, 'provided that the debt arises or is incurred in connection with agriculture. I have another amendment also to the effect that any sum payable to any company or bank under the Indian Companies Act or to any co-operative society should be added to clause 2 (c) after item (v). We must give some protection to the banks and if adequate protection is not given to banks, the credit of the country will go. If this is not done, agriculturists will be hard hit by this measure."

11-23 SRI C. KANDASAMY:—"கனம் உதவி சபாநாயகர் அவர்களே!
a.m. இந்த சபை முன்பாக இருக்கக்கூடிய கடன் ஒத்திவைப்பு சட்டம் சம்பந்தமாக ஒரு வருஷத்திற்கு விவசாயிகளுக்கு கடன் தொந்தரவுகள் இல்லாமல் பாதுகாப்பு அளித்ததை நான் வரவேற்கிறேன்.

"அடுத்தபடியாக கனம் முதல் மந்திரி அவர்கள் பேசும்போது இந்த சட்டத்தை தவறாக புரிந்துகொள்ளக்கூடாது என்றும், ஒரு வருஷத்திற்கு இந்த சட்டப்படி நடவடிக்கைகள் எடுக்கக்கூடாது என்பதற்காக இந்த

[11th January 1954] [Sri C. Kandasamy]

சட்டம் கொண்டுவரப்பட்டிருக்கிறது என்றும் கடனை குறைப்பதற்கான அலுவலக கடனை ரத்து செய்வதற்கோ எந்த எண்ணமும் அரசாங்கத்திற்குக் கிடையாது என்றும் சொன்னார். இதைப்பற்றிச் சிந்தித்துப் பாரக்கும் போது விவசாயிகள் ஒரு வருஷத்திற்கு கடன் தொந்தரவுகள் இல்லாமல் இருந்தாலும் அவர்களுக்கு தங்களுடைய வாழ்க்கையை நடத்துவதற்கு ஏதாவது ஒத்தாசை செய்யவேண்டும். விவசாயிகள் நல்ல வாழ்க்கையை நடத்தவேண்டும் என்றாலும் அல்லது விவசாயிகளுக்கு ஏதாவது வசதி செய்யவேண்டும் என்றாலும் அவர்களுக்கு நிவாரணம் அளிக்கக் கூடிய வழியில் வசதி செய்து கொடுப்பதோடு அவர்கள் இனிமேல் கடன் வாங்குவதற்கும் தக்க நடவடிக்கைகளை எடுத்து அவர்களுக்கு வசதி செய்து கொடுக்கவேண்டும். இது ரொம்பவும் அத்தியாவசியமாக இருக்கிறது என்பதை இந்த சந்தர்ப்பத்தில் எடுத்து சொல்ல ஆசையாகுகிறேன். இதே மாதிரிதான் காங்கிரஸ் விவசாய சீர்திருத்த கமிட்டியும் சிபாரிசு செய்திருக்கிறது. ஒரு நில சீர்திருத்த சட்டம் கொண்டுவந்தால் முதலில் விவசாயிகளுக்கு வசதி செய்துவிட்டுதான் அந்த விதமான சட்டம் கொண்டுவருவது செளகரியமாக இருக்கும். அவர்கள் கடன் வாங்குவதற்கு வசதி செய்து கொடுத்தால்தான் அதைத் தொடர்ந்து செய்யும் சட்டங்களால் அவர்களுக்கு வசதி செய்து கொடுப்பதாகும். விவசாயிகள் முன்னேற்றம் அடைவதற்கு வேண்டிய நடவடிக்கைகள் எடுத்துக்கொள்ள வேண்டும். ஆகவே விவசாயி சமூகம் முன்னேற்றம் அடைவதற்கு திட்டவட்டமாக காங்கிரஸ் விவசாய சீர்திருத்த கமிட்டி சிபாரிசு செய்திருக்கிறது. இதை இந்த சந்தர்ப்பத்தில் ஞாபகப்படுத்த விரும்புகிறேன்.

"ஒரு வருஷ அவகாசம் கொடுத்திருந்தாலும் அவர்கள் ஒரு வருஷத்திற்குள் எந்த அளவு தங்களுடைய கடனை குறைத்துக்கொள்வதற்கு முடியும் என்பதைப் பார்க்கவேண்டும். இந்த ஒரு வருஷ அவகாசத்தை அவர்கள் பூர்ணமாக பயன்படுத்திக்கொள்ள முடியுமா என்பதைப் பார்க்க வேண்டும். இதை ஆட்சியாளர்களுக்கு எடுத்துக்காட்ட விரும்புகிறேன்.

"அடுத்தபடியாக இந்த சட்டத்தில் இருக்கக்கூடிய முக்கியமான விஷயம் இப்பொழுது விவசாயிகளுக்கு கூலி கடன் இல்லை என்று நினைத்து விட்டார்கள். பி. வி. நாராயணசாமி கமிட்டி யுத்த காலத்திற்குப் பின் விலைவாசிகளைப் பற்றியும், கடன்சம்பற்றியும் விசாரித்து பரிசீலனை செய்து திட்டவட்டமாக ரிப்போர்ட் எழுதி இருக்கிறார்கள். அதாவது 25 ஏக்கருக்கு அதிகமாக உள்ள விவசாயிகளுக்குத் தான் கடன் குறைந்து இருக்கிறது என்றும் அதற்குக் குறைவாக நிலம் உள்ள விவசாயிகளுக்கு கடன் அதிகரித்து இருக்கிறது என்றும் தெரிவித்திருக்கிறார்கள். 'Debt of the landless labourers has increased more than that of the others' என்று கூறி இருக்கிறார்கள். ஆகவே சிறு நிலக் காசார்த்திகள் அதிகமாகக் கடன் பட்டிருக்கிறார்கள். அவர்களுக்கு சொத்து இல்லாமல் இருக்கலாம். ஆனால் அவர்கள் நாணயமாக நடந்து கொண்டு வருவதால் அவர்களால் கடன் வாங்க முடிகிறது. அவர்களுக்கு சொத்து இல்லாவிட்டாலும் தங்களுடைய சொந்த உழைப்பினால் அவர்கள் மனதம் மனதம் கொஞ்சம் மிச்சம் பிடித்து வந்து நாணயமாக தாங்கள் வாங்கிய கடனை திருப்பிக்கொடுத்து வருகிறார்கள். அதனால் யிசுசுதாசர்கள் கடன் கொடுப்பதை ஒரு கருவியாக வைத்துக்கொண்டு அவர்களுக்கு ரூ. 100 கடன் கொடுத்துவிட்டு குறைந்த கூலிக்கு வேலைவாங்கி வருகிறார்கள். தாங்கள் கடன் வாங்கி இருக்கிறோம் என்று அவர்களும் உழைத்து வருகிறார்கள். இப்படிப்பட்டவர்களுக்கு அரசாங்கம் கொஞ்சம் வசதி செய்து கொடுக்கவேண்டும் என்று நான் கேட்டுக்கொள்கிறேன். ஆகவே நில சீர்திருத்த சட்டம் கொண்டுவரும்போது இவர்களுக்கு வசதி செய்துவிடுவதன் அடைக்கொண்டுவரவேண்டும். இப்பொழுது பருவ மழை பெய்திருக்கிறது. ஒரு வருஷமாவது அவர்கள் கடன் தொல்லை இல்லாமல் இருப்பதற்கு இதைக்கொண்டு வந்தது நல்லதுதான். அதற்கு ஒப்பீசனை இல்லை. அவர்கள் ஈகாபடி செய்வதற்கு வசதியாகத்தான் இருக்கும். ஆனால் ஒரு வருஷத்திற்கு அவர்கள் கடன் தொல்லை இல்லாமல் இருந்தால் அவர்களுடைய கடன் தொல்லை வெகுவாக குறைந்துவிடாது. எங்கள்

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கடன்களையும், சொசைடி கடன்களையும் இது பாதிக்காது என்று சொல்லுகிறார்கள். அதனால் விவசாயிகளுக்கு கடன் தொல்லை குறைந்துவிடப்போவது இல்லை. அதைக்கூட கொஞ்சம் தளர்த்திவிட்டால் நல்லது. சர்க்காருக்கு அதனால் நட்டம் ஏற்படும் என்று நினைத்தால் இப்பொழுது சர்க்கார் செய்யும் நில அளவசிய செலவுகளை குறைத்துக்கொள்ளலாம். அவ்விதம் குறைத்துக்கொண்டு இந்த கடனுக்கு சரிக்கட்டிக்கொள்ளலாம். எந்த செலவுகள் அளவசியமான செலவுகள் என்பதை இப்பொழுது நான் எடுத்துக்காட்ட விரும்பவில்லை. நம்முடைய அத்தியாவசிய செலவுகள் என்ன என்பதை என்னால் எடுத்துக்காட்ட முடியும். அரசாங்கம் எவ்வளவோ செலவுகளை குறைத்துக்கொள்ளலாம். அந்த மாதிரி செய்தால் அந்தக் கடனுக்குச் சரிக்கட்டிக்கொள்ளலாம். இப்பொழுது வந்திருக்கும் சட்டம் பணக்காரர்களுக்குத் தான் சலுகை அளிக்கக்கூடியதாக இருக்கிறது. விவசாயிகளுக்கு நன்மை அளிக்கக்கூடியதில் பல ஓட்டைகள் இருந்தாலும் அதை சரிப்படுத்திக்கொள்ளலாம். இருந்தாலும் அதை எவ்வளவு தூரம் திருத்திக்கொள்ளமுடியுமோ அதுவரையில் திருத்திக்கொள்ளவேண்டும். இப்பொழுது முடியாவிட்டாலும் பின்னால் நடவடிக்கைகள் எடுத்துக்கொள்ளலாம். அதற்காக இந்த சட்டத்தை ஒத்திப்போடக்கூடாது. எப்படியாவது இப்பொழுதே இரண்டொரு நாட்கள் உட்கார்ந்து இதை நிறைவேற்றவேண்டும் என்று நான் கேட்டுக்கொள்கிறேன். சர்க்கார் அவர்கள் நில ஆர்ஜிதம் சம்பந்தமாகவும், நிலவாரம் சம்பந்தமாகவும் குறிப்பிட்டார்கள். அமலுக்கு வந்த சட்டப் பிரகாரம் விவசாயிகளை வெளியேற்றி இருந்தால் அவர்களை இந்த சட்டம் கட்டுப்படுத்தாது என்று சொல்வது சரியானது அல்ல. அதில் மாறுதல் செய்யப்படுவேண்டும். கடன் என்பதற்கு வியாயானம் செய்திருக்கும் இடத்தில் இதைச்சேர்த்து விட்டால் அதைக் covor பண்ண முடியும். அப்பொழுது விவசாயிகளுக்கு ஏற்பட்டிருக்கக்கூடிய கஷ்டத்தை நிவர்த்திக்க முடியும். பல்லாயிரக்கணக்கான விவசாயிகள் இப்பொழுது கிராமங்களில் கூலி வேலை செய்து பிழைத்துக்கொண்டு வருகிறார்கள். அவர்களுக்கும் நிலம் இல்லாமல் இருக்கிறவர்களுக்கும் இந்த சலுகையை அளிக்கவேண்டும். அவர்களுக்கு ஆதரவு அளிப்பதில் விலக்கு அளிப்பது கூடாது என்றும் கேட்டுக்கொள்ளுகிறேன்.”

THE HON. SRI C. RAJAGOPALACHARI :—“ அவர்களுக்குத்தான் நிலம் இல்லையே ? அவர்களுக்கு நிலம் எப்படி கொடுக்க முடியும்.”

SRI C. KANDASAMY :—“ இந்தக் கடன் மசோதா காரணமாக அவர்களுக்கு ஒரு வருஷத்திற்கு கடன் வாங்குவதற்கு முடியாமல் இருக்கும். ஏனென்றால் ஒருவரும் அவர்களுக்குக் கடன் கொடுக்க முன் வரமாட்டார்கள். காங்கிரஸ் விவசாய கமிட்டி ரிப்போர்ட்டில் ஒரு முக்கியமான அம்சம் குறிப்பிடப்பட்டிருக்கிறது. கடன் சட்டம் செய்யும்போது கடன் வாங்குவதற்கு வசதி செய்து கொடுக்கவேண்டும் என்று குறிப்பிட்டிருக்கிறார்கள். இதில் ரொம்ப கவனம் செலுத்தவேண்டும் இப்பொழுது விவசாயிகள் கடன் வாங்கி விவசாயம் செய்யக்கூடிய நிலையில் இல்லை. அதனால் சர்க்கார் கூட்டுறவு மூலமாகவும், அரசாங்கம் மூலமாகவும் குறைந்தபட்ச கடன் கொடுத்து சலுகை காட்ட ஏற்பாடு செய்யவேண்டும். இப்படி இல்லாவிட்டால் இப்பொழுது விவசாயிகளுக்கு கடன் கொடுக்கும்போது அவர்களுடைய சொத்துகளை எழுதிவாங்கிக்கொண்டுதான் கடன் கொடுப்பார்கள். அவர்களுடைய சொத்தில் ஒரு பகுதியை விலைக்குக் கொடுக்கும்படியும் நிர்ப்பந்தம் செய்யலாம். அந்த நிலைமை ஏற்படும். அதன் பிறகு தன்னுடைய சொத்தில் ஒரு பகுதியை எழுதிவைத்துவிட்டு பாக்கியை சாகுபடி செய்யவேண்டிய நிர்ப்பந்தமான நிலைமை ஏற்படும். ஆகவே அரசாங்கம் அவர்களுக்கு கடன் வாங்குவதற்கு வசதி செய்துவிட்டு இந்த சட்டத்தை நிறைவேற்றவேண்டும். அதற்காகத் தான் நாங்கள் திருத்தம் கொடுத்திருக்கிறோம். அந்தத் திருத்தங்களை ஏற்றுக்கொள்ளவேண்டும் என்று கேட்டுக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

11th January 1954]

* SRI K. R. NALLASIVAM :—“ கனம் உதவி சபாநாயகர் அவர்களே! கடன் ஒத்திவைப்பு அவசரச் சட்டத்தை நான் சில திருத்தங்களுடன் பரிபூரணமாக ஆதரிக்க விரும்புகிறேன். இன்றைக்கு இந்தச் சட்டம் வந்தவுடனேயே நகரபுறங்களிலுள்ள வக்கீல்களும், பத்திரிகைகளும் இதை ஆட்சேபியதிலேயே கிராம விவசாயிகளுக்கு ஓரளவு பாதுகாப்பு கிடைக்கும் என்பதை எல்லோரும் உணர் முடியும். எவ்வளவுக்கெவ்வளவு சிலில் கோர்ட்டுகளுக்கும், வக்கீல்களுக்கும் வேலையில்லாமல் போகின்றதோ அவ்வளவுக்கெவ்வளவு உண்மையிலேயே விவசாயிகளுக்கு நன்மை உண்டு என்பது எல்லோரும் காணக்கிடக்கின்ற உண்மை. (சிரிப்பு). அதுமட்டுமல்ல, இந்தச் சட்டம் சரியான சந்தர்ப்பத்தில் கொண்டுவரப்பட்டிருக்கிறது. இந்த மாகாணத்தில் விவசாயிகளுக்கு கடனால் எல்லையற்ற துன்பங்கள் ஏற்பட்டிருக்கின்றன. இந்த மசோதாவில் பல குறைகள் இருந்தபோதிலும்கூட மொத்தத்தில் விவசாயிகளுக்கு நன்மை ஏற்படுகிறது.

“ நண்பர் கனம் ஸ்ரீ ராமலிங்கம் அவர்கள் சொன்னதுபோல் இதிலே இன்றைக்கோ, பல நாட்கள் கழித்தோ செய்யலாம். இதில் முக்கியமான சமாச்சாரம் என்னவென்றால் கடன் ஒத்திவைக்கப்பட்டிருக்கிறது. ஒரே சமயத்தில் இரண்டு காரியம் அரசாங்கம் செய்ததாகக்கொள்ளமுடியும். ஒன்று கூட்டுறவு சங்கங்கள் மூலம் கடன் அதிகமாகக் கொடுத்து கடன் உதவி செய்வதன் மூலமாக விவசாயிகளினுடைய கடன் தொந்தரவை குறைக்க முடியும். இரண்டாவதாக கூட்டுறவு இயக்கம் விவசாயிகளிடையே வேகமாகப் பரவ ஏதுவாகும். விவசாயிகளிடம் கூட்டுறவு இயக்கத்தை மிக நல்ல முறையில் பதிய வைக்கமுடியும். கடன்கள் ஓரளவுக் காவது கிடைத்தால்தான் விவசாயத்தை நல்ல முறையில் செய்ய முடியும். கூட்டுறவு இயக்கத்திலே விவசாயிகளை சேர்க்க எவ்வளவோ காரியங்கள் செய்யப்பட்டிருக்கின்றன. ஆனால் விவசாயிகளுக்கும், மற்றுமுள்ளவர்களுக்கும் அந்த இயக்கத்தில் சேருவதில் பெரும்பாலும் சிரமங்களைக் காண்கிறோம். இப்படிப்பட்ட சந்தர்ப்பத்திலே அவர்கள் இரண்டு காரியங்களை ஒரே சமயத்தில் நிறைவேற்ற அவர்களுக்கு நல்ல முறையில் கடன் கொடுத்துத் தவிரவேண்டும். தக்காவித் கடன்கள் போன்ற பலவிதக் கடன்கள் இருக்கின்றன. கிணறு வெட்டுவதற்கு மான்யங்கள் போன்ற கடன்களினால் விவசாயிகளுக்கு மிகவும் தொந்தரவு உண்டாகி இருக்கிறது. அதையும் ஓரளவு சட்டத்திற்கு உட்படுத்திக்கொண்டு வந்தால் விவசாயிகளுக்கு நலமாக இருக்கும்.

“ இப்போது கிராமங்களில் நேரடியாக இந்தச் சட்டத்தினால் பாதிக்கும்படியான நிலையில் சில விதவைகள் இருக்கிறார்கள். 1,000, 2,000 ரூபாய் வைத்துக்கொண்டு காலம் தள்ளக்கூடிய ஏழை விதவைகள் அவர்கள். அவர்களுக்கு இந்த சட்டத்திலே நிச்சயமாக விதிவிலக்கு அளிக்கப்பட்டேண்டும். அப்போதுதான் அவர்கள் ஏதோ ஒருவிதமாக வாழ்க்கையை நடத்த முடியும். அப்படிச் செய்யாவிட்டால் பெருவாரியாக பாதிக்கப்படுவார்கள் என்பது நிச்சயம். ஆதலால் நிச்சயமாக விதிவிலக்கு அவர்களுக்கு இந்த சட்டத்திலிருந்து கொடுத்தாகவேண்டும்.

“ இந்தச் சட்டம் ஒரு வருஷம் என்று இருப்பதை இரண்டு வருஷம் என்று நீடிக்கவேண்டும். அல்லது நாம் கடன் வசதிகளை அதிகப்படுத்தி ஆகவேண்டும். இரண்டில் ஏதாவது ஒன்றை செய்யாவிட்டால் இந்தக் கடன் ஒத்திவைப்பு சட்டத்தை கொண்டுவந்ததின் நன்மையை பரிபூரணமாக விவசாயிகள் அனுபவிக்கக்கூடுமென்று சொல்ல முடியாது. விவசாயிகள் நடுத்தெருவில் திண்டாடக்கூடிய நிலைமை தான் ஏற்படும்.

“ கூட்டுறவு சங்கங்கள் மூலமாக ஒவ்வொரு விவசாயிக்கும் கடன் கொடுப்பதற்கு தேவையான ஏற்பாட்டை செய்யவேண்டும். மற்றும் இந்தச் சட்டத்தை இன்னும் மூன்று வருஷம் வரையில் நீடிக்கச் செய்ய வேண்டும். இன்னும் இதுபோன்ற திருத்தங்களும் தேவையாய் இருக்கின்றன. அவைகளைப் பின்னால் பிரேரேபிக்கப் போகின்றார்கள். ஆகவே இந்தத் திருத்தங்களுடன் நான் இந்தச் சட்டத்தை பரிபூரணமாக ஆதரிக்கிறேன்.”

[11th January 1954]

* **SRI S. PANCHAKSHARAM** :—“ Mr. Deputy Speaker, Sir, I also belong to the unfortunate class of the much-maligned tribe of lawyers. My only consolation is that I am a humble member of the galaxy of eminent men to which seven Members on the Treasury Bench as also several others belonging to this and the opposite sides belong. If I rise to speak now, it is not with a view to embarrass the Treasury Bench or the Chief Minister in particular. On a former occasion, the Chief Minister has said that it was his misfortune to answer criticisms from this side of the House. Therefore, I wish to make it clear that I rise not to embarrass anybody but to make certain suggestions in order to get certain clarifications made with regard to the general frame of the Bill, so that there may be more definiteness as to what the Bill intends to do. It has been very lightly said that the lawyers are hit and, therefore, they are really vociferous and do not want this Bill. I am really sorry that the whole thing has been misunderstood. On a former occasion when the present Chief Minister was Prime Minister of Madras, an Act, viz., the Madras Agriculturists Relief Act was passed. That was in 1937-38. Then it was said lawyers would be completely thrown out of their profession. But what actually happened then? It was something totally different from what was feared. Lawyers had more work and courts had more work. I am of the same view with regard to the present Bill also. If it deprives lawyers of work for a time or if it gives no work to courts for a time, it is going to doubly compensate the lawyers in terms of work and will increase the work of courts. Many more courts will have to be established after this legislation which is passed now dies and is buried. On that account, I have no fear. I want to make a few suggestions in regard to the drafting of the Bill. When the Government come forward to give relief to agriculturists let them make their purpose clear, namely, relieving agricultural indebtedness temporarily.

11-40
a.m.

“ When I read the Preamble and also the comprehensive definition of the term ‘ agriculturist ’, and ‘ debt ’ I am inclined to think that the effect of the Bill is going to be far-reaching. It is not only going to grant relief to the agriculturists who till the soil but it includes within its scope all sorts of people who pay huge income-tax, who pay a large amount of sales tax on lakhs and lakhs of turnover, the landlords who do business in the cities but at the same time own a few cents of land in Kodambakkam. (An hon. Member: ‘ Kodambakkam is here in the city. ’) I am sorry, in Koyambedu or Poonamallee. I sincerely want to know whether traders and merchants who depend for their credit on scheduled banks and other private money-lenders are to be protected? There are absentee landlords, who are sought to be put on the same footing as the poor agriculturist who depends on his agriculture alone for his subsistence and who due to his present indebtedness is in dire need of some relief. Do these traders and merchants want any relief from their indebtedness? I am sure that they are not in need of this measure. They are

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not in need of this protection. I know one or two memoranda have been submitted to the Government urging that the scope of the Bill may be restricted only to agriculturists and the scope of the definition of the word ‘ debt ’ may also be restricted to agriculturists. It seems they had stated that otherwise their credit economy will be upset, their business will be upset, and even their export and import business will dwindle. Most of them depend upon scheduled banks and money-lenders for their business. The definition of the word ‘ debt ’ includes in its operation all such people who have borrowed from these banks and money-lenders. I do not think Government intend to grant relief to all of them. Sir, this is not agricultural indebtedness. Commercial indebtedness and agricultural indebtedness are two different things.

“ I also want to bring to the notice of Government another point. The agriculturists have been advanced loans by this Government under several heads. Large sums of money have been advanced to agriculturists in the shape of takkavi loans, well subsidies, loans for purchase of agricultural implements like pumpsets, etc. That is agricultural indebtedness. There is no meaning in taking away these debts from the scope of this Bill. To-day in my own district I know No. (1) forms are issued in hundreds. In Revenue parlance it means coercive steps are to be taken against agriculturists to extract their dues to Government in respect of the loans they had taken. Hundreds of forms are being issued against these agriculturists for realising their dues to Government to-day. That is also agricultural indebtedness. I do not like coercion of this kind. The real object of relieving agricultural indebtedness could not be met if the agriculturists are put to all sorts of difficulties as I had pointed out. I think that the dues to co-operative societies are also intended not to be stayed. Inasmuch as the scope of the definition ‘ agriculturist ’ as is now given is so wide, it has given rise to complexities. The ordinary creditors like yourself and myself who advance money to the agriculturists for any short period are now prevented from recovering the same from the agriculturists for a period of one year. Supposing these persons like yourself and myself who have given some short-term loans to the agriculturists and who are now being prevented from recovering them for one year, owe some money to the Government, or some society or some private money-lender, what is the position of the relative parties to-day? Where can they get their money? They cannot institute any proceedings against their debtors who are agriculturists, for this Bill gives the latter protection. Then will the Government or the Co-operative Society keep quiet without trying to recover the dues which they owe to them? On the other hand, they will bring the properties of the agriculturists to sale under arbitration proceedings or under the Revenue Recovery Act. I know how quickly the properties would be sold by the departments without a chance of the ordinary creditor sharing the sale proceeds. Such is the fate of the ordinary creditors now. I do not think either intentionally or otherwise the

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Government seek to perpetrate this kind of injustice. The day before yesterday, the Hon. the Chief Minister while speaking during the third reading of the Malabar Tenancy Bill told the House that the landlords after all were a handful in number and they should also be protected. He had told us that they (the landlords) also must be treated with justice, just as the tenants. I am inclined to echo the sentiments of the Hon. Chief Minister word for word and letter for letter and replace the word 'landlord' there by the word 'creditor' here. Under the provisions of the present Bill and taking the definitions as they are now given, a great injustice is being done to the creditor."

DEPUTY SPEAKER:—"The hon. Member's time is up."

* SRI S. PANCHAKSHARAM:—"Just a minute more, Sir. I submit to the Government and request them to clearly define what is 'agricultural indebtedness' and what is 'commercial indebtedness'. They must clearly bring out the distinction between the two. The present conditions in urban areas are entirely different from the conditions in rural areas. The credit economy of the rural areas is totally different from urban economy. The credit economy is completely thrown out of gear now. The poor agriculturist is not able to take a loan from his neighbour or the local money-lender. For all the past six years, there has been continuous drought. Taking advantage of the indebtedness of the poor cultivator, the up-country money-lender has invaded the villages. Let not people imagine that he is only in the city. The invasion has spread to the rural areas also. The local money-lender is nowhere in the picture now. These rich money-lenders from up-country are being approached by the poor cultivators for loans. These people lend money on even torn sarees or small trinkets. They extract abnormal interest from the poor agriculturists. Neither this piece of legislation, nor the Debtors Protection Act, nor the Usurious Loans Act—none of these Acts are going to prevent this class of money-lenders and the burly 'Kabuliwala' from extracting all that he can from the poor agriculturists to whom they had lent money and who in addition takes interest which is double the principal."

DEPUTY SPEAKER:—"The hon. Member had taken more than the allotted time."

* SRI S. PANCHAKSHARAM:—"One word more and I have done. Supposing one agriculturist were to lend to another agriculturist may be at that time the former may have some money to lend to the latter though at all times it is not the case, under the existing provisions of the Bill, the former cannot get back his dues from the latter. I think that that would put the former into lot of difficulties. How can he find his way out under the present Bill, if he wants to recover his dues. I would request Government to rectify that defect. With these words I shall conclude, Sir."

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* SRI K. R. SAMBANDAM:—"கனம் உதவி சபாநாயகர் அவர் களே, இந்தக் கடன் ஒத்திவைப்பு மசோதாவை சில திருத்தங்களுடன் ஆதரிக்கவேண்டுமென்ற நோக்கத்துடன் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். குறிப்பாக திருத்தங்கள் கொடுக்கப்பட்டவைகளில் பலவற்றை விவாதத்திற்கு வரும் முன்பே சர்க்கார் ஏற்றுக்கொண்டது பற்றி நான் வரவேற்கிறேன். அதோடு கூட கொஞ்சம் நிலம் இருந்தாலும் கூட சர்க்கார் உத்தியோகத்தில் இருக்கக்கூடியவர்களுக்கும் அதில் பாதுகாப்பு இருக்கிறது. குறைந்தது 300, 400 ரூபாய்க்குமேல் மாதா மாதம் வருமானம் வரக்கூடிய அதிகாரிகளுக்கும் கொஞ்சம் நிலம் இருந்தால் போதும். அவர்களுக்கும் இதில் பாதுகாப்பு இருக்கிறது."

11-45
a.m.

* THE HON. SRI C. RAJAGOPALACHARI:—"அவர்கள் அத்தனை பேரும் வருமான வரி செலுத்தக் கூடியவர்கள்."

* SRI K. R. SAMBANDAM:—"வருமான வரிபோடப்பட்டு இருப்பவர்கள் இதனால் பயனடையவில்லை என்று சொல்லுகிறார்கள். விற்பனை வரி செலுத்துபவர்கள் இந்த கடன் ஒத்திவைப்பு மசோதாவின் பயன் அடைகிறார்கள். அவர்கள் அதிகமான முறையில் வியாபாரம் செய்து லாபம் அடைகிறார்கள். அவர்கள் விற்பனை வரி கட்டுகிறார்கள். அவர்களும் தான் பணத்தை நிலத்தின்மீது போட்டிருக்கிறார்கள். கொஞ்சம் நிலம் இருந்தாலும் சரி அவர்களுக்கும் இந்தச் சட்டத்தின்படி பாதுகாப்பு ஏற்பட்டு வருகிறது. ஆனால் ஒரு விதத்தில் ஏற்பட்டபோதிலும் மறுமுறையும் அவர்கள் கடன் வாங்க முடியாத ஒரு நிலை ஏற்படுகிறது. இதனால் வியாபாரம் தடைப்படுகிறது."

"தஞ்சை ஜில்லா பண்ணையாள் பாதுகாப்பு சட்டம் கொண்டு வந்தார்கள் அதில் ஒரு வேலிக்கு உட்பட்டவர்களுக்கு விதி விலக்கு (exemption) அளிக்கப்பட்டிருக்கிறது. அவர்கள் சில பேர்கள் நேரடியாகவே சாகுபடிச் செய்கிறார்கள். சில பேர்கள் குத்தகைக்கு விட்டுவிட்டு வேறு அலுவல்களில் ஈடுபட்டிருக்கிறார்கள். அவர்கள் ஏதாவது கொஞ்சம் பணம் வைத்திருந்து அதைக் கடன் கொடுத்திருந்தால், அவர்கள் இந்த ஒரு வருஷம் வரையிலும் கடன் தொகையை கேட்கக் கூடாது என்று இருக்கிறது. ஒரு ஏக்கரிலிருந்து 10, 12 ஏக்கர் வரை வைத்திருக்கும் படியான சிறிய விவசாயிகளும் இதனால் பாதிக்கப்படுகிறார்கள். விவசாயிகளுடைய பாதுகாப்பிற்கு சட்டம் கொண்டு வருகிறோம் என்று சொல்லுகிறோம். ஆனால் அதில் முக்கியமாக விவசாயிகளுக்கும் பாதுகாப்பு இல்லாதது போல் இருக்கிறது. அவர்களின் பேரில் நிலம் இருந்தால் அல்லது குத்தகை காரராக இருந்தால் கொஞ்சம் பாதுகாப்பு இருக்கிறது. ஆனால் நிலம் இல்லாத விவசாயிகள் மேலும் இப்போது சாகுபடி செய்யவேண்டுமென்றால் கடன் தேவையாய் இருக்கிறது. கோவாபரேடிவ் கிரடிட் சொசைடி மூலம் நிலம் இல்லாதவர்களுக்கு கடன் கிடைக்காது என்பது தெரிந்த விஷயம். அவர்களுக்கு கடன் கொடுக்கச் சர்க்கார் முன்வந்தால் அது மிகவும் நல்லதாக இருக்கும். நிலம் இல்லாத விவசாயிகளுக்கு எப்போதும் கூட்டுறவு சங்கத்தின் மூலம் கடன் கிடைப்பது கிடையாது. இப்போதாவது இந்த கோவாபரேடிவ் சொசைடி மூலமாக அவர்களுக்கு பணம் கொடுத்து உதவினால் அவர்கள் விவசாயத்தை இன்னும் முழுமூச்சுடன் செய்து, நல்ல முறையில் முன்னேற்றம் அடைய வழி கோரியவர்கள் ஆவோம்."

"நகரத்தில் வாழுகிறவர்கள் முனிசிபல் வரி செலுத்துகிறார்கள். அவர்களுக்கும் கொஞ்சம் நிலம் இருந்தால் போதும். பாதுகாப்பு இருக்கிறது. இது அவசியமே இல்லை. இந்த சட்டமானது விவசாயிகளுக்கு முக்கியமாகக் கொண்டுவந்திருக்கிறார்கள். கிராமத்தில் இருக்கக்கூடிய விவசாயிகள் நலன் அடைய வேண்டுமென்று சொல்லிவிட்டு நகரத்தில் இருக்கிறவர்களுக்கும், இன்னும் பெரிய மிராஸ்தாரர்களுக்கும் இதில் பாதுகாப்பு அளிக்கும்படியான நிலையைப்பார்க்கும்போது கொஞ்சம் வருந்த வேண்டியதாயிருக்கிறது. இந்த மாதிரி முனிசிபல் வரி கொடுக்கிறவர்களுக்கு ஒரு விதமான பாதுகாப்பும் கிடையாது. அவர்கள் கடனைக் கொடுத்துத்தான்

[Sri K. R. Sambandam] [11th January 1954]

ஆகவேண்டுமென்ற திருத்தம் சர்க்காரால் கொண்டுவரப்பட்டால் தலைமாக இருக்கும். அவர்களுக்கு எல்லாவிதமான வசதி இருப்பதால்தான் தக்ரத்தில் இருக்கிறார்கள். விவசாயிகள் தங்களுடைய வாழ்க்கையை நடத்துவதற்கு முடியாமல் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். ஆகையால் இந்தத் திருத்தத்தை இப்படி ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். நானும் இந்த மாதிரியான திருத்தம் கொடுத்திருக்கிறேன். அதை ஏற்றுக்கொள்ளுவார்கள் என்று நம்புகிறேன்.

"Economic Advisory Board-ல் இருந்த பக்டர் B. V. நாராயணசாமி நாபு அவர்கள் சொல்லும்போது விவசாயிகள், கடனிலே பிறந்து, கடனிலே வாழ்ந்து, கடனிலே இறக்கிறார்கள் என்று சொல்லுகிறார். அதை உற்று நோக்குவதற்கு 1953-ம் வருஷத்தில் விவசாயிகள் கடன் நிவாரண மசோதா என்று கொண்டு வரப்பட்டு மிராஸ்தார்கள் மாதிரம் நன்மை அடைந்ததைப் போலவே புதிய சட்டத்தில் மிராஸ்தாருக்கு மாதிரம் பாதுகாப்பு வந்து விடுமோ என்ற பயம் ஏற்படுகிறது. ஆகையால் அந்த மாதிரி இல்லாமல் விவசாயிகளுக்கே அதனுடைய முழுப் பயன் கிடைக்கவேண்டுமென்றே நிலைமையை சர்க்கார் தெரிவித்த வேண்டுமென்று நான் கேட்டுக்கொள்கிறேன். இந்த மாதிரியான சிக்கல்கள் வரும்போது வக்கீல்கள் பலவிதமான சட்டப் பிரச்சினைகளை வைத்துக் கொண்டு அவர்கள் பல விவாதத்திற்கு இடம் கொடுக்கிறார்கள். ஆனால் இந்த மாதிரியான சிக்கலான நிலைமையை கிராமத்தில் இருக்கக்கூடிய விவசாயிகள் புரிந்துகொள்ள முடியாது. அவர்கள் அந்த மாதிரி செலவு செய்து கோர்ட்டுக்கு வந்து தண்ணை விவசாயி என்றே நிலம் இருக்கிறவன் என்றே 10000 என்றே சொல்லிக்கொண்டு வாதாடுவதற்கு முடியாது. விவசாயிகள் 50, 100 கடன் வாங்கியதும் இந்தக் கோர்ட்டுச் செலவுக்கே சரியாகப் போய்விடும். ஆகையால் அதிகமான நிலம் வைத்திருக்காத ஊழை எளிய விவசாயிகள் மட்டும் பயன் அடையக் கூடிய முறையில் இந்த மசோதா இருக்கவேண்டுமென்று கேட்டுக்கொண்டு சில திருத்தங்களுடன் இந்த மசோதாவை நான் வரவேற்கிறேன்."

SRI K. V. RAMASAMY :—"கனம் உதவி சபாநாயகர் அவர்களே, தற்சமயம் இந்தச் சபையில் விவாதத்திலிருக்கும் இந்தச் சட்டம் எதைக் காட்டுகிறது? பத்து வருஷங்களுக்கு மேலாக தமிழ் நாட்டில் இருக்கக்கூடிய விவசாயிகள் கடன் பட்டித் தத்தளித்துக்கொண்டிருக்கக் கூடிய நிலைமையில் தங்களுக்கு கடன் நிவாரணம் வேண்டுமென்று கோரியிருக்கிறார்கள். அந்தக் கோரிக்கை நியாயமானது. அந்தக் கோரிக்கைக்கு ஏதாவது செலி சங்கக்கேண்டுமென்ற எண்ணத்தை இப்பொழுது கொண்டு வந்திருக்கக்கூடிய மசோதாவானது காட்டுகிறது.

11-53 a.m. "இந்த மசோதாவில் பல குறைபாடுகள் இருந்தாலும்கூட மொத்தத்தில் பார்க்கும்போது ஸ்ரீ B. V. நாராயணசாமி நாபு அவர்கள் சொல்கிறபடி, கடனிலே பிறந்து, கடனிலே வாழ்ந்து, கடனிலே இறந்துக் கொண்டிருக்கக்கூடிய விவசாயிகளுக்கு, நிச்சயமாக நிவாரணமளிக்கும் என்பதில் சந்தேகமில்லை. எனவே, கடனிலே துவண்டு கொண்டிருக்கக் கூடிய விவசாயிகள் சார்பிலே இந்த மசோதாவை நான் வரவேற்கிறேன்.

"இந்த நிலைமையில், விவசாயிகள் யார் என்பதற்கு சர்க்கார் விளக்கம் கொடுக்கிறது. அந்த விளக்கம் அவ்வளவு சரியானது அல்ல என்பது என்னுடைய அபிப்பிராயம். விவசாயி என்றிருப்போது, அதற்கு கொடுத்திருக்கிற வியாக்கியானம் சாதாரண விவசாயிகளோடு நிலலாமல், மிகப் பெரிய நிலப் பிரபுக்களுக்குக் கூட, இதிலே சாதகம் இருக்கிறதென்பது துடிக்கொண்டிருக்கக்கூடிய விஷயம். அதே சமயத்தில் சர்க்கார் தரப்பிலிருந்து ஒரு திருத்தம் வந்திருக்கிறது. அந்தத் திருத்தம் கூட வரவேற்கத்தக்க ஒரு திருத்தம் தான். விவசாயிகள் என்றிருப்போது, 'who is in receipt of rents or other income there' என்பதை மாற்றிவிட்டு, 'who pays rent and receives wages' என்று வார்த்தையை சர்க்கார் போட்டிருந்தால் இன்னும் உதவிகரமாக

[11th January 1954] [Sri K. V. Ramasamy]

இருந்திருக்கும். அப்படிச் செய்திருந்தால், சாதாரண விவசாயிகளுக்கும் கூலி விவசாயிகளுக்கும் நிச்சயமாக உதவியாக இருக்குமென்று நான் சர்க்காருக்கு எடுத்துச் சொல்ல ஆசைப்படுகிறேன்.

"ரூ. 250-க்கு மேல் நிலவரி கொடுக்கக் கூடியவர்கள் விவசாயிகள் என்று கருதப்படக் கூடாது என்பதற்கு ஷரத்து சேர்க்கப்படுவது அவசியம் என்பது என்னுடைய அபிப்பிராயம்.

"1951-52, 1952-53 அல்லது 1953-54 வருஷங்களில் வருமான வரி தருபவர் என்று நிர்ணயிக்கப்பட்டவர்கள் இந்த சட்ட வரம்பிற்குட்பட்டு விவசாயி என்ற வியாக்கியானத்திற்குள் வரமாட்டார்களென்று இருக்கிற திருத்தம் நியாயமானது, சரியானது. ஆகவே, அதை வரவேற்கிறேன்.

"கிராமப் புரங்களில் காலையிலிருந்து மாலை வரை வெய்யிலிலே வேலை செய்யக்கூடிய விவசாயக் கூலிகளாகிய அவர்களுக்கு இதனால் எந்த விதமான நிவாரணமும் கிடையாது. கனம் அங்கத்தினர் ஸ்ரீ ராஜா சிதம்பரம் அவர்கள் சொன்னார், தங்களுடைய நாணயத்தை வைத்துக்கொண்டுதான் கிராமப்புரங்களில் வாழ்கின்றார்கள் என்று அவர்களுக்கு எந்த விதமான நிலபுலனும் இல்லாவிட்டாலுங் கூட, அவர்களுடைய நாணயத்தின் பேரில் இன்றைக்கு அவர்கள் கடன் வாங்கிக் கொண்டிருக்கிறார்கள். அவர்களுக்கு இன்றைக்குப் பல நிர்ப்பந்தங்கள் இருக்கின்றன. மாடு கன்றுகள் வைத்திருந்தாலுங்கூட, அவைகளை ஜப்தி செய்யப்படும்படியான பல தொந்தரவுகள் இருக்கின்றன. எனவே, விவசாயத் தொழிலாளிகளாக இருக்கக்கூடியவர்களுக்குக் கூட நிவாரணம் கிடைக்கக்கூடிய வகையில் சட்டத்தில் அவர்களுக்கு சாதகம் இருக்க வேண்டுமென்று வற்புறுத்திக் கூற விரும்புகிறேன்.

"இந்தக் கடன் ஒத்திவைப்பானது ஒரு வருஷத்திற்கு என்று இருக்கிறது. இது நிச்சயமாகப் போதாது. ஐந்து வருஷமாவது தவணை கொடுக்கப்படுவேண்டும். குறைந்த பட்சம் மூன்று வருஷமாவது தவணை கொடுக்கவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

"இந்த நிவாரணம் உண்மையில் விவசாயிகளுக்கு பயன்பட வேண்டுமானால், நிச்சயமாக சர்க்கார் அவர்களுக்குக் கடன் வாங்க வசதி செய்து கொடுக்கவேண்டும். இன்றைக்கு சட்டம் வந்து விட்டது. அதனால் கிராமத்தில் லேவாதேவிக்காரர்கள் உஷாராக இருக்கிறார்கள். அவர்களிடமிருந்து கடன் வாங்குவதற்கு முடியாமல் விவசாயிகள் திண்டாடுகிறார்கள். நிலம் சாகுபடி செய்பவன் மாடு கன்றுகளை வாங்கவேண்டும், உழுபடைகளை வாங்கவேண்டும். இதற்காக கடன் வாங்குவதற்கு விவசாயிகள் செல்லுகின்றபோது, கிராமப்புரத்தில் இருக்கக்கூடிய லேவாதேவிக்காரர்கள் கடன் கொடுக்க மறுக்கிறார்கள். நிலத்தைக் கிரயம் எழுதிக்கொடுத்தால்தான் பணம் கொடுப்பேன் என்று லேவாதேவிக்காரர்கள் சொல்லுகிறார்கள். ஏன் சொல்லுகிறார்களென்றால், இந்தச் சட்டம் வந்ததுதான் காரணம். இந்தச் சட்டத்தினால் இப்படிப்பட்ட ஒரு கஷ்டம் விவசாயிகளுக்குப் புதிதாக ஏற்பட்டிருக்கிறது. எனவே, கிராமப் புரங்களில் இருக்கக்கூடிய விவசாயிகளுக்கு தக்காவிக் கடன் முதலியன கூட்டுறவு சங்கங்களின் மூலமாக போதிய அளவுக்கு கடன் வசதி செய்து தருவதற்கு சர்க்கார் ஆவன செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

*SRI S. VENKATRAMA AYYAR :—"Mr. Deputy Speaker, Sir, I feel that the Ordinance which was promulgated recently was timely and opportune. There cannot be two opinions in the matter of affording relief to the agriculturists of our State. We are grateful to our Government with our Hon. Chief Minister at its head, who have come forward with a number of such relief measures in quick succession. To start with, we had the Tanjore Pannaiyals and Tenants Protection Act and it has been subsequently extended to South Arcot, then the South Kanara Tenants Protection Act and recently we had the Malabar Tenancy Act.

[Sri S. Venkatrama Ayyar] [11th January 1954]

Now we have the Bill for affording temporary relief to indebted agriculturists. I am sure all this is a forerunner to a future comprehensive land reform legislation. Of course, these are done with a view to render all possible help and afford relief to the agriculturists and with a view to stabilise our agricultural economy and step up food production. On a first reading, we had a doubt whether this measure is at all necessary for a deltaic area like Tanjore district, but on a careful consideration and deep thought over the implication of the Bill, we are convinced that this measure is immensely beneficial, especially at a time when the agriculturists of the coastal regions in Tanjore district, comprising several taluks, were afflicted by the cyclone in November-December 1952. They had to borrow heavily not only from other creditors, but also from Government. They had lost all their paddy and there had been great devastation of coconut topes in that area. It necessitated heavy borrowing. Of course, Government gave a helping hand in advancing loans promptly to afflicted agriculturists. I am, therefore, constrained to point out to the Government that suitable provisions will have to be incorporated at least for postponing recovery of all such loans. I know that, Government administration will have to be carried on with the receipts of land revenue and other taxes. But as a special and exceptional case, recovery of these loans may be postponed, as also the accumulated arrears of rent in the inam and zamin villages recently taken over. The accumulation of arrears relate to the last three years or so. It is not due to the apathy on the part of the ryots to pay rents, but to other causes. There are writs pending in the High Court and there are also repeated representations to the Government to reduce the rates of rent which stood at the highest district level, to that of the taluk highest rate. After considerable time, Government were pleased to pass favourable orders making rent reduction. But all at once when the ryots are asked to pay, they find it difficult. I, therefore, request that suitable provisions may be made in the Bill itself to enable ryots to pay in easy instalments, spread over two or three years. It may be said by the Government that suitable instructions have been issued to the Collector and other Revenue authorities to deal with cases of real hardship. I submit no amount of executive instructions will be of any use. If such a provision is made in the Bill itself, it will confer lasting benefit to the afflicted ryots.

"Regarding the definition of 'agriculturist', a mirasdar who owns several hundreds of acres of land, having no other business and having agriculture as his occupation, borrows heavily not with a view to improve his agricultural operations, but for various purposes, like marriages, purchase of excellent cars and so on. If they are also given the benefit under this Act, I am afraid, it will not be taken in the spirit with which the Act is intended to provide relief to the agriculturists. In such cases, suitable provision should be made excluding such agriculturists from the benefits under this Act.

[11th January 1954] [Sri S. Venkatrama Ayyar]

"Suitable provision should also be made in connexion with debts due to women who have absolutely no other means of livelihood except the loans advanced to agriculturists.

"I plead and request the Government to come forward with a comprehensive land legislation at a very early date so that the agricultural economy of our State may be developed to its utmost extent."

SRI D. K. RAJU:—"Sir, the Bill is an important one, because it affords relief to the agriculturists who are the backbones of the State. But I do not know why it is being hurried through like this. First of all, instead of taking the House, into confidence an ordinance was promulgated; again, instead of introducing the Bill in the beginning of the Session, it was delayed and now on the pretext of Pongal, this measure is being hurried through. However, I am glad that the Hon. Chief Minister is trying to concede the points raised by the Opposition Party to a very great extent. In spite of all that, I feel there was no need to promulgate an Ordinance and now pass the law in a hurry.

"Many hon. Members suggested that the Bill be referred to a Select Committee for scrutiny and opinion. Before that, public opinion ought to have been obtained. Nothing of the kind has been done.

"Hon. Members know that the majority of the agriculturists depend on loans either from banks, or from petty money-lenders. Because of this measure, the relationship between the money-lender and the agriculturist has become strained. Unless the relationship between the agriculturist and the money-lenders is kept cordial, there will not be any real relief to agriculturists. Apart from this, as far as my knowledge goes, in foreign countries which are supposed to be forward countries, there are no such measures to help the ryots in an indirect way. Government should help the ryots in a direct way by starting Credit Loan Societies, for, this kind of indirect help only jeopardises the credit of the agriculturist.

"Of course, any legislation has two phases, good and bad. But in my opinion such a Bill passed into law so hurriedly will do more bad than good. So, I request the House not to hurry like this, for, the promulgation of the Ordinance and the way in which the Bill was delayed in the beginning and rushed through now have created a suspicion in the minds of the public and the Members of the Opposition Benches. So I request the Hon. Chief Minister to see that at least in future, he takes the Members of the House into confidence in carrying on legislative business, so that cordiality may be maintained between Government and Opposition."

* SRI M. MUNI REDDY:—"Mr. Deputy Speaker, Sir, several 12-10 Members have spoken for and against the Bill and criticised the P.M.

[Sri M. Muni Reddy] [11th January 1954]

Government for having hurriedly rushing through this Bill. There is no alternative for us than to agree with the Government when they say that they want to pass this Bill by this evening.

"Whenever we meet people, they say that this Act will not be helpful to them. Already debtors are executing not only conditional deeds but also sale deeds. The Government will have to give loans more liberally to ryots, and the result will be that corruption will increase in all taluk offices. The Hon. Chief Minister was kind enough to concede to very many demands. But there are still three important amendments that are to be conceded. If they also are accepted by the Government, Mr. Swayamprakasam has agreed to the passage of the Bill by this evening. My amendments are very important and simple. I do not know why the Hon. Chief Minister has not taken notice of them. Perhaps they escaped his notice. One of my amendments proposed is to exempt from the operation of this Act 'any sum due to a widow or woman who does not subsist on the maintenance of her husband and who does not own any immovable property other than a dwelling house'. There may be widows or other women who have lent to agriculturists from the money that they might have got for their maintenance either through the Court or otherwise and they may be actually living upon the interest that they get. They may be getting by way of interest two hundred or three hundred rupees and that may be just enough for their subsistence. Under this Act, they will not get the interest on the loans they have advanced to agriculturists. I request that the debts due to such women must be included in the list of exemptions from the operation of this Act.

"Even very big landlords, landlords who pay a land revenue of even Rs. 1,000 per year, are given the benefit under this Act. We must give the benefit only to small landlords. I think very many Members of this House will agree if the benefit is confined to those who pay a land revenue of Rs. 500 or less a year.

"As I have already said, moneylenders are not prepared to advance loans to agriculturists. So the agriculturists cannot maintain themselves and carry on agricultural operations. To induce money-lenders to lend to agriculturists at least for carrying on their agricultural operations, I have moved an amendment for exempting from the operation of this Act any debt that might be incurred after this Act comes into force. Co-operative credit societies are not prepared to give loans liberally to ryots. I request the Government to see that the ryots are given long-term loans. If a person applies to the Land Mortgage Bank for a loan, it takes three years to get it sanctioned. For a loan of Rs. 1,000, the applicant has to spend about Rs. 300. Under these circumstances, this Bill will not be helpful to ryots. If the amendments relating to the three subjects that I have referred to are accepted, the Bill can be rushed through and got approved by this House."

11th January 1954]

SRI K. S. LAKSHMIPATHI NAICKER :—"கனம் உதவி சபாநாயகர் அவர்களே, இப்பொழுது விவசாயிகளுக்கு உடனடியாக உதவியளிக்க வேண்டுமென்ற நோக்கத்தோடு இந்த மசோதாவானது கொண்டு வரப்பட்டிருக்கிறது. அதை நான் மனமார ஆதரிக்கின்றேன். அதில் முக்கியமான சில அம்சங்களை திருத்தியமைக்கவேண்டுமென்றும் கேட்டுக்கொள்ளுகின்றேன்.

12-16
P.M.

"அனேக வருஷங்களாக மழை இல்லாது விவசாயிகள் கஷ்டப்பட்டுக் கொண்டிருக்கின்ற காரணத்தினால், அவர்களுக்கு உடனடியாக உதவியளிக்க வேண்டுமென்ற நோக்கத்தோடு சர்க்கார் இந்த மசோதாவைக் கொண்டு வந்திருக்கிறார்கள். அது உண்மையில் எவ்வளவு தூரம் பலனளிக்கப் போகிறது என்பதை நாம் சிந்திக்கவேண்டும். இவ்வளவு அவசரமாகவும், இவ்வளவு வேகமான முறையிலும் இந்த மசோதா 'பாஸ்' செய்யப் பட்டிருக்கிறது நான் சொல்லிக்கொள்ள விரும்புகிறேன். அதிக நேரம் கொடுத்து, முக்கியமான திருத்தங்களை அங்கீகாரம் செய்து, இதை நிறைவேற்றவண்டும் என்பதுதான் என்னுடைய நோக்கமாகும்.

"முக்கியமாக, எஸ்டேட் ஒழிப்புக்குப் பின்னால், 'survey' ஆகாத எஸ்டேட்டுகளில் நில அடமான பாங்குகளோ அல்லது இதர கடன் வாங்கக்கூடிய ஸ்தாபனங்களோ உதவியளிப்பதில்லை. அந்தக் கிராமங்களிலுள்ள விவசாயிகள், பக்கத்திலுள்ள விவசாயி மக்களிடமிருந்து கடன் வாங்கிக்கொண்டிருக்கிறார்கள். விவசாயிகள்தான் இங்கு 'creditors' என்கிறார்கள். நில அடமான பாங்குகளிலிருந்து எந்தவித உதவியும் கிடைப்பதில்லை. காரணமென்னவென்றால், அந்தக் கிராமங்களில் சர்வே ஆகாததினால் நில அடமான பாங்குகள் கடன் கொடுக்க முன் வருவதில்லை. இப்பொழுது நடைமுறையில் என்ன செய்துகொண்டு இருக்கிறார்களென்றால், அடுத்தபடியாக இருக்கும் விவசாயிகளிடத்திலிருந்து கடன் வாங்கிக்கொண்டிருக்கிறார்கள். கடன் மசோதா வந்ததற்குப் பின்னால், ரூ. 100 கடன் பெற வேண்டுமானால், ரூ. 200-க்கு எழுதிக்கொடுத்தால்தான் ரூ. 100 கொடுக்கிறார்கள். இதுவரையில் கிடைத்துக்கொண்டுவந்த கடனும், இந்தச் சட்டம் வந்ததற்குப் பின்னால், கிடைக்காதபடி ஏற்பட்டுவிட்டது. எவ்வளவு தூரம் இந்தச் சட்டமானது பலனளிக்கவேண்டுமென்று நினைக்கிறோமோ அவ்வளவு தூரம் பலன் அளிக்காது என்றுதான் நான் அஞ்சுகின்றேன். அதற்காக சர்க்கார் ஏராளமான பண உதவியை கிராமங்களுக்கு அவ்வப்போது தேவையான போது கொடுக்கவேண்டும். விவசாயிகள் அன்றாட வாங்குகைச் செலவுக்குக் கூட இனி கடன் வாங்கமுடியாத நிலையில் இருக்கிறார்கள். வருகிற பொங்கலுக்குக்கூட அவர்கள் கையில் பணமில்லாமல். கடன் வாங்க முடியாத நிலையில் திண்டாடிக்கொண்டிருக்கிறார்கள். உண்மையிலேயே சமீபத்தில் வருகின்ற பொங்கல் பண்டிகையை சரியாகக் கொண்டாட முடியாத நிலையில் இருக்கிறார்கள் என்று இந்த சந்தர்ப்பத்தில் சொல்லிக் கொள்ளுகின்றேன்.

"எஸ்டேட் ஒழிப்புக்குப் பின்னால் கடன் வாங்குவது என்றால் அதிகப் படியான தொகைக்கு எழுதிக்கொடுத்துதான் வாங்கவேண்டியிருக்கிறது. அதிலும் சில பேர்கள் தங்கள் குடும்பத்திலே இருக்கக்கூடிய நிலங்களைக் குத்தகைக்கு விட்டு விரும்போது, ரிஜிஸ்திரார் மூலமாக குத்தகைபதிவு செய்யாமல் 'pro-note' எழுதி வாங்கிக்கொண்டு குத்தகைக்கு விட்டிருக்கிறார்கள். அவர்கள் அந்த குத்தகைப் பணத்தை வாங்கிக்கொண்டு குடும்பத்தை நடத்தி வருகிறார்கள். உண்மையில் அந்த நிலைமையில் இருக்கக்கூடிய விவசாய மக்களுக்கு இப்பொழுது வரக்கூடிய சட்டமானது எந்த விதமான உதவியையும் அளிக்காமென்று தெரியவில்லை. முக்கியமாக, அது உதவியளிப்பதற்கு பதிலாக கெடுதல்தான் செய்யும் என்று சொல்லிக்கொள்ளுகின்றேன். கிராமங்களிலே ஒரு வருஷத்திற்கு தங்களுடைய நிலங்களை குத்தகைக்கு அடைப்பவர்கள் 'pro-note' மூலமாக அடைத்து வருகிறார்கள். 'pro-note' மூலம் அடைத்து அதிலிருந்து வரும் வருவாயைக் கொண்டு ஜீவனம் நடத்துகிறார்கள். கிராமங்களில் 'Capitalist'

[Sri K. S. Lakshmiopathi Naicker] [11th January 1954]

ஆக இருக்கக்கூடியவர்களும், அந்தக் கிராமங்களில் "Creditors" ஆக இருக்கக்கூடியவர்களும் விவசாயிகள்தான். அவர்களுக்குத் திரும்பி வரவேண்டிய பணம் திரும்பக் கிடைக்காவிட்டால், அவர்கள் எப்படி விவசாயத்தைச் செய்ய முடியும்? அவர்களுடைய விவசாயத்தை இது எவ்வளவு தூரம் பாதிக்கும் என்பதை சர்க்கார் யோசிக்கவேண்டும். சர்க்கார் உண்மையிலேயே விவசாயிகளுக்கு நன்மையைச் செய்து உற்பத்தியைப் பெருக்கவேண்டுமென்று சொல்லிக்கொண்டிருப்பது எப்படி சாத்தியமாகும்? இதைச் சர்க்கார் யோசனை செய்து பார்க்கவேண்டும்.

"தனிப்பட்டவர்களுடைய (சர்க்கார் அல்லாத) கடனை மட்டும்—ஒத்திவைக்கவேண்டுமென்று சர்க்கார் இந்த அவசரச் சட்டத்தைக் கொண்டு வந்திருக்கிறது. "மற்றவர்களுக்கு கொடுக்கவேண்டாம், எங்களுடைய கடனை மட்டும் கொடுங்கள்" என்று சொல்வதுபோல் இருக்கிறது. ஆகவே, சர்க்கார் தக்காவிக் கடன், கால்நடைத் தீவனத்திற்கான கடன் (Fodder Loan) இம்மாதிரியான கடன்களைக் கொடுத்து உதவியிருப்பதையும் இதில் சேர்த்து, இதில் பலன் அளிக்கும்படியாக அவர்கள் ஒத்திவைச் செய்யவேண்டும். அப்படிச் செய்தால்தான் 'Survey' ஆகாத எஸ்டேட் ஒழிப்பு இடங்களில் இந்த கடன்களை பெற்றுள்ளவர்களுக்கு வாஸ்தவத்திலேயே உண்மையான பணனித்ததாகச் சொல்ல முடியும். ஆகவே, இப்பொழுது இருக்கக்கூடிய இந்த மசோதாவில் சர்க்காருடைய கடன்களையும் ஒத்திவைப்பதற்கு அவர்கள் முன்வரவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன். அப்படிச் செய்ய அவர்கள் முன்வந்தால்தான் உண்மையிலேயே விவசாயிகளுக்கு உதவியளிக்கக்கூடிய நிலைமை இருக்கலாமெய்யொழிய, தனிப்பட்டவர்களுடைய கடனை மட்டும் ஒத்தி வைத்திருப்பதினால் அதிக பலன் ஏற்பட முடியாது. ஆகையால், இதை சர்க்கார் தங்களுடைய கருத்தில் வைத்துக்கொண்டு, அதற்கு வேண்டிய மாறுதல்களைச் செய்து, இந்த மசோதாவை நிறைவேற்ற வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

"இந்த மசோதாவானது நடைமுறையில் மிகவும் கெடுதல் செய்யும் என்பதையும் சொல்லிக்கொள்ளுகின்றேன். அதிக நேரம் கொடுத்து, மற்ற அங்கத்தினர்களுக்கும் போதிய அவகாசம் அளித்து, இந்த மசோதாவைப் பூரணமாகப் பரிசீலனை செய்து சட்டமாக நிறைவேற்றவேண்டுமென யொழிய, அவசரம் அவசரமாக நிறைவேற்றுவது அவ்வளவு நல்லது அல்ல என்று தெரிவித்துக்கொண்டு, என்னுடைய வாரிதையை இத் துடன் முடித்துக்கொள்ளுகின்றேன்."

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P.M.

* SRI G. NARAYANASWAMI NAIDU :— "கனம் தலைவரவர்களே ! விவசாயிகளுக்காக சமீபத்தில், சர்க்கார் கொண்டுவந்திருக்கும், 'விவசாயிகள் கடன் ஒத்திவைப்பு சட்டத்தை' நான் ஆதரிக்கிறேன். இந்த சட்டம், காலத்தில் செய்த உதவி எனவும் கருதுகிறேன். எதிர்பாராமல் யாரும் கேட்காமல் சர்க்காரே இதைச் செய்துள்ளார்கள் என்பதைக் கொண்டும் இதைப் பாராட்டுகிறேன். தஞ்சை ஜில்லா பண்ணையாள் பாது காப்பு சட்டம் கொண்டுவந்த உடன் கனம் பிரதம மந்திரி அவர்கள் தான் ஜில்லா சுற்றுப் பிரயாணத்தை சீர்காழியில் முடித்து பிளாட் பாரத்தில் ரயில் வரவுக்காக தங்கி இருக்கும்போது, என்னை அழைத்து எல்லாம் திருப்திதானே என்று கேட்டார்கள். பரம திருப்தி ஆனால், கடன் தொல்லை கடுமையாக இருக்கின்றது என்று தெரிவித்தேன், கனம் பிரதமர் அவர்கள் இத்துடன் இப்பொழுது திருப்தி அடையுங்கள் என்று தெரிவித்தார்கள். ஆனால் இந்த சட்டம் சீக்கிரத்திலேயே, ஜனனம் ஆகி விட்டது மகிசுக்குறிய விஷயமாகும்.

"தொழிலாளர்களிடம் நீண்டகாலமாக வேலை செய்த நாங்கள், விவசாயத் தொழிலாளரின் கடன், அதை அவர்கள் பெற்றுக்கொண்ட விதம், பல ஆண்டுகளாக, நீண்டு, நீண்டு மூன்று ஆண்டுகளுக்கு ஒரு முறை ஒரு புதிய 1 அணு தலையை ஒட்டிக்கொண்டு முதலீடுபோல் பல மடங்கு பெருகி, உழவர்களை சதா அச்சுறுத்தி, திசிலையும், என்ன நேருமோ,

[11th January 1954] [Sri G. Narayanaswami Naidu]

என்ற ஏக்கத்தையும் தந்த இந்த சனியன் அடியோடு துலையாமல், ஒரு வருஷம் கழித்து வட்டியும் முதலும் சேர்ந்து கோர சரூபம் எடுக்கப் போகின்றது என்றால் அதுவும் பெரிய திசிலாய் இருக்கிறது.

"உழவர் கோருவது கடன் ஒத்திவைப்பல்ல, கடன் ஒழிப்புதான் என்பதை அழுத்தமாக சர்க்காருக்கு எடுத்துச் சொல்ல விரும்புகிறேன்.

"விவசாயி, என்றால் உழவர், என்று தான் பொருள். ஆனால் நிலச்சுவான்தாரும் இதில் சேர்ந்தவர் என்றால் எதிர்ப்பு கடுமையாகிறது. உழவர், குறிப்பிட்ட அளவு குறைந்த நிலம் வைத்திருப்பவர், வாரம் அல்லது சிறு குத்தகைகாரர் இவர்களுக்கு கடன் ஒழிப்பும், மற்றையோர்க்கு கடன் ஒத்திவைப்பும் அளித்தால் போதுமானது என்று கருதுகிறேன். இதைச் சர்க்கார் நன்றாக பரிசீலனை செய்யவேண்டுமென்றும் விரும்புகின்றேன்.

"சட்டத்தை எவ்வளவு ஜாக்கிரதையாய் செய்தாலும் எங்கள் ஜில்லா வாசிகள் தங்களுக்கு சாதகமாக பயன்படுத்திக் கடன் ஒத்தி வைப்பு சட்டம் வந்த உடன் இந்த திருவாடுதறை பண்டாரம் என்ன செய்தார் என்பது ஒரு வேடிக்கை. ஒரு குடியானவர் பக்கிரி பட்டையாச்சி என்று பெயர் பாரம்பரியமாக பண்டாரங்களுக்கு பணி செய்தவர். அவர் நீண்ட நாள் குடிகளுக்கு பாதகமாக, பண்டாரத்திற்கு ஆதரவாக, நடந்தமைக்கு பரிசாக, அவர் மாடி வீட்டை இடிக்கவேண்டுமென்று கோர்ட்டில் தாவா நடந்து வருகிறது. குடியானவர், தனக்கு சேரவேண்டிய சம்பள பாக்கிக்காக முன்சீப் கோர்ட்டில் தாவா செய்திருந்தார். இந்த கடன் ஒத்திவைப்பு சட்டம் வந்த உடன், பிரஸ்தாப பண்டாரம் தான் விவசாயி ஆனதால், பிரஸ்தாப தாவாவை ஒத்திவைக்க வேண்டுமென்று கோர்ட்டாரை கோறி இருக்கிறார்.

"இப்படிப்பட்டவர்களுக்காகவா சட்டம்கொண்டுவரப்பட்டது? எங்கள் ஜில்லாவில், ஒரு பழமொழி உண்டு, 'எட்டுக் குடியான் சம்பாதிக்க, வேதாரண்னியத்தான் தின்று பார்க்க' என்று கூறுவார்கள். அதே போல், நம்முடைய முன்னோர்கள், நல்ல எண்ணத்தின் காரணமாக லட்சக்கணக்கான ஏக்கர் நிலங்களை, கடவுளின் பேரால் அளித்து ஏழை மக்களுக்கு உதவி செய்யச் சொன்னால், இப்பண்டாரங்கள் விஸ்சி விநாயகர்க்கும், பிராந்தியப் பெருமான்க்கும் நிவேதித்து லேடிமார்க்களுக்கு மாடி வீடு கட்டிக் கொடுத்து, ஆஸ்திக வேஷம் போட்டு பல டாம்பீக்கார்களில், பவனி வந்து உழைத்த கூலியை கொடு என்றால், டிஸம்பர் மாதம் வரை கெடு கேட்கவா இந்த சட்டம் பயன்படவேண்டும்.

"இது கடவுளின் அடியார்களான வேஷதாரிகள் எண்ணத்தில் நல்ல நோக்கு இல்லாமல், மாநாடுகளும் மதநாடுகளும், கூட்டி ஆஸ்திகர்களை ஏமாற்றிக்கொண்டிருக்கும்போது, கோவிலில் டிரஸ்டிகள், எக்ஸ்சுடிவ் ஆபீஸர்கள் என்ற பேரால், குட்டிப்பண்டாரங்கள் குடிகளை கடன்களின் பேரால் செய்யும் இம்சையும், வக்கீல்மார்களுடன் பங்கு போட்டுக்கொண்டு தொடுக்கும் விவஹாரங்களும், தயை செய்து துப்பறியும் போலீசாரையாவது அனுப்பி, மயூரநாதஸ்வாமி தேவஸ்தானத்தைச் சேர்ந்த மன்னமந்தலையாவது, பந்தநல்லூர் தேவஸ்தானத்தைச் சேர்ந்த சிறுகடம்பூரையாவது விசாரித்தால், பழைய கடன்கள் பேரால், குடிகள் எவ்வளவு இம்சைக்கு ஆளாக இருக்கிறார்கள் என்பது தெரியும்.

"கோயில் நிர்வாகத்தில் பெரும்பாலும் இருப்பவர்கள் ஆஸ்திக விரோதிகள்; கண்ணால் கடவுளைப் பார்க்க உரிமை பெறாதகுடிகள்; உழைத்து உழைத்து ஓடாய் போய், சம்பாதித்துக் கொடுத்த செல்வத்தால் கடவுள்களும் அதனால் கூலிபெறும் நிர்வாஹ உத்தியோகஸ்தர்களும் கடன்களின் பேரால் குடிகளைச் செய்யும் கொடுமை மிக மிகக் கடுமை. எங்கள் ஜில்லாவிலுள்ள கடவுளெல்லாம் பெரிய நிலச்சுவான்தார் என்று ஏற்கெனவே இந்த சபையில் கூறியுள்ளேன்.

"இந்தக் கடவுளெல்லாம், தங்கள் கடனை எல்லாம் நீக்கிக் கொண்டு, ஓரளவு பெரிய பணமுடைய, பணக்காரசாமிகளாகவும் ஆகி உள்ளது.

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பல சுவாமிகள், ஆடை புதிப்பித்துக்கொண்டது. சில ஆபரணங்கள் செய்து கொண்டது. சில வாகனத்திற்கு வர்ணம் இட்டுக்கொண்டது. சில வாங்கிக்கொண்டது. சில மதிள் எழுப்பிக்கொண்டது. சில கோபுரம் புதுப்பித்துக்கொண்டது, கட்டியும் கொண்டது. ஆனால் இவ்வளவு சிலவும் செய்துகொண்டும், முதலும் வைத்துக்கொண்டிருக்கிறது. நமது ஸ்ரீ டோவ்மெண்டு மந்திரி அவர்கள் மனமுயந்து ஒவ்வொரு கோவிலுக்கும் சமீப பத்து வருஷங்களில், என்ன புதிய காரியங்களை செய்துகொண்டு எத்தனை ஸ்சம் முதல் வைத்துக் கொண்டிருக்கிறது என்பதை கணக்குக் கொடுத்தால், சுவாமிகளுக்கு சேர்ந்திருக்கும் முதல் எவ்வளவு என்பது சபையோருக்குத் தெரியும். துடர்ந்து வரும் வருஷங்கள் மேலும் பணத்தை குவிக்கப்போகிறது. ஏற்கனவே குத்தகைதாரர் பிழைக்க குறைச்சல் குத்தகை. குத்தகைதாரர் குடிசனிடம் வாங்கிய குத்தகையை கடவுளுக்கு நேரில் குடிசைக் கொடுக்க நமது பாதுகாப்பு சட்டம் செய்யப்போவதால், இன்னும் ஐந்து வருஷங்களில் தஞ்சை ஜில்லாவில் உள்ள கோவில்களெல்லாம் பல, பல, ஸ்சம் பணம் முதல் கொண்ட கோவில்களாக மாறிவிடும்.

“ஆனால் ஏழை பங்களான் என்ற அந்த கடவுள் வாகனம், ஆபரணம், மதில், கோபுரம்—இவ்வளவும் புதுப்பித்துக் கொள்ளவும், முதல் சேர்க்கவும் வாய்ப்பளித்த, குடிசை என்ன நிலையில் உள்ளார்கள்! கட்டின வீடு, வைத்த மரம் இவைகள் நாசமாவதைத்தான் காண்கிறார்கள். கடனால் மேலும், மேலும் தொந்தரவுக்குத் தான் ஆளாகிறார்கள். நன்றி மறப்பது நன்றன்று என்பது இதற்குத்தான்! கடவுளுக்கு வேண்டாமா? மறப்பது நன்றன்று என்பது இதற்குத்தான்! கடவுளுக்கு வேண்டாமா? இவ்வளவு வசதி செய்து கொடுத்த தன் குடிசை பயமுறுத்தல் இல்லாது, குடியிருக்க, கொல்லையில் வைத்த மரங்களை அனுபவிக்க, இப்போது குடியிருக்க, வயிராற சாப்பிட்டுச் செய்தால் அல்லவா இறை வணக்கம், உடுக்க, வயிராற சாப்பிட்டுச் செய்தால் அல்லவா இறை வணக்கம், ஆஸ்திகத்தன்மை மேம்படும், ஊரை ஏமாற்றும் எத்தர்கள், பல்லக்கில் பவனிவர, பத்தி அற்றவர்கள் கூலிக்காக பாட்டுப்பாடுவதினால், ஆஸ்திகம் பெருகும், ஏழை மக்களுக்கு அன்னாபமாகத்தான் கடவுள் பிரத்யட்சமாகிறார் என்ற காந்தி அடிகளின் வார்த்தையை, உங்களுக்கு ஞாபகமுண்டுகிறேன் எந்த சட்டத்தையும் ஏழை மக்களுக்கு எதிராக கொள்ளுவதில் வல்லவர்கள், நில பிரபுக்கள் இந்த நாட்டில் விவஹாரம், பெருத்த, ஜில்லாவில், எங்கள் ஜில்லாவும் ஒன்று. முனிசிப் கோர்ட், அடிஷனல் முனிசிப் கோர்ட், ஸப்-கோர்ட், அடிஷனல் சப்-கோர்ட், ஒரு தாலுகாவில் இரண்டு இடங்களில் முனிசிப் கோர்ட்கள் நிறைந்த ஜில்லா, எங்கள் வளமிக்க தஞ்சை ஜில்லா நடந்தால் தெருவெல்லாம், ஒன்று காபி இளப் போர்டுகளும் இல்லாவிட்டால், B.A., B.L., M.A., B.L. போர்டுகளாகத்தான் காட்சி அளிக்கும். எங்கள் ஜில்லாவுக்காக எந்த சட்டம் வந்தாலும் உடனே கும்புகோணம் வக்கீல்களார்கள் அந்த சட்டத்தை அனுவனுவாக பிளந்து, அதனால் நிலச்சுவான்தார்களுக்கு ஏற்படும் பேசியதாக ஆறுபத்தி தலைப்பு கொடுத்து அரசாங்கத்தை அச்சுறுத்த ஆரம்பிக்கும். இல்லாவிட்டால் விவஹாரம் சரியாக இல்லாவிட்டால், அதிகாரிகளை சரிக்கட்டி காரியத்தை சாதித்துக் கொள்வார்கள் நிலச்சுவான்தார்கள். சமீபத்தில், தஞ்சை பண்ணையாள் பாதுகாப்பு சட்டத்தை எவ்வளவு சாதகமாக, எங்கள் நிலச்சுவான்கள் பயன்படுத்தி உள்ளார்கள் என்பது நேற்றைய சர்க்கார் அறிக்கையிலிருந்து சபையோருக்கு தெரிந்திருக்கலாம். சமரண அதிகாரிகள் பழைய கோட்டை அணிய முடியாத நிலைக்கு வந்து விட்டார்கள். மந்திரிகள் காங்கிரஸ் தலைவர்கள் பார்லிமெண்டு அங்கத்தினர்கள், மாஜி மந்திரிகள் அடங்கிய பிரம்மாண்ட மகாநாயக சமரண அதிகாரியின் எச்சல் புத்தியை, விளக்கி தீர்மானம் எடுத்திருக்கிறோம். முடிவு ஒட்டக்கூத்தன் பாட்டுக்கு இரட்டைத் தாப்பான்,

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ஒரு தாலுகாவில் அக்ரமம் செய்தவர், பல தாலுகாவுக்கு தன் மனுநீதியைச் செலுத்த உயர்த்தப்பட்டு விட்டார், ஜன நாயகத்திற்கு எங்கள் ஜில்லா அதிகாரிகள் கொடுக்கும் மதிப்பு இவ்வளவு தான்.

“மேலும் இருக்கும் ரெவினியூ கோர்ட்டாரை சரிக்கட்டி, ஆறங்க மாநாடுகள் வள்ளுவர் வகுத்த வழியை, வையகத்தார் தெரிந்துகொள்ள மாநாடுகள், மூவர், தேவர், நாயன்மார் திருநட்சத்திர, பன்னிருவர் பாசர், திருப்பாவை, திருவெம்பாவை மகாநாட்டுத் தலைமையில், மந்திரிகளுக்கு பதிலாக, அதிகாரிகள் தலைமையில் மாநாடுகள் நடத்தி, அருட் செங்கோல் மூளையினால், ஒளி விரும், சில கதிர்களை வீசி, குடியானவர் கோறிக்கைகள், குட்டிச்சுவாக்கப்படுகிறது. இது, வானையும் மண்ணையும் ஒரு காவியஸ்திரத்தால் ஆளும் மகா பெரிய பண்டாரங்கள் செய்யும் வேடிக்கை. இவை நிறைய சோறிட்டால் கடவுளை நன்றியு இருக்கணும் என்று சொல்லி திருப்தியுடன் சாப்பிடுவான். ஏழை பட்டினியினால் வாழும் உழவனோ, பாழாய்போன கடவுள் பட்டினி போட்டிருக்க கொல்கிறானே என்று நிந்திப்பான். ஆஸ்திகம் பெருக விரும்பினால் படித்த கூட்டத்திற்கு எதிரில் பாசரம் பாடிக்கொண்டிராமல் பாமரமக்கள், அதிலும் கோயிலுக்கு விருது தூக்கி, வாகனமெடுத்து குளம் வெட்டி கோபுரமெழுப்பிய அந்த உத்தம உழவர்களின் கடனை, பாரம்பரியமாக வந்த கடனை நீக்கி விடுதலை செய்யுங்கள்.

“பண்டாரம் கொடுக்கவேண்டிய கடனை தவிரை சொல்ல சட்டம் இடம் கொடுக்காமல், சாகுபடி சம்மந்தமான பாக்கிகளை ஒரு வருஷமென்று ஒத்தி வைக்காமல், ஒழித்துக் கட்டுவதுதான் நல்லது. ஒத்தி வைப்பது 1 வருடமாக இல்லாமல் 10 வருடமானாலும் பரவா இல்லை. நாலுதால் கோமாரியும் இறங்கி 1 காலில் வந்ததைப்போல, ஆண்டு முடிவில், வட்டியும் முதலுமாக, கச்சேரியில் ஏறி வக்கீலுக்கும் தட்சணையும் ஸ்டாம்புக்கு அச்சணையும் செய்துகொண்டு பெருமான் பெத்தபெருமாளாவதில் என்ன லாபம். ஆதலால் 2 வேலி நிலத்திற்கு கீழ்ப்பட்டவர்கள் கடனை பொதுவாக ஒழித்து அதற்கு மேலுள்ளவர்கள் கடனை ஒத்திவைப்பது நல்ல காரியம் என்பதை திரும்ப திரும்ப வற்புறுத்திக் கூறி இச்சட்டம் கொண்டு வரவேண்டுமென்று விரும்பிய சர்க்காருக்கு ஏழை மக்களின் சார்பாக நன்றி தெரிவித்து என் பேச்சை முடித்துக் கொள்கிறேன்.”

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p.m.

SRI M. PALANIYANDI :—“கனம் உதவி சபாநாயகர் அவர்களே! எனக்கு முன்பு பேசிய நண்பர்களெல்லாம் இந்த கடன் ஒத்திவைப்புச் சட்டத்தை எதிர்த்தும், வரவேற்றும் விளக்கமாக பேசினார்கள். ஆனால் மொத்தத்தில் பார்க்கும்போது இது ஏழை மக்களுக்கு மிகவும் கஷ்டத்தைத்தான் கொடுக்குமென்பதைச் சொல்ல முடியும். கனம் முதல் மந்திரி அவர்கள் காலையில் பேசிய காலத்தில் ஏதோ எதிர் கட்சி நண்பர் பலர் திருத்தங்களை கொடுத்து அதை மாற்றவேண்டுமென்று சொல்லுகிறார்கள் என்றார்கள். கனம் ராஜா சிதம்பரம் அவர்கள் திருத்தக் கூடியதைத்தானே செய்யச் சொல்லுகிறோம் என்றார்கள். அம்மாதிரி திருத்தக் கூடியதை திருத்தினால்தான் விவசாயத் தொழிலாளர்களுக்கு ஒரு நல்ல திட்டம் செய்தவர்களாவோம். பெரும் மிராசுதாரர்களுக்கு நாம் சலுகை கொடுக்க வேண்டுமென்று நினைத்தால் மட்டும் போதாது. இம்மசோதா மூலம் நிலத்தை உழும் உண்ண விவசாயிகளுக்கே நிவாரணம் அளிக்கப்பட வேண்டும். ஆகவே விவசாயத் தொழிலாளர்களுக்கு இவ்விதமான நோக்கங்கள் செய்யக் கூடிய நல்ல அம்சங்களுள்ள மசோதாவை கொண்டு வரவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். மேலும் இந்த அரசாங்கத்தில், ஒரு வருஷக் கடன் ஒத்திவைப்புச் சட்டத்தை அமுல் செய்ய வேண்டுமென்று கொண்டு வந்து விட்டு, அரசாங்கத்தினுடைய கடனை மட்டும் ஒத்திப் போடாதிருப்பது மிகவும் வருந்தத்தக்க விஷயமாகும். ஏனென்றால் நம் பிரதம மந்திரி அவர்கள் அரசாங்கக் கடனை ஒத்திப்போட்டால் அரசாங்கம், மற்ற கூட்டுறவு ஸ்தாபனம் முதலியவை நடைபெறுவது கஷ்டமென்று சொல்லுகிறார். அதுவும் ஓரளவு வஸ்தவம்தான். ஆனால் அதே சமயத்தில் இந்த அரசாங்கம் தங்க

[Sri M. Palaniyandi] [11th January 1954]

ஞாயகடனையும் இரண்டாம் தடவையாக ஒத்திப்போடுவதால் நம் நாட்டிலுள்ள 10 கோடி விவசாய மக்களுக்கு பெரிய உதவி செய்தவர்களாவோம். அவர்களாலும் நம் அரசாங்கம் மிகவும் நல்ல அரசாங்கம் என்று பேசப்படும். மந்திரி சபையும், மற்றவர்களும் பெருமைப்படுவர். இவ்வாறு அரசாங்கக் கடனை சில ஆண்டுகளுக்கு ஒத்திப்போடுவதால் ஒன்றும் அது பாதிக்கப்படாது. ஆகவே இந்த அரசாங்கம் இதைக் கருத்தில் கொண்டு, ஏழை விவசாயிகளின் நிலையை உணர்ந்து அரசாங்கக் கடனையும் ஒத்திப்போடும்படி மன்றாடிக் கேட்டுக்கொள்ளுகிறேன். அதோடு அதை அரசாங்கம் ஒத்துக்கொள்ளுமென்றும் நினைக்கிறேன்.

“அடுத்தபடியாக, இந்த ராஜாஜி மந்திரிசபை பலவிதமான சட்டங்களை கொண்டு வந்திருக்கிறது. அடிப்படையை மாற்றாமல், பலவித சட்டங்களைச் செய்வதால் ஒருவித காரியத்தையும் சாதிக்க முடியாது. இன்றுள்ள நிலையிலே விவசாய மக்களுக்கு உதவியளிக்க முக்கியமாக கிராப் இன்சூரன்ஸ் (Crop Insurance) திட்டத்தை கொண்டு வரவேண்டும். விவசாயிகள் கடன் வாங்கி பணம்போட்டு பயிர் செய்கிறார்கள். ஆனால் தங்களுடைய நிலங்களில் வீணாகிப் போன பயிர்கள் பூச்சியுட்பதாலும், இன்னும் மற்ற பல காரணத்தாலும் பாதிக்கப்படலாம். அவர்களுக்கு இந்த (Crop Insurance) திட்டம் கொண்டு வந்தால் மிகவும் உதவியளிக்கும். இது பற்றி கனம் முதல் மந்திரி அவர்களுக்கும் நன்கு தெரியும். ஆகவே நன்கு யோசித்து இந்த (Crop Insurance) திட்டத்தைக் கொண்டு வர வேண்டுமென்று இந்த மந்திரி சபைக்கு சொல்லிக்கொள்ள ஆசை படுகிறேன்.

“1948-ல் அரசாங்கத்தார் விவசாயிகளுக்கு உதவி செய்வதாக முன் வந்தார்கள். பல விவசாய மக்கள் அரசாங்கத்திடமிருந்து பணம் பெற்று, மேலும் தாங்கள் வெளியில் ஆயிரம், இரண்டாயிரம் கடன் வாங்கி செலவழித்து கிணறுகளை வெட்டினார்கள். பல கிணறுகள் வெட்டி தண்ணீர் வராமல் இருக்கின்றன. சில பாதி வெட்டி அதற்கு மேல் பிரயோசனமில்லாமல் அதோடு நிறுத்தப்பட்டிருக்கின்றன. இம்மாதிரி பல வித கஷ்டங்களுக்கு விவசாயிகள் ஆளாகியிருப்பது காங்கிரஸ் அரசாங்கத்திற்குத் தெரியும். அப்படியிருந்தும் இன்று இவ்வாறு பல கஷ்டங்கள் அனுபவிக்கும் விவசாயிகளிடம் தாங்கள் கடனாகக் கொடுத்த அந்த தொகைகளைக் கொடுக்க வேண்டுமென்று அரசாங்கம் வற்புறுத்திக் கேட்பது அபிஷியல் அட்மினிஸ்ட்ரேஷன் (Official Administration) குறையைத்தான் காண்பிக்கின்றது. ஆகையால் இதைக் கவனித்து இந்த கிணறு மான்யத்தைத் தள்ளி வைக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். அவ்வாறு இந்த கிணறு மான்யத்தை ஒத்தி வைப்பதோடு, முக்கியமாக விவசாயிகளுக்கு (Crop Insurance) திட்டத்தையும் கொண்டுவர வேண்டுமென்று கேட்டுக்கொண்டு, என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

12-30 p.m. *SRI A. GOVINDASWAMY NAYAGAR:—“கனம் உதவி சபாநாயகர் அவர்களே, தற்சமயம் சர்க்கார் கொண்டு வந்திருக்கும் இந்த விவசாயக் கடன் ஒத்திவைப்பு மசோதாவை நான் ஆதரித்துப் பேசும்போது சில திருத்தங்களை வலியுறுத்திக் கூற ஆசைப்படுகிறேன். திருத்தங்கள் கொடுத்திருக்கிற காரணத்தால் என்னுடைய அபிப்பிராயத்தைச் சுருக்கமாகத் தெரிவித்துக்கொள்ளுகிறேன். நான் எதிர் கட்சியில் இருக்கிற காரணத்தால் எதையும் எதிர்ப்பேன் என்று நினைக்கவேண்டாம்.

“எதிர்க் கட்சியிலிருந்து வருகின்ற நல்ல திருத்தங்களை சர்க்கார் ஏற்றுக் கொள்ளவேண்டும். அப்படி ஏற்றுக்கொண்டால் தான் ஜனநாயக சர்க்கார் நடத்துகிறோம் என்று பெருமைப்பட முடியும். ஆகவே, நாங்கள் கொடுத்த திருத்தங்களை கனம் ராஜாஜி அவர்கள் ஆலோசித்து ஏற்றுக்கொள்ளு வார்கள் என்ற நம்பிக்கையோடு சில வார்த்தைகள் சொல்லுகிறேன்.

[11th January 1954] [Sri A. Govindaswamy Nayagar]

“இப்பொழுது கொண்டு வந்திருக்கக்கூடிய மசோதாவானது பெரும் பணக்காரர்களுக்கும் நன்மை அளிக்கிறது என்பதை யாரும் மறுக்க முடியாது. ஏழை விவசாயிகளுக்கு நன்மை வேண்டும் என்பதுதான் என்னுடைய நோக்கம். இது வக்கீல்களைப் பாதிக்கின்றது. ஆகையால், அவர்களில் சிலர் இதை எதிர்க்கிறார்கள்.

“நான் ஒரு ஜயங்கார் வக்கீல் அவர்களுடன் பேசிக்கொண்டிருந்தேன். நாங்கள் கல்வி திட்டத்தை எதிர்த்த சமயத்தில் ‘ராஜாஜி கொண்டு வந்த கல்வி திட்டத்தை ஏன் எதிர்க்கிறீர்கள்? அவருடைய மூளை அபாரமானது’ என்று அவர் சொன்னார். (His brain is as sharp as the razor blade) ஆனால் அதே வக்கீல் என்ன சொல்லுகிறார் என்றால் இந்த சட்டம் வந்தால் இது அவருடைய தொழிலை பாதிப்பதால் அவர் என்ன சொல்லுகிறாரென்றால் ராஜாஜிக்கு வயதாதி மூளை குழம்பி விட்டது என்று சொல்லுகிறார்.”

THE HON. SRI C. RAJAGOPALACHARI:—“கொஞ்ச காலமாகத் தான் என் மூளை குழம்பி விட்டது. உண்மை தான்.”

*SRI A. GOVINDASWAMY NAYAGAR:—“இந்தச் சட்டம் வந்த பிறகு விவசாயிகள் எந்த அளவு பாதிக்கப்பட்டிருக்கிறார்கள் என்று பார்க்கவேண்டும். சமுட்டிக்குப்பம் ராஜாவேல் சமுட்டியார் என்ற ஒரு விவசாயி அகரம் ஆறுமுக செட்டியார் என்பவரிடம் வாங்கின ரூ. 450-க்கு புரோ நோட்டு ரூ. 1,260-க்கு எழுதிக் கொடுத்து கடன் வாங்கினார். அது மட்டுமல்ல. வேறு ஒருவரை, அதாவது நடராஜ பட்டையாச்சி என்பவர் Surety ஆக இருப்பதற்கு அவருக்கு ரூ. 1,260-க்கு புரோ நோட் எழுதிக் கொடுக்கும்படியான நிலைமை இருக்கிறது. ரூ. 450 கடனுக்கு ரூ. 2,520-க்கு புரோ நோட்டு எழுதிக் கொடுக்கக் கூடிய நிலைமை இருக்கிறது. கனம் ஸ்ரீ ராஜகோபாலாச்சாரிக்கு அந்த ராஜாவேல் சமுட்டியார் பல மசஜர் அனுப்பியிருக்கிறார். அநியாயமாக விவசாயிகள் ஏமாற்றப்பட்டு கோரிட்டிலே ஆஜர் பண்ணப்படுகிறார்கள். கனம் ஸ்ரீ ராஜகோபாலாச்சாரி அவர்கள் இதைக் கவனிப்பார் என்று நினைக்கிறேன். எப்ரல் மாதத்தில் முதல் மசஜர் வந்திருக்கிறது. செப்டம்பர் மாதத்திலும் இரண்டாவது மசஜர் வந்திருக்கிறது. இறுதியாக டிசம்பரில் ஒரு மசஜர் வந்துள்ளது. அதை அவர்கள் கவனித்து தக்க நடவடிக்கை எடுத்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“இன்றையதினம் தனிப்பட்டவர்களிடம் வாங்கிய கடனை ஒத்திவைப்பது போல், சர்க்கார் கடன்களும் ஒத்தி வைக்கப்படவேண்டும். தனிப்பட்ட மனிதனைப் பாதிக்கின்ற சட்டம் தான் சர்க்காரையும் பாதிக்கவேண்டுமென்று வற்புறுத்தி சொல்ல ஆசைப்படுகிறேன். தனிப்பட்டவர்களிடம் விவசாயிகள் பட்ட கடன்களுக்கு சர்க்கார் அந்தத் தொகைக்கு ஒரு Cheque ஓ அல்லது ஒரு Pro-note ஓ எழுதிக் கொடுக்கவேண்டும். சர்க்காரிடம் அதற்குப் பணம் எங்கே இருக்கிறது என்று கேட்கலாம். கனம் ஸ்ரீ ராஜகோபாலாச்சாரியார் அவர்கள் மனது வைத்தால் பொது மக்களுக்காக கடன் வாங்க முடியும். ஏற்கனவே 5 கோடி ரூபாய் கடன் வேண்டுமென்று சொன்ன மாதிரத்தில் மந்திரிகள், ஜபீந்தார்கள், பணக்காரர்கள் எல்லோரும் கேட்ட தொகைக்கு அதிகமாகவே கொடுத்தார்கள். அதே போல், விவசாயிகளின் கடன் நிவாரணத்திற்கென்று மறுபடியும் கடன் கேட்டால் கொடுக்கத் தயாராயிருப்பார்கள். அப்படி கடன் வாங்கி ஏழை விவசாயிகளுக்கு உதவியளிக்கவேண்டுமென்று வற்புறுத்திக் கூற ஆசைப்படுகிறேன்.

“அப்படிக் கொடுத்தால், விவசாயிகள் கடனை சர்க்காருக்குத் திருப்பிக் கொடுத்து விடுவார்கள். கடனைத் திருப்பிக் கொடுக்க ஒரு ஆண்டு தவணை போதாது. மூன்று ஆண்டுகளுக்குள் கடனைத் திருப்பிக் கொடுக்கலாம் என்று செய்யவேண்டும்.

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Therefore, he understands and welcomes this Bill. I congratulate the Leader of the Toilers Party on the stand he has taken. The other Member of that Party I referred to oppose this Bill. That also I can understand. He lives in a different atmosphere and moves in an atmosphere of his own. Therefore, he is not able to understand the situation. So, I really sympathise with him.

"From the general trend of the discussion, I find that about half a dozen points have been made out. I shall meet them in a general way in so far as is necessary here and in a particular way when the appropriate clauses are taken up for discussion. The first point is that the Bill should be referred to a Select Committee. It has already been explained why it is not practicable now to think of a Select Committee. Ordinarily, when we find time and time does not sit tight on us, we refer Bills to a Select Committee and there have been instances when we referred Bills to a Select Committee, e.g., the Malabar Tenancy Bill and the Preservation of Private Forests Bill. Here in this case we are not in a position to do that. This is an urgent Bill. This is not of a permanent nature. This is a simple Bill consisting of seven or eight clauses of which only two or three clauses are really important. Therefore, we are not able to oblige hon. Members in that direction.

"Some criticism was made that this Bill was being hurried through and that it was not brought up soon after the Ordinance was promulgated. Sir, the Government took every step to publish the Bill as early as possible. But still in the matter of preparing a Bill, there are so many factors to be considered. The Bill has to be revised in a way more suitable and then it has to go through various processes in the Department. All that took time and the earliest one found possible was on the 5th or the 6th January 1954 and we published it without any delay. So, the charge of delay should not be levelled against the Government. Any other charge I may accept but not that charge.

12-10 P.M. "Another point was that the Bill went too far. It was contended that it protected people who ought not to be protected. An allegation was also made that it did not protect people who ought to be protected. So there are these two extremes. In making a statute, it is not always possible to fit in everything. It is not like a tight jacket to be fitted in exactly. Legislation cannot be made exactly to the point. If this is done, there is no need for courts at all. The very fact that there are courts, lawyers arguing cases and judges giving judgment shows clearly that there is some loophole in the legislation. We have tried our best to bring within the scope of the Bill all people who deserve this help. We have tried our best to do the maximum good in that way. If some escape and if some who are not entitled to come in are included, we cannot help it. Sir, when a beneficial legislation is brought, it is in the nature of rain. When it rains, it makes no distinction between good men and bad men, those who deserve it and who do not deserve it and those who want it and those who do not want it.

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A beneficial legislation is also like that. It is expected to do good for those to whom it is intended. But, if it causes some hardship and inconvenience to certain others, we cannot help it. In legal drafting, we shall try as far as possible to bring the desired people within the scope of the Bill.

"Now, we have met one point, viz., the exclusion of rich people, by the amendment that was suggested by the Hon. Chief Minister. By introducing a clause that income-tax assesses will be beyond the purview of this Act, we have done a good deal. Because, that will cover many cases. Big mirasdars and businessmen who may now come within the scope of the Bill, will be excluded. If some mirasdars escape, it does not matter. After all, mirasdars have also got to collect money from the tenant. As it now stands, they cannot collect the money from the tenant. So they are also hit. The idea of some people seems to be that the mirasdars should be hit somehow or other. They are also hit by this particular legislation. They cannot collect the money from the ryots below them. So, let those hon. Members have the satisfaction that the mirasdars are also affected by this legislation.

"Sir, some of the lawyer Members have suggested that the 'stay' should apply only to execution and not to suits. They said there would be accumulation of work and that soon after one year the courts will find it very difficult to cope with the work. My answer to those friends is this. I know these courts. I was also a practising lawyer once and I know what is taking place in a court. The Judges generally take simple cases and they try to postpone very complicated cases, like suits relating to titles, etc., as far as possible. This will give an opportunity to the courts, when they have no work, to take up such cases and clear off the arrears. The lawyer friends also will have good work then."

THE HON. SRI C. RAJAGOPALACHARI:—"And big fees also." (Laughter.)

* THE HON. SRI M. A. MANICKAVELU NAICKER:—"So, let it not be complained that the courts will come to a standstill.

"As regards the point, as to why we gave this stay of suits, it was clearly explained. We wanted that the ryots should not be embarrassed. The very fact that there is a suit against him terrifies many a ryot. When I say this, I am not referring to the court-bird variety. I only refer to the ordinary variety of ryots, who are very much afraid of suits. I know very many ryots do not go to a court; they would rather prefer to prostrate before the creditor and get time to repay the money than face court proceedings. For such people, the very notice of a suit will be a great embarrassment and will put them out of sorts. Members know the difficulties of these poor ryots. The ryot has to come from a far off place. When he comes to the lawyer's house, the lawyer will not be found and only the clerk will be available. When he

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comes a second time, he will find the lawyer, but not the clerk. When both the lawyer and the clerk are available, the lawyer may be engaged in some other work. In this manner, the poor ryots are likely to be put to embarrassment in many ways. We only want to avoid such embarrassments to the ryot. That is all.

"It was suggested by some hon. Member that the collection has to be done in three instalments. It is a matter of detail whether it should be in one instalment or three instalments. That has got to be discussed and we shall see that later on.

"Some hon. Members said that takkavi loans and other Government loans should also come under this Bill and the ryots have to be given protection from these loans also. Yes, it will be a good thing. Even if the whole amount, I mean all the loans are wiped off—I am saying this only for argument—it will be a better thing. But, it is not possible to do so. The Government are like parents to the ryots. They know when to do good for the ryots. They know when to give tax exemption. As a matter of fact, during the period of famine and distress, the Government granted so many remissions. In such times, the Government will certainly come to the rescue of these poor ryots. Hon. Member Sri Raja Chidambaram spoke on takkavi loans and well subsidies. He also gave a petition to me a few days back and I took action on it immediately. In dry areas which had experienced drought continuously and where distress and famine were prevalent, we have asked the Collector to postpone the collection of these loans. In such cases, we do interfere and come to the rescue of the ryots. So, people need not be afraid of the Government. There is always difference between an ordinary creditor and a 'Government creditor.' That is all what I want to make out.

"Sir, I think the hon. Member Sri Manali Kandasamy welcomed this Bill. But, he said that this does not go far enough, there was no use in postponing the payment of arrears for one year, and the whole thing must be wiped out. His speech amounted to that. I want to make the position clear. Let no impression be created that as a result of agitation or otherwise, the Government will be prepared to wipe off these debts. That is not going to happen. I think that has been made very clear. Hon. Members have pointed out that rural credit was in danger, the ryots were not able to get any loan because of the declaration of a moratorium and because of the fear that it was likely to be extended by another two or three years and it was also likely that the whole thing would be wiped out. Let me say here and now that no such thing will happen. The Government are not going to do it, as it will not be in the interests of the ryots themselves. We want that rural credit should be readily available for the ryots. Already, sufficient money is not available to them and we have taken various steps to make money easily available for the ryots. Anyway, that is a bigger question which has to be considered at the All-India level in Delhi. So, we need not go into it just now. Let nobody be under the impression that this is only the first

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instalment of a possible or probable measure for wiping off the arrears at a later stage. It would be bad for the ryots. I want that people should not have this impression.

"Hon. Member Sri Karuthiruman and some others advanced the plea for a crop insurance scheme. As I said in the beginning, this is a small, temporary Bill which declares a moratorium for one year. It is not quite right to bring all these bigger questions within the scope of this small Bill which has a very limited objective. All these bigger questions have to be considered at the proper time.

"My lawyer friend behind who comes from the same district as I do, has given certain suggestions. If I were to adopt Mr. Panchaksharam Chettiar's suggestions, it will involve an elaborate enquiry. We are not going to have an inquisitorial enquiry to go into each and every question. The idea is to avoid such enquiry as far as possible, so that the relief can be given to the ryots easily and there may not be any doubts about it. That is why we are not able to accept certain amendments relating to banks, big businessmen and so on. If we were to accept such suggestions and amendments, it will considerably delay matters. Such delays will of course be welcomed by one section of people who will have a very good crop. But that will defeat the very object of this Bill. I see the force of some of the amendments. But I must tell the hon. Members that it is not humanly or legally possible to fit in everything. There will be some loophole and we cannot help it.

(At this stage, Mr. Speaker occupied the Chair.)

"Let us view it in an overall way and see how far it will justify itself. Sir, it is one of the clock. All hon. Members are hungry and I am also hungry. We shall now pass the motion and meet in the afternoon to take up the Bill clause by clause. I would request the hon. Mover of the amendment to refer the Bill to a Select Committee to withdraw it."

MR. SPEAKER:—"I wish to know whether Mr. Vinayakam withdraws his motion."

* SRI K. VINAYAKAM:—"Sir, before we come to any decision on the motion, I have got to explain a few points. It is I that moved that the Bill be referred to a Select Committee. After me, a sufficient number of Members have spoken in support of the Motion, but from other points of view than mine. A few lawyers and a few mirasdars—to quote the language of the Minister in charge of the Bill—have also adduced several reasons why it should go before a Select Committee. Here, I would like to clear a misapprehension as Dr. Menon put it. I am not a practising lawyer. I am not interested in legal quibblings that this Bill may give rise to. It is also very difficult to trap me and, therefore, it is not that lawyers tempted me to table these amendments. I want to make the Bill a perfect one. This is a haphazard Bill."

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This is a Bill which seeks to give protection to agriculturists, but does not satisfy the needs felt in the villages. I would ask the Minister in charge to ponder over the amendments tabled by me. I wanted that the term 'agriculturists' must be defined properly so that an absentee landlord may not get the benefit of the Bill. And now the Government have come forward with a slight modification of the definition exempting agriculturists who are income-tax assesses. What about agriculturists who pay property tax, house tax, etc.? If the Government had come forward with a little more clarification, I would have been satisfied. Then, Sir, there is another factor to be considered. There are certain institutions in Madras giving loans to the residents of Madras on house property and the like. Such kind of institutions should not be brought within the scope of the Bill simply because the men who run for the aid of such banks are agriculturists. The Government are interested in safeguarding the finances of the State and co-operative institutions. What about 'Nidis' which have advanced loans on property in Madras? Their transactions will come to a standstill if the Bill applies to them. Such 'Nidis' should also be exempted. Otherwise rural credit will go."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, my experience of discussions and debates is that after the Minister in charge replies, there will be no speech by any hon. Member because there is no opportunity for the Minister to reply again."

MR. SPEAKER:—"The Mover has got a right of reply. After he replies, I will ask the Minister to reply again."

* SRI K. VINAYAKAM:—"I am very glad, Sir, that the past experience of the Minister has not stood him all right on this occasion. (Laughter.) Sir, I was harping on the point that the Government should not only come forward to help the agriculturists in a negative way but that they should be provided all facilities on the positive side."

MR. SPEAKER:—"The hon. Member has the right of reply but he should be brief." (Laughter.)

* SRI K. VINAYAKAM:—"Agriculturists are now at the mercy of usurious money-lenders who adopt all sorts of questionable methods in the matter of lending money to them. These are all the points which I want a Select Committee to consider. The Hon. the Chief Minister says that if we obstruct the passage of this Bill to-day, he will go about the country and tell the people: 'They are against giving aid to agriculturists'. Sir, we want to give the agriculturists better facilities. We want to be more helpful to them than the Government are. The Government should not create a harvest for the lawyers to reap, as the Hon. the Minister for Revenue said. If you have a definition like the one contained in the Bill, you will only be encouraging intelligent lawyers to make a harvest out of the Bill. These are the points which I want to be clarified and, therefore,

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I want the Bill to go before a Select Committee. I am not satisfied with the abundance of reasons with which he tried to defend his Bill. Therefore, it should go before a Select Committee."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"My reply is I oppose the Motion."

* SRI K. VINAYAKAM:—"I regret my inability to withdraw the motion."

MR. SPEAKER:—"The question is—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.'

The motion was put and lost.

MR. SPEAKER:—"The question is—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be circulated for eliciting public opinion.'

The motion was put and lost.

MR. SPEAKER:—"I will now put the Government motion to the vote of the House. The question is—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be taken into consideration at once.'

The motion was put and carried.

MR. SPEAKER:—"I adjourn the House to meet again at 3 p.m."

The House then rose for lunch.

(After lunch—3 p.m.)

MR. SPEAKER:—"We shall now take up the consideration of the Bill clause by clause."

Clause 3.

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

'In clause 3 add the following proviso to Explanation II—

"Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit."

MR. SPEAKER:—"Motion moved—

'In clause 3 add the following proviso to Explanation II—

"Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit."

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

' Number the existing Explanations I and II as II and III
and insert the following as Explanation I :—

" Explanation I.—' Suit ' does not include a claim to a set
off made in a suit instituted by an agriculturist." "

MR. SPEAKER :—" Motion moved—

' Number the existing Explanations I and II as II and III and
insert the following as Explanation I :—

" Explanation I.—' Suit ' does not include a claim to a set
off made in a suit instituted by an agriculturist." "

SRI S. PANCHAKSHARAM :—" Sir, I move—

(1) After the words " for the recovery of a debt shall be made "
add " Except where a debt is payable by an agriculturist
jointly or jointly and severally with a non-agriculturist ".

(2) Omit the words in last line " from the date of the commence-
ment of this Act " and add after the words " before the expiry
of the year " the figure " 1954 ".

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

(1) After the words " for the recovery of a debt shall be
made " add " Except where a debt is payable by an agriculturist
jointly or jointly and severally with a non-agriculturist."

(2) Omit the words in last line " from the date of the
commencement of this Act " and add after the words " before
the expiry of the year " the figure " 1954 ".

SRI S. RAMALINGAM :—" Sir, I move—

' After the words " of a debt " occurring in line 2, insert the
words " and no application for eviction from any land for
non-payment of arrears of rent which accrued before 31st
March 1953 ".

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' After the words " of a debt " occurring in line 2, insert the
words " and no application for eviction from any land for non-
payment of arrears of rent which accrued before 31st March
1953 ".

SRI S. RAMALINGAM :—" Sir, I move—

' For the words " Civil Court " occurring in line 5, substitute
the words " Revenue Court ".

The amendment was duly seconded.

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MR. SPEAKER :—" Motion moved—

' For the words " Civil Court " occurring in line 5, substi-
tute the words " Revenue Court ".

SRI S. RAMALINGAM :—" Sir, I move—

' For the words " a year " substitute the words " two years ".

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' For the words " a year " substitute the words " two
years ".

SRI S. RAMALINGAM :—" Sir, I move—

' Add at the end of Clause 3, the following proviso :—

" Provided that the Government may extend the operation of
this Act to such further period on a resolution being passed
to that effect by the Legislative Assembly."

After Explanation II insert the following new Explana-
tion :—

" Explanation III.—In any suit or proceeding or appli-
cation of the nature mentioned in Section 3, any agri-
culturist may be represented by an agent authorised in
writing other than a Pleader or an Advocate only to prove
whether such person is an agriculturist or not."

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' Add at the end of Clause 3, the following proviso :—

" Provided that the Government may extend the opera-
tion of this Act to such further period on a resolution being passed
to that effect by the Legislative Assembly."

After Explanation II, insert the following new Explana-
tion :—

" Explanation III.—In any suit or proceeding or appli-
cation of the nature mentioned in Section 3, any agriculturist may
be represented by an agent authorised in writing other than a
Pleader or an Advocate only to prove whether such person is an
agriculturist or not."

SRI K. P. GOPALAN :—" Sir, I move—

' After the words " any agriculturist " add the words " or a
labourer ".

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' After the words " any agriculturist " add the words " or a
labourer ".

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SRI K. V. RAMASWAMY :—" Sir, I move—

' For the words " a year " (in line 5 of clause 3) substitute the words " five years " . '

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' For the words " a year " (in line 5 of clause 3) substitute the words " five years " . '

SRI M. PALANIYANDI :—" Sir, I move—

' In Clause 3 after the words " commencement of this Act ", insert the words " or such other period as may be resolved upon by the Legislative Assembly on a motion made on that behalf " . '

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

' In Clause 3 after the words " commencement of this Act ", insert the words " or such other period as may be resolved upon by the Legislative Assembly on a motion made on that behalf " . '

SRI E. L. RAGHAVA MUDALIAR :—" Sir, I move—

*' In line 5 of paragraph 1 of clause 3 for the words " a year " substitute the words " three years " . '**In Explanation I, for the words " no suits or application of the nature . . . before the expiry of the period mentioned in this section ", substitute the words " suits can be filed but execution of decree that may be passed shall be taken against non-agriculturists only " . '*

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved—

*' In line 5 of paragraph 1 of clause 3 for the words " a year " substitute the words " three years " . '**In Explanation I, for the words " no suits or application of the nature . . . before the expiry of the period mentioned in this section ", substitute the words " suits can be filed but execution of decree that may be passed shall be taken against non-agriculturists only " . '*

SRI S. SWAYAMPRAKASAM :—" Sir, I move—

' In Explanation I, omit the words " either against the non-agriculturist or " after the word " made " in the fourth line and before the word " against " in the fifth line. ' "

The amendment was duly seconded.

MR. SPEAKER :—" Motion moved.—

' In Explanation I, omit the words " either against the non-agriculturist or " after the words " made " in the fourth line and before the word " against " in the fifth line. ' "

[11th January 1954]

SRI S. SWAYAMPRAKASAM :—" Sir, I think an amendment of the term ' agriculturist ' is now being proposed by Government. Therefore . . . "

THE HON. SRI C. RAJAGOPALACHARI :—" I hope the hon Member will not mind my saying that there is one difficulty in regard to all the amendments now moved. If you make a provision in favour of one joint debtor and at the same time another joint debtor is excluded, the result will be that a surety may be proceeded against and the principal debtor cannot be proceeded against. Again we cannot make a difference between one kind of creditor and another, one creditor can proceed against a debtor and dispose or bring to sale all the latter's property, thereby ruining the other creditor. That is the difficulty in respect of these amendments. The hon. Member Mr. Swayamprakasam being a lawyer ought to know this."

SRI N. K. PALANISAMI :—" Mr. Speaker, Sir, I move—

' For the word " before the expiry of a year from the date of commencement of this Act " substitute the words and figures " before 31st May 1959 " . '

The motion was duly seconded.

MR. SPEAKER :—" Motion moved—

' For the words " before the expiry of a year from the date of commencement of this Act " substitute the words and figures " before 31st May 1959 " . '

SRI E. L. RAGHAVA MUDALIAR :—" Sir I move—

*' For the existing Explanation II substitute the following :—**" Explanation II.—In suits wherein other reliefs are coupled with payment of money, the suit can be tried and decree may be passed, but the decree can be executed only in respect of the other reliefs and not for payment of money " . '*

The motion was duly seconded.

MR. SPEAKER :—" Motion moved—

*' For the existing Explanation II, substitute the following :—**" Explanation II.—In suits wherein other reliefs are coupled with payment of money, the suit can be tried and decree may be passed, but the decree can be executed only in respect of the other reliefs and not for payment of money " . '*

[11th January 1954]

3-10
p.m.

SRI S. PANCHAKSHARAM:—"I beg to move—

"For Explanation II, substitute the following:—

"Explanation II.—A suit shall not be deemed to be a suit for the recovery of a debt as defined in section 2 (c) if other reliefs are prayed in such suit and a decree shall not be deemed to be decree for payment of money unless the decree obtained is on a debt as defined in section 2 (c)."

SRI S. S. RAMASWAMI PADAYACHI:—"I beg to move—

"Add at the end of clause 3, the words "and such debt shall be recovered in three equal annual instalments"."

SRI K. ARANGANATHAN:—"I second the amendments, Sir."

MR. SPEAKER:—"Motion moved—

"For Explanation II, substitute the following.—

"Explanation II.—A suit shall not be deemed to be a suit for the recovery of a debt as defined in section 2 (c) if other reliefs are prayed in such suit and a decree shall not be deemed to be decree for payment of money unless the decree obtained is on a debt as defined in section 2 (c)."

"Add at the end of clause 3, the words 'and such debt shall be recovered in three equal annual instalments.'"

"The motion as well as all the amendments are before the House for discussion."

3-11
p.m.

*SRI S. RAMALINGAM :—"கனம் சபாநாயகர் அவர்களே, சபை முன்பாக இருக்கும் மசோதாவில் செக்ஷன் 3 அதாவது கடன்காரர்கள் வாங்கி இருக்கக்கூடிய கடனை ஒரு வருஷ காலத்திற்கு அதன் பேரில் கோர்ட்டு நடவடிக்கைகளோ அல்லது டிகிரியாக இருந்தால் அந்த சொத்துக்களின்பேரில் நடவடிக்கைகள் எடுப்பதற்கோ ஒரு வருஷம் ஒத்தி வைக்கவேண்டும் என்பது சட்டத்தின் முக்கியமான அம்சமாக இருக்கிறது. இங்கு நான் கொடுத்திருக்கும் என்னுடைய திருத்தத்தில் குறைந்த பட்சம் மூன்று வருஷங்களாவது அந்தமாதிரி கடன் வசூலிப்பதை ஒத்தி வைக்கவேண்டும் என்று கோருகின்றேன். அதை எதிர் கட்சியில் இருக்கக்கூடியவர்களும் ஒத்துக்கொள்கிறார்கள். இந்தத் திருத்தங்களைக் கொண்டு வந்ததன் நோக்கம் என்னவென்றால் கடன்காரர்கள், சென்ற ஐந்து ஆண்டுகளாக ஏற்பட்டிருக்கக் கூடிய பஞ்சத்தால், மழை இல்லாததால், அவர்கள் நசித்துக்கொண்டு வந்திருக்கிறார்கள். அவர்கள் கடன் வாங்கிக்கொண்டு தங்களுடைய வாழ்க்கையை நடத்தி வந்திருக்கிறார்கள். அந்தமாதிரியான நிலையில் இருக்கும் விவசாயிகளுக்கு ஒரு வருஷம் நிவாரணம் போதுமா என்று பார்த்தால் அது போதாது என்பதுதான் எங்களுடைய வாதம். இன்றைக்கு சாகுபடி செய்து வந்தால் அவர்களுக்கு கொஞ்சம் தானியங்கள் கிடைக்கும். ஒரு வருஷம் முடிந்தவுடன் அந்த கடன்காரர்களுடைய நெருக்கடி அதிகமாக ஏற்படும். ஒரு வருஷம் முடிந்த உடன் விவசாயிகளிடம் இருக்கக்கூடிய சொத்துக்களையும் தானியங்களையும் கடன் கொடுத்தவர்கள் கண்டிப்பாய் கைப்பற்ற முயற்சி செய்வார்கள். அதனால் இந்த சட்டத்தை எந்த நோக்கத்தோடு கொண்டுவந்தோமோ அந்த நோக்கம் நிறைவேறாமல் போய்விடும். அதற்காகவே மூன்று வருஷங்கள் என்று வைத்தால் அதாவது மூன்று வருஷங்களுக்கு அந்தக் கடன் வசூலிக்கக்கூடாது என்று வைத்தால் ஒருக்கால் கனம் ராஜாஜி எதிர்பார்ப்பது போன்று நல்ல மழை பெய்தால் . . ."

[11th January 1954]

THE HON. SRI C. RAJAGOPALACHARI :—"நான் கூறுவது போல் . . ."

*SRI S. RAMALINGAM :—"நல்ல மழை பெய்து விவசாயிகள் நல்ல சாகுபடி செய்து ஏதாவது கொஞ்சம் மிச்சம் மீதி இருந்தாலும் அதைக்கொண்டு தங்களுடைய வாழ்க்கையை ஸ்திரப்படுத்திக் கொள்ளலாம். அதற்காகத் தான் மூன்று வருஷங்கள் இருக்க வேண்டும் என்று திருத்தம் கொண்டுவரப்பட்டிருக்கிறது. சென்ற மூன்று வருஷங்களாக மழை இல்லாததால் சரியானபடி சாகுபடி செய்ய முடியவில்லை. ஏர் உழுவதற்கு மாடுகளைக் கூட வாங்க முடியாமல் ஏற்பட்ட காரணத்தால் கல்லுப்பட்டியில் கூட மாடுகள் வாங்க சக்தி இல்லாமல் மனிதர்களே ஏர் உழாதார்கள் என்று பத்திரிகையில் பார்த்தோம்.—இவ்வளவு கஷ்டமான நிலைமை விவசாயிகளுக்கு ஏற்பட்டிருக்கிறது. அதனால் ஒரு வருஷம் போதாது, அதை மூன்று வருஷங்கள் விஸ்தரிக்க வேண்டும் என்று இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது. ஒரு முக்கியமான நோக்கத்தோடு இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது. மனிதன் ஏர் உழத்தாக சரித்திரத்தில் பார்த்ததே கிடையாது. ஆனால் தமிழ் நாட்டில் அந்த நிலைமை இப்பொழுது ஏற்பட்டிருக்கிறது. இந்த திருத்தத்தின் மூலம் விவசாயிகளுக்கு நிவாரணம் அளிக்க வேண்டும் என்ற நோக்கத்துடன் தான் இது கொடுக்கப்பட்டிருக்கிறது. அது தான் நமது நோக்கம்."

"After the words "of a debt" occurring in line 2, insert the words "and no application for eviction from any land for non-payment of arrears of rent which accrued before 31st March 1953".

"குத்தகை பாக்கிக்கும் இந்த சட்டம் கொண்டு வரப்பட்டிருப்பதைக் கண்டு நாங்கள் வரவேற்கிறோம். இப்பொழுது சென்ற காலத்தில் குத்தகை பாக்கிக்காக பல்லாயிரக் கணக்கான விவசாயிகளை நிலத்தை விட்டு அப்புறப்படுத்தி இருக்கிறார்கள். அவர்களுக்கு நிவாரணம் அளிக்கவேண்டும். குத்தகை வாரம் பாக்கிக்காக அவர்களை நிலத்தை விட்டு வெளியேற்றி இருக்கிறார்கள். அவர்களுக்கு நிவாரணம் அளித்து கோர்ட்டு களில் நடக்கும் கேஸ்களை நிறுத்தி வைக்க வேண்டும் என்பதும் தாக்கல் செய்த கேஸ்கள் மேல் நடவடிக் கொள்ள வேண்டும் என்பதும் தாக்கல் எங்களுடைய நோக்கம். அதுதான் இந்த திருத்தத்தின் நோக்கம். இந்த சட்டத்தில் இருக்கக் கூடிய நோக்கத்தை பிரதிபலிக்கக் கூடிய திருத்தம் இது. இதை சர்க்கார் ஒத்துக் கொள்ள வேண்டும். இப்பொழுது தஞ்சை பண்ணையாள் பாதுகாப்பு சட்டம் கொண்டு வந்தோம். அதன்படி ஐந்து வருஷங்களுக்கு விவசாயிகளை அப்புறப்படுத்தக் கூடாது என்று குறிப்பிட்டிருக்கிறோம். சென்ற வருஷம் அங்கு அடித்த புயல் காரணமாகவும் இன்னும் மற்ற காரணங்களாலும் விவசாயிகளால் குத்தகை வாரம் கட்ட முடியவில்லை. அந்த நிலைமை அங்கு ஏற்பட்டிருக்கிறது. குத்தகை பாக்கியை ஒரு வருஷம் வசூலிக்கக்கூடாது என்று கூறி இருக்கின்றோம். ஆனால் நிலத்தை விட்டு வெளியேற்ற கூடாது என்று தடுக்கவில்லை. அதனால் நிலத்தை இழக்க வேண்டிய நிலைமை ஏற்படும். நிலத்தை விட்டு அப்புறப்படுத்தப்பட்டால் கடன் ஒத்திவைப்புச் சட்டம் சலுகை கிடைக்காது. ஆகையால் நிலத்தை இழப்பதோடு அல்லாமல் கடன் தொல்லையும் பாதிக்கும். இது தஞ்சை ஜில்லாவில் மட்டும் இல்லை, மற்ற எந்த ஜில்லாவிலும் இருக்கிறது. அந்த மாதிரி ஏதாவதும் சிலில் கோர்ட்டுகளில் நடவடிக்கைகள் இருந்தால் அதையும் நிறுத்தி வைக்க வேண்டும் என்று இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது."

"Provided that the Government may extend the operation of this Act to such further period on a resolution being passed to that effect by the Legislative Assembly."

அதாவது இந்த சட்ட சபையில் ஒரு தீர்மானம் கொண்டு வந்து இந்த சட்டத்தை ஒரு வருஷத்திற்கு மேல் நீடிக்கலாம் என்று தீர்மானித்து அதன்படி காலத்தை நீடித்துக் கொள்ளலாம். இந்த 3-வது கிளாசில்

[Sri S. Ramalingam] [11th January 1954]

திட்டவட்டமாக ஒரு வருஷத்திற்கு மேல் ஒத்தி வைக்கப்படும் என்று இல்லாமல் இருக்கிறது. இப்பொழுது ஒரு வருஷம் மழை பெய்திருக்கிறது. இதைத் தொடர்ந்து மழை பெய்யுமோ என்னமோ தெரியாது. அதனால் பின்னடி நன்மை ஏற்படுமோ என்னமோ என்பதற்காகத் தான் இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது. இந்த திருத்தம் என்ன வென்றால் இந்த சட்ட சபையில் ஒரு தீர்மானம் கொண்டு வந்து அதன் மூலமாக எவ்வளவு காலத்திற்கு இந்த மாதிரியான கடனை ஒத்தி வைக்க வேண்டும் என்று தீர்மானிக்கப்படுகின்றதோ அவ்வளவு காலத்திற்கு ஒத்தி வைப்பதற்கு இடம் இருக்க வேண்டும் என்பதற்காகத் தான் இந்த திருத்தம் கொண்டு வரப்பட்டிருக்கிறது.

Explanation III.—In any suit or proceeding or application of the nature mentioned in Section 3, any agriculturist may be represented by an agent authorized in writing other than a Pleader or an Advocate only to prove whether such person is an agriculturist or not.

கனம் ராஜாஜி விரும்புவது போல் விவசாயிகளுக்கு அதிகப்படியான செலவைக் கொடுக்கக் கூடாது. மேலும் விவசாயிகளை கோர்ட்டு விவகாரங்களில் இழுத்து விடக் கூடாது என்பதற்காகத் தான் இந்த திருத்தம் கொண்டு வரப்பட்டிருக்கிறது. இவ்விதம் இல்லாமல் போனால் இந்த சட்டம் கொண்டு வந்ததன் நோக்கம் நிறைவேறாமல் போய் விடும். எவன் கடன் கொடுக்க வேண்டுமோ அவன் விவசாயி இல்லை என்று மனுப் போடுவதற்கு முடியும். இந்தக் கேஸில் கோர்ட்டுக்குச் சென்று அதை ஆட்சேபணை செய்து தான் ஒரு விவசாயி என்று ருஜூ பண்ணுவதற்கு சட்ட வரம்பு இருக்கிறது. அதற்கு ஒரு வக்கீலை வைத்துக்கொண்டு வந்தால் வக்கீலின் மூலமாக அந்த கேசை நடத்தித்தான் ருஜூப்பிக்க முடியும். இந்த திருத்தத்தை நாம் ஒப்புக்கொண்டால் அந்த மாதிரி வக்கீல் வேண்டியது இல்லை. ஒரு விவசாயி தான் ஒரு விவசாயி என்று வக்கீல் வைக்காமல் நான் ஏஜெண்டு மூலமாக நிரூபிக்கமுடியும். இந்தத் திருத்தத்தைக் கொண்டு வருவதனால் வக்கீல்களுடைய வருமானத்தை குறைக்க வேண்டும் என்ற நோக்கம் எனக்கு இல்லை. அங்கு இருக்கக் கூடிய ஒரு விவசாயி தான் ஒரு விவசாயி என்று நிரூபிப்பதற்கு ஒரு ஏஜெண்ட் மூலமாகவோ அல்லது தானாக நோக்கச் சென்று எழுத்து மூலமாக எழுதிக் கொடுத்து அதன் மூலம்தான் ஒரு விவசாயி என்று நிரூபிப்பதற்கு வசதி செய்து கொடுக்கவேண்டும் என்பதற்காகத் தான் இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது. இந்த திருத்தங்கள் ரொம்பவும் நியாயமானது. இதைப்பற்றி பொது விவாதத்தில் கூட இந்தப் பக்கத்தில் அதைப்பற்றி பிரதிபலித்திருக்கிறார்கள். சர்க்கார் இவைகளை ஏற்றுக் கொள்ள வேண்டும் என்று கேட்டுக்கொண்டு என்னுடைய உரையை இத்துடன் முடித்துக் கொள்கிறேன்.”

SRI S. RAMASWAMI NAIDU:—“Mr. Speaker, Sir, I have nothing particular. I wanted to say that the time at our disposal is short and the number of amendments are also very large. Can we not take all the amendments as moved?”

MR. SPEAKER:—“No, no. They should be formally moved and seconded.”

3-20 P.M. ***SRI P. B. K. RAJACHIDAMBARAM:**—“மன்றத் தலைவர் அவர்களே, அரசியலார் எந்தக் காரணத்திற்காக இந்த மசோதாவைக்கொண்டு வந்திருக்கிறார்களோ, அதே காரணத்திற்காகத்தான் நான் இந்தத் திருத்தத்தைக் கொடுத்திருக்கின்றேன்.

“அரசியலார் இந்தச் சட்டத்தின் முதல் ஷரத்தில், இந்தச் சட்டத்தின் அவசியத்தைப் பற்றி விளக்குகையில், விவசாயிகளுக்கு ஒரு வருஷ காலத்திற்கு இந்த வசதியை அளிக்கவேண்டுமென்று சொல்லியிருக்கிறார்கள், எனது திருத்தத்தின் உட்கருத்தம் அதுதான். வழக்கறிஞர்கள் தீர்ப்பியிருக்கும் இந்த மந்திரிசபைக்கு இது நன்றாகத் தெரிந்திருக்கும்

[11th January 1954] [Sri P. B. K. Rajachidambaram]

நாட்டில் நியாய ஸ்தலங்கள் வருஷத்தில் 180 நாட்கள் வேலை செய்கின்றன. மீதி நாட்களில் இதைப் போன்ற ஒரு சட்டம் இருந்தாலும் இல்லாவிட்டாலும் விவசாயி மீது எந்தவித நடவடிக்கையும் எடுக்க முடியாது இருக்கிறது. ஆகவே, உண்மையாக நீங்கள் ஒரு வருஷகாலத்திற்கு இந்தச் சலுகையை அளிக்கவேண்டுமானால், ஏற்கனவே இருக்கக்கூடிய சட்ட திட்டங்களில் 180 நாட்களுக்குச் சலுகை இருக்கிறது. 180 நாட்களுக்கு நீடித்துக் கொடுப்பதற்கு உங்கள் சட்டத்தை இரண்டு வருஷ காலத்திற்கு நீடிக்க வேண்டும் என்பது உட்கருத்து. அரசாங்கம் எந்தக் காரணத்திற்காக இதைக் கொண்டு வந்திருக்கிறதோ, அதே காரணத்திற்காகத்தான் நான் இந்தத் திருத்தத்தை பிரேரிப்பதற்கு முன் வந்திருக்கின்றேன். அரசாங்கம் இதற்கு எந்த விதமான ஆட்சேபணையும் சொல்லமாட்டார்கள் என்று நினைத்து என்னுடைய பேச்சை முடித்துக்கொள்கின்றேன்.”

SRI N. K. PALANISAMI:—“கனம் சபாநாயகர் அவர்களே, பொதுவாக இந்தச் சட்டத்தில் டிசம்பர் முதல் டிசம்பர் வரையில் என்று இருக்கிறது. எந்த அடிப்படையில் டிசம்பருக்கு டிசம்பர் என்று கணக்கிட்டிருக்கிறார்கள் என்று தெரியவில்லை. உதாரணமாக, தஞ்சாவூர் பண்ணையான் பாதுகாப்புச் சட்டத்தில் இரண்டாவது வியாக்கியானத்தில் (Definition இல்) ‘Agricultural year commences on the 1st day of May’ என்று சொல்லப்பட்டிருக்கிறது. சாதாரணமாக ஒரு விவசாயிக்கு அறுவடை சமயம் புஞ்சைப் பிரதேசங்களில் ஏப்ரல் முதல் மே என்று இருக்கிறது. அதே அறுவடை பாக்கி டெல்டா பிரதேசங்களில் நவம்பர் முதல் டிசம்பர் என்று இருக்கிறது. இந்தச் சட்டத்தின் பிரகாரம் ஒரு வருஷ தவணை தீர்த்தவுடன் நிலச்சுவான்தார்களின் காலில் விழ வேண்டிய நிலையில் விவசாயிகள் இருக்கிறார்கள். அந்தச் சமயத்தில் 1,500 ரூபாய்க்கு பாண்டு எழுதிக் கொடுத்தால்தான், கையில் 1,000 ரூபாய் விவசாயிகளுக்கு கடன் கிடைக்கிறது. அந்த சமயத்தில் உடனடியாக அடுத்த டிசம்பர் வரும்போது அந்த விவசாயியிடம் பணம் இருக்காது. ரூ. 1,500-க்கு வட்டியும் போட்டு, கடன் கொடுத்தவன் நிலத்தை ஐப்தி செய்ய முற்படுகிறான். டிசம்பருக்கு டிசம்பர் என்று இருக்கிறதே அது எந்த அடிப்படை என்று தெரியவில்லை. தஞ்சாவூர் பண்ணையான் பாதுகாப்புச் சட்டத்தில் விவசாய வருஷம் என்பது மே மாதம் என்று இருக்கிறது. அதுதான் அறுவடை சமயம். ஆகையால், குறைந்தது மே மாதம் வரை இதை ‘extend’ பண்ணவேண்டுமென்று வற்புறுத்துகின்றேன்.”

***SRI K. T. RAJU:**—“கனம் சபாநாயகர் அவர்களே, கனம் அங்கத்தினர் ஸ்ரீ ராமலிங்கம் அவர்கள் கொண்டு வந்திருக்கிற திருத்தத்தை ஆதரிக்கிறேன். ஒரு வருஷம் என்பது மசோதாவின் நோக்கம். மூன்று வருஷம் என்று கனம் அங்கத்தினர் ராமலிங்கம் அவர்களின் திருத்தம் கோருகிறது.

“கிராமங்களில் புரோதோட்டு எழுதிக் கொடுப்பது என்பது கடன் வாங்கிய தொகைக்கு அல்ல. 100 ரூபாய் கடன் வாங்கினால், ரூ. 200-க்கு எழுதிக் கொடுத்தால்தான் பணம் கொடுக்கிறார்கள். கோர்ட்டிலே கேஸ் போடும் போது எழுதிக் கொடுத்த 200 ரூபாய்க்கு தான் போடுகிறார்கள்.

“ஒரு வருஷத்திற்கு இந்த மசோதா தவணை அளித்திருக்கிறது. எப்பொழுது அந்தத் தேதி தீரும், எப்பொழுது கோர்ட்டிலே கேஸ் போடலாம் என்று எதிர்பார்த்துக் கொண்டிருப்பார்கள் கடன் கொடுத்தவர்களெல்லாம். ஒரு வருஷம் என்பது குறுகிய காலம். ஒரு வருஷம் முடிந்தவுடன் பழையபடி கடன் கொடுத்தவர்கள் விவசாயிகளை நெறுக்கிப் பணத்தைப் பெறக்கூடிய நிலைமை ஏற்படும். குறைந்தபட்சம் மூன்று வருஷ அவகாசம் இருந்தால்தான் நல்லது.

“இந்த சட்டமானது வந்ததற்குப் பிறகு இடைக் காலத்தில் விவசாயிகளெல்லாம் கடன் வாங்க முடியாமல் கஷ்டப்படுகிறார்கள். ஆயிரக்கணக்கான விவசாயிகள் கடன் தொகையைவிட இரண்டு மூன்று மடங்குக்கு புரோதோட்டு எழுதிக்கொடுத்து கடன் வாங்கிக்கொண்டிருக்கிறார்களென்பதை இந்தச் சபையின் ரூபகத்திற்குக் கொண்டுவருகின்றேன். அதற்

[Sri K. T. Raju] [11th January 1954]

காக ஒரு கமிட்டியை ஏற்படுத்தி விசாரணை செய்யவேண்டும். அதற்கென ஒரு சட்டம் கொண்டுவர வேண்டியது அவசியம். எழுதிக் கொடுத்த பணத்தைப் பாதி ரத்து செய்துவிடவேண்டும். அப்பொழுதுதான் ஏழை விவசாயிகள் உருப்படியாக வாழ முடியும்.

“கடன் நிவாரணச் சட்டம் பல வருஷங்களுக்கு முன் வந்த போது லேவாதேவிக்காரர்கள் இந்த முறையைக் கையாண்டு கொண்டிருந்தார்கள். 100 ரூபாய்க்கு பதிலாக 200 ரூபாய்க்கு புரோதோட்டு வாங்கும் முறை சட்டப் பரவமாக நடந்திருக்கிறது. பணம் கொடுக்காவிட்டால், எழுதிக் கொடுத்த தொகைக்கு கோர்ட்டில் கேஸ் போட்டு வசூல் செய்துவிடுகிறார்கள். விவசாயிகளுக்குப் பணம் கிடைக்காத காரணத்தினால் அவர்கள் இந்த மாதிரி அதிகத் தொகைக்கு எழுதிக் கொடுக்க வேண்டிய நிர்ப்பந்த நிலையில் இருக்கிறார்கள். ஒரு வருஷ தவிரை என்பது வெகு குறுகிய காலமாக இருக்கிறது. ஒரு வருஷம் எப்பொழுது முடியுமோ என்று காத்துக் கொண்டிருந்து கடன்காரர்கள் விவசாயிகளை நெறுக்கும்படியான நிலைமை ஏற்படும். இந்த மசோதாவை விவசாயிகளுடைய நன்மைக்காகக் கொண்டு வந்திருக்கிறோம் என்பது உண்மையானால், இந்த சட்டத்தை மூன்று வருஷத்திற்கு நீடிக்கவேண்டும். அப்பொழுது தான் கடன் பட்ட ஏழை விவசாயிகளுக்கு உண்மையாகவே ஓரளவுக்கு நன்மை செய்ததாக ஏற்படும். அதன்படி இந்தச் சட்டத்தில் திருத்தம் செய்யப்பட வேண்டுமென்று கேட்டுக் கொள்ளுகின்றேன். அந்த அடிப்படையிலே கனம் அங்கத்தினர் ஸ்ரீ ராமலிங்கம் அவர்கள் திருத்தம் கொண்டு வந்திருப்பதால், அந்தத் திருத்தத்தை நான் ஆதரிக்கின்றேன். கனம் அமைச்சர் அவர்கள் இந்த விஷயத்தில் கவனம் செலுத்த வேண்டுமென்றும் கேட்டுக்கொள்ளுகின்றேன்.”

3-25 SRI K. ARANGANATHAN:—“கனம் அவைத்தலைவர் அவர்களே, தற்காலிகமாக விவசாயிகளுக்கு கடன் தொல்லையிலிருந்து நிவாரணம் அளிக்கக்கூடிய ஒரு மசோதாவை அரசாங்கம் கொண்டுவந்திருப்பதை நான் வரவேற்கின்றேன். விவசாயிகள் கடன்பட்டிருக்கிறார்கள். அதனால் அவர்களுக்கு தொல்லைகள் அதிகமாக ஏற்பட்டிருக்கிறது. அவர்களுக்கு நிவாரணம் அளிக்கவேண்டுமென்ற எண்ணத்தைக்கொண்டு தான் அரசாங்கம் இந்த மசோதாவைக் கொண்டு வந்திருக்கிறது. நாங்களும் அப்படித்தான் நினைக்கிறோம். மற்றவர்களும் நினைக்கிறார்கள். 1944-ம் வருஷத்திலிருந்து தென்னாற்காடு வடாற்காடு மாவட்டங்களில் பருவ மழை தவறிவிட்டது.”

THE HON SRI C. RAJAGOPALACHARI:—“இதெல்லாம் காலியே லேயே பேசியாய்விட்டே!”

SRI K. ARANGANATHAN:—“ஒவ்வொரு ஆண்டிலும் விவசாயிகள் நஷ்டம் அடைந்துகொண்டு வந்திருக்கிறார்கள். நஞ்சைப் பயிரில் ஏக்கருக்கு ரூ. 180 முதல் ரூ. 200 வரையிலும், புஞ்சைப் பயிரில் ரூ. 40 முதல் 60 வரையிலும் விவசாயிகள் நஷ்டம் அடைந்திருக்கிறார்கள். சென்ற 9 ஆண்டுகளுக்கு கணக்கிட்டுப் பார்த்தால் விவசாயிகள் சராசரி ரூ. 2,000 வரையில் நஷ்டம் அடைந்திருக்கிறார்கள். சமீபத்தில் மழை பெய்த காரணத்தால் ஏதோ நல்ல பலன் கிடைக்குமென்று எதிர்பார்த்துக்கொண்டிருந்த காலத்தில், பயிர்கள் பூச்சிகளால் பாதிக்கப்பட்டுவிட்டன. ஆகவே கொஞ்ச நஞ்சும் இருந்த நம்பிக்கையையும் அவர்கள் இழந்திருக்கிறார்கள். இந்த சந்தர்ப்பத்தில் இந்த அவசரச் சட்டம் வந்ததை வரவேற்கின்றோம். ஆனால், ஒரு ஆண்டு தவிரை மட்டும் கொடுத்திருப்பது போதாது. அதைக் கண்டு நாங்கள் வருந்துகிறோம். குறைந்தபட்சம் மூன்று ஆண்டுகளுக்கு நிவாரணம் அளிக்கக்கூடிய முறையில் இந்தச் சட்டத்தைத் திருத்தியமைக்க வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன். ஸ்ரீ ராமலிங்கம் அவர்கள் கொண்டுவந்த திருத்தப் பிரேரணையை நான் வரவேற்கின்றேன்.”

SRI K. P. GOPALAN:—“Sir, my amendment is a very simple one. If ‘agriculturist’ alone is added, agricultural

[11th January 1954] [Sri K. P. Gopalan]

labourers would be left out. The Hon. Minister's explanation did not deal with agricultural labourers. There are thousands of agricultural labourers. They are really landless poor people and their condition is a miserable one. If we go into the history of these people, we will know that they owned lands once, but they have become landless now, and they are labourers. Apart from that, because of the drought, famine and flood, these people have incurred heavy debts. If this Bill is not going to benefit them, there is no hope for them. Our Chief Minister claims that he is championing the cause of the poor people. Everybody will praise that. (Interruption by Chief Minister: ‘Say, accept that.’) If we forget agricultural labourers, we will not be doing good to the poor. I request the Hon. Chief Minister to include agricultural labourers also. (The Hon. Chief Minister was heard to say: ‘We cannot have general insolvency. Credit will be ruined.’) I understand that the landlords will be benefited by this Bill; but I do not know why the poor agricultural labourers should not be benefited.”

* SRI P. VENKATESHA SHOLAGAR:—“கனம் சபாநாயகர் அவர்களே, தோழர் ராமலிங்கம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை நான் ஆதரிக்கும் முறையில் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். சென்ற வருஷம் கொண்டுவந்த சட்டத்தில் விவசாயிகளுக்கு சரியான பாதுகாப்பு அளிக்கப்படவில்லை. ஏழை விவசாயிகள் சென்ற வருஷம் கொடுக்க வேண்டிய பாக்கியை இன்னும் கொடுக்க முடியாத நிலையில் இருக்கிறார்கள். இந்தக் கடன் தொகையை விவசாயிகளிடமிருந்து வசூல் செய்ய பல பேர்களுக்கு கோர்ட்டுகளில் உத்திரவு இருக்கிறது. இன்னும் விவசாயிகளிடமிருந்து கடன் வசூல் செய்யவும் அவர்களை வெளியேற்றவும் கோர்ட்டுறாலில் உத்திரவு பெருவதற்கு பலர் காத்துக் கொண்டிருக்கிறார்கள். சென்ற வருஷம் கொடுக்க வேண்டிய கடனை ஒரு வருஷம் தள்ளிக்கொடுக்கவேண்டுமென்றிருக்கிறது. அப்படி இருந்தும் சிலர் மட்டும் கொடுக்கவேண்டிய அவசியம் இருக்கிறது. இந்த சட்டம் யாவருக்கும் பயன்படவேண்டுமானால் ரெவன்யூ சிவில் கோர்ட்டுகளில் தாவா இருந்தாலும் அவர்களை கட்டுப்படுத்தாது என்று இருக்கவேண்டும் என்று கேட்டுக் கொள்கிறேன். கோர்ட்டுகளில் வக்கீல்களை வாதிட்பதற்கு உபயோகப்படுத்துகிறார்கள். விவசாயிகளிடம் சட்டத்தை விளம்பரம் செய்யாததால் ஜனங்கள் சரியாக இதைப் புரிந்துகொள்ளவில்லை இதனால் பல அதிகாரிகள் நியாயத்தைப் பார்க்காமல் சட்டத்தைப் பார்த்துக்கொண்டு பலரை நிலத்திலிருந்து வெளியேற்ற திட்டமிடும் ஏற்பாடு செய்கின்றனர். பல ஏழை விவசாயிகளை வெளியேற்றியுமிருக்கிறார்கள். இப்படி கஷ்டப் பட்டுக்கொண்டிருக்கிற விவசாயிகளுக்கு நிவாரணம் அளிக்கவேண்டுமென்பதற்காகத்தான் இந்தத் திருத்தத்தைக் கொடுக்கிறோம்.”

“குத்தகை பாக்கிக்காக பல்லாயிரக்கணக்கான விவசாயிகள் அப்புறப்படுத்தப்பட்டிருக்கிறார்கள். மேலும் அவர்கள் தாங்கள் கட்டவேண்டிய கடன் தொகையைக் கட்டத்தவறுவதால் அடிக்கடி கோர்ட்டுகளுக்கு இழுக்கப்படுகிறார்கள். சட்டநுணுக்கம் தெரியாததால் அவர்கள் வக்கீல்களின் உதவியை நாடுகிறார்கள். கோர்ட்டில் தான் ஒரு விவசாயி என்று நினைப்பதற்கு ஒரு பிரதிநிதி மூலமாகவோ அல்லது தானாகவோ நேரில் சென்று எழுத்து மூலமாக எழுதிக் கொடுத்து அதன் மூலம் தான் ஒரு விவசாயி என்று நிரூபிப்பதற்கு வசதி செய்துக் கொடுக்க வேண்டும். இதற்காக விவசாயிகள் வக்கீல் ஒத்தாசைக் கொண்டு பேசாமல் இருந்தால் நலமாக இருக்கும். தஞ்சை சட்டத்தில் இவ்விதம் இருப்பதால் என்றும் பாதுகாப்பில்லை. ஆகையால் விவசாயிகளுக்கு அதிக கஷ்டமோ பண நஷ்டமோ ஏற்படாது. இதனால் பல செளகர்யங்கள் ஏற்படுமென்று

[Sri P. Venkatesha Sholagar] [11th January 1954]

இந்தச் சந்தர்ப்பத்தில் சொல்ல விரும்புகின்றேன். சர்க்கார் இதை ஏற்றுக் கொள்ளும்படியாகக் கேட்டுக்கொண்டு இதை நான் வற்புறுத்துகின்றேன். இதனால் ஜனங்களுக்கும் சர்க்காருக்கும் எவ்வித நஷ்டமும் ஏற்படாது.”

* SRI P. S. KRISHNASWAMI AYYANGAR:—“ Sir, I am sorry, I was not present when my name was called. I apologise to the Speaker. I may be permitted to move my amendment. Both the amendments Nos. 80 and 81 relate to clause 3 and 1 will move them together. I beg to move—

‘For paragraph 1, substitute the following:—

“Bar of suits and applications—Before the expiry of a year from the date of commencement of this Act, the following legal proceedings cannot be instituted:—

- (1) suits for recovery of debts from agriculturists,
- (2) applications for the execution of decrees for payment of moneys passed in suits for recovery of debts from agriculturists,
- (3) insolvency proceedings against agriculturists, and
- (4) suits for ejectment of agriculturists from their leaseholds on the ground of forfeiture for non-payment of rent.”

Below Explanation II add the following explanation:—

“Explanation III.—A suit shall not be deemed to be a suit for recovery of a debt merely by reason of a prayer in the plaint for award of costs to the plaintiff.”

“With regard to stay of suits, there may be a case where there may be a lease deed wherein there may be a provision for the landlord or lessor to take possession of the property if default is made in the payment of rent within the stipulated time. In such a case, the landlord may file a suit for ejecting the tenant and in such a suit, the tenant will be relieved against ejectment if he pays arrears of rent into the Court. Therefore, in such a suit, he will be indirectly compelled or forced to deposit the arrears of rent. Thus, though outwardly the suit may be for ejectment, it will be a suit for recovery of rent actually. For unless he deposits the rent into Court, he will not be permitted to remain on the land. He will be dispossessed of the land by means of a decree. There is no provision to prevent such a suit.

“Again, in the case of insolvency proceedings, when once the insolvency petition is filed by the creditor, the entire property of the insolvent vests in the Official Receiver or Official Assignee. In that case, he is deprived of his property, which means he has necessarily to pay the debts. Therefore, insolvency proceedings also will have to be included in the category of proceedings that will have to be eschewed.

“Now a Government amendment has been brought in wherein it is said that a suit for possession of land will not be a suit

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for recovery of debt also merely by reason of the fact that there is a prayer added in the plaint for recovery of mesne profit. So a prayer for recovery of mesne profits will not make a suit for possession of a suit for recovery of rent; but, some people even argue that if there is a prayer for award of costs, it should be considered a suit for recovery of money. Therefore, I have suggested an amendment that ‘a suit shall not be deemed to be a suit for recovery of debt merely by reason of a prayer in the plaint for award of costs to the plaintiffs’. If Government accept this, it may be incorporated in the respective clause.”

The motion was duly seconded.

MR. SPEAKER:—“ Motion moved—

‘For paragraph 1, substitute the following:—

“Bar of suit and applications—Before the expiry of a year from the date of commencement of this Act, the following legal proceedings cannot be instituted:—

- (1) suits for recovery of debts from agriculturists,
- (2) applications for the execution of decrees for payment of moneys passed in suits for recovery of debts from agriculturists,
- (3) insolvency proceedings against agriculturists, and
- (4) suits for ejectment of agriculturists from their leaseholds on the ground of forfeiture for non-payment of rent.”

and below Explanation II, add the following Explanation:—

“Explanation III.—A suit shall not be deemed to be a suit for recovery of a debt merely by reason of a prayer in the plaint for award of costs to the plaintiff.”

SRI S. PANCHAKSHARAM:—“ Sir, the original clause as it stands proposes to bar or ban suits even against non-agriculturists. I do not think Government want to give protection to non-agriculturists. If the creditor is not able to recover from an agriculturist why should he be banned from filing a suit against the non-agriculturist? I can understand if Government wants that after obtaining a decree and if the amount is not realised from the non-agriculturist-debtor, the execution may be stayed for at least one year and further, allowed to be taken after the expiry of the said period. Therefore, my object is that non-agriculturist debtors should not be given protection under this clause.

“My next amendment is ‘before the expiry of the year 1954’. The span of life of the Bill is one year. It will be 15th January or so before it comes into effect. There may be more definiteness if we stipulate the exact period.

“As for my amendment to the Explanation, the object of the Bill is to give protection for agriculturist-debtors, that is, if a creditor wants to file a suit for recovery of moneys due to him, it is all right to prevent that. But why should all suits where

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action against an agriculturist, lies he banned? Supposing there is damage to my property by a trespasser or my goods are carried away. Such a person is protected by the comprehensive definition of the word 'debt.' Even such cases are sought to be banned by this Bill within the four corners of the definition of the word 'debt'. I want the Government to permit all other suits and other reliefs."

SRI S. S. RAMASAMI PADAYACHI:—"கனம் சபாநாயகர் அவர்களே, கடந்த 7, 8, ஆண்டுகள் பருவ மழை தவறிய காரணத்தினால் விவசாயிகள் மிகுந்தக் கஷ்டத்திற்குள்ளாகியும், கடன் தொல்லைகளுக்கு ஆளாகியும் இருக்கிறார்கள். இந்த வருஷம் தான் மழை பெய்து நாட்டில் சுபிட்சம் ஏற்பட்டிருக்கிறது. விவசாயிகள் தங்களுக்கு விளைந்த நெல்லின் மூலம் வருமானம் வந்தவுடனே தாங்கள் வாங்கிய கடனைக் கொடுக்க வேண்டிய நிர்ப்பந்தம் ஏற்படுகிறது. ஆதலால் ஒரு வருஷத்தில் விவசாயிகள் தங்கள் கடனைக் கொடுக்க வேண்டுமென்றால், விவசாயிகளுக்கு இந்தச் சட்டத்தினால் ஒருவிதப் பயனும் ஏற்படாது. கடந்த 7, 8, ஆண்டுகளாக மிகுந்த பஞ்சத்தினால் பாதிக்கப்பட்ட விவசாயிகள் தங்களின் கடன் தொகையை திருப்பிக் கொடுக்க ஒரு வருஷ கால தவணை என்பது மிகக் குறைவு என்று இந்தச் சமயத்தில் குறிப்பிட விரும்புகிறேன். அதாவது அவர்கள் ஒரு வருஷத்தில் கொடுக்க முடியாத நிலையில் இருக்கிறார்கள். இரண்டாவதாக சென்ற ஆண்டில் விவசாயத்திற்கு வேண்டிய பொருள்களையெல்லாம் வற்று விட்டபடியால் அவர்கள் விவசாயத்திற்கு வேண்டிய பொருள்களை வாங்குவதற்கு அதிகக்கடன் வாங்கவேண்டி இருந்தது. அதனால் அவர்கள் மிகவும் பாதிக்கப்பட்டிருக்கிறார்கள். ஆதலால் அப்பொழுது கடன் பட்டவர்கள் அவர்கள் வாங்கிய கடன் தொகையை ஒரு வருஷத்தில் திருப்பி கட்டுவார்கள் என்ற நம்பிக்கையும் இப்பொழுது இல்லை."

"ஆகையால் ஏழை விவசாயிகளின் நலனைக் கருதி அவர்கள் கொடுக்க வேண்டிய கடன் தொகையை அடுத்த வருஷம் திருப்பிக் கொடுக்கும் போது விவசாயிகள் மூன்றில் ஒரு பங்கு மட்டும் கொடுக்கலாம் என்று மசோதாவில் திருத்தம் செய்யப்பட்டுவரும். அதற்கு அடுத்த வருஷம் மீதி கடன் பாக்கியையும், மூன்றாவது வருஷம் கொடுக்க வேண்டிய தொகை பூராவையும் கொடுப்பதற்கு அரசாங்கம் வகை செய்ய வேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகின்றேன்."

***SRI A. RATNAM:**—"கனம் சபாநாயகர் அவர்களே, இந்த விவசாய கடன் ஒத்திவைப்பு மசோதாவானது விவசாயிகளுக்கு பலன் தரும் வகையில் இல்லை என்று சொல்ல விரும்புகின்றேன். இந்த நாட்டில் 100-க்கு 90 வீதம் விவசாயிகள் இருக்கிறார்கள். அவர்கள் எல்லோரும் இந்தத் தாழ்த்தப்பட்ட சமூகத்தைச் சேர்ந்தவர்களாகத் தான் இருக்கிறார்கள். இந்த மசோதாவில் பல வகையில் குறைகள் நிறைந்திருக்கின்றன, ஏனென்றால் இது தாழ்த்தப்பட்ட சமூகத்திற்கு நன்மை பயக்கக் கூடியதாய் இருக்க வேண்டும் என்று தான் சொல்ல வேண்டும்."

THE HON. SRI C. RAJAGOPALACHARI:—"மற்ற சமூகத்தைப் போல்தானே உங்கள் சமூகத்திற்கும் நன்மை ஏற்படப்போகிறது."

***SRI A. RATNAM:**—"முகியமாக நான் விரும்புகிறேன் என்று சொல்கிறேனே தவிர பொதுப்படையாக மற்ற சமூகத்தைப்பற்றி பேச முடியாது என்று நான் சொல்லவில்லை. இப்போது பேசிய அத்தனைபேரும் வழக்கறிஞராகவும், தனவந்தராகவும், சட்ட துணுக்கத்தில் அனுபவம் உள்ளவராகவும் இருந்தும் தாழ்த்தப்பட்ட தோழர்கள் ஒருவர் கூட இதைப்பற்றி பேசவில்லை யென்ற காரணத்திற்காகத்தான் இதைக்குறிப்பிட ஆசைப்படுகிறேன். மேலும் 42 ஹரிஜன் எம்.எல்.ஏ-க்கள் இருந்தும் கூட இந்த மசோதாவைப்பற்றி விவரமாக பேசுவதற்கு சந்தர்ப்பம் அளிக்கப்படவில்லை."

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MR. SPEAKER:—"எல்லோருக்கும் தான் சந்தர்ப்பம் அளிக்கப்படுகிறது. அதனால் இப்போது ஒருவருக்கும் சந்தர்ப்பம் அளிக்கப்பட வில்லை என்று சொல்ல முடியாது."

***SRI A. RATNAM:**—"இந்த மசோதாவில் ஒரு வருஷத்திற்கு அவர்கள் கொடுக்கவேண்டிய கடனுக்குத் தவணை கொடுக்கப்பட்டிருக்கிறது. அடுத்த டிசம்பர் மாதத்தில் தவணை முடிவடைகிறது. ஆனால் அடுத்த ஜனவரி, பிப்ரவரி, மார்ச்சு மாதங்களில் தான் விவசாயிகள் அறுவடையை ஆரம்பிக்கப் போகிறார்கள். விவசாயிகள் கடனைத் திருப்பிக் கொடுக்கவோ சுபிட்சமாக வாழ்வோ அதற்குப் பிறகுதான் முடியும். அறுவடைக்கு பிறகு தான் விவசாயிகள் தங்கள் கடனைத் திருப்பிக் கொடுக்கவேண்டுமென்று இந்த மசோதாவில் விதி ஒன்று இயற்றப்பட வேண்டும். விவசாயிகளுக்கு கடன் கொடுத்த பலர் அவர்களைத் துன்புறுத்தக் காத்துக் கொண்டிருக்கிறார்கள். ஆனால் ஏழை விவசாயிகள் பல ஆயிரக்கணக்கான ரூபாய் செலவு செய்தால்தான், அறுவடை அறுத்தால்தான் அவர்கள் பட்டக்கடனைத் தீர்க்க முடியுமே தவிர மற்றபடி தீர்க்க முடியாது. அறுவடை அறுத்து அதை விற்பனைச் செய்து அந்தத் தொகையை கடனுக்குத்தான் கொடுக்க முடியுமே தவிர வேறெந்தச் செலவுக்கும் உபயோகப்படுத்த முடியாது. நான் திருத்தம் கோறுவதெல்லாம் ஒருவருஷத் தவணைபோதாது இரண்டு வருஷமோ அல்லது மூன்று வருஷமோ அதிகம் செய்ய வேண்டும் என்று இந்தத் திருத்தத்தை ஆமோதிக்கிறேன். ஆகையால் டிசெம்பர் மாதம் அறுவடை செய்து அதை விற்பனை செய்து வட்டியும் முதலும் கொடுக்கவேண்டிய நிர்ப்பந்தம் ஏற்படுகிறது. அது முடியாது. ஆகவே இந்தக் கடன் தவணை ஒரு வருஷமாக இல்லாமல், இரண்டு வருஷமோ அல்லது மூன்று வருஷமாக ஆக்கப்பட வேண்டும்."

"தோழர் ராமலிங்கம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தம் விவசாயிகள் தாங்கள் திருப்பிக் கொடுக்கவேண்டியக் கடன் தவணையை மூன்று வருஷமாக மாற்றி அவர்கள் கொடுக்கவேண்டிய கடனை மூன்று வருஷம் பொறுத்து வசூல் செய்ய வேண்டுமென்பதை ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். ஏனென்றால் ஏழை விவசாயிகளால் அறுவடைக்கு முன்பு கடன் தொகையைத் திருப்பிக் கொடுக்க முடியாது. ஆதலால் அவர்களின் நன்மையைக் கருதி அரசாங்கம் இந்தத் திருத்தத்தை மனப்பூர்வமாக ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக் கொண்டு இந்த மசோதாவை வரவேற்கிறேன்."

SRI E. L. RAGHAVA MUDALIAR:—"Mr. Speaker, Sir, 3-30 P.M.
one of my amendments proposes that this Act should be in force for three years. But I do not plead that the repayment of the whole debt should be postponed for three years. In another amendment, I have proposed that the debts stayed under this Act should be made repayable in three annual equal instalments and that a debtor defaulting to pay any one instalment shall not be entitled to stay or relief under this Act. If the moratorium is for one year, creditors will rush to courts and resort to coercive processes immediately at the end of the year. The instalment system that I have proposed will make repayment easy, especially when no alternative machinery to private money-lenders is provided. The acceptance of my amendments will make the relief real and effective."

SRI S. SWAYAMPRAKASAM:—"If a joint family consists of both an agriculturist and a non-agriculturist, under the Explanation to clause 3, a suit for recovery of debt due from that

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family cannot be instituted against either or both of them. The object of this Act is to give relief only to an agriculturist, and at the same time not to disturb the credit system. My amendment proposes that a non-agriculturist living in a family jointly with an agriculturist should not be allowed the relief that is given by this Act."

THE HON. SRI C. RAJAGOPALACHARI:—"The Government have given notice of an amendment to the definition of 'agriculturist'."

SRI S. SWAYAMPRAKASAM:—"The Government amendment proposes that an agriculturist will not be considered as an agriculturist for the purpose of this Act if he is assessed to income-tax in any of the years 1951-52, 1952-53, 1953-54. If that is accepted, my amendment will be a consequential one and there may not be any difficulty for the Government in accepting it."

THE HON. SRI C. RAJAGOPALACHARI:—"An agriculturist's individual debt is protected but a joint debt is not protected."

* SRI R. KRISHNAN :—“ സിറ്റിക് സ്റ്റീൽ സർ, ശ്രീ കെ. പി. ഗോപാലൻ്റെ ദേശാതിയെ ഞാൻ പിന്തുടരുന്നു. ഉണക്കുകാഷ്ഠ വിളനും വന്നിട്ടുള്ള കക്കുനത്തയെ സഹായിക്കാൻ കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിൽ ശ്രദ്ധിക്കാം വരുന്ന കക്കുനത്താഴിവാളികൾക്കുകൂടി ആശ്വാസം ലഭിക്കുന്ന ഒരു വ്യവസ്ഥ ഉൾക്കൊള്ളിക്കണമെന്നുള്ളതാണ് ദേശാതിയുടെ ഉദ്ദേശം. വിളനും വന്നിട്ടുള്ളതുകൊണ്ട് പലരും കടം വാങ്ങിയാണ് കൃഷിയെല്ലവും ജീവിതച്ചെലവും നിർവ്വഹിച്ചിട്ടുള്ളത്. കൃഷിക്കാരന്മാരുടെ കടം വാങ്ങിയാണ് നിവൃത്തിയില്ലാതെ 100 ശതമാനവും 150 ശതമാനവും പലിശകൾ കടംവാങ്ങിയാണ് പലരും കൃഷി ചെയ്യുപോന്നിട്ടുള്ളത്. ഇന്നാട്ടിലെ സാധ്യമായ കൃഷിക്കാരിൽക്കൂടി ഈ ദേശാതി സ്വീകരിക്കേണ്ടതാവാമെന്നാണ്. ജനിക്കുവാലും ഈ ബില്ലിൽ ആശ്വാസം നൽകുന്ന സ്ഥിതിയിൽ കക്കുനത്താഴിവാളികൾക്കു എങ്ങനെ ആശ്വാസം നൽകിട്ടുടാ? ശ്രീ രാജിംഗത്തമ്പിൻ്റെ ദേശാതിയെ അതുതന്നെയാണ് അവശ്യപ്പെടുന്നത്. ഗവർണ്മെന്റ് ഇതു സ്വീകരിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ”

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* **SRI S. KANDASAMI GOUNDER** :— கனம் சபாநாயகர் அவர்களே, கனம் ராமசாமி பட்டையாச்சி அவர்கள் கொண்டு வந்த திருத்தத்தை அனுசரித்து சில வார்த்தைகளை பேச விரும்பும். இந்தச் கடன் நிவாரணச் சட்டம் கொண்டு வந்திருப்பது ரொம்பவும் மெச்சத் தக்கது. இப்பொழுது ஒரு வருஷம் என்று கொண்டு வந்திருப்பது போதாது. அதற்கு பதிலாக மூன்று அல்லது நாலு அல்லது ஐந்து வருஷம் என்று இருந்தால் தேவலை. இப்பொழுது விவசாயிகளுக்கு கடன் கொடுக்காதவர்கள் இல்லை. அவர்களுடைய நாணயத்திற்கு எவ்வளவோ பேர்கள் கடன் கொடுக்கிறார்கள். அவர்களுக்கு சொத்து இல்லை யென்றாலும் அவர்களுக்கு கடன் கொடுத்து வரிகிறார்கள். இந்தச் சட்டம் பணக்காரர்களையும் பாதிக்கும். பணக்காரர்களிடம் கடன் வாங்குவதற்கு வசதி இல்லாதவர்களை இந்தச் சட்டம் அதிகமாக பாதிக்கும். ஆகவே இந்த சட்டத்தை இன்னும் மூன்று அல்லது நான்கு வருஷங்களுக்கு நீடித்துக்கொடுத்தால் நியாயமாக இருக்கும். அவ்விதம் நீடித்துக் கொடுத்து விவசாயிகளுக்கு சலுகை கொடுக்க வேண்டும் என்பது தான் என்னுடைய கிரும்பும்.”

*SRI V. MADANAGOPAL:—“கனம் சபாநாயகர் அவர்களே, இந்தச் சட்டத்தை யார் விரும்பினாலும் விரும்பாவிட்டாலும் கடன் ஒத்திவைப்பு

அவசரச்சட்டம் பிரகடனம் செய்யப்பட்டதைக் கேட்டு இந்த மாகாணத்தில் கடன் பட்டுள்ள லட்சக்கணக்கான விவசாயிகள் சந்தோஷமடைந்தார்கள். தங்களுடைய கடனுக்கு பயன் உள்ள நிவாரணம் கிடைக்கும் என்று எதிர்பார்க்கிறார்கள்.

“இந்தச் சட்டம் கடன் நெருக்கடியை தவிர்ப்பதாக இல்லை. கனம் அங்கத்தினர் ஸ்ரீ ராமலிங்கம் மூன்று வருடத்திற்கு கடன் வசூலை நிறுத்தி வைக்கவேண்டுமென்று கொண்டு வந்துள்ள திருத்தம் மிகவும் நியாயமானது. சபை இதை ஏற்றுக் கொள்ள வேண்டியது அவசியம்.

“கிராமப்புறங்களில் கடன் கொடுப்பவர்கள் நூறு ரூபாய் கொடுத்து விட்டு இரு நூறு ரூபாயிக்கும், முன்னூறு ரூபாயிக்கும் பாண்டு எழுதி வாங்குவதும், பாண்டில் நூற்றுக்கு மாதம் எட்டண வட்டி என எழுதிக் கொண்டு வாய் ஒப்பந்தமாக 100க்கு மாதம் ரூபாய் 2 முதல் ரூபாய் 5 வரை வட்டி பேசி வசூல் செய்வதும் பெரும்பாலோரின் பழக்கமாகிவிட்டது. இது போன்ற அநீதிகளை தடுக்க கடன் வசூல் நடவடிக்கைகளை மூன்று வருடத்திற்கு ஒத்திவைத்துவிட்டு மேற்படி கடன்கள் பற்றி பரிசீலனை செய்து நியாயம் வழங்குவதற்கான கமிட்டிகளை பிரதேசவாரியாக அமைக்க வேண்டுமென்று கூறிக் கொண்டு மூன்று வருஷம் நீடிக்க வேண்டுமென்ற திருத்தத்தை ஆதரிக்கின்றேன்.”

SRI M. PALANIYANDI :—“ கனம் தலைவர் அவர்களே, என்னுடைய திருத்தமானது குறைந்த பட்ச திருத்தம். தோழர்கள் 5 ஆண்டுகள் என்றும் மூன்று ஆண்டுகள் என்றும் சொன்னார்கள். அது எத்தனை ஆண்டுகள் என்று இருந்தாலும் கூட குறைந்த பட்ச திட்டமாக இருக்க வேண்டும். அவ்விதம் இருந்தால் அரசாங்கம் எந்த முறையிலும் அதை நீடிக்க முடியும். இரண்டு ஆண்டு அல்லது ஒரு ஆண்டு என்று சட்டத்தில் இருந்தால் அது அப்படியேதான் இருக்கும். அவ்விதம் இல்லாமல் யாராவது இந்த சட்டசபையில் ஒரு தீர்மானம் கொண்டு வந்து அதை நிறைவேற்றி அதன்படி காலத்தை நீடிக்கலாம் என்று இருந்தால் நன்மையாக இருக்கும். இதையே எல்லோரும் விரும்புவார்கள் என்று நினைக்கிறேன். ஆகவே குறைந்த பட்ச திருத்தத்தை அரசாங்கம் கொண்டு வந்தால் நன்றாக இருக்கும் என்று சொல்லிக்கொண்டு இந்த திருத்தத்தை ஏற்றுக் கொள்ள வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன்.”

SRI V. GOPALA GOUNDER:—“ The Bill says that this Act shall come into force at once. ‘ At once ’ means from the date of the commencement of this Act. More than a month has elapsed since the promulgation of the Ordinance. Is that period also to be computed for calculating the one year which is the period of duration of this Act or is it one year from the date of the commencement of this Act? ”

THE HON. SRI C. RAJAGOPALACHARI:—"There is no reason why the hon. Member should feel any doubt about it. The words are very clear. He is a lawyer—is it not?"

* SRI V. BALAKRISHNAN :—“ கனம் தலைவர் அவர்களே, இப் பொழுது இரண்டு விதமான திருத்தங்கள் இந்த சபையின் முன்பு இருக்கின்றன. ஒன்று மூன்று வருடங்களுக்கு இந்தக் கடனை வசூலிக்கக் கூடாது என்பது. மற்றொன்று வாங்கிய கடனை மூன்று பாகமாக பிரித்து அதை மூன்று வருஷங்களில் ஒரு வருஷத்திற்கு ஒரு பாகம் என்று மூன்று தவணைகளில் வசூலிக்க வேண்டும் என்பது. அதில் ஒரு வருஷத்திற்கு ஒத்திவைப்பு என்று இருப்பதை மூன்று வருஷங்களுக்கு ஒத்திவைப்பு என்று மாற்றவேண்டும் என்ற திருத்தத்தை நான் ஆதரிக்கிறேன். ஏனென்றால் இந்த சட்டப் பிரகாரம் மக்களுக்கு பரிபூரண நன்மை கிடைக்கவேண்டும் என்றால் கடனை வசூலிக்க மூன்று வருஷங்களுக்கு ஒத்தி

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வைக்கவேண்டும். இல்லையேல் இது ஒரு கண்துடைப்பு சட்டமாகிவிடும். இந்த வருஷம் மக்கள் அனைவரும் சந்தோஷமாக பொங்கல் இடுவார்கள் என்பதில் ஆட்சேபணை இல்லை. இந்த உணர்ச்சி இந்த சந்தோஷம் இன்னும் மூன்று வருஷங்களுக்கு இருக்கவேண்டும் என்று எங்கள் பக்கத்தில் பெரும் பகுதியோர் அபிப்பிராயப்படுகிறார்கள். மூன்று வருஷங்களுக்கு கடன் வசூல் ஒதுக்கப்பட்டு அதை மூன்று ஈவாகப் பிரித்து கொடுக்கவேண்டும். அப்படி ஒரு ஈவு கொடுக்க தவறிவிட்டால் சலுகை அப்படியே ரத்து ஆகி விடும் என்று இருக்கவேண்டும் என்று வக்கீல் அங்கத்தினர் சொன்னார். அது வக்கீலின் வாத சூழ்ச்சி தான். அந்த வாதத்தை ஒப்புக்கொண்டால் மக்களுக்கு ஆபத்து ஏற்பட்டு விடும். ஆகவே இந்த திருத்தத்தை கண்ணால் கூட பார்க்கவேண்டாம். ஆகவே மூன்று வருஷங்களுக்கு இதை ஒத்திப்போடவேண்டும் என்ற திருத்தத்தை ஒப்புக் கொள்ள வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

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* THE HON. SRI M. A. MANICKAVELU NAICKER:—
“Sir, the amendment for extending the operation of this Act to either two years or three years, or for the matter of that even the amendment for allowing repayment in three annual instalments, seems to be good on the face of it. But the amendments go against the very object of this Bill. Already Members from certain sections of the House have been complaining that rural credit has been very much disturbed and that the ryots are not able to secure money. We should not place before the ryots the temptation to put off repayment of debt by extending the period. If we extend the period, there will be a lot of difficulty; the longer the period, the more difficulty they will have in course of time. So, in the interests of the ryots themselves, it is not advisable to extend the period. This is only a moratorium, and in the very nature of it, it can only be for a short period. I have not heard of a moratorium for such a long period as three years. A moratorium is a special provision for meeting an extraordinary situation.”

“One hon. Member said that there were defects in certain other Acts. This Bill is not in the nature of a General Clauses Act to rectify all the defects in other Acts. This Bill is intended to remove a particular difficulty, and it can contain references to other Acts only to the extent to which they have a bearing on this Bill. The defects in other Acts cannot be rectified by this Bill.”

“It was urged that a non-agriculturist member of a family living jointly with an agriculturist member should not be allowed the relief given by this Act. If we begin to split a family, it will lead to a lot of difficulty and confusion. It does not matter even if the non-agriculturist member gets the relief. The balance of convenience is in favour of giving him also the relief than denying the relief to the agriculturist-member. If the non-agriculturist member is compelled to repay, he will apply pressure on the agriculturist-member and worry him.”

“The hon. Member Sri P. S. Krishnaswami Ayyangar wanted only certain suits to be banned. He forgets that in the mufassal

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everybody is not as clever and as good a lawyer as he is, and on the Bench also we do not always get such clever men. So it is better to include all suits.

“One hon. Member wanted agricultural labourers also to be included for giving the benefit of this Act. That is a very big classification. The object of this Act is to give relief to those who have got an interest in land and not to bring in labourers and such others.

“Sri Raghava Mudaliar wanted that the repayment should be spread over three annual instalments. A lawyer as he is, he knows that under the Civil Procedure Code the Court allows repayment in instalments. Nowadays Courts are very liberal and there will be no difficulty.”

* SRI K. VINAYAKAM:—“Arising out of the discourse of the Hon. Minister, may I point out that he must realize that Courts allow repayment in instalments only on grounds of compassion? A debtor cannot claim it as a matter of right. A Court has got the right to order repayment even in one instalment. We want a definite provision so that the benefit of this Act may be enjoyed by an agriculturist-debtor for a longer time than what is proposed.”

THE HON. SRI C. RAJAGOPALACHARI:—“Must Sri Vinayakam always speak after Sri Manickavelu Naicker in every matter?”

MR. SPEAKER:—“The Chief Minister is asking under what rule the hon. Member is speaking. Personal explanations should be short.”

* SRI K. VINAYAKAM:—“The Hon. Minister was not clear; he was elusive. Is it not for the benefit of the House that the Hon. Minister must be explicit and not evade the issue?”

* THE HON. SRI M. A. MANICKAVELU NAICKER:—4 p.m.
“Sir, I have not evaded the issue. I explained so clearly as would have convinced many of the hon. Members. With your leave, Sir, I beg to move a small amendment which will meet the wishes of the hon. Member also. It reads as follows:—

“Substitute the following for the existing main clause 3:—

“No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made against any agriculturist in any civil or revenue Court before the expiry of a year from the date of commencement of this Act.”

This will satisfy the hon. Member.”

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SRI C. H. KANARAN:—"On a point of order, Sir. What about agricultural labourers?"

MR. SPEAKER:—"I think the present Government amendment would satisfy the hon. Member. Motion moved—

'No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made, against any agriculturist in any civil or revenue Court before the expiry of a year from the date of commencement of this Act.'

SRI C. H. KANARAN:—"It is not clear, Sir."

MR. SPEAKER:—"Is it a point of order?"

THE HON. SRI C. RAJAGOPALACHARI:—"What is the penalty, Sir, when a member rises to point of order and does not raise it?" (Laughter.)

SRI N. K. PALANISAMI:—"கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள் பேசும்போது டிசம்பர் மாதத்தை ஆரம்ப மாதமாகக் கொண்டுவருவதாகச் சொன்னார். அவ்விதம் டிசம்பர் மாதத்தை அடிப்படையாக வைத்துக்கொள்ளுவானேன் என்று கேட்டதற்கு பதில் சொல்லவில்லை. ஆனால் தஞ்சை பண்ணையாள் பாதுகாப்பு சட்டத்தில் விவசாயிகளுடைய வருஷம் மே மாதம் என்று ஒத்துக்கொண்டிருக்கிறார். அதன்படி இது ஏன் இல்லை. டிசம்பர் மாதத்தில் உண்மையாகவே விவசாயிகளிடத்தில் பணம் இருக்காது. இல்லாவிட்டால் இந்த சட்டம் ஒரு கண் துடைப்பு சட்டமாகிவிடும். ஆகவே டிசம்பர் மாதத்தை ஏன் அடிப்படையாக வைத்துக் கொண்டார்கள் என்பதற்கு பதில் சொல்லவேண்டும்."

*THE HON. SRI C. RAJAGOPALACHARI:—"We are quite prepared to say that the debtor should pay off this May as soon as the harvest is over. We have extended the time so that they may dispose of their produce and pay up. It is rounded off in a year."

The following amendments of Sri P. S. Krishnaswami Ayyangar were, by leave, withdrawn.

"For paragraph 1, substitute the following:—

'Bar of suits and applications.—Before the expiry of year from the date of commencement of this Act, the following legal proceedings cannot be instituted,—

- (1) suits for recovery of debts from agriculturists,
- (2) applications for the execution of decrees for payment of moneys passed in suits for recovery of debts from agriculturists,
- (3) insolvency proceedings against agriculturists, and
- (4) suits for ejectment of agriculturists from their leaseholds on the ground of forfeiture for non-payment of rent.'

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'Below Explanation II add the following Explanation:—

'Explanation III.—A suit shall not be deemed to be a suit for recovery of a debt merely by reason of a prayer in the plaint for award of costs to the plaintiff.'

The following amendments of Sri Panchaksharam were, by leave, withdrawn:—

"(1) After the words 'for the recovery of a debt shall be made' add 'Except where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist'.

(2) Omit the words in last line 'from the date of the commencement of this Act' and add after the words 'before the expiry of the year' the figure '1954'.

(3) For Explanation II substitute the following:—

'Explanation II.—A suit shall not be deemed to be a suit for the recovery of a debt as defined in section 2 (c) if other reliefs are prayed in such suit and a decree shall not be deemed to be decree for payment of money unless the decree obtained is on a debt as defined in section 2 (c).'

The following amendments of Sri S. Ramalingam were, by leave, withdrawn:—

"After the words 'of a debt' occurring in line 2, insert the words 'and no application for eviction from any land for non-payment of arrears of rent which accrued before 31st March 1953.'

For the words 'civil court' occurring in line 5, substitute the words 'Revenue Court'.

MR. SPEAKER:—"The question is—

'For the words "a year", substitute the words "three years".'

The amendment was put and declared lost. A poll was demanded.

*THE HON. SRI C. RAJAGOPALACHARI:—"Sir, I am making a last-minute appeal to hon. Members. It does not require too much pressure for any reasonable claim to be accepted by the Government. We have accepted many important suggestions and we are anxious that we should finish consideration of this Bill before we disperse. I hope hon. Members will not press for a division. I am not against it, but it is a waste of time."

SRI C. KANDASAMY:—"மூன்றாவது செக்ஷன் மிக பொருத்தமான பகுதி. அதாவது ஒரு வருஷம் என்று சொல்லக் கூடிய பகுதி."

THE HON. SRI C. RAJAGOPALACHARI:—"Then, Sir, I have no objection. You can proceed to take a poll."

MR. SPEAKER:—"The question is—

'For the words "a year", substitute the words "three years".'

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4-10 p.m. The amendment was put and declared lost. A poll was demanded and the House divided as follows:—

Ayes—18.

Sri K. Aranganathan.
" T. S. Ardhanari.
" A. Ayyaru.
" V. Balakrishnan.
" O. Chengam Pillai.
" P. Chokkalingam.
" D. Dasarathan.
" K. Gajapathi Reddy.
" P. K. Gopalakrishnan.
" K. P. Gopalan.
" K. O. Gopalan Unni.
" C. Kandasami.
" S. Kandaswami Gounder.
" C. H. Kanaran.
" S. S. Kolkebil.
" O. Koran.
" R. Krishnan.
" E. T. Kunhan.
" P. Kunhirama Kidav.
" C. Kunhirama Kurup.
" V. Madanagopal.
" K. Madhavan Nambiar.
" M. Manickasunderam.
Dr. K. B. Menon.

Sri K. Moidu.
" Mookiah Thevar.
" T. C. Narayanan Nambiar.
" M. Palaniyandi.
" N. K. Palanisami.
" S. Radhakrishnan.
" E. L. Raghava Mudaliar.
" P. B. K. Rajeshildambaram.
" K. T. Raju.
" S. Ramalingam.
" K. V. Ramaswami.
" S. S. Ramasamy Padayachi.
" R. Rangasamy Gounder.
" A. Ratnam.
" T. Shanmugam.
" K. T. Sreedharan.
" A. K. Subbiah.
" M. P. Subramaniam.
" S. Swayamprakasam.
" A. Veloo.
" C. Velukkan.
" P. Venkatesha Sholagar.
" K. Vinayakam.
" K. R. Viewanathan.

Noes—73.

Sri T. Ananta Pai.
" Antony Peter.
" A. Appu.
" S. R. Arumugam.
" V. Arumugam.
" Ayyanar.
" B. Bhakthavatsalu Naidu.
" K. H. Bomman.
" V. S. Chinnasami Naidu.
" Chinnathambi Thevar.
" V. Chinnayya.
" A. R. R. M. Chokkalingam Chettiar.
" T. P. Elumalei.
" G. Govindan.
" V. Govindaswamy Naidu.
" K. Eshwara.
" H. M. Jagannathan.
" M. Jagannathan.
" S. Jayarama Reddiyar.
" P. G. Karuthiruman.
" P. S. Krishnasamy Ayyangar.
" V. Krishnasamy Padayachi.
" Kunhi Mohamed Shafee.
" R. Kuppuswamy.
" K. P. Kuttikrishnan Nair.
" M. A. Manickavelu Naicker.
" P. G. Manickam.
" Y. Manjaya Shetty.
" M. Marimuthu.
" A. K. Masilamany Chettiar.
" Mahamed Salih Maracair.
" N. Mounaguruswami Naidu.
" M. Muni Reddy.
" K. G. Muniswami Gounder.
" M. S. Muniswamy Pillai.
" P. M. Munuswamy Gounder.
" V. Muthu.

Neutral—Nil.

Ayes—18;

Noes—73;

Neutral—Nil.

The amendment was lost.

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MR. SPEAKER:—" The question is—

After the words " any agriculturist " add the words " or a labour ".

The amendment was put and lost.

MR. SPEAKER:—" The question is—

For the words " before the expiry of a year from the date of commencement of this Act ", substitute the words and figures " before 31st May 1959 ".

The amendment was put and lost.

MR. SPEAKER:—" Sri K. V. Ramaswamy's amendment is—

Substitute the following for " a year " occurring in line 5: " five years ".

SRI K. V. RAMASWAMY:—" I withdraw my amendment, namely:—

In line 5 of clause 3 for the words " a year," substitute " five years ".

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—" The question is—

In clause 3, after the words " commencement of this Act ", insert the words " or such other period as may be resolved upon by the Legislative Assembly on a motion made in that behalf ".

The amendment was put and lost.

MR. SPEAKER:—" The question is—

In Explanation I, for the words " no suits or application of the nature . . . before the expiry of the period mentioned in this section ", substitute the words " suits can be filed but execution of decree that may be passed shall be taken against non-agriculturists only."

For the existing Explanation II, substitute the following:—

" Explanation II.—In suits wherein other reliefs are coupled with payment of money, the suit can be tried and decree may be passed, but the decree can be executed only in respect of the other reliefs and not for payment of money."

The amendments were put and lost.

MR. SPEAKER:—" The question is—

In Explanation I, omit the words " either against the non-agriculturist or " after the word " made " in the fourth line and before the word " against " in the fifth line."

The amendment was put and lost.

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MR. SPEAKER:—"Sri S. Ramalingam's amendments are—

(1) *Add at the end of clause 3, the following proviso:—*

"Provided that the Government may extend the operation of this Act to such further period on a resolution being passed to that effect by the Legislative Assembly."

(2) *After Explanation II, insert the following new Explanation:—*

"*Explanation III.*—In any suit or proceeding or application of the nature mentioned in section 3, any agriculturist may be represented by an agent authorized in writing other than a Pleader or an Advocate only to prove whether such person is an agriculturist or not."

(3) *For the words "a year" substitute the words "two years".*

SRI S. RAMALINGAM:—"I withdraw my amendments, Sir."

The amendments were, by leave of the House, withdrawn.

The following amendment of hon. Member Sri S. S. Ramaswami Padayachi was withdrawn by leave of the House:—

"Add at the end of clause 3 the words 'and such debt shall be recovered in three equal annual instalments'."

MR. SPEAKER:—"There are three Government amendments. I am now going to put them to the vote of the House. The question is—

Substitute the following for the existing main clause 3:—

"No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made, against any agriculturist in any civil or revenue court before the expiry of a year from the date of commencement of this Act."

The amendment was put and carried.

MR. SPEAKER:—"The question is—

In clause 3, *add the following proviso to Explanation II:—*

"Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit."

The amendment was put and carried.

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MR. SPEAKER:—"The question is—

Number the existing Explanations I and II as II and III and insert the following as Explanation I:—

"*Explanation I.*—'Suit' does not include a claim to a set off made in a suit instituted by an agriculturist."

The amendment was put and carried.

Clause 3, as amended, was put and carried.

MR. SPEAKER:—"Some hon. Members have told me that they were leaving Madras by the Cochin Express to-day which starts at about 6 o'clock. I hope we will be able to finish the business before 5-30 so that the hon. Members who have already booked their berths may catch the train in time."

Clause 4.

MR. SPEAKER:—"Motion moved—

That clause 4 do stand part of the Bill.'

SRI S. C. VIRUPAKSHIAH:—"Sir I move the following amendment standing in my name:—

*Add at the beginning of sub-clause (1), the following:—**"On the application of one or more defendants"*

"Sir, this is a simple amendment. Somebody should apply for such stay. Otherwise, it will not be possible for the parties to proceed in the matter. That is why I want a provision to be incorporated to the effect that one or more defendants may apply for it. I hope the Government will accept the amendment."

SRI S. PANCHAKSHARAM:—"I second the amendment, Sir."

SRI S. RAMALINGAM:—"Sir, I move the following amendment standing in my name:—

For the existing proviso under sub-clause (1), substitute the following:—

"Provided that in regard to movable property no attachment or in case of an order of eviction of an agriculturist from land the Court shall on application by the agriculturist vacate such attachment or restore the possession of the evicted agriculturist."

SRI K. T. RAJU:—"I second the amendment, Sir."

SRI S. RAMASAMY NAIDU:—"Sir, I move the following amendment standing in my name:—

In the proviso to clause 4, after the words "in regard to" and before the word "property", insert the word "movable".

"This is a harmless amendment and I hope the Government will accept it."

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SRI N. RAMAKRISHNA AYYAR:—"I second the amendment, Sir."

SRI S. PANCHAKSHARAM:—"I move the following amendment standing in my name:—

'Omit sub-clause (2) '."

SRI A. K. MASILAMANI CHETTIAR:—"I second the amendment, Sir."

SRI M. PALANIYANDI:—"What about my amendment for the insertion of the words 'or such other period as may be resolved upon by the Legislative Assembly on a motion made on that behalf'?"

MR. SPEAKER:—"It has already been declared lost under clause 3. So, he cannot move his amendment under this clause. It is out of order."

SRI K. C. GOPALAN UNNI:—"Sir, I move the following amendment standing in my name:—

'In the last but one line, for the words "a year" substitute the words "two years." ' "

SRI C. H. KANARAN:—"I second the amendment, Sir."

MR. SPEAKER:—"Clause 4 and the amendments moved by the hon. Members are now before the House for discussion."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, I accept the amendment moved by hon. Member Sri S. Ramasamy Naidu."

4.30 P.M. * SRI S. RAMALINGAM:—"கனம் சபா நாயகர் அவர்களே, என்னுடைய பெயரில் இருக்கும் திருத்தம் பின் வருமாறு:

'Provided that in regard to movable property no attachment or in case of an order of eviction of an agriculturist from land the Court shall on application by the agriculturist vacate such attachment or restore the possession of the evicted agriculturist.'

நான் கொடுத்திருக்கக்கூடிய திருத்தம் என்னவென்றால் ஒரு விவசாயினுடைய நெல்லின்மேல் கடன்காரன் கோர்ட்டில் வியாஜ்யம் தொடர்ந்து ஜப்தி போட்டிருந்தால் அந்த ஜப்தியை விடுவிக்கவேண்டும். அவ்விதம் ஜப்தியை விடுவித்து அந்த விவசாயி மனக்குள்ள தான்யத்தை அனுபவிக்க உரிமை கொடுக்கவேண்டும். கோர்ட்டு ஆர்டர் பிரகாரம் அந்த நெல்லையோ அல்லது மற்ற தான்யத்தையோ விற்பதுவிடால் அந்த விவசாயிக்கு இந்த சட்டத்தின் பின் இல்லாமல் போய்விடுகிறது. இந்த சட்டத்தினால் அந்த விவசாயிக்கு என்ன நன்மை செய்யவேண்டும் என்று கொண்டு வருகிறோமோ அது இல்லாமல் போய்விடும். அவ்விதம் ஜங்கம் சொத்துக்களை எல்லாம் போட்டுவிட்டால் அந்த விவசாயிக்கு நன்மை இலக்காகாது. சென்ற வருஷ பாக்கிக்காக விவசாயியை நிலத்தை விட்டு அப்புறப்படுத்தி இருந்தால் மீண்டும் அந்த நிலத்தை அவனுக்குக் கொடுக்க வேண்டும் என்று முடிக்கக்கூடுதல் அந்த நிலத்தைக் கொடுக்கவேண்டும் என்று இந்த சட்டத்தில் வசதி செய்து கொடுக்கவேண்டும்."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I do not accept the amendments."

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SRI S. PANCHAKSHARAM:—"Sir, I have proposed that sub-clause (2) be omitted. It says:

'On application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be, the stay effected by sub-section (1) in a suit or application shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or the application were stayed.'

My submission is that this sub-section means nothing because it conveys no meaning at all. If by the operation of clause 4 (1), a suit is stayed until the expiry of a year from the date of commencement of the Act and if a mandatory provision is made in sub-clause (2) that a stay can be vacated on application either by the defendant or the respondent, then which judgment-debtor will come forward and tell the Court: 'Here I am repaying the loan or here I am willing to repay the loan; therefore, dissolve the stay.' The respondent is the debtor. Will he say that he is paying the loan amount and that the stay be dissolved? Can such a position be ever envisaged at all? I do not think such honest debtors are there, either in the form of defendants or judgment-debtors."

SRI P. S. KRISHNASWAMY AYYANGAR:—"Sir, I want an explanation."

MR. SPEAKER:—"If the hon. Member wants to speak, let him stand and I shall call him. Then he can speak."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The Government are not accepting the amendments."

SRI S. PANCHAKSHARAM:—"If the Government intend to cover that class of compromise during the stay period should be considered, then a memorandum signed by both parties and filed in the Court will do. This provision is unnecessary."

* SRI P. S. KRISHNASWAMY AYYANGAR:—"In the proviso to the section, there is provision made for the sale of articles which are liable to speedy delay. There may be judgment-debtors who have been committed to jail and who might be still lingering in jail. When are they to be released? The Jail Superintendent cannot of his own accord release them. The Court would have stayed proceedings and would not reopen it. Who is to move the court to order the Jail Superintendent to release the judgment-debtor? Unless there is an order from the court, he will not be released. If the creditor, for the sake of spiting the judgment-debtor, is paying subsistence allowance every month, then such a person will be kept in jail for the maximum period of six months. There is no provision for his early release here."

* THE HON. SRI C. RAJAGOPALACHARI:—"I am afraid that more confusion is brought in than existed already. The proviso is intended to make it possible for the Court to pass an order in spite of the provision in the preceding paragraph which says that all proceedings shall be stayed. In view of the previous

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paragraph, the proviso is very properly added that such things as this can be done in spite of what is mentioned in section 4. I hope hon. Members will not tinker with this. It will lead to destruction of property."

MR. SPEAKER:—"I shall put the amendments to the vote of the House. Mr. Virupakshiah's amendment is—

* Add at the beginning of sub-clause (1), the following:—

"On the application of one or more defendants". "

SRI S. C. VIRUPAKSHIAH:—"I withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—"I think Mr. Gopalan Unni's amendment is out of order."

SRI C. H. KANARAN:—"Sir, this amendment has nothing to do with the amendment proposed to clause 3 which was lost. This is about stay of proceedings. This is a different one."

MR. SPEAKER:—"Then I shall put it to vote. The question is—

'In the last but one line, for the words "a year", substitute the words "two years".' "

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'For the existing proviso under sub-clause (1), substitute the following:—

"Provided that in regard to movable property no attachment or in case of an order of eviction of an agriculturist from land the Court shall on application by the agriculturist vacate such attachment or restore the possession of the evicted agriculturist." "

The amendment was put and lost.

MR. SPEAKER:—"Then comes Mr. Ramasami Naidu's amendment. It reads:

* In the proviso to clause 4, after the words "in regard to" and before the word "property" insert the word "movable". "

* SRI S. RAMASAMY NAIDU:—"I am prepared to withdraw it but I want to make one or two points here. In cases where the crops are under attachment, it means the Court has to harvest the crop. That means the crops will be in the Court's custody which again means that the creditor will be paid his dues even within the moratorium period. But the intention of the Bill seems to be that the crop should be with the debtor. If the Court holds the crops, then it will pay the creditor his dues

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at the end of the year automatically and even the holding of the crops in the debtor's favour will not help him. If the Government come forward to do something in this respect to help the debtor, it will be better."

THE HON. SRI C. RAJAGOPALACHARI:—"If all executions are stayed and all further proceedings are prohibited as we want to do, we must provide for that which deteriorates. Any inconvenience or convenience arising out of that will be disposed of by the court."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—"Then comes the last amendment moved by Mr. S. Panchaksharam. It reads:

* Omit sub-clause (2). "

SRI S. PANCHAKSHARAM:—"I withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

Clause 4 was put and carried.

Clause 5.

* SRI P. S. KRISHNASWAMY AYYANGAR:—"Sir. I 4 40
move— p.m

'Number the present Explanation as Explanation I and add the following second Explanation:—

"Explanation II.—For the purpose of instituting insolvency proceedings against an agriculturist debtor, an alienation amounting to an act of insolvency made by him during the period intervening between a date falling within three months just prior to the commencement of this Act and the date immediately preceding the three months ending with the date of expiry of this Act shall be deemed to have been made on the date of the expiry of this Act." "

SRI M. JAGANNATHAN:—"I second it."

MR. SPEAKER:—"Motion moved—

'Number the present Explanation as Explanation I and add the following second Explanation:—

"Explanation II.—For the purpose of instituting insolvency proceedings against an agriculturist debtor, an alienation amounting to an act of insolvency made by him during the period intervening between a date falling within three months just prior to the commencement of this Act and the date immediately preceding the three months ending with the date of expiry of this Act shall be deemed to have been made on the date of the expiry of this Act." "

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* SRI P. S. KRISHNASWAMI AYYANGAR:—"In the case of insolvency proceedings, the proceedings should be started by a creditor within three months of the act of insolvency and this explanation is to the effect that any insolvency act committed by the debtor, any alienation amounting to an act of insolvency made by the debtor in the interim period (which I have mentioned in my amendment) would be considered to have been made on the date of the expiry of this Act. That is he would have three months time from the date of expiry of this Act to present the insolvency petition. I want to know the attitude of Government in this regard."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I do not exactly catch the implication of this amendment. I think it is unnecessary."

The amendment was, by leave of the House, withdrawn.

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

'In clause 5, substitute the words "plaintiff or his predecessor-in-title" for the word "creditor".'

MR. SPEAKER:—"The question is—

'In clause 5, substitute the words "plaintiff or his predecessor-in-title" for the word "creditor".'

The amendment was put and carried.

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

'Number the existing clause as sub-clause (1) and insert the following as sub-clause (2):—

"(2) Where in a suit or an application in which the question of the exclusion of time under sub-section (1) arises, the defendant or the respondent, or one of the defendants or respondents, with respect to whom the question is raised, would have been an agriculturist but for the fact that in the year ending 1951-52, 1952-53 or 1953-54 he had been assessed to income-tax (Central Act XI of 1922), it shall be conclusively presumed that, in refraining from instituting the suit or making the application, the creditor believed in good faith that such defendant or respondent was an agriculturist."

MR. SPEAKER:—"The question is—

'Number the existing clause as sub-clause (1) and insert the following as sub-clause (2):—

"(2) Where in a suit or an application in which the question of the exclusion of time under sub-section (1) arises the defendant or the respondent or one of the defendants or respondents, with respect to whom the question is raised, would have been an agriculturist but for the fact that in the year ending 1951-52, 1952-53 or 1953-54 he had been assessed to income-tax (Central

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Act XI of 1922), it shall be conclusively presumed that, in refraining from instituting the suit or making the application, the creditor believed in good faith that such defendant or respondent was an agriculturist." "

The amendment was put and carried.

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

'The words "section 3 of this Act" occurring in lines 6 and 8 be inserted after the words "section 3 of the Ordinance" occurring in the same lines.'

MR. SPEAKER:—"The question is—

'The words "section 3 of this Act" occurring in lines 6 and 8 be inserted after the words "section 3 of the Ordinance" occurring in the same lines.'

The amendment was put and carried.

Clause 5 as amended was put and carried.

Clause 6.

SRI E. L. RAGHAVA MUDALIAR:—"Sir, I move—

'Re-number the existing clause as sub-clause (a) of that clause and insert the following sub-clauses as sub-clause (b) and sub-clause (c):—

"(b) In cases of debtors who do not own immovable property and the debt can be recovered only by attachment of movables, a suit can be filed and movables may be attached and be stayed after that stage.

(c) That the payments of debts stayed under this Act be payable in three annual equal instalments, during the harvest season (December-January) and the debtor defaulting to pay any one instalment shall not be entitled to stay or relief under this Act."

SRI M. PALANIYANDI:—"I second it, Sir."

MR. SPEAKER:—"The question is—

'Re-number the existing clause as sub-clause (a) of that clause and insert the following sub-clauses as sub-clause (b) and sub-clause (c):—

"(b) In cases of debtors who do not own immovable property and the debt can be recovered only by attachment of movables, a suit can be filed and movables may be attached and be stayed after that stage.

(c) That the payments of debts stayed under this Act be payable in three annual equal instalments, during the harvest season (December-January) and the debtor defaulting to pay any one instalment shall not be entitled to stay or relief under this Act."

The amendment was put and lost.

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SRI S. PANCHAKSHARAM:—"Sir, I move—

- 'In clause 6, for the words "from the commencement of the Act shall" occurring in line 5 substitute the following "be presumed to have been made with intent to defeat or delay the creditors of the transferor who believing in good faith refrained from filing a suit or making an application by virtue of section 3".'*

The amendment was duly seconded.

MR. SPEAKER:—"Motion moved—

'In clause 6' for the words "from the commencement of the Act shall" occurring in line 5, substitute the following "be presumed to have been made with intent to defeat or delay the creditors of the transferor who believing in good faith refrained from filing a suit or making an application by virtue of section 3".'

SRI S. PANCHAKSHARAM:—"The clause as it is at present worded will give rise to a crop of litigation. It is because under one section, I mean, section 3, the debtor is given protection. No suit to recover his debts could be instituted against him. There is a bar on suits against him during the period of one year from the commencement of this Act. Therefore, he is likely to sell away or alienate his property during the period of operation of this Act. That is why I suggest instead of a creditor filing a suit or somebody else filing a suit for obtaining a declaration of the alienation, the section may be made clearer by stating that such alienations, of property on the part of the debtor during the period of operation of this Act will be presumed to be fraudulent, without having a recourse to the Court itself. Otherwise every debtor is likely to alienate his property and every creditor will have to file a suit for a declaration regarding the alienation of his property during the period of operation of this Act. Only in order to avoid the delay that would be caused in the disposal of a large number of suits and to avoid the rush of the suits that would be filed in this connection, I have brought forward this amendment."

* THE HON. SRI C. RAJAGOPALACHARI:—"The section as now amended by Government would read—

'Every transfer of immovable property by a debtor entitled to the benefit of section 3 or section 4 made after the commencement of the Ordinance and before the expiry of a year from the commencement of this Act shall, in any suit or other proceeding with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.'

I may inform the hon. Member Sri Panchaksharam that he is wrong, that there is no question now of filing a suit. Nobody is asked to file a suit. We only say that in any suit or proceeding with respect to transfer of immovable property by a debtor during the period of operation of this Act, it may be presumed, until the

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contrary is proved, that the transfer has been made with intent to defeat or delay the creditors of the transferor. We cannot make a presumption unless there is a court proceeding."

The amendment of Sri Panchaksharam, was by leave of the House, withdrawn.

* SRI S. SWAYAMPRAKASAM:—"Sir, I move—

'Add the following in the end "Provided the debt is subsisting at the expiry of the period of one year".'

"The clause as it stands at present makes a provision to prevent the debtor from transferring any of his immovable property during the period when the Act is in force. But suppose a man transfers his immovable property and by such transfer discharges his debt, then the presumption as is now provided for in the Bill need not be entertained. That is why I say, provided the debt is subsisting at the expiry of the period of one year, such presumption as is provided for in the Bill in respect of this clause may be entertained. Otherwise when there is no debt outstanding, let it not be understood that the transfer of the debtor of his immovable property for the discharge of his debt is a fraudulent one."

The amendment was duly seconded.

MR. SPEAKER:—"Motion moved—

'Add the following in the end "Provided the debt is subsisting at the expiry of the period of one year".'

* THE HON. SRI M. A. MANICKAVELU NAICKER:—"The whole idea of the Government in bringing forward this amendment is to prevent the fraudulent transfer of immovable property by a debtor because he had been already given protection under clauses 4 and 5 of the present Bill. Hon. Members seem to forget that we have provided for a presumption. It has been laid down that in any suit or proceeding against a transfer of a debtor, during the operation of this Act, of his immovable property a presumption may be raised, *unless otherwise proved*, that the transfer had been done with a view to defeat or delay the creditors of the transferor. This is so simple. I do not know how the hon. Member thinks this is complicated. If the transfer had been effected for a legitimate purpose, viz., for discharge of debts, then the case becomes all the more simple."

MR. SPEAKER:—"The question is—

'Add the following in the end "Provided the debt is subsisting at the expiry of the period of one year".'

The amendment was put and lost.

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

'In clause 6, in the place of the words "a suit instituted under section 63 (1) of the Transfer of Property Act, 1882 (Central Act IV of 1882)", substitute the following:—
"any suit or other proceeding." ' ' "

MR. SPEAKER:—"The question is—

'In clause 6, in the place of the words "a suit instituted under section 63 (1) of the Transfer of Property Act, 1882 (Central Act IV of 1882)" substitute the following:—
"any suit or other proceeding." ' ' "

The amendment was put and carried.

Clause 6 as amended was put and carried.

Clause 7.

Clause 7 was put and carried.

Clause 8.

Clause 8 was put and carried.

Clause 2.

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

'In clause 2, sub-clause (a), add after the words "profits thereof", the following:—

"and shall include a lessee; provided that no one shall be deemed an agriculturist for the purpose of this Act if he has been assessed to income-tax in any of the years 1951-52, 1952-53 or 1953-54." ' ' "

MR. SPEAKER:—"Motion moved—

'In clause 2, sub-clause (a), add after the words "profits thereof", the following:—

"and shall include a lessee; provided that no one shall be deemed an agriculturist for the purpose of this Act if he has been assessed to income-tax in any of the years 1951-52, 1952-53 or 1953-54." ' ' "

SRI K. VINAYAKAM:—"Sir, I move that—

'In item (a), after the words "profits thereof" insert the words "and excludes all those agriculturists who pay an annual kist of five hundred rupees and those who pay any income-tax, sales tax, profession tax and house tax." ' ' "

SRI M. PALANIYANDI:—"I second the amendment, Sir."

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SRI E. L. RAGHAVA MUDALIAR:—"I beg to move that—

'In item (a), after the words "or profits thereof", insert the words "and who pays land revenue not exceeding Rs. 500".

In the exception under item (c), in item (i), for the words and figures "31st March 1953," substitute the words and figures "31st December 1952".

"Sir, the object of my amendment is that landlords paying even thousands and thousands of rupees of land revenue would get relief under this Act, but small agriculturists who pay income-tax would not get any relief. It is a discrimination. Therefore, I submit that this amendment of mine is a reasonable one and I hope Government would accept it."

The amendment was duly seconded.

SRI S. RAMALINGAM:—"I beg to move that—

'(1) In term (a), after the words "or profits" occurring in line 3, insert the words "or pays rent or receives wages for working in such land."

(2) Add at the end of item (a): "and includes agricultural labourers who are engaged by such persons." ' ' "

SRI C. KANDASAMY:—"I second the amendment, Sir."

SRI S. SWAYAMPRAKASAM:—"I beg to move that—

'After the word "land" add the words "not exceeding 20 acres in extent."

Add the words "and regularly engaged in the cultivation" after the word "Possession" in the third line and omit the words "or is in receipt of the rents or profits thereof."

Add the words "or enjoys" after the word "own" in the first line.

Add the following words "and includes a person who cultivates the land either wholly or in part by hired labour under his direct supervision and control."

In the Explanation II in item (a)—

"After the word 'shall' in the last line, add the word 'not'."

In item (b)—

"Add at the end the words 'and includes the heirs, legal representatives and assignees of the creditor'."

In item (c)—

"After the word 'money' in the first line, add the words 'Borrowed or any liability in kind incurred after the year 1946'."

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*In the Explanation in item (c)—**"After the word 'sum' in the first line, add the words 'any liability'."**In the Exception under item (c)—**"omit the items (iv) and (v)."*

The motion was duly seconded.

SRI C. KANDASAMY:—"I beg to move that—

*'In item (b), add at the end the words "up to the amount of Rs. 3,000."**In item (c)—**(1) In line 1, after the word "money" insert the words "not exceeding Rs. 3,000."**(2) In line 2, after the word "land", insert the words "not exceeding in value Rs. 3,000."**(3) In item (i) of the exception, for the words and figures "31st March 1953", substitute the words and figures "6th January 1954."**(4) Omit items (iv) and (v) of the exception.'*

SRI M. PALANIYANDI:—"I second the amendment, Sir."

SRI K. ARANGANATHAN:—"I beg to move that—

*'In item (a) add the following at the end:—**"but does not include income-tax assessee under the Indian Income-tax Act."*

SRI M. PALANIYANDI:—"I second the amendment, Sir."

SRI R. KRISHNAN:—"I beg to move that—

*'In item (a) after the words "interest in land", add the words "either as a tenant or as a wage-earner" and in the third line of the same item, after the words "receipt of the rents" add the words "or wages."**In item (c), after the words "occupation of land", add the words "including arrears of rent as defined in the Malabar Tenancy Act, 1951."**In item (c). Exception, omit item (i).'*

SRI K. P. GOPALAN:—"Sir, I second the motion."

SRI V. GOPALA GOUNDER:—"Mr. Speaker, Sir, I move—

*'For items (a), (b) and (c), substitute the following:—**"(a) 'agriculturist' means a person as defined in section 3 (ii) (a) to (d) of the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938), with the provisos—**(i) who has been assessed to income-tax under the Income-Tax Act, 1922, or under the income-tax laws of any Indian State or foreign Government;*

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*(ii) who has been assessed to profession tax on a half-yearly income of more than Rs. 600 derived from a profession other than agriculture under the Madras District Municipalities Act, 1920, or any law governing municipal or local bodies and panchayats constituted under the Village Panchayat Act of 1950 in the State of Madras or in any other Indian State;**(iii) who has been assessed to property or house-tax in respect of buildings or land other than agricultural land under the Madras District Municipalities Act, 1922, or any law governing municipal or local bodies in the State of Madras or the Madras Local Boards Act, 1920, or the Village Panchayats Act, 1950, provided that the aggregate annual rental value of such buildings and lands whether let out or in the occupation of the owner is not less than Rs. 600,**(iv) who is a landholder of an estate under the Madras Estates Land Act, 1908.**Explanation.—The annual rental value of any building or land for the purpose of proviso (iii) shall be as defined in sub-clause (ii) (Explanation) of section 3 of the Act.**(b) 'Creditor' means a person as defined in section 3 of the Act IV of 1938;**(c) 'Debt' means any liability in cash or kind whether secured or unsecured due from an agriculturist whether payable under a decree or order of a civil or revenue Court or otherwise.**Exception.—'Debt' does not include—**The items (i) to (iii) and (vi) of the existing items be inserted."*

The amendment was duly seconded.

MR. SPEAKER:—"Motion moved—

*'For items (a), (b) and (c), substitute the following:—**"(a) Agriculturist' means a person as defined in section 3 (ii) (a) to (d) of the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938) with the provisos—**(i) who has been assessed to income-tax under the Income-tax Act, 1922 or under the income-tax laws of any Indian State or foreign Governments.**(ii) who has been assessed to profession tax on a half-yearly income of more than Rs. 600 derived from a profession other than agriculture under the Madras District Municipalities Act, 1920, or any law governing Municipal or Local Bodies and Panchayats constituted under the Village Panchayats Act of 1950 in the State of Madras or in any other Indian State;*

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(ii) who has been assessed to property or house-tax in respect of buildings or land other than agricultural land under the Madras District Municipalities Act, 1922, or any law governing Municipal or Local Bodies in the State of Madras or the Madras Local Boards Act 1920, or the Village Panchayat Act, 1950 provided that the aggregate annual rental value of such buildings and lands whether let out or in the occupation of the owner is not less than Rs. 600.

(iv) who is landholder of an estate under the Madras Estate Land Act, 1902.

Explanation.—The annual rental value of any building or land for the purpose of proviso (iii) shall be as defined in sub-clause (ii) (Explanation of) section 3 of the Act.

(b) 'Creditor means' as person as defined in section 3 of the Act IV of 1938 ;

(c) 'Debt' means any liability in cash or kind whether secured or unsecured due from an agriculturist whether payable under a decree or order of a civil or revenue Court or otherwise.

Exception.—'Debt' does not include—

The items (i) to (iii) and (vi) of the existing items be inserted."

SRI S. PANCHAKSHARAM:—"I beg to move that—

'In item (a)—

(1) After the words "means a person", add the words "who resides in the State of Madras and";

(2) After the words "who owns an interest in land", add the words "in the State of Madras"; and

(3) After the end of it, add

"Provided that a person shall not be deemed to be an agriculturist if he—

(a) is assessed to income-tax or

(b) is assessed to profession tax by a municipality or a local board as a half-yearly income of Rs. 600 or more or

(c) is assessed to property or house-tax by a municipality or a local board on an aggregate rental value of buildings or lands to Rs. 600 or more."

In item (b), add at the end the following proviso:—

"Provided a person shall not be deemed to be a creditor for purpose of this Act if he solely depends for his livelihood and maintenance on lands, the Land Revenue on which is Rs. 25 only or less."

Sir, my object is that the scope of the Bill is so extensive that it gives protection to a man living in Bombay, and having lands

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in the Madras State or an outsider domiciled in the State of Madras and owning lands outside the State. I do not think that it is the intention of the Government."

The amendment was duly seconded.

SRI S. RAMALINGAM:—"I beg to move that—

'In item (a), add at the end of Explanation I, the words "also includes such persons who were in possession of land and subsequently dispossessed now during the period over which this Act is in force."'

SRI M. PALANIYANDI:—"I second the amendment, Sir."

SRI P. S. KRISHNASWAMY AYYANGAR:—"I beg to move that—

'In item (a) add the following at the end of Explanation II:—

"For the purposes of this Act, a co-parcener of a joint Hindu family shall also include a woman on whom an undivided share in the joint family properties has devolved under the provisions of the Hindu Women's Rights to Property Acts, both Central and Provincial, such share still remaining undivided from the rest of the joint family properties."

'In item (c)—

"In the definition of 'debt' for the sake of easy understanding, remove the expression 'for the lawful use and occupation of land' found at the end of the definition, and insert it between the expressions 'is liable to pay or deliver' and 'under a contract (express or implied)', and between the expression so removed and the expression 'under a contract (express or implied)' insert the word 'or'."

'In the definition of debt, delete the word 'or' found after the expression "deliver such sum or produce".'

SRI M. JAGANNATHAN:—"I second the amendment, Sir."

SRI N. K. PALANISWAMI:—"I beg to move that—

'For item (a), substitute the following:—

"(a) 'cultivator' means a person who cultivates his land himself or with hired labourers and includes a tenant or a sub-tenant or an agricultural labourer."

((i) In the definition of "creditor" after the words "a person" insert the words "or a body".

((ii) In the definition of "debt",

(a) Omit items (i), (iii) and (v) under the Explanation;

(b) in item (iv) under the exception, for the words "by way of revenue, tax, cess, of loan or otherwise," substitute the words "by way of tax or cess;"

SRI M. PALANIYANDI:—"I second the amendment, Sir."

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SRI A. VELOO:—"I beg to move that—

'In item (a) after the words, "owns an interest in land" add the words "and who is regularly engaged in the cultivation of land and shall not include mere intermediaries who had taken more than 25 acres on lease or who had sub-leased them".'

SRI M. PALANIYANDI:—"I second the amendment, Sir."

SRI S. RAMALINGAM:—"I beg to move that—

'In the Exception under item (c), in item (iv), for the words "whether by way of revenue, tax, cess or loan or otherwise", substitute the words "by way of revenue, tax or cess".'

SRI M. PALANIYANDI:—"I second the amendment, Sir."

5 p.m.

SRI T. C. NARAYANAN NAMBIAR:—"Sir, I move—

'In item (a) after the words "interest in land" insert the words "or is paying rent or receiving wages".'

The amendment was duly seconded.

SRI M. JAGANNATHAN:—"Sir, I move—

'In the exception under item (c), in item (iv) omit the words "by loan" and add at the end the words "excluding loans".'

The amendment was duly seconded.

SRI R. KRISHNAN:—"Sir, I move—

*'In item (c), Exception, item (iv) delete the words "or loan" and add the following at the end:—
"but does not include loan".'*

The amendment was duly seconded.

SRI S. PANCHAKSHARAM:—"Sir, I move—

*'In the Exception under item (c)—
(1) In item (iv) omit the words "or loan" and add at the end of it "and shall not include loans".
(2) Omit item (v).'*

The amendment was duly seconded.

* SRI K. VINAYAKAM:—"Sir, I move—

*'In the Exception under item (c), add at the end of item (iv) the words—
"or any debt due to any company registered before 1935 under the Indian Companies Act, 1913 (Act VII of 1913)"'*

or

"or any debt due to any company registered before 1935 under the Indian Companies Act, 1913 (Act VII of 1913), in respect of any property situated within the limits of any Municipality or Corporation not being agricultural lands."

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"I invite the attention of the Government to this pertinent amendment. There are in this State Nidhis and funds which advance loans to agriculturists as well as others on house property and not on agricultural or arable land. Especially in the City of Madras there are many funds like the Mylapore Hindu Permanent Fund, the Triplicane Bank and the Egmore Benefit Fund. Out of the money collected from the shareholders they advance loans on house property, postal insurance policy and so on. The loan is repaid in monthly instalments. There may be agriculturists owning some lands outside the City of Madras who have raised a loan from a fund in the City. They may say that, as they are agriculturists and therefore entitled to the relief given by this Act, they need not repay the loan and that they cannot be dragged to the Courts for the period of the operation of this Act. In such a case, several Nidhis and funds in Madras may not have any appreciable transaction and may have to be closed down. This Act will work against their interests. That is why I want the Government to accept this amendment which excludes from the operation of this Act debts raised by agriculturists on other than agricultural properties."

The amendment was duly seconded.

SRI R. KRISHNAN:—"Sir, I move—

'In item (c), Exception, omit item (v).'

The amendment was duly seconded.

SRI M. PALANIYANDI:—"Sir, I move—

'In the Exception under item (c), in item (iv), omit the words "or loan or otherwise".'

'In the Exception under item (c), omit item (v).'

'In item (g), for the words "does not include", substitute the word "includes".'

The amendment was duly seconded.

SRI S. RAMALINGAM:—"Sir, I move—

'In item (g) after the word "appeal" insert the words "filed by a creditor".'

The amendment was duly seconded.

SRI S. T. ADITYAN:—"Sir, I move—

'In item (g) after the words "appeal from" add "or revision or review of".'

The amendment was duly seconded.

SRI C. RAJAM RAMASAMY:—"Sir, I move—

'In the Exception under item (c), after item (vi) insert the following as item (vii):—

"(vii) for moneys secured on property other than agricultural land;"'

The amendment was duly seconded.

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* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, the three amendments to clause 2 (a) given notice by the Hon. Sri M. A. Manickavelu Naicker have to be combined and moved. So I move (in the place of the amendment moved by the Hon. Minister for Land Revenue):—

'In clause 2 (a) after the words "or profits thereof" insert the following:—

"and shall include a lessee; but shall not include—

'(i) a firm registered under the Indian Partnership Act, 1932 (Central Act IX of 1932), or a company as defined in the Indian Companies Act, 1913 (Central Act VII of 1913), or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law; or

(ii) any person who was assessed to income-tax under the Indian Income-tax Act (Central Act XI of 1922) in any of the years 1951-52, 1952-53, 1953-54.' "

Omit Explanation I under item (a) and omit the figures "II" in the existing Explanation II.' "

* SRI K. VINAYAKAM:—"May I request the Government to explain the implications of this amendment? If this amendment covers the substance of my amendment, I will withdraw my amendment."

* THE HON. SRI C. RAJAGOPALACHARI:—"The implication is this. The word 'agriculturist' to whom we have given relief under this Act will explicitly include lessees also and will exclude persons who are assessed to income-tax. Secondly, while we give relief under this Act to a joint family comprising agriculturist and non-agriculturist members, we do not give the relief to firms, companies or corporations referred to in the amendment."

SRI P. S. KRISHNASWAMY AYYANGAR:—"If a member of a joint family happens to be an income-tax assessee, is that family within or outside the purview of this Act?"

* THE HON. SRI C. RAJAGOPALACHARI:—"It is covered by Explanation II which, under the amendment I have moved, will become the first and only explanation: Where a joint Hindu family or a tarwad, tavazhi, kutumba or kavaru is an agriculturist, every co-parcener or member of the tarwad, tavazhi, kutumba or kavaru, as the case may be, shall be deemed to be an agriculturist. But if any such person is assessed to income-tax, he shall not be deemed an agriculturist."

MR. SPEAKER:—"The question is—

'In clause 2 (a) after the words "or profits thereof" insert the following:—

"and shall include a lessee; but shall not include—

'(i) a firm registered under the Indian Partnership Act, 1932 (Central Act IX of 1932), or a company as defined in the

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Indian Companies Act, 1913 (Central Act VII of 1913), or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law; or

(ii) any person who was assessed to income-tax under the Indian Income-tax Act (Central Act XI of 1922) in any of the years 1951-52, 1952-53, 1953-54.' "

Omit Explanation I under item (a) and omit the figures "II" in the existing Explanation II.' "

The amendment was put and carried.

* THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, 5-10 p.m.
I move—

'In clause 2, omit sub-clause (b) and re-number (c), (d), (e), (f) and (g) as (b), (c), (d), (e) and (f) respectively.' "

SRI S. RAMALINGAM:—"After we finish sub-clause (2), we can go to the other sub-clauses, Sir."

MR. SPEAKER:—"After the Government amendment is accepted the sub-clause as amended can be amended. The question is—

'In clause 2, omit sub-clause (b) and re-number (c), (d), (e), (f) and (g) as (b), (c), (d), (e) and (f) respectively.' "

The amendment was put and carried.

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

'In clause 2, sub-clause (c) re-numbered as (b), substitute the definition of "debt" as follows:—

"(b) 'debt' means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received and includes rent in cash or kind which a person is liable to pay or deliver in respect of the lawful use and occupation of land.' "

MR. SPEAKER:—"The question is—

'In clause 2, sub-clause (c) re-numbered as (b), substitute the definition of "debt" as follows:—

"(b) 'debt' means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received and includes rent in cash or kind which a person is liable to pay or deliver in respect of the lawful use and occupation of land.' "

The amendment was put and carried.

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

'In clause 2, sub-clause (c) re-numbered as (b) under exception omit (i), re-number (ii) to (vi) as (iii) to (vii) and insert the following as (i) and (ii):—

"(i) rent or compensation for the use and occupation of house property;

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(ii) *rent or compensation for the use and occupation of immovable property not being house property, accrued due after the 31st March 1953,*

For (vi) re-numbered as (vii), substitute the following:—

“wages or remuneration due as salary, or otherwise for services rendered.”

MR. SPEAKER:—“The question is—

‘In clause 2, sub-clause (c) re-numbered as (b) under exception omit (i), re-number (ii) to (vi) as (iii) to (vii) and insert the following as (i) and (ii):—

“(i) rent or compensation for the use and occupation of house property;

(ii) rent or compensation for the use and occupation of immovable property not being house property, accrued due after the 31st March 1953;”

For (vi) re-numbered as (vii), substitute the following:—

“wages or remuneration due as salary, or otherwise for services rendered.”

The amendment was put and carried.

SRI V. GOPALA GOUNDER:—“In view of the assurances given by the Hon. Minister with reference to the various amendments I have moved, I am withdrawing my amendment.”

The following amendment of Sri Gopala Gounder was, by leave, withdrawn:—

“For item (a), (b) and (c), substitute the following:—

“(a) ‘agriculturist’ means a person as defined in section 3 (ii) (a) to (d) of the Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938), with the provisos—

(i) who has been assessed to income-tax under the Income-tax Act, 1922, or under the income-tax laws of any Indian State or foreign Government;

(ii) who has been assessed to profession tax on half-yearly income of more than Rs. 600 derived from a profession other than agriculture under the Madras District Municipalities Act, 1920, or any law governing Municipal or Local Bodies and Panchayats constituted under the Village Panchayats Act of 1950 in the State of Madras or in any other Indian State;

(iii) who has been assessed to property or house-tax in respect of buildings or land other than agricultural land under the Madras District Municipalities Act, 1922, or any law governing Municipal or Local Bodies in the State of Madras or the Madras Local Boards Act, 1920, or the Village Panchayat Act, 1950, provided that the aggregate annual rental value of such buildings and lands whether let out or in the occupation of the owner is not less than Rs. 600;

(iv) who is a landholder of an estate under the Madras Estates Land Act, 1908.

Explanation.—The annual rental value of any building or land for the purpose of proviso (ii) shall as defined in sub-clause (ii) (Explanation) of section 3 of the Act.

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(b) “Creditor” means a person as defined in section 3 of the Act IV of 1938;

(c) “Debt” means any liability in cash or kind whether secured or unsecured due from an agriculturist whether payable under a decree or order of a civil or revenue court or otherwise.

Exception.—“Debt” does not include—

The items (i) to (iii) and (vi) of the existing items be inserted.”

The following amendment of Sri N. K. Palanisami was, by leave, withdrawn:—

“For item (a), substitute the following:—

“(a) ‘cultivator’ means a person who cultivates his land himself or with hired labourers and includes a tenant or a sub-tenant or an agricultural labourer.”

The following amendment of Sri S. Panchaksharam was, by leave, withdrawn:—

“In item (a)

(1) after the words “means a person” add the words “who resides in the State of Madras and”;

(2) after the words “who owns an interest in lands” add the words “in the State of Madras” and

(3) after the end of it, add

“Provided that a person shall not be deemed to be an agriculturist if he

(a) is assessed to income-tax or

(b) is assessed to profession tax by a Municipality or a Local Board as a half-yearly income of Rs. 600 or more or

(c) is assessed to property or house tax by a Municipality or a Local Board on an aggregate rental value of buildings or lands to Rs. 600 or more.”

In item (b) add at the end the following proviso:—

“Provided a person shall not be deemed to be a creditor for purpose of this Act if he solely depends for his livelihood and maintenance on lands, the land revenue on which is Rs. 25 only or less.”

In the exception under item (c)—

(1) In item (iv) omit the words “or loan” and add at the end of it “and shall not include loans”.

“Omit item (v).”

The following amendment of Sri S. Swayamprakasam was, by leave, withdrawn:—

“Add the words ‘or enjoys’ after the word ‘own’ in the first line.”

The following amendment of Sri A. Veloo was deemed to have been withdrawn; as hon. Member was not in his seat:—

“In item (a) after the words ‘owns an interest in land’ add the words ‘and who is regularly engaged in the cultivation of land and shall not include mere intermediaries who had taken more than 25 acres on lease or who had sub-leased them.’”

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The following amendment of Sri T. C. Narayanan Namliar was, by leave, withdrawn:—

"In item (a), after the words 'insert in land,' insert the word 'or is paying rent or receiving wage.'"

MR. SPEAKER:—"The question is—

'After the word 'land,' add the words "not exceeding 20 acres in extent".'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In item (a), after the words "or profits" occurring in line 3, insert the words "or pays rent or receives wages for working in such land".'

The amendment was put and lost.

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SRI K. VINAYAKAM:—"On grounds of expediency and as there is no possibility of my convincing the Government, I withdraw the following amendment moved by me:—

'In item (a), after the words "profits thereof" insert the words "and excludes all those agriculturists who pay an annual kist of five hundred rupees and those who pay any income-tax, sales tax, profession tax and house tax."'

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, in retaliation, I should be permitted to convince Mr. Vinayakam about this amendment as well as other amendments of that type. They have got to be considered from the point of view which I shall explain now. By providing moratorium for certain favoured debtors, we are holding up attachment of their properties and things like that. If we allow other types of creditors to run down these people, the properties will be taken away by the undeserving creditors and the deserving creditors will be in trouble. Some creditors should, therefore, not be excluded. If some loans are proceeded against and if some others are stopped from being proceeded against, there would be mutual injustice. That is why such exceptions are objected to by us, Sir."

The amendment of hon. Member, Sri K. Vinayakam, was by leave, withdrawn.

MR. SPEAKER:—"Sri E. L. Raghava Mudaliar's amendment is—

'In item (a), after the words "or profits thereof", insert the words "and who pays land revenue not exceeding Rs. 500."'

In the Exception under item (c), in item (i), for the words and figures "31st March 1953", substitute the words and figures "31st December 1952."'

SRI E. L. RAGHAVA MUDALIAR:—"I withdraw my amendment, Sir."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—"Sri S. Ramalingam's amendment is—

'Add at the end of item (a) the words "and includes agricultural labourers who are engaged by such persons."'

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SRI S. RAMALINGAM:—"I withdraw my amendment, Sir."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—"The question is—

'Add the words and "regularly engaged in the cultivation" after the words "possession" in the third line and omit the words "or is in receipt of the rents or profits thereof" or profits thereof.'

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'Add the following words "and includes a person who cultivates the land either wholly or in part by hired labour under his direct supervision and control."'

In item (c)—

'After the word 'money' in the last line, add the words 'borrowed or any liability in kind incurred after the year 1946'.

In the Explanation in item (c)—

'after the words 'sum' in the first line, add the words 'any liability'.'

In the Exception under item (c)

'omit the items (iv) and (v).'

The amendments were put and lost.

The amendments of Sri K. Aranganathan and Sri R. Krishnan were, by leave, withdrawn.

The following amendments of hon. Member Sri S. Swayamprakasam were withdrawn by leave of the House:—

"In the Explanation II in item (a):

'after the word "shall" in the last line, add the word "not".'

In item (b)

'Add at the end the words "and includes the heirs, legal representatives and assignees of the creditor".'

SRI S. RAMALINGAM:—"Sir, I think the Government will accept the following amendment which I have moved, viz.:—

'In item (a), add at the end of Explanation I, the words "also includes such persons who were in possession of land and subsequently dispossessed now during the period over which this Act is in force".'

"சென்ற வருஷம் நிலத்திலே சாகுபடி செய்து கொண்டு இருந்தவன் குத்தகை பாக்கிக்காக நிலத்தை விட்டு அப்புறப்படுத்தப்பட்டிருந்தால், அவன் இந்த வருஷம் சாகுபடி செய்வதற்கு இந்தச் சட்டப் பிரகாரம் கருதப்பட மாட்டான். ஏற்கனவே பாக்கி யிருக்கிறது என்று நிலத்தை விட்டு அப்புறப்படுத்தியிருக்கிறார்கள். பாக்கியை வருஷப்பண்ணிக் கொள்வதற்காகவாவது சந்தர்ப்பம் அளிக்கவேண்டும் என்பதற்காகத்தான் இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன்."

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* THE HON. SRI C. RAJAGOPALACHARI:—"He was originally a lessee and he has lost the land. Then he is no longer in the position of agriculturists whose affairs are sought to be covered by this Bill. It does not at all seem to be relevant to this Bill, Sir."

The amendment of Sri S. Ramalingam was put and lost.

* SRI P. S. KRISHNASWAMY AYYANGAR:—"There are two parts in my amendment. One relates to the definition of the expression 'coparcener' and the other refers to the definition of 'debt'. I am not pressing the second part. With regard to the first part, if the Government are not prepared to accept it, I withdraw it, Sir."

The following amendment of Sri P. S. Krishnaswamy Ayyangar, was by leave of the House, withdrawn:—

In item (a) add the following at the end of Explanation II:—

"For the purposes of this Act, a co-parcener of a joint Hindu family shall also include a woman on whom an undivided share in the joint family properties has devolved under the provisions of the Hindu Women's Rights to Property Acts, both Central and Provincial, such share still remaining undivided from the rest of the joint family properties."

In item (c)

"In the definition of 'debt' for the sake of easy understanding, remove the expression 'for the lawful use and occupation of land' found at the end of the definition and insert it between the expressions 'is liable to pay or deliver' and 'under a contract (express or implied)' and between the expression so removed and the expression 'under a contract (express or implied)' insert the word 'or'."

In the definition of debt, delete the word "or" found after the expression "deliver such sum or produce."

The following amendment of Sri N. K. Palaniswami was, by leave of the House, withdrawn:—

"(i) In the definition of 'creditor', after the words 'a person', insert the words 'or a body'."

(ii) In the definition of 'debt',—

(a) Omit items (i), (iii) and (v) under the Exception.

(b) In item (iv) under the Exception, for the words 'by way of revenue, tax, cess, or loan or otherwise'; substitute the words 'by way of tax or cess.'"

MR. SPEAKER:—"The question is—

'In item (b) add at the end the words "up to the amount of Rs. 3,000".'

The amendment was put and lost.

MR. SPEAKER:—"What about the amendment of Mr. Kandasamy?"

* THE HON. SRI C. RAJAGOPALACHARI:—"Sir, I think Mr. Kandasamy should have listened to me when I explained the position to Mr. Vinayakam. The proposal is that one who has document for more than Rs. 3,000 should be allowed to proceed against the debtor. That is to say, a creditor who has got in his favour a document for Rs. 5,000 or Rs. 20,000 should be allowed

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to proceed against the debtor whereas we have stopped the smaller creditor who has lent a small amount of money from proceeding against the debtor. If we accept the amendment, it will come to this. The entire property can be taken away by a scheduled bank or by others. So it is dangerous to accept such an amendment. I gave long consideration to these amendments and have to reject them on these grounds."

The following amendment of Sri C. Kandasami was, by leave of the House, withdrawn:—

"In item (c)

(1) In line 1, after the word 'money', insert the words 'not exceeding Rs. 3,000.'

(2) In line 2, after the word 'land,' insert the words 'not exceeding in value Rs. 3,000'."

MR. SPEAKER:—"The question is—

'In item (i) of the Exception, for the words and figures '31st March 1953', substitute the words and figures '6th January 1954'."

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'In the Exception under item (c), in item (iv), for the words "whether by way of revenue, tax, cess or loan or otherwise;" substitute the words "by way of revenue, tax or cess".'

The amendment was put and lost.

The following amendment of Sri M. Palaniandi was, by leave of the House, withdrawn:—

"In the Exception under item (c), in item (iv), omit the words 'or loan or otherwise.'"

In the Exception under item (c), omit item (v).

In item (g), for the words 'does not include', substitute the word 'includes,'"

The amendment of hon. Member Sri M. Jagannathan was, by leave of the House, withdrawn, namely:—

"In the exception under item (c) in item (iv) omit the words 'by loan' and add at the end the words 'excluding loans.'"

MR. SPEAKER:—"The question is—

'In item (c) Exception item (iv), delete the words "or loan" and add the following at the end:—

"but does not include loan."'

The amendment was put and lost.

* SRI K. VINAYAKAM:—"Sir, I am aware that I am fighting a losing battle. I still would try to convince the Government about the reasonableness of my amendment. On a former occasion, a small committee was constituted to draft the Money-lenders' Bill. In that committee, I had the honour to serve. The Hon. Minister for Land Revenue was presiding over that committee. Then, I brought to the notice of the Minister that Nidhis and

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Funds must be exempted from the operation of that Act and the officers should not be allowed to go and harass those working in the Nidhis and Funds, under the pretext of looking into the accounts and things like that. Then, the Minister was convinced and agreed to exempt those Nidhis and Funds. Now, they have not been exempted from the operation of the present Bill now before the House. I am afraid if the Government bring these Nidhis also within the scope of the Bill, there would be no transaction and most of the Nidhis will have to close down their business for a period of one year. This will cause great hardship to the employees of the fund. These are the repercussions which the Hon. Chief Minister must consider. I once again request the Hon. Chief Minister to look into the matter and do justice."

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* THE HON. SRI C. RAJAGOPALACHARI:—"If the points of hon. Members are correct, then there should be no moratorium. If there should be a moratorium, then the points are wrong. If peasant proprietor A lends money to peasant proprietor B in a village, we have declared a moratorium and peasant proprietor A cannot proceed against peasant proprietor B. But in a Nidhi, the man lives in Madras being an agriculturist in Chingleput. If the Nidhi's amount of Rs. 5,000 is allowed to be collected by instituting proceedings in a Court, then peasant proprietor A loses his whole property which is involved in the loan he has given to the other man. I have explained the position clearly. The position in respect of the Money-lenders Act is totally different from the position we seek to create, viz., that the agriculturist should be given a respite."

SRI K. VINAYAKAM:—"Why exempt only co-operative societies?"

* THE HON. SRI C. RAJAGOPALACHARI:—"Because they are public bodies, a democratic body of the villagers."

SRI K. VINAYAKAM:—"Am I to understand that Nidhis are not public bodies but individual concerns?"

* THE HON. SRI C. RAJAGOPALACHARI:—"Nidhis or Funds in Madras are a body of urban people."

SRI K. VINAYAKAM:—"May be. But still it is a public body, Sir."

* THE HON. SRI C. RAJAGOPALACHARI:—"They do not lose their money; they have only to wait for a year."

SRI K. VINAYAKAM:—"I am sorry, I cannot withdraw my amendment."

MR. SPEAKER:—"I shall put it to vote. The question is—

'In the Exception under item (c), *add* at the end of item (iv) the words—

"or any debt due to any company registered before 1935 under the Indian Companies Act, 1913 (Act VIII of 1913)"

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"or any debt due to any company registered before 1935 under the Indian Companies Act, 1913 (Act VII of 1913) in respect of any property situated within the limits of any Municipality or Corporation not being agricultural lands""

The amendment was put and lost.

MR. SPEAKER:—"I shall now put Mr. R. Krishnan's amendment to vote. The question is—

'In item (c), Exception, *omit* item (v)'"

The amendment was put and lost.

MR. SPEAKER:—"Then comes Mr. Ramalingam's amendment. The question is—

"In item (g), *after* the word "appeal", *insert* the words "filed by a creditor""

The amendment was put and lost.

MR. SPEAKER:—"I shall now take up Mr. Adityan's amendment which reads—

"In item (g) *after* the words "appeal", *add* "or revision or review of""

* SRI S. T. ADITYAN:—"The Government have decided to exempt appeals from the operation of this Bill. I want them to exempt civil revision petitions which are also a kind of appeal. That is all my amendment and I hope the Government will accept it."

THE HON. SRI C. RAJAGOPALACHARI:—"If I understood you, I would accept it."

SRI S. T. ADITYAN:—"The Bill is intended only to stay suits or applications for execution of a decree. It does not cover appeal from a decree or order passed in a suit or application. That is to say, suits are stayed but appeals are not. I want you to say that not only appeals but civil revision petitions also are stayed. I mean not only regular appeals but first and second appeals."

THE HON. SRI C. RAJAGOPALACHARI:—"You mean civil revision petitions in the High Court against Small Causes Court decrees?"

SRI S. T. ADITYAN:—"Yes, but only not against Small Causes Court decrees."

THE HON. SRI C. RAJAGOPALACHARI:—"There is another difficulty I am faced with here. Appeals include such petitions."

* SRI S. T. ADITYAN:—"On the contrary, I may say that it is a disputed point. It is better it is made clear in the Bill itself. Appeal does not ordinarily include revision petitions."

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THE HON. SRI C. RAJAGOPALACHARI:—"I think as a rare case we can accept it. You say: 'It does not include appeals from a decree or order or civil revision petition against Small Causes Court decrees'. Is that correct?"

* SRI S. T. ADITYAN:—"I say: 'It does not include appeal from or revision or review of a decree or order passed in a suit or application'. I think it is the term that is at issue. If the Government accept the principle, it is all right."

MR. SPEAKER:—"We should be clear in these matters when we are making a law. Let the Government propose a suitable amendment."

* SRI S. T. ADITYAN:—"In that case, I withdraw my amendment, so that Government may move one."

The amendment was by leave of the House withdrawn.

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

'that for item (g) of clause 2 item (f) as re-numbered, the following shall be substituted, viz.:—

" 'suit' or 'application' does not include an appeal from a decree or order passed in a suit or application or an application for revision or review " . "

MR. SPEAKER:—"The question is—

'that for item (g) of clause 2, item (f) as re-numbered, the following shall be substituted, viz.:—

" 'suit' or 'application' does not include an appeal, from a decree or order passed in a suit or application or an application for revision or review " . "

The amendment was put and carried.

MR. SPEAKER:—"I think Mr. Rajam Ramasami withdraws his amendment which reads—

'In the Exception under item (c), after item (vi), insert the following as item (vii):—

" (vii) for moneys secured on property other than agricultural land. " . "

SRI C. RAJAM RAMASAMY:—"I withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

SRI T. C. NARAYANAN NAMBIAR:—"Sir, I move—

'In the Exception under item (c), in item (i), for the figures and word "31st March 1953," substitute the figures and word "1st December 1953" . '

I want to invite the attention of the Chief Minister to the fact that in Malabar the custom is to pay the rent in two instalments.

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It is a well-known fact that the Kanni (September) crop was completely destroyed during the last floods. Under the Malabar Tenancy Act, suits will be filed if the tenants do not pay the rent after three months of the harvest.

"We have already passed that provision day before yesterday. It will be no use if landlords are allowed to wreak their vengeance on the poor tenants. The second crop had been completely devastated. That is why I request that my amendment, which seeks to protect the tenants from the tyranny of the landlords of Malabar, may be accepted."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARI:—"The position is that the mover of the amendment, Sri T. C. Narayanan Nambiar, wants us now to revise the Malabar Tenancy Amendment Bill, which we had already passed day before yesterday. It is our object to give moratorium to those dues accrued before 31st March 1953 and not to rent dues accrued after March 1953. Only those dues accrued before 31st March 1953 are covered. The current rent is not to be covered. That is the meaning of Exception (i). If rent is to be paid in two or three instalments, it will not be covered according to the law. But any rent accrued after 31st March 1953 will not be covered by this moratorium. I think if we leave the Exception (i) as it is, it would be better. We need not insert a separate provision for Malabar."

SRI T. C. NARAYANAN NAMBIAR:—"We are prepared to pay the dues as far as the first crop is concerned. But the second crop is completely devastated. The tenants are suffering. There is food scarcity. That is why I request that my amendment may be accepted."

* THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Nambiar does not know probably where we stand. The hon. Member should know that we should not disturb the current relationship between the landlords and tenants by this Bill."

MR. SPEAKER:—"The question is—

'In the Exception under item (c), in item (i), for the figures and word "31st March 1953," substitute the figures and word "1st December 1953" . '

The amendment was put and lost.

MR. SPEAKER:—"I want to know whether the Government have moved all their amendments."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir."

Clause 2 as amended was put and carried.

Clause 1.

Clause 1 was put and carried.

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PREAMBLE.

SRI S. RAMALINGAM:—"Sir, I move—

For the existing Preamble, substitute the following:—

"Whereas famine and drought conditions have been existing for the past many years due to which conditions the burden of debt and pressure by the creditors on the peasants increasing year after year;

"And whereas it is in the interest of the general public that at the present time, agriculturists be spared the distractions and expenditure involved in litigation launched by their creditors, and as a first step to declare a moratorium on the debts of the peasantry;

SRI C. H. KANARAN:—"I second it."

MR. SPEAKER:—"Motion moved—

For the existing Preamble, substitute the following:—

"Whereas famine and drought conditions have been existing for the past many years due to which conditions the burden of debt and pressure by the creditors on the peasants increasing year after year;

"And whereas it is in the interest of the general public that, at the present time, agriculturists be spared the distractions and expenditure involved in litigation launched by their creditors, and as a first step to declare a moratorium on the debts of the peasantry."

THE HON. SRI C. RAJAGOPALACHARI:—"It is obvious Government cannot accept it. It means that we should bring in another kind of Bill."

SRI S. T. ADITYAN:—"I think the whole of the Preamble might be dropped."

MR. SPEAKER:—"There should be a preamble to an Act."

* SRI S. T. ADITYAN:—"I submit it is unnecessary that an Act should have a preamble, for in the Statement of Objects and Reasons, all these things are covered. It has been held that a preamble does not control the interpretation of the Act."

* THE HON. SRI C. RAJAGOPALACHARI:—"Ordinarily I would accept Mr. S. T. Adityan's opinion in such matters. Ordinarily I agree that for a Bill in modern times, we do not make a long preamble or any preamble at all. But in the case of a moratorium I submit it is necessary."

SRI S. RAMALINGAM:—"I beg leave to withdraw my amendment."

The amendment was by leave of the House withdrawn.

The Preamble was put and carried.

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* SRI M. A. MANICKAVELU NAICKER:—"Sir, I move—
'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, as amended, be passed into law.'

"In doing so, I thank the hon. Members for their hearty co-operation and various suggestions. I want to say that the fact we have sat for long hours with concentration and finished consideration of the clause-by-clause discussion of the Bill completely to-day, shows and reminds me of the proverb that 'where there is a will, there is a way'. This has been amply proved in our case."

MR. SPEAKER:—"Motion moved—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, as amended be passed into law.'

SRI M. PALANIYANDI:—"கனம் சபாநாயகர் அவர்களே, இன்று இந்தக் கடன் ஒத்தி வைப்புச் சட்டத்தைக் கொண்டு வந்ததற்காக அரசாங்கத்திற்கு நான் மிகவும் நன்றி செலுத்தக் கடமைப்பட்டிருக்கிறேன். இன்னும் இது மாதிரியான நல்ல சீர்திருத்தங்களைச் செய்வதற்கு அரசாங்கம் அடிக்கடி இம்மாதிரி மசோதாக்களைக் கொண்டு வந்து சட்டசபையில் நிறைவேற்றவேண்டும்.

"எதிர்க்கட்சியினுள்ளவர்களாகிய நாங்கள் இந்தக் கடன் ஒத்திவைப்பானது ஒரு வருஷத்திற்கு என்று இருப்பது போதாது என்றும், குறைந்தபட்சம் மூன்று வருஷத்திற்காகவாவது ஒத்திவைக்கப்படவேண்டுமென்றும், இன்னும் எவ்வளவு குறைந்தபட்ச திருத்தங்களைக் கொடுத்திருந்தோம். ஆனால், அரசாங்கம் அவைகளுக்குச் செலிசாயக்கவில்லை. இருந்தாலும்கூட, கடந்த ஐந்தாறு வருஷங்களாக பருவ மழையில்லாத காரணத்தினால் ஏற்பட்ட பஞ்சத்திற்குப் பிறகு இம்மாதிரியான சட்டத்தை கனம் முதல் மந்திரி அவர்கள் கொண்டு வந்ததற்கு என்னுடைய வந்தனத்தைத் தெரிவித்துக்கொள்ளுகின்றேன். இதுமாதிரி முற்போக்கான சட்டங்களை சர்க்கார் அடிக்கடி கொண்டுவந்து நிறைவேற்றவேண்டுமென்று மீண்டும் கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகிறேன்."

* THE HON. SRI C. RAJAGOPALACHARI:—"I wish to say a few words by way of repetition and also by way of emphasis that it should not be understood that this is the first step to wipe off debts and also to disturb the credit of the country. It should be absolutely made clear that this is a moratorium and it is not the policy or principle of the Government to make it worse than it is. Of course there are evils in a moratorium. But we have to bear with those evils. But let me tell hon. Members that any larger extension of such things will disturb the credit of the country. Therefore it is I am re-emphasising that matter."

* SRI P. B. K. RAJACHIDAMBARAM:—"மன்றத் தலைவர் அவர்களே, விவசாயிகளுக்கு உடனடியாக ஒரு ஆதரவைக் கொடுக்கக் கூடிய ஒரு நல்ல முறையை அரசியலார் கொண்டு வந்ததற்காக முதலில் கனம் முதல் அமைச்சர் அவர்களையும் கனம் நில வருவாய் அமைச்சர் அவர்களையும் பாராட்டுகிறேன்.

"இந்தச் சீர்திருத்தமானது சென்ற மாதத்தில் முதன் முதலில் பத்திரிகையில் வந்ததிலிருந்து இதைப்பற்றி நாட்டில் பல விதமான கசைகள் எழுந்தன. நாட்டில் பல துறைகளிலிருந்து இதற்கு எதிர்ப்பு களும், அதே சமயத்தில் பல இடங்களிலிருந்து ஆதரவுகளும் உண்டாயின.

[Sri P. B. K. Rajachidambaram] [11th January 1954]

அதிலிருந்து இது எவ்வளவு தூரம் நாட்டிற்கு ஓரளவு நன்மை பயக்கக் கூடிய திட்டம் என்பதை நாம் சொல்லாமலேயே தெரிந்து கொள்ளலாம்.

“நிதானத்திற்குப் பெயர்போன *Hindu* பத்திரிகை இதற்கு இரண்டு தலையங்கங்கள் எழுதிவிட்டது. அதை எழுதும் போது, சென்ற வாரத்தில் தென் கன்னட நிலச் சீர்திருத்தம் பற்றி செய்த ஒரு சட்டத்தை இரண்டு மணி நேரத்திற்குள்ளாகவே நிறைவேற்றிவிட்டது சரியல்ல; அது சரியாக யோசிக்காமல்கூட சட்டமாக்கப்பட்டது என்று ஒரு வித கேலி தொனாக்கும் படியாக எழுதியிருந்தது. ஆனால், இந்த மசோதாவை நாம் 6 மணி நேரத்திற்கு மேலாக தலைவர் அவர்களுடைய அனுமதியைக் கொண்டு நாம் நன்றாகத்தான் சர்ச்சை செய்து பார்த்திருக்கிறோம். 6 மணி நேரம் எடுத்துக்கொண்டு இதை விவாதித்திருந்தபோதிலும் கூட, அவசரமாகத்தான் இதைக் கவனித்தோம் என்று சொல்ல வேண்டியிருக்கிறது. இன்னும் சற்று நிதானமாக இதை நாம் கவனித்திருந்தால் கனம் முதலமைச்சர் அவர்களையும் அரசியலாளரையும் இன்னும் சில முக்கியமான திருத்தங்களை ஒப்புக்கொள்ளும்படியாக நாம் செய்திருக்க முடியும் என்ற நம்பிக்கை எனக்கு இருக்கிறது. இன்று விவாதத்தின் கடைசி நேரத்தில்கூட சில விஷயங்களை நாம் எடுத்துக்கொள்ளப்போது கனம் முதலமைச்சர் எடுத்துச் சொன்னார்கள். இன்னும் சற்று அவகாசம் இருந்திருந்தால், இன்னும் நல்ல விதமாக இதைச் செய்திருக்கமுடியும் என்ற நம்பிக்கை இருக்கிறது.

“ஆனால், இதைப் பிரேரேபிக்கும்போது அமைச்சர் அவர்கள் சொன்னார்கள், நாம் எவ்வளவு வேகமாக பாடுபட்டாலும்கூட இதைவிட வெகு விரைவாக வெளியிட முடியவில்லை என்று. ஒரு மாதத்திற்குள்ளாகவே சட்ட சபை கூடியிருக்கலாம். பொங்கல் பண்டிகை அடுத்து வருவதால், சட்டசபை அங்கத்தினர்களை இன்னும் அதிக நாள் நிறுத்தி வைக்கக்கூடாது, சீக்கிரமாக இந்தச் சட்டத்தை நிறைவேற்றி, அங்கத்தினர்கள் போகும்போது இதை பொங்கல் பரிசாக வழங்கவேண்டுமென்று சொன்னார்கள். உண்மைதான். பொங்கல் பரிசாகவே சட்டசபையில் நாம் இதை முடிவுசெய்த நமது சென்னை அரசாங்கத்தின் பரிசாக விவசாயிகளுக்கு நாம் கொடுப்போம். இந்த பொங்கல் பரிசு அவர்களுக்கு எவ்வளவு தூரம் நன்மை பயக்குமென்பதை அரசாங்கம் சற்று கவனித்து, இதைபோல் மீண்டும் விவசாயிகளுக்கு கடன் ஏற்படாதவாறு ஒரு சூழ்நிலையை ஏற்படுத்துமாறு அரசியலாளர்களைக் கேட்டுக்கொள்ள விரும்புகிறேன். விவசாயிகளுக்கு கடனே இல்லாத முறையில் விவசாயத்தை நடத்தும்படியான ஒரு சூழ்நிலையை ஏற்படுத்த வேண்டும். அப்பொழுதுதான் விவசாயமானது நல்ல முறையில் செழித்து வளர முடியும். கடன் தொல்லையினால் கஷ்டப்படும் விவசாயிகளுக்கு இவ்விதம் கடன் ஏற்படாமல் இருப்பதற்கு என்னென்ன திட்டங்களைச் செய்யவேண்டுமோ அவைகளையெல்லாம் இன்னும் அதிக நாள் கடத்தாமல், வெகு விரைவில் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன். விவசாயிகளுக்கு அனுசூலமாகக் கொண்டுவரப்படும் எந்த சீர்திருத்தங்களுக்கு இந்தப் பக்கத்திலிருக்கும் எங்களுடைய ஆதரவு அரசாங்கத்திற்கு எப்பொழுதும் இருக்கும் என்பதை அரசியலாளருக்குச் சொல்லிக் கொண்டு, இந்த நல்ல சட்டத்தைக் கொண்டுவந்ததற்காக மீண்டும் ஒரு முறை அரசியலாளரைப் பாராட்டுகிறேன்.”

5-50
a.m. * SRI K. VINAYAKAM:—“Sir, we are now in the final stages of the Bill. I shall not take much time, but only say a few words. We have gone through a tedious work and I may add here that the Bill has been almost hustled through. Yet, I am convinced of the good objects of the Bill, though it could have been perfected a little more, had the Government chosen to listen to the Opposition. I congratulate the Government on

[11th January 1954] [Sri K. Vinayakam]

having brought this piece of legislation. I wholeheartedly commend it to the acceptance of the House on behalf of that section of the Opposition which I have the honour to represent.”

*SRI S. RAMALINGAM:—“கனம் சபாநாயகர் அவர்களே, விவசாயிகளுக்கு ஏற்பட்டிருக்கும் கடன் தொல்லையை ஒத்தி வைப்பதற்கு இந்தச் சட்டத்தைக் கொண்டு வந்து நிறைவேற்றியதற்காக நான் கனம் ஸ்ரீ M. A. மாணிக்கவேலு நாயகர் அவர்களைப் பாராட்டுகிறேன். அந்தப் பக்கத்தில் இருக்கக் கூடிய பல அங்கத்தினர்கள் கனம் ராஜாஜி அவர்களைத் தான் பாராட்டிக் கொண்டிருந்தார்கள். இருந்தாலும், நான் பிரத்தியேகமாக கனம் ஸ்ரீ M. A. மாணிக்கவேலு நாயகர் அவர்களையும் பாராட்டுகிறேன்.

“பல எதிர்ப்புகள் இருந்தபோதிலும் இந்த மசோதாவைச் சட்டமாக்கியிருக்கிறோம். எதிர்க்கட்சிக்காரர்கள் எடுத்துச் சொல்லிய பல முக்கியமான குறைகளை சர்க்கார் கவனிக்காமல் இருந்தாலும்கூட, விவசாயிகளுடைய கடன் தொல்லையைக் குறைப்பதற்கு ஒரு வருஷத்திற்கு இந்தச் சட்டத்தின் மூலம் நிவாரணம் ஏற்படுகிறது. அரசாங்கத்திற்கு ஒரு விஷயத்தை முக்கியமாக வற்புறுத்திச் சொல்ல விரும்புகிறேன். அதாவது, விவசாயிகளுக்கு மீண்டும் கடன் தொல்லை ஏற்படாமல் இருப்பதற்கு என்ன காரியங்களைச் செய்யவேண்டுமோ அதிலே சர்க்கார் தீவிர கவனம் செலுத்தவேண்டும். விவசாயிகளுக்கு கடன் வசதி மிகவும் குறைவாக இருக்கிறது. இந்தக் கடன் வசதியை அடைவதற்குக் கூட விவசாயிகள் பெரிய கஷ்டத்திற்குள்ளாகியிருக்கிறார்கள். அவர்களுக்கு தாராளமாக கடன் வழங்குவதற்கு சர்க்கார் என்னென்ன காரியங்களைச் செய்யவேண்டுமோ, அவைகளை உடனடியாகச் செய்தால்தான் இந்தக் கடன் ஒத்தி வைப்புச் சட்டத்தைக்கொண்டு வந்ததினால் விவசாயிகள் உண்மையாகவே பலன்டைந்தவர்களாகக் கருதமுடியும்.

“சென்ற வருஷம் ஐந்து கோடி ரூபாய் கடன் வேண்டுமென்று கேட்ட போது 10 கோடி ரூபாய் வரையில் வசூல் செய்ய முடிந்தது. அந்த மாதிரி விவசாயிகளுக்கு கடன் கொடுப்பதற்கென்று மார்க்கெட்டில் 4½ பெர்சண்டு அல்லது 5 பெர்சண்டு வட்டிக்கு கடன் வாங்கி, விவசாயிகளுக்கு சர்க்கார் மூலமாகவோ கூட்டுறவு சங்கங்கள் போன்ற இதர ஸ்தாபனங்கள் மூலமாகவோ கடன் கொடுத்து உதவினால், அவர்களுக்கு உபயோகமாக இருக்கும். அப்படி கடன் கொடுத்து, அரசாங்கம் நீண்ட காலத் தவணைகளில் விவசாயிகளிடமிருந்து வசூலித்துக்கொள்வதற்கு வேண்டிய நடவடிக்கையை எடுத்துக் கொள்ளலாம். அப்படி அவர்களுக்கு வேண்டிய கடன் வசதியை அரசாங்கம் செய்து கொடுத்தால் தான், இப்பொழுது இந்தக் கடன் ஒத்திவைப்புச் சட்டத்தைக் கொண்டு வந்ததின் நோக்கம் நிறைவேற முடியும். இப்பொழுது நிறைவேற்றப்பட்ட சட்டமானது உண்மையிலேயே அப்பொழுதுதான் விவசாயிகளுக்கு பொங்கல் பரிசாக இருக்கும். நமது நண்பர் கனம் ஸ்ரீ ராஜா சிதம்பரம் சொன்னதுபோல இதை விவசாயிகளுக்கு பொங்கல் பரிசாக அர்ப்பணிக்கிறோம்.”

*SRI K. R. VISWANATHAN:—“கனம் அவைத்தலைவர் அவர்களே, இந்தக் கடன் ஒத்தி வைப்பு மசோதாவானது நேற்றுக்கு முன்னாலும் இன்றைக்கும் விவாதிக்கப்பட்டு வந்திருக்கிறது. இன்றைக்கு இது முடியுமோ முடியாதோ என்ற ஒரு ஐயப்பாடு இருந்து வந்தது. இன்றைக்கு இது சட்டமாக நிறைவேற்றியதைக் கண்டு நாங்கள் ஒருவாறு சந்தோஷமடைகிறோம். அமைச்சர் அவர்கள் மிக விரைவிலே இந்த மசோதாவைக் கொண்டுவந்து நிறைவேற்றியதற்கு நான் கனம் முதல் அமைச்சர் அவர்களையும், அதற்குக் காரணமாக இருந்த எல்லோரையும் பாராட்டுகிறேன்.

“இப்பொழுது இந்த மசோதா வருவதற்கு ஒரு திங்களுக்கு முன்னால் அவசரச் சட்டம் பிறப்பிக்கப்பட்டது. இன்றைக்கு இந்தச் சட்டமானது பொங்கல் பரிசாக மக்கள் ஏற்றுக்கொள்ளப்போகிறார்கள் என்று சொல்

[Sri K. R. Viswanathan]

[11th January 1954]

ஸ்ப்பட்டது. இது பொங்கல் பரிசாக இருக்க முடியாது. ஏனென்றால், ஒரு திங்களுக்கு முன்னால் பிரகடனப்படுத்தப்பட்ட அவசரச் சட்டத்தைத் தான் இப்பொழுது நாம் நிரந்தரமான சட்டமாகச் செய்திருக்கிறோம். ஒரு திங்களுக்கு முன்னால் அவசரச் சட்டம் வந்தபோதே இதனால் ஒரு மகிழ்ச்சி மக்களுக்கு ஏற்பட்டுவிட்டது. இப்பொழுது புதிதாக ஒரு மகிழ்ச்சி அவர்களுக்கு ஏற்பட்டுவிடப் போவதில்லை என்பதைத் தெரிவித்துக்கொள்ளுகிறேன்.

“மக்களுக்கு நன்மை செய்யக்கூடிய எந்தக் காரியத்தையும் சட்டசபையில் கொண்டுவந்து விவாதித்து நிறைவேற்றுவது முறை. அப்படிச் செய்யாது முதலமைச்சர் அவர்கள் இதுபோன்ற சட்டங்களை தாமதமாக அவசரமாகப் பிறப்பித்து தமக்குமட்டும் பெருமை தேடிக்கொள்கிறார். நல்ல காரியத்தை அவர் செய்யும்போது எல்லோரும் அவரைப் பெருமைப் படுத்துகின்றோம். ஆனால், ஒவ்வொரு காரியத்தையும் முதன்முதலில் அவசரச் சட்டமாகக் கொண்டு வந்துவிடுவதினால் சட்டசபையிலுள்ள எல்லோரும் அதைப்பற்றி விவாதிக்க முடியாமல் போகிறது. முதன் முதலில் தாம் கொண்டு வந்தோம் என்று அவர் பெருமைப்பட வேண்டும் என்ற நினைவோடு அவர் இப்படிச் செய்கிறார்போலும். நல்ல காரியத்தைச் செய்யும்போது அவரை பெருமைப் படுத்துகிறோம். பாராட்டுகிறோம். அவர் செய்கின்ற காரியங்களை வரவேற்கிறோம். கல்வித் திட்டத்திலும்கூட . . .”

MR. SPEAKER :—“கல்வித் திட்டத்திலிருந்து ரொம்ப தூரம் போய் விடும்” (சிரிப்பு.)

* **SRI K. R. VISWANATHAN :—**“யாரையும் கலக்காமல் தான் மட்டும் யதேச்சாதிகாரமாகச் செய்கிறார் என்று நாம் அவரைப்பற்றி குறை கூறினோம். அதில் அவருக்குப் பெருமை கிடையாது. அதில் பல குறைபாடுகள் இருக்கின்றன என்று எடுத்துக் கூறப்பட்டன. ஆனால் அந்தக் கூப்பாடுகளையெல்லாம் அவர் பொருட்படுத்தாது தாம் கொண்டு வந்த திட்டத்தை நிலைநிறுத்த வேண்டுவன செய்தார். நல்லதாக இருந்தாலும் சரி, கெட்டதாக இருந்தாலும் சரி பொருட்படுத்தாது, தானே அந்தக் காரியத்தைச் செய்யவேண்டும், அதற்கான பெருமையையும் தாழ்விருப்பின் தாழ்வையும் அடைகிற நோக்கம் உடையவராகக் காண்கின்றார்.

“இந்தப் பெரிய சட்டமானது நாட்டிலே இருக்கின்ற உழைப்பாளிகளுக்கும் ஏழை விவசாயிகளுக்கும் ஒரு பெரிய வரப்பிரசாதம் போன்று வந்திருக்கிறது என்று சொல்லிக்கொள்ளவிரும்புகிறேன். இந்தச் சட்டமானது அவர்களுக்கு ஒரு ஆண்டு வரையில் நன்மை செய்திருக்கிறது. இந்த மாரபேரியம் என்பது ஒரு குறுகிய கால அளவுக்குத்தான் கொண்டுவரமுடியும் என்று மந்திரி அவர்கள் பதிலளித்தார்கள். அந்தக் குறுகிய கால அளவை மறுபடியும் ஒரு குறுகிய கால அளவுக்கு நீடித்துத் தர அந்தச் சமயத்தில் சர்க்கார் முன் வரவேண்டுமென்று கேட்டுக்கொண்டு நான் மறுபடியும் சர்க்காரைப் பாராட்டிக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகிறேன்.”

* **SRI S. T. ADITYAN :—**“Sir, I rise neither to congratulate nor to criticize the Government. I only want to throw a suggestion for the future administration of this law. Section 4 is the staying section and section 3 is a section which different Courts will interpret differently. There should not be room for dismissing suits. I hope the intention of the Act is not to dismiss suits and bury them for ever. There is also rule-making power vested in the Government under section 7. I suggest that Government may make rules which may cover the difficulty I have mentioned, that is to say, if a suit is pending, it will be stayed under the Act.

[11th January 1954] [Sri S. T. Adityan]

If, however, a suit is filed after the Act comes into force, then after satisfying that the suit is against an agriculturist, Courts may perhaps return them for presentation after the moratorium period. If this suggestion is accepted, it may be useful for the proper administration of the law.

“Another thing I want to stress is that Government have rushed through this legislation, and I want to impress on Government that this should not be the normal procedure hereafter.”

* **SRI V. GOPALA GOUNDER :—**“கனம் சபாநாயகர் அவர்களே, 6 p.m. இந்த மசோதா இன்று சட்டமாக நிறைவேறியிருக்கிறது. காலையில் கனம் ரெவின்யூ மந்திரி அவர்கள் சொல்லும்போது, நான் ஒரு மெம் பர்தான் இந்தச் சட்டத்திற்கு எதிர்ப்பாகப் பேசினேன் என்று சொன்னார்கள். நான் அதில் பெருமைப்படுகின்றேன். நான் ஏன் இந்தச் சட்டத்தை எதிர்த்தேனெனும்? ஏன் இந்தச் சட்டம் அவசியம் இல்லை என்பதை விளக்கிக் கூறினேன். ஆனால், அதை எனது சகோதர மெம் பர்கள் ஏதோ ஒரு வழியில் ஆமோதித்தாலும், பொதுவாக இந்தச் சட்டம் இப்பொழுது வேண்டுமென்று அவர்கள் சொன்னார்கள். அதன்படியே இந்தச் சட்டமானது நிறைவேறிவிட்டது.

“நான் சொன்ன கருத்தெல்லாம், இவ்விதமான சட்டத்தினால் நாட்டிலே கிராம மக்களுக்குள்ள நாணமம் கெட்டுப்போய்விடும், பணச் செலாவணி கெட்டுப்போய்விடும் என்பதுதான். ஆகவே, அம்மாதிரி சூழ்நிலையை கிராமத்திலே உண்டுபண்ணக்கூடாது என்பதுதான் என்னுடைய வாதத்தின் முக்கியமான கருத்து. அந்தக் கருத்தை இப்பொழுது கனம் முதல் மந்திரியவர்கள் கடைசியாகச் சொல்லுகிற நேரத்திலே ‘இப்பொழுது கொடுத்த நிவாரணம் கொஞ்ச நாள்களுக்குத்தான், இம்மாதிரி சூழ்நிலையை அடிக்கடி உண்டுபண்ணிக் கொள்ளக்கூடாது. அப்படிச் செய்தால் செலாவணி கெட்டுப்போகும்,’ என்ற முறையில் கடைசியாக ஒத்துக்கொண்டார்கள். அதைக் கேட்டவுடனே நான் சொன்ன வாதம் தப்பு அல்ல, சரியான வாதத்தைத்தான் செய்தேன் என்று தெரிவித்துக் கொள்ளுகிறேன். ஆனால், இங்கேயுள்ள கனம் அங்கத்தினர்களுடைய ஆதரவு கிடைக்காவிட்டாலும் பரவாயில்லை, என்னுடைய கருத்தை அவர் ஒப்புக்கொண்டார். அதை மற்ற அங்கத்தினர்களும் ஒப்புக்கொண்டார்கள் என்பதில் சந்தேகமில்லை.

“கனம் முதல் மந்திரி அவர்கள், ‘இம்மாதிரி சூழ்நிலையை நாம் ஏற்படவிடக்கூடாது. அப்படி விட்டால் நம்முடைய நாட்டிலே நாணயம் கெட்டுவிடும். இப்பொழுது ஏதோ ஒரு காரணத்திற்காக இந்தச் சட்டம் கொண்டுவரப்பட்டது.’ என்று சொல்லியதன்பேரில் எல்லோருடைய ஆதரவிலும் இந்தச் சட்டம் இப்பொழுது நிறைவேற்றப்பட்டது. ஆனாலும் இதில் ஒரு குறை இருக்கிறது. எவ்வளவோ கஷ்டப்பட்டு முதல் மந்திரி அவர்கள் அனேக திருத்தங்களை இந்தச் சட்டத்தின் விதிகளில் செய்த போதிலும் கூட, ஒரு வருஷத்திற்கு இதில் உண்டாகப்போகும் சட்ட நுணுக்கங்களுக்கு கோர்ட்டிலே போய் வாதாட முடியாது. கனம் ரெவின்யூ மந்திரி அவர்கள் இந்தச் சட்டத்திற்கு திருத்தங்களை ஜாக்கிரதையாகச் செய்திருக்கிறார்கள். ஆனால், வக்கீல் ஜாதியைச் சேர்ந்தவனாகையால் எனக்கு இதில் இன்னும் சந்தேகம் இருக்கிறது. சட்டத்தில் பலவித குறைபாடுகள் இருந்தாலும் ஒரு வருஷத்திற்கு மட்டும் என்று இருப்பதனால் சந்தோஷப்படுகிறேன். அம்மாதிரி சூழ்நிலை மீண்டும் ஏற்பட விடக்கூடாது என்பதுதான் என் கருத்து.”

* **THE HON. SRI M. A. MANICKAVELU NAICKER :—**“Sir, I sincerely thank the hon. Members for the kind words they have expressed on the Government's endeavour to bring this legislation. Sir, I cannot agree with the remarks of certain hon. Members that this legislation was hustled through and that a

[Sri M. A. Manickavelu Naicker] [11th January 1954]

request to refer it to a Select Committee was not acceded to. But I wish to say that in a Select Committee there can be at best only 20 or 30 members. But, to-day Sir, with your kind permission, the whole House went into the debate and discussed very informally, forgetting all formalities. So, the whole House was a Committee to-day, so to say. I have read that in the British Parliament sometimes the whole House goes into a Committee. Similarly, we have done more or less the same thing to-day.

"One hon. Member said that we had sat for seven hours and worked under pressure. But considering the utmost concentration without any distraction, with which we have worked, I should say we have worked for 14 hours by doubling it.

"Sir, one hon. Member expressed the hope that a public loan may be raised and it may be utilized for the benefit of the ryots. Well, Sir, if he really intends that, I should say that we must have a very peaceful and cordial atmosphere in the land. The ryots no doubt should be well-treated. But at the same time we should see that landlords also live and prosper. Because, only the landlords can have a margin of profit, the ryots can never hope to have. So it is in our own interest, in the interest of the ryots themselves that the landlords should have a little margin for contributing to public loans so that that loan may be utilized for the benefit of the ryots. Therefore, I am anxious that all should work for a good and cordial atmosphere between the ryots and the landlords in the country.

"Now, the provision of one year moratorium is for those who cannot afford to pay. That does not mean that those who can pay, should not pay. There is no bar for such people to pay. It is better to pay and shake off the burden as far as possible. (Interruption.) The moratorium does not prevent people from paying if they can. (The Hon. Chief Minister: 'Three-fourths of the debts are being paid without anybody going to the Courts'.)

"Sir, we went a long way in conceding many of the reasonable demands from the other side of the House. We meet them whenever they are reasonable, but when they are unreasonable, Government stand for justice and fair play and so cannot accept their demands.

"Finally, I thank you, Sir, for your kindly forgetting all formalities. I wish you, Sir, and all hon. Members a happy Pongal. I move that—

'The Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, as amended be passed into law.'

MR. SPEAKER:—"The question is that—

'that the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, as amended, be passed into law.'

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

MR. SPEAKER:—"I now adjourn the House *sine die*."

The House then adjourned *sine die*.

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APPENDIX I.

[Vide answer to starred question No. 428 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 11th January 1954, page 626 supra.]

One thousand eight hundred and nineteen persons were arrested. The number of persons arrested in each district is as follows:—

Name of district. (1)	Number of persons arrested.	
	July.	August.
Chingleput	11	..
North Arcot	3	6
South Arcot	21	..
Tanjore	46	..
Madurai	1,036	..
Tirunelveli	47	..
Tiruchirappalli	62	..
Madras City	587	..
Total	1,813	6

None was arrested in the districts of Ramanathapuram, Salem, Coimbatore, the Nilgiris, Malabar and South Kanara.

2. No arrests were made after August 1953.

APPENDIX II.

[Vide answer to starred question No. 433 asked by Sri A. Veloo (on behalf of Sri P. Rangaswamy Reddiar) at the meeting of the Legislative Assembly held on 11th January 1954, page 632 supra.]

(a) The following steps are taken:—

(1) The Health staff while visiting villages are required to check up the registration of births and deaths in the villages and get unregistered events registered. During the off-season when routine vaccination is suspended, the Health staff is required to do intensive house-to-house investigation regarding births and deaths that occurred and verify their registration. The registers are checked also by touring Revenue Officers.

(2) The Maternity and Child Welfare staff in Poonamallee Health Unit area are provided with printed forms for entering particulars about births that were attended to by them and

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sending the particulars to the birth and death registers concerned Steps are being taken to extend this procedure to all municipal and other areas where maternity and child welfare staff are available. Forms for this purpose are proposed to be standardized.

(3) The co-operation of the registered midwives and nurses is sought through the Madras Nurses and Midwives' Council.

(4) The adequacy of birth and death registers is reviewed from time to time.

(5) Intensive propaganda is conducted on the following lines:—

(i) The duties of parents to register births and deaths are made known to them periodically by beat of tom-tom.

(ii) Signboards are put up conspicuously showing the offices of the Registrars of Births and Deaths and indicating hours of registration.

(iii) The Health staff also carry out propaganda on registration of births and deaths during their routine visits to villages.

(b) Under section 18 (b) of Act III of 1899, the Collector may impose a penalty not exceeding Rs. 25 on any registrar who fails, without sufficient cause, to perform his duties. As a substantial number of birth and death returns were not being submitted in time by the Registrars, instructions were issued to Collectors to take suitable action against the defaulters under the above provision.

(c) Number of Registrars who were punished or warned by the respective Collectors during 1948-53 is given in the statement below:—

Districts.	Number of Registrars who were	
	Warned.	Punished.
(1)	(2)	(3)
Chingleput	..	..
North Arcot	..	1
South Arcot	..	..
Tanjore	8	1
Tiruchirappalli	..	1
Ramanathapuram	..	..
Madurai	1	9
Tirunelveli	..	..
Salem	..	..
Coimbatore	..	4
The Nilgiris	..	0
South Kanara	..	..
Malabar	..	3
Total ..	9	19

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(d) The numbers of birth and death returns that were not received from each district during the five years 1948 to 1952 are given in the statement below:—

Serial number and name of districts.	1948.	1949.	1950.	1951.	1952.
(1)	(2)	(3)	(4)	(5)	(6)
1 Chingleput	416	208	212	1,051	207
2 North Arcot	434	702	Nil	596	621
3 South Arcot	1,132	524	361	2,960	2,163
4 Tanjore	683	265	222	447	35
5 Tiruchirappalli	52	275	268	295	281
6 Madurai	267	433	575	268	401
7 Ramanathapuram	346	60	103	1,164	1,224
8 Tirunelveli	393	265	88	17	63
9 Salem	674	271	205	973	947
10 Coimbatore	181	178	175	123	19
11 Nilgiris, the	Nil	Nil	107	32	424
12 Malabar	Nil	Nil	13	Nil	Nil
13 South Kanara	53	96	97	11	Nil
Total ..	4,631	3,282	2,426	7,932	6,385

APPENDIX III.

[Vide answer to starred question No. 442 asked by Sri T. C. Narayanan Nambiar (on behalf of Sri V. R. Krishna Ayyar) at the meeting of the Legislative Assembly held on 11th January 1954, page 640 supra]

Extract of rule 4 of the Government Servants' Conduct Rules.

4. Public demonstration in honour of Government servants:—

(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the State Government—

(a) receive any complimentary or valedictory address, accept any testimonial or attend any public meeting or entertainment held in his honour; or

(b) take part in the presentation of a complimentary or valedictory address or of a testimonial to any other Government servant or to any person who has recently quitted the service of Government or attend a public meeting or entertainment held in honour of such other Government servant or person.

(2) Notwithstanding anything contained in sub-rule (1)—

(a) a Government servant may at the request of any public body sit for a portrait, bust or statue not intended for presentation to him;

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(b) subject to the provisions of any general or special order of the State Government, a Government servant may take part in the raising of a fund to be expended in recognition of the services of any other Government servant or of a person who has recently quitted the service of Government, on the foundation of a scholarship or on any other public or charitable object or on the execution of any portrait, bust or statue not intended for presentation to such other Government servant or person:

Provided that no Government servant shall solicit any subscription in aid of such fund;

(c) subject to the provisions of any general or special order of the State Government, a Government servant may attend a farewell entertainment of a substantially private and informal character held as a mark or regard to himself or to any other Government servant, or to a person who has recently quitted the service of Government, on the occasion of the retirement from the service or departure from a district or station of himself or such other Government servant or person.

Subsidiary rules.

1. The State Government view with disfavour all similar manifestations in the case of retired Government servants when following immediately upon their retirement from active service and designed as an acknowledgment of acts done by them while in the service of the State Government.

2. An officer may attend a farewell 'entertainment' given to him by his friends or his gazetted subordinates or, Subject to the provisions of subsidiary rule 3, by a club of which he is a member; but in accepting an invitation the officer should, if necessary, make it clear that the function must be purely private and on no account take on the character of public entertainment, that no address should be presented to him and that no report of the proceedings should be published in the public press.

3. An officer, may, on the occasion of his transfer or retirement, sit for and accept a copy of a group photograph of the officers, whether gazetted or non-gazetted, of his office or department; but, should not, otherwise, accept an entertainment from his non-gazetted subordinates or from a club of which the other members are his subordinates.

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