

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 SIVASHANMUGAM PILLAI) in the Chair.

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(After lunch—2-30 p.m.)

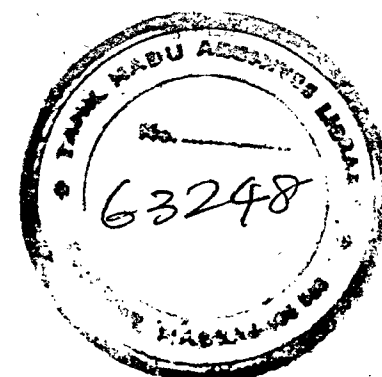
THE MADRAS CONTINGENCY FUND BILL 1953.

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

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THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL^a, 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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THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1954
(L.A. BILL NO. 18 OF 1954).

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

‘ That the Madras Land Revenue (Surcharge) Bill^a, 1954 (L.A. Bill No. 18 of 1954), as passed by the Assembly, be taken into consideration.’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Land Revenue (Surcharge) Bill, 1954 (L.A. Bill No. 18 of 1954), as passed by the Assembly, be taken into consideration.’ ”

SRI M. P. GOVINDA MENON :—“ Mr. Chairman, Sir, I oppose this Bill on two grounds. Apart from the merits of the Bill before the House, I am against any new taxation being imposed by this State. I have already advanced my reasons during the discussion of the Budget in this House. My point is that before the Government come forward with a proposal for any new additional taxation to be imposed upon the citizens of this State they have to discharge a primary and essential duty which they have failed to discharge for the last so many years. I am not against the imposition of any new taxes for the purpose of carrying on the administration of our State as a Welfare State. But my complaint is that before any new tax is sought to be levied, even though it be for a good reason, the Government have to consider whether they could not put through an effective retrenchment programme and cut down expenditure. It is a top-heavy administration which we have inherited from the foreign Government and which we are continuing to have without any change for the last six or seven years.

“ My first objection is that this Government have no right to consider fresh taxation proposals. Before doing so, they should consider the desirability of effecting suitable retrenchment, which should certainly not be in the lower ranks. Mr. Chairman, we know what happens whenever any retrenchment is made. Retrenchment is always effected in the lower grades and a few *thotties* or a few *chaprassis* are retrenched and the upper grades are not touched at all. We have got a top-heavy administration and there are very many undesirable and unnecessary posts in the State. These posts must be abolished and there must be retrenchment in all the departments. For example, in spite of the partition of the composite State and the carving out of the Andhra State from the old Madras State, has there been any retrenchment worth mentioning? The administration is being carried on in the same old manner and the same officials are there, although here and there a few changes have been made. As a Member of the Legislature, I have been pressing for the abolition of the Board of Revenue. It is an unnecessary body and is nothing but the

^a Printed as Appendix on pages 42-45^c infra.

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fifth wheel in the coach. This Government have not yet attempted to think about the advisability of abolishing the Board of Revenue and other unnecessary posts. This is my first objection.

“ My second objection, with great respect to the Hon. the Minister in charge of the Bill, is that this measure for the imposition of a surcharge on land revenue is a dishonest one. I am compelled to use this adjective. The principle underlying this Bill is no doubt a good one, namely, that the Government are asking those who are in a better position to make a contribution to the revenues of the Government. I also concede that there must not be a uniform rate of taxation on land for all classes of people. The present land revenue policy is defective in this respect. That is a person who owns 5 acres of land and a person owning a thousand or two thousand acres of land are assessed to land revenue at the same rate. There is no difference in the rate. If the principle that those who are in a better position should pay more is to be accepted, may I ask with great respect to the Treasury Bench, why they have not come forward with an honest measure for imposing an agricultural income-tax which is the only thing which would solve this problem? If the Government want to assess and tax the people according to their capacity and according to the income which they derive from the land, they should have come forward with a tax on agricultural income. I think the sister State of Travancore-Cochin has got a similar measure. That State Government are having an Agricultural Income Tax. Why should not this Government also try to have an agricultural income-tax instead of a surcharge on land revenue? There is a great advantage in having an agricultural income-tax in that the lower strata will be exempted. Even in regard to the ordinary income-tax, people with an annual income below Rs. 3,600 are not taxed. Municipalities also exempt certain lower income groups from the levy of profession tax. Why should not the Government adopt a similar principle in regard to the persons who are engaged in agriculture and who really contribute to the food requirements of the State and who are really working for the welfare of the country? Why should not the smaller classes of land owners be exempted? Why should not there be a graded system of land tax according to the capacity of the individual? Of course, I welcome the Land Revenue Surcharge Bill to the extent that it has introduced a graded system. But my complaint is that instead of this surcharge the Government could have come forward with proposals for an agricultural income-tax.

“ As far as the district of Malabar is concerned, we had some difficulties in regard to this surcharge on land revenue on account of the peculiar land tenure system obtaining there. On a previous occasion, when a similar surcharge was considered, the difficulties of Malabar were pressed before the Select Committee which accepted them. I am really glad that the difficulties of Malabar have been practically solved by the Government accepting the small amendment moved by my hon. Friend, Sri M. Narayana

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Kurup, in the other House. To this extent also I welcome the Bill but my general objections to this kind of taxation remain, namely, that first of all the Government must effect retrenchment and secondly there must be a scientific system of Agricultural Income Tax. With these few words, I am obliged to oppose this measure."

SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, I beg to oppose this Bill. There seems to be no end to the enhancement of taxation by the Government. Our Government have been collecting a revenue of nearly Rs. 45 crores. Prior to the introduction of the Sales Tax we had the land tax as our *Kamadhenu*. But, after the appearance of the Sales Tax, this *Kamadhenu* of land tax began to kick and it also got famished. There were land disputes between the landowners and the tenants and the tendency of the Government has rightly been to support the tenant and I have been, in fact, supporting this tendency. Now, if the Government really want more benefits to flow to the tenants, they must make it convenient for the landlords to give such benefits to the tenants without grudging. The Government should see that no further impediments are placed in the way of the landlords and that they are not taxed further. But, I do not know how the Government thought it fit to just enhance the tax on land. Now, in the case of a person who is a landlord paying Rs. 500 as kist, it may only be a question of ownership of about 20 acres of wet lands. In our parts for about 20 acres of wet lands one will have to pay about Rs. 500 as kist. Do the Government think that a person who owns just over twenty acres of wet lands is rich enough just to come forward and pay the surcharge on land revenue especially when the Government have included in their Budget under Revenue Expenditure certain items which ought to go into the Capital account? If we survey last year's Budget, the Budget that was recently passed, we find that of the 200 odd Part II Schemes many of the items that ought to come under Capital Expenditure have been included under revenue expenditure. In fact, Capital expenditure is expenditure the benefit of which is to be enjoyed in the coming years by the next generation. Why should the present generation pay for the sake of those who are going to enjoy the fruits of such capital improvements in the future? It is something like the Government's policy of making the pavement dwellers go without houses and making the disabled beggars go without food and die. Now, it is the duty of the Government to see that the disabled beggars are given free rations and the people at present dwelling on the pavements are provided with houses. Then only the Government should see whether any surplus is available from the revenue account for capital expenditure. Even then, I do not think the financial provisions allow such a thing.

"If we take into consideration the 200 new schemes brought in by the Government in the last Budget, we will find that the deficit that has been given as one of the reasons for bringing in

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these new taxation measures is after all only 58 lakhs of rupees. If only we take off the items of capital expenditure which have been debited to the revenue account the deficit would be more than covered. I therefore do not see any reason why the Government think of bringing in these new legislative measures for additional taxation. Now we find that out of a revenue of Rs. 45 crores we have been spending a large amount on civil works. Of course, during the Rajaji Ministry the amount was reduced from Rs. 5½ crores to Rs. 3 crores and odd. That was done in the 1954-55 Budget. Previously, we were spending Rs. 9 crores and odd on the composite State and that was reduced to Rs. 5½ crores. Even now, out of the Rs. 3 crores allotted for civil works, we have to spend Rs. 1.77 crores on repairs to roads and repairs to buildings. There is no provision for new buildings. Is it advisable on the part of the Government to spend Rs. 1.77 crores on road works alone, especially in 1954-55 when we find that many people are without houses and that many disabled beggars are dying without food and so on? So, there must be a radical change in the preparation of the Budget, and the sooner we move ourselves out of the routine rut and various heads in the Budgetary provision, the better it would be for us. It is time for us to chalk out original programmes suited to the indigenous conditions and the genius of the country especially after the attainment of Independence. So, if the Budget had been recast in such a way or even if the Budgetary provisions are recast, as they lie within the powers of the Legislature, this Bill could have been avoided as also the additional taxation measures proposed under the various other Bills that are to come before this House. So I would like to submit to hon. Members of this House that this Bill is an unwanted Bill, that this Bill has been brought with a view to make up a deficit which could have been avoided by careful planning of the Budget and that this Bill is going to hit hard the landlords. If really we want the landlords to satisfy the tenants by giving effect to the various awards that are being granted rightly from time to time, we must see that no further taxation is put on the landlords. If that is the case and if we fully realise that India is an agricultural country, that we have to depend upon the landlords for increased production and that increased production can only go to increase the wealth of the country, we will see that it is a great mistake on our part to impose further taxation on the landlords. The landlords were already affected by some of the measures that had been brought up by the Government. But, even then, we fully sympathized with the Government because we thought that the man who milked the cow should not have troubles and that he should be encouraged. That is why we supported the Government in bringing forward measures that gave some relief to the tenants. I request the Government to see that they do not bring in any further measures to oppress the landlords. Instead they must give them facilities to part with complete satisfaction the benefits that are conferred on the tenants—after all these rights are taken away

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from the landlords. If the Government take into consideration these points, they will come to the conclusion that any further taxation on landlords is not advisable.

"Then, as was pointed out by my colleague Sri M. P. Govinda Menon, there is no distinction made between landlords who own 20 acres and those who own 2,000 acres. A flat rate of surcharge has been laid down. There must be a slab system and the rate should rise according to the various levels. Now, a man paying a kist of Rs. 500 should own nearly 20 acres. He is not on a par with a man owning 2,000 acres. The Government would do well to consider whether a slab system would not be advisable in the case of landlords who own large extents of land.

"On the whole, the principle of this Bill is not sound. The landlords should not be taxed further in the present day conditions when the Government have committed themselves to the conferment of more benefits on the tenants and when the Opposition has been sympathetic towards the Government in most of the cases just to encourage the tenant. This Bill is quite untimely, uncalled for and it will hit the landlords hard."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, this Bill raises many questions of importance and I implore all hon. Members of this House to think calmly over the various aspects. It is clear from the Statement of Objects and Reasons that the Government do not lay so much stress upon the revenue that they would get. That is very clear and the Hon. the Mover of the Bill, in the other House, has made it clear that the total revenue as a result of levying this surcharge will come to Rs. 7 lakhs. The deficit according to the Budget is Rs. 58 lakhs. Therefore, this sum of Rs. 7 lakhs does not very much matter at all. That is why the Government give the other reason, namely, that they want an equitable distribution of taxation and that they want to see that the richer classes are mulcted. That is the chief reason given in support of the Bill. Does that principle apply to the ryotwari assessment? I am on that and I want to speak a few words. The speaker who preceded me was talking about the landlords. I do not think that the ryotwari proprietor is a landlord at all. Under the ryotwari system the landlord is the Government. This has been well described in all books on the ryotwari tenures. All the people are peasant proprietors. They range from a person having one acre only to persons having more than 1,000 acres. Very few persons are having more than 1,000 acres. According to the Subramaniam Committee Report, pattadars paying more than Rs. 1,000 will come to less than 1000. That is a very small number. Therefore, let not the Government make a fetish that they have adopted the Communist principle of hitting only the richer classes.

"Now, let us see whether there could be a surcharge on land revenue under present day conditions. Land revenue is fixed taking into account various factors. There were periodical resettlements—fortunately for us periodical resettlements have been

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given up. The rates are fixed according to the classification of the soil, the yield and so on and the theory is that we can go up to half the nett. That is the maximum limit that has been fixed, but as a matter of fact, now the Government charge from 25 to 33-1/3rd per cent. Seasonal variations and other factors are also taken into account. Unfortunately for the last seven years we were having no rains, and nobody could even think of a surcharge. The Government could only think of remission of revenue and not levy of surcharge. It was only last year that we had some rains and immediately the Government catch hold of this simple fact to levy a surcharge on land revenue. On the other hand, has the situation improved to any extent now? The Government would say not a word about it. I am perfectly sure that the Hon. Minister, who always speaks facts correctly, will agree with me when I say that the situation has not improved. The cost of cultivation has increased. The cost of all materials necessary for cultivation purposes has increased. So also the cost of cattle has increased twofold. If the proprietor has got larger extents of land, the greater is his commitment in regard to the cost of cultivation. As one hon. Member rightly pointed out, the greater the extent of land the lesser would be the yield. A man may have very fertile lands which will yield more. But if he has got a very large extent of lands—some of them may be in low lying areas and some of them may be of second *taram* or third *taram*—then the average yield would be much less. Thus, land revenue is fixed according to the unit per acre. This is not like income tax at all. So many factors are taken into consideration in fixing land revenue and a certain amount is fixed for each acre of land. We can go up to half of the nett yield. The Government have got ample provision for increasing it up to half of the nett if only circumstances help them to do so and those circumstances also are in the control of both Government and God. The seasonal conditions being the same, they can very well regulate the prices, the market, the various transport facilities and so on. If the Government do all those things, the yield will become much greater. It is for the Government who have got greater responsibility in such a matter to do all these things instead of merely levying a surcharge. I can understand this surcharge if they want really to make up the deficit. I can understand if they are taxing the richer classes. That is not so. There is no question of richer classes at all in this particular matter. They are not trading. They are not making any profits out of any advantages of exchange and all those speculative considerations and so on. Taking all these difficulties into consideration, the yield is there and they take their particular portion. Why should there be any surcharge on it, I cannot understand. The mirasdar and ryotwari proprietor cannot bear it. As the hon. Member Sri Ramaswami Reddiar has thrice mentioned, the peasant proprietors are unable to pay even their land revenue at the present time. Why should we think that they belong to the richer class? I do not call these ryotwari proprietors as richer class people. All the money they get they put again on the land except for the portion which they use for their own family.

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purposes. It is a thing which is going with the land and again coming with the land. A mirasdar may be going in a motor car in Madras streets and that may be only for the purpose of meeting some of the Hon. Ministers and asking them for some help. One hon. Member mentioned that they were going to the races, and so on. But a mirasdar as such who is primarily relying upon land cannot spend on any of these matters. Whatever money he has, except for a portion of it for his family expenses, he will have to spend on the land itself. There are difficulties and various conditions and therefore, if he gets some money he may have it for the purpose of utilising it when bad seasonal conditions prevail. Therefore, it is wrong on principle to levy a surcharge. Government must have got a true picture of the situation and they should not be carried away by certain slogans which do not apply to the system of land revenue.

"We have got some general notions about equity and distribution of wealth between rich and poor. I do not argue against those principles at all. But let us see that these principles are applied to the land revenue system of our country and the land problems as they are at present. Are we sure that the seasonal conditions will be much better in the next year? Suppose, the seasonal conditions are bad, will the surcharge be reduced? Will the Government reduce the land revenue assessment? No. Unfortunately, the periodical revision of assessments has been stopped. That is what I understand. The periodical revision of assessments having been stopped, if the prices go down, there is no way out of it at all. That is the difficulty. The periodical settlement having been stopped, the fluctuations in prices can never be taken into consideration for the purpose of revising the assessments of land revenue. Under such circumstances, to add a surcharge on land revenue makes it a very difficult thing. Why did the Government stop the periodical settlement? Because at that time they thought that they would be helping the landlords. I think that periodical resettlement will be the proper thing and will be helpful to all the people. But it is not for me to decide. I have not got the whole picture of the situation before me. I am not here to advise the Government on this particular matter. I am perfectly sure that the mirasdar cannot bear this land revenue surcharge which the Government propose to levy, not for the purpose of replenishing their treasury, but for the purpose of advancing certain principles of equity and distribution of wealth and so on. I emphatically say that these principles do not apply to our land revenue system. The Government are wrong in applying those principles and imposing further taxation on that ground and not on the ground of replenishing their Treasury. That may be a different consideration altogether, but those principles should not be applied to this particular matter, viz., land revenue.

"It is stated in the Statement of Objects and Reasons that the rate of assessment is not higher in the case of the richer classes than in the case of the smaller peasants. The Government call

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them the richer classes as if they have no duties and obligations. They are helping in the food production of the country. Without the mirasdars of the Tanjore district, the whole of Tamil Nad will be in great difficulty. I am perfectly sure of that and, therefore it is, I should like to say, that this principle is wrong.

"I have got various other matters to say and I do not want to say them now. When I move my amendment, I shall speak about the water-cess and other matters. But as regards the main question whether there should be a surcharge or not, I think this is not the time for imposing a surcharge, and a surcharge on land revenue under the present circumstances is not at all appropriate, especially to achieve the object that has been set forth in the Statement of Objects and Reasons."

SRI K. BHASHYAM :—"Sir, so much has been said about the principle of the Bill and the undesirability of levying a surcharge upon land revenue. In olden days people were fighting for permanent settlement of land revenue. In those days they were against periodical revisions of land revenue. We have been saying all these days that there must be permanent settlement of land revenue. But those days are gone now. We have now come to the days, when, as a matter of fact, a revision must take place in respect of all sorts of exactions from people because there is a difference between those days and these days. In those days there was not the Welfare State. But, now there is the Welfare State, which is for the welfare of the people concerned. If we want the general welfare of the people, we must pay for it and, therefore, it is necessary to get money from all sources. From this point of view I think it is not correct to state that there ought not to be a surcharge on land revenue.

"But, my objection, however, is something different from this. This is not a scientific taxation. As pointed out by some speakers who preceded me, agricultural income-tax is more scientific and more equitable, and it is also possible to distribute the burden of the tax according to the income that is derived from the land. That must be the object with which we must start when we really levy a surcharge upon the land revenue. I believe that the Government propose levying the surcharge not because they want to make it a permanent measure on the statute book, but because this is only a first step in the matter of taking up the question of agricultural income tax. I should even go further and say that the policy of land tax itself should be revised completely. Though it may not be quite relevant, I think I should suggest to the Government that there must be a basic tax, e.g., Rs. 5 for wet land and Rs. 3 for dry land, and the tax must be levied on the income derived from the land, whether it is a commercial crop, or paddy or some other crop. Thus we will exactly know what the man has got out of the land and how much we can exact from him. Therefore, Sir, though land revenue surcharge is not quite so scientific as agricultural income-tax, I should like to point out that the Government have got in view the agricultural income-tax to be brought in on a

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future occasion and this is only a beginning for the purpose of getting into a structure of agricultural income-tax very soon, because the Hon. the Revenue Minister has stated that agricultural income-tax is not possible now, but only later.

"I should like to point out one important thing in this connexion. It may be an argument from this side, but still I should like to point out this. Agriculture is an industry like any other industry. Agriculturists want capital and persons having large capital can really produce more food than those having small capital. If this Bill is passed into law, it is quite probable that persons holding joint pattas and those whose property has not been divided will so divide the properties among themselves that they do not pay the surcharge contemplated in this Bill. Also this Bill will result in less production of food. As this Bill will have the effect of fragmentation of holdings, I am opposed to this Bill. A person would like to free himself from the joint patta and take a single patta for himself. Persons paying revenue exceeding five hundred rupees will divide the property among their sons and others in such a way that they are not made to pay any surcharge. Therefore, I believe that the greater objection is not to the principle as such. This Bill will lead to the fragmentation of the land and that will in turn lead to less production than we can imagine at present. We do not know, Sir, how far and how long the Government will keep this Act in force, and whether they will not in the near future bring forward a more scientific system of taxation. We do not know whether the Government will introduce the agricultural income-tax and will introduce changes in the basic tax on land. (Interruption by Dr. V. K. John.) The hon. Member Dr. V. K. John always asks me whether I am not supporting the Government. I am one who takes the point as it is, and I make critical observations so that persons who hear them may be benefited by them. If the Government take the observation I make in the spirit in which I make it, and act upon it, well and good. If they do not, well and better.

"Sir, as to the Bill, there are certain anomalies which I wish to point out. After all this is a surcharge upon land revenue. Who are the persons liable to pay this surcharge, is the question. I would like the Government to pay attention to what I am going to say more from a lawyer's point of view. Difficulties will arise when the matter goes to Courts of law. I am not saying that the matter will go to a Court of law on the question of interpretation of any clause. But the matter may go to Court on the score that the Articles of the Constitution are offended. We are seeking to levy a surcharge upon land revenue paid and payable by a person to-day. What about the large number of acres of land that are held as inam? Even to-day, in spite of conversions of land into ryotwari tenure, there are large extents of land held under inam, and these inamdars do not pay any land tax, though they are assessed for the purpose of collecting cess, which they have to pay. What happens to this large extent of land held under inam? Are the Government going to

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exempt them from the levy of surcharge? Why are not these lands brought under the scope of this Bill? Sir, we are making a discrimination between land owners paying land revenue direct to the Government and persons who are paying only cess. They do not pay assessment for historical reasons. The point that I wish to urge upon the attention of the Government is whether this discriminatory treatment is not open to objection. There is another difficulty I feel in the incidence of this tax. Let us take Clause 3. For example, if A, B and C pay each separately Rs. 300 they will not have to pay surcharge. But if B and C pay more than Rs. 500 on a joint patta, each will have to pay surcharge. A person who has a single patta and pays Rs. 499 as land revenue is exempted from the levy of the surcharge. The inequity of the provisions of the Bill will be still more apparent if, as a matter of fact A, who has got a joint patta with B, has got to pay the surcharge. It may be that A holds only one-twentieth of the lands held by B, and his (A's) tax in respect of his holding is only Rs. 15. Though he is liable to pay Rs. 315 only to the Government as land revenue, still under the proposed Bill he will have to pay the surcharge on the land revenue, because he has a joint patta with B. There is this anomaly. A person who has a single patta, and who pays land revenue up to Rs. 499 is exempted from the operation of this Bill, but a person who has got to pay a revenue of Rs. 300 in respect of his own lands and, in respect of lands held in joint patta with another, Rs. 50 (though the other person has to pay Rs. 250 as land revenue) has to pay this surcharge. In this case we are assessing surcharge on a person because he happens to hold a joint patta with another, both, however, paying separately less than Rs. 500 as land revenue. The man who suffers from this anomaly is worse off than the man who pays Rs. 499 as land revenue on a single patta.

"Then, Sir, what amount of surcharge is to be paid by the joint pattadar is the question. In Clause 2 it is stated, 'lands held' refers to the lands in respect of which a landholder is liable to pay land revenue. Sir, it is common knowledge that in respect of joint pattas land revenue is payable by all persons who have the joint patta. Therefore, a person who holds a joint patta with another is liable to pay land revenue for the whole of the lands, even if, for the land held by him, the amount of land revenue may be small, say, Rs. 15. But what happens in such a case is that, he is liable to pay all the tax on the lands held in joint patta, say, Rs. 500. That is what it comes to. A has to pay in respect of his lands on single patta Rs. 300, and A and B have to pay Rs. 300 in respect of the lands held by them in joint patta. Now, as per this Bill, A is liable to pay surcharge on Rs. 600. Is that what is intended? I do not think so. What is stated here is really difficult to understand. In Clause 5 (1) power is given to the Tahsildar to call for information in regard to the total extent of the lands held by the landholder in the State and the land revenue payable in respect thereof. The word is 'payable' and not 'liable'. Information is not asked as to how much of land revenue he is 'liable' to pay, but how much land revenue is 'payable' by him. The landholder

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may be liable to pay only Rs. 15 in respect of his lands held in joint patta, but the whole land revenue in respect of the joint patta may be recovered from him. That is the point. (Interruption). Therefore, I say that this Bill is full of ambiguities and inequities. On the Constitutional issue, neither the Hon. the Revenue Minister nor myself can say what the Courts will say. We do not know whether the courts will say that a certain provision in the Bill is objectionable. As stated by me a question may be raised whether inamdars should be exempt from the operation of this Bill. There is discrimination between a landholder under ryotwari tenure who pays a land revenue of more than Rs. 500 and another who holds inam lands and who pays in respect of those lands only a cess. There is discrimination also in respect of persons paying more than Rs. 500 and others paying less than Rs. 500. I am criticising the provisions of the Bill only to make them better. The Hon. the Revenue Minister may think over the points raised by me and see whether the defects cannot be remedied. I would like to suggest to him that this matter may be discussed by a select committee so that the Bill may be free from legal objections."

SRI A. GAJAPATHY NAYAGAR :—"மன்றத் தலைவர் அவர்களே, சில அங்கத்தினர்களுக்குத் தமிழ் தெரியாவிட்டால் அதற்கு நான் பொறுப்பாளி அல்ல. தமிழ் நாட்டில் இருந்தும் அவர்களுக்குத் தமிழ் தெரியாவிட்டால் அந்தக் குறையை அவர்களே ஏற்றுக்கொள்ளவேண்டுமேயொழிய, நான் தமிழில் பேசுவதைப்பற்றி யாரும் குறைசூற முடியாது."

SRI M. P. GOVINDA MENON :—"On a point of order, Sir. The hon. Member is saying that we are in Tamilnad. I am not in Tamilnad. This is not a Tamil State. I strongly protest against this statement of the hon. Member."

SRI S. NARSAPAYA :—"I too support the hon. Member Sri Govinda Menon in protesting against the statement made by the hon. Member Sri Gajapathi Nayagar that we are in Tamilnad."

SRI A. GAJAPATHY NAYAGAR :—"இங்கே தமிழ் தெரியாத உறுப்பினர்கள் இருக்கலாம். ஆனால், இந்தத் தமிழ் நாட்டிலே இந்தத் தமிழ் அவையிலே நான் தமிழில் பேசுவதற்கு உரிமை இருப்பதால் பேசுகிறேன். சிலருக்குத் தமிழ் தெரியாவிட்டால் அது என் குற்றமல்ல. நான் தமிழில் பேசினால் தமிழ் தெரியாதவர்கள் குறை சொல்வதைப்போலவே, மலபாரில் இருக்கக்கூடியவர்கள் மலையாளத்தில் பேசும்போதும், கன்னடப் பகுதியிலிருப்பவர்கள் கன்னடத்தில் பேசும்போதும் இந்தக் கஷ்டம் தமிழர்களுக்கு இருக்கத்தான் செய்கிறது. ஆகையால், இந்தக் குறை எங்கும் இருக்கிறது, இங்கே மாத்திரம் அந்தக் குறை இல்லை என்று அவர்களுக்குத் தெரிவித்துக் கொள்ளுகிறேன். இதைத் தமிழ்நாடு என்று நான் சொல்லமுடியும். இப்பொழுது சபைமுன் இருக்கும் விஷயத்திற்குவருவோம்."

"நில வருமானத்திற்கு என் இப்பொழுது அதிக வரி போடவேண்டும்? நமது ராஜ்ய வரவு செலவுத் திட்டத்தில் பற்றாக்குறை ஏற்பட்டிருக்கிறது. அந்தப் பற்றாக்குறையை எப்படி நாம் சரிக்கட்ட முடியும்? எனது நண்பர் ஒருவர் பேசும்போது, 'அதிகப்படியாக இருக்கும் சர்க்கார் அதிகாரிகளின் எண்ணிக்கையைக் குறைப்பதன் மூலம் செலவைக் குறைக்கலாம்' என்று கதறினார். ஆனால், அதுவும் முடியவில்லை. வேறு வழி என்ன இருக்கிற தென்று பார்த்தால், மக்களின் மீது வரி போடலாம். இதுவரை ஏழை மக்கள் மீதே மேலும் மேலும் வரியைப் போட்டு நசுக்கி வந்தோம்."

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இப்பொழுது போட உத்தேசித்திருப்பது ஒரு சிறு வரியாகும். பெரும் நிலச்சுவான்தார்கள் தங்கள் நிலத்திலிருந்து அடையக்கூடிய அதிக வருமானத்தில் தொஞ்சம் சர்க்காருக்குக் கொடுக்கும்படி ஒரு சிறு வரியைப் போடுகின்றோம். இதில் என்ன குறைபாடு இருக்கமுடியும்? பெரும் நிலச்சுவான்தார்களுக்கு என்னென்ன சலுகைகள் இருக்கின்றன என்பதை உலகம் அறியும். அவர்கள் எங்கே போனாலும் பணம் வரும். விவசாயக் காரியாலயங்களுக்குச் சென்றால் அவர்கள் கேட்டவுடனே விவசாயத்திற்கு வேண்டிய உரம் முதலியன கிடைத்துவிடும் அவர்கள் எல்லா சலுகைகளையும் அடைந்து நிலத்தைச் சாகுபடி செய்கிறார்கள். பெரும் நிலச்சுவான்தார்கள் சாகுபடி செய்யக்கூடிய நிலங்களிலிருந்து ஒரு ஏக்கராவுக்கு எவ்வளவு வருமானம் கிடைக்கும், ஏழை விவசாயிகள் சாகுபடி செய்தால் ஏக்கராவுக்கு எவ்வளவு வருமானம் கிடைக்கும், என்பதைப் பார்க்கும்போது பணக்காரர்கள் ஏக்கர ஒன்றுக்கு அதிக வருமானத்தை அடைகிறார்கள். இதற்கு என்ன காரணம் என்று பார்த்தால் அறிவாளிகளும், பணக்காரர்களும், சலுகையுள்ளவர்களும் நவீன முறையில் விவசாயம் செய்து லாபம் அடைகிறார்கள். அப்படிப்பட்டவர்கள் ஒரு அளவு இந்த உபரி வரியை சர்க்காருக்குக் கொடுக்கவேண்டுமென்று சொன்னால், அது ஏதோ பணக்காரர்கள் மீது மட்டும் போடப்படும் வரி என்று சிலர் பேசுவதைக் கேட்க நன்றாக இல்லை. நம் நாட்டுக்காக என் இந்த வரியைக்கொடுக்கக்கூடாது?

"எனது நண்பர் கனம் அங்கத்தினர் ஸ்ரீ கே. பாஷ்யம் அவர்கள் 'Payable' என்றும் 'Liable' என்றும் பேசினார். இந்த மாதிரி நில வரியை அடிப்படையாகக்கொண்டு அதன் மீது உபரி வரி விதிப்பது ஒரு விஷயத்தில் ரொம்ப நல்லதாக இருக்கிறது. நில வருமான மந்திரியை ஒரு தடவை பார்த்து, 'உங்களுடைய நிலத்திற்கு உங்களுக்குத் தனிப்பட்டா இருக்கிறதா?' என்று கேட்டேன். 'இல்லை' என்று அவர் பதில் சொன்னார். 'நிலத்திற்கு எவ்வளவு வரி' என்று கேட்டேன். 'எனக்குத் தெரியாது' என்றார்கள்."

"கூட்டுப்பட்டாலில் ரூ. 500-க்கு மேல் நிலவரி செலுத்துவோருக்கு உபரி வரி என்றால், இவரும் ரூ. 500-க்கு உபரி வரி கட்டவேண்டியதுதான். ஏதோ கர்ணம் மனது வைத்து பார்த்து வாங்கினால் உண்டு. நமது நாட்டை ஆண்டுவந்த ஆங்கில அதிகாரிகள் கூட்டுப்பட்டா முறையை வைத்து, மக்களை அடிமைப்படுத்தி வந்திருக்கிறார்கள். தனிப்பட்டா கிடையாது. பத்து பேர்களுக்கு கூட்டுப்பட்டா இருந்து அதைத் தனித்தனி பட்டாக்களாகச் செய்துதரவேண்டுமென்று கேட்டுக்கொண்டால் அவைகள் அளிக்கப் பட்டாட்டாது."

"இந்த அரசியலாருக்கு இந்த நாட்டுக்கு எவ்வளவு வருமானம் வரவேண்டுமென்று தெரியுமா? கர்ணம் வசூலித்துக்கொடுத்ததுதான் தெரியும். எவ்வளவு வருமானம் கிடைத்தது என்பதை மட்டும் வைத்துக் கொண்டு, வரவுசெலவுத் திட்டத்தைத் தயாரிக்கமுடியுமே தவிர, நம் நாட்டுக்கு வரவேண்டிய வருமானம் எவ்வளவு என்பதை அறிய முடியாது. என் அறிய முடியாது என்றால் தனிப்பட்டா கிடையாது. ரூ. 500 வர வேண்டிய இடத்தில் ரூ. 300-தான் கணக்கில் வைப்பது. ரூ. 300 வந்த கணக்கைப்பார்த்து வரிபோடுவது கூடாதென்று நில வருமான மந்திரிக்கு தெரிவித்துக்கொள்ளுகின்றேன். Payable, liable என்ற எந்த வார்த்தையைப் போட்டாலும் கொடுக்கவேண்டும். அந்த ஒரு காரணத்தை மீறாட்டியாவது ஒவ்வொரு கூட்டுப்பட்டாவையும் தனிப்பட்டாவாக்கவேண்டும். அதற்காகவே நிலவருமான மந்திரி கொண்டுவந்திருக்கும் இந்த அதிக வரியை நான் வரவேற்கிறேன்."

"மேலும், நாம் இந்த பற்றாக்குறையைச் சரிக்கட்டுவதற்குச் செலவை எப்படிக் கொடுக்க வேண்டுமென்று சொன்னாலும், ஏதோ சிறுசிறு இனங்களைக் குறைக்கலாம். ஏழைகளுக்கு இன்னும் வரி போடாமல், செல்வந்தர்களுக்குப் போடவேண்டும். கணக்குப் போட்டு பாருங்கள். ரூபாய்க்கு ஒரு அணுவுக்குமேல் இந்த வரி இருக்குமா? எவ்வளவோ செலவுகள் பண்ணும்போது, இந்தச் சின்ன வரியைக் கொடுக்க தயங்கு"

[Sri A. Gajapathy Nayagar] [13th May 1954]

கிராமங்கள். இந்த வரியினின்றும் வரும் வருமானம் குறைவு, வரி விதித்தும் குறைவு. ஆகவே, வரி கொடுக்கச் சக்தியுடையவர்கள் நாட்டுக்காக கொடுக்க வேண்டியதைக் கவலையில்லாமல் கொடுக்கவேண்டும். அதுவே நல்லது. அப்பொழுதுதான் நாட்டுக்கு அவர்கள் நல்லது செய்தவர்களாவார்கள் என்று சொல்லிக்கொண்டு நில வருமான மந்திரி அவர்கள் கொண்டு வந்திருக்கும் மசோதாவை நான் ஆதரித்து என்னுடைய வார்த்தையை முடித்துக் கொள்ளுகின்றேன்.”

DR. V. K. JOHN :—“ Mr. Chairman, Sir, when the present Government was constituted I was expecting that all measures of taxation will be withdrawn and that no new taxation measuring will not be introduced in the Assembly and the Council. I thought that the present Chief Minister had one great advantage over the other Chief Ministers and other Ministers. He is not only with the people but of the people and he has lived a life of poverty and still continues to do so. I thought, therefore, that he would appreciate the fact that the people of this State had been impoverished by excessive taxation, both direct and indirect. If today there is impoverishment of the people, it is mainly due to the taxation imposed by the Government on the people from time to time. Unemployment, want of purchasing power, lack of production and the decrease in export and the increase in import into the State should all be ascribed to excessive taxation under the burden of which our people are now suffering. I thought when the new Ministry was constituted, they would turn a new leaf. But I am sorry to state that I am disappointed. Why is this taxation necessary? Have the Government first of all paid attention to the very heavy expenditure incurred by the Congress Government year after year? If only we look at the figures of expenditure, we will find that the expenditure has gone up by leaps and bounds. It is to meet that increase in expenditure that this Government are imposing fresh taxes. Why should not Government pay attention to this aspect of the matter and reduce their expenditure instead of imposing fresh taxes? I do not say that this Government are responsible for all that expenditure. It is perhaps an expenditure which they have inherited. But should not the present Government look into that aspect of the matter and see that they bring down the expenditure by at least a few crores of rupees? In the Budget speech of the Hon. the Finance Minister, figures were given about the expenditure incurred by the Government in the various departments. The expenditure on Police which was Rs. 1,60,00,000 in 1938-39 rose up to Rs. 2,98,00,000 in 1945-46. Then the expenditure jumped to Rs. 4 crores and before the partition of the State it was Rs. 7½ crores and odd. Has anybody investigated the reasons for the increase in expenditure? Is it because the Police people are paid many times their salary? No. The expenditure only has gone up and has gone up unnecessarily. So also is the case in regard to expenditure under ‘General Administration’. From Rs. 2 crores in 1938-39 it rose to Rs. 4 crores in 1945-46 and went up to Rs. 8 crores. I am now saying that attention should be concentrated on the reduction of expenditure and not on only

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increasing taxation to get more and more revenue. If only this Government which has Sri Kamaraj as its head, had concentrated attention on the excessive expenditure incurred by this State, and reduced it, there would have been no need for imposing this tax. Ordinarily I would have said that a tax on the rich is a progressive tax, and I would have supported a measure like this because it is the man who is able to pay that is asked to bear the burden of the tax. If we impose a tax just as the sales tax on the poor then it is regressive taxation. Now I cannot support this taxation measure because it is not based on any principle whatsoever. Is it a tax on land? If it is so, a man having 500 acres is paying for 500 acres and a man with one acre is paying for one acre. It is not a tax on land. Is it a tax on income? No. It is not, because Government do not enquire into the income of the man who holds the property. He is not asked to pay a portion of his income. When clearly analysed, one would see that this is not a tax at all. It is a penalty for holding large extents of land. It is a very wrong penalty to impose. Has this Government or this Legislature the power to impose a penalty on the holding of land? We can have a tax on holdings, that is, a tax on everybody in proportion to the acreage he holds, and we can have a tax on the rich people based on their income, but this surcharge is sheer penalty for holding land for which the land revenue payable is more than Rs. 500. As I said it is wrong to impose this surcharge, it is illogical and it is also irrational. This Government ought not to have attempted to adopt the principle of levying a penalty on large holdings to increase their revenue. We also do not know what is the income which the Government are going to get by this measure. It may be anything between 2 lakhs and 4 lakhs of rupees only. Also, the hon. Member, Sri K. Bhashyam, who always votes with the Government but speaks against them when he criticises their measures, said that the Bill will defeat its very object.

“ I am also quite sure that there will be large scale transfers of land so that the surcharge may be evaded. Coupled with the Estate Duty, this Bill is only putting a premium on people transferring their lands, not to strangers or to members of the Government or to the Government themselves, but to their own relatives so that the surcharge may be evaded. Sir, I say any tendency to evade taxation is an immoral tendency and we are encouraging this immoral tendency by introducing measures like this. We ought to have a rational tax structure on land. Land tax is not a rational tax structure at all. If one holds movable property worth lakhs of rupees, there is no tax upon it but if one holds some waste lands, a tax has to be paid upon them. Time after time, people have realised that land tax is an irrational tax and it should be revised into one of a tax on agricultural income. What has this Congress Government which has come to power in 1945 done about it? Year after year the Government have been saying that they are looking into the question of the land tax structure, and up till now they have had no time and no leisure to do something by way of rationalising the tax on land! I say the real fact is that if a tax

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on agricultural income is to be imposed the Government would not get even a quarter of the revenue from land which they are getting today. They do not want to lose it because their expenditure is colossal though they cannot go beyond all limits. They have already impoverished this State by various measures of taxation and this levy is adding one more item to the list. This surcharge ought to wait until there is rationalisation of the tax on land. There should not be any penalty on large holdings.

"While I would have certainly welcomed a measure of taxation which is not passed on to the poor as in the present measure, I am sorry that, in spite of the particular characteristics of this measure that it is only the richer people who will pay this surcharge, I must oppose and strongly oppose this Bill.

"Also, I find that there is no provision for an appeal. In all taxation measures there must be provision for appeal to an impartial tribunal. There is no provision in the Bill unless it be that one is made by an executive order. But, the Government are an executive body and there must be provision for appeal to a judicial or quasi-judicial body. Why should the Government be afraid of making such a provision, when they want to do justice to the people? It is only recently that the Government created an Appellate Tribunal for Sales Tax though the value of it has been whittled down by another recent legislative measures. The Government must always provide for an appellate judicial or quasi-judicial tribunal to go into questions of taxation if any party is aggrieved. The Government have not done so here. I am sorry, Sir, I have to oppose this measure although it is presumably a tax on the rich and not on the poor. I would suggest to the Government, as the hon. Member Sri K. Bhashyam has suggested, that they could go into the question of the structure of the tax on land and introduce something which is more rational instead of going about in this irrational manner. I must conclude by saying that I am very disappointed indeed that the present Ministry has embarked on this measure of taxation. I find that there are other Bills also which are more objectionable and on which also I shall speak when they come before the House."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Mr. Chairman, Sir, I will begin by replying first to the hon. the acting Leader of the Opposition. The hon. the acting Leader of the Opposition said that the cost of administration was very high, it was mounting up every year, and without looking into the question of retrenchment, the Government came forward with fresh legislation to raise more revenue. Sir, I must tell him that a democratic set up of administration is a costly one and we have to pay the price for it. The days of one man's rule have gone for ever and we have to carry on under a democratic set up. I may also say that but for this democratic set up my hon. Friend, the acting Leader of the Opposition, would have no *locus standi* to speak so eloquently on this subject."

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DR. V. K. JOHN :—"The Hon. Minister is not quite clear."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Sir, I may say that it is because of this democratic set up that my hon. Friend, Dr. V. K. John, is able to stand for an election, get elected as a Member of this House and contribute so well to the debate though it be to my detriment."

DR. V. K. JOHN :—"Does this not apply to the Hon. Minister also?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"A democratic set up is common not only for the hon. the acting Leader of the Opposition, but for all functioning under it. If it is costly we cannot help it though it does not mean that we must be spending like spendthrifts. We must also be careful in husbanding our resources. We are trying to be as economical as possible.

"Another hon. Member said that if this was a measure intended to raise additional revenue in order to meet the deficit in the Budget, the deficit could very well have been made up by making necessary adjustments in the accounts. Sir, I do not want to repeat the arguments already put forth by my Hon. Colleague, the Minister for Finance, during the Budget debate. It was not possible to make these adjustments. Otherwise they would have been made then and there.

"Sir, the hon. Member, Sri M. P. Govinda Menon, and another asked, 'Why should not the Government have recourse to retrenchment?' Well, Sir, it is easily said but to carry it out is very difficult. Still the Government have been trying now and then to effect some retrenchment. When the word 'retrenchment' is pronounced, I am reminded of the question which I answered during the question-hour when my hon. Friend, Sri M. Ethirajulu, said that so many people had been retrenched. Therefore there is this difficulty also that if we want to retrench, many will be left starving. Many will be thrown out of employment, and there will be hunger strikes, starvation marches and so on. Retrenchment is not the only consideration and, circumscribed, as we are, by the aspect which I have just now mentioned, we cannot simply take the pen and say that ten Deputy Collectors and a hundred Tahsildars can be dispensed with. Probably my hon. Friend, Sri M. P. Govinda Menon, may do so."

SRI M. P. GOVINDA MENON :—"Give the power to do so along with the pen!"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Yes, there will be a collapse of the administration and we must be prepared for that also. Simply because we have brought forward this measure, it does not mean that we have lost sight of this aspect of retrenchment. It is there; we are thinking about it and we will be carrying it out whenever it is possible."

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"Then, Sir, the hon. Member, Sri M. P. Govinda Menon, has said that it is dishonest on my part to have brought forward this Bill instead of a Bill introducing Agricultural Income Tax. I think he used the word 'dishonest' in a loose sense and not with the connotation that this word sometimes carries with it."

SRI M. P. GOVINDA MENON:—"I used it in a legal sense."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Anyhow, there is nothing dishonest about this Bill and it is with the best of intentions that it has been brought forward. Now, the hon. Member wants that agricultural income tax should be introduced. We also considered this matter but we found that there were quite a number of difficulties in the way. In the first place, this Bill applies to the rural population, and there is the question of the villagers maintaining accounts. But it is said that since the exemption limit is very high, the landlords who are affected by this Bill will be big landlords and that most of them will be literate. To some extent I concede that. But the matter does not end there. It is not a question of maintaining accounts alone. There are a number of other factors. For instance, in assessing the income we have to take into account the cost of cultivation. That will lead to a number of difficulties. The cost of cultivation may differ from person to person and that will have to be assessed by the Revenue officials. There may not be a correct assessment. All these difficulties will crop up. Then we have to take into account the difference in soil, the irrigation facilities available and the price factor. The price of produce varies from place to place. In some places it is very high. All these factors will have to be taken into account by the Tahsildar or the Revenue Inspector and he will have to come to a certain conclusion. If the assessment is not proper, then my hon. Friend, the Deputy Leader of the Opposition, will say 'No, it is not properly done. The Executive staff are no good. We should have a Tribunal to decide these matters'. That is why the Government have brought forward this simple Bill. There would be no need to incur further expenditure for appointing anybody to collect this surcharge. Already we have got an efficient staff who are collecting land revenue and this surcharge will be collected in addition to that. Now, this Bill applies to landlords who are paying a land revenue exceeding rupees five hundred. In the original Bill which was introduced in the Assembly and which was referred to a Select Committee, the exemption limit was only Rs. 50. Now, we have raised this limit to Rs. 500. So this would not create any hardship. If a man who pays Rs. 10 is asked to pay Rs. 15, then it will create hardship. But if a man who is paying more than Rs. 500 is asked to pay a little more, there is sufficient margin for him to bear the burden. I think that people who use motor cars know that they do not feel the jerks and shocks on account of the shock absorbers. Similarly, the landlords will not also feel the jerk of a small

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increase in tax. This Bill is in the nature of a shock absorber, because the landlords can bear the tax. If we really wanted more revenue, we would have imposed this levy even on persons paying Rs. 50 or Rs. 100. In that case, we would be getting Rs. 40 or Rs. 50 lakhs. By levying this surcharge on land revenue assessments on bigger holdings, there is sufficient margin for the landowners to bear the burden, and this would also be equitably distributed. This levy will not touch any of the necessities of the landlords. It will affect only some of their luxuries. If they get rid of some of their luxuries, they will improve in their health and it would be good for them. So, in an indirect way, the Government will be helping the landlords to lead healthy lives.

"Then it was pointed out that this measure will lead to fragmentation of holdings. True it may lead to fragmentation to some extent, but not to an uneconomic extent. Hon. Members might be aware that the air is thick with reports of the proposal of the Central Government to fix ceilings on land holdings—not only in respect of future holdings but even on the existing ones. We are also getting a lot of literature on this subject. Without having recourse to law, this measure will work it out. If people want to divide, let them divide. It will be distributing the land, but it will be quite an economic holding. This Bill will achieve that object also.

"The hon. Member Sri Bhashyam asked 'What is the rationale in bringing forward such a measure? A large number of inamdars are left out of the scope of this Bill'. Yes, Sir, they are left out. But, if the hon. Member wants to rope them in, I will indent upon his legal acumen. As it is, if we want to include them also, we will have to pay a large amount of compensation to the tune of about Rs. 20 crores to these estate-holders for acquiring their lands. That is the difficulty in the way of bringing in legislation in respect of the particular inams. The hon. Member next referred to the hardship caused to the joint pattadars, particularly those paying Rs. 100 or Rs. 200 and said that simply because they happened to hold joint pattas they were called upon to pay this surcharge. I need not dilate upon this aspect now. When we take up the consideration of the Bill clause by clause, I shall deal with it. As far as possible, I have explained how under the present circumstances this is a very simple, quite a workable and quite an equitable Bill that the present times call for. Otherwise, we will have to do something radical. This is a House of Elders. I am sure hon. Members will understand the significance of the times and help me in getting through this legislation. I wish that the hon. Member Sri K. Balasubramanya Ayyar was in the distinguished visitors' gallery in the Assembly. It was quite a hard job for me to explain to the Members of the other House why I had not lowered the exemption level. In spite of that, hon. Members go on criticising me. I commend this Bill to this House."

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MR. CHAIRMAN :—" The question is—

' That the Madras Land Revenue (Surcharge) Bill, 1954 (L.A. Bill No. 18 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried.

MR. CHAIRMAN :—" We shall now take up the clause by clause consideration of the Bill. "

Clause 2.

MR. CHAIRMAN :—" The motion is—

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

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, I beg to move the amendment—if may not be correct to call it an amendment but it is only a recommendation—standing in my name, namely,—

' In clause 2, item (c), for the word " includes " . substitute the words " does not include " and for the words " but does not include " , substitute the word " or " .

Since this is a Money Bill, it should not be called an amendment but should be called only as a recommendation. My point is that water-cess should not be included in the term ' land revenue '. For that purpose, I think that the wording of the section should be changed so as to read ' land revenue means public revenue due on land but does not include water-cess payable to the Government for water supplied or used for the irrigation of land or any other cess '. So far as water-cess is concerned, as we all know, in regard to classified wet lands, the Government undertake to supply water. So it is part of the land revenue. But so far as the unauthorized use of water is concerned, the Government impose penal rates and that is also a water rate. As a matter of fact, the Government are collecting ten times the usual rate as the penal rate. Unfortunately, this penal rate is also sought to be included under the term ' water-cess payable to the Government ' for the purpose of computing this surcharge. Another surcharge is imposed upon the penal water-cess. Water-cess includes three kinds of rates. The first is when it is included in the land revenue, the second is for water supplied to dry crops which is generally fixed by rules, and the third is the penal rate for unauthorized use of water. All these three kinds of rates come under the same category of water rate. I do not want, Sir, that water-cess should be further increased. The Government have fixed some water rate, and for the unauthorized use of water they are imposing a penalty of ten times the water rate. Then, why should the Government impose a surcharge on the water-cess also? It should be a surcharge on land revenue only. Land revenue includes so many cesses, but it does not include water rate. Water rate is a different

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thing. It is imposed on different principles and different categories altogether. Therefore it is that I make bold to move this recommendation. I have very great doubt whether this recommendation will be accepted by the Government. Because, the difficulty is that this recommendation will have to go again to the Assembly but the Government do not want to delay this Bill further. But this being a question of principle and being a question in which the Government ought to take into consideration all these aspects at least in framing their rules in this aspect, I want to press strongly upon the Government this particular recommendation."

SRI MOHAMED RAZA KHAN :—" Sir, I second the amendment."

MR. CHAIRMAN :—" Amendment moved—

' In clause 2, item (c) for the words " includes " , substitute the words " does not include " and for the words " but does not include " , substitute the word " or " . "

DR. V. K. JOHN :—" Mr. Chairman, Sir, let me express the hope that the Hon. Minister will at least accept this so clear and so rational a recommendation made by my hon. Friend Sri Balasubramanya Ayyar."

SRI K. BHASHYAM :—" I see the force of the arguments of the hon. Member Sri Balasubramanya Ayyar for not including water-cess in the definition of ' land revenue '. The water-cess which is included in the definition is not the penal rate for unauthorized use of water. If it includes the penal rate also, I agree with the hon. Member Sri Balasubramanya Ayyar that surcharge should not be levied on that. But, to my mind it is not so clear whether the water-cess which is included in the definition of ' land revenue ' includes also the penalties imposed by the Government in respect of unauthorized use of water, because they are not water-cess under the Act but certainly something really different and which is imposed as a penalty for unauthorized use of water. I venture to think that the penal rate for taking unauthorized water is not included in the water-cess. I do not know how far it is correct, and it has to be tested in courts. But if it is included in the water-cess, I see the force of the objection raised by the hon. Member Sri Balasubramanya Ayyar. In order to avoid such an objection being raised, I would request the Government to make it a part of the rule that water-cess will include only the water-cess payable in respect of water being taken by a person in the first instance for the purpose of irrigating the land and will not include the penal rate for unauthorized use of water. If this is done, the matter will be made clear and it will not be open to objection. But as things stand at present, it looks to me that water-cess does not include the penal rate. So as not to make it arguable in Courts of law, I would request Government to make it quite clear in the rules that water-cess does not include the penal rate for using unauthorized water."

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THE HON. SRI M. A. MANICKAVELU NAICKER :—
“Sir, in most cases the tax is a consolidated one. Only in some cases it is separated. There is a sort of basic tax and in addition water tax is collected. I do not know, Sir, why the water-cess should be excluded. The water tax is levied because there is further availability of water and the cultivator raises an assured crop and he makes money out of it. The whole idea of this surcharge is that the tax must be raised from a man who makes money and who can afford to pay. By paying this water tax his cultivation is assured and thereby he gets an assured produce. If the water tax is consolidated in the tax itself, then there is no objection. Because for some reason or other, the water tax is not consolidated, but stands separated. I do not see any reason why it should be excluded from surcharge.

“Another point is, why surcharge should be levied on penal water rate also? Well, Sir, the very idea of levying penal rate is that the cultivators take water, which they are not normally entitled to, thereby depriving the ayacutdars lower down. That is why they are made to pay 10 or 15 or even 20 times the normal rate as penalty for unauthorized use of water. So, if this small surcharge is a hardship on them, I welcome it as it will be a further deterrent penalty against them. Even by penal assessment we are not able to prevent unauthorized use of water, and if this surcharge on the penal rate is going to add some more difficulty, I will welcome it, Sir. I do not see any reason why I should accept the amendment.”

MR. CHAIRMAN :—“I shall now put the amendment of the hon. Member Sri K. Balasubramanya Ayyar to the vote of the House. Before actually doing so, I would like to point out to the hon. Member Sri K. Balasubramanya Ayyar that only amendments are allowed to be moved and these amendments are sent to the other House as recommendations. The question is—

‘In clause 2, item (c), for the word “includes”, substitute the words “does not include” and for the words “but does not include”, substitute the word “or”.’

The amendment was lost.

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN :—“The motion is—

‘That clause 3 do stand part of the Bill.’

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

‘In clause 3, after the words “in the State” occurring in line 4, insert the words “whether in a single patta or in a joint patta.”’

The amendment was duly seconded.

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MR. CHAIRMAN :—“Amendment moved—

‘In clause 3, after the words “in the State” occurring in line 4, insert the words “whether in a single patta or in a joint patta.”’

SRI K. BALASUBRAMANYA AYYAR :—“This amendment is for the purpose of removing certain anomalies which were also pointed out by the hon. Member Sri K. Bhashyam. There are a large number of joint pattadars. Some of the hon. Members said that there were very few joint pattadars. That is not correct. If we see the Subramanyam Committee’s report, we will find that there are equally a large number of joint pattadars in our State. As my hon. Friend Sri Gajapathy Nayagar has stated, there are even ten persons having a joint patta. If three persons hold a joint patta and the total land revenue payable on the joint patta comes to Rs. 900, each of the persons will have to pay surcharge because the total land revenue payable is Rs. 900. That is not fair at all. The Hon. Minister has stated that the Government do not want to tax the poor man and that they do not want to add to his burden. It is wrong to think that joint pattas are very few in number. There are a large number of joint pattas in our State and, therefore, what the Government are giving by one hand, they are taking away by the other. According to this Bill, only those who pay land revenue of more than Rs. 500 are liable for surcharge. My amendment is to the effect that a landlord is liable to pay surcharge if he pays a land revenue exceeding Rs. 500 in respect of lands held by him in the State whether in a single patta or in a joint patta. This will be more equitable. If A and B pay in a joint patta a land revenue of Rs. 300, B and C Rs. 300 and C and D Rs. 300, then all the three persons A, B and C, will have to pay the surcharge, whatever may be his particular portion because the total land revenue payable by them exceeds Rs. 500. That is the illustration which the Government have given in the Bill. That is the reasoning they have adopted and that is the conclusion to which they have come. But instead of that, if we say ‘whether in a single patta or in a joint patta’, A, B and C will all escape the surcharge, because the land revenue payable by each person will be only Rs. 300. There are some difficulties. We shall reduce the difficulties as much as possible. Government want to levy a surcharge on land revenue and we have to pay it. But let us pay it in the most equitable manner without any anomalies as far as possible. Therefore it is I make bold to move this amendment of mine.”

SRI K. BHASHYAM :—“Sir, the only difficulty I feel is that unless the hon. Member gives notice of an amendment to the Definition Clause (Clause 2), he will not be achieving the purpose he has in view. The definition of ‘lands held’ is given in sub-clause (b) of Clause 2. This should be suitably amended. Otherwise, the hon. Member will not achieve his object in view. Therefore it is I say that the word ‘liable’ in sub-clause (b) of

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Clause 2 should be changed into 'payable'. If this is made clear in the amendment the hon. Member has proposed, then it may be quite all right. Otherwise, the hon. Member cannot achieve the purpose he has in view."

SRI M. P. GOVINDA MENON :—"Sir, I support the amendment. The wording is not very clear. Suppose a person pays Rs. 300 on his single patta and joins with another and pays Rs. 300 on joint patta, both are liable for payment. Under the Malabar Land Registration Act, tenants and landlords enter into a joint patta, so that the tenant's share of the revenue may be collected from the tenant. The tenant may be paying Rs. 100 or Rs. 200, and the landlord may be paying a bigger amount. Under the provisions of this Bill, the position will be that every tenant who has been compelled to have a joint patta, registered under section 14 of the Malabar Land Registration Act, will be responsible for the payment of revenue. He may pay less than what his landlord pays. But still this tenant also will be liable to pay the whole revenue. To that extent, I support the amendment of the hon. Member. The change in the wording may be left to the Department and the Hon. Minister. I suggest, Sir, that we do adjourn now so that the Hon. Minister may have time to consider the amendment of Sri K. Balasubramanya Ayyar. The Clause has to be re-examined. I concede that the objects of the Hon. Minister must be carried out. But we must not go beyond that because of the defective wording. I support the amendment."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Sir, I oppose the amendment for this reason. The acceptance of this amendment will cause more confusion. It all depends upon the interpretation of the phrase. One hon. Member will interpret it in one way and another in another way. That is why we have introduced illustrations which will make the position clear. We know Shakespeare's plays and the various commentaries given by various authors. So also here I do not know whether lawyers will not give different interpretations. That is why, Sir, these illustrations have been given. I state that in the matter of calculating the amount payable, the fear that was expressed by the hon. Member Sri Bhashyam is unfounded. He said that a person who paid Rs. 300 on his single patta and had to pay only Rs. 50 in respect of lands held on joint patta with another (though the total amount on the joint patta would be Rs. 300) would be liable to pay the surcharge, because the total amount payable on his land on single patta and on the lands held on joint patta exceeded Rs. 500. Yes, he is responsible jointly and severally. We want to find out who are the assesses. We want to rope in all those who are jointly and severally responsible. But in calculating the amount we know in such cases who pays what amount. We will take only that amount which he has actually to pay under the joint patta, and add that amount to the amount payable by him in respect of lands held by him in his single patta.

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It is only in order to fix the responsibility, we have put it in that way. It is not for making collections. In actual collection, it will be worked on the basis of the actual amount that he pays. The illustrations given make the position clear."

SRI K. BHASHYAM :—"One word of explanation, Sir. The rules proposed to be issued will remove this difficulty. But there are other objections. A person paying Rs. 499 as land revenue on a single patta is exempted whereas a man paying Rs. 300 on his single patta and paying Rs. 50 in respect of lands held by him on joint patta with another (though the assessment in respect of the joint patta is Rs. 300) is not exempted, because the total assessment for his lands and for the lands held on joint patta exceeds Rs. 500. I do not know how this defect can be set right by the issue of rules. There is this discrimination between these two persons, namely, one paying on his single patta Rs. 499 but not liable to surcharge and another paying Rs. 300 on his single patta and paying Rs. 50 in respect of lands held in joint patta with another (though the assessment on the joint patta is Rs. 300) but liable to pay the surcharge."

SRI K. BALASUBRAMANYA AYYAR :—"Sir, the illustrations given in the Bill are as follows :—

Illustrations.—(1) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name. A and B are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta. B and C are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta. C is liable to pay as land revenue rupees three hundred under section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). Each of these persons A, B and C, is liable to pay surcharge under this section.

If a man has to pay Rs. 300 on one joint patta, and another Rs. 300 on another joint patta, and a third Rs. 300 on a third joint patta, he becomes liable for the whole Rs. 900."

SRI V. BASHYAM AYYANGAR :—"Mr. Chairman, Sir, this is a matter which requires careful examination. The illustrations given are confusing. The illustrations speak of three persons A, B and C. A is liable to pay land revenue of Rs. 300 on his individual patta. A and B have to pay land revenue to the extent of Rs. 300 on joint patta. B and C are similarly liable to pay land revenue to the extent of Rs. 300. C is liable to pay land revenue to the extent of Rs. 300. The illustrations say that all the three are liable for the surcharge. Taking A's individual patta and also his portion in the joint patta, it will be seen that he is not liable to any surcharge. It may be that his portion of the amount due on the joint patta is only Rs. 100. Even if A and B should have equal portions in their joint patta, A will have to pay only Rs. 150 in respect of his portion. This means A will have to pay land revenue to the extent of Rs. 450, and he need not pay the surcharge, because the amount is not in excess of Rs. 500. Sometimes the amount due on a joint patta will not be equal to all who hold joint pattas. Therefore this Bill will

[Sri V. Bashyam Ayyangar] [13th May 1954]

work a great hardship on persons holding joint pattas. There is another objection. What is the amount on which this surcharge is to be paid? A on his individual patta pays Rs. 300 as land revenue. On a joint patta, he is liable for another Rs. 300. If he pays a total of Rs. 600, then there will be overlapping of this tax. The tax will be much more. That is the possibility which arises out of this illustration. I think this is a matter which deserves careful consideration. It should be examined how this provision will work in actual practice.

"I think the illustration makes the whole matter confusing. If the idea is that a surcharge should be levied on a revenue liability of over Rs. 500 then the liability should be found out and assessed by somebody. That we can understand. But the illustration makes joint pattadars liable to pay surcharge even where only one of them may be liable to pay. Therefore, I really submit that this is a matter on which some attention must be bestowed."

DR. V. K. JOHN :—" May I know from the Hon. Minister whether this illustration has been given deliberately with a view to confusing people so that Government may collect more revenue from them? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I am sorry I have to meet the arguments of such eminent lawyers. It is a well-known principle in law in matters of joint and several liability. Let me give an illustration. There is a promissory note executed by A, B and C for Rs. 500. The three persons jointly and severally are liable for the amount. I do not think there can be any instance in which the hon. Member Sri Bhashyam Ayyangar as District Judge would have awarded a decree which allowed for the collection of the amount from all the three. The amount is collected only from one man, though there is joint liability on all the three. It cannot be collected from all the three. This is a clear principle of law. That being so, I do not know why hon. Members create so much confusion about it."

MR. CHAIRMAN :—" The question is—

'In clause 3, after the words "in the State" occurring in line 4, insert the words "whether in a single patta or in a joint patta".'

The amendment was declared lost.

Sri K. Balasubramanya Ayyar demanded a poll and the House divided thus :

Sri K. Balasubramanya Ayyar.
" K. Bashyam.
" V. Bashyam Ayyangar.
" M. P. Govinda Menon.
Dr. V. K. John.

Ayes—9.

Sri G. Krishnamurthi.
" Mohamed Raza Khan.
" T. M. Narayanaswamy Pillai.
" V. V. Ramaswami.

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Noes—17.

Sri A. M. Allapichai.
" N. Annamalai Pillai.
The Hon. Sri M. Bhaktavatsalam.
Sri T. M. Deivasikamani Achariar.
" M. Ethirajulu.
" A. Gajapathi Nayar.
" K. Gopalan.
" T. G. Krishnamurthy.
Srimathi S. Manjubhashini.

Sri Mohamed Usman.
" S. Narsapaya.
" E. H. Parameswaran.
" C. Perumalswami Reddi.
Srimathi R. S. Subbulakshmi Ammal.
Sri A. Subramaniam.
" P. P. Ummer Koya.
" G. Venkatachalam.

Neutral—3.

Sri T. V. Devaraja Mudaliar.
" T. Purushotham.

Sri O. P. Ramaswami Reddiar.

Ayes—9; Noes—17; Neutral—3.

The amendment was lost.

MR. CHAIRMAN :—" Is the hon. Member Sri K. Balasubramanya Ayyar moving his second amendment? "

K. BALASUBRAMANYA AYYAR :—" Yes, Sir. I formally move my amendment, namely :—

'In clause 3, item (d), for the word "Eight", substitute the word "six".'

The amendment was duly seconded.

MR. CHAIRMAN :—" Amendment moved—

'In clause 3, item (d), for the word "Eight", substitute the word "six".'

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I formally oppose it, Sir."

SRI G. KRISHNAMURTHI :—" Sir, I should like to have enlightenment from the Hon. Minister piloting the Bill as to the rates specified in the Bill. In clause 3 it is stated that 'Every landholder who is liable to pay a sum exceeding rupees five hundred for a fasli as land revenue to the Government in respect of lands held by him in the State shall pay to Government . . .'. The term used here is 'exceeding Rs. 500.' Subsequently in the table where the rates are given it is stated under item (b) on the next Rs. 250 of the land revenue payable—two annas on each rupee.' It is not clear whether a person paying an assessment of Rs. 500 is liable to pay this surcharge or whether persons paying an assessment exceeding Rs. 500 are liable to pay this surcharge. I want enlightenment on this point. According to the statement contained in the first paragraph of clause 3, only those paying an assessment in excess of Rs. 500 are liable to pay this surcharge. But according to the subsequent paragraph where rates are given, a person who pays Rs. 500 as assessment is liable to pay surcharge."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" It is intended to make it clear that a person who is liable to pay surcharge under this Bill will have to pay the surcharge on the second Rs. 250 upwards paid as land revenue."

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SRI G. KRISHNAMURTHI :—" I would like to know, Sir, whether a person who pays only Rs. 251 as land revenue is liable to surcharge under this Bill."

SRI K. BHASHYAM :—" Sir, every person who is liable to pay a sum exceeding Rs. 500 for a fasli as land revenue is liable to pay this surcharge. But, in regard to the rate at which the surcharge is payable, he is exempted in regard to the first Rs. 250 and what is the rate at which he is liable to pay in regard to the balance is fixed here. So there need not be any confusion."

SRI G. KRISHNAMURTHI :—" Sir, I would like to be enlightened as to whether a person paying Rs. 501 as land revenue is liable to pay surcharge only in respect of Rs. 251 out of this Rs. 501."

SRI K. BHASHYAM :—" Yes, it is so."

MR. CHAIRMAN :—" The question is—
In clause 3, item (d), for the word "Eight", substitute the word "Six". "

The amendment was lost.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN :—" The motion is—

'That clause 5 do stand part of the Bill.' "

SRI K. BHASHYAM :—" Mr. Chairman, Sir, I wish to say a word in respect of the power vested in the officer concerned to call for information. Information is to be given, as mentioned at the close of sub-clause (1), in regard to the total extent of land held by the landholder in the State and the land revenue payable in respect thereof. I want to point out that the emphasis is on the word 'payable'. In the case of a joint patta, do the words 'land revenue payable' mean the full amount of the joint patta? If the amount payable is taken to mean the land revenue as allocated between the joint pattadars, it becomes a different matter. I would like the Hon. the Minister for Land Revenue to give us information as to what he expects us to do. Suppose in a joint patta on which the land revenue payable is Rs. 300, one of the joint pattadars is liable to pay only Rs. 15. If he is liable to pay surcharge under this Bill, is he to be assessed on the basis of this Rs. 15 or on the basis of Rs. 300 the full assessment of the joint patta, though in the definition section, namely, sub-clause (b) of Clause (2), it is said that the expression 'land held' refers to the lands in respect of which a landholder is liable to pay land revenue? There is some inconsistency therefore in respect of a joint pattadar

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whether he is liable to surcharge in respect of all the lands held on the joint patta as a whole or only in respect of the portion of the land revenue payable by him."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I believe that the liability to pay surcharge will be based on the amounts as actually allotted between the joint pattadars. We will make it quite clear in the rules."

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Chairman, Sir, I beg to move—
That the Madras Land Revenue (Surcharge) Bill, 1954 (L.A. Bill No. 18 of 1954), as passed by the Assembly, be passed."

MR. CHAIRMAN :—" The question is—
That the Madras Land Revenue (Surcharge) Bill, 1954 (L.A. Bill No. 18 of 1954), as passed by the Assembly, be passed."

The motion was carried and the Bill was passed.

[Sri M. A. Manickavelu Naicker] [13th May 1954]

notice. Some merchants expecting that a tax on tax would be levied have themselves collected the extra tax. How are we to make a distinction between the merchants who thus collected the extra tax in anticipation and the others who did not do so? Therefore there are such practical administrative difficulties and we regret that we are not able to give effect to the judgment in regard to past transactions. Of course, in regard to future transactions, we are giving effect to the judgment from the 1st April of this year."

MR. CHAIRMAN :—" Motion moved—

' That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954 (L.A. Bill No. 19 of 1954), as passed by the Assembly, be taken into consideration.' "

SRI K. BHASHYAM :—" Sir, the Government are always careful not to make their points very clear. What I would like to point out is that under Clause 3, what are sought to be validated are the collections that have already been made. But, as the clause stands, it looks as if all assessments made are also valid though they have not been paid. It also says that all judgments, decrees or orders pronounced by any Tribunal or Court are also valid even though the amounts might not have been collected. Is it the intention of the Government that in respect of collections already made they are sought to be validated or is it their intention that in respect of assessments already made but not paid that they should collect them also in spite of the fact that they are illegal assessments? Let the Government state clearly whether they want to make any more collections on these assessments or not."

SRI MOHAMED RAZA KHAN :—" Sir, may I make a submission to take up this question tomorrow. It is not so easy and there is bound to be more discussion on this Bill as it is an important measure. I would therefore request the Leader of the House to take it up tomorrow as this also appears to be the sense of the House."

SRI M. P. GOVINDA MENON :—" Sir, I also join the hon. Member Sri Mohamed Raza Khan in regard to this request."

SRI T. PURUSHOTHAM :—" Sir, on a point of information, may I ask the Hon. the Leader of the House to state, whether any timings has been fixed for the sitting of the Legislative Council as the Assembly is sitting from 8-30 a.m. to 12-30 noon? In view of the excessive heat I would have been glad if the Government had considered the holding of the mid-summer sittings of the Legislature in Ootacamund. I hope they would consider this proposal at least in future years. It would certainly be better to consider such taxation measures at Ootacamund instead of in Madras, in the middle of May."

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THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I have no objection if the hon. Members desire that the discussion be continued tomorrow. The House can sit from 2-30 p.m. to 5 p.m. for a few days and finish the business before it."

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

The House then adjourned to meet again at 2-30 p.m. on Friday, the 14th May 1954.

[4th January 1954]

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.’

“ 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 தாத்தரியம். இந்த திருத்தத்தை இந்த சபையின் முன்பு பிரேரேபிக்கிறேன். ஏற்கெனவே இருந்த சென்னை ராஜ்ய கோவாப்பரேடிவ் கிரெடிட் சொசைட்டிகளும், இன்னும் பல சங்கங்களும் ஆந்திர ராஜ்யம் பிரிக்கப்பட்ட பிறகு எவைகள் ஆந்திர மாகாணத்திற்கும் எவைகள் எஞ்சிய சென்னை ராஜ்யத்திற்கும் என்று நிர்ணயிக

^a Published in the Fort St. George Gazette, dated 22nd December 1953.

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 ஒத்துக்கொள்ளா விட்டால் ஒரு ஹை கோர்ட் 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 யோசனை களை ஜெனரல் பாடி ஒத்துக்கொண்டதா, ஏதாவது விஷயத்தில் மாறுபட்ட அபிப்பிராயங்கள் இருக்கின்றனவா, யாராவது ஒரு ஜட்ஜை நியமித்து முடிவு செய்தார்களா, அந்த மாதிரியான விஷயங்களை நமக்கு அவர் தெரியபடுத்த வில்லை. என்ன மாறுதல்கள் ஏற்பட்டிருக்கின்றன, இது அவசரம்தானா, 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 செகண்ட் பண்ணவேண்டும். அதன் பிறகுதான் நீங்கள் பீச்சலாம்.”

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 கோவாப்பரேடிவ் 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 திருத்தத்தை) 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, . . . "

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 கிரேடிட் சொசைட்டி, லான்ட் மார்ட்கேஜ் 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. சும்மா 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.

[Sri M. A. Manickavelu Naicker] [4th January 1954]

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.'

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 டிரிப்யூனலில் 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

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அதிகாரிகளால் வியாபாரிகளுக்கு அநேகம் தொந்தரவுகள் இருக்கின்றன வென்று 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 இதைப் பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று கேட்டுக்கொள்கிறேன்."

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."

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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 shopkeepers 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 assesses 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 assesses, 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 assesses 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 assesses 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 முதல் மந்திரி அவர்கள் சொல்லும்போது இரண்டு அங்கத்தினர்கள் 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 அவர்ளுக்கு வித்தியாசம் ஏற்பட்டிருக்கும்போது எப்படி தீர்ப்புக் கூற வேண்டும் என்றும் இருக்கிறது. இதனால் வியாபாரிகளுக்குத் தான் பதும் 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 மீசா தாவைக் 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 இருக்கக்கூடாது. வியாபாரிகளுக்கு ஏற்கெனவே சர்க்கார் அதிகாரிகளால் கொடுக்கக்கூடிய தொல்லைகள் பற்றி எல்லோருக்கும் தெரியும். இருந்தபோதிலும் அனுபவம் இல்லாத அங்கத்துணர்களைப் போட்டால் அவர்கள் அதிகாரிகள் செல்லுவதைத்தான் ஏற்றுக்கொள்வார்கள். அவர்களும் வியாபாரிகளுக்கு சாதகமாக தீர்ப்புச் சொல்லமாட்டார்கள். வியாபாரிகளுடைய வருமானம் என்ன, அவர்களுடைய வியாபாரம் என்ன, அவர்கள் என்ன வரி கொடுக்கவேண்டும், என்ன வியாபாரம் செய்கிறார்கள் என்பதை தெரிந்து கொள்ளமுடியாது. இவைகளைப்பெல்லாம் 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 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 "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 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 கிரமினல் கேஸ்களில் கூட benefit of doubt is given to the accused."

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 கொண்டுவருகிறார்கள். 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 இலே இருவருக்குள் லெற்றுமை 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 க்ளாஸ் 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."

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.

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

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 account of the cash balance standing to the credit of the Madras 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.

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.

* * * *

(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 ^a, 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 those two

^a Published in the Fort St. George Gazette, dated 26th December 1953.

[Sri M. A. Manickavelu Naicker] [14th May 1954]

"The Bill was discussed at length during three sittings of the Select Committee and we arrived at a more or less agreed Bill. I cautiously use the words 'more or less' because I see some hon. Members have given notice of amendments."

MR. SPEAKER:—"There are only two amendments. Motion moved—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as amended by the Select Committee be taken into consideration.'

SRI M. NARAYANA KURUP:—"Mr. Speaker, Sir, this is an enactment which had its origin, I believe, in 1946 and then it was only a provisional measure for one year. Of course, there are many instances in this State where temporary legislations for one year are enacted and it is promised during their consideration stage that the Government will undertake a comprehensive permanent legislation on points covered by the Bills. But ultimately, the same Act is extended year after year and the real problem is not tackled at its root. We all know that forests are very important in the national wealth of a country or State and it has been the opinion of experts that a country or State must have at least a third of its area under forests. We know that the area of forests in this State compared with the total area of this State falls much below the proportion recommended by experts. The most important part of the forest wealth of this State is situated on the West Coast. But unlike in other parts of the State there is considerable difference in the matter of ownership of land in Malabar and we all know that the important forest wealth of Malabar is owned exclusively by landowners. They are the proprietors of forests. There has been indiscriminate cutting, destruction and denudation of forests on the West Coast. That is why people have been clamouring for a legislation by this State to preserve this important wealth. We know that many of the owners of forests on the West Coast are Devaswoms and Sthanis (trustees) having no personal interest in the forest. But when a sthani or trustee assumes office, his first idea is to make as much profit as possible in the course of his regime. He gives away on short-term lease the right of indiscriminate cutting of trees in the forests. So, there has been continuous deterioration in the matter of preservation of forests. It would not be surprising to know that even as early as the seventeenth century there had been compliments before the British Parliament that ships built out of the famous Nilambur teakwood were able to stand the waters of the Thames and that they lasted longer than ships built out of teakwood of any other country. Therefore, it is clear that Nilambur has produced the finest teakwood. But there has been no serious attempt on the part of this Government to preserve such a forest in our State. If I remember aright, even approaches have been made to this Government for purchasing or looking after these wide Nilambur forests and other connected areas because a branch or an individual to whom these areas are allotted

[14th May 1954] [Sri M. Narayana Kurup]

is unable to look after the forests. Ultimately, it is not the individual but the State that suffers. Now, when the Government brought forward a provisional legislation in 1946, they gave a promise of comprehensive legislation but it is surprising to find that even sometime ago, they again extended the lease of life of that legislation by one year. I request that the Government should seriously take up the matter and bring forward a permanent legislation to preserve the forest wealth of our State."

SRI K. C. GOPALAN UNNI:—"മിസ്റ്റർ സ്പീക്കർ, സർ, ഏറ്റവും ചെറു താണെങ്കിലും വളരെ പ്രധാനമായിട്ടുള്ള ഒരു ബില്ലാണ് ഇത്. ഈ സഭയുടെ മുമ്പാകെ കൊണ്ടുവന്നിട്ടുള്ളത്. 1946 മുതൽക്കേ മലബാറിലെ വനങ്ങൾ സംരക്ഷിക്കുന്നതിനു വേണ്ടിയുള്ള പല ആലോചനകളും ഗവണ്മെന്റിനുമായിട്ടുണ്ടെങ്കിലും അവയെല്ലാംതന്നെ താൽക്കാലികമായ ചില നിയമങ്ങളിൽ കൂടിക്കടന്നു പോവുകയാണ് ചെയ്തിട്ടുള്ളത്. ബഹുമാനപ്പെട്ട മെമ്പർ ശ്രീ നാരായണകുറുപ്പ് പറഞ്ഞതുപോലെ ഒരു കൊല്ലത്തിനു വേണ്ടിയൊ രണ്ടു കൊല്ലത്തിനുവേണ്ടിയൊ മാത്രം നിയമമുണ്ടാക്കിയതുകൊണ്ടു ഈ പ്രശ്നത്തിനു ഒരു പരിഹാരം കാണാൻ സാദ്ധ്യമല്ല. മാത്രമല്ല, ഇത് ഈ നിയമം നടപ്പിൽവരുത്താൻ ചുമതലപ്പെട്ടിരിക്കുന്ന മന്ത്രിയെ സംബന്ധിച്ചിടത്തോളം തന്നെ വളരെ വ്യസനകരമായ ഒരു വസ്തുത നിലവിലുണ്ട്. മലബാറിനെ സംബന്ധിച്ച ഏതു കാര്യം പറഞ്ഞാലും മലബാറിന്റെ കാര്യമെല്ലാം ഒരു പ്രത്യേകതയാണെന്നു പറയുകയല്ലാതെ ആ പ്രത്യേകത എന്തെന്ന് ബഹുമാനപ്പെട്ട മന്ത്രി മനസ്സിലാക്കിയിട്ടുണ്ടോ എന്നു ഞങ്ങൾ സംശയിക്കുന്നു. മലബാറിനെ സംബന്ധിച്ച് എന്തെങ്കിലും പറഞ്ഞാൽ അദ്ദേഹത്തിനു മനസ്സിലാകുമോ എന്നു അറിഞ്ഞുകൂട. ഇക്കാര്യത്തെക്കുറിച്ച് പഠിക്കാൻ അദ്ദേഹം കറച്ചു മിനക്കടന്നമെന്ന് എനിക്കു അപേക്ഷയുണ്ട്. അല്ലെങ്കിൽ മറ്റൊരാൾക്കിലും ഒരേപ്പോഴുകൊണ്ട് ആ ബുദ്ധിമുട്ട് പരിഹരിക്കണം.

"നമുടെ വനങ്ങളെ സംരക്ഷിക്കുന്ന കാര്യത്തിൽ മദിരാശി ഗവണ്മെന്റ് എന്തെങ്കിലും ശ്രമം നടത്താൻ തുടങ്ങിയത് 1946 ന് ശേഷം മാത്രമാണെന്നു ഞാൻ ആദ്യമേ പറഞ്ഞല്ലോ. കഴിഞ്ഞ യുദ്ധകാലത്ത് മലബാറിലെ വനങ്ങളിലുണ്ടായിരുന്ന മരങ്ങൾ മുഴുവൻ യാതൊരു ഭാക്കിണ്ണവും കൂടാതെ വെട്ടിയഴിക്കുകയാണ് ചെയ്തിട്ടുള്ളത്. മരം കയറുമതി ചെയ്യുന്ന കാര്യത്തിൽ ലോകത്തിലെ ഒന്നാമത്തെ കേന്ദ്രമെന്ന് പ്രസിദ്ധിയാർജ്ജിച്ചിട്ടുള്ള കല്ലായി അതിനുശേഷം പൊങ്ങിവന്നിട്ടില്ല. കല്ലായി ഇന്നു ആകപ്പാടെ നശിച്ചു കിടക്കുകയാണ്. അതിനെ പുനരുജ്ജീവിപ്പിക്കാൻ ഗവണ്മെന്റ് ഇതുവരെ യാതൊന്നും ചെയ്തിട്ടില്ല. കഴിഞ്ഞ കൊല്ലത്തെ ഫോറസ്റ്റ് ഡിപ്പാർട്ട്മെന്റ് അഡ് മിനിസ്റ്റർ റിപ്പോർട്ടിൽ രണ്ടായിരത്തിനും മൂവായിരത്തിനുമിടയിൽ വനസംരക്ഷണം സംബന്ധിച്ച കേസുകൾ ഉണ്ടായിട്ടുണ്ടെന്നു കാണുന്നു. എന്നിട്ട് ഒരു കാര്യം എടുത്തു പറയാനുണ്ട്. ഇതെല്ലാം ചെറിയ ചെറിയ കുറുങ്ങുകയായി പാവപ്പെട്ട കൃഷിക്കാരുടെ പേരിലും മറ്റും എടുത്തിട്ടുള്ള കേസുകളാണ്. ലക്ഷക്കണക്കിനു ഉറപ്പിക വില്പിടിച്ചുള്ള മരങ്ങൾ തട്ടിക്കൊണ്ടുപോയ എത്രയോ കേസുകൾ ഗവണ്മെന്റ് അറിയാതെ പോയിട്ടുണ്ട്. ഏതൊരു താലൂക്കിൽതന്നെ കരുള എസ്റ്റേറ്റിൽ അഞ്ചുലക്ഷത്തിലധികം ഉറപ്പിക വില്പിടിച്ചുള്ള മരങ്ങൾ വ്യാജമായി മുറിച്ചുകൊണ്ടുപോയിട്ടുള്ള കാര്യം ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവന്നിട്ടുണ്ട്. അതിനെ സംബന്ധിച്ച് അതിന്റെ ഒരു വകാശി ഗവണ്മെന്റിന്മേൽ ഒരു നിവേദനം സമർപ്പിച്ചിട്ടുണ്ട്. ഈ കേസിൽ അവിടുത്തെ റെയിഞ്ചർ കൂടി ഉൾപ്പെട്ടിട്ടുണ്ടെന്നും ധാരാളം കൈക്കൂലി വാങ്ങിയിട്ടുണ്ടെന്നും ഒരു കേൾവിയുണ്ട്. ഇങ്ങനെ ലക്ഷക്കണക്കിനു വില്പിടിച്ചുള്ള മരങ്ങൾ ജന്മിമാരും വലിയ കച്ചവടക്കാരും ഫോറസ്റ്റ് ഉദ്യോഗസ്ഥന്മാരുടെ സഹായത്തോടുകൂടി തട്ടിക്കൊണ്ടു പോകുന്നതിന്റെ നേരേ കണ്ണടച്ചിട്ട് കൃഷിക്കാരെ സാധുക്കൾ കയ്യെടുക്കുകയോ ഇലപറിക്കുകയോ ചെയ്യാൻ കേസെടുത്തു അവരെ ഉപദ്രവിക്കുകയാണ് ഇന്നത്തെ നടപ്പ്. മലബാറിലെ വനങ്ങളെ സംരക്ഷിക്കുന്നതിനുള്ള അധികാരം ഇം നിയമമൂലം ഗവണ്മെന്റിനു കിട്ടുന്നുണ്ട്. എന്നാൽ അധികാരികൾ അതിനെ ദുരുപയോഗപ്പെടുത്താനനുവദിക്കാതെ വനങ്ങളെ വേണ്ട വിധത്തിൽ സംരക്ഷിക്കാൻ ഉപയോഗപ്പെടുത്തുമെന്ന് ഞാൻ പ്രതീക്ഷിക്കുന്നു.

[Sri V. Madanagopal]

[14th May 1954

“அதைத்தவிர பசுந்தழை உரம் மிக முக்கியமானது விவசாயிகளுக்கு. அந்தப் பசுந்தழை உரத்தைக் கூட வெட்டுவதற்கு அங்கே யுள்ள காட்டிலாகா அதிகாரிகள் அனுமதிப்பது கிடையாது. ஆனால் அவர்களுக்கு வேண்டியவர்களாக இருந்தால் ஒரு சீட்டுக் கொடுத்தால் போதும். எவ்வளவு வேண்டுமானாலும் வெட்டிக்கொண்டு போகலாம். அதற்குக் காசே கிடையாது. இதுதான் அங்குள்ள நிலைமை. இந்தக் காடுகளிலுள்ள பசுந்தழை உரம் எல்லா விவசாயிகளுக்கும் கிடைக்கும்படியாகச் செய்யவேண்டும். அதைத்தவிர மலையடிவாரத்தில் முன்கூட்டியாக வெள்ளாடுகள் மேய்ந்து வந்தன. இன்றைக்கு வெள்ளாடுகளை மேய்க்கக்கூடாது. அவையையெல்லாம் விற்றுவிடவேண்டுமென்று வற்புறுத்துகிறார்கள். ஏன் வெள்ளாடுகளை மேய்க்கக்கூடாது என்று கேட்டதற்கு அதன் வாயிலுள்ள உமிழ் நீரானது ஒரு முறை ஒரு செடியில் பட்டால் அது திருப்ப வளரவே வளராதது என்று சொல்லுகிறார்கள். அதைத்தான் என்னால் புரிந்துகொள்ளமுடியவில்லை. வெள்ளாடிற்குப் பதிலாக செம்மறியாடுகளை வாங்கச் சொல்லுகிறார்கள். வெள்ளாடுகள் பூண்டுபோயும், தழைகளையும் தின்னும். ஆனால் செம்மறியாடுகள் புல்லைத்தவிர வேறு எதையும் திங்காது. அந்த மலைப் பிரதேசத்தில் எங்கே புல்வெளிகள் இருக்கின்றன என்று நான் கேட்கிறேன். வெள்ளாடுகளை விற்றுவிட்டு செம்மறியாடுகளை வாங்குவது என்பது நடைமுறைக்கு ஒவ்வாத விஷயம். ஆகவே அங்கே வெள்ளாடுகளும் மேய்வதற்கு குறிப்பிட்ட காலத்திற்கு குறிப்பிட்ட பகுதியை ஒதுக்கவேண்டிய வசதி செய்துகொடுக்கவேண்டும்.

“ அடுத்ததாக பூனம் பயிர்ச்செய்தல். மலையாளத்தில் பூனம் பயிர் என்பதை தமிழ் நாட்டில் பூனல் பயிர் என்கிறோம். அதாவது இந்தப் பூனல் காடுகளில் மாடுகட்டி உழுவதில்லை. மண் வெட்டியால் கொத்தி அல்லது குச்சியால் கீரி விதைகளைத் தெளித்துவிடுவார்கள். விளைந்த தானியத்தில் ஒரு பகுதி போக பாக்கியை விதைத்த விவசாயிகள் எடுத்துக்கொள்வார்கள். ஆனால் சர்க்கார் காட்டு இலாக்கா அதிகாரிகள் இதைத் தடுத்து வருகிறார்கள்.

“இதையெல்லாம் சர்க்கார் கவனித்து காடுகளைப் பராமரிக்கும்போது, அதனால் மக்களுக்கு எவ்வளவு நன்மை உண்டாகுமோ அவ்வளவும் உண்டாகுமாறு செய்யவேண்டியது ரொம்பவும் அவசியமாகும். முதன் முதலாக ஜமீன்தார்களுக்கு எல்லாம் காடுகளை அழிக்கக்கூடாதென்று உத்திரவு போட்டாகவேண்டும்.

“இதைத் தவிர ரோடு ஓரங்களிலுள்ள மரங்களைப் பற்றி ஒரு வார்த்தை. இன்றைக்கு அவைகள் எல்லாம் மொட்டையாக இருக்கின்றன. அவைகளுக்குப் பக்கத்திலுள்ள நிலக்காரர்களுக்கு அவைகள் பட்டா செய்யப்படவேண்டுமென்ற யோசனை மிகவும் நல்லது. அப்பொழுது தான் அந்த மரங்கள் சரியான முறையில் பாதுகாக்கப்படும். புதிய மரங்களையும் அவர்கள் நட ஆரம்பிப்பார்கள்.

“ஜமீன் பிராந்தியங்களிலுள்ள காடுகளினாலும் சாதாரண விவசாயிகளுக்கு, பல அலுகைகள் உண்டாகுமாறு இந்தச் சட்டத்தை மாற்றியமைக்கவேண்டும். கடைசியாக நான் சொல்வது என்னவென்றால் புதுகாடுகளை உண்டுபண்ணுவதைப்போலவே இருக்கும் பழங்காடுகளைப் பராமரிக்கவும் தக்க நடவடிக்கை எடுத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்.”

SRI K. MADHAVAN NAMBIAR :—“മിസ്റ്റർ ചെയർമാൻ, സർ, മലബാറിനെ സംബന്ധിച്ചിടത്തോളം അതിപ്രധാനമായിട്ടുള്ള ഒരു നിയമമാണിത്. 5,802 ചതുരശ്രമൈലാണ് മലബാറിന്റെ ആകെ വിസ്തീർണ്ണം. അതിൽ രണ്ടായിരം ചതുരശ്രമൈലാണ് വനങ്ങളാണെന്നു കാണുന്നു. ഇതു വമ്പിച്ച ഒരു വനസമ്പത്തു നമുക്കുണ്ടുപോകുമെന്നു ഏതാനും സ.രക്ഷിക്കണമെന്നും അതിൽനിന്നു ഏതാനെ നമ്മുടെ വരുമാനം അതിനെ ഏതാനെ സ.രക്ഷിക്കണമെന്നും അതിൽനിന്നു ഏതാനെ നമ്മുടെ വരുമാനം വർദ്ധിപ്പിക്കണമെന്നും ഉള്ള കാര്യത്തിൽ ഗവണ്മെന്റിന് യാതൊരു നോട്ടവുമില്ല.

14th May 1954] [Sri K. Madhavan Nambiar]

നാണ് എന്നിങ്ങനെ അറിയുന്നത്. വനമേഖലയുടെ വളർച്ചയ്ക്കും ഗവേഷണത്തിനും എത്രയും കൂടുതൽ പ്രയത്നം വേണ്ടതാണ്. പക്ഷെ എന്താണ് ഫലം? ആ വനം മനുഷ്യ വനങ്ങളെ സംരക്ഷിക്കുന്നതിന് ഉപയോഗിക്കുന്നതിന് വേണ്ടി വെട്ടിയെടുക്കുന്നതിന് വേണ്ടി വനങ്ങളിൽനിന്നു ലഭിക്കുകയായിരുന്നു. നിലവിലുള്ള ആരോഗ്യം, ഇതേ രീതിയിൽ ഉപയോഗിക്കുന്നതിന് ഇതേ പ്രശ്നം പരിഹരിക്കാൻ പര്യാപ്തമല്ല. കാരണം ഇതേ ബില്ലിന് പാസ്സാക്കി കടലാസ്സിലാക്കിയതുകൊണ്ടുമാത്രം ഉപയോഗിക്കുന്നതിന് ഇതേ പ്രശ്നം പരിഹരിക്കാൻ സാധിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. ഇപ്പോൾ തന്നെ ചില നിയമങ്ങൾ നിലവിലുണ്ട്. ആ നിയമങ്ങൾ തന്നെയും വേണ്ടവിധം പ്രയോജനപ്പെടുത്തുന്നതിന് എനിക്ക് മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടില്ല. കോട്ടയിൽനിന്നു മരം മുറിക്കുന്നതിനുള്ള ലൈസൻസ് വാങ്ങണമെന്ന നിയമമുണ്ട്. പക്ഷെ ഒരു മുതലാളി ലൈസൻസ് എടുത്തുകഴിഞ്ഞാൽ അയാളുടെ പേരും പറഞ്ഞ് ആരും എത്ര തടി വേണമെങ്കിലും മുറിക്കാം എന്നുള്ള ഒരു സമ്പ്രദായമാണ് ഇന്ന് കാണുന്നത്. ലൈസൻസ് ഇല്ലാത്തതന്നെ എത്രയോ മരങ്ങൾ മുറിച്ചിട്ടുണ്ടായിരിക്കുന്നില്ല. പാവങ്ങൾ പുറംകൊള്ളുകയോ പച്ചില വെട്ടുകയോ അതുപോലുള്ള മറ്റേതെങ്കിലുമൊ ചെറിയതും ഗവേഷണത്തിന് അതു വളരെ ഗുണപരമായിട്ടു കേന്ദ്രീകരിക്കാൻ ഉണ്ടാകാം. എന്നാൽ ഇത്തരത്തിൽ വെട്ടിയ തടി മോഷ്ടാക്കൾക്ക് നൽകുന്നതു ഗവേഷണത്തിന് അനുകൂലമാകാൻ കഴിയില്ല. കോട്ടയം താലൂക്കിൽ മണലാണ അംശത്തിൽ കൊട്ടിയൂർ ദേവസ്വം വക ഇത്തരം തടി മുറിച്ചെടുത്ത സ്ഥലത്തു പുനഃകൃഷ്ടി ചെയ്യുന്നതിന് ഇന്ന് എത്രയോ കേസുകൾ നിലവിലുണ്ട്. അടുത്ത അവസരത്തിൽ ബഹു: മന്ത്രി ശ്രീ ഭക്തവത്സലം തമ്പുരാൻ സന്ദർശിച്ചപ്പോൾ നാട്ടു നാഴികകാൽനടയായി വന്ന ആ കൃഷിക്കാർ അവരുടെ മേയുള്ള കേസുകൾ പിൻവലിക്കണമെന്നു മന്ത്രിയുടെ മുഖിൽ നിവേദനം നടത്തിയിട്ടുണ്ട്. അതിന്മേൽ മന്ത്രി എത്ര നടപടി എടുത്തു എന്നു എനിക്ക് നിയന്ത്രിച്ചു. എങ്കിലും ആ കേസുകൾ ഉടൻ തന്നെ വലിയ കേസാണെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു. സകാലാവസ്ഥയ്ക്കും ഗവേഷണത്തിനും ഏതെങ്കിലും മരങ്ങൾ കണ്ടുമാത്രം വെട്ടി നശിപ്പിക്കുന്നതിനെ കർശനമായി തടയുകയും ചെയ്തിട്ടുള്ളതിൽ നമ്മുടെ വനങ്ങൾ നാശനഷ്ടമായിത്തീരുന്നതിനുള്ളതിന് സംരക്ഷണമില്ല. പണ്ടുപണ്ടു പുനഃകാണിയിട്ടുള്ള സ്ഥലങ്ങൾ ആ കൃഷിക്കാർക്കുതന്നെ വിട്ടു കൊടുക്കുന്നതു വളരെ സഹായകമായിരിക്കും. മരങ്ങൾ മുറിച്ചുമാറിയ സ്ഥലങ്ങളിൽ പുതിയ തൈകൾ വെച്ചുപിടിപ്പിക്കേണ്ടതും ആവശ്യമാണ്. വനസംരക്ഷണത്തിന് ആവശ്യമായ എന്തിനും, എന്നാൽ അതു ജനമോഹപരമല്ലാത്തവിധത്തിലും ഗവേഷണത്തിന് ലാഭവും നാട്ടിന് നന്മയും ഉണ്ടാകത്തക്ക വിധത്തിലും നിർവ്വഹിക്കണമെന്നു മാത്രമാണ് ഞാൻ പറയുന്നത്. താമസിയാതെതന്നെ വനങ്ങളുടെ ശരിയായ സംരക്ഷണത്തിന്മേലേക്കു കൂടുതൽ പ്രാധാന്യം ഒരു ബില്ലു കൊണ്ടുവരുന്നതിന് ഗവേഷണ രാജ്യാധികാരികൾ അഭിപ്രായപ്പെട്ടുകൊണ്ടു ഞാൻ എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

SRI K. S. LAKSHMIPATHY NAICKER :—“கனம் சேர்மன் அவர்களே, தனிப்பட்ட காடுகளின் நலனைப் பாதுகாக்கவேண்டுமென்று சர்க்கார் இன்று ஒரு மசோதாவைக் கொண்டுவந்திருக்கிறது. அதைப்பற்றி சில முக்கியமான அம்சங்களைச் சொல்லிக்கொள்ள ஆசைப்படுகிறேன். முன்னால் மதுரை ஜில்லாவிலும், திருச்சி ஜில்லாவிலும், இன்னும் மற்ற ஜில்லாக்களிலும் சிற்சில இடங்களில் வனங்கள் தானாகவே வளர்ந்து மிகவும் அதிகப்படியான விறகுளும், கட்டிடங்களுக்கும் வேண்டிய நல்ல தேக்கு மரங்களும் கிடைத்துக்கொண்டிருந்தன. ஆனால் நெடுங்காலமாக வளர்ந்துகொண்டு வந்த மரங்கள், கடந்த 10 வருஷ காலத்திலே பூராவும் வெட்டப்பட்டு கொஞ்சம் கொஞ்சமாக குறைந்து, இன்று காடுகளே அழிந்து போகக்கூடிய நிலைமையில் இருந்துகொண்டிருக்கிறது. அதன் காரணமாகத்தான் பருவ மழையும் அதிகமாகப் பெய்யாமல் இருக்கிறது.

“இதற்கு முன்னால் ஜமீன்தாரி ஒழிப்பு மசோதா கொண்டுவரப்பட்டபோது இதனால் பல ஜமீன்தார்கள் பாதிக்கப்படுவதை முன்னாலே அறிந்துகொண்டு, அது மசோதாவாக கொண்டுவருவதற்கு முன்னால் அவர்கள் கொடுக்கும் நஷ்ட ஈட்டுக்கு மேல் லாபத்தை எடுத்துக்கொள்ள வேண்டுமென்று நினைத்து அவர்கள் வசமிருந்த வனங்களையெல்லாம்

[Sri K. S. Lakshmipathy Naicker] [14th May 1954]

அழித்துவிட்டார்கள். ஆனால் இன்னும் சிலர் ஹைகோர்ட்டிலும், சப்ரீம் கோர்ட்டிலும் 'ரிட்' வாங்கி இருக்கக்கூடிய ஜமீந்தார்கள், மரங்களை வெட்டுவதனால் அதிகப்படியான லாபம் கிடைக்கிறது என்ற நோக்கத்தோடு, இன்னும் மரங்களை வெட்டிக்கொண்டு வருகிறார்கள். ஆகவே அவைகளை நிறுத்த அரசாங்கம் ஏற்பாடுகள் செய்யவேண்டும். அவர்களிடத்திலே Proprietary Forest ஆக இருந்தவைகளை சர்க்கார் ரூடைய வனங்களைப் பாதுகாக்கும் திட்டத்தின்கீழ் அவைகள் பூராவும் சர்க்காருக்கு கொடுக்கப்பட்டிருக்கிறது. அதை சர்க்கார் எப்படி நடத்த வேண்டுமென்று ஒரு நல்ல நடைமுறையில் தீர் ஆலோசித்து, அவைகளை அதிகப்படி அழிக்காமல் எவ்வளவு தூரம் காப்பாற்ற முடியுமோ அவ்வளவு தூரம் காப்பதற்கு வேண்டிய திட்டங்களை செய்து அதற்கானசட்டங்களை நிறைவேற்றும்படி கேட்டுக்கொள்ளுகிறேன்.

“ முக்கியமாக இந்த வனங்களிலிருந்து நிலங்களுக்கு கிடைக்கக்கூடிய பசுந்தழை உரங்கள், ஆடுமாடுகள் போன்ற கால் நடைகளுக்கு தீவனம் முதலியவைகள் கிடைத்துக்கொண்டு வந்திருக்கிறது. இதைச் சர்க்கார் விவசாயிகளுக்கு தாராளமாக கிடைக்கும்படி யோசனை செய்து, அதற்கான முறையை கையாள வேண்டும். முக்கியமாக நஞ்சை விவசாயம் செய்யக் கூடிய ஏழை விவசாயிகள் வனங்களில் கிடைக்கும் பசுந்தழை உரங்களை யே தங்களுடைய நிலங்களுக்கு உரமாக உபயோகித்து வந்தனர். இப்போது அந்த வனங்களெல்லாம் ஒருசில நிலச்சவான்தார்களுடைய கெட்ட எண்ணத்தினால் அழிக்கப்பட்டு வந்திருக்கின்றன.

“ சில மலைப் பிரதேசங்களை அங்கு வாழ்கின்ற வெள்ளாடுகள் அழித்து வருகின்றன என்று சொல்லப்படுகிறது. அதாவது ஆடுகள், தழைகளைக் கடிப்பதால் அதன் மூலம் மரங்கள் பட்டுப் போகின்றன என்று எனக்கு முன்பு பேசின ஸ்ரீ மதனகோபால் அவர்கள் சொன்னார்கள். அது ஒரு விதத்தில் உண்மையே என்பதை ஒப்புக் கொள்ளுகிறேன். ஆனால் திருச்சி போன்ற ஜில்லாக்களில் Proprietary Forest வைத்திருந்தவர்கள், தங்களுடைய லாபத்திற்காக வனங்களில் உள்ள மரங்களை யெல்லாம் வெட்டி வீழ்த்திவிட்டார்கள். ஆனால் இப்போது சில ஜில்லாக்களில் அரசாங்கத்தின் காட்டிலாக்காவால் எடுக்கப்பட்டு வந்திருக்கிறது. அப்படி எடுக்கப்பட்டு வந்துள்ள காடுகள் பொது மக்களுக்கு உபயோகப்படும் விதத்திலோ, ஆடுமாடுகள் மேய்ப்பதற்கோ தருணங்கள் கொடுப்பதில்லை. அதிலும் முக்கியமாக வெள்ளாடுகளை மேய்ப்பதற்கு அறவே ஆட்சேபிக்கிறார்கள். ஆகவே சர்க்கார் வனங்களையெல்லாம் சர்க்காரே தங்களுடைய மேற்பார்வையில் எடுத்துக் கொண்டு, ஒரு பகுதியை வெள்ளாடு மேய்வதற்கு ஏற்படுத்திவிட்டால் நல்லது. நமது மாகணத்திலே கால்நடைகள் உற்பத்தி செய்வதை முக்கியமாக கவனிக்கும் எண்ணம் சர்க்காருக்கு இருக்குமேயானால், அதற்காக தனியாக ஒரு இடத்தை ஒதுக்கி அதுவரையில் அனுமதி கொடுத்தால், விவசாயிகளுக்கும் கால்நடைக்கும் முக்கியமான உதவி செய்தவர்களாவார்கள். வெள்ளாடுகள் வளர்ந்தால், விவசாயிகளின் ஜீவனத்திற்கு பேருதவியாக இருக்கும். சர்க்கார் நினைப்பதுபோல் வெள்ளாடு மேய்ப்பதால், மரங்கள் உற்பத்தி குறையும் என்பது உண்மை என்பதை அனைவரும் அறிவர்; அது உண்மை என்பதை நானும் தெரிவித்துக்கொள்ளுகிறேன். அதற்காக வெள்ளாடுகள் வளர்க்காது போனால் லாபம் இருக்காது. அவைகள் மூலம் உரங்களும் கிடைக்காமல் போய்விடும். மேலும் சென்னை மாகாணத்திலே இப்பொழுது ஆடுகள் அபிவிருத்தித் திட்டம் Goat Development Scheme கொண்டு வரப்பட்டிருக்கிறது. ஆகவே ஆங்காங்குள்ள காடுகளில் ஆடுமாடுகள் மேய்வதற்காக ஒரு தனி இடத்தை ஒதுக்குவதோடு, அதன் மூலம் மரங்கள் அழிவதைக் குறைப்பதற்கு மேலும் மரங்களை வளர்ப்பதற்காக திட்டங்களைச் செய்தால் வனங்களை நல்ல முறையில் காப்பாற்ற முடியும். இம்மாதிரி முன்னேற்றமான காரியங்களைச் செய்யாவிட்டால் வனங்கள் பூராவும் இன்னும் கொஞ்ச காலத்தில் அழிந்துபோய்விடும். இம்மாதிரியான பல முறைகளையும் கையாள வேண்டுமென்று சொல்லிக்

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கொண்டு, ஏற்கனவே வனங்களை சர்க்கார் எடுத்துக்கொண்டதோடு மட்டுமல்லாமல், தனிப்பட்டவர்களிடம் இருக்கும் வனங்களையும் (Private Forest) சர்க்கார் எடுத்துக்கொள்ளவேண்டும், தனிப்பட்டவர் விட்டுவைத்தால் மிகவும் கெடுதல் ஏற்படும் என்பதைத் தெரிவித்துக் கொண்டு, சர்க்கார் நல்ல முறையிலே வனங்களை பாதுகாக்க சட்டங்கள் இயற்றவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

(At this stage Mr. Speaker occupied the Chair.)

SRI P. KANDASAMY GOUNDER:—“ கனம் சபாநாயகர் அவர்களே, 100 வருஷங்களுக்கு முன்னால் சர்க்கார் பொதுவாக விவசாயிகளுக்கு நிலத்தைக்கொடுத்திருக்கிறார்கள். அதில் மரங்களை விருத்தி செய்தும் இருக்கிறார்கள். தனிப்பட்ட எல்லாக் காடுகளையும் விருத்தி செய்ய வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். நான்கு வெள்ளாடுகள், 50 ஏக்கர் நிலங்களிலுள்ள மரங்களை அழித்துவிடும் என்று சொல்லுவார்கள். இந்த ஆடுகளால் அழிந்துவிடும் என்று சொல்வது உண்மை. முன்பு காடுகளில் கால்நடைகளுக்கு தண்ணீர் குடிப்பதற்கு சரியான வசதி கிடையாது. பல காடுகளில் ஏரிகள் பாழடைந்து போயிருக்கின்றன. சீர்கேடான நிலைமையில் ரிப்பேர் செய்யப்படாமல் இருக்கின்றன. தோப்புக்களுக்கு அருகில் ஏரிகள் இருக்கின்றன. இவைகளை ரிப்பேர் செய்தால் தண்ணீர் அதிக மாவதற்கு வழி இருக்கும். அதனால் கால்நடைகளுக்கு அதிக பலன் ஏற்படும். கால்நடைகள் இப்பொழுது வெளியே சென்று தழைகளைத் தின்றுவிட்டு பக்கத்தில் தண்ணீர் கிடைக்காததினால் மாலை நேரத்தில் வீட்டிற்கு வந்துதான் தண்ணீர் குடிக்கின்றன.

“ இவ்விதமாக ஏரிகளும், குளங்களும் தூர்ந்து போய் இருப்பதினாலும் ரிப்பேர் செய்யப்படாமல் இருப்பதினாலும் கால்நடைகளுக்கு தண்ணீர் கிடைக்காமல் தவிக்கும் நிலைமை ஏற்படுகிறது. பல கிணறுகள் ரிப்பேர் செய்யப்படாமல் இருக்கின்றன. ஒரு ரிசர்வ் காட்டில் நல்ல கால்நடைகளை மேய்வதற்காக அதிகமான வரியைப்போட்டு அந்தப் பணத்தை காட்டின் அபிவிருத்திக்கு ஒதுக்கும்படியாகச் செய்யவேண்டும். இன்னும் அதிக புல் வளரும்படி செய்து, கால்நடைகளை மேய்ப்பதற்காக வசதி செய்யும் படியாக கேட்டுக்கொள்ளுகிறேன். தவிர ரிசர்வ் காடுகளில் சில இடங்களில்தான் கூப் இருக்கிறது. ஒவ்வொரு கிராம பக்கத்திலும் 10, 15 ஏக்கர் நிலங்கள் ஒதுக்கப்பட்டு ஏரியின் பாய்ச்சலின் கீழ் அந்த நிலங்கள் வரும். தவிர, ஜாதி மரங்கள் வைத்து பயிர் செய்தால் காடுகள் வளர்வதற்கு ஏதுவாக இருக்கும். இப்போது இருக்கும் மரங்கள் மிகவும் பழமையாக இருப்பதால் இப்பேர்ப்பட்ட இடங்களில் மரங்களுக்கு வரிகள் வேண்டியதில்லை. பொதுவாக காடுகளில் விளைவதற்கு சர்க்கார் போதிய கவனம் செலுத்தவேண்டு என்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

SRI T. C. NARAYANAN NAMBIAR:—“ Mr. Speaker, Sir, as a Member of the Select Committee, I had an opportunity to discuss the provisions of the Bill there and I do not want to say much now. But some important development has taken place since the meetings of the Select Committee came to a close. We all agreed to the following provision to be included in the Bill:—

‘ Nothing in this clause shall be deemed to apply to any land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him.’

When we discussed this provision in the Select Committee, we wanted to see that lands under fugitive cultivation, that is, traditional lands, were exempted from the operation of this Bill. Now, on a comprehensive survey of some of the forest regions, I understand that there are thousands of acres of nanja lands, not even

[Sri T. C. Narayanan Nambiar] [14th May 1954]

punja lands, in the middle of the forests. I do not know whether this provision will apply to them also. Otherwise, it will be a sin, and I am using the word 'sin' consciously, as far as Malabar is concerned. There is a great food deficit so far as Malabar is concerned and the Government have always been saying that it is a liability on them as far as food supply is concerned. In one village alone in Nilambur 170,240 acres of waste and arable forest lands are there under the Nilambur Palace. They have some 400 square miles of forest area. As far as my experience goes, and according to a recent survey which was made it was found that 15,000 acres can be cultivated. I had a discussion on this subject with the Hon. Minister for Forests who had been to our region recently. He also enquired into the matter and it seems that the Forest Department officers have also apprised the Hon. Minister of the fact that there are such lands. As far as the Nilambur and other suburban areas are concerned, I wish to draw the attention of the Hon. Minister to the urgent necessity for taking drastic steps to see that the lands are brought under cultivation without prejudice to the preservation of the forests in our country. In the following villages, there are lands which could very easily be brought under cultivation :—Poolappadam, Vallimittam, Vandakinpotti, Chathamangalam Poil, Chambankolli, Marutha, Maman-kara, Vallakkatta, Manalpadam, Churulipatti, Erumannunde, etc. These are places of that kind in Nilambur alone apart from other areas in other taluks. In this connection, I wish to state that even in the Preamble of the old 1949 Act, it was stated that pending a comprehensive Bill, that Act was brought and placed on the Statute book. Some five or six years have passed and the Government have not taken any step to bring forward such a comprehensive legislation. I wish to take this opportunity to point out that the forest wealth in our State, especially in Malabar, is a most important national wealth.

" Sir, I think there is some confusion or misunderstanding with regard to the Communist Party's stand. I am obliged to refer to this matter, because, very recently when I had an opportunity to discuss this matter with some of the high officials of the Revenue Department, I was told that there was some confusion and misunderstanding in the matter. That is why I thought that I must take this opportunity to clear that confusion and misunderstanding and to show that the Communists are not at all against the preservation of forests. As a matter of fact, we want the preservation of forests. Our complaint is that the officers of the Forest Department are not enforcing this Act efficiently. When a big landowner or janmi or some other rich persons cut away hundreds and thousands of trees, these officers of the Department do not intervene and stop it. These people may have a licence for cutting 50 or 100 trees, but in actual practice they will be cutting 500 or 1000 trees and no action is taken against them. I can quote number of such instances where such rich persons who cut away thousands of trees are let off and no action is taken against them whereas a poor kisan for cutting a few branches even, is punished. When a poor

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cultivator, or kisan, who might have taken a lease for collecting green manure, cuts away some branches, he is asked to pay for it. Very recently, some dead trees were taken by some peasants to construct a school building. They were charged. On the other hand some Hajeers in Irikkoor, Baliapatam and Payyanur firkas—I do not know their names—cut away hundreds of trees, but no charge was made in their case. If the Hon. Minister wants, I am prepared to give facts and figures. Last time, when this matter was discussed hon. Member Sri Krishna Ayyar gave some facts and figures. There is a proverb in Malayalam.

'കുടക് പോകുന്ന ദിക്ക് അടച്ചു ആന പോകുന്ന ഇടം തുറന്നിടുക.'

It means that a hole of the size of a mustard is being closed whereas a big hole through which an elephant could go is kept open. The officers of the department say that they want to be very strict in implementing the provisions of the Act but at the same time by receiving some money—I won't call it bribe as they are also suffering a lot—they let off big people and punish only the poor people. If it will not offend anybody and if it is parliamentary, I should say that we find this 'Kumbakonam' going on. I only wish to request the Government that they must instruct their officers in the department to strictly enforce the provisions of the Act without showing any distinction between rich and poor. I think there is a provision in the Act according to which private landlords are required to submit a scheme to the Forest Department as to where they will be cutting away the trees. Most of the landlords are not submitting these schemes. Even when some of them submit these schemes, they do not act according to that scheme, thinking that the scheme submitted to the department will not be scrutinised.

" I hope the Hon. Minister will see that the cases filed against the poor peasants who were tempted to cultivate some of the lands, as mentioned by me previously, are withdrawn and permitted to cultivate the lands of course without prejudicing the enforcement of the provisions of the Preservation of Private Forests Act. I again express my hope that this will be done."

THE HON. SRI M. A. MANICKAVELU NAICKER:—" Sir, Malabar is noted for its rich forest wealth and the hon. Member Sri Narayana Kurup took a legitimate pride in saying that Nilambur is noted for its timber and the ships built of that timber stands for longer time, namely, thrice the period for which the ships built of other timber will last. He referred to the plying of such ships in the river Thames and all that. In Malabar, the best forests are somehow owned by private people. Therefore, it has become necessary to preserve them against exploitation. Owing to the peculiar law prevailing there and for other reasons, the joint-owners make the best of the situation. They want to make easy money by selling these trees. There is also a tendency to resort to fugitive cultivation on account of the great pressure on land. There is large-scale indiscriminate fugitive cultivation. Certain lacuna in the existing Act makes them get over the provision which is meant for preserving the forests. When a piece of

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land exceeding 100 acres is in the possession of joint-owners, each owner tries to get over the rule by reducing the limit of 100 acres by tilling a patch of land or by taking advantage of streams or rocks in between two acres. In this manner, exploitation takes place to a very large extent and large tracts of forest areas are destroyed. In order to help our friends living in Malabar and in order to see that they are able to retain their forest wealth, this Bill has been brought forward.

"Sir, mention was made about the forests elsewhere. The hon. Member representing Dindigul said that a number of avenue trees were destroyed indiscriminately for charcoal and other purposes. Yes, it is so. That is why the Government are very keen in taking steps to preserve them as far as possible. In this connection, I may give an instance.

"Sir, in the State of Kashmir, forest trees as well as the avenue trees are very well preserved. In fact, when I was there a few years ago, I was much impressed by the very fine condition in which the avenue trees were kept there. I asked them how it was possible to maintain them in such a condition and I was told that a grandfather or a great grandfather of the existing Sardar-I Riyasat made it a rule that if anybody cut a tree or a branch of a tree, the punishment would be that his hand would be cut off. So, people were so much afraid of the drastic punishment that nobody would cut a tree or a branch and they told me that that was the reason why the avenue trees there were in such a good condition.

"Mention was also made about goats. It was said that goats are considered to be great enemies of forest growth and it was also mentioned that saliva of the goat had the quality of killing the shoots and all that. Whether the saliva of the goat produces any such effect or not, I know that goats are the greatest enemies of forest growth. I read sometime back that Hitler in Germany, he being an autocrat, made an order that all goats be exterminated and as a matter of fact, the order was carried out and that was why after that, the forests in Germany were well preserved. If I am also an autocrat here, I can do so. But I am not an autocrat and I have to conform to democratic ways of controlling these illicit cuttings of trees.

"Sir, Government in addition to having recourse to these enactments, also have taken up the question of increasing the planting of trees and that is why every year we are conducting the Vana Mahotsava when lakhs of trees are planted. Though it has not yielded results to the extent expected, there is some good return and if all hon. Members co-operate and if villagers co-operate, then that can be a complete success.

"Then it was complained, 'what is the use of bringing in piecemeal legislations now and then; you must tackle the problem as a whole.' Yes, Government do contemplate tackling the problem as a whole and a comprehensive Bill relating to Forests is

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under consideration and it will be taken up very soon. Therefore, hon. Members need not think that Government are not paying enough attention to this problem which affects, as was said, agriculture. We are interested in the preservation of the forests of the State and everything necessary will be done. Therefore, I submit that this Bill may be taken into consideration and passed."

MR. SPEAKER:—"The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), be taken into consideration at once.'

The motion was put and carried.

Clause 2.

MR. SPEAKER:—"The motion is that clause 2 do stand part of the Bill. The hon. Member Sri K. P. Gopalan may move his amendment, and speak on it, as there is only one amendment."

SRI K. P. GOPALAN:—"Sir, I move—

'In the explanation under sub-clause (a), for the figures, letters and word "14th November 1949", substitute the figures, letters and word "14th May 1954".'

Sir, as far as this amendment is concerned, I request the Hon. Minister for Revenue to consider this question most sympathetically. The Select Committee agreed that the peasants, who have cultivated the forest lands belonging to private land owners up to 14th November 1949, will be given the lands for cultivation. Sir, after 1949, so many landlords—I do not know whether they knew of the coming Act or not—had given many acres for cultivation and many peasants have also cultivated. Those lands will come within the meaning of 'forest'. If this Bill is passed, so many peasants will have to be evicted and those small peasants will lose their livelihood. That is why, Sir, I have brought this amendment before this House. Sir, I request the Hon. Revenue Minister to accept this amendment without further consideration for, if this amendment is accepted, Government will not be going against their own policy.

"Sir, I have seen in Malabar, especially in Ezurumala and other places, many peasants are asked to vacate their lands. In Malabar, cases against hundreds of peasants have been launched for cultivating the lands in forest areas. So, if this amendment is accepted, it will be a great boon for them and I am sure that the landlords in Malabar will not oppose this, because they will get rent from them. The only thing which the Government should do is that they should give sanction for cultivation of those lands. I am not against the intention of Government that forests should be preserved and that forest wealth should also be increased. As has been stated by the Hon. Revenue Minister, since the Government are going to bring in a comprehensive

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measure, I suggest that Malabar Government may take over the many acres of forests now owned by private landlords. In Travancore-Cochin forests wholly belong to the Government and from those forests they derive very good income. The Government preserve them and increase their income. Our Government can also profit by similar methods.

"Sir, as far as Malabar is concerned, it is common knowledge that private owners and landlords of private forests do not help the peasants. I have seen that hundreds of women who earn their livelihood by collecting green leaves for use as manure and for selling to peasants as such, are forbidden by these landlords and many women are unemployed on account of this.

"Sir, I need not speak much on this subject and it is a very simple amendment which I have moved. It will never go against the spirit of the Bill itself. So, I request the Hon. Minister to accept this simple amendment and save hundreds of peasants who are cultivating even after 1949 many acres of land in Malabar. With these words, I commend my amendment for the acceptance of the Government."

The amendment was duly seconded.

SRI M. NARAYANA KURUP:—"Sir, we would have been glad to give not only the powers under this Amending Bill, but much more to the Government. Let us not be misunderstood that we are not optimistic about the results. After all, this Bill, as stated by the Hon. Revenue Minister, is intended only to cure some defects which have been found out when prosecutions were launched in certain cases. There are extensive forests in Malabar. Though the amendment comes under the purview of the Madras Preservation of Private Forests Act, it is based on the working of the Act, as I just now observed, in those areas. Sir, it is well known that this Act is more honoured in its breach than in its observance.

"If this Act is applied to certain forests, then certain things follow. He cannot alienate the land. He cannot cut down trees of certain girth and he cannot do anything which will destroy the forest wealth. But what is now going on? Waste is being committed by persons burning young trees for charcoal. If you pay something to the forest officer he will allow you to cut a large number of trees. They are converted into charcoal. If the Hon. Minister will stand by the roadside and watch, he will find in the evening a procession of people carrying charcoal on their heads. This is one of the ways in which the laws are not observed. Then there are people who take up contracts of private forests in certain areas adjoining the Government reserve forests. Of course, reserve forests are there in Malabar also. The result is that the contractors cut and remove trees not only in that area but from a substantial portion of the reserve forests adjoining that area. You will be surprised at the way petty timber merchants in Nilambur become

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millionaires in no time. It is not as though they have come across a treasure trove. It is due to their indiscriminate cutting of trees in private forests as well as in Government reserve forests. Therefore, I am so sceptical about the results of the working of the Act. Of course charges of inefficiency and corruption have been levelled against Government officials before on the floor of this House. But I am sure in this respect some of the officials of the Forest Department will top the list, if we make an enquiry in this regard. It is well known that this Department requires very careful supervision because it gives room for corruption to be practised in such an easy way. Therefore, I wish that the amendment is accepted and that the Act is worked in its true spirit so that its objective may be achieved."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I oppose the amendment. It is after great deliberation at the Select Committee stage that we decided the date of 14th December 1949 because at the time the ryots had had ample notice of the law that was coming. So, there cannot be any excuse on their part that they have been taken unawares. Now my friend, Mr. Gopalan, wants it to be altered as 1954. That means we will not be able to preserve the forests to any appreciable extent. Fugitive cultivation was going on very rapidly and as hon. Members have pointed out, it was not quite possible to control it. Now there is a provision whereby the Collector can issue permits for such cultivation if it will not prejudice the growth of forests. Wherever it will be conducive to the growth of forests and where it will not interfere with it in an adverse way, there cannot be much of a grievance. So, I see no reason why I should accept the amendment."

SRI K. P. GOPALAN:—"I want to know from the Hon. the Minister for Revenue, whether the Government, if the Collector has got the power to permit such cultivation, will take a sympathetic view of the case and make a liberal use of the provision. If so, I am prepared to withdraw my amendment."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The Government will certainly take a sympathetic view of the case subject to this proviso that we are very anxious to preserve good forests with the help of hon. Members themselves."

SRI K. P. GOPALAN:—"I withdraw my amendment."

The amendment was, by leave, withdrawn.

Clause 2 was put and carried.

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Clause 3.

Mr. SPEAKER:—“ The amendment given notice of by Mr. K. Parthasarathi, i.e., to add a new clause at the end of clause 3, namely :—

“ 3-A. In section 3, sub-section (2) of the principal Act after the word ‘ implements ’ *add* the words ‘ for gathering green manure.’ Seeks to enlarge the scope of the Bill since he wants the original Act to be amended. It is out of order. He can speak on the clause, if he wants.”

SRI K. PARTHASARATHY :—“ Sir, when the Select Committee was constituted, Members from Malabar and South Kanara were alone made members of it. Some time later, I became a Member of this House and I suggested that it was not a problem for Malabar or the West Coast alone but that it applied to other areas also. In fact a good portion of my own constituency has private forests in it to which the principal Act in this case is made applicable. There is practical difficulty in working this Act and, therefore, I suggested on a former occasion that suitable amendments might be brought in to the main Act itself. But I regret to find that the Select Committee has not gone into this question. This is a problem peculiar to my area. Agriculturists living adjacent to private forests had the customary right to remove green manure from the forests. They were permitted to remove green manure by headloads and cartloads. This right was exercised by agriculturists living within a radius of a few miles. Under the principal Act, there is a provision permitting people living even at a distance of 10 or 15 miles from the forest area to remove dead or fallen trees from the forests and also to acquire forest produce for making agricultural implements. But there is no provision in the Bill for the removal of green manure. In the rules framed under the Act, there is provision for removing green manure only in headloads. But in actual working, hon. Members who have experience of agricultural operations, will find that it is impossible to remove green manure in headloads if people live at a distance of five or six miles. That is the practical difficulty. It becomes imperatively necessary, therefore, that facilities should be given to take green manure in cartloads. Unless they are permitted to take it in cartloads it will be impossible for them to carry on agricultural operations. The saving provision here is not going to be of practical benefit to them. When we want that incentive should be given to increase food production, I fail to see how this restriction on the removal of green manure from private forests will increase food production. I would, therefore, request the Hon. the Minister to see that a suitable provision is brought in at least to the rules so as to substitute headloads by cartloads. I expected such an amendment to be introduced to this clause itself which seeks to amend section 3 of the principal Act. We do not have any such amendment now. Therefore, I would request him to have the rules at least amended in the way I have suggested.”

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THE HON. SRI M. A. MANICKAVELU NAICKER :—“ In the first place, I want the hon. Member to understand that conditions in Malabar are quite different from conditions in South Arcot. The manner in which cultivation is done there is quite different and the green manure that is referred to here is not to be seen in those forests, because forests in Malabar are thick and dense.

“ Again, Sir, this question of giving permit for taking green manure from the forests of private persons should be given by the owner of the forests.”

Clause 3 was put and carried.

Clause 4.

Clause 4 was put and carried.

Clause 1.

Clause 1 was put and carried.

PREAMBLE.

The Preamble was put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir,
I move—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be passed into law.' "

MR. SPEAKER:—“ Motion moved—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be passed into law.’ ”

SRI M. NARAYANA KURUP :—“ At the third reading of this Bill, I would only make a request which I made already in discussing the merits and demerits of this Bill. The previous enactments contained many loopholes and from every section of the people, there have been complaints against the administration of forests laws and against the Forest Department. This complaint has been there for a very long time. I would earnestly request the Hon. Minister in charge of Forests to see to it that this enactment is strictly enforced, of course not to the detriment of the people and against their legitimate requirements. Let the Hon. the Minister for Forests see to it that those who evade the provisions of this law are punished and let him see to it that the provisions of this Bill are enforced in such a way so as to serve the real purpose enunciated in the Bill.”

SRI K. C. GOPALAN UNNI:—“ മിസ്റ്റർ സ്പീക്കർ, സർ, ഈ അവസരത്തിൽ ഒരു കാര്യം പ്രത്യേകം എടുത്തു പറയണമെന്നുദ്ദേശിക്കുന്നു. വനസംരക്ഷണ നിയമം നടപ്പിൽ വരുത്തുന്നതിന് ഇന്ന് കാരോ നാലുക്കിലും കാരോ റെയിഞ്ചുമാരണ്ടോ മൂന്നോ ഫോറസ്റ്ററന്മാരുടെയുള്ളത്. ഇവർക്ക് മുമ്പും നാനൂറും ചതുരശ്ര നാഴി ച വനങ്ങൾ സംരക്ഷിക്കാണു ചുമതലയാണു്. കെട്ടുതീരിക്കുന്നതു്. മരങ്ങൾ ആരെയെങ്കിലും ദുനിച്ചു കണ്ടുപോകുന്നതൊക്കെ എന്ന് കൂടി ആരെയെങ്കിലും കയ്യേ

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നമ്മുടെ എണ്ണം മറ്റും അന്വേഷിക്കേണ്ടതു്. ഇവരുടെ ചുമതലയാണു്. അവർക്കു കൊടുക്കുന്ന ശമ്പളമാണെങ്കിൽ വളരെ കുറച്ചുമാണു്. അവരുടെ ഭാവലിഷ് അവയൻസ് ക്ലിപ്തമാണു്. അവർക്കു എല്ലാ സ്ഥലങ്ങളിലും എന്തുനന്നിന്നും വനസംരക്ഷണം ശരിയായി നിർവ്വഹിക്കുന്നതിന്നും സാധിക്കുന്നില്ലെന്നുള്ള വസ്തുത ഇതിനുമുമ്പുതന്നെ ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽ പെടുത്തിയിട്ടുണ്ടു്. ഈ നിയമം പാസ്സാക്കാൻ പോവുകയാണു്. ഇതോടുകൂടിത്തന്നെ ഇക്കാര്യവും കൂടി ഗവണ്മെണ്ടു് ശ്രദ്ധിക്കണമെന്നു് എനിക്ക് അവസാനമായി ഒരഭ്യർത്ഥനയുണ്ടു്.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, this is a question of administrative detail. I will look into it. What is most needed is the co-operation from hon. Members belonging to that block. I hear a certain number of inroads, from the neighbouring State, on these forests had taken place. So I would request hon. Members hailing from that side to take care against such invasions. The preservation of these forests depends so much upon the co-operation we get from hon. Members belonging to that block.”

MR. SPEAKER :—“ The question is—

‘ That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be passed into law.’ ”

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

APPENDIX.

[Vide item on page 1 supra.]

Report of the Select Committee on the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 17th June 1953, and in other languages in the *Fort St. George Gazette*, dated the 24th June 1953.

3. The Select Committee was appointed by the Legislative Assembly on the 28th July 1953.

4. The Select Committee met in the Ministers' Room, Government Estate, Mount Road, on the 25th December 1953, and on the 5th and 7th January 1954 and considered the provisions of the Bill.

5. The Committee has made it clear (1) that the land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him shall be excluded from the operation of this Bill and (2) that a private forest exceeding 100 acres in extent shall not cease to be such by reason only of the fact that, in a portion thereof, trees or shrubs are felled with or without the permission of the District Collector, or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.

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SRI K. P. GOPALAN :—“ No, Sir. I am not moving my amendment for referring the Bill to a Select Committee.”

MR. SPEAKER :—“ Then the general discussion on the Bill may begin. Mr. Gopalan may now speak.”

SRI K. P. GOPALAN :—“ I submit that this is a good piece of legislation. I support this Bill wholeheartedly. At the same time, I want to point out the mischief done by some village officers. From my experience, I know that 90 per cent of the village officers in Malabar are big landlords. They are engines of oppression in the villages. Even now, it is going on. In my constituency of Payyanur, there is an amsom called Kuttur. The people in that locality have got a bitter grievance against the village munsif there. There was an enquiry against that village munsif. The Revenue Divisional Officer or Collector cannot suspend the village munsif till the enquiry is completed. In the mean time, the village munsif somehow brought his influence to bear upon the police and terrorized the people when the enquiry was going on. What was the result? People feared to come and speak against him as witnesses during the course of the enquiry.

“ I submit that his Bill should help the poor people in the villages. I also want that the enquiry should not be prolonged, because if it is prolonged some extraneous influence could be brought to bear upon it. It will make the enquiry an unsuccessful one.

“ There should be more Harijan and other backward community village officers also. They should also be given some chance. I am sorry to find that not a single Harijan is a village munsif in Malabar. At the same time I am sorry to find that a majority of these village officers are corrupt. It is because they are very ineagrely paid. I want that their pay and allowance should be increased at least to a reasonable extent. If this Bill is brought into effect, the oppression by village munsifs will cease and the higher revenue officers will be in a position to take necessary steps against them. I am not speaking with any prejudice against village munsifs. They must be given a chance to prove their innocence and let in evidence before the revenue officers. If a complaint is found to be untrue, the suspended officer must be reinstated. I want to submit again and again that the enquiry must be conducted as early as possible. In Payyanur an enquiry was conducted by the Tahsildar of Chirakkal and only after one month he sent his report to the Revenue Divisional Officer. I met the Tahsildar and he said that he was busy with some other work and that therefore he could not send the report earlier. In an enquiry is prolonged, so many influences may be brought to bear during the pendency of the enquiry and people may not get justice. I have got some experience about this. So any enquiry must be conducted as early and as expeditiously as possible.

“ I support the Bill moved by the Hon. Minister wholeheartedly.”

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 14th May 1954.

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

THE MADRAS PROPRIETARY ESTATES VILLAGE SERVICE AND HEREDITARY VILLAGE OFFICES (AMENDMENT) BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move—

‘ That the Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Bill “, 1954, be taken into consideration at once.’

“ Sir, the object of the Bill is this. No doubt the administration is now being carried on without the necessity of this Bill. But we want to regularize the procedure. In the case of enquiry of these village officers, whenever they have done any wrong or have infringed the rules, they are suspended from service just as the other officers of other departments who infringe the rules are punished. But there is no exact provision in the previous Acts concerned specifying the mode of punishment. By this Bill we want to take the power, viz., that pending enquiry against any village officer, Government will have the power to suspend him when the enquiry is going on.”

MR. SPEAKER :—“ Motion moved—

‘ That the Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Bill, 1954, be taken into consideration at once.’

“ I want to know whether Mr. Gopalan wants to move his amendment for referring the Bill to a Select Committee. If he is willing, he can move his amendment.”

[14th May 1954

SRI R. KRISHNAN:—“**മിസ്റ്റർ സ്പീക്കർ സർ, ഈ ബില്ലിനെ പൊതുവെ ആങ്ങൾ പിന്താങ്ങുകയാണ് ചെയ്യുന്നത്. ചെറിയ ശമ്പളക്കാരാണെങ്കിലും വിദ്യേജിനെ സംബന്ധിച്ചിടത്തോളം, പ്രത്യേകിച്ചും സാധാരണക്കാരായ ജനങ്ങളെ സംബന്ധിച്ചിടത്തോളം, ഈ വിദ്യേജ് ഉദ്യോഗസ്ഥന്മാർ വളരെ പ്രാധാന്യം അർഹിക്കുന്നവരാണ്. നിലവിലുള്ള സമ്പ്രദായപ്രകാരം പാരമ്പര്യമനുസരിച്ചാണ് അവരുടെ ഉദ്യോഗം നില കൊള്ളുന്നത്. അധികാരിയും മേനോനും കോർക്കാരനുമെല്ലാം പാരമ്പര്യം അനുസരിച്ച ഒരു കുടുംബത്തിലെ അംഗങ്ങൾക്കുതന്നെ കിട്ടുന്ന ഉദ്യോഗമാണ്. അതുകൊണ്ട് വളരെയധികം ബുദ്ധിമുട്ടുകളുണ്ടാകുന്നുണ്ട്. ഒരു ഉദാഹരണം പറയാം. ഇപ്പോൾ മലബാർ കടിയായ്മ മന്ത്രിയുടെ നിയമം നിലവിലുണ്ട്. അതുപ്രകാരം കൈവശക്കാരായ കടിയന്മാരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നുണ്ട്. കൈവശം ഉണ്ടെന്നു തെളിയിക്കാൻ മേന്മാന്മാർക്ക് വേണ്ട രീതികൾ രണ്ടോ വിട്ട ശീട്ട ഒരു രേഖയാവും. രണ്ടോ വിട്ട നികുതി കെട്ടേണ്ടുന്ന അതോറിറ്റി അധികാരി മേന്മാന്മാരാണ്. കടിയനെ മോഹിക്കാൻവേണ്ടി ജനിയുടെ പേരിലാണ് ശീട്ട കൊടുക്കുന്നത്. വാട്ടർസെസ്സുപോലും ജനിയുടെ പേരിൽ കെട്ടിനിൽക്കേണ്ട പദ്ധതിയുണ്ട്. പാവപ്പെട്ട കടിയന്മാരെ മോഹിക്കുന്നതിനുവേണ്ടി കരുതികൂട്ടി ചെയ്യുന്ന ഒരു പ്രവൃത്തിയാണിത്. വലിയ വലിയ കേസ്സുകൾ തെളിയില്ലാത്തതാണ് ഇവർക്കു കഴിയും. വിദ്യേജിയെ ഏറ്റവും വലിയ കുടുംബത്തിലുള്ളവരായിരിക്കും പലപ്പോഴും ഈ അംശം ഉദ്യോഗസ്ഥന്മാർ, ആ നിയമിച്ചു അവർക്കു നൽകി വളരെ പ്രാധാന്യവും സാധ്യതയും ഉണ്ട്. അതുകൊണ്ട് സാധ്യമായ ആളുകൾക്കു വാസ്തവത്തിൽ അവരെ വലിയ പേടിയാണ്. ഇങ്ങിനെയൊക്കെയുണ്ടാണെങ്കിലും വളരെ പാവപ്പെട്ട കുടുംബങ്ങളിൽ നിന്നും വന്നിട്ടുള്ള കോർക്കാരന്മാരും മേന്മാന്മാരും ഉണ്ടെന്നുള്ള വസ്തുതയും വിനോദിച്ചുകൂട. അവരെ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ അവർക്കു ഇന്നു കിട്ടുന്ന തുകകൊണ്ട് ജീവിക്കാൻ നിവൃത്തിയില്ലാതെ കഷ്ടപ്പെടുകയാണ്. പത്തുണ്ടോ പതിനെട്ടോ രൂപയാണ് അവർക്കു കിട്ടുന്നത്. പാരമ്പര്യമനുസരിച്ചുള്ള നിയമമുണ്ടെങ്കിലും ഈ ശമ്പളംകൊണ്ട് അവർക്കു ജീവിക്കാൻ സാധ്യമാല്ലെന്ന കാര്യം നാം വസ്തുവിലുമാകും. അവർക്കു കൊടുക്കുന്ന ശമ്പളവും ജമാബന്തിക്കു പോകുമ്പോഴും മറ്റും കൊടുക്കുന്ന ബത്തയും വളരെ കൂട്ടാമാണ്. അതുകൊണ്ട് അവർ കൈകൂലിക്കു അരികിട്ടായിരിക്കാൻ ആഗ്രഹമുള്ളവരായാൽ പോലും അതു സാദ്ധ്യമല്ലാത്ത ഒരു പരിസ്ഥിതിയിലാണുള്ളത്. മുഴുവൻ സമയവും പ്രവർത്തിക്കുന്ന ഉദ്യോഗസ്ഥന്മാരെ ഇവർ കൈകൂലി വാങ്ങാതെ ജീവിക്കാൻതക്ക സാഹചര്യങ്ങൾ അധിക സൂക്ഷിച്ചുകൊടുക്കേണ്ട കടമയും ഗവണ്മെന്റിനുണ്ട്. അക്കാലവും ഗവണ്മെന്റ് പ്രത്യേകം ശ്രദ്ധിക്കണമെന്ന് അഭ്യർത്ഥിക്കുകൊണ്ട് അവസാനിപ്പിക്കുകയുണ്ടാകും.”**

SRI M. NARAYANA KURUP:—“ Sir, if I support this Bill, it is not because I hold any animus against village officials. This Bill is intended to bring the enquiry against village officials in line with the other enquiries. I do not condemn village officials as a class. There may be good and bad officials among them as there are in every strata of society and in every class of officials. We know that some of them are very dangerous people who have real sway over the villages in which they serve and it has been found from experience that even District Collectors are unable to conduct proper inquiries, as the suspension of the official concerned was thought to be necessary during the period of the enquiry and the Collector had no sure authority to suspend him.

“ A statement was made on the floor of this House that all these officials belonged to the landlord class. That is not a true statement. Many of them are very petty people though they belong to the traditional landlord class. As citizens of our country, they have every right to hold their own opinions and have their own inclinations. It is only the holding of a particular form of political belief by particular village munsifs that has often proved dangerous and not all forms of political beliefs.”

14th May 1954]

DR. K. B. MENON :—" Sir, I do not like the principle of the Bill namely that of arming the State with more powers. I think that without any further legislation the State is fully armed with powers to correct wherever correction is necessary. It may be that in many cases those powers are not used. But to go in for more powers and to further strengthen the hands of the executive is, I feel, not correct. I feel that the village officers are more sinned against than they are sinning. Because they are considered as hereditary officers, many of the amenities are denied to them. I do admit that there is a lack of quality in certain cases and that it may be desirable on the part of the Government to improve the quality of village officers by setting up a certain standard. I know that in many cases appointments are not made entirely on a hereditary basis. Certain tests are given and some selections are made and in some villages, new appointments are made on this basis. Probably the Government may raise the standard of the test and thereby improve the quality of the village officers. I feel that that approach may be more healthy and more desirable than arming the executive with more powers."

SRI V. MADANAGOPAL :—“கனம் சபாநாயகர் அவர்களே, இப்பொழுது இந்த மசோதா பொதுவாகக் கிராம அதிகாரிகள் செய்யும் தவறுகளைத் தடுக்கவேண்டும் என்ற நோக்கத்தோடு கொண்டு வரப்பட்டிருக்கிறது. சட்டத்தின் மூலமட்டும் ஒழுங்கீனங்களைத் தவிர்க்க நினைப்பது தவறு. இன்றுள்ள சமூக சூழ்நிலை மாறவேண்டும். பொருளாதார ஏற்றத்தாமல் தவிர்ப்பதின் மூலமும், கிராம, தாலுகா, ஜில்லா தலைமை அதிகாரிகளை சம்பந்தப்பட்ட பொதுமக்களால் தேர்ந்தெடுப்பதின் மூலமும், ஸ்தல பொதுஜன கமிட்டிகள் அமைத்து அவைகளால் நிர்வாகத்திற்கு யோசனையும் பரிசீலனையும் செய்வதற்கான ஏற்பாடுகள் செய்வதின் மூலமே, லஞ்சத்திற்கும், ஒழுங்கீனத்திற்கும் இறுதியாக விடை கொடுக்க முடியும். நீதிபதிகளைப்போல் கௌரவமாக நடத்தப்படவேண்டிய கிராம அதிகாரிகளின் இன்றைய சம்பளநிலை வருந்தத்தக்கதாக இருக்கிறது. அடுத்தபடியாக இந்த திருத்தத்தைப்பற்றி சில வார்த்தைகள் கூற விரும்புகிறேன். கிராம அதிகாரிகளுக்கு மிகப் பெரிய பொறுப்புள்ள கொடுக்கப்பட்டிருக்கின்றன. மக்களிடம் நேரடியாக தொடர்பு உள்ள அதிகாரம்கொண்ட அதிகாரிகளாக விளங்குகிறார்கள். இன்றைக்கு இவர்கள் கிராமத்தில் நீதிபதிகளாக இருக்கிறார்கள். போலீஸ் அதிகாரிகளாகவும் இருக்கிறார்கள். ரெவின்யூ டிவிஷன் ஆபீஸர்களாகவும் இருக்கிறார்கள். இவர்களுக்கு இவ்வளவு அதிகாரமும் கொடுக்கப்பட்டிருக்கிறது. இன்னும் சொல்லப்போனால் இவர்களைக் குட்டி ஜூனீஸ்தார்கள் என்று சொல்லிவிடலாம். இவர்கள் ஜூனீஸ்தார்கள் போலவே நடந்து கொள்கிறார்கள். இவர்கள் வாரிசு பாத்தியதை உடையவர்களாக இருக்கிறார்கள். இவர்களுக்கு இது பரம்பரைச் சொத்தாக இருக்கிறது. பெரும்பாலான கிராம அதிகாரிகள் அரசாங்கத்தைப்பற்றி கவலைப்படுவதேயில்லை. கிராம அதிகாரிகளை எப்படி லஞ்ச ஊழல்களிருந்து தடுக்கமுடியாது என்பதற்கு குறிப்பாக சில உதாரணங்களின் மூலமாக உங்கள் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன்.

“ மதுரை ஜில்லா, திண்டுக்கல் தாலுகாவில் உள்ள ஜமீன் பிரதேசத் தில் இருக்கக்கூடிய ஒரு கிராமத்தில் உள்ள இரு அதிகாரிகள் விவசாயிகளுக்குத் தக்காவிக் கடன் கொடுக்கக்கூடிய காலத்தில் விவசாயிகளை மறித்து அவர்கள் பணத்தைப் பிடுங்கிக் கொண்டிருக்கிறார்கள். நபர் ஒன்றுக்கு பத்து ரூபாய் வீதம் 6 விவசாயிகளிடம் ரூபாய் 60 வாங்கி யுள்ளனர். இதைப்பற்றி நேரடியாகக் கலெக்டரிடம் புகார் செய்யப்பட்டது.

[Sri V. Madanagopal] [14th May 1954]

விசாரனை செய்து நடவடிக்கை எடுப்பதாக கூறிய பிறகு தாசில்தார் விசாரனைக்கு வந்தது. அதற்குப் பிறகு பலமாதங்கள் ஆகியும் என்ன நடவடிக்கை எடுக்கப்பட்டது என தெரியவில்லை.

“இது மாதிரியாக இன்னொரு கிராமத்தில் கிராம அதிகாரி சென்ற வருஷம் வரி வஜா கொடுக்கிற காலத்தில் விவசாயிகளுக்கு இதைப்பற்றி ஒன்றும் தெரியாததினாலும் கணக்கு தெரியாததினாலும் மூன்று ரூபாய் கிஸ்து வாங்கிகொண்டு மூன்றாண்டு என ரசீது புஸ்தகத்தில் வரவு வைத்துக்கொடுத்துள்ளார். வேடசந்தூர் டிப்டி தாசிஸ்தாரிடம் நேரடியாக சம்பந்தப்பட்ட விவசாயிகள் ரிப்போர்ட் செய்தனர். பின் சம்பந்தப்பட்ட ரெவின்யூ இன்ஸ்பெக்டர் ஷே விவசாயிகளை பாாத்து ‘தவறாக எழுதப்பட்டுவிட்டது. இந்தத் தொகையை அடுத்த பசலிக்காக தாங்களே செலுத்தும் கிஸ்தியில் குறைத்துக்கொள்ள சொல்கின்றேன்’ என்று கூறியுள்ளார். விவசாயிகள் அதை ஒப்புக்கொள்ளவில்லை. ஜில்லா கலெக்டருக்கும் தெரிவிக்கப்பட்டுள்ளது. இதுவரை சரியான நடவடிக்கை ஒன்றும் எடுக்கப்படவில்லை. பாளையம் கிராமத்தை சேர்ந்த குஜிலியம்பாரை என்ற இடத்தில் கிராம அதிகாரி மாடுகளை பவுண்டில் அடைத்துவிட்டு அதற்காக 30 ரூபாய் வசூல் செய்து இருக்கிறார். ரசீது ஒன்றும் கொடுக்கப்படவில்லை. இவ்விதமாகப் பல காரியங்கள் செய்யப்பட்டு வருகின்றன. இந்த வஞ்ச ஊழலைத் தடுப்பதற்குத் தக்க நடவடிக்கை எடுக்கவேண்டும். இவர்களை சஸ்பெண்டு செய்து விட்டு சீக்கிரத்தில் விசாரித்து தீர்ப்பு வழங்கவேண்டும். வீணாகக் காலம் கடத்தக்கூடாது.

“இந்த கிராம அதிகாரிகளின் லஞ்ச ஊழலுக்குக் காரணம் இவர்களின் குறைவான சம்பளம்தான். இவர்கள் தாசில்தாரைப் பார்க்க வெளி ஊருக்குச் செல்வதற்கு T.A. வழங்குவது மிகமிகக் குறைவு. ஊருக்குத் தாசில்தாரோ, கலெக்டரோ வந்தால் அவர்களுக்கு வேண்டிய ஏற்பாடுகள் செய்வதற்கும் போக்குவரத்து செலவுக்கு கிராம அதிகாரிகள் எங்கு போவார்கள்? அதற்காகத்தான் Pocket money ஆக மற்ற வர்களிடமிருந்து வாங்குகிறார்கள். இவர்களுக்குக் கணக்குப் புல்தகங்களும் இதர ரிகார்டுகளும் வைத்துக்கொள்வதற்கு பெட்டிகள் கூட கிடையாது. பழைய துணிமில் மூட்டை கட்டிதான் ரிக்கார்டுகள் வைத்துள்ளார்கள். முப்பது, 40 வருஷ காலமாக கிராமங்களில் சர்வே செய்யப்படாமல் இருக்கிறது. இதனால் கூட்டுப் பட்டாக்களின் எண்ணிக்கை அதிகரித்துவிட்டது. தனிப்பட்டா செய்வது சிரமமான காரியமாக இருப்பதால் தக்கவைக்கடன் வாங்க முடியவில்லை. நிலத்தகராறுகளும் கிரிமினல், சிவில் கேசுகளும் இதனால் அதிகப்படுகிறது. உடனடியாக சர்வே செய்து தனிப்பட்டா வழங்க சர்க்கார் நடவடிக்கை எடுத்துக்கொள்ளவேண்டும்.”

SRI E. T. KUNHAN:—“മിസ്റ്റർ സ്പീക്കർ, സാർ, ഗവണ്മെണ്ടു കൊണ്ടുവന്നിരിക്കുന്ന ഈ ബില്ലിനെ ഞാൻ പരിപൂർണ്ണമായി അനുകൂലിക്കുന്നു. എന്നാൽ മാത്രമാണ് അത് പ്രധാന സർവ്വകലാശാലയുടെയും ചെയ്യുന്നു. കാരണം വിദ്യാഭ്യാസ ഉദ്യോഗസ്ഥന്മാരായിട്ടുള്ള അധികാരികൾ പാവപ്പെട്ട് ആളുകളെ പ്രശ്നപ്പെടുത്തിയും ഹരിജനങ്ങളെ പലവിധത്തിലും മർദ്ദിക്കുന്നുണ്ടെന്നുള്ള ആക്ഷേപങ്ങൾ നാട്ടിൻപുറം നാനാഭാഗത്തുനിന്നും കിട്ടിക്കൊണ്ടിരിക്കുന്നു. പൊന്നാനി രാജകുടുംബം തന്നെ നാലു അധികാരികളുടെ പേരിൽ പല വിധത്തിലുള്ള ആക്ഷേപങ്ങളും നിലവിലുണ്ട്. പുതുപ്പള്ളി അധികാരിയുടെ പേരിൽ ഒരു ഭരണ നടപടികൊണ്ടിരിക്കുകയാണ്. ആ പ്രദേശത്തുള്ള കുറെ കുടിയാന്മാരെ കുടിയിറക്കുന്ന നിരന്തരമായിട്ട് ആ അധികാരി കുടിയാന്മാരെ ഗുണ്ടാക്കളെക്കൊണ്ട് മർദ്ദിച്ചു. അതിനെ സംബന്ധിച്ച അന്വേഷണ മൂലമന്ത്രി രാജാജി ഒരു കമ്പിസന്ദേശം അയക്കുകയും അതിനെത്തുടർന്ന് ഒരു മെമ്മോറാണ്ടം സമർപ്പിക്കുകയും ചെയ്തിട്ടുണ്ട്. അതിന്മേൽ യാതൊരു നടപടിയും നടത്തിയതായി അറിയില്ല. അതുപോലെതന്നെ നടുവട്ടം അധികാരിയെപ്പറ്റിയും ആക്ഷേപമുണ്ട്. കിളിയൻ, പൈലി എന്നീ ഹരിജനങ്ങളെ മർദ്ദിക്കുകയും അവർ വളരെക്കാലമായി താമസിച്ചു അനുഭവിച്ചു വന്ന വസ്തുവിലെ കുടികൾ അതിസമൃദ്ധമായി പൊളിച്ചെറിഞ്ഞ് അവരെ കുടിയിറക്കുകയും ചെയ്തിട്ടുണ്ട്. അതിനെ സംബന്ധിച്ചും മൂലമന്ത്രിക്ക് ഭരണാക്ഷേപം കൊടുത്തിട്ടുണ്ട്. മലബാർ കുടിയാന്മാരുടെയും പാസ്റ്റർമാരുടെയും മലബാറിലെ കുടിയാന്മാരെയും ഉൾക്കൊള്ളുന്നതും കഴിവില്ലാത്തതും ആണ്.”

14th May 1954] [Sri E. T. Kunhan]

കാൻവേണ്ടി ഈ അംശം അധികാരികൾ ജന്മിമാർക്ക് കൂട്ടുന്നില്ലെന്നതായും കൃത്രിമങ്ങളും മദ്യനങ്ങളും നടത്താവുന്നതായും ധാരാളം ആംലാതികൾ കീഴടിക്കപ്പെടുകയും ചെയ്യുന്നു. ഇങ്ങിനെ ആക്ഷേപങ്ങളെക്കേന്ദ്രമാക്കി അധികാരിയെ സബ്സ്റ്റാൻഷനിൽ നിർത്തിയിട്ടു അന്വേഷണം നടത്താനും ശിക്ഷിക്കാനുമുള്ള ഒരു ബില്ലാണിത്. അതിനെ ഞാൻ പൂർണ്ണമായും അനുകൂലിക്കുന്നു. കററം തെളിഞ്ഞാൽ ശിക്ഷിക്കാനുള്ള അധികാരം കലക്ടർക്കും വയസ്സിഡിവിഷനുകൾക്കുമായിരിക്കും, ഉണ്ടായിരിക്കുന്നതാണ്. 1949 ൽ നടപ്പായ അധികാരിയുടെ പോലീസ് ഒരു ഹരിജനനുള്ള കേസ്സുണ്ടായി. ആ അധികാരി ഉദ്യോഗം തുടർന്നുപറന്നു. അപ്പീലിനെയുള്ളവരെ ഉദ്യോഗത്തിൽനിന്നു പിരിച്ചുയക്കാനുള്ള അധികാരം നിലവിലുള്ള നിയമമനുസരിച്ചു ഇല്ല. അതുകൊണ്ട് അയാൾ ഇന്നും അധികാരിയായി തുടരുകയാണ്. ഈ ബില്ലുകൊണ്ട് അപ്പീലിനെയുള്ള അധികാരിമാരെ ശിക്ഷിക്കാനും ഉദ്യോഗത്തിൽനിന്നു നീക്കം ചെയ്യാനും സാധിക്കും. ഞാൻ ഇതിനെ ശക്തിയായി പിന്തുണയ്ക്കുകയുള്ളതാണ്."

SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Speaker, Sir, this piece of legislation is neither laudable nor condemnable. I do not, however, oppose the Bill in the circumstances in which it has been brought forward. I understand that it has been brought forward only to overcome a technical difficulty. I say it is not laudable because I stand for the grant of democratic service conditions for all employees in the State. With regard to village officials, I have to submit that it is not due to their fault that such unsatisfactory service conditions are granted to them. The hereditary system with regard to appointment of village officers was introduced by the Britishers. When they ruled this country, they sought the help of landlords. Of course, in order to safeguard their interests they sought the help of these people and therefore, they appointed these people as *adhikaris*. But that system is continued even after the attainment of Swaraj. That system should be abolished immediately. I spoke about it on a previous occasion also.

“ Now, when the Collectors or the Revenue Divisional Officers are given power to suspend the village officers pending enquiry, I request the Government to see that this power is not abused. Suppose the Tahsildars and others use this power indiscriminately. Then, it will be a very bad thing. You cannot give the dog a bad name and hang it. In the same way, once appointing a person as the *adhi kari* and then penalising him most undemocratically on the plea that there is the hereditary system, is not correct or proper. I hope that when the Village Panchayats Act is implemented—the Government have also said that it will be implemented in almost all the villages—the democratic panchayat boards will be entrusted with the tasks that village officers are doing. At the same time, the grievances of the village officers also should be redressed and democratic service conditions granted to them.”

SRI S. RAMALINGAM :—“கனம் சபாநாயகர் அவர்களே, 1894-ம் ஆண்டு சட்டத்தை திருத்த வேண்டுமென்பதற்கு ஒரு மசோதா சபைமுன் கொண்டுவரப்படுகிறது. அறுபது வருஷங்களுக்கு முன்பாக அதாவது ஐந்து மாமங்கங்களுக்கு முன்பாக ஏற்பட்ட சட்டத்தை திருத்த வேண்டுமென்பது நம்முடைய நோக்கம். பிரிட்டிஷர் ஆண்ட காலத்திலே அவர்கள் தங்களையே நலத்தை நாலுவதற்காக சில முறைகளைக் கையாண்டு அதற்கு சில சட்டங்களை ஏற்படுத்தியிருக்கிறார்கள். பிரிட்டிஷர் அதாவது வென்னையர் நமது நாட்டிலிருந்தபோது நம் நாட்டில் வரி

[Sri S. Ramalingam] [14th May 1954]

வசூலிக்க வேண்டுமென்ற ஒரு குறிப்பிட்ட காரணத்திற்காக, நிர்வாகத்தை நடத்தவேண்டுமென்ற ஒரு காரணத்திற்காகத்தான். அப்போது இந்த சட்டம் இயற்றப்பட்டது. அந்த சட்டப்படி கிராமத்தில் செல்வாக்கு வாய்ந்தவர்கள் யாரோ அவர்களை கிராம அதிகாரிகளாக நியமித்து, விவசாயிகளிடம் நிர்ப்பந்தப்படுத்தி வரிவசூல் செய்வதற்காக அவர்களுக்கும், அவர்கள் குடும்பத்தாருக்கும் ஒரு பெரிய அதிகாரம் கொடுத்து, பரம்பரை பரம்பரையாக அந்த கிராமத்துக்கு அதிகாரிகளாக அந்த குடும்பத்தினரே இருந்துவர சட்டம் செய்யப்பட்டது. அதே நோக்கம் தொடர்ந்து நீடிக்க, இப்போது அந்த சட்டத்தின் வேறு பகுதியை மட்டும் திருத்தி அமைப்பதில் என்ன அர்த்தம்? அதை நீடிக்க விடக்கூடாது, அப்போது ஜனநாயகத்திற்கு முரண்பட்டு, கிராமங்களில் விவசாயிகளிடையே வரி வசூலிக்கப்பட்டது, இப்போது வேறு முறைகளைக் கையாள வேண்டுமென்று பல அங்கத்தினர்கள் வற்புறுத்தியிருக்கிறார்கள். கிராம அதிகாரிகள் பரம்பரையாக இருந்து வருவதன் காரணமாக அவர்கள் அங்கு சர்வாதிகாரிகளாக ஆட்சி நடத்துகிறார்கள். ஏனென்றால் அவர்களுக்கு கொடுக்கப்படுகின்ற சம்பளம் மிகக் குறைவு. அது தவிர அலுவலன் படிச் செலவு மிகவும் குறைவு. ஆனால் அவர்களுக்கு அதிகப்படி அதிகாரம் உண்டாகையால், கிராமங்களிலே சர்வாதிகாரிகளாக இருக்கிறார்கள். தவிர அவர்களை முழுநேர (Full-Time) ஊழியர்களாக சர்க்கார் கவனிப்பதில்லை. நீங்கள் பகுதி நேர (Part Time) ஊழியர்களாகவே இருந்தால் போதுமென்று, அவர்களுக்கு சம்பளம் குறைத்துக்கொடுத்து, சில செதினைச் செய்துகொள்ள அனுமதிக்கப்பட்டிருக்கிறது. அதனால் அவர்கள் தங்கள் சர்வாதிகாரத்தை உய்யோகப்படுத்தி, கிராமங்களில் இருக்கும் ஒன்றும் தெரியாத விவசாயிகளை நிர்ப்பந்தப்படுத்தவோ தொந்தரவு செய்யவோ தங்கள் வலிமையால் முயற்சி செய்கிறார்கள். ஆகையால் இந்த சட்டத்தை நாம் இப்போது திருத்திவிட்டு, உடனடியாக சில கஷ்டங்களைப் போக்கலாம். ஆனால் நிரந்தரமாக இந்த நோக்கத்தை விட்டுவிட்டு, வேறு ஒரு சட்டம் கொண்டுவந்து, ஒரு ஸ்தாபனத்தின் மூலமாக வரிவசூலிக்கும் முறையை சர்க்கார் யோசித்தாகவேண்டும். அதற்கான காலமும் இப்பொழுது நெருங்கிக்கொண்டு வருகிறது என்பதை சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

“நம்முடைய ராஜ்யத்திலே கமர்ஷியல் டாக்ஸ் வசூலிக்கப்படுகிறது. அதேபோல் மத்திய சர்க்காரால் இன்கம் டாக்ஸ் வசூலிக்கப்படுகிறது. இப்படிப்பட்ட பலவரிகள் வசூலிக்கப்படுகின்றன. சர்க்கார் அதிகாரிகள் நேரிடையாக வசூலிக்கிறார்கள். நிலவரி வசூலிக்க வேறு புதிய முறையை கையாண்டு இப்போதுள்ள முறையை மாற்றிக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“மேலும் கிராம அதிகாரிகள் குற்றம் செய்துவிட்டால், அந்தக் குற்றத்தைப்பற்றி விசாரணை நடத்திக்கொண்டிருக்கும் காலம்வரை அவரை Suspense-ல் வைக்கவேண்டுமென்பது இந்த மசோதாவின் அர்த்தம். எத்தனைக்காலம் Suspense-ல் வைக்கவேண்டுமென்று குறிப்பிடப்படவில்லை. அல்லது Suspense-ல் இருந்த காலத்தில் அவர் குற்றவாளி அல்ல என்று நிரூபிக்கப்பட்டால் அந்த Suspense காலம் எப்படி சர்வீசோடு கணக்கிடுவது, சம்பளம் கணக்கிடுவது என்றெல்லாம். இந்த மசோதாவில் காணப்படவில்லை. சாதாரணமாக குற்றம் செய்தவரை Suspense-ல் வைக்கவேண்டுமென்ற ஒரு வரி மாதிரிம்தான் இருக்கிறது. அதையும் சர்க்கார் ஆலோசிக்கவேண்டுமென்று கேட்டுக்கொண்டு, என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Mr. Speaker, Sir, I am glad that for once the hon. Member Sri Gopalan has welcomed a move from the Government in the shape of this Bill. I think he said that the *adhi-kar-is* in his district were all 99 per cent rich people holding landed properties. At the next breath, he said that the pay of the *adhi-kar-is* should be increased. I do not

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know what he means by that. Perhaps he came into clash with some *adhi-kar-is* and so he was against them. So, I think he said that they were rich landlords. Then he thought of the other *adhi-kar-is* who were kind or favourable to him. So, he said that their salary should be raised. I must explain it only in some such way.

“The hon. Member Sri Gopalan said that the Government should not have recourse to this punishment and that they must administer in such a way that there would be no necessity to resort to punishment. I agree with him in this respect. Now, I remember there were certain teachers who without resort to any sort of punishment were able to maintain complete discipline in the class. But there are also teachers who will always be having a cane in their hands and in spite of this, there will be no discipline in their classes and only pandemonium will prevail. Similarly, it all depends on the officers concerned. As far as possible, we shall try to administer this service without resorting to this punishment clause. But, in certain cases, it will be necessary. Only in such cases, it will be resorted to. Moreover, I wish to state that this is not a new power that we are taking under this Bill. We have been exercising this power all these years. In the Act, there is a clause for punishment after enquiry. There is no particular clause for punishment of a temporary nature pending enquiry. The Legal Secretary and others who went through the subject found these loopholes. We want to remove these loopholes. This is the sum and substance of the Bill. We want to make the statute as perfect as possible. It is only with that object this Bill has been brought forward. As regards suspension, even big I.C.S. officers are being suspended. There is nothing new or novel about the provision relating to this. We are only regularizing this by clearly providing for this.

“One of the hon. Members asked, ‘What will happen during the period of suspension?’ What happens to other officers who are suspended will happen in the case of these officers also. I think there is a rule or convention according to which the period of suspension is treated as one of leave. Well, this rule will also apply to those who come under this Act. So, there will be no difficulty at all with regard to it.”

MR. SPEAKER :—“The question is—

‘That the Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Bill, 1954, be taken into consideration at once.’”

The motion was put and carried.

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Clause 2.

MR. SPEAKER :—" The motion is—

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

SRI S. RAMALINGAM :—" Sir, I move—

' In line 1 of the proposed paragraph, after the words " under suspension ", insert the words " for a period not exceeding three months ".' "

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" Sir, I also move another amendment standing in my name which reads as follows :—

' After the proposed paragraph, add the following as second new paragraph :—

" If the said officer is proved to be innocent or the charge levelled against him is not substantiated the period he was so under suspension will be treated as though he is in regular service and the said officer shall enjoy all privileges and pay as he is normally entitled to when he is having a continuous service.' "

SRI T. C. NARAYANAN NAMBIAR :—" I second the amendment, Sir."

SRI K. P. GOPALAN :—" Sir, I move the following amendment standing in my name :—

' Add at the end of the clause the words " and such enquiry must be concluded within two months ".' "

SRI C. KANDASAMY :—" I second the amendment, Sir."

MR. SPEAKER :—" Clause 2 as well as the amendments are now before the House for discussion."

SRI K. P. GOPALAN :—" Sir, I have moved my amendment with a view to see that the enquiry must be conducted and concluded as early as possible. Generally it is found that these enquiries prolong for a long time. As a result of it, all sorts of influence come into play and the people concerned do not get justice. This will not help the village officers also. If an enquiry is conducted as early as possible, a village munsif or some other village officer, who is really innocent, can prove his innocence and come back to service as early as possible. So I consider this as a very important amendment and request the Hon. Minister to kindly accept the same. With these few words, I resume my seat."

SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த திருத்தம் சர்க்கார் கொள்கைக்கு விரோதமானதல்ல; அவர்களுக்கு உதவிகரமாகவேதான் இருக்கும். அதாவது ஒரு கிராம அதிகாரி குற்றம் செய்தால், விசாரணை செய்யவேண்டுமென்றும், அதுவரை அவரை

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[Sri S. Ramalingam]

Suspension-ல் வைக்கவேண்டுமென்றிருப்பதை 'மூன்று மாதத்திற்கு அதிகமாக வைக்கக்கூடாது' என்பதுதான் என்னுடைய திருத்தத்தின் நோக்கம்.

"அடுத்தபடியாக, குற்றம் இழைக்கவில்லை என்று அவர்கள் நிரூபிக்கப்பட்டால் Suspension-ல் இருந்த காலத்தில், அவர்கள் உத்தியோகம் பார்த்தால் எப்படி சம்பளம் அளிக்கப்படுமோ, அந்த மாதிரி கிடைக்கவேண்டுமென்பதுதான் என்னுடைய மற்றொரு திருத்தம்.

"நடைமுறையில் சட்டம் இல்லாவிட்டாலும், அவர்களை ஜில்லா கலெக்டரோ, ரெவின்யூ டிவிஷனல் ஆபீசரோ Suspend செய்து விடுகிறார்கள். ஆனால் அவர்களை Suspend செய்துவிட்டு, விசாரணை நடத்தி தீர்ப்புக் கூற காலவரையரையின்றி வருஷக்கணக்கில் Suspend செய்திருக்கிறார்கள். இம்மாதிரியாக பல கேஸ்கள் இருக்கின்றன. உதாரணமாக சில சொல்ல முடியும். ஆகவேதான் குறைந்தபட்சம் மூன்று மாதம் இருக்கவேண்டும். அதற்குமேல் இருக்கக்கூடாது என்ற இந்த திருத்தத்தைக் கொடுத்திருக்கிறேன். அதை சர்க்கார் ஒத்துக்கொள்வார்களென்று நினைக்கிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, in opposing all the amendments I wish to state that the Government will certainly see that the enquiry is made and concluded as early as possible. A restriction that it should be concluded within two months and all that will be very impracticable to work. There will be so many other difficulties. A person may fall ill, or purposely say that he is ill and can produce a medical certificate. So, it will lead to a lot of similar practical difficulties.

"With regard to the other amendment that punishment should not be for more than three months, I wish to state that generally the punishment will be for a short period. Even in this case, I request the hon. Member not to put any restriction. We shall see that there is reasonableness.

"With regard to the other suggestion that during the period of suspension, they must be given pay and other privileges, I only wish to state that what is being done in regard to the other services will be done in their case also. I think there will not be any particular difficulty about it."

SRI K. P. GOPALAN :—" Sir, as my intention is that the enquiry should be conducted and concluded as early as possible without delay, as that is the spirit of my amendment and as the Hon. Minister has given the assurance that he will see that the enquiry is concluded as early as possible, I withdraw my amendment."

The amendment moved by Sri K. P. Gopalan was, by leave, withdrawn.

SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள் கொடுத்த வாக்குறுதியின்பேரில் என் திருத்தங்களை வாபஸ் வாங்கிக்கொள்ளுகிறேன்."

The two amendments moved by Sri S. Ramalingam were, by leave, withdrawn.

[Sri O. P. Ramaswami Reddiar] [14th May 1954]

“அதேசமயத்தில் இப்பொழுது என்ன செய்யவேண்டியது என்பதையும் நாம் யோசிக்கவேண்டும். பணம் வசூலாகிவிட்டது; பட்ஜெட்டில் சேர்க்கப்பட்டு, அதைச் செலவழிப்பதற்கு நாமும் அனுமதி கொடுத்திருக்கிறோம். எல்லாம் செலவிடப்பட்டுவிட்டது. ஆனால், இப்பொழுது அந்தப் பணத்தைத் திருப்பிக்கொடுக்கவேண்டும் என்று அதைப்பற்றி சர்ச்சை நடந்துகொண்டிருக்கிறது. இப்பொழுது அதைத் திருப்பிக்கொடுக்க முடியுமா? முடியாது. நடைமுறையில் என்ன நடந்திருக்கிறது என்பதையெல்லாம் நாம் பார்க்க வேண்டும். ஆகையால், இப்பொழுது அரசாங்கம் சட்டத்தின் மூலமாக அதைச் சரிப்படுத்தவேண்டும் என்று நினைப்பது நியாயம் என்று நான் சொல்லுகிறேன்.

“ஏற்கெனவே வசூலித்த தொகையைத் திருப்பித்தரவேண்டும் என்று சொன்னால், அதை யாருக்குக்கொடுப்பது என்ற பிரச்சனை எழுகிறது. யார் விற்குங்களோ அந்த வியாபாரிகளுக்குக் கொடுப்பது அல்ல இந்தப் பணம். இந்தப் பணம் திருப்பிக் கொடுக்கப்படவேண்டுமானால், கோடிக்கணக்கான ஜனங்கள் பொருள்களை வியாபாரிகளிடமிருந்து வாங்கியிருக்கிறார்களே, அவர்களுக்குத்தான் இந்தப் பணத்தைத் திருப்பிக் கொடுக்கவேண்டும். ஏனென்றால், அவர்கள்தான் இந்த வரியை வியாபாரிகளுக்குக் கொடுத்திருக்கிறார்கள். ஆகையினால், வியாபாரிகளிடமிருந்து பொருள்களை வாங்கும்போது, பொருள்சுளுக்குள்ள விலையையும் அதோடு கூட விற்பனை வரியையும் கொடுத்திருக்கக்கூடிய கோடிக்கணக்கான ஜனங்களுக்குத்தான் இந்தப் பணம் திருப்பிக்கொடுக்கப்படலாமேயொழிய, வியாபாரிகளுக்குக் கொடுக்கமுடியாது. பணத்தைத் திருப்பிக்கொடுக்கவேண்டுமென்று சொல்லும்போது, இவ்வளவு ஜனங்களுக்கும் அது போய்ச்சேர முடியுமா என்பதையும் அவர்கள் சிந்தித்துப்பார்க்கவேண்டும். இதில் சர்ச்சை இவ்வளவு அதிகமாக போய்க்கொண்டிருப்பதன் அவசியத்தை என்னால் புரிந்துகொள்ள முடியவில்லை.

“ஆகையால், அரசாங்கம் இதைச் சட்டத்தின்படி செல்லத்தக்கதாகச் செய்யவேண்டுமென்று நினைப்பதில் நியாயம் இருக்கிறது. இதற்கு முந்தியே எல்லா ஜனங்களிடத்திலும் இது செலவிடப்பட்டிருக்கிறது. அரசாங்கம் அதைக்கவனித்து, அதற்குத் தகுந்த முறையில் பதில் சொல்லவில்லையே என்ற அவாவைத்தவிர, அவர்கள் செய்வதைத் தவறு என்று நான் நினைக்கவில்லை. அரசாங்கம் செய்வது நியாயமானது. இதை நாம் சட்டமாக்கவேண்டியதும் நியாயம் என்று சொல்லிக்கொண்டு இந்த மசோதாவை நான் ஆதரிக்கிறேன்.”

SRI MOHAMED RAZA KHAN :—“Mr. Chairman. Sir, I thought that the very persuasive speech of my hon. Friend Sri T. M. Narayanaswami Pillai and the very eloquent speech of the Deputy Leader of the Opposition, no doubt a little bit aggressive, might have made the Hon. the Minister for Revenue think whether it was worthwhile for him to pursue this Bill or withdraw it and come out again with suitable amendments. I was hearing very carefully the speech of the Hon. the Finance Minister who thought he should help his Colleague in pointing out some of the difficulties of the Government. Now, what is the case of our Government? The Deputy Leader of the Opposition referred in this connexion to a question put in the last Assembly somewhere in 1949. It is really a sad reflection that, in spite of the fact that this has been pointed out by Member after Member in the last Assembly and Council, the Government have chosen to collect illegally a tax on tax. They did not care either to consult their legal authorities or the Board of Revenue in the matter. They thought that rightly or wrongly they might collect the tax in spite of the opposition. I was also

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listening to the speech of the ex-Chief Minister Sri O. P. Ramaswami Reddiar, and I may bring to his notice that he too was present when this point was raised, and when it was brought to the notice of his colleague the then Finance Minister that what was being done or what was sought to be done was illegal, the then Finance Minister, who was also in charge of sales tax, said in reply ‘If anybody is aggrieved, let him go to a Court of Law and let there be a decision’. Now the matter has been decided by the High Court. Well and good.

“The question now is whether the Government want to give effect to this decision from 1st April 1954 or whether they want to give retrospective effect. The case of the Madras Government is that it is so difficult that it may not be possible for them to see to whom the money should be paid and how it should be paid, and that it is all a very cumbersome process. For instance, on the basis of a collection of Rs. 20 crores by way of sales tax in the then composite State, it looks as if the Madras Government were making Rs. 30 to Rs. 35 lakhs by collecting this illegal tax. Now, the question is how else the matter can be settled. I asked the Hon. the Finance Minister to clarify certain points. It is said that the Government propose to accept with effect from 1st April 1954 the statement of the law made by the High Court. The tax is being paid by the various merchants either on a provisional basis or on the annual turnover. But actually the finalization of accounts is made long after. Now, I wish to know whether the Government are going to levy on the old basis or on the present basis. For instance, the merchant might have paid the tax, say, from 1st April 1953 to 31st March 1954, either on the basis of provisional assessment or on the actual turnover. But the finalization of accounts is done only after 1st April 1954. It may take five or six months and in some cases even two years. Are the Government going to adopt in this case the new principle or the old principle? That is one clarification I wanted from the Hon. the Finance Minister but, he, however, did not give it.

“My next point is this. The Hon. the Minister for Land Revenue and the Hon. the Finance Minister, were saying that all along the merchants were also collecting the tax on tax. I do not think so. I ask the Government whether they can prove even one instance. It is not fair on the part of the Government to take shelter under such pleas. It is not a pleasure either for the Deputy Leader of the Opposition or for Sri T. M. Narayanaswami Pillai to fight. They are not businessmen. It is a question of principle. The Government should always enunciate a good principle so that their successors also may follow it. Even the future Legislature will quote that this was done in the year 1954. We must set up a good precedent. The hon. Member Sri K. Bhashyam thought it fit to support the Government. I expected that his speech will be more vehement than that of even Dr. John. I was surprised how such a change has come over him.”

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SRI K. BHASHYAM :—" Everything surprises the hon. Member."

SRI MOHAMED RAZA KHAN :—" Sir, it is said that things have been done in good faith, that the amount has been spent for the country and that there should not be much fuss about refund, etc. I should like to bring to the notice of the Government that many merchants in this State, particularly the hides and skins merchants, have not charged tax on inter-State business. If to-day, after a lapse of five or six years the Government ask them to pay tens of thousands of rupees as tax, they cannot afford to pay. It is not as if I am talking on their behalf. They have not collected tax for the past five or six years because the law did not permit them to collect such a tax. There have been transactions between States and States amounting to crores and crores of rupees. But if the Government say all of a sudden 'We cannot believe your good faith. You ought to have been apprised of the law and you ought to have collected the tax. Inasmuch as you have not collected, you must pay tens of thousands of rupees', would it be fair? I therefore ask the Hon. the Minister for Land Revenue whether the Government are going to adopt the same principle in respect of these merchants also. I think that there has been a good deal of agitation in the place of my hon. Friend Sri T. M. Narayanaswami Pillai, namely, Tiruchirappalli, where merchants have been harassed to the maximum extent and asked to pay tens of thousands of rupees. I do understand and appreciate the difficulties of the Government. But it would be unfair on the part of the Government to say that they would not do justice simply because there are some difficulties in the way. Where there is a will there is a way. I request the Hon. the Revenue Minister to clarify what will be the method adopted in all the final assessments which will be made for the year 1953-54 and for the previous years. There may be cases pending before the Sales Tax authorities even from 1949. Where the tax on tax amounts to Rs. 10 or Rs. 15, it would not matter because it is a small amount. But if the turnover of a firm is Rs. 4 crores to Rs. 5 crores and if the firm has paid tax on tax, it may run to thousands of rupees.

"Now I come to the point raised by my hon. Friend, Sri Gurunandan Row. Is it right on the part of the Legislature to take shelter under the plea that it would be very difficult to return the amounts already collected, irrespective of the decision of the High Court? It would not be fair on the part of the Government to take shelter under the plea of retrospective effect. At this moment, it may not be possible for me to make any direct suggestions. But it is clear that the Government have not given their best consideration to this Bill. The Government ought to have consulted their legal experts. Sometimes the legal experts do not serve them well. But the Government did not care to consult the Legal Department and they were grossly negligent in not having done so. So the best thing for the Government under the circumstances would

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be to take some more time, consider all these aspects, find a way out, and bring forward suitable amendments. But to pass this Bill would be setting up a very bad precedent. It is bad for any Government, whether it is the Congress Government or any other Government."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the difficulty which arose in this matter is, in what way the turnover should be computed, and whether a tax on tax should also go into the computation of the turnover. The Commercial Tax Department officials according to their interpretation of the law thought that the tax also could be computed in the turnover and they have been following that practice for some time. Sir, as is seen from the judgment of the High Court also, the Judges had to go elaborately into the question of what is a 'sale' and what is a 'price' and all that in order to decide whether the tax will be included in the term 'sale price.' Simply because the officials of the department interpreted it in one particular way, it should not be said they did it with any *mala fide* intention. Sir, we have known cases where very eminent Judges of the High Court came to certain conclusions in interpreting the law. When those cases were taken to the Privy Council, the Privy Council set aside those conclusions, interpreting the law in a different way. So, this is a matter of interpretation. Therefore, even very eminent lawyers go wrong. So, we cannot blame the officials."

DR. V. K. JOHN :—" Is the Hon. Minister suggesting that the High Court judgment is wrong? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I gave quite a separate instance where the High Court came to a particular decision and the Privy Council set it aside. That has nothing to do with the present case. It was argued on the side of the Government that this tax paid on tax should be included in the cost price. But the High Court came to a different conclusion and said that the tax could not go into the contents of the price and so it must be excluded. We have accepted that decision and we have given effect to that as far as practicable. We are giving effect to it from 1st April 1954. But logically it must be given effect to from earlier than 1st April 1954 also. But, as I said there are certain practical difficulties and administrative difficulties upsetting the budgetary position. All these considerations weighed with the Government and that is why we could not give effect to the High Court's decision earlier than 1st April 1954. I now come across another difficulty also. We were then in the composite State, but now partition has taken place. Andhra merchants were also there, and so there will be further difficulty in dividing the collections. That is why we are unable to give effect to the judgment of the High Court retrospectively. But we are taking every precaution to see that from 1st April 1954 the decision of the High Court is given effect to. As far as collections are concerned, the tax had already been included in the turnover and assessment would also be made on the same

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basis for the previous period, i.e., before 1st April 1954. Suppose we make a distinction between the collections made and the assessments, then the hon. Member, Sri Gurunandan Row, will say that it is discrimination and is against Constitution. Therefore, we cannot make a distinction between collections made and assessments and we are forced to take the assessment made before 1st April 1954 also on the old basis."

SRI V. V. RAMASWAMI :—"வியாபாரிகளிடமிருந்து இப்படி அதிகரிப்பதாக வசூலிக்கப்பட்ட தொகை எவ்வளவு என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பார்களா?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"The amount that had been additionally collected would come to about Rs. 20 lakhs to Rs. 25 lakhs roughly.

"The other legal implications have been very ably put forth before the House by my Hon. Colleague, the Finance Minister, and the veteran lawyer, my hon. Friend, Sri K. Bhashyam. I have become an outmoded lawyer not having been in active touch with the practice of law. So, as regards law I cannot speak with so much enthusiasm as others do because I have to brush up my knowledge of law and which, for the purpose of this Bill, I am brushing up now and then. I am very grateful to them for having clarified the situation and made the position clear. There is nothing unconstitutional or unjust in it. Government are doing this with the best of motives and as the hon. Member, Sri Bhashyam, has said, we must take into account the difficulties of the Government also.

"One word more, Sir, with regard to my hon. Friend, Sri Ramaswami Reddiar, our ex-Chief Minister. He has taken a most commonsense point of view. We all forgot about it. He said that after all the money really belonged to the consumer because it is he who paid it. We have never taken that into consideration at all and we have all along been talking only about merchants, turnover and so on. As is rightly pointed out, it is the consumer that has been greatly affected by it and not the dealer. Taking all these into consideration, Sir, it is better that we pass this Bill as framed by the Government."

MR. CHAIRMAN :—"The question is—

'That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954 (L.A. Bill No. 19 of 1954), as passed by the Assembly, be taken into consideration.'

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

Clauses 2 and 3.

MR. CHAIRMAN :—"The motion is—

'That clauses 2 and 3 do stand part of the Bill.'

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SRI V. GURUNANDAN ROW :—"Sir, I move the amendment standing in my name, viz.,—

'For the existing clauses 2 and 3, substitute the following as clause 2 :—

"No assessment or collection or order made and no action taken by any Officer, and no judgment, decree, or order pronounced by any Tribunal or Court, in exercise of the powers under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939) (hereinafter referred to as the principal Act), before the 1st April 1954, shall be called in question in any Court, Tribunal or before any authority after the commencement of this Act on the ground only that any amounts collected by any dealer registered under the provisions of the principal Act and the rules made thereunder by way of tax has been included in his turnover."

SRI MOHAMED RAZA KHAN :—"I second the amendment."

MR. CHAIRMAN :—"Is the hon. Member Sri K. Bhashyam moving his amendment?"

SRI K. BHASHYAM :—"After all there are three amendments. It is better that my friends agree with me in any manner."

DR. V. K. JOHN :—"May I know, Sir, why the hon. Member is developing cold feet?"

SRI K. BHASHYAM :—"I do not bother about it. If the hon. Member goes on insulting me just as he insults the Government, I cannot take it lying down.

"I am moving the amendment standing in my name, viz.,—
'For the existing clauses 2 and 3, substitute the following as clause 2 :—

"All collections made before the 1st April 1954 under any assessment, order, judgment, decree, order pronounced by any Tribunal or Court shall be deemed valid, notwithstanding that such assessment, judgment, decree or order proceeded on the basis that the collection made by a registered dealer by way of tax under the principal Act formed part of the turnover of the dealer."

SRI K. BALASUBRAMANYA AYYAR :—"I second the amendment."

MR. CHAIRMAN :—"The amendments are before the House for discussion."

SRI V. GURUNANDAN ROW :—"Sir, the main reason for my amendment is that clauses 2 and 3, as they are at present in the Bill, are, as I have already stated, so wide in their scope that even in assessments for 1953-54, which are not yet completed

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but which may be completed in 1954-55, the tax can be included as one coming within the meaning of turnover. That is, the Government give two definitions for the word 'turnover', namely, one definition applicable to assessments for the year 1953-54 and another definition applicable to assessments for the subsequent years. The officers will have to apply two different definitions to two different periods, i.e., one for the year before the 1st April 1954 and the other for the year from 1st April 1954. I cannot understand how the officers can apply two definitions at the same time. Therefore, I say that all this verbal jugglery of making a definition with retrospective effect is absolutely unnecessary. The only way to avoid this confusion is to accept my amendment. No assessment made already against the person before 1st April 1954 shall be called in question after the commencement of this Act. This means the persons whose cases are pending disposal by the appellate courts will be entitled to have a decision in their favour. The question is that a claim should not arise after the commencement of this Act. The acceptance of my amendment will solve the question of there being any unconstitutionality about the matter, and also bringing in two definitions, one applicable to the period before 1st April 1954 and the other applicable to the period after 1st April 1954. I cannot understand how the authorities will apply these two definitions at the same time. There can be only one of two definitions about turnover. My submission therefore is that my amendment will make the position clear. If a person has not gone to a court or tribunal in the matter before the commencement of this Act, he cannot do so after the commencement of this Act. Any person who was not vigilant enough to go to court within the prescribed time, cannot claim any refund after the commencement of the Act. The officers cannot make any differentiation regarding these two definitions. Because there is the High Court judgment all people cannot apply for refund as they were not vigilant enough to go to appellate authorities earlier, i.e., before the commencement of the Act. Nobody will be in a position to file a suit now. I think this is the just thing to do, and, I therefore, request hon. Members to accept my amendment."

SRI MOHAMED RAZA KHAN:—"While supporting the amendment of the hon. Member, Sri Gurusundaram Row, I may say, Sir, that I did not anticipate this difficulty and bring it to the notice of the Hon. the Revenue Minister. There are three sets of people whom we have got to consider. The first set are people who have paid, and in whose case it is difficult to refund. The second set are people whose cases are pending court decision. The third set of people are those whose cases are spread over the years of 1947-48, 1948-49, 1950-51, etc. The assessments for these years are not yet complete. When the Government say that this Act will come into force from 1st April 1954, the officers will not have to include the tax as one coming within the turnover for assessments for the year 1954-55 and later years. In the case of earlier assessments, which will be complete only in 1954-55, the

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officers will have to include the tax in the turnover. That is to say, the Government will be levying a tax on tax collected in the years 1954-55. I say that all assessments made after 1st April 1954 in respect of years previous to 1954-55 must not include the tax within the meaning of turnover. Otherwise the position will become very anomalous. All the dealers who have collected tax will be sending the returns only now, and the officers will be assessing them to tax only now. Although the Government say that this Act will come into force from 1st April 1954, still they will be making assessments for the year 1953-54 only in 1954-55, and they will include this tax in the turnover. The Government should say that all assessments made in 1954-55 should not include the tax collected by the dealers. (Interruption.) As an illustration, I say that if my business for the last year is Rs. 5 lakhs, the Government will now be assessing me on Rs. 5 lakhs plus the tax I have collected. The Government may consult their departments and bring in suitable amendments to remove this anomaly."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, as a piece of able drafting no doubt the hon. Member, who is an able lawyer, has made his amendment short and smart. I do not know what pitfalls there will be in his amendment. So I do not want to disturb the framework of my Bill. The idea is to give effect to the court's decision in respect of assessments from the year 1954-55. Hon. Members opposite concede that assessments in respect of previous years will be made on the old basis. Otherwise there will be discrimination between two sets of merchants, one from whom we have collected and another from whom we have not. Hereafter, i.e., from 1954-55 'turnover' will not include the tax collected by the merchants."

MR. CHAIRMAN:—"The question is—

"For the existing clauses 2 and 3, substitute the following as clause 2:—

"No assessment or collection or order made and no action taken by any officer, and no judgment, decree, or order pronounced by any Tribunal or Court, in exercise of the powers under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), thereafter referred to as the principal Act, before the 1st April 1954, shall be called in question in any Court, Tribunal or before any authority after the commencement of this Act on the ground only that any amounts collected by any dealer registered under the provisions of the principal Act and the rules made thereunder by way of tax has been included in his turnover." "

The amendment was lost.

SRI K. BHASHYAM:—"Sir, there is plenty of confusion in respect of this matter at least in the mind of the Government. That is what I think. There are two points to consider about the duty of the Government when they find that they have been in

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the wrong. One is to accept the decision of the High Court in good spirit and act up to it strictly, logically and to the fullest extent possible. I use the word 'possible'. Why I say 'possible' is that they should not make further mistakes, but should correct only those mistakes which they have committed already. That is the proper position for them to take. If they take any other position, they will have to justify it before the bar of public opinion. Government will have to say 'in spite of the fact that the High Court has said it is wrong, and even though we accept the judgment of the High Court, still we will persist in our own folly and go on collecting the amount in the same old way as we have been doing before'. This is a thing which the Government will find hard to justify when the matter is taken to the Court. I would like hon. Members of this House to go through clause 3 carefully and note the words used in that clause. The clause reads thus: 'All assessments and collections made, all orders passed, and all action taken by any officer in the exercise or purported exercise of jurisdiction or powers conferred by the principal Act and all judgments, decrees or orders pronounced by any Tribunal or Court in the exercise of its jurisdiction or powers with respect to matters in the principal Act, on the basis that amounts collected by a dealer by way of tax under the principal Act before the 1st April 1954, formed part of the turnover of the dealer are hereby declared to have been validly made, passed, taken or pronounced, as the case may be; and any finding recorded by any officer, Tribunal or Court to a contrary effect and any order, judgment or decree in so far as such order, judgment or decree embodies or is based on any such finding and does not relate merely to the costs of the proceeding which resulted in the judgment, decree or order, shall be void and of no effect'. What does this mean? The Government set at naught the High Court judgment altogether. The person who went to Court got a decree in his favour declaring that the assessment made by the Government was wrong. That High Court judgment is said to be void and it shall have no effect. That is what it comes to. With all due deference to the Government, I should think they should not have gone to the extent they have gone in this case. Is it their object to set at naught the judgment of the High Court which said that the action of the Government in including sales tax in turnover was wrong? I think not. The only excuse for the Government in not returning the money illegally collected is that they do not have that money in their pocket, and that they have spent it away. The Government are therefore not able to pay it back. Secondly, if it is to be paid back, to whom is it to be paid? That is a difficult matter. It may be easy in some cases but it will be difficult in most cases. The Government do not want to make a distinction between these persons. So they have decided not to return the money collected to anybody. That is the proper position to take. But to say further that any assessment made hereafter, any judgment delivered hereafter, any proceeding pending in

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courts today, and any decree to be passed hereafter shall be bound by this clause, which says that turnover shall include sales tax, is not proper. Suppose a matter is pending before the Tribunal. What will the Tribunal say? It will say: 'In our conscience we think that the tax should not be included in the turnover'. But the Bill will say that that judgment is wrong and shall be null and void. This is a thing which I cannot understand. It is most improper for any Government to do. Therefore, I feel very strongly that the clause as it stands goes far beyond what is proper, and should not be rushed through. There may be difficulties in administration, but we must do things honestly and properly. So, I would like the Government to reconsider the matter and come to a definite conclusion. I would even suggest that we may adjourn now so that Government may consider the position and come to a decision in respect of this matter. Of course I make this suggestion only if the Hon. Minister is convinced about my point. If he is not convinced to-day; I do not know how he is going to be convinced tomorrow. I would like the Hon. Minister to consider the enormity of the consequences that may ensue by such an enactment as this. I implore him, I beg of him, and I request him not to hesitate to take this course. My amendment is a simple one and makes the position clear. It is slightly different from the amendment given notice of by the hon. Member Sri Balasubramanya Ayyar, but it is almost the same thing. My amendment reads thus: 'All collections made before the 1st April 1954, under any assessment, order, judgment, decree, order pronounced by any Tribunal or Court shall be deemed valid, notwithstanding that such assessment, judgment, decree or order proceeded on the basis that the collection made by a registered dealer by way of tax under the Principal Act formed part of the turnover of the dealer'. This carries out all that the Government have in view as stated in the Statement of Objects and Reasons. The Statement of Objects and Reasons itself says that the Government want to respect the High Court judgment. My amendment will carry out the object of the Government fully and it is the proper thing to do."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, I have agreed to support the amendment of the hon. Member Sri K. Bhashyam and not to press my amendment. The point is very simple and I take my stand on the commonsense point of view as was mentioned by the hon. Member Sri O. P. Ramaswami Reddiar. The amount collected by the Government has been declared to be wrong by the High Court. So long as there is no appellate court judgment differing from this judgment, the judgment of the High Court declares the law in respect of this matter from the beginning. That is a well-accepted principle of law. Therefore, let us not say that collection to be made in future including the tax in the turnover will also be valid. We shall confine ourselves to the actual collections which have already been made

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and leave the rest out of consideration, because the High Court has said that it is irregular. I say, Sir, Government have been well advised in accepting the law. Government have done magnanimously well in saying that they will not levy a tax on tax after 1st April 1954. The collections made already have been held invalid by the High Court and unfortunately as was pointed out by the hon. Member Sri O. P. Ramasami Reddiar the money has been spent and the Government are not going to refund the money to the persons who paid them. Therefore the money is held by the Government (and the Government are the Government of the people) and therefore let them have it for the benefit of the people. (An hon. Member: 'It has already been spent.') That has been spent for the benefit of the people by the Government. My submission is, let us confine ourselves to the legal position. Let all collections made in pursuance of orders, judgments or decrees that have already been made stand. That is the simple commonsense point of view."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I want to say only a word more in regard to the amendment of the hon. Member Sri K. Bhashyam. I am quite sure I can take a bet with anybody that this Bill when passed into law will be declared *ultra vires* of this Legislature by our Courts. As I am quite sure of that I would welcome the amendment brought in by the hon. Member Sri K. Bhashyam. I am glad that he has come forward with this amendment. Eminent lawyer and draftsman as he is, he has drafted something which is simple and understandable and at the same time meets our objective to some extent. It also takes up the position that we are not attacking the judgments of Courts. Now, I am only wondering whether the Hon. the Minister in charge will be so obstinate as not to accept the amendment. If anybody reads the clause, he will find that it is perhaps the most ill-drafted clause which has come before this House. Instead of this clumsy clause the hon. Member Sri K. Bhashyam has given us a very short draft. I find that it is very embarrassing for an eminent lawyer like the hon. Member Sri K. Bhashyam to be a member of the Congress Party. He has felt it his duty to correct the clause and he has boldly come forward with his amendment. I appeal to this Government not to be obstinate but to accept his amendment. Let them take some time as the Mover of the amendment has suggested and prove at least in one instance they are not obstinate. Let not the Hon. Minister get up and say that the Government do not accept the amendment although it has been moved by one of their own partymen eminent as he is as a lawyer and draftsman."

SRI S. NARSAPAYYA :—" Mr. Chairman, Sir, I beg to oppose this amendment though it has been moved by a Member from this side of the House. Let it not be thought that the Government will accept the amendment because of the encomiums paid by the hon. the Deputy Leader of the Opposition to the hon. Member Sri K. Bhashyam. I am in perfect agreement with the

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view that it was done with a motive. (Interruption.) As the Hon. the Minister for Land Revenue says the hon. Member Dr. V. K. John has paid encomiums to the hon. Member Sri K. Bhashyam not because the amendment has come from him but because it suits the hon. Member Dr. V. K. John to do so.

"Now, the position of the Government has been made very clear both by the Hon. the Minister for Land Revenue and by the Hon. the Minister for Finance. The question is that so far as the assessments for the period up to 1st April 1954 are concerned, the Government want that the turnover must include the tax collected, and in deference to the judgment of the High Court, after the 1st April 1954, the turnover must not include the tax collected. There is absolutely no disrespect meant either to the Appellate Tribunal or to any judgment of the High Court. The Hon. the Minister for Finance has made absolutely clear the basis of the judgment, namely, that as the law stands at present the definition of turnover does not include any tax that might have been collected by a registered dealer, and he has also stated that this House is quite competent to amend the definition or turnover to include the tax collected up to 1st April 1954. The main criterion or the main point that divides the two, namely, the definition according to law as laid down by the High Court and the definition now provided for in this Bill, is the crucial date, 1st April 1954. According to the Bill, on tax payable up to 1st April 1954 the turnover will include the tax collected by the dealer and after the 1st April 1954 the tax collected will not be included in the turnover. So far as this provision is concerned, I would only invite the attention of this House to the anomaly we would have to face if the amendment is accepted. There are cases where the merchants or the dealers have been regularly paying the tax as assessed by the Government. There are others who have been putting obstacles at every stage, who have not paid regularly and who have been going to Tribunals and Courts engaging eminent lawyers like the hon. Member Dr. V. K. John, contending against every order of the assessing authority or the Tribunal or even against the judgments of the High Court. We would only be putting a premium on these recalcitrant assesseees who have not been paying regularly and, on the other hand, we would be levying a fine on those who have been paying regularly by not returning the tax on tax that had been collected. This sort of distinction between those who have been regularly paying and those who have not been regularly paying is certainly not correct, and the Government are perfectly right in stating that the turnover up to 1st April 1954, shall include the tax collected, that is, whoever has collected the tax, whether he has been paying the tax regularly or whether he has been putting obstacles at every stage and has been able to put off paying the tax up to now, his turnover shall include the tax collected.

"I would also invite the attention of the House to the fact that we have rejected the amendment moved by the hon. Member

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Sri V. Gurunandan Row which goes much further than the hon. Member Sri K. Bhashyam's amendment. His amendment was to the effect that no assessment or collection or order made and no action taken by an officer and no judgment, decree or order pronounced by any Tribunal or Court before the 1st April 1954 shall be questioned. After rejecting this amendment that even the assessments made prior to 1st April 1954 should not be questioned, how are we to accept the amendment moved by the hon. Member Sri K. Bhashyam? It is not correct to say that we are going against the judgment of the High Court by saying that the turnover for purposes of assessment shall include the tax collected up to 1st April 1954. I therefore beg to oppose the amendment."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Chairman, Sir, I am not able to accept the amendment even though it has been moved by an hon. Member sitting behind me. The position has been clearly explained by the last speaker, the hon. Member Sri S. Narsapayya, who is also a lawyer and probably my hon. Friend Dr. V. K. John may not shower any encomiums on him, at any rate, on this occasion. The Government have accepted the principle enunciated by the High Court and we are giving effect to it from the 1st April 1954. Hon. Members who oppose the Bill say that because the Government expressed some difficulties in regard to refund they have no objection to the validating of such assessments where the amounts have been collected, but they want the Government not to validate those assessments made for the period ending 31st March 1954 if the amounts have not been collected because the difficulty regarding refund does not arise in their case. There are some administrative difficulties here also. The judgment was actually pronounced in January 1954 and the Government did not want to break the financial year which ended by the 31st of March. Administrative convenience requires that the financial year should not be split. I do not think that any great hardship will be caused by this. I have therefore to oppose this amendment."

SRI K. BHASHYAM :—" Sir, I would like to point out as a final appeal to the Government that I have taken upon myself a very big responsibility in moving an amendment like this against a Government measure. I did it with full responsibility because I felt that the Government would be stultifying itself if it really persisted in the way it is doing. I did it for the sake of the credit of the Government and not as a step against it. I want to make this clear on the floor of this House."

" My hon. Friend, Sri S. Narsapayya, who defended the measure made out a very good point which I would like to answer. He has said that, if the amendment is to be accepted, persons who have been regularly paying their assessments will be penalised while persons who have not been paying regularly and have been persistently defaulting either because they have no money or for some other reason, will get the benefit of it. It is no doubt a very good

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point. Now let us see what we have been doing all these years in respect of prior legislations. In the case of arrears of rent, the tenants who had been paying rent regularly were penalised, but persons who were persistently making default got the benefit. Similarly, under the Agriculturists' Relief Act, all interest was wiped out. Persons who were paying interest regularly were penalised. Therefore, this is the effect of legislation in respect of things which go against nature. So, when we go against nature, we have to do some injustice somewhere or other. There are always bound to be hard cases. The least injustice that we can do is to say that those who have not paid may get the benefit. There is also another point. If an assessment has been made already, whether the person has paid it or not, the assessment is there. In such cases also the assessee is penalised.

" One more point, Sir, and I have done. Even the return of the amount can be only under the provisions of the Act, that is to say, persons who object to the assessment must have preferred appeals to the Commissioner within 30 days or to the Appellate Tribunal within sixty days or to the High Court within the prescribed time. That is the only way in which the assessment is going to be impeached. Such cases may not be very many. Therefore, if my amendment is accepted, the question of returning a large amount of money may not arise. Persons who really want refund of the money will be only very few because most of them might not have preferred appeals in time. The matter is closed in their case. Even from the administrative point of view, the Government need not hesitate to accept my amendment, because the cases of return will be fairly few."

MR. CHAIRMAN :—" I shall now put the amendment of the hon. Member Sri K. Bhashyam to the vote of the House. The question is—

" For the existing clauses 2 and 3, substitute the following as clause 2 :—

" All collections made before the 1st April 1954 under any assessment, order, judgment, decree, order pronounced by any Tribunal or Court shall be deemed valid, notwithstanding that such assessment, judgment, decree or order proceeded on the basis that the collection made by a registered dealer by way of tax under the principal Act formed part of the turnover of the dealer." "

The amendment was declared lost.

Dr. V. K. John demanded a poll and the House divided thus :

Ayes—9.

Sri K. Balasubramanya Ayyar.
" K. Bhashyam.
" V. Chakkarai Chetty.
" T. V. Devaraja Mudaliar.
" M. P. Govinda Menon.

Dr. V. K. John.
Sri G. Krishnamurthi.
" Mohamed Raza Khan.
" V. V. Ramaswami.

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Noes—20.

Sri A. M. Allapichai.	Sri C. Maruthavanam Pillai.
" N. Annamalai Pillai.	" Mahomed Usman.
" V. Bashyam Iyengar.	" S. Narsapayya.
The Hon. Sri M. Bhaktavatsalam.	" C. Perumalswami Reddi.
Sri T. M. Daivasikamani Achariar.	" O. P. Ramaswamy Reddiar.
" M. Ethirajulu.	" V. Rangaswami Naidu.
" A. Gajapathy Nayagar.	" T. S. Saakaranarayana Pillai.
" K. Gopalan.	" A. Subramanyam.
" T. G. Krishnamurthy.	" G. Venkatachalam.
Srimathi S. Manjubhashini.	" P. P. Ummar Koya.

Neutral—1.

Srimathi R. S. Subbulakshmi.

Ayes—9; Noes—20; Neutral—1.

The amendment was lost.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir
I move—

*‘ That the Madras General Sales Tax (Definition of Turnover
and Validation of Assessments) Bill, 1954 (L.A. Bill No. 19
of 1954), as passed by the Assembly, be passed into law. ’ ”*

Dr. V. K. JOHN :—“ Sir, I move that the third reading of
the Bill be adjourned to another date. I am entitled to do it under
the Rules.”

MR. CHAIRMAN :—“ What are the Rules? ”

Dr. V. K. JOHN :—“ Sir, the relevant rule is 98 (2). It
reads thus—

*‘ If, when a Bill is considered, any amendment is made, any member may,
at the conclusion of the consideration of the Bill, object to a motion being made at
the same sitting for its being passed. Thereupon, the Chairman shall, unless he
considers that the request is frivolous or unreasonable, not allow a motion that the
Bill be passed into law to be moved at the same sitting, but the Bill shall be
brought up for further consideration at a subsequent sitting. ’ ”*

MR. CHAIRMAN :—“ The rule refers to cases when amend-
ments have been carried. No amendments have been carried and
so, the House can proceed with the third reading. Anyone who
wants to speak on the third reading stage of the Bill? ”

Dr. V. K. JOHN :—“ I beg to express the hope, Sir, that
this Bill will not be passed into law because it is thoroughly uncon-
stitutional and illegal. I can assure this House that if this Bill is
passed into law, the courts in this country will declare it *ultra vires*
and Legislatures like this would be put to discredit. I suggest
again that the Government should reconsider the matter and see
that this Bill is not passed.”

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SRI MOHAMED RAZA KHAN :—“ Sir, I have one word to
add to what the hon. Member Dr. John has said. The Bill is going
to be passed. But we have the satisfaction that we have done our
duty and that we have pointed out in time the anomalies in the
Bill. If still the Government persist in doing things in their own
way we will only say that it is Government's responsibility and that
they must face the situation when the time comes.”

MR. CHAIRMAN :—“ The question is—

*‘ That the Madras General Sales Tax (Definition of Turnover
and Validation of Assessments) Bill, 1954 (L.A. Bill No. 19 of
1954), as passed by the Assembly, be passed into law. ’ ”*

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

MR. CHAIRMAN :—“ The House will now adjourn and meet
again at 2-30 p.m. to-morrow.”

The House then adjourned to meet again at 2-30 p.m. on
Saturday, the 15th May 1954.

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MR. SPEAKER :—" I shall now put clauses 2, 3, 4, 1 and the Preamble together to the vote of the House, as our rules permit it. The question is—

' That clauses 2, 3, 4 and 1 and the Preamble do stand part of the Bill.' "

The motion was put and carried.

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

' That the Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Bill, 1954, be passed into law.' "

MR. SPEAKER :—" The question is—

' That Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Bill, 1954, be passed into law.' "

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

MR. SPEAKER :—" The House will now adjourn and meet again at 8 a.m. to-morrow."

The House then adjourned.

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 15th May 1954.

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

* * * *

THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT)
BILL, 1954 (L.A. BILL NO. 20 OF 1954).

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

' That the Madras General Sales Tax (Second Amendment) Bill ^a, 1954 (L.A. Bill No. 20 of 1954), as passed by the Assembly, be taken into consideration.'

Sir, this Bill is intended to levy an extra tax on mill cloth of a certain variety at one anna three pies at the first point. It also

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provides for an extra tax of six pies on precious stones only. This has got a taxation value. Also incidentally this Bill will effectively encourage the sales of handloom cloth."

MR. CHAIRMAN :—" Motion moved—

' That the Madras General Sales Tax (Second Amendment) Bill, 1954 (L.A. Bill No. 20 of 1954), as passed by the Assembly, be taken into consideration.' "

DR. V. K. JOHN :—" Sir, I would very earnestly request the Government not to impose a fresh sales tax on mill goods in addition to the sales tax already levied. First of all, let me say, Sir (as I already said in my budget speech), that sales tax is a measure of regressive taxation. The regressive sales tax hits the poor hard. The poor are hit hard by various items of tax, cost of transport, etc. Therefore I would suggest that this additional sales tax on mill cloth should not be imposed. Sir, the effect of this tax would be to kill the mill industry in our State. Even now we are importing every month into our State 8,000 bales of mill cloth to the value of Rs. 12 crores. We should help the mill industry and see that we are self-sufficient in cloth so that we do not import cloth from outside. But if we levy this additional sales tax, what will happen is that the textile business will go out of our State. The consumption of mill cloth will be less, and, therefore, production of mill cloth also will be less. We have invested Rs. 104 crores in this textile business, and about 7.43 lakhs of labourers are employed in the mills. If the mill industry is not carried on well, not only will we have to import mill cloth from outside, but we will be hitting hard the poor people employed as labourers. Therefore, instead of increasing the volume of mill business which will make this State self-sufficient in mill cloth, we will be ruining the mill business. (Interruption by the Hon. Sri C. Subramaniam.) The mill goods were controlled once with the object of securing them to the consuming public at reasonable rates. Since then excise duties have been imposed. Recently an excise duty of Rs. 6 crores has been imposed by the Government of India for the sake of protecting the handloom weavers. The result is that the prices of mill cloth, have already gone up by 25 per cent over the prices obtaining in 1943, when control was imposed on mill goods. The price of mill cloth will go up very much more by the imposition of this tax of Re. 0-1-3 in the rupee. I say this increase Re. 0-1-3 in the rupee is very rigorous. Even if the Government wanted to impose a tax on mill cloth they should have imposed very much less. No particulars have been given by the Hon. Minister regarding the revenue that is expected to be raised by passing this Bill. According to the Budget Estimates, we are deficit only by about Rs. 58 lakhs. It has been suggested both in this House and in the other House that we need not impose any further tax to meet this deficit. What the Government should have done is to have gone into the expenditure which has risen up in recent years and cut it down to the extent of at least Rs. 58 lakhs to make up the deficit in the budget instead of imposing new taxes.

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" Sir, this is a regressive measure of taxation which will hit the poor, which will affect prejudicially the mill industry in the State, and which will effect the labourers, the consumers and also the people who have invested money on the mill industry. Already the revenue from sales tax is coming down, and I am quite sure, if the Government impoverish the poor people still further by the imposition of this tax the result will be that this State will become the poorest in the whole of India. The neighbouring States have not imposed this kind of tax. Therefore the result of this tax will be that the business in this State will be diverted to other neighbouring States. The wholesalers will be ruined and the retailers will go and buy elsewhere. I do not think the Government have investigated the dire consequences that will ensue all round by the introduction of this measure of taxation.

" Sir, I have always held the view that sales tax ought to have been a Central subject and it should have been introduced by the Centre in all the States, in the same form and in the same measure. Now we are adding to the tax on mill cloth and the result would be that the business in mill cloth will go outside this State. I therefore suggest that the Government should think twice before introducing this additional sales tax on mill cloth. It is stated that only the rich people will suffer if superfine cloth is taxed. I say it is a mistaken impression because there are varieties of superfine cloth which cost only about ten annas a yard and poor people also buy such varieties. I do not think the Government have investigated the consequences of this measure. If they had only investigated them they would not have introduced this measure.

" I must say one thing more. Government do not seem to take note of the State-wide agitation not only from consumers but also from merchants and others against the imposition of this tax. Government seem to ignore absolutely public opinion in this matter. Though it is not for me to say it, I must tell the Government that if the Congress Party Members go again before the electorate, they will find the whole body of people against them, the consumers of cloth, the sellers of cloth and all others. It is for the leaders of the Congress Party to consider this aspect also. But I feel, Sir, that there is very great public discontent in regard to the imposition of this additional tax on cloth. I would therefore request the Government in all humility and with as much strength as I can command not to resort to this regressive form of taxation any more and not to add to it further. It is high time they revised the sales tax structure. As I have said very often on the floor of this House, it is not a sales tax at all; it is not even a purchase tax. It is a concealed tax and if a person analyses his expenditure, he will find that about Rs. 50 out of Rs. 100 which he gets by way of income is paid away to the Government as tax. A major portion of it is paid away as sales tax and the other portion by way of tax on petrol and other things. It is a regressive form of taxation. The principle of progressive taxation is that a person getting a small income must not be made to pay anything by way of tax, direct or indirect. That is

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6. The changes made in the Bill are shown in the Bill as amended.

7. The Committee decided that it was not necessary to republish the Bill.

8. A copy of the Bill as approved by the Select Committee is annexed.

M. A. MANICKAVELU NAICKER,
Chairman.

ANNEXURE.

[NOTE.—The changes made are side lined or underlined and the portions omitted are indicated by dots.]

L.A. BILL No. 23 OF 1953.

A Bill further to amend the Madras Preservation of Private Forests Act, 1949.

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Second Amendment) Act, 1954.

2. *Amendment of section 1 . . . Madras Act XXVII of 1949.*—In section 1, sub-section (2), of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) (hereinafter referred to as the principal Act),—

(a) in clause (i), the words “and owned by a single person or by more than one person jointly” shall be omitted; and the following Explanation shall be added at the end, namely:—

“*Explanation.*—Nothing in this clause shall be deemed to apply to any land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him”;

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

“*Explanation.*—A private forest exceeding 100 acres in extent shall not cease to be such by reason only of the fact that, in a portion thereof, trees or shrubs are felled with or without the permission of the District Collector, or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.”

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3. *Amendment of section 3 of principal Act.*—In section 3, sub-section (1), of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) Any alienation in contravention of clause (a) shall be null and void—

(i) if the alienation is of any forest declared by the State Government to be a forest under clause (iii) of section 1 (2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect;

(ii) if the alienation is of any forest in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres [not being a forest owned by a single person or by more than one person jointly before the commencement of the Madras Preservation of Private Forests (Second Amendment) Act, 1954], or of any portion of such a forest, and is made on or after the 24th June 1953;

(iii) if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946.”

4. *Amendment of section 5 of principal Act.*—In section 5 of the principal Act, to sub-section (1), the following Explanation shall be added, namely:—

“*Explanation.*—Sub-section (1) shall be construed—

(a) in the case of any private forest declared by the State Government to be a forest under clause (iii) of section 1 (2), as if for the words ‘which may be instituted after such commencement’ occurring in that sub-section, the words, brackets and figures ‘which are pending on, or may be instituted after, the date on which the declaration under clause (iii) of section 1 (2) takes effect’ had been substituted; and

(b) in the case of any private forest in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres [not being a forest owned by a single person or by more than one person jointly before the commencement of the Madras Preservation of Private Forests (Second Amendment) Act, 1954], as if for the words ‘which may be instituted after such commencement’ occurring in that sub-section, the words, brackets and figures ‘which are pending on, or may be instituted after, the commencement of the Madras Preservation of Private Forests (Second Amendment) Act, 1954’ had been substituted.”

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

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why in the case of income tax, if a person gets only an income of Rs. 300 he need not pay income tax at all because he cannot bear the burden of the tax. But in sales tax you will find that the person getting a hundred rupees is paying fifty rupees as tax while purchasing materials. This is too much of a burden that can be placed on a poor man. He cannot bear it. Our State has been impoverished by the imposition of the sales tax. The Government seem not to take note of the bad effects of the regressive taxation and the impoverishment of the people. But they in their career—I won't say mad career—are intent upon adding to the regressive form of taxation. This I say is not in the interest of the State. This is not in the interest of the Government also. The consequences are that the revenue will go down as it has already gone down. It is not in the interest of the people, and it is not in the interest of the Government. Government should pay their particular attention to the evil effects of this tax. I submit again that the Government should go into the matter and should not introduce Bills which will impose regressive taxes on the poor people from time to time."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, before I speak on the Bill I have got a complaint to make against the Treasury Bench for having snatched away the hon. Member Sri T. Purushotham from this side to their side. He was very active during question time and I hope he will continue to be active even after he has gone over to the other side.

" Now, Mr. Chairman, I oppose all taxation measures. Even the other day I opposed the taxation measure brought in by Government. I do so because I find that there has been no attempt at effecting retrenchment in Government expenditure. But as far as this Bill is concerned, I am going to support it and welcome it. The reason is this. We who had followed the Father of our Nation during the struggle for freedom, had been dreaming that this Government, which is in the hands of the disciples of Gandhiji, would encourage the cottage industries entirely and would allow no mill industry to compete with the cottage industry because we believed that the economic salvation of the country, the rural development of this country, the salvation of the millions of poor people of this country lay really in the encouragement of the cottage industries. This is the lesson that we have learnt at the feet of the Father of our Nation. It had been a sorrowful picture to us that during the seven years of Congress rule in this State and in the Centre, cottage industries were neglected and industrialisation was encouraged with the result that the beggar problem has increased, and the unemployment problem has increased by leaps and bounds. I can say with authority that the unemployment problem and the beggar problem have increased more than what they were during the British period. Even my unfortunate district of Malabar which cannot meet its own needs of food is invaded by swarms of Tamilian beggars coming from

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the Tamil districts—people who were engaged in the handloom industry. These people could not make both ends meet. This is the condition to which we have reduced ourselves.

" However, Sir, there is a gleam of hope when we see that this Government have after all decided to tax the mill cloth so that that amount may be utilized for encouraging the handloom weavers and the handloom industry. Really I am not saying anything in anticipation, Sir, but suppose I were a Dictator for a short period in this State . . . "

SRI MOHAMED RAZA KHAN :—" God forbid."

SRI M. P. GOVINDA MENON :—" God forbid, because people like the hon. Member Sri Raza Khan will not be able to prevent it. I am not likely to become a Dictator anywhere in the near future. But if I were to become one I would close the mill industry and encourage the handloom industry and the cottage industries so that the millions of the rural population will be saved from poverty and unemployment. I know also the danger involved in it. Persons like the hon. Member Sri Raza Khan will try to overthrow such a Government.

" Mr. Chairman, what has been our experience? When the distinguished leader, Sri T. Prakasam, as Chief Minister of our State, tried to stop the import of spindles, his Ministry was thrown out. Then the great and distinguished leader, Sri C. Rajagopalachari, wanted that the entire production of *saris* and *dhotis* should be reserved for the handloom. He is also out of office now. I do not know what will be the fate of the present Chief Minister who has brought forward these taxation measures. Whenever there has been an attempt to follow in the footsteps of the great Mahatma and to encourage the handloom industry at the expense of the mill industry that Ministry has gone out of office—thanks to Sri Mohamed Raza Khan and other friends who believe in other ideologies.

" I would suggest that the entire amount collected under this tax must be utilized only for encouraging the handloom industry. The Hon. Minister concerned must have it earmarked for the handloom industry and, if it is not possible to do so under the statute, the Ministry must at least bear it in mind, namely, that the amount got by way of this taxation measure must be kept separate for the encouragement of the handloom industry.

" Another difficulty in this regard is that the Government entrust the encouragement of cottage industries to officials. How could we expect cottage industries to flourish when they are put in charge of persons who do not believe in these ideals? I have seen Deputy Registrars of Co-operative Societies selling handloom cloth while they themselves are adorned in mill and foreign cloth. I have also seen Deputy Tahsildars in charge of Government Khadi Depots attempting to sell Khadi while they themselves are dressed in foreign cloth. How could these people act as proper advertisement agents for these industries? The Government must take courage in both their hands and put the handloom industry and the cottage industries

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in charge of persons who believe in such industries. In the days of the freedom struggle we had millions of young men and women who went to jail for the sake of cottage industries and *swadeshi*. Can we not find some young men now, give them some money and make them work these schemes?

"How is this money to be utilized for the encouragement of the handloom industry? The poor weavers find it very difficult to get yarn. This money may first of all be utilized as a sort of subsidy to them so that they could get yarn at a cheaper rate and thus compete with the mill industry. I am glad that the Government have taken a step in the right direction and that they will go forward step by step until this State's requirements of cloth are met from the handloom industry or from the khadi industry. I hope, Sir, that the present Ministry will see that such a state of affairs is soon achieved.

"I have no objection to the present Ministry calling themselves a Congress Ministry even though I see on the Treasury Bench some non-Congressmen. I do not know how far they are entitled to call this a Congress Ministry but my complaint is that as long as they call themselves Congressmen and believe in the ideology of the Congress, not after 1947 but before 1947, they need not drag in the mighty and glorious name of Mahatma Gandhi. If they really believe in the Congress ideology, I hope this Government will by a series of legislations encourage khadi and cottage industries and see to it that the production of mill cloth is done away with."

SRI MOHAMED RAZA KHAN :—"Mr. Chairman, Sir, I know that it is a very difficult job that the Hon. the Minister for Land Revenue is performing for the last seven or eight days coming forward with one legislation after another attempting to increase taxation. I really wonder whether he himself feels happy over what he is doing. I have got every sympathy for him because I find that he is the unfortunate victim of circumstances.

"With regard to this Bill, if the Budget debate is to have any meaning or value and, if the Hon. the Minister for Finance, takes the sense of the House—I am sorry if I am misinterpreting it—he will see that most of the hon. Members who spoke were against this taxation measure. Even some members of the Congress Party were against it. The consensus of opinion is that hon. Members are opposed to this kind of taxation. If I remember aright, the Hon. the Minister for Finance and the then Chief Minister, Sri C. Rajagopalachari, made it definite on the floor of this House and in the other House that this measure was not for the purpose of augmenting the revenues of the State and that it was intended only to find a way out for giving proper protection and relief to the handloom industry. Subject to correction, I think that this was the categorical statement made by the Hon. the Minister for Finance. I do distinctly remember that the case of the Government and the then Chief Minister and the Finance Minister (who fortunately continues in his office), was that this was not a taxation measure intended to augment the revenues of the State. Therefore, Sir, while the Hon. the Finance Minister was replying to the debate,

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a definite question was put to him whether, if at any time the Government of India decided to give protection to the handloom industry, this Government would put off this tax as there would be no necessity for it then. If the Government do make any declaration, they should stand by it. But, what we find is that so soon after the Budget Debate the Government have come forward with this Bill stating that it is for the purpose of augmenting the revenues of this State.

"I was really surprised to find that the Government of Madras were going to increase the Sales Tax on cloth from 3 pies to 1 anna 3 pies, an increase of 500 per cent, though it be that it is to be levied only at one point. I therefore think that in fairness to the public and the business community this measure ought to have gone before a Select Committee. The Government could have invited some people who could speak with authority on the subject and they would have explained the difficulties of the industry and, if in spite of this, the Government felt that there was no case for those who were opposed to the tax, they could proceed with this measure. But this measure did not at all go before a Select Committee. I know, Sir, that in the past there were many occasions when the Government felt very strongly on certain matters but in the course of the discussions in the Select Committee the Select Committee was able to convince the Government that they were wrong, and the Government were then forced to withdraw those measures.

"Both the Hon. the Minister for Finance and the Hon. the Minister for Land Revenue anticipated some difficulty. As was pointed out during the Budget Debate the sanction of the Government of India or rather that of the President is necessary. That is why the Government have thought it fit to split the Sales Tax on cloth into two separate Bills, one for taxing medium cloth and the other for taxing other varieties of cloth. The Government of India may not sanction the taxation on medium cloth. I may also express my wish that the Government of India will say that both the Bills are not assented to so that the poor people of this State may escape from this taxation. This is not such an easy thing as the Hon. the Minister for Revenue and the Government seem to imagine. If the people are to be taxed at one-anna three pies per rupee instead of at the present rate of three pies, the repercussions or the consequences will be very grave. Already, the people of our State are paying about an anna by way of Sales Tax which is being levied at different levels, namely, at the level of production, at the level of distribution, at the level of the wholesaler and at the level of the retailer. They have to pay in addition a quarter anna as cess for the protection of the handloom industry and also an excise duty varying from six pies to two annas. On account of these the trade has shrunk. If in addition this trade is asked to bear the burden of the additional taxation now proposed, from what little I know of it, can say that it is bound to diminish still further. As the Hon. the Minister for Revenue is aware, from the diminishing returns of Sales Tax that he is having, the turnover of this business has fallen considerably when compared with that

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of last year and the year previous to that. In such circumstances, I am not able to understand the logic behind the Government of Madras who have come forward with these two Bills to raise the Sales Tax on cloth by 500 per cent.

"It was also pointed out in this connexion that this was intended to give relief to the handloom industry. Well and good. I am one for giving relief to this industry. I also feel, Sir, that the hon. Member, Sri M. P. Govinda Menon, is a very good man and he is supporting all good things but, unfortunately, all the causes that he supports never succeed. In his speech, the hon. Member tried to cut some jokes here and there. I am not going to touch upon them. I am for giving all possible relief to the handloom industry but I can say this sort of spoonfeeding is not going to help the industry very much. If the handloom industry is to thrive and flourish, it has to do so by itself. Unfortunately it has not, and neither the Government of India nor the Government of Madras are responsible for this. The Government say that by imposing this additional sales tax on mill-made cloth they want to give protection to the handloom industry. It may appear to be a good plan on paper, but in actual working it may not be possible. If really the Government of Madras are very sincere that they should protect this handloom industry, they should fight with the Government of India and force them to agree that such and such varieties of cloth should be exclusively reserved for the handloom industry. That was the original proposal of Sri C. Rajagopalachari. The present Chief Minister should have taken up the matter with the Commerce Ministry of the Government of India pointing out to them 'Here are millions and millions of handloom weavers spread throughout this State. This industry has got to be protected. The only way to give them the required protection is by imposing a ban on the mills from entering into a competition with the handloom industry in the manufacture of certain varieties of cloth.' Speaker after speaker has dwelt at considerable length on this subject. After all, what is the deficit in the Budget of this year? It is nearly 58 lakhs of rupees and to cover up this Rs. 58 lakhs legislation after legislation is brought before this House resorting to all sorts of taxes. I may say that if one were to sit and compile a history of all the taxes that have been imposed from 1946 to 1953, it will take three or four volumes to write it. The Government should know how this measure will affect the trade, though it is all too easy to pass legislations.

"One effect of this measure will be to shift the sphere of business to border areas. For instance, the border areas of Chittoor and Kalahasti, which are in the Andhra State, are not far off. Many business shops will be opened there, for, if we purchase from the border areas, we can escape payment of this additional sales tax of 1 anna and 3 pies in the rupee.

"The second thing is that the Government say that they are bringing in this Bill with a view to augmenting the revenues of the

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State, which is not going to happen. There is the law of diminishing returns, because the purchasing capacity of the people is very low. In fact, so far as our State is concerned, on account of the various taxes that are already in force, the purchasing power of the people has come down. The law of diminishing returns will set in and the result will be that instead of getting more revenue, the Government will be getting only less. I do not understand on what logic the Hon. the Minister for Land Revenue has brought forward this measure. As I have already pointed out, one effect of this measure will be that the business will shift from Madras area to the border areas. People know how to evade this tax.

"The other thing that I want to refer to is that there are not many weaving mills in our State. There are a number of spinning mills. With this increase of 1 anna 3 pies in the rupee in the sales tax, will there be any possibility of any more mills being started, particularly in these days of depression? Is this the way to encourage more industries to come up? The hon. Member Sri M. P. Govinda Menon said that we must all support the handloom industry. It is a good slogan. I know that the money which is being collected as cess on the mill cloth and in which our State also gets a share is being wasted and is not being put to proper use. Any complaint is not going to help. I do not know how this increase of 1 anna 3 pies in the rupee is really going to help the handloom industry to flourish in this State.

"Sir, this subject has been debated on a number of occasions. There was a good deal of discussion during the Budget debate. We thought that the Hon. the Chief Minister will take into consideration all the viewpoints expressed on the floor of this House. There is an erroneous impression that this cloth is purchased only by the richer sections of the people. It is only the lower middle class people and the poor people who purchase this mill cloth. They cannot go in for the costlier cloth. It is said that this increase will affect only the richer classes. I cannot understand how. I do say that this is a tax not on the rich people, but on the poor people. Even now, I request the Government to consider whether it is worthwhile for them to pursue this taxation measure. They can examine the whole case. I know, Sir, there is no case for any increase in taxation particularly when there is a persistent demand from the business sector to reduce even the present level of taxation. Of course, the Hon. the Minister for Land Revenue has been accustomed to so many demands. He will say 'Let them go on representing but I shall go my own way'. When there is a demand for the levy of single point tax, it is really surprising that the Government of Madras are increasing the tax from 3 pies to 1 anna and 3 pies. Even though this Bill has been passed by the Assembly—I know that with the majority they command the Government will be able to pass any measure—the Government should know what will be the repercussions, how the trade will be affected, whether there is any possibility of the industry developing further in the State and whether the trade will not shift to border areas. It will not be difficult for people to have their

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purchases made in the neighbouring States like Travancore-Cochin or Andhra and evade the payment of this tax. I do maintain that the Madras Government did not bestow proper attention on the various aspects of the matter. In conclusion, I wish to state that Government themselves are not consistent as to what the object of the Bill is. First they said that their object was to give protection to the handloom industry. Now they say that their object is to augment the revenues of the State. This itself shows that the Government seem to have lost their case. As I have pointed out at the outset, the deficit this year is about Rs. 58 lakhs. Speaker after speaker has said that this is a very small deficit, and even persons like Dr. A. Lakshmanaswami Mudaliar have said that this small deficit could be met by effecting certain economies in expenditure, and that even if that was not possible the deficit may be left uncovered, and that there was no necessity for further taxation. But the Government have not paid heed to their advice. If the Government continue their present policy, the trade will be ruined and ultimately the Government will stand to lose rather than stand to gain."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, this measure has been brought forward for augmenting the revenues of the State. There cannot be any question of protecting the handloom industry by the present measure. The hon. Member Sri Govinda Menon invoked the name of Mahatma Gandhi. Why should we invoke the name of Mahatma Gandhi in this matter? After all, the handloom industry depends upon mill-made yarn. When we talk about Mahatma Gandhi we forget for a moment that we are not following him. We forget the fact that the handloom industry depends on mill-made yarn. Mahatma Gandhi wanted the whole nation to spin. But what are we doing? We do not spin at all. Unless some convention is established that everyone of us should spin, it may not be possible for the whole nation to be clothed. Therefore, if we want to manage without mill-made yarn, everyone of us in the country must spin. What is the use of talking about Mahatma Gandhi? Let us follow Mahatma Gandhi as much as my hon. friend would like to follow him.

"But we are not on this fact at all at the present juncture. Sales tax is a consumers' tax and under the present conditions sales tax is never approved of throughout the world except in our Madras State. When the Sales Tax Bill was passed I pointed out to the Hon. the Finance Minister that sales tax was never popular and was never resorted to because it was finally a consumers' tax. Goods are sold to the poor and as soon as the sales tax is levied, the seller passes it on immediately to the consumer. Immediately the price of the article increases. When we impose sales tax we should not look to the merchants alone, but to the thousands of consumers also. Coarse cloth between 35s. and 60s. is used by middle class people and they will now be hit hard.

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Handloom cloth is made of mill-made yarn. Unless we encourage the mill-made industry also at the same time, we cannot have handloom cloth. We are not here to say anything against relief being given to handloom weavers. Let us always remember handloom weavers. If it is khadi, that is quite a different matter. We are not concerned with khadi at all in this Bill.

"The other difficulty is that this is really an inter-State question. It is proposed to levy the additional tax on the first sale effected in the State on account of the restrictions imposed by Article 286 (1), (2) and (3) of the Constitution. This article is there in the Constitution for the purpose of seeing that unnecessary and unreasonable restrictions are not placed on Inter-State trade and commerce. According to Article 301 of the Constitution, the trade and commerce between various States of India shall be free. Most of the mill-made cloth is imported into our State from Bombay and Ahmedabad. Bombay has not made any progress in the handloom industry. This is a question which depends entirely upon the Centre. On a long range view it is the Centre which should take up this question. Therefore, I am forced to point out that this Bill is against the spirit of the Constitution. If we impose a tax of Re. 0-1-3 on mill-made cloth it will be imposing a restriction on Inter-State trade and commerce. Let us not go into the question whether this Bill is *ultra vires* or not. But I am perfectly sure that this is a thing which goes against the spirit of our Constitution. The handloom industry will not be helped even with this additional sales-tax of Re. 0-1-3 on mill-made cloth. Even then, mill-made cloth will be resorted to. I am perfectly sure of that. The handloom cloth will not be much cheaper than the mill-made cloth. The difficulty is that the mill yarn is not cheap. If mill yarn that is supplied to the handloom weavers is very cheap, then we can always have handloom cloth. Therefore, by this Bill we are not really solving the problem at all so far as the handloom weavers are concerned. This Bill cannot be of much help to the handloom weavers. I am sorry to say it is all mere talk to support the Bill. This is really intended for augmenting the revenues of the State. It is opposed to the Constitution, even though we may wriggle out of the question on account of the recent Supreme Court's decision which says that the first sale within the State is one on which tax can be imposed by the local Legislature even on non-resident dealers. Otherwise, this Bill will hit all the provisions of Article 286 of the Constitution. Are we justified in affecting Inter-State Commerce and in imposing restrictions upon Inter-State Commerce? These are really very indirect restrictions on Inter-State Commerce. Are we really justified in imposing these restrictions for augmenting the resources of our State hitting hard the poor consumers and at the same time not helping the handloom industry?"

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SRI K. BHASHYAM :—“ Sir, I am surprised that such a measure as this which has been brought in for the purpose of augmenting the resources of this State and also to meet the deficit should have met with such an opposition from hon. Members opposite. They say that this imposition of taxation should be justified only on the ground of augmenting revenue and not upon any other ground. What is the reason for saying so? If as a matter of fact, the Government want revenue, they can justify the imposition of this tax upon other grounds also than augmentation of revenue. Why should they not say that the Bill is also intended to help the handloom industry? There is nothing wrong in it. For the purpose of emphasizing their arguments, hon. members invoke the name of Gandhiji. It is asked ‘ Why should they drag in here the name of that great Seer of all persons for the purpose of arguments?’ (Interruption by Sri K. Balasubramanya Ayyar.) My hon. Friend is very angry no doubt. But I would like to point out to him that as a matter of fact that anger does not solve the problem or meet the arguments that I have placed before the hon. Member. My argument is this. The Government want revenue and revenue can be collected so as to be useful to other persons as well. While collecting the revenue, this Bill will also be useful to support an industry which is suffering under a great disadvantage. Is that justifiable or not? If it is justifiable, I will call upon Gandhiji’s name because it is really supporting the idea of self-sufficiency not only in cloth but also in other things. At least in cloth requirements we shall be self-sufficient. If I call upon Gandhiji’s name why should the Opposition get out of temper over it? I do not see anything wrong at all. The hon. Member is angry for another reason also. He says that if we follow Gandhiji’s principles, we must follow fully. But is it possible always to do so? A man is enjoined by *Sastras* to do certain things. He does not do most of the things, but he does something. We must be thankful for that. Therefore it is I say, if, as a matter of fact, in the present case, at least in the name of Gandhiji we are able to help the cottage industries to the extent we can, then I think, Sir, there is nothing wrong in this Bill. I, of course, ask people who are interested in cottage industries to support this measure.

“ One other fact I would like to mention, Sir. There is always a contest between mill industries and cottage industries and between wholesale production of goods and goods produced by hand in villages or in the houses. That is the position. We are not now complaining against the one or the other. The time has come when machine and handicraft are really opposed to each other. Are we going to support the one or the other? Are we going to kill the one altogether and support the other altogether? We have come to the parting of the ways. True there is a body of opinion saying that we must industrialise the country to such an extent that all handicraft would be killed in favour of machine-made goods. People who are really interested in the welfare of

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the country should not and cannot subscribe to that opinion. Why not industrialise the big industries, and why should small industries, like the cottage industries, be industrialised? We must not kill the cottage industries. That is accepted by most people—even by economists who have something to say about the economics of our country. The argument that this tax is sought to be imposed on mill goods with a view to augmenting the revenues of this State, but not with a view to helping the handloom industry, is based on a very fallacious principle altogether.

“ The second point is that the mill industry is competing with the handloom industry. True. It is said that after all the handloom industry depends upon the mill industry to a large extent. I agree. If it is possible for the country not to depend upon the machine altogether and to get all the yarn made out of hand, we would certainly welcome that. Mr. Balasubramanya Ayyar is so much interested in the affair that he wants other people to follow his suggestion. I would like him to consider this question seriously. There are still people who are engaged in the production of handloom goods. There is no doubt about it. There are people who are patriotic enough to feel that in the long run they would be able to persuade other people to their ideal about the handloom industry. All honour to them. I wish them all success, if not to-day at least some time later. I would ask in this connection, why not mill yarn be sold at a cheap rate to the handloom weavers? Who are responsible for the high price of mill yarn? The mill owners whose mills really spin, and not merely weave, are able to produce yarn cheaply, and therefore they are able to compete with the handloom goods. If any control is to be imposed on the mills to the effect that they should not weave, and that their yarn should be sold in the open market for the benefit of the handloom weavers, that will be the best thing that can be done and ought to be done. If this is not done it is because there are persons who do not have the interests of the country at heart. There are persons interested in the mill industry. They cannot forget their own interests. There are persons in Northern India who are interested in the mill industry. People in other States, whenever they speak about the mill industry, do not know that in the Madras State the weaving mills are very few in number. The weaving mills are not so very flourishing as the spinning mills are. There is only a very small number of weaving mills especially in Coimbatore. Therefore the apprehensions entertained by hon. Members that all the mill business will go into other States are unfounded. I do not share their apprehensions. I do believe that people who are running spinning mills to-day will go on flourishing and they will be able to supply all the yarn they produce to the handloom industry perhaps at cheaper rates. The only question is, how to supply cheap yarn to the handloom weavers. The Government must consider this question. The idea levying a tax on mill-made goods is at best only a protective

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measure. It does not help the handloom industry to a very large extent. We only protect our handloom industry against exploitation by mills in other States. After all mill cloth is mostly imported from outside our State, and imported cloth does really compete with handloom goods in our State. Are we not entitled to protect our own handloom cloth against the import of mill cloth from other States? Is that a crime? Is it not proper to protect our handloom goods. Therefore, Sir, I think that all the objections that have been raised by hon. Members for the purpose of saying that this tax will kill the mill industry, etc., are not to be considered seriously.

“Then, Sir, it has been stated that sales tax is passed on to the consumer, and that the consumer will pay this tax of one anna and three pies. It is stated that to that extent the consumer is hit. True. But I ask, Sir, why should men purchase the mill cloth at all? Why should they not make a little sacrifice and purchase handloom goods? Why should they not do it? Cinemas are flourishing. Dramas are flourishing. Exhibitions are flourishing, and so many other things are flourishing. But if we are to levy a tax of one anna three pies on the sale of mill-made goods so that the handloom industry may be benefited, I do not understand why there should be so much of objection. If it is possible for me I would compel all to purchase only handloom cloth. If it is not possible, let me at least say that we should support this levy of additional tax on mill-made goods. In this matter let us all fight the Central Government unitedly. If only the Central Government had been sympathetic, the handloom industry would have been flourishing from a very much earlier period. But there are persons in the Central Government who are really not of our view. They are interested mostly in the mill owners of Bombay and Ahmedabad. They want that the mill industry should be flourishing. They have got the interests of these mill owners at heart. Therefore we cannot make much headway with the Central Government. But to the extent to which we can help the handloom industry, we shall try to help it, even if the help be a very small help. After all, the Central Government also feel and say that we have got to help the handloom industry in some way or other. They have levied a cess upon the mill cloth. They have collected the cess, and they are distributing it. Of course that is inadequate. That is not what we wanted. We did not want any charity. We want *pucca* help to the handloom industry. We want that the handloom weavers should be able to get yarn as cheaply as possible. I have experience in the handloom industry, and I have managed four looms. I was in charge of a Swadeshi Store. I know the difficulties of the handloom weavers. If all the spinning mills are made to disgorge all their yarn—at any rate up to 50 per cent—in the open market, the problem of the handloom weavers will be solved to a large extent. I believe—I have experience of it—that the handloom weaver can then produce cloth as cheaply as the mill produces, if only there is not the increase in the cost of the yarn. The mill's

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produce yarn cheaply, and therefore it is that they are able to compete with the handloom weavers. If we really get yarn for the handloom weaver at the same price as it costs the mill owner, the handloom goods can certainly compete with mill-made goods. It is a pity that persons who have dexterity and fineness in their hands and who are engaged in this handloom industry should take to other professions. They have become masons, coolies, factory labourers, etc., to eke out their livelihood. What I say is that a good craftsman is really lost to the world. I agree with the hon. Member Mr. Balasubramanya Ayyar that this Bill will not help the handloom industry much. But to the extent that it does, why should we not help it? We are all not united in this matter. If we are all united and if we fight the Central Government on this matter, possibly we will make the Central Government agree to our request. But on account of fissiparous tendencies, we do not agree among ourselves. That is why the Central Government themselves are acting against us. If we do not present a united demand, I should like the Opposition to keep quiet at least. We really want to help the handloom weavers as much as we can. We do not help them fully, but to the extent we can help, we should help them. There are millions of people engaged in the industry, and the handloom industry comes next to agriculture. Therefore, I appeal to hon. Members opposite to drop their opposition.”

SRI MOHAMED RAZA KHAN :—“We are not going to accept the suggestion of the hon. Member.”

SRI A. M. ALLAPICHAJ :—“Mr. Chairman, Sir, but for the unkind attack against my hon. Friend Mr. Govinda Menon I would not have risen today to speak on this measure. The hon. Member Sri Govinda Menon is a Gandhian.” (An hon. Member : ‘Is he speaking on the Bill, Sir?’)

DR. V. K. JOHN :—“Is it in order, Mr. Chairman, that simply because an hon. Member made an irrelevant attack, another hon. Member should reply to it? I think we have to speak on the Bill.”

SRI K. BHASHYAM :—“Sir, we attack only ideas and not persons.”

SRI A. M. ALLAPICHAJ :—“Sir, I am speaking on the Bill. The hon. Member Sri Govinda Menon firmly believes in the Gandhian principles. Whether the whole world follows those principles or not, the hon. Member has a right to say that people should follow the Gandhian principles and no one can prevent him from saying so. We the Congressmen in our own humble way are doing our very best in averting the advent of Communism in this country. Hon. Members opposite do not seem to realize this fact. When the Government bring in a taxation measure or some other measure, hon. Members Opposite think that the Government are the enemy of the rich people and so they begin

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to attack the Government. It is not so. The Congressmen want to be fair to all. While appreciating the right of the rich people to property, it is the principle of Congressmen to stand by the poor men in the country. They did not win freedom from the Britisher simply to make the rich richer and the poor poorer. It was won with a view to make the poor men rich, and to make them feel happy and prosperous and to make them also feel proud of this great country. That being the case and when we are doing our best in our own humble way to better the lot of the poor people, all sorts of obstacles are put in our way.

"I would like to ask, what is it that is wrong in this measure? The mill owners are making lakhs and lakhs of rupees. What is the harm in taxing them? Even if the middle-class people are asked to pay this tax what is the harm? Where is this amount to go? It does not go into the pocket of the Government. It is not going to be thrown into the Bay of Bengal. It is not to be taken by the Congressmen and put into their pockets. It is to go to the poor people of this State, it is going to be used for bettering the conditions of the poor people. The consumers are going to pay it and the benefit will go to all the people of this State. Therefore I do not know why there should be so much of opposition to this tax. What is the difficulty? (An hon. Member: 'The difficulty is we cannot understand this tax.') The hon. Member will understand only when the Communists come into power. Then it will be rather too late." (An hon. Member: 'Then all our troubles will be put an end to.')

SRI V. V. RAMASWAMI:—"I hope the hon. Member is not an enemy of Communism."

(The hon. Member Dr. John rose.)

SRI K. BHASHYAM:—"Mr. Chairman, Sir, is it proper to interrupt the hon. Member like this when he is on his legs?"

DR. V. K. JOHN:—"It is the hon. Member Mr. Bhashyam who is interrupting now."

SRI K. BHASHYAM:—"I interrupt because the hon. Member Dr. John interrupted the speaker."

SRI A. M. ALLAPICHAJ:—"Sir, there is another thing which hon. Members should take into consideration. Ours is a State where we have a large number of weavers. If we are blind to their state of affairs, perhaps people will be justified in trying to move for the abolition of this House itself. We do not seem to be quite aware of what is taking place outside. Hundreds and thousands of our people are suffering from poverty. They have been thrown out of their jobs. Thousands of weavers are now unemployed. Their wives, children, sisters and everybody depending on them are suffering hell on earth. When such is the state of affairs are we to be blind to them? Are we to say, 'don't

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come forward with such a measure to impose tax on mill cloth. After all the mills and the mill owners will be getting on in spite of this tax. They are very clever people. They are very rich people. Let them produce the best cloth and compete in foreign countries. If they do that, who can prevent them? Therefore, Sir, I feel that the Congress Government are really doing a great service by standing by the poor people and teaching the rich people to render service to the poor people. Therefore, I support this measure."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Mr. Chairman, Sir, the view that the handloom industry should be protected and encouraged in this country is shared by the Government of India also. That is why they introduced the cess on mill cloth so that, that amount could be utilized in popularizing the handloom cloth even though at the Centre as it is said, the mill industry has greater representation and greater influence. In spite of this the Government of India thought it fit to introduce this cess. But in introducing this cess, they treated all the States alike because they did not know the very peculiar conditions of this State. They treated all the States alike in the matter of protecting the handloom industry. The peculiar conditions of the handloom industry in this State call for a drastic method of protection. In this State there are about 30 to 32 lakhs of people who are entirely depending on this industry. If the industry is not protected, all these people will be thrown into the streets. As a matter of fact they were on the streets a few months ago and the Government had to run a number of gruel centres spending many lakhs of rupees to feed them. That is why in the Assembly a resolution was unanimously passed—that bordered dhotis and coloured saris of certain counts should be reserved for the handloom industry. We expected that that resolution would be accepted by the Centre and the problem of the handloom weavers solved. But, unfortunately, they could not realise the peculiar circumstances in which this State is placed and so they did not accept the resolution. Then we had to think of other ways of protecting this industry and encouraging it. After a very lengthy deliberation we thought this was the only constitutional weapon that we had of protecting the handloom industry. If any hon. Member of this House had attended the Assembly during the discussion on this Bill, he would have listened to the speeches made by certain hon. Members of that House who even asked that the Government should adopt unconstitutional weapons. (An hon. Member: 'Like what?') Like what the Dravida Kazhagam people say. But we have to think only of constitutional weapons. We have therefore decided that this is the only best way of doing it, that is, by imposing a tax of Re. 0-1-3 in the rupee on mill cloth of certain varieties. Though we are not quite sure of the revenue that would be realized by imposing this tax,—it all depends on the handloom industry and other factors and I am not now prepared to hazard any

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definite figure about the income—we feel it will bring in a handsome amount. That is our hope. Apart from the income from this tax which we need, this tax will go a long way to protect the handloom industry, and that is what we want.

“ Then the hon. Member, Sri M. P. Govinda Menon, referred to the fact that the poor Tamilians strayed into his domain, the district of Malabar. This is not the first time that he is referring to it. He has referred to it once before. Let me point out to the hon. Member that this is so according to the well known law that Nature abhors a vacuum. When there is a vacuum in the atmosphere, air from other places rushes in there. All scientists know this for a fact. Similarly from Malabar a very large number of people stray into non-Malayalee areas to pursue various professions from the highest to the lowest like hotel-keeping, running of *pan* and *bidi* shops and aerated water shops that the law of nature operates and into the vacuum thus created the unfortunate Tamil people enter. There is nothing strange in this phenomenon. If only the hon. Member, Sri M. P. Govinda Menon, will give a guarantee that he will take back to Malabar all his brethren in non-Malayalee areas, I will assure him that no Tamilian will ever stray into his district.”

SRI M. P. GOVINDA MENON :—“ I am prepared to give such a guarantee.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Sir, it was also said that the people in charge of the handloom industry themselves do not wear handloom cloth and the sales would be better if they also wore handloom cloth. This logic cannot be pushed too far because it will result in absurdities. Can we ask a man selling saris that he should market it only wearing a sari himself? We cannot go to this length. The hon. Member, Dr. John said that there were about seven lakhs of textile workers in our State. Probably, he has no idea as to the actual figures. At the most there will be a lakh of workers in the textile industry in our State. He probably furnished all-India figures. Apart from this, the same hon. Member said that yarn should be made available at very cheap rates and that then only it would be useful to the handloom industry. I agree with him, and the Government will take all possible steps to see that yarn is available as cheaply as possible. We are trying in every way to help these unfortunate handloom weavers.

“ The hon. Member, Sri K. Balasubramanya Ayyar, asked how we were going to help the handloom industry by imposing these taxes. We have to do things one by one. Suppose a tank breaches. The Engineering Supervisor first goes there and puts up a ring bund to prevent water from other places entering the breached tank and then begins to repair the tank. This additional taxation is something like the ring bund to prevent the import of

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mill cloth. Then we will take other steps like making yarn cheaper, etc. In this manner, this additional taxation is only a sort of protection against the inroads of the mill cloth.

“ Then with regard to prices, it is said that the handloom cloth is costlier and the poor and the middle classes would naturally prefer to buy mill cloth. I may inform the House my own experience. On the face of it, it appears, as if mill cloth is cheaper and handloom cloth is costlier. But, if we go deep into the matter, we will see that the handloom cloth has got at least 50 per cent more wearing quality than the mill cloth. This fact must be made to catch the imagination of the people by means of propaganda. We must tell them that not only will they be helping the suffering handloom weavers who would otherwise be thrown into the streets (or would have to go to Malabar as my hon. Friend, Sri M. P. Govinda Menon, is afraid of) but that they will also be not making such a sacrifice if they took into consideration the wearing quality of the handloom cloth. In the long run, it will not cost more than mill-made cloth. I will give an instance. In my student days, I had a fellow student in the Law College. Though he belonged to a middle class family, he always used to come in silk suits. I asked him how he managed to do so. He said that he did not spend a pie more than what people who wore cotton suits did because the silk suits were longer. He also said that without spending more money he looked more gentlemanly and more respectable than others, thanks to the better wearing quality of silk. Therefore, even if we pay 50 per cent more than the price of mill cloth to purchase handloom cloth, it is worthwhile doing so because of the better wearing quality of the handloom cloth. Though mill cloth looks cheaper in the first instance it is really costlier than handloom cloth in the long run. Generally, people look at the surface of things only and never go deep. Therefore, if we explain all these things to the people they will surely become handloom-minded and all people including my hon. Friend Sri K. Balasubramanya Ayyar, will begin to wear handloom.”

DR. V. K. JOHN :—“ What about khaddar? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Sir, I consider that people of a self-sacrificing spirit wear *khaddar*. I would like to call people who wear *khaddar* as first-class people, people who wear handloom cloth as second-class people and people who wear mill cloth as third, fourth or fifth class or ‘ no class ’ people.

“ With these remarks, I would like once more to request hon. Members who are opposed to this Bill not to oppose it because this Bill has been brought forward only in the interests of the handloom weavers.”

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MR. CHAIRMAN :—“ The question is—

‘ That the Madras General Sales Tax (Second Amendment) Bill, 1954 (L.A. Bill No. 20 of 1954), as passed by the Assembly, be taken into consideration.’ ”

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

Clause 2.

MR. CHAIRMAN :—“ The motion is—

‘ That Clause 2 do stand part of the Bill.’ ”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, I beg to oppose this Bill with all the vehemence that I can command. I am not opposing this Bill for the reason that I am not convinced by the arguments put forth by the Hon. Minister piloting the Bill or the hon. Members who spoke in support of cottage industries. I am one of those who stand for cottage industries and, in fact, I have been pleading for the promotion of cottage industries. But, have the present Government committed themselves to the improvement of cottage industries? If they had really committed themselves to such a task, it would not have taken them a second to stop all the rice mills and thereby give employment to thousands and thousands of villagers. If this had really been their policy, it would not have taken them much time to prevent the establishment of the plastic industry and the glass industry which are detrimental to indigenous industries.

“ I quite appreciate and sympathise with the points just placed before the House by the hon. Member, Sri M. P. Govinda Menon. We do not in any way lag behind anybody else in the matter of patriotism or in regard to the encouragement of cottage industries or the improvement of the economy of our country. This Bill has been dealt with more or less as a Bill for the encouragement of the handloom industry. Is it really for this purpose? No, not at all. It is a Bill which has been brought forward to tax the public to augment the revenues of the State. Not a word has been mentioned in it regarding the handloom industry. This is not at all a Bill to support the handloom industry. What guarantee is there that the money that is obtained by the introduction of these additional taxes is going to be spent for the benefit of the handloom industry? There is no such guarantee. The Government have not yet come forward to say how much they will be realising by the collection of these taxes. If at all they agree to state the amount expected to be realised, they have not given a guarantee that the whole of this amount will be earmarked for helping the suffering weavers. As such, it is not proper for us to view this Bill simply intended to encourage the poor suffering weavers. This Bill has no connection with the handloom industry whatsoever. On the other hand, the Government want

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to augment their revenues by imposing this additional tax on the poor and middle class people. They are not only not going to encourage the handloom weavers but they are going to create difficulties for the poor and the middle class people by imposing a tax of 1 anna 3 pies in the rupee on the mill goods that they are daily using. After all, what is this Bill aiming at? It is aiming at increased taxation. Who are to bear the tax? It is the middle and the poor class people. The Government are taxing the piecegoods which are generally used by the poor and the middle class people. What is the rate of tax that the Government propose to levy now? The incidence of taxation is 1 anna 3 pies in the rupee, that is, nearly 1/12th of the cost. An artificial silk sari that can be had by a poor lady for Rs. 12 will now cost Rs. 13 as soon as this Bill becomes law. The Government are really taxing the poor and the middle classes. At the same time they are not guaranteeing relief to the poor handloom weavers for whose benefit the Bill is supposed to be brought in. Artificial silk is a kind of silk that is being used by the poor women and the middle class women for the reason that that they are not able to purchase the genuine silk on account of its prohibitive cost. They cannot afford to have it either in this generation or for generations to come. Why should the Government stand in the way of these poor women satisfying themselves by wearing this silk? After all, it is very difficult to preserve this silk in a box against moth attack. Why should this artificial silk be taxed to the extent of 1/12th of its original cost? It is only the poor people, the clerical sections and the middle class people who use the cotton cloth. Are we not taxing them by this measure? Food, clothing and shelter are the three necessities of life. I wonder how the tax on gold and silver has been left out in this Bill while the tax on the artificial silk and the poor man's cloth is being retained. All of us are not purchasing gold and silver every year, not even once a year. Once in our lifetime we purchase one-fourth or one-half of a sovereign on marriage occasions for making *tali* (Thirumangalyam).

“ It is a very sound principle of taxation to impose the tax on gold and silver which are luxury articles. Cloth is not a luxury. It is a need, a necessity of life and a daily necessity. We judge the popularity of a Government by its capacity to feed its people, to clothe its people and to give shelter to the people by building dwelling houses. Next we judge the popularity of a Government by its ability not to enhance the existing prices but to reduce them. Why should the Government enhance the price of the cloth which is being worn by the poor people? The Government are raising the tax that is already there. They say that they do not require any extra machinery to collect this tax. That is all right. But is it proper to tax one of the necessities of life to the extent of 1/12th of its present cost? I would therefore request the Government to see that this tax on the poor man's cloth is removed. Let them tax people who are buying gold, who are buying silver,

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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 are 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, പ്രൈവറ്റ് ഫോറസ്റ്റ് നശിപ്പിച്ചുപോകുന്നതിനെ തടയാൻ ഈ നിയമം കൊണ്ടുമാത്രം സാധ്യമല്ല. മലബാറിൽ സാഹിബി എനിക്കു നേരിട്ട അനീതികളാണ് അവിടെയുള്ള കാടുകളെ നശിപ്പിക്കുന്നത് ആ കാടുക

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ളുടെ ഉടമസ്ഥന്മാരായ ജന്മിമാർക്കെന്നാണ്. മരുമക്കത്തായം നിലവിലുള്ള മലബാറിൽ കാരണവന്മാർ കാടുകളെ കണ്ടമാനം വെട്ടി നശിപ്പിക്കുന്നു. ധാരാളം മരങ്ങൾ അവർ മുറിച്ചു മാറുന്നുണ്ട്. ജന്മിമാർക്കു കാടുകൾ നിലനിറുത്താൻ അശേഷം സാധ്യമില്ല. അതുകൊണ്ടു ആ കാടുകളെ ഗവണ്മെന്റ് ഏറ്റെടുക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. പ്രതിഫലം കൊടുക്കാൻ ഉടനെ പണമില്ലെങ്കിൽ പത്തോ പതിനഞ്ചോ കൊല്ലംകൊണ്ടു കൊടുത്തു തീർക്കാമുള്ള ഒരു പദ്ധതി നടപ്പിൽ വരുത്തണം. സ്റ്റേറ്റ് റ്റുവൻ ഇതു നടപ്പിൽ വരുത്താൻ സാധ്യമല്ലെങ്കിൽ മരുമക്കത്തായം നിലവിലുള്ള മലബാർ മുതലായ സ്ഥലങ്ങളിലെങ്കിലും അങ്ങനെ ചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. അതിനുവേണ്ടു 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.

[Sri G. Krishnamurthi] [15th May 1954]

who are dashing in their cars throwing dust on the poor man's mouth and eyes and who are waving their leather bags with bundles of currency notes in them.

"We are not in any way going to help the handloom industry by imposing this levy. There is no guarantee that the poor handloom weavers would get the benefit of this levy. The mills have been there all these days. My brother who was a seniormost Congressman in Tiruchirappalli thought it fit to buy this mill-made cloth, which was called Swadeshi in 1916 or 1917 in preference to the 1703 foreign mull. There were days when we depended upon the mills. It is not easy at all to throw out all these mills. The speakers who preceded me have said that the yarn that is used by the handloom industry is manufactured by the mills. Why should we suddenly turn them into our enemies? Till we draw a plan for the whole of India, let us have a compromise as between the machine and the man. It is not advisable to tax poor people in the hope that the money so collected would be earmarked for the handloom industry especially in the absence of a specific guarantee from the Government that this money would be earmarked for the benefit of the poor handloom weavers. We have got the greatest sympathy for the handloom weavers. This Bill has no connection with the handloom industry. It is clearly stated in the Statement of Objects and Reasons appended to the Bill that this is a measure to augment the revenues of the State. There are many other ways of augmenting the revenues of the State. I would therefore request the Government not to tax the poor people and the middle class people in respect of their cloth which is a necessity of life."

SRI T. M. DAIVASIKHAMANI ACHARIAR:—"Mr. Chairman, Sir, originally I had no intention of participating in this discussion but for the fact that Sri Govinda Menon referred to the fact that handloom weaving had been left out of consideration because it did not come under cottage industries and that the Government have not taken any steps for the past seven or eight years towards the improvement of that cottage industry. I will go a step further and say that it is not during the past seven years alone that they have not taken any steps but they have been treating these cottage industries in a step-motherly way for the past twenty years. This handloom industry has all of a sudden evoked the sympathy of not only the public but also the members of the Government. During the days when the alien Government were ruling this country, the great authority on the handloom industry Sri P. T. Thyagaraja Chettiar installed about 200 handlooms and all these looms had eventually to be sold and even the roof was not excluded. What is the root cause for this? This has not been considered by our Government even to-day. Sir, the evil is somewhere else. By merely increasing the tax on the mill-made cloth, or by granting liberal Government subsidies we cannot improve the handloom industry as we are supposed to. Sir, we can even treble the taxation on the mill-made goods for meeting the needs of the handloom industry. But before we talk of

15th May 1954] [Sri T. M. Daivasikhamani Achariar]

improving the handloom industry, we must go into the root cause of the defects. The root cause is that to-day in the handloom industry we have not got the proper implements, the looms and the improved shuttles. The shuttle that we are using to-day in the handloom industry can go only one way, not return back, or go back automatically three or four times. Until the handloom shuttle is improved and the handlooms are made to synchronise with the improved shuttle, it is not possible to improve the handloom industry or help the starving handloom weavers. It is not very easy for the Government to do it without the co-operation or advice of specialists, otherwise they could have found a solution long, long ago. They have not found it out yet and so, the very many defects are still in the machinery, in the plant shuttle themselves. So far as the mill industry is concerned, I know, Sir, in the matter of finish or in the matter of artistic lay-out and production, no mill-made cloth can beat the fineness or the quality or the artistic design of the handloom cloth. Sir, mills are worked with lifeless and soulless machines, whereas the handloom industrialists use both their hands which lend themselves to the mental perfection of these workmen. That is the essential difference and therefore, whatever may be the improvement in outturn of the mill industry, this cottage industry cannot be defeated by mill-made cloth.

"Then again, Sir, by increasing the tax to Re. 0-1-3 over the mill-made cloth, how is it going to help the handloom weavers? It may help the coffers of the Government and not the handloom weavers. Nothing has been stated in this Bill that the amount so taxed will be exclusively utilised for the benefit of this or other cottage industries. Sir, it is said that it is going to augment the resources of the Government and that is the sole object with which this Bill has been introduced. The hon. member Sri Govinda Menon has mixed up the handloom industry with cottage industries in general. That is why I thought it proper to say something about the other cottage industries. What is the position of the cottage industries today in this land, Sir? They have been totally neglected and no cottage industry has been helped so far. Sir, it was stated in answer to a question on the floor of this House that the Government have introduced Sri Visveswarayya's antiquated scheme of cottage industries in Nellore district and in Musiri in Tiruchirappalli district. Leaving alone Nellore district the Government have established an aerated water factory in Musiri taluk and an artisan has been granted a loan or subsidy. Is aerated water manufacture a cottage industry, I ask? Is that a cottage industry which ought to be aided or improved? Sir, that is how the cottage industries are improved and the Government are bestowing their so-called best attention according to them on the improvement of cottage industries.

"The cottage industrialists are denied even the smallest benefit which they enjoyed before. They have been totally neglected. The village artisans are not granted adequate loans even though

[Sri T. M. Daivasikhamani Achariar] [15th May 1954]

they are prepared to deposit their properties with the Government and even though they are not raising a loan of more than Rs. 500. Free tools were supplied by the Government to the people engaged in select cottage industries till April 1953. But the Government have all on a sudden stopped that. With just one stroke of the pen they have removed the privileges which were enjoyed by these cottage industrialists for several years. Sir, that being the case, are we going to improve the cottage industries in reality in this State? Let it be handloom industry or let it be any other industry, the Government are not going to improve any industry at this rate. As one who is interested in cottage industries, I plead for those voiceless thousands of unprotected men engaged in cottage industries and ask that some good treatment should be accorded to them in the matter of improving their cottage industries. It will be a waste of Government energy to revert to the subject of cottage industries over and over again and merely talk about them without doing anything to improve them. In all earnestness I request the Hon. Minister in charge of this subject to put his shoulders to the wheel and see that the cottage industries are put on a sound basis.

"With these words, Sir, I do not know whether to support the Bill or to oppose it. These are my views and the Chairman is at liberty to take it in whatever light he thinks. Thank you, Sir."

SRI V. BASHYAM AYYANGAR:—"Mr. Chairman, Sir, I wish to give my strong support to this Bill which has been brought forward by the Government and in doing so, I would like to answer only one objection that has been raised by the hon. Member Sri G. Krishnamurthi. He has said that in this Bill it is nowhere stated that it is intended to support the handloom weavers and that only a tax is levied on mill-made cloth. It seems to me that it is not correct to take this Bill in that light. The Government want some money to meet necessary expenditure and they want to levy a tax for the purpose. The first question is whether the tax is necessary. I take it that we all proceed on the assumption that funds are necessary to carry on the Government and therefore, some tax or other is necessary. The second question is whether the taxing of the mill-made cloth which is suggested in this Bill is or is not correct. In addition to getting some money, the taxation must be in the right direction. It must have a right perspective and a right object in taxing goods. The question now is whether taxing of mill-made cloth is not an indirect help to the handloom industry. I can go even further and say that it is a direct help to the handloom industry and it also brings some money to the Government. It helps the handloom industry which everybody has at heart and there is nobody in this House who wishes that the handloom industry should not be encouraged. Millions of people are suffering for want of food and for want of necessities. This measure is no doubt intended to be a taxation measure and while it brings some funds to the Government, it also goes to support the handloom industry. In that way it gives great help to the handloom industry and I think it deserves the

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support of this House. In so far as mill-made cloth is taxed by the Bill it puts a premium upon the mill-made cloth and to that extent also it will encourage the sale of handloom goods. In that way it will encourage handloom weaving and also bring food and other necessities to the handloom weavers who are suffering from want of work and from want of sale of their goods. In so far as the mill-made goods are made dear, the handloom goods will be encouraged. In that way it is a measure which goes to support the handloom industry. I say that both as a taxation measure and as a measure which will have the effect of encouraging handloom industry, this Bill deserves the unanimous support of this House."

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

"Sir, I am really surprised that of all persons, the hon. Member Sri G. Krishnamurthi is enamoured of artificial silk. He says that the increase in the price of artificial silk will deprive the poor women, who are fond of dressing very gaudily, of it. I may tell him, Sir, that artificial silk has very little wearing quality, and it develops holes in *saris*. I would be quite glad if people are prevented from purchasing artificial silk. In the interests of the poor people artificial silk should not be encouraged. The price of artificial silk is high also. It has been said that we are interested only in getting revenue to the Government, and that we have not earmarked the revenue for encouraging the handloom industry. It is not so, Sir. Because we are interested in the handloom industry, we are genuinely trying all means and taking every step to protect that industry. If we get good revenue, hon. Members may rest assured that we will try to get improved looms. There is difficulty in the budgetary framework to earmark this revenue for the protection of the handloom industry. It is even unconstitutional to do so. Suppose we get a certain amount of revenue from this tax. Is it suggested that the whole of that revenue should be spent on encouraging the handloom industry? The object is there, namely, that handloom industry should be protected. We certainly will make use of the revenue collected. Suppose we utilize the revenue that we get from this tax on irrigation works, and some other revenue is utilized for helping the handloom industry, what is the wrong? I do not think that hon. Members can object to this course. Somehow money should be spent, and that will be spent in some way or other. Whether money will be spent on protecting the handloom industry to the same extent as the revenue from this tax is derived, I cannot say. But something will be done to protect the handloom industry."

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

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

"Sir, I beg to move—

'That the Madras General Sales Tax (Second Amendment) Bill, 1954 (L.A. Bill No. 20 of 1954), as passed by the Assembly, be passed.'"

THE MADRAS SLUM IMPROVEMENT (ACQUISITION OF
LAND) BILL, 1954.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 5th January 1954.

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

(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 பிரேரப்பிக்கிறேன். 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.

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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 அவர்களுக்குவருஷத்திற்கு 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 இப்பொழுதில்லை; இந்த மசோதா வருவதற்கு முன்னதாகவே இந்தநிலை ஏற்பட்டுள்ளது என்று சொல்லுகிறேன். ஒரு குடிசைக்கு மாதமொன்றுக்கு 2 ரூபாய் முதல் 3 ரூபாய் வரை சாதாரணமாக இன்றைக்கு வாடகை வாங்கப்படுகிறது. 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 வேண்டுமென்றிருக்கிறது. 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 நிறைவேற்றப்பட்டால், அதற்கு முன்பாக இந்த நஷ்ட ஈட்டுத் தொகையை அல்லது விகிதத்தை பெரிய அளவுக்கு குறைத்தாக வேண்டும். அதாவது இப்போது அவர்களுக்கு ஐந்து மடங்குமேல் 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 கோயம்ப்பேட்டார், திருச்சிராப்பள்ளி, மதுரை போன்ற இடங்களுக்கும் கொண்டு வர வேண்டும். இந்த இடங்களில் உள்ள நிலைமையை எடுத்துக்கொண்டால் இந்த பிரச்சனை இன்று மிகவும் 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 டிஸ்ட்ரிக்ட் கலெக்டரிடம் இன்று வரை தூது கோஷ்டிக்கு மேல் தூது கோஷ்டி சென்ற வண்ணமாய் இருக்கிறது. இதைப்போல் இன்னும் திருச்சிராப்பள்ளி, கோயம்பேட்டார், இன்னும் பல இடங்களில் இந்த மசோதாவை கொண்டு வரவேண்டும். இந்த நிலைமையில் சென்னை நகரத்துக்கு மட்டும் உடனடியாக இந்த மசோதாவைக் கொண்டு வரவிருப்பது நியாயமில்லை. ஆகவே

[Sri P. Ramamurthi.] [5th January 1954]

யால் முனிசிபல் ஏரியா, மற்றும் பல பிற்பட்ட இடங்கள், குறிப்பாக சென்னை நகரத்துக்குச் 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 ஏற்றுக்கொள்வதற்கு முன் இதை கவனிக்க வேண்டும். அல்லது இதை பரிசீலனைக் கமிட்டிக்கு விட்டு பரிசீலனை செய்ய வேண்டுமென்று என்னுடைய பிரேரேபணையை பிரேரேபிக்கின்றேன்.”

SRI V. GOPALA GOUNDER :—“ Sir, I support the amendment for referring this Bill to a Select Committee. I wish to submit to the House 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 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 கார்பொரேஷனுக்குச் சில, சர்க்காருக்குச் சில, தனிப்பட்ட நபர்களுக்கு 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. குப்பாணும் குப்பாயிகளும் சென்னை பிளாட்டாரங்களில் இன்னும் வசித்துக்கொண்டிருக்கிறார்கள். அவ்விதம் பல லட்சக்கணக்கான மக்கள் வசித்துக்கொண்டு வருகிறார்கள். சேரி நிலங்களை கார்பொரேஷன் அதிகாரிகள் எடுத்துக்கொண்டும் அவர்களுக்கு கக்கூஸ், சாக்கடை கட்டிக்கொடுப்பதோடு நிற்கிறார்களேயொழிய 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. அதைத் 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 விஸ்தீர்

[Sri A. Ratnam] [5th January 1954]

ணம் 12-க்கு 10 அடி இருக்கும். இந்த ஸ்லிம்மாக்கத்தில் 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 டிசபிலிட்டி ஆக்ட்டும் கொண்டு வந்தார்கள். அது நடைமுறையில் எப்படி இருக்கிறது என்றால் அது எட்டளவில் தான் இருக்கிறதே ஒழிய செயலளவில் நடைபெறவில்லை என்பதை குறிப்பிட விரும்புகிறேன். அவ்விதம்தான் அவைகள் இப்பொழுது செலாவணியாகிறது. தாழ்த்தப்பட்டவர்களுக்கு சட்டம் வந்தால் அது அப்படியேதான் 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 கூளமுமாக இருக்கிறது. மழை பெய்தால் ஒரே வெள்ளம், வெய்யில் காய்ந்தால் அவர்கள் வெய்யிலில் காய வேண்டியதுதான். இந்த நிலையில் அவர்கள் பள்ளாபாரங்களில் அவதிப்பட்டுக்கொண்டிருக்கிறார்கள். அவர்களுடைய தொகை சுமார் ஐந்து லட்சத்திற்கு மேல் இருக்கிறது. சென்னை ஜனத் தொகை 15 லட்சம் பேரில் இவர்கள் ஐந்து லட்சம் பேர்கள். அவர்களுக்கு வீடுகள் இருக்கின்றனவா? அவர்கள் பள்ளாபாரங்களில் பொங்கித் தின்று கொண்டிருக்கிறார்கள். இப்படிப்பட்ட தாழ்த்தப்பட்டவர்கள் வெளியூர்களிலிருந்து அதாவது செங்கற்பட்டு, திண்டிவனம், தென்னார்காடு, வட ஆற்காடு 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 ரூபாய்களில் வரையில் வைத்துக் கொள்ளுகிறார்கள். ஆனால் தாழ்த்தப்பட்டவர்களில் பி.ஏ. பட்டம் பெற்றவர்களாக இருந்தாலும் அதிகாரிகளாக இருந்தாலும் அவர்கள் அந்த வீடுகளில் வாசம் செய்வதற்கு அருகதை அற்றவர்கள் என்று கூறுகிறார்கள். இந்த நிலைமையில் அவர்கள் பள்ளாபாரங்களில் பொங்கித் தின்று கொண்டிருக்கிறார்கள். இப்பொழுது சென்னையிலுள்ள பீச் முதல் தெருவு, இரண்டாவது தெருவுகளில் சென்று பார்த்தால் மக்கள் புழுக்களைப்போல் நசுங்கிக்கொண்டு இருக்கிறார்கள். ஆயிரக் கணக்கான 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 கொடுக்க வேண்டும். அது அவர்களால் கொடுக்க முடியாமல் இருக்கிறது. அந்த நிலையில் அது மிகவும் மிகுதியாக இருக்கிறது. மொண்ட் 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 தம்பிடிசுட அனுபவிக்காதவர்கள் சென்னையில் இருக்கிறார்கள். அப்படி ஐந்து லட்சம் பேர்கள் இருக்கிறார்கள். அவர்களுக்கு இந்த நிலங்களை இனாமாக அளிக்க வேண்டும். ஆனால் அரசாங்கம் அப்படிச் செய்ய முன் வரவில்லை. எல்லா வற்றையும் கொடுக்காவிட்டாலும் பாதி விலையை அரசாங்கம் ஏற்றுக் கொண்டு மற்ற பாதியை ஹரிஜனங்களிடத்திலிருந்து வசூலிக்க வேண்டும். அந்தப்படி இந்த சட்டத்தைத் திருத்தவேண்டும். மற்றொரு திருத்தமும் இருக்கிறது. அரசாங்கம் ஹரிஜனங்களுக்கு இதைச் செய்யும் அதைச் செய்கிறோம் என்று சொல்லுகிறார்கள். குடிசைகளை கட்டிக் கொடுக்கிறோம், சுகாதார வசதி செய்து கொடுக்கிறோம் என்று சிட்டி 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 செல்லி வருகிறார்கள். அது மட்டுமல்ல, சென்னை ஹரிஜனங்களுக்கு எந்த செளகரியமும் செய்தது இல்லை. இதை நாம் கண்கூடாகப் பார்த்திருக்கிறோம். இதைப்பற்றி அரசாங்கத்திற்கு மனதுக்கள் அனுப்பியும் கூட ஒன்றும் நடப்பது இல்லை. ஆகவே இனி மேல் நிலங்களை சீர்திருத்தம் செய்யவேண்டும் என்று கார்பொரேஷனுக்கோ அல்லது சிட்டி இம்ப்ரூவ்மென்ட் போர்டுக்கோ 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 கட்டி இம்ப்ரூவ்மென்ட் போர்டுக்கோ 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 கட்டி கார்பொரேஷன் காக்கல் சேரியில் வீடு கட்டியிருக்கிறார்கள். வீடு கட்டும்போது அங்குள்ளவர்களை 10 மைலுக்கு அப்பால் போகவேண்டும் என்று துரத்தினார்கள். இரண்டு ரூபாய்க்கு வீடுகள் கட்டிக்கொடுக்கப் போகிறோம் என்று சொன்னார்கள். அதன் பிறகு லட்சக்கணக்கான பணத்தைச் செலவு செய்து ஐந்து வருஷங்களாக கட்டடம் கட்டியும் ஹரிஜனங்களுக்கு வீடுவசதி கிடைக்கவில்லை. ஆனால் வட நாட்டிலிருந்து வந்த மார்வாடிகளுக்கும் 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 அவைகளை சொந்தமாக்கப்படவேண்டும். இந்த திருத்தங்களை யெல்லாம் சட்டத்தில் புகுத்த வேண்டியதாக இருக்கிறது. இந்த திருத்தத்தை பிரேரணைக்குக்கொண்டு வந்து அதைப்பற்றி பேசும்போது தாழ்த்தப்பட்ட மக்கள் அங்கிய 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]

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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 செலக்ட் கமிட்டிக்கு விடுமபடி அரசாங்கத்தைக் கேட்டுக் கொள்ளுகிறேன். அரசாங்கம் அதில் கவனம் செலுத்த வேண்டும் என்றும் கேட்டுக் கொள்ளுகிறேன். இதை முதல் அமைச்சர் அவர்கள் செய்வார்கள் என்று எதிர் பார்க்கிறேன். வணக்கம்.”

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 நல்ல தாய் இருந்திருக்கும். ஆனால் இம்மசோதா மற்ற நகரங்களுக்கும் இடங்களுக்கும் விஸ்தரிக்கப்படவேண்டுமென்ற 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 சொந்தக் காரர்கள் மிகவும் பாதிக்கப்படுவார்கள். ஆகையால் தனிப்பட்டவர்கள் தங்களுடைய இடங்களில் இனி நல்ல முறையில் வீடுகள் கட்டிக்கொள்ளும்படி பார்த்துக்கொள்வார்கள். இம்மாதிரியான அனுகூலமான சட்டம் சென்னை நகரத்திற்கு மாத்திரம் 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 அது 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 மாத்திரம் என்று அனுமதி வாங்கப்பட்டிருக்கலாம் என்று ஸ்ரீ ராமமூர்த்தி அவர்கள் சொல்வது சரியாக இருக்காது என்று நினைக்கிறேன். இச்சட்டத்தின் பெயர் மெட்ராஸ் ஸ்லம் என்று இருக்கிறதே தவிர, மெட்ராஸ் சிட்டி ஸ்லம் என்று குறிப்பிடப்பட்டவில்லை. 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 கொண்டு வருவதாக 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.

"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."

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 மிராசதார்களுக்கு கொடுத்தும்கூட இன்னும் அந்த பூமிகள் ரூ. 500 பெருமானமானதாயிருந்தாலும் அங்கு வாழும் மக்களுக்கு பட்டா செய்யப்படாமல் இருக்கிறது. அது மாத்திரம் 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 போடாவிட்டாலும்கூட 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."

SRI R. S. ARUMUGAM :—"கனம் சபாநாயகர் அவர்களே, ஏழைகளுக்கு மனைக்கட்டுகள் கொடுக்கும் விஷயமாக இப்பொழுது இந்த சட்டசபையில் விவாதிக்கப்பட்டு வருகிறது. அவர்கள் இருக்கும் இடங்களை நஷ்ட ஈடு கொடுத்து வாங்கி அவர்களுக்கே அந்த இடங்களைக் கொடுத்து விடவேண்டும் என்று சொல்லப்படுகிறது. இந்த திட்டத்தை என்னைப் போல் உள்ளவர்கள் பாராட்டாமல்

[Sri R. S. Arumugam] 5th January 1954]

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 போல 20 மடங்கு அவர்கள் நஷ்ட ஈடு செலுத்தவேண்டும் என இருக்கிறது. அது அவர்களால் கொடுக்க முடியாது என்பதைப்பற்றி முன்பு பேசிய பலரும் சொன்னார்கள். அதையே தான் நானும் அப்பிராயப்படுகிறேன். அந்தத் தொகை முழுவதையும் அந்த வீட்டில் வசிப்பவர்கள் கொடுக்கவேண்டும் என்றால் அவர்களால் அவ்வளவு தொகை செலுத்த முடியுமா? என்பதை சிறிது யோசித்துப்பார்க்கவேண்டும். அதைக் குறைத்து 10 மடங்கு க்குமேல் 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 நகரங்கள் செல்வது 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 முன்னாக்கிரதையாக 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 வாங்கிக்கொண்டுவிடுவார்கள். இதற்கு இடம் கொடுக்கக்கூடாது என்று கேட்டுக்கொள்ளுகிறேன். மேலும் கிராமத்துக்கும்

[Sri R. S. Arumugam] [5th January 1954]

நகரத்துக்கும் ஹரிஜன பராமரிப்பில் வித்தியாசம் கூடாது. இப்பொழுது ஹரிஜன டிபார்ட்மென்ட்டை எடுத்துக்கொண்டால் கிராமங்களிலுள்ள தாழ்த்தப்பட்ட மக்களுக்குத் தான் சர்க்கார் மனைக்கட்டுகள் கொடுக்கிறார்கள். ஆனால் நகரங்களில் அப்படிக் கொடுப்பது இல்லை. அவர்களுக்கு நகர சபைகளிலும் எந்த விதமான சௌகரியமும் செய்வது இல்லை. அங்கு 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 தவரானது அல்ல என்ற என்னுடைய அபிப்பிராயத்தைத் தெரிவித்துக் கொண்டு என்னுடைய பேச்சை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

SRI K. R. SAMBANDAM:—“கனம் சபாநாயகர் அவர்களே, ஸ்ரீ ரத்னம் அவர்கள் கொண்டு வந்த திருத்த பிரேரணையை ஆதரித்து நான் சில விஷயங்களை சர்க்காருடைய கவனத்திற்குச் கொண்டுவர ஆசைப்படுகின்றேன்.

“இந்தப் பிரச்சினையானது 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 மாத்திரமல்ல, அது ஒரு தொத்து நோயைப் போல் பரவி ஜனசமுதாயத்தையே அரித்துக்கொண்டிருக்கக்கூடிய நிலைமைக்கு கொண்டுவரப்படும் என்பதை நான் சொல்லவேவியல்லை. ஏனென்றால், இப்பொழுது இந்த மசோதாவை சர்க்கார் கொண்டுவந்திருப்பதிலிருந்தே ஸ்லம்களில் வாழும் ஏழை மக்களின் நிலைமை எந்த அளவுக்கு மோசமாகிக் கொண்டு போகிறது என்பதை உணர்ந்தே கொண்டு வந்திருக்கிறார்கள் என்பதைத் தெரிந்துகொள்ளலாம். இந்தப் பிரச்சினையானது உடனடியாகக் கவனிக்கப்படவேண்டிய விஷயம். அதுவும் சென்னை நகரத்தில் மாத்திரமல்ல; 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 வாரி செய்து கொடுப்பதில் இருக்க முடியாது. தனி நபர் யாருக்காவது சொந்தமாக உள்ள நிலங்களை சர்க்கார் ‘acquire’ பண்ணும் போதுதான் சில கஷ்டங்கள் ஏற்படுகின்றன.

“கூட்டுவது 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 கூட்டுவது சங்கம் எந்த விதமான பாதுகாப்பும் கொடுக்க முன்வர வில்லை.

[5th January 1954] [Sri K. R. Sambandam]

ஆகையால், அந்த மாதிரி இனிமேல் வசதியுள்ளவர்களும் பணம் உள்ளவர்களும், வீடு இருக்கிறவர்களும் இம்மாதிரி நிலங்களில் வீடு கட்டிக்கொள்ளலாம் என்ற நியதியை மாற்றி, வீட்டில்லாமல் 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 கூட்டுவது 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 திட்டத்தைக் கொண்டு வந்தால், இந்த வீட்டுப் பிரச்சினையையும், மனைக்கட்டிலிருந்து வெளியேற்றப் படும் பிரச்சினையையும் உடனடியாக தமிழ்நாட்டிலிருந்தே விரட்டிவிடலாம் என்று நினைக்கிறேன். சர்க்கார் இந்தப் பிரச்சினையை உடனடியாக மனதில் கருதவேண்டும். வீட்டில்லாமல் ஏழை மக்கள் ரோட்டுகளிலும், நடைபாதைகளிலும் படுத்துக்கொண்டு அவர்கள் குடும்ப வாழ்க்கையை நடத்திக் கொண்டு வருகிறார்கள். இது மிகவும் கேவலமாக இருப்பது மட்டுமல்ல. அந்த மாதிரி இருப்பவர்கள் ஒரு தனி கூட்டமாக ஏற்பட்டு - ஷெட்ட்யூல் வகுப்பினர், தாழ்த்தப்பட்டவர்கள் போல மிகப் பெரிய ஒரு தனிக் கூட்டம் ஏற்படுவோம் என்று நினைக்கின்றேன். அதில் ஜாதி பாகுபாடு இல்லை. தங்குவதற்கு குடிசையில்லாத ஏழைகள் என்ற அந்த ஒரே 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, இந்த மசோதா சம்பந்தமாகப் பேசிய பல அங்கத்தினர்கள் இதை ஒரு 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 மாத்திரமல்ல, இந்த ராஜ்யத்தில் இதைப் போன்ற அனைத்து பெரிய நகரங்களில் சேரி வாழ்வோர் பெருகிக்கொண்டிருக்கிறார்கள். இந்தப் பெரிய நகரத்தின் சேரிகளில் வசிக்கும் ஏழைகள் பட்டம் கஷ்டங்கள் கொஞ்ச நஞ்சுமல்ல 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 செய்திருக்கின்றன என்பதைப் 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 சேரிக்ளை அபிவிருத்தி செய்வதற்கு எந்த விதமான ஒரு அதிகாரமும் சட்டத்தில் இல்லை. சேரிக்ளை அபிவிருத்தி செய்வதற்குப் பதிலாக, அதற்கு நேர்மாறான முறையில் இந்த மச்சாதாவில் அதிகாரம் கோரப்படுகிறது. இந்த மச்சாதாவில் ஒவ்வொரு பகுதியிலும், சேரியைக் காலி செய்யவும், அபிவிருத்தி செய்யவும் அதிகாரம் கோரப்படுகிறது. இந்த அதிகாரம் இரண்டு பக்கத்திலும் உபயோகப்படலாம் என்பது ஆற்றலாகியே. சென்ற கால நடைமுறையைப் பார்க்கும்போது இது எந்த முறையில் ஏழை மக்களுக்கு அனுசூலமாக இருக்கும் என்பதை தெரிந்துக்கொள்ள முடிய வில்லை. ஆகவே, *Provision for improvement* என்ற பகுதிகளைப்பற்றி யெல்லாம் அரசாங்கத்தின் அபிப்பிராயம் என்ன என்பதைத் திட்ட வட்டமாக கனம் மதுரி அவர்கள் தெரிவிக்கவேண்டும். இந்தச் சட்டமானது பெரும்பாலும் சேரி அபிவிருத்திக்காகவே உபயோகப் படுத்தப்படும் என்று சொல்லக்கூடிய அளவுக்கு சர்க்கார் உறுதியளிக்கவேண்டும். கனம் மந்திரி அவர்கள் இதற்கு விளக்கம் கூற வேண்டுமாய்க் கேட்டுக்கொள்ளுகிறேன். இம்மாதிரி பல பிரச்சனைகள் இந்த மச்சாதாவில் இருப்பதால், இதைக் கூடுமானவரை பரிசீலனை செய்வது அவசியம். ஆகவேதான் இந்த மச்சாதாவைப் பொறுக்குக் கமிட்டிக்கு விட்டு, அந்தக் கமிட்டி இதை உடனடியாகப் பரிசீலனை செய்து, வெகுவினையில் சட்டசபைமுன் இது வரும்படியான ஏற்பாட்டைச் 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 mufassal 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 மச்சாதாவைக் கொண்டு வருவதற்காக சந்தோஷப்படுகிறேன். ஆதிதிராவிட மக்களின் நலம் கருதி தீர ஆலோசித்துக் கொண்டுவர வேண்டுமெயல்லாது அள்ளித் தெளித்த அவசரக் கோலமாக இருக்கக்கூடாது. நண்பர் ராமலிங்கம் அவர்கள் இந்த மச்சாதாவை பரிசீலனைக்குப் பொறுக்கு கமிட்டிக்கு விட வேண்டும் என்பதை நான் ஆதரிக்கிறேன். இன்று பாடுபடக்கூடிய பழங் குடி மக்களின் அவலநிலையைப் போக்குவதற்கு இம்மச்சாதா பேருதவியாயிருக்குமென்று நினைக்கிறேன். இப்பொழுதிருக்கும் நெருக்கடியைப் போக்கவேண்டுமென்றால், இம்மச்சாதாவை மற்றெல்லா நகரங்களுக்கும் விஸ்தரிக்கப்பட வேண்டும்.

“தஞ்சை ஜில்லாவை எடுத்துக்கொண்டால் ஆதிதிராவிடப் பழங்குடிமக்கள் அதிகப்படியாக இருக்கிறார்கள். கடந்த 1952-ம் ஆண்டு பட்ஜெட் விவாதத்தின் போது நான் “அங்கு இருக்கும் நிலப்பிரபுக்களும், ஜமீன்தாரர்களும், மிராஸ் தார்களும் 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 அடைவார்கள் என்பதைச் சபையின் கவனத்திற்குக் கொண்டுவருகின்றேன். இந்த நாட்டிலே உழைக்கக்கூடிய மக்களுக்கு அவர்கள் குந்தி இருக்கக்கூட குடிசையில்லாமல் கிராமத்திரங்களிலே தவிக்கிறார்கள். இது கிராமங்களுக்கு முக்கியமாகக் தேவைப்படுகிறது. ஆதலால் நண்பர் ராமலிங்கம் கொண்டுவந்திருக்கும் இந்தத் ஆலோசனையை எந்த விதமான எதிர்ப்பும் இல்லாமல் ஆதரிக்குமாறு எல்லா அங்கத்தினர்களையும் கேட்டுக்கொள்ளுகிறேன்.”

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."

SRI S. RAMALINGAM :—"கனம் சபாநாயகர் அவர்களே, இதன் பேரில் இருக்கக்கூடிய திருத்தப் பிரேரணையை 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 நிலைமைதான் 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 பேதம் 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 நிர்பந்தம் 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

[5th January 1954] [Sri S. Ramalingam]

மூலமாக அவர்கள் கொடுக்கவேண்டிய வாடகை, இதற்காக நியமிக்கப்பட்டிருக்கும் அதிகாரிகளால், நிர்ணயிக்கப்படுகிறது என்று நினைக்கிறேன். இது அவசியம் இல்லை என்று தோன்றுகிறது.

"பல அங்கத்தினர்கள் இங்கு சொன்ன மாதிரி சேரிகள் அபிவிருத்திக் காகவும், 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 ஏதும் 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.

[Sri N. Gopala Menon] [5th January 1954]

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 conquerors 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.

"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 சபாநாயகர் அவர்களே, கனம் பிரதம மந்திரி அவர்கள் இந்த மசோதாவை, இதர முனிசிபாலிட்டிகளுக்கும் அடுத்த செஷனில் கண்டிப்பாக விஸ்தரிக்க நடவடிக்கை எடுத்துக்கொள்வேன் என்று உறுதியாக சொன்னதின்பேரிலும், நஷ்ட ஈடு கொடுக்கும் தொகை அதாவது கரம்பன்சேஷன் 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".'

'கனம் சபாநாயகர் அவர்களே, "ஸ்லம் ஏரியா" என்ற பதங்களுக்கு அடுத்தாப்போல் "அன்டெவலப்ட் ஏரியா" என்ற வார்த்தைகளைச் சேர்க்க வேண்டும். இவ்வார்த்தை கால கிரமத்தில் ஒரு வியாக்யானத்தை கொடுக்கும். இதுவே சரியான வார்த்தை என்று நினைக்கிறேன். பொருத்தமாகவும் இருக்கும். ஸ்லம் ஏரியா என்று சொல்லும் பிரதேசங்களிலும் சில வீடுகள் இருக்கும் அதற்குப் 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 சொந்தக் காரர்கள் 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 வீடுகளே இருக்கின்றன. இந்த 60 வீட்டுக்காரர்களும் இந்த 400 குடிசைக்காரர்கள் கொடுத்து வந்த மனை வாடகையை பங்கிட்டுக் கொண்டு கொடுக்கிறார்கள். அதனால் ஒவ்வொரு வீட்டுக்காரருக்கும் வாடகை மிக அதிகமாகிற்று. வாடகை அதிகமாக கொடுக்கிறோம் என்பதால், அவர்கள் நல்ல வீடுகள் அமைத்துக் கொள்ள வேண்டுமென்று ஆசைப்பட்டனர். 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 கலையும் 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

[Sri T. K. Rama] 5th January 1954]

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 இம்புருமென்ட் பில்லில்' அபிவிருத்தியடையாத பிரதேசங்களும் சேர்த்துக்கொள்ள முடியாது என்று சொல்வது ஏனென்று எனக்கு விளங்கவில்லை. அபிவிருத்தியடையாத பிரதேசங்களையும் இந்த பில்லில் சேர்த்துக்கொண்டால்தான் பல இடங்களில் நல்ல வீடுகள் நல்ல முறையில் ஏற்பட சொளகரியங்கள் ஏற்படும். இதை அவசியம் செய்ய வேண்டும். 'அன்டெவலப்ட் ஏரியா' என்பது அன்பில்ட் (unbuilt) ஏரியா என்று நினைப்பது சரியல்ல. முதல் சப்-செக்ஷன் ஜனங்களுக்கு குடிதண்ணீர் சுகாதார வசதிகளைப்பற்றி சொல்லுகிறது. இந்த நிலைமையே 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 அனுகூலமாக 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."

[5th January 1954]

SRI T. K. RAMA :—“கனம் பிரதம மந்திரி அவர்கள் இப்பொழுது அறிவித்ததிலிருந்து எந்த வரியாவையும் Slum area என்று declare செய்யலாம் என்று சொல்லுவதால் நான் என்னுடைய திருத்தத்தை வாபஸ் வாங்கிக் கொள்ளுகிறேன்.”

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

SRI N. K. PALANISAMI :—“Sir, I move—

‘Add the following new sub-clause after sub-clause (3) :—

“If in the process of clearing or improving a slum any hut or building is removed, the occupant thereof shall be provided with a suitable alternative accommodation and he shall not be evicted until such an accommodation is found for him in the same locality.”

“கனம் சபாநாயகர் அவர்களே, இந்த சர்க்காருக்கு 1894, 1920, 1950-ம் வருஷத்திய சட்டங்களில் சட்ட பூர்வமாக ஆர்ஜிதம் செய்வதற்கு அதிகாரம் இருந்த போதிலும் இன்று இந்த சட்டத்தைக்கொண்டு வந்திருக்கிறார்கள். இந்த இரண்டு வருஷங்களாக காக்கஸ் சேரியிலும் மற்ற சேரிகளிலும் என்ன நடந்து வந்திருக்கிறது என்பது எல்லோருக்கும் தெரியும். அங்கு இருக்கக்கூடிய பல வீடுகள் தரைமட்டமாகிவிட்டன. அந்த இடங்களிலெல்லாம் பெரிய பங்களாக்களைக் கட்டுவதற்காக இடம் கொடுத்திருக்கிறார்கள். இது எல்லோருக்கும் தெரியும். அதே சமயத்தில் சர்க்கார் ஸலம் இம்ப்ருவ்மெண்ட் என்று சொல்லிக் கொண்டு அங்கே இருக்கக்கூடிய சேரியில் வாழக்கூடிய மக்களுக்கு இடம் இல்லை என்பதை ஒத்துக்கொள்ளமுடியாது. அதற்காக ஒரு புரோ விஷன் சேர்த்திருக்கவேண்டும். இப்பொழுது அதற்கு யார் நஷ்டஈடு கொடுக்கிறார்கள். நஷ்டஈடு கொடுக்கக்கூடியவர்கள்தான் அங்கே இருக்கமுடியும். கொடுக்காதவர்கள் அங்கே இருக்கமுடியாது. சர்க்கார் வேண்டும் என்றால் எந்த இடத்தையும் ஸலம் ஏரியா என்று சொல்ல முடியும். அந்த நிலையில் அந்த அளவிற்கு திட்டவட்டமாக ஒன்றும் இதில் கிடையாது. மேலும் 25 ஆயிரம் ரூபாய்க்கு மேற்பட்டவர்கள்தான் கோர்ட்டுக்குப் போவதற்கு உரிமை இருக்கிறது. அதற்குக் கீழே உள்ள சின்ன சின்னவர்கள் வீடுகள் வைத்துக்கொண்டிருக்கிறார்களே அவர்களுக்கு எந்த விதமான நியாயமும் வழங்குவது கிடையாது. இந்த மாதிரி நிலைமையில் அவர்களுக்கு வேறு இடத்தில் சேரிகளுக்கு ரோடு போடுவதென்றாலும் லைட் போட்டுக்கொடுப்பதாலும் அவர்கள் சீர்திருத்தம் அடையமுடியாது. இவைகளையெல்லாம் கொடுத்துவிட்டால் அவர்களை அந்த இடத்தைவிட்டு துரத்தக்கூடியதாக இருக்கிறது. ஏனென்றால் அவர்கள் கொடுக்க வேண்டும் என்ற தொகை அவர்களால் கொடுக்க முடியவில்லை. இந்த மாதிரியான திட்டம் கொண்டுவரப்படுகிறது அவர்களை துரத்துவதற்காகவோ என்று சந்தேகப்படக்கூடியதாக இருக்கிறது. ஆகவே எந்த விதமான காரணத்தாலும் அவர்கள் இருக்கும் இடத்திலிருந்து வெளியேற்றுவது இல்லை. கொடுக்கக் கூடிய வாடகை இருக்கிறதே அது இப்பொழுது கொடுத்து வருவதற்கு மேல் வசூல் செய்யக்கூடாது என்று ஒரு புரோவிஷன் அதில் சேர்க்கப்பட்டிருந்தால் நன்றாக இருந்து இருக்கும். அந்தப்படி ஒரு விதியைச் சேர்க்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

SRI S. RAMALINGAM :—“நான் முதலில் சொன்ன மாதிரி சேரிகளை அபிவிருத்தி செய்கிறோம் அல்லது காலி செய்கிறோம் என்ற பெயரால் அவர்களை குடிசைகளைவிட்டு அப்புரப்படுத்தும்போது அவர்களுக்கு சரியான இடம் கொடுக்கப்பட்டு வசதி செய்து கொடுத்துவிட்டு அந்த இடத்தில் அபிவிருத்தி செய்தால் போதும். இந்தப்படி இந்த திருத்தம் கொடுக்கப்பட்டிருக்கிறது. இதை சர்க்கார் ஒத்துக்கொள்ள வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன். அதை ஆதரிக்கிறேன்.”

[5th January 1954]

MR. SPEAKER :—“Motion moved—

‘Add the following new sub-clause after sub-clause (3) :—

“If in the process of clearing or improving a slum, any hut or building is removed, the occupant thereof shall be provided with a suitable alternative accommodation and he shall not be evicted until such an accommodation is found for him in the same locality.”

SRI K. VINAYAKAM :—“Sir, now that the proposal to refer the Bill to a Select Committee has been withdrawn, we will go into the merits of the Bill. The amendment moved by my friend, Mr. Palaniswami, is a very pertinent one because he has quoted one instance, and quoted rightly, that has occurred in the City of Madras itself. I am now referring to the Cox cheri incident. When that cheri, which consisted of many poor families, was cleared, the dwellers were weaned away from the slum by a promise that the colony would be reorganized on better lines, and that houses would be constructed and let out to them on a monthly rental of two rupees per house. These were the ‘carrots’ held before these credulous people who were dwelling there. They were tempted to vacate the slum because a very good future was assured to them.”

THE HON. SRI C. RAJAGOPALACHARI :—“When was it done?”

SRI K. VINAYAKAM :—“I think it was in 1947, when the City Improvement Trust launched this scheme. I am citing this instance to show that these are the troubles involved in this kind of hasty legislation. What happened later? The men who vacated the slum were almost stranded for some time and the interval between the period of their vacating the slum and the period when they were shown an alternative site in Kodambakkam was well over four years. The site is next to the Varadarajapet colony. (The Hon. C. Rajagopalachari : ‘Bigger than Cox cheri.’) May be a tract of about five acres of land was acquired by the City Improvement Trust after a lapse of four years and then they laid out some roads worth the name. They filled the pits with rubbish collected in the City of Madras. They installed some street lamps and constructed a dry latrine. Then the people who were driven from the Cox cheri slum were given the option to go and settle there. Sir, it is not enough if we just show them an alternative site. We must consider whether the people will be tempted to go and live on the alternative site provided. After all, as the Hon. the Chief Minister, has explained, these are people who make a living out of manual labour. If they are shifted to places like Kodambakkam, what is the amount of practical difficulty involved to them? That is the question that we must consider. A worker cannot walk all the distance from Kodambakkam to his place of work in the City—Godown street or Moore Market or

[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.

"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 1947) 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 அவர்கள் சொன்ன வாக்குறுதியின்பேரில் நான் என்னுடைய திருத்தத்தை வாபஸ் வாங்கிக்கொள்கிறேன்."

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

Clause 3 was put and carried.

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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 "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 சரியல்ல என்று சட்ட பூர்வமாக போடுவதைக் காட்டிலும் நெளிவு சுருவு இருக்கக்கூடிய முறையில் இருந்தால் நல்லது என்று சொன்னார். அந்த வாதத்தைக் கேட்ட பிறகும்கூட 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 விசதத்திற்கு 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."

[5th January 1954]

SRI P. RAMAMURTHI :—“நாம் இல்லாமல் போனாலும் பின்னால் வருகிறவர்கள் கட்டாயமாக 50 சத விதிகம் வாங்குவார்கள். அப்ப யில்லாவிட்டால் 100 சத விதிகம்கூட வாங்குவார்கள். அதனால் இதற்கு வரையறுக்கப்பட வேண்டும் என்ற காரணத்திற்காகத்தான் இந்த திருத்தத்தை நான் ப்ரஸ் 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."

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 Chettiyar 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 hungers 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. கொடுக்கப் பட்ட திருத்தங்களை சர்க்கார் ஒத்துக்கொண்டால் நன்றாக இருக்கும் உதாவது

‘ 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. காம்பென்சேஷன் கொடுப்பதைப்பற்றி எந்த நிர்ணயிப்பும் கிடையாது. ஆகையால் 50 சத விதிகம் என்றும் பின்னால் 75 சத விதிகம் கொடுக்கவேண்டும் என்று உத்தரவு போட்டால் அந்த உத்தரவின்மேல் 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 கொடுக்கமாட்டேம் 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 வைத்தாயிட்டு. 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 (e) 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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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 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.

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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 on pages 275-293 infra.

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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."

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“ 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.’ ”

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.

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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 'Jenmu'. 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. 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 tarwad, 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.

"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 enthruse 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) எதிரக் கட்சித் தலைவர் பேசும்போது மந்திரிகள் தாங்கள் செய்த ரிப்போர்ட்டுகளை மறுத்து வேண்டுமோடு போடுவது வழக்கம் என்றார். சுப்ரமணியம்

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கமிட்டியில் கனம் மந்திரி ஸ்ரீ வி. சுப்ரமணியமும் ஒரு அங்கத்தினராக இருந்தார். தஞ்சாவூர் பண்ணையாள் 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. 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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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 jannies.”

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

6th January 1954] [Sri C. Kandasamy]

பெருத்த வித்தியாசம் இருக்கிறதென்பது எல்லோரும் அறிந்த விஷயம். இந்த நிலைமையில் தான் இன்றைய தினம் இந்த மலையாள விவசாயிகள் திருத்த மசோதா கொண்டு வரப்பட்டுள்ளது. இதைத் தீர்க்க வேண்டிய, இதற்கு முடிவு செய்யவேண்டிய பொறுப்பு மலையாளத்தைச் சேர்ந்த அங்கத்தினர்களுக்கு மாத்திரமல்ல : தமிழ் நாட்டைச் சேர்ந்த எம். எல். ஏ. க்களுக்கும் உண்டு. இதில் எல்லோரும் பொறுப்பு உணர்ச்சியோடு நடந்துகொள்ளவேண்டும். இங்கு தமிழ் நாட்டு 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.

“சட்டத்தை எடுத்துக்கொண்டால், அதிகார பூர்வமாக 1930-ல் ஏற்படுத்தப்பட்ட 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 பிரரேபிக்கப்பட்டு 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 நோராட்டத்தின் 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 பிரச்சினை 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, ഒരു വായിൻ്റെ ആത്മ് ആപർ, ഈ ബിൽ അവതരിപ്പിച്ച മിനിസ്റ്റർ ഇതിൻ്റെ ചുട്ട് നടക്കുമ്പോൾ ഇവിടെ ഇല്ലാതിരിക്കുന്നത് ശരിയാണോ ?

“ 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."

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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 ஞாபகத்தில் 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 பிரச்னையை, தியாகங்கள் பல செய்து இப்பொழுது கொண்டு வரப்பட்ட பிரச்னையை எல்லோரும் பாதுகாக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்."

"அடுத்தபடியாக, முக்கியமான பகுதி குடிவாரம். சாகுபடி செய்யப்படுகின்ற குடியானவர்களுடைய நிலங்கள் நிரந்தரமாக சாகுபடி செய்ய முடியாதபடி பாதிக்கப்படுகிறது. பிறகு நில வாடகை, குத்தகை வாடகை, பாக்கி இவைகளையெல்லாம் பார்க்கும்போது எள்ளளவு கூட விவசாயிகளுக்கு சாதகமாக காணப்படவில்லை என்பதைத் தெரிவித்துக்கொள்கிறேன். 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 காங்கிரஸ் 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 கேட்டுக்கொள்கிறேன்."

"அடுத்தபடியாக, அவர்களை வெளியேற்றுவதற்கு போதுமான காரணம் அதாவது (Bonafide reason) கொடுத்து அவர்களை வெளியேற்றலாமென்று இருக்கிறது. இப்படிச் செய்திருப்பது நியாயமா? அவர்களை வெளியேற்ற வேண்டுமென்றால் நிவச் சொந்தக்காரர்களுக்கு காரணம் சிருஷ்டிக்கத்தான் கஷ்டமா? புலிக்கு நியாயம், ஆட்டுக்குட்டிக்கு அநியாயம் என்பதுபோல் இந்தக் காரணம் இருக்கிறதென்பதை ஞாபகத்தில் 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."

"அடுத்தபடியாக, இந்த நில வாடகை திருத்தத்தைப் பார்க்கும் 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) கொண்டு வந்து, ஒரு விசிதமாக வாடகை எப்படியும் 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 வேண்டுமென்று சொன்னால் இந்த ஏழை விவசாய மக்கள் என்ன நினைப்பார்கள் 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 எதிர் பார்க்கவில்லை. 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 கொண்டுவந்து அதன் பிறகு ஆறில் ஒரு பங்கு ஜன்மிக்குக் கொடுக்க வேண்டும் என்று சொல்வது சரியல்ல. பத்தில் ஒரு பங்கு கொடுக்க வேண்டும் என்று கூறிக் கொள்ள விரும்புகிறேன். அது தான் ஜன நாயக முறை. இதை அரசாங்கம் கவனித்து வசதி செய்ய வேண்டும் என்று கேட்டுக்கொள்கிறேன்."

"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 அளிக்கவேண்டும். 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 கொள்ளுகிறேன்.

“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 குடிக்கிருஷ்ண நாயர் ராஜீனாமா செய்ய வேண்டும் என்ற பிரச்சனை யெல்லாம் வந்தன. கனம் மாதவ மேனனுக்கு ஏற்பட்டது ஏற்படும் என்று கூட சொல்லப்பட்டது. அதுவும் ஆத்தரமாகச் சொல்லப்பட்டது. உண்மையைச் சொல்லுகிறேன். விவசாயிகள் தாழ்த்தப் பட்டிருப்பதையும் ஒடுக்கப்பட்டிருப்பதையும் பார்த்துதான் அப்படி பேச வேண்டியதாயிற்று. மக்களுடைய எண்ணத்தை புறக்கணிக்க முடியாது. சட்டம் இருக்கிறது, அரசாங்கம் இருக்கிறது, போலீஸ் இருக்கிறது என்று பேசிக்கொண்டு 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 பேசவில்லை 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 மாத்திரம் 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 நடந்துகொள்ளவேண்டும். இதில் உண்மையாக கவனம் செலுத்தி தேச முன்னேற்றத்திற்கு தகுந்த தீர்ப்பு கொடுக்க வேண்டும் என்பதைத் தெரிவித்துக்கொண்டு, 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 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 as 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 janmies to a clause like that from my knowledge of the situation in Malabar. Very few janmies will be really affected by it. Of course, there are a certain number of small janmies 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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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 വിഷമതകളെപ്പറ്റി ആവലാതിപ്പെടുകയുണ്ടായി. അതിനെ സംബന്ധിച്ച ഒരു പറയാൻ ഞാൻ ആഗ്രഹിക്കുന്നു. ജന്മിമാർ വാസ്തുവത്തിൽ സമുദായത്തിനു ദോഷമല്ലാത്ത യാതൊരു ഉപകാരവും ചെയ്യാത്ത ഒരു വസ്തുമാണ്. അദ്ധ്വാനിക്കുന്ന വസ്തുക്കളുടെ പ്രതിഫലം ജീവിച്ചു പോരുന്ന അവർക്ക് കട്ടിയാന്മാർക്കു അനുക്രമമായ നിയമം വരുന്നതിൽ വികമത തോന്നുന്നുണ്ടെങ്കിൽ അതിന് കട്ടിയാന്മാരുടെ ഉത്തരവാദികൾ. യാതൊരു അദ്ധ്വാനവും ചെയ്യാതെ അദ്ധ്വാനിക്കുന്നവരുടെ പ്രതിഫലം മുഴുവൻ തട്ടിത്തന്നിട്ടുള്ള അവരുടെ പുത്രികന്മാർ ചെറു മഹാപാപമാണ്. അദ്ദേഹത്തെപ്പോലുള്ള ജന്മിമാർ ഇന്ന് അന്തഃവിഷണുത്വം. ജന്മിമാർക്ക് ഇന്ന് കൃഷിചെയ്യാൻ ഭൂമിയില്ലെങ്കിൽ, ഗവണ്മെന്റിന്റെ കൈയിൽ ധാരാളം തരിശുഭൂമികളും മറ്റുമുണ്ടുണ്ട്. അതു ചാത്തുവാങ്ങി കൃഷിചെയ്തു ജീവിക്കുകയുള്ളൂ. കട്ടിയാന്മാർക്കനുക്രമമായ ഒരു നിയമം പാസ്സാക്കുന്നതിന് അവർ തടസ്സമായി നില്ക്കുന്നു. വളരെ കൊല്ലമായി മലബാറിൽ കട്ടിയാന്മാർ അവർക്കു അനുക്രമമായ ഒരു നിയമം ഉണ്ടാക്കിക്കൊടുക്കണമെന്നു കാത്തിരിക്കുകയാണ്. അതിന്നു വേണ്ടി അവർ അസംഘടിതരായും സംഘടിതരായും സമരങ്ങൾ നടത്തിയിട്ടുണ്ട്. മലബാറിന്റെ മറ്റു ജില്ലകളിലുള്ള ഒരു കർഷകലാഭത്തെക്കുറിച്ചു ഏതാണ്ട് പറഞ്ഞാലും വാസ്തുവത്തിൽ അതു ഒരു കർഷകലാഭത്തെക്കുറിച്ചായിരുന്നു. അതിന്റെ അടിസ്ഥാനം കാക്കികപ്രശ്നമായിരുന്നു. അതിനുശേഷമാണ് രാജവട്ടം കമ്മിറ്റിയെ നിയമിച്ചതും 1929 ലെ മലബാർ കട്ടിയാൻ നിയമം പാസ്സാക്കിയതും. 1937 ൽ സംസ്ഥാനങ്ങളിൽ കോൺഗ്രസ് അധികാരത്തിൽ വന്നപ്പോൾ തീർച്ചയായും തങ്ങൾക്ക് അനുക്രമമായ നിയമങ്ങൾ പാസ്സാക്കുമെന്ന് കൃഷിക്കാർ പ്രതീക്ഷിച്ചിരുന്നു. നേരെ മറിച്ചാണ് സംഭവിച്ചത്. കോൺഗ്രസ് പാസ്സാക്കിയിട്ടുള്ള കറാച്ചി-ഫൈസ് പുരി പ്രമേയങ്ങളെല്ലാം ചവറുകയായി കളയുകയാണ് ചെയ്തത്. കർഷകരെ മറന്നുകൊണ്ടാണ് പിന്നീടുള്ള ഏല്പാ നിയമങ്ങളും ഉണ്ടാക്കിയിട്ടുള്ളത്. കർഷകർക്കു അനുക്രമമായ യാതൊന്നും ഇതുവരെ ഉണ്ടായിട്ടില്ല. ഇപ്പോൾ വാസ്തുവത്തിൽ മലബാറിലെ പ്രസവിച്ചിരിക്കുകയാണ്. കൃഷിക്കാർക്ക് ഭൂമിയിൽ സ്ഥിരവകാശം ഇല്ലെന്നുള്ളതാണ് ഇപ്പോഴത്തെ ബില്ലിലും ഉള്ള പ്രധാനദോഷം. ഇതു നിയമം വരാൻ പോകുന്ന വെന്നിത്തറത്തുശേഷം ഒഴിപ്പിക്കുകയും ധാരാളം നടന്നിട്ടുണ്ട്. സെലക്ട് കമ്മിറ്റി റിപ്പോർട്ടിൽതന്നെ പറയുന്നത് പന്ത്രണ്ടുകൊല്ലം കൊടുക്കപ്പെട്ടവരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നാണ്. എന്നു പറഞ്ഞാൽ പതിനൊന്നു കൊല്ലവും പതിനൊന്നു മാസവും ഇരുപത്തൊമ്പതു ദിവസവും ആയിട്ടുള്ളവെങ്കിൽ ഒഴിപ്പിക്കുമെന്നർത്ഥം. ഇതിന്റെ ഫലമായി മലബാറിൽ ധാരാളം ഒഴിപ്പിക്കുകയും ഉടനെ ഉണ്ടാവുമെന്നാണ് എനിക്കു സഭയെ അറിയിക്കുവാനുള്ളത്. അങ്ങനെ ഒരു പരിതഃസ്ഥിതി ഉണ്ടാകാതെ തടയേണ്ടതാണ്. പാവപ്പെട്ട ജന്മിമാരെ സംബന്ധിച്ചതോളം ചില വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തേണ്ടതാണെന്ന് പറഞ്ഞുകൊണ്ട് ഞാൻ തന്നെ ചില ഭേദഗതികൾ കൊടുത്തിട്ടുണ്ട്. അതേ

[Sri K. Madhavan Nambiar] [6th January 1954]

പ്രസിദ്ധീകരിക്കുകയും ചെയ്തതുകൊണ്ട് പരസ്പരം വിരുദ്ധമായിരിക്കുകയും ചെയ്തതുകൊണ്ട്. ഈ ബില്ലിന്റെ കൊടുവലിക്കൽ ആലോചിക്കുന്ന അവസരത്തിൽ മന്ത്രി ശ്രീ കിട്ടിയപ്പൻ നായർ മലബാർ മെമ്പർമാരുടെ യോഗം വിളിച്ചുകൂട്ടി ബില്ലിനെപ്പറ്റി അഭിപ്രായം ആശയകയ്യെടുത്തിരിക്കുന്നു. അത് മലബാർ എം. എൽ. എ. മാർ ഈ ബില്ലിനെക്കുറിച്ചു ഏതാണ്ട് ഏകാഭിപ്രായം രേഖപ്പെടുത്തിയിട്ടുണ്ട്. അതുപോലും സ്വീകരിക്കാൻ ഗവണ്മെന്റ് കൂട്ടാക്കിയിട്ടില്ല. ആ അഭിപ്രായത്തിന്റെ അടുത്തുകൂടി ഈ ബിൽ പോയിട്ടില്ല. കഴിപ്പിക്കുകയെ സംബന്ധിച്ചും ഉൾക്കടിയെ സംബന്ധിച്ചും ഈ ബില്ലിൽ ചില വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തേണ്ടത് ആവശ്യമാണെന്നാണ് എന്റെ ബലമായ അഭിപ്രായം.

“പാട്ടുവ്യവസ്ഥയെ സംബന്ധിച്ച് എനിക്ക് ഒരു പറയാനുള്ളത്, കരാറുപാട്ടം എന്നത് ഇന്ന് കൊടുവരുന്ന മറ്റൊരു പാട്ടുതരം ഏറ്റവും ചുരുങ്ങിയ ഒരു വ്യവസ്ഥയാണ്. ഈ നിയമപ്രകാരം അതു ഏതുതരം ഇരട്ടി വാങ്ങാൻ പോവുകയാണ്. ചിറക്കൽ താലൂക്കിന്റെ വടക്കൻ ഭാഗങ്ങളും കാസർഗോഡ് താലൂക്കും കൂടിച്ചേർന്നു മലബാറിന്റെ ഭാഗങ്ങളിൽ ഈ മറ്റൊരു പാട്ടുതരം വലിയ ആപത്താണ് വരാൻ പോകുന്നത്. കരാറുപാട്ടമോ മറ്റൊരു പാട്ടമോ, ഏതാണ് കറവു അതു കൊടുക്കുക എന്ന വ്യവസ്ഥ അംഗീകരിക്കാത്തപക്ഷം മലബാറിലെ കൃഷിക്കാർക്കെ ഒരു വമ്പിച്ച സമരത്തിന്നു തന്നെ തയ്യാറാക്കേണ്ടിവരും. അതിനെ നേരിടാൻ ഗവണ്മെന്റ് തയ്യാറാകേണ്ടിവരണം ഞാൻ തീർത്ത് ചെയ്യുകയുള്ളൂ. ഇതു സ്വീകരിക്കാത്തപക്ഷം ഈ ബില്ലിനെ കടിയാർ ബില്ലെന്നല്ല ജന്മി ബില്ലെന്നുവേണം വിളിക്കാൻ. മലബാറിലെ വമ്പിച്ച ഒരു ജനവിഭാഗം ഈ ബില്ലിനെതിരായി പ്രകോപനം തുടങ്ങിയിരിക്കുകയാണ്. ഈപ്പാൾ വെള്ളപ്പൊക്കവും വിളയുണക്കും കൊണ്ടു പാട്ടം കൊടുക്കാൻ സാധിക്കാതെ വന്നിട്ടുള്ളവർ വളരെയുണ്ട്. ആരെല്ലാരുടെ പാട്ടുബാക്കി കൊടുക്കണമെന്ന പറയുന്നതിന്റെ അർത്ഥം ഭൂമിയിൽ പൊക്കമുള്ളതൊന്നാണ്. ആരെല്ലാരുടെ പാട്ടം കൊടുക്കണമെന്നാണ് ബില്ലിൽ പറയുന്നത്. അത് സാധ്യമല്ലാത്ത കാര്യമാണ്. അത് കൊണ്ടു കീഴ്ക്കട ബാധ്യതകൾ വീട്ടുകാരുടെ വ്യവസ്ഥ അംഗീകരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. അതുപോലെ തന്നെ ഉൾക്കടിയെ സംബന്ധിച്ച് മൂന്നു കൊല്ലത്തെ കടിയിരിപ്പുള്ളവരെ കടിയിരിക്കാൻ പാടില്ലെന്ന ഈ പുതിയ നിയമത്തിൽ പറയുന്നു. ഇതിനകത്തന്നെ എത്രയോ കടിയിരിപ്പുകാരെ കഴിപ്പിച്ചിട്ടുണ്ട്. ഈ നിയമം പാസ്സായ ഉടനെ മൂന്നു കൊല്ലത്തിൽ കറഞ്ഞു വമ്പിച്ച ഒരു ജനവിഭാഗത്തെ കഴിപ്പിക്കാൻ പോവുകയാണ്. അങ്ങനെ കടിയിരിക്കുവാൻ അവർ തെങ്ങിത്തിരിയേണ്ടിവരും. ഇങ്ങനെ ബില്ലിലെ മൂന്നു നാലോ വ്യവസ്ഥകളെ സംബന്ധിച്ചിടത്തോളം സാരമായ മാറ്റം വരുത്തണമെന്നാണ് എന്റെ അഭിപ്രായം. ഈ ബില്ലോടുകൂടി യോജിക്കണമെന്നാണ് മറ്റു ബഹുമാനപ്പെട്ട മെമ്പർമാരോടുള്ള എന്റെ വിനീതമായ അപേക്ഷ. ഈ ബില്ലിന്റെ പിന്നിലുള്ള അർത്ഥം വമ്പിച്ച ജനവിഭാഗങ്ങളെയല്ലെന്ന് വ്യക്തമാക്കുക വേണ്ടതാണെന്നും നാം തെളിയിക്കണം. അതിനാവേണ്ട ഭരണനീതികൾക്കു അനുക്രമമായി വോട്ടുചെയ്യണമെന്ന അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചു കൊള്ളുന്നു.”

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 janmis, 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 janmi 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 janmi 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 kudiyruppu 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 kudiyruppu 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.

"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 പ്രതീക്ഷകളെ അസ്ഥാനത്തിലാക്കിക്കൊണ്ടാണ് ഇന്ന് ഈ ബിൽ വെളിയിൽ വന്നിരിക്കുന്നത്. മലബാറിലെ കൃഷിക്കാരുടെ ആവശ്യമാണ് ഈ ബിൽ കൊണ്ടു വരാൻ ഗവണ്മെന്റിനെ പ്രേരിപ്പിച്ചത്. ഇതിൽ ഏറെയും പ്രധാനമായിട്ടുള്ള കാര്യം ഭൂമിയിൽ കൃഷിക്കാരന് സ്ഥിരാവകാശവും മറ്റുജന്തുവും വേണമെന്നുള്ളതാണ്. ഒഴിപ്പിക്കലിനെ സംബന്ധിച്ചേടത്തോളം, പറ്റുണ്ടുകൊല്ലം കൈവശം ഉള്ളവരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നാണ് ഈ ബില്ലിലെ വ്യവസ്ഥ. പക്ഷെ ഉദ്ദേശിക്കുന്ന ഫലം കഷ്ടിയാവാകും കിട്ടാനിരിക്കാൻ ജന്മികൾ മുൻകരുതൽ ചെയ്തിട്ടുണ്ട്. എത്ര കാലത്തെ കൈവശമുണ്ടായാലും അതു നിക്കാലിൽ കാണിക്കാനിരിക്കാൻവേണ്ടി ജന്മിമാർ

പല സുത്രപ്പണികളും ചെയ്തിട്ടുണ്ട്. നാലുതും അൻപതും കൊല്ലം കൈവശമുണ്ടായിരുന്ന പാട്ടശീട്ടുകൾ അടുത്ത കാലത്തു ഒഴിമുറി നജിസ്സാക്കിച്ചുവാങ്ങി ശമ്പളപാട്ടശീട്ട്, കൂലി പാട്ടശീട്ട് തുടങ്ങിയ പുതിയ പാട്ടശീട്ടുകൾ എഴുതിവാങ്ങിയിട്ടുണ്ട്. പാട്ടശീട്ടുകൾ യാതൊന്നുമില്ലാത്തവരുണ്ട്. നെല്ലെടുപ്പു കാലത്തെ മേനോന്റെ മേനി ജന്മികളുടെ പേരിലാക്കി കൃഷിക്കാരെ ശമ്പളക്കാരനാക്കി റിക്കാഡ് ചെയ്യവരുന്നുണ്ട്. റിക്കാഡുകൾ നോക്കിയാൽ ഇന്ന് മിക്ക കർഷകരും കർഷകജാതായിത്തീർന്നിട്ടുണ്ട്. ഭൂരിപക്ഷം ജന്മിമാരും ഈ നടപടി സ്വീകരിച്ചിട്ടുണ്ട്. ഈ ബില്ലു പുറത്തുവന്നാൽ എന്താണ് നടക്കാൻ പോകുന്നത്? ജന്മിമാരും കൃഷിക്കാരുമായിട്ട് കോടതികളിൽ പോയി മത്സരിക്കാനുള്ള സൗകര്യം ധാരാളമായി വന്നിട്ടുണ്ട്. സാധുക്കളായ കടിയന്മാരെ കോടതിക്കു വലിച്ചു പണം ചെലവാക്കി ബുദ്ധിമുട്ടാക്കുകയോ കീഴടക്കാൻ ജന്മികൾക്കു കഴിഞ്ഞുവെന്നു വരും. എന്തിനാണ് പത്രങ്ങളു കൊല്ലത്തെ കാലാവധി വയ്ക്കുന്നത്? കൃഷിസ്ഥലം കൈവശമുള്ള ആരേയും ഒഴിപ്പിക്കരുതെന്നു വയ്ക്കരുതോ?

“അതുപോലെതന്നെ മയ്യോപ്പാട്ടം കണക്കാക്കുന്ന അവസരത്തിൽ കൃഷിക്കാരന്റെ താല്പര്യങ്ങളെ എങ്ങിനെയാണ് സംരക്ഷിക്കുന്നത് എന്നു നാം ശ്രദ്ധിക്കേണ്ടിയിരിക്കുന്നു. കൃഷിക്കാരനു താങ്ങാനാവാത്ത പാട്ടുകാരമാണിരുന്നെങ്കിലും, അതു അക്രമപാട്ടമാണെന്നും അതു തുടർന്നു കൊടുക്കാൻ നിവൃത്തിയില്ലാത്ത. കരവസ്ഥ ഉണ്ടായിട്ടുണ്ടെന്നും മന്ത്രിമാർ അറിയാത്തു. ആ നിലയ്ക്കു മയ്യോപ്പാട്ടം കണക്കാക്കി നോക്കി കരാർ പാട്ടം മയ്യോപ്പാട്ടത്തിൽ കാവാണെങ്കിൽ അതു വലിപ്പിച്ചു കൊടുക്കണമെന്നു പറഞ്ഞാൽ എന്തായിരിക്കും ഫലം? പാട്ടം കറയ്ക്കാൻ പ്രേക്ഷാഭംഗം കൂട്ടിയിട്ട് പാട്ടം കൂട്ടുകയാണ് ചെയ്യുന്നതെങ്കിൽ എന്തായിരിക്കും അവരുടെ ഫീലിംഗ്. 1929 ലെ കടിയൻ നിയമത്തിൽ പറഞ്ഞിട്ടുള്ള മയ്യോപ്പാട്ടം കണക്കാക്കി കിട്ടാൻ 1942 നു ശേഷം ചില കടിയന്മാർ കോടതികളിൽ ഡാരജികൾ കൊടുത്തിരുന്നു. പക്ഷെ കമ്മീഷനും, മറ്റും വന്നു മയ്യോപ്പാട്ടം കണക്കാക്കി അവസാനം മയ്യോപ്പാട്ടം കരാർപ്പാട്ടത്തേക്കാൾ കൂടുതൽ നിഗമനത്തിലാണെന്നായിട്ടുണ്ട്.

“ഇരുപത്തിയെട്ടു പറ നെല്ലാണ് ഒരേക്കുറിഞ്ഞു കൃഷിചെയ്ത കണക്കാക്കിയിരിക്കുന്നത്. പക്ഷെ ഡാബുവത്തിൽ ഒരേക്കുറിഞ്ഞു ചുരുങ്ങിയതു നാലുതഞ്ചു പറ നെല്ലു വേണം. ഇപ്പോൾ വിളവു വലിയിക്കേണ്ടതിന്നു പകരം ചുരുങ്ങിയതായി വരികയാണ്. അതിന്റെ ഫലമെന്തു? നാട്ടിലെങ്ങും ക്ഷാമം, പട്ടിണിമരണം, പകർച്ചരോഗങ്ങൾ. തമിഴ് നാട്ടിൽ കൂടുതൽ വിളവുണ്ടാക്കിയതിന്നു ഒരു കൃഷിക്കാരനു സമ്മാനം കൊടുത്തിരിക്കുന്നു. 420 ക. ചെലവു ചെയ്തു 1,200 ക.യുടെ ഡാബു വിളയിച്ചു എന്നാണ് കാണുന്നത്. ശരിയായി കൃഷി ചെയ്താൽ സൗകര്യംകൂടെ ഗവണ്മെന്റു ഉണ്ടാക്കിക്കൊടുക്കണം. ഇരുപത്തിയെട്ടു പറ നെല്ലു എന്നു പറഞ്ഞാൽ ശരിയായി കൃഷി ചെയ്താൽ മതിയായില്ല. ജന്മിമാർ പാട്ടം കുറെ കുറച്ചു കൊടുക്കാൻ വ്യവസ്ഥ ചെയ്യണം. മയ്യോപ്പാട്ടം കുറഞ്ഞു വെക്കുമ്പോൾ ജന്മിമാർ നിശ്ചയമായിട്ട് പട്ടിണിയാക്കാൻ പോകുന്നില്ല. നേരെമറിച്ചു കൃഷിക്കാരനാണെങ്കിൽ കഷ്ടം മുഴുവൻ പട്ടിണിയാണ്. കൃഷിക്കാരന്റെ സ്ഥിതി എവിടെയും ഇതുതന്നെ. ഇവിടെ മാത്രമല്ല, ഇന്ത്യയിലെങ്ങും, ഇവിടെയാണെങ്കിൽ കടിയന്മാരെ ഉപദ്രവിച്ചു കഴിയുന്ന ജന്മിമാർ വളരെയുണ്ട്. അങ്ങനെയുള്ള ജന്മിമാർ തങ്ങളോടു നീതി (fairness) കാണിക്കണമെന്നു പറയുന്നതിന്റെ അർത്ഥം മനസ്സിലാക്കുന്നില്ല. ആറു കൊല്ലത്തെ പാട്ടു ബാക്കിയായിട്ടുള്ള ജന്മിമാരും ഉണ്ടാവുകയില്ല. ആറു കൊല്ലത്തെ പാട്ടം കൃഷിക്കാരൻ കൊടുക്കണമെന്നു പറഞ്ഞാൽ വീടും പറമ്പും ഗൃഹോപകരണങ്ങളും വിറ്റൊഴി നാടുവിട്ട് പോകേണ്ടിവരും.

“തരിശുസ്ഥലങ്ങൾ പതിച്ചു കൊടുക്കാനുള്ള വ്യവസ്ഥകളൊന്നും 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 എനിക്ക് വിരോധമില്ല. മലബാറിലെ കൃഷിക്കാരെ പ്രതിനിധീകരിച്ച മലബാർ കിസാൻ സംഘത്തിന്റെ ആഭിമുഖ്യത്തിൽ ഒരു ലക്ഷത്തിരുന്നൂറായിരത്തിൽ പരം കൃഷിക്കാർ ഒപ്പുവെച്ച ഒരു മെമ്മോറാണ്ടം ഇവിടെ സമർപ്പിക്കപ്പെട്ടിട്ടുണ്ട്. മലബാർ കൃഷിക്കാരുടെ ഒരു നിവേദകസംഘവും ഇവിടെ എത്തിയിട്ടുണ്ട്. മലബാർ എം.എൽ. എ.മാരിൽ ഭൂരിപക്ഷം പറയുന്ന അഭിപ്രായം സ്വീകരിച്ചുകൊണ്ടുള്ള നിയമം

പാസ്സാക്കാൻ ഗവണ്മെന്റു ശ്രദ്ധിച്ചാൽ കൊള്ളാം. തമിഴ് നാട്ടുകാരിൽ പലരും ഇതിന്റെ ശരിയായ നില അറിഞ്ഞുകൂടാ. ആസൂത്ര്യ രചനാനം നിശ്ചയിക്കാനുള്ള അവകാശം ആസൂത്ര്യ കാർഷിക വിട്ടുകൊടുക്കുകയുണ്ടായി. അതുപോലെ ഈ ബിൽ പോട്ട് ചെയ്യാൻ വരുമ്പോൾ മലയാളി മെമ്പർമാർമാത്രം വോട്ടുചെയ്യാൻ മതിയെന്നു ലീഡർ ഓഫ് ദി ഹൗസ് അഭിപ്രായപ്പെടണമെന്നു എനിക്കുപേക്ഷയുണ്ട്. നാട്ടുകാരുടേയും കൃഷിക്കാരുടേയും ഉത്തമതാല്പര്യങ്ങളെ സംരക്ഷിക്കാൻ ആ വ്യവസ്ഥ പ്രയോജനപ്പെടും.

“ഒന്നുകൂടി പറയാനുള്ളത്. വിളനക്ഷം വന്നിട്ടുള്ളിടത്തു പാട്ടം ഇളച്ചുകൊടുക്കാനുള്ള വ്യവസ്ഥകളൊന്നും ഇതിൽ കാണുന്നില്ല. കൂടാതെ ഒരു വ്യവസ്ഥകൂടി ഉൾക്കൊള്ളിച്ചേ തീരൂ. യാതൊരു ജോലിസ്ഥിരതയുമില്ലാതെ കഷ്ടപ്പെടുന്നവരാണ് കർഷകന്മാരിലുള്ളവർ. കർഷകന്മാരിലുള്ളവർക്കു ജോലിസ്ഥിരതയും മിനിമം വേജനും നല്ലൊരു തഞ്ചവും ആകട്ടെല്ലാമുള്ള വ്യവസ്ഥകൾകൂടി ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിക്കാൻ കഴിയുമെങ്കിൽ വളരെ നന്നായിരിക്കും.

“ഇനി ഒരു പറയാനുള്ളത് പാട്ടം അളക്കുന്ന പറയെ സംബന്ധിച്ചാണ്. ഗവണ്മെന്റു അംഗീകരിച്ചിട്ടുള്ള പറയെന്നു എല്ലാ ജന്മിമാരും ഉപയോഗിക്കണമെന്നു നിർദ്ദേശിക്കണം. പതിനൊന്നു ഇടങ്ങളിൽ പത്രങ്ങളു ഇടങ്ങളിലും പതിമൂന്നു ഇടങ്ങളിലും കൊള്ളുന്ന പറകൾവെച്ചു ജന്മിമാർ പാട്ടം പിരിക്കുന്നുണ്ട്. ചാലക്കാടൻ സ്പ്രിങ്ക്സ് പറയെന്നു പാട്ടം പിരിക്കണമെന്നുകൂടി വ്യവസ്ഥ ചെയ്യണമെന്നു അഭ്യർത്ഥിച്ചുകൊണ്ടു ഞാൻ ലേസംഫറിക്കുന്നു.”

DEPUTY SPEAKER:—“The House will now adjourn and meet again at 9 a.m. tomorrow.”

The House then adjourned.

6th January 1954]

APPENDIX
(Vide item 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 verumpattamdar 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 (5) 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 janmi, 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 janmi 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 janmi 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 jenmis, 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 melcharthdar 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—of Kerala—as the term means) and the “Kanakars” 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,
26th December 1953.

V. R. KRISHNA AYYAR,
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 SLUM IMPROVEMENT (ACQUISITION
OF LAND) BILL, 1954 (L.A. BILL NO. 6 OF 1954)

7th January 1954] [Sri A. B. Shetty]

“ Sir, the problem of slums in this City has been engaging the attention of the Government for some time past. There has been a growing influx of labouring classes from the rural areas to Madras City during the last few years due, among other causes, to drought, food shortage and unemployment. This class of population forms the largest percentage of pavement dwellers who are said to be about 18,000 in number in this City. The more enterprising among the persons coming here in search of work and wages occupy vacant plots of land wherever they are available and they put up huts of their own. It is unauthorized occupation in the case of Government and Corporation lands, and sometimes in private lands also. Some of the private owners parcel out vacant lands on rental to these people. Many slums have grown up in the City. The poorest sections of the community are huddled together in conditions of squalor and filth in these highly congested areas. Madras City is said to have now 241 such slum areas. Of these, 49 slums are on Government lands, 44 on Corporation lands and 148 on private lands. The number of huts in these slum areas is 36,671 and the slum dwellers are about 265,000 in number. Insanitation, overcrowding, etc., make these slum areas a danger to the health of the people living there and to the public health of the City.

“ The removal of such slums from the midst of the City to other places makes it difficult to re-house the displaced families. Slums will develop again in the areas where these people are shifted. The City dwellers want men for domestic service and other kinds of work. The labouring classes cannot live far away from their places of work. Government have therefore decided upon a new policy, namely, to stop liquidation of slums and carry out improvements in slum areas providing roads, water-supply, sewerage, sanitary conveniences, side drains, etc.

“ The City Improvement Trust have been executing some improvement schemes with the aid of contributions from the Government and the Corporation and also the loans provided by Government. They have cleared the slums in a few areas and provided house plots to the lower middle class and poor class people. Government have passed orders that slum improvement work should be done by the Corporation. The Madras Corporation has, during the last two or three years, provided civic amenities in several slum areas and spent about Rs. 26,00,000 so far out of the public loan of Rs. 30,00,000 raised for the purpose. All slums on Corporation lands, 12 of the slums on Government lands and a few of the private slums have been improved. The Corporation has made a demand for a sum of about Rs. 5½ lakhs from Government for the work done calculating 50 per cent grant for the cost of improvement on Government land slums and 25 per cent grant for the Corporation and private land slums. The work remaining to be done for the benefit of about 30,000 families including the pavement dwellers will require a sum of a little over Rs. 4 crores. The Corporation has submitted a comprehensive Slum Improvement Scheme to the Government of India in connexion with their

THE MADRAS LEGISLATIVE COUNCIL

Thursday, 7th January 1954.

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

THE MADRAS SLUM IMPROVEMENT (ACQUISITION OF LAND)
BILL, 1954 (L.A. BILL NO. 6 OF 1954).

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

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954), as passed by the Legislative Assembly, be taken into consideration.’

“ The Statement of Objects and Reasons indicates briefly the purpose of this Bill and the need for it. As the hon. Members of this House may like to have some further information, I wish to speak a few words.

[Sri A. B. Shetty] [7th January 1954]

scheme of financial assistance to slum improvement works. They have asked for a loan to cover half the cost of improvements and a subsidy to meet the rest of the expenditure in four equal instalments. This Government have forwarded the scheme with their own recommendations to the Central Government who are considering it now.

“Private owners are not willing to incur expenditure on improving the slums on their lands since they cannot enhance the rental or recover from the occupiers the money spent for improvements. They resist the demands of the Corporation for carrying out slum improvement and they file suits for the eviction of tenants. The only solution is to acquire their lands and provide the necessary amenities. When the City Improvement Trust institute land acquisition proceedings, the owners demand compensation at high rates on the basis of the value of similar lands in their neighbouring areas. Land acquisition under the existing enactments provides for payment of compensation on the basis of market value which becomes very costly. This legislation is intended to authorize such acquisition on a valuation basis related to the present income the owner is getting and not based on market values. The provision for payment as compensation has been reduced from 20 to 12 times the net average annual income during the five years immediately preceding the acquisition as a result of an amendment in the Legislative Assembly. I trust this Bill will meet here with the same warm welcome which it has received in the other House.”

MR. CHAIRMAN :—“Motion moved—

‘That the Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954), as passed by the Legislative Assembly, be taken into consideration.’”

SRI K. BALASUBRAMANYA AYYAR :—“Mr. Chairman, Sir, I extend a extend a warm welcome to the Bill which has been introduced by the Hon. Minister for Health, and the object of the Bill is indeed a very laudable one. I wish to speak only on one or two points about the procedure which the Government have adopted in this Bill.

“Slums are situated on Government lands, on Corporation lands and on private lands. I find from the figures given by the Hon. Minister that there are 93 slums on Government and on Corporation lands. On private lands, we have been told that there are 148 slums. Therefore nearly half the total number of slums are on Government and Corporation lands. I submit for the consideration of the House whether it is not the duty of the Government and the Corporation to see that they take upon themselves the duty of improving the slums on their own lands, before they undertake the improvement of slums on private lands. I think, the Government can very well wait for some more time before they embark upon the improvement of slums on private lands. The Hon. the Minister for Health has stated that the work of

7th January 1954] [Sri K. Balasubramanya Ayyar]

improvement of the slums remaining to be done will require a sum of a little over Rs. 4 crores. This amount must necessarily be paid by the public either by way of subscriptions to public loans or by way of taxes. Provision has been made in the Bill for payment of compensation at 12 times the net average annual income during the five years immediately preceding the acquisition and this compensation amount must naturally come from the tax-payer's money. I submit, Sir, that this extraordinary procedure of acquiring lands for the sake of improving a portion of slums on private lands can very well be postponed for some more time. I am very anxious that we should contribute for the improvement of slum areas and in fact we are contributing as general tax-payers to the general revenues of the Government from which the latter spend for the improvement of slums. My first point, therefore, is that this Bill can very well be postponed for some more time.

“It has been stated in the Statement of Objects and Reasons that the only method of carrying out improvements on slum areas is by acquiring the lands and providing the necessary amenities and that this can be done only by enacting a special legislation. I have got very great doubts whether slums can be improved by means of legislation. I have looked into the literature regarding clearance of slums in European countries and I find therein that the various Governments there have taken advantage of private philanthropy. The action of the Government in trying to acquire lands of private owners where slums are situated compulsorily by means of a special legislation creates altogether a very different psychology among the people and they will cease to think that the improvement of slums is a very laudable object. I would very much request the Government to proceed slowly in this matter as I have been urging them to go slow on all matters. Let us not try to cover the track of centuries on a giddy basis. Even in European countries which have a very disciplined population it has taken fifty or hundred years for effecting improvements on slums. Here our people cannot appreciate these things and it is better that the Government educate public opinion on this matter, as they have been doing on so many other matters. They must also see that private owners also contribute voluntarily for the improvement of slums on their lands. Instead of the Government trying to acquire the lands of private owners on which slums are situated and paying them compensation from the general tax-payer's money, it would be very much better if we appeal to the philanthropy of these private owners and we somehow induce them to part with some money for slum work. At any rate, if the Government and the Corporation improve the slums situated on their own lands, the private owners also, I am perfectly sure, will begin to effect improvements in regard to slums situated on their own lands. That is the latest procedure adopted in the European countries. It has been stated so in ‘Housing problems in European countries.’

“Our Government have decided to pay compensation for lands acquired by them and I am very glad about it. Article 31 of the

[Sri K. Balasubramanya Ayyar] [7th January 1954]

Constitution says that no person shall be deprived of his property unless compensation is paid. I do not know why the principles of payment of compensation prescribed in the Land Acquisition Act are not applied in this Bill. The Land Acquisition Act provides for payment of compensation on the basis of market value. But in this Bill the Government propose to pay compensation based on actual income of the land. The principle of 'purchase system' adopted in the old system is, if the money representing property is invested in gilt-edged securities, the interest that is paid on those gilt-edged securities if multiplied by the period of the securities, should make up the capital.

(Deputy Chairman occupied the Chair at this stage.)

"I will give an illustration. If the gilt-edged security is at 3½ per cent, then thirty years hence it will come to 100. That is the general principle that has been adopted by the High Court in all decisions. That is why our Chief Minister who is a great lawyer, put it originally at twenty times. Unfortunately there is the Communistic ideology on all matters, and on account of the havoc of the Communistic ideology, in the Legislative Assembly our Chief Minister had to accept the amendment to reduce the compensation to twelve years' net average annual income. This is no compensation. This is a very little amount. Therefore it is I say that when once we depart from the general principles of the Land Acquisition Act, we will not know where we go. (The Hon. Sri C. Rajagopalachari: 'What is the compensation in Burma?') I say that no compensation need have been paid at all there. But our Constitution says that there should be some compensation. I do not find even that 15 per cent solatium, which is the usual rule under the Land Acquisition Act for the purpose of compulsory acquisition. (Interruption by the Hon. Sri C. Rajagopalachari.) Because it is compulsory, 15 per cent is given. Why should this rule be removed? Put it at 10 per cent. Why should nothing be mentioned about compensation at all? I am sorry to say, even though I much sympathise with the necessity for slum improvement, that the Government can very well wait for some time. First let them put their own houses in order before they ask others to put their houses in order or to contribute for the slum improvement. So many have given land free. Is that not an act of philanthropy to some extent? They want to recover the cost of acquisition from these very people in slums in some proportion. Of course, the Leader of the Opposition in the Assembly said 50 per cent, and nothing more than that. But the Chief Minister said that it might even be reduced, and, therefore, it should not be put at 50 per cent. I feel that the Government may not recover even 15 or 20 per cent. It is good so far as the tenants are concerned. The Government must have some general principles. We are talking in the name of the poor and the common man. I too want to talk in the name of the common man. We are not a communist State. We are in a democratic State. All land is nationalised in a Communistic State. We are

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living in a democratic State where people have got their rights to property, etc. They have to get the full value of their land. All decisions under the Land Acquisition Act have emphasized the fact that full compensation should be paid. We do not find here any mention of damage to property. I do not want, for the sake of the poor, to insist on this. But Government should choose between thirty years' purchase price and twenty years' purchase price. The 15 per cent addition should be there as a solatium. (The Hon. Sri C. Rajagopalachari: 'We can have ten years' purchase price.') Any calculation by which the amount is reduced! I am not for that kind of argument. I want that full compensation should be paid to private owners."

SRI V. BASHYAM AYYANGAR:—"Sir, I wish to support this Bill very heartily. This Bill has been long overdue, and there ought to be no objection to it from any quarter. I do not know if the hon. Member Mr. Balasubramanya Ayyar has seen any of these slums.

(Mr. Chairman resumed the Chair at this stage.)

"He asks, when the slums on Government land and Corporation land are not kept well, where is the urgency for the Government to acquire private lands on which there are slums. I have seen slums on Government lands and also slums on Corporation lands. I have also seen slums on private lands. I have seen more than 50 per cent of these slums, in this City. I can assert without fear of contradiction that slums on Corporation lands and Government lands are hundred times better than the slums on private lands. Slums on private lands are kept in a very insanitary condition. To say that private slums ought not to be acquired and improved because greater improvements to slums on Government lands and Corporation lands have yet to be effected, is, I think, neither just nor equitable. The hon. Member while extending his lip sympathy to the residents of these slums in private lands has stated that the acquisition of these private lands can wait for some more years. These residents have waited long enough, and the inconvenience and trouble which the owners of these private lands have caused to them are indescribable. When the Corporation proposes improvements in these slums, the owners will not come forward to effect them and instead raise legal objections. The private owners will not also agree to the improvements being made by the Corporation, and the cost being recovered from them. Unfortunately, the Corporation has no legal power to insist that the improvements should be effected by private owners. I think this Bill has been long over-due. So far as compensation is concerned, I beg to disagree with the opinion of the hon. Member Mr. Balasubramanya Ayyar. For every one rupee these people have been getting so far, they will now get a lump sum of Rs. 144 if twelve years' rental is taken as the value. I think this is a fair compensation—especially in a case involving the improvement of slums. There is no cause for complaint. I do not agree with the 15 per cent addition which is asked to be given for compulsory acquisition. Owners of these

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slums, as a rule, have been very obstructive as regards the improvement of their slums. The hon. Member Mr. Balasubramanya Ayyar said that if only we made some propaganda, the private owners would voluntarily come forward to effect improvements on their land. I am unable to agree with him. Social reform workers have tried to do their best. But the owners of these slums have been hard-hearted, and they would not do anything themselves nor would they allow others to effect any improvements on their land. I very strongly support this Bill, and I request the House to accept it."

SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I rise to support this Bill. The slums in Madras City are so bad and my hon. Friend Sri V. Bashyam Ayyangar has put forward the case of these slum dwellers very forcefully. He has also shown how it is very necessary to improve their condition. If land acquisition proceedings are instituted under the Land Acquisition Act, it is not only a costly course as stated by the Hon. Minister but it is also very tardy in spite of the emergency clauses in the Act. Therefore there can be no two opinions about the need for the improvement of these slums whether they be on Government lands or Corporation lands or on private lands. I disagree with the view put forward by the hon. Member Sri Balasubramanya Ayyar that improvement of slums in private lands should wait till the Government discharge their duty of improving the conditions in slums on Government lands. The Madras City Improvement Trust Board in its Administration Report for the year 1951-52 has stated that the big obstacle in the way of achieving quick results in slum improvement is the delay in acquiring the lands. They have also suggested that for all their improvement schemes a better and more speedy land acquisition procedure should be set up. I believe Government have done well now in devising a suitable measure for reducing this delay. I submit that provision should be made in this Bill for extending it with suitable amendments if necessary for all cases of acquisition of lands required for improvement schemes undertaken by the City Improvement Trust. If that is done I am sure it will be possible for the Trust to show appreciable progress in their programme of work which covers not only slum improvement but other improvements also.

" The present Bill, I presume, is intended to tackle the existing slums. If that is so, it would be better to make a list of existing slums in the State and publish it. Government must take steps to stop new slums springing up. The problem of squatters should be seriously considered. Private owners are helpless against squatters and all open spaces and even garden lands may become squatting grounds. This menace, I feel, should also be tackled. Such a legislative measure as the present one should be restricted in its scope and ought not to apply to future cases.

" The Bill provides for the transfer of land acquired to the Corporation of Madras and the City Improvement Trust for the purpose of undertaking improvement of the slums. When such

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transfers are made, specific provision should be there for the fulfilment of the object of the acquisition within a period to be stated in the Bill itself. There is such a provision in the Land Acquisition Act stating that the purpose of acquisition should be carried out within a specified period. Even in this Bill, it should be laid down as a statutory obligation that the improvement of the slum areas transferred to the Corporation or the Trust Board should be carried out within a period of two or three years. A similar condition must also be enforced in respect of land held by Government so that improvements could be carried out within a specified time. Mere acquisition of land will not do. The primary object of acquisition is to improve the slums from the public health point of view. The Government must provide adequate finance by way of loan to the Corporation and the City Improvement Trust for such purposes. The aid of the Planning Commission should also be sought by submission of definite schemes to them as there is provision for the same in the Five-Year Plan.

" As regards payment of compensation, under the Municipal Act the capital value of land for the purpose of property tax assessment is calculated at twenty times the annual rental value. So compensation in respect of lands acquired under this legislation should be equal to twenty times the net average income. I wish that this is considered by the Government. I find in clause 13 of the Bill, a ban is put on the jurisdiction of civil courts. I am sure legal pundits here will examine the constitutional aspect of this question and see whether any State legislation of this kind could be passed which lays an injunction against any court or any other authority questioning any action taken under this enactment. I feel that the right of private individuals for obtaining lawful relief in civil courts is sought to be taken away and I think this is not justifiable. With these remarks I support the Bill."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, it is a matter for congratulation that after all the Government have come to realize that slum clearance is one of the most important and urgent measures that has to be taken if the health of the public are to be satisfactorily protected. Not only in the City of Madras but in several large cities and even in smaller towns large numbers of slums have grown up in several places. As a resident of the City for over fifty years, I can say that to-day slums are existing side by side with very big buildings. Wherever there are vacant lands and whomsoever may be the owner, these slums have come up. The difficulty was so great that the Hon. the Chief Minister once said it was necessary for these people to go and occupy the vacant lands so that they could live somewhere. We therefore fully appreciate the act of the Government in bringing forward this measure to improve the conditions of the slum dwellers and remove the slums as far as possible. In that way there will be an appreciable reduction in the expenditure that they will have to spend on the maintenance of the health of the population. If therefore, after supporting in full the measure for slum reclamation one feels inclined to offer certain criticisms also, it must not

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be taken, or nobody need jump to the conclusion that the person who offers such criticisms is necessarily against the dwellers or against these poor people. Such sort of criticisms are being made everywhere and I should certainly not wish hon. Members of this House to take it that if there are criticisms offered about the Bill it necessarily means that the policy underlying the Bill so far as slum clearance is at any time questioned.

"I only hope that this Bill will not share the same fate of many other Bills, that it will not be a mere legislative enactment to be recorded in one of the four big volumes. I find there are four big volumes of the Madras Code. I have asked for the supply of these volumes on payment so that I may know what are all the Bills that have been passed at least since I became a Member of this Council and what are all the Bills that have been kept in cold-storage so far. I think a majority have been kept in cold-storage. Let me quote an instance: Sri Kala Venkata Rao, when he was Revenue Minister brought in a measure to prevent agricultural land from being utilized for construction of buildings. But actually we find large extents of agricultural lands are being now utilized for construction of houses. The Bill has been kept in cold-storage. Nobody looks into it. I only hope that the Bill before us will not share the same fate."

THE HON. SRI C. RAJAGOPALACHARI :—"Tinnevely has been completely urbanized. Beautiful lands that could grow rice have been used for construction of houses."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Three-fourths of Mylapore in my student days were green fields. To-day I would say it is a slum of well built houses."

THE HON. SRI C. RAJAGOPALACHARI :—"A number of houses have been built and every house has become a shop now-a-days."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Sir, I only hope that apart from the acquisition of slums, the Government will proceed logically to the next and more important step of remodelling these slums and constructing proper houses for those who have to utilize the vacant land—the poor city dwellers.

"Sir, this Bill follows the traditional pattern of this Government over a long period of years. First of all, it is an expropriatory measure. Secondly, it is a measure which bars all legal proceedings being instituted. Thirdly, it seeks to keep up this expropriatory measure by a curious method of calculation which is just to avoid the particular section in our Constitution regarding payment of compensation and for nothing else. I wish that section was not there. When we wanted to acquire the Zamindaris, we, first of all, reduced the rent on no proper basis whatsoever. As the Government could not afford to pay the amount, they

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reduced the rent. Having reduced the rent, it had to be multiplied by a number. The result is more or less like an arithmetical formula. What is a multiple of zero is well-known! It is more or less on that formula, that the rent was reduced, the amount was multiplied and the compensation was calculated on that basis. I find the same principle enacted in this measure also. Sir, I have one great fear, which I have expressed on more than one occasion, about the rule-making power of the Government, envisaged in this Bill. This power gives the Government perfect freedom to change from time to time many of those things which they consider as matters of policy. Sometimes, it is carried to such an extent that we do not know where we may stand when the rule-making power is exercised."

THE HON. SRI C. SUBRAMANIAM :—"In the schedule, we have provided for calculation."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Let me come to the schedule. Clause 3 under the schedule to section 6 says—

'Where there are trees on the land acquired, the prescribed authority shall take into account the income, if any, actually derived by the owner from such trees during the said period of five years.'

There are certain trees like the mango trees and coconut trees—very valuable trees—planted five years ago but which may not yield anything at all at the end of five years. According to this schedule, the owner of these trees is entitled to no compensation, because he was not getting any income from these trees during the last five years. I am only pointing out this example to show that rules can be interpreted in this way and quite rightly according to the provisions of this Bill. (Interruption.) Sir, neither the Finance Minister nor I have visited the slums. But I can say that there are certain 'topes' where people have come and settled in huts. In Tondiarpet, it has occurred. I would like to tell the Hon. Minister that this is no exaggeration and there are also other places where this has occurred. According to this Bill, it is quite open to the Government to take over the slum area and pay no compensation for what the landlord can reasonably expect when the trees mature and give very good yield to him. But I realise that it is very little use talking about these things. I am not the owner of slums or for that matter I am not the owner of many other things but I do feel that all the Bills that we pass take into consideration only one aspect of the question, viz., how little the Government may spend on any of these measures and how much benefit they can get—not for themselves, no doubt—but for the common man. The benefit for the common man is all to the good of the community. By passing a Bill of this kind, we are really giving a good handle to those people who think and feel that they have a different ideology of their own. When such people come into power—I hope they may never come into power but if unfortunately they come into power—one single instance or

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one single clause is quite enough. (The Hon. Sri C. Subramaniam: "They do not honour precedents.") The Government have shown the way and it is much more easy to quote them as example and guidance in the future. Sir, many of these expropriatory measures—I must respectfully call them 'expropriatory measures'—are not calculated to give the just dues to those who are entitled to them. I do not want a slum owner to make a profit but, at the same time, I do not want him to feel that he has become a poverty-stricken pauper. Let us not, in our zeal to improve the slums—a most laudable idea—forget what we owe to those who have been and are getting some benefit. Even a poor widow may be the owner of a slum. Let the impression not be with the Government that only rich people own slums. On the other hand, the majority of slums are owned by people who are poor and who are, therefore, not in a position to improve their slum area and get the benefit of the modern price that is given for the lands there. All such poor people will also be affected. This Bill may, in its attempt to do everything possible to the poor people in a left-handed manner, make others poorer still and bring about a problem. I know that the Government, having had to pass this Bill and having been forced to accept the amendment in the Assembly reducing even the amount of compensation from twenty to twelve times the net average annual income, will not be in a position to change their mind at the present moment. If they do change, whatever the argument may be, they may find themselves in a difficult position. I would only appeal to Government that, under the rule-making powers, they must make things a little more clear and just—I would not say, generous—so that there may not be a feeling that a certain section of the people have been badly treated on account of the improvements which are so necessary and urgent for another section of the people."

SRI MOHAMMAD RAZA KHAN :—" Can we not adjourn now and meet to-morrow? "

DR. V. K. JOHN :—" It is a very important measure and many of us want to speak on this Bill."

MR. CHAIRMAN :—" I have limited the speech of each hon. Member to five minutes."

DR. V. K. JOHN :—" This is a very important Bill and it should not be rushed through."

MR. CHAIRMAN :—" It is not rushed through. The limitation of time is left to me."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Can we not have a meeting to-morrow? There is a general feeling on this side of the House that a proper discussion of the Bill may not be possible to-day. I hope the Hon. Leader of the House will consider the matter."

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THE HON. SRI C. RAJAGOPALACHARI :—" The little time we have, need not be spent on discussing what we should do. It should be decided one way or the other. The idea is that to-morrow may be saved from being a working day for the House and that is what I told the Hon. Chairman when he wanted to know beforehand whether we would sit to-morrow. The Bill is important but the matters involved are not so long as to require much time. After all, we are discussing the Bill in a general way. Why not we sit till half-past seven and finish the Bill? "

SRI MOHAMMAD RAZA KHAN :—" There are a number of hon. Members who want to speak on the Bill."

THE HON. SRI C. RAJAGOPALACHARI :—" Even our ablest and lengthy speakers have finished their speeches one by one."

SRI MOHAMMAD RAZA KHAN :—" But poor speakers will take more time."

MR. CHAIRMAN :—" The Bill is not rushed through if the speeches are limited to five minutes."

THE HON. SRI C. RAJAGOPALACHARI :—" The trouble is, we have very difficult matters pending in the other House to-morrow and they will take a good deal of time. Moreover, hon. Members are aware that Pongal is approaching and many hon. Members wish to go home on the 11th. Also, there are some other Bills coming up for discussion here on the 11th instant."

DR. V. K. JOHN :—" Then, let us sit till eight of the clock."

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

MR. CHAIRMAN :—" Let us sit till 8 o'clock and finish. I do not wish to hurry the speakers; it is only a question of time."

SRI K. BHASHYAM :—" Sir, I hope the time-limit of five minutes does not apply now that we have extended the time for discussion till 8 o'clock. I only want to say a few words on this Bill and I do not want to touch on topics which have been already dealt with by the previous speakers. One thing which I would, however, like to mention is the psychological effect of this Bill, which has been spoken of by other hon. Members, will really make these private owners come forward to improve their slums. Perhaps, it will not be possible to cajole them into doing this. In this connexion, I may remind the House that the Corporation has been insisting or rather requesting the various slum owners to improve their slums but they have not done so. These slums have been responsible, if I may say so, for spreading a lot of disease in the City. What the private owners have done to improve these disease-carrying slums is nothing and so it is better that something

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is done to improve them in some form or other. I therefore think that this Bill which has been brought here is a thing of great urgency. One other fact which has to be remembered is that if the Government have such a legislation in their hands, it is possible to drive these people by threatening to use the powers under it to make them undertake improvements in their slum areas. They will be obliged to do these improvements if they want to avoid their slums being notified and acquired according to the provisions of this Bill. It is better that this Act is put on the Statute Book as a sort of threat against persons who are not complying with the request either of the Government or of the Corporation to undertake improvements in their own slum areas. It is therefore necessary that this Bill ought to be passed as a matter of expediency and the Government must be armed with the powers to notify such areas of private owners who do not at all comply with the request for improving them.

"As regards the question of the expropriatory nature of the Bill, I certainly sympathise with the owners. As a lawyer I must say I do not like this legislation at all. (Interruption.)"

"Sir, lawyers may be a despised lot but it does not matter what happens to them. What I want to say is that considering the fact that these slums have been in existence for quite a long time, the question arises whether they ought not to be acquired at whatever cost it may be. But the slums having been the breeders of disease and the owners having brought about such a state of things, the question arises whether they ought not to be made to pay in some form or other. I want to place before the House how they should be made to pay. I would like to fine all these people, who have been allowing the slum dwellers to continue in the slum areas, in some form or other. But even when we are fining a man we have to be reasonable and we ought not to do it in a way that he cannot bear it. I therefore consider that the compensation to be paid which is itself in the nature of a fine, namely, 20 times the average annual income as mentioned in the original Bill may be held to be very reasonable. I think that considering all these circumstances 12 years' annual income has been accepted by the other House though 20 years is the usual rule which is applied in all cases. Even if we attempt to raise it to 20 or 30 years there is no hope of its being accepted by the other House. It will be thrown out and we have not got the power to enforce it on the other House. We can justify ourselves and take consolation in the fact that these people have been sinners in the past and therefore they must pay for it.

"As regards the trees standing on these slums, I do feel that there is great difficulty in accepting the Government's position. There are not merely trees of the ordinary kind but there are also a number of valuable trees like the tamarind tree. Though the cash value of the yield from tamarind may be low, the trunk of the tree is very valuable as firewood. There may be other trees whose trunks may be valuable as timber. It will be something,

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at any rate, if in the rules to be framed by the Government, they allow the private owners to cut and carry them away before the slums are acquired. It will go some way towards mitigating the rigour of the application of these rules. The Government should not therefore say that the yield from a tamarind tree is about Rs. 2 per annum and therefore they will pay Rs. 2 multiplied by 5, that is, Rs. 10, whereas the value of the tree itself as firewood would come to about Rs. 50 or Rs. 60. Therefore in the matter of paying compensation there must be some sort of reasonableness and fairness in dealing with these various persons who own these slums.

"This question of improvement of the slums is a very urgent one. I would also like to mention one other matter. As was pointed out, the Government themselves are the worst sinners because they have got a large number of slums in their hands and they have not tried to improve them in the way it ought to be done. It may be a question between the Government and the Corporation as to who has got to do it but I may respectfully submit to the Government through this House that they must start with their own slums in the first instance. Let them not enforce this enactment against the private owners but only keep it as a threat against them and really set to work in the slums in their lands as well as those on the Corporation lands so that the private owners may know how it is to be done and how profitable it would be to do so. When once the slums are improved, they will be able to get more money than they have been getting so far and also considering the fact that ultimately it will be to the benefit of the owners to do so it will be possible to induce the various owners to start work on their slums if only the Government set an example.

"I will make one appeal to the Government, namely, not to hand over this work to the Corporation or to the City Improvement Trust Board because it will not really achieve the object which the Government have in their minds. The Corporation is so deficit in finance that they will not be able to bear the cost. If the Corporation itself is not able to bear the cost, the person who has to occupy the improved area is also too poor to pay the cost. Therefore, it will bear heavily on the Corporation and I think it would be much better for the Government to keep this work in their own hands. So far as the City Improvement Trust Board is concerned, it is after all a Board created by the Government and financed by the Government. It is really like putting money into one pocket and taking it out of another. There is one other difficulty in respect of the Trust Board. They are for the purpose of getting rid of the persons who are slum dwellers out of the places which they are now occupying because they want to improve those areas and want the slum dwellers to go to another place where they can congregate and give them some facilities like transport, etc. These lands are improved at a very high cost and cost about rupees three to four thousands a ground. This is what

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happened in the Mylapore slum area which the Improvement Trust took up. The present policy is to keep the slum dwellers at some place or other in the area which we are now trying to improve. This could not be done by the Trust Board which is a very very mercenary body. They want to make as much money as possible to make further improvements in other areas."

THE HON. SRI C. SUBRAMANIAM :—" They have lost as much as possible."

SRI K. BHASHYAM :—" The Hon. the Finance Minister mentions that the Trust Board have lost already on the work they have done. Naturally one cannot obtain quick results. They have to sell the improved lands at a high cost and only then the money spent will be recouped. This was so, so far as the Mambalam area was concerned.

" I would like to point out again that the City Improvement Trust Board cannot be trusted to give the slum dwellers a chance to dwell near their own places as the Board wants to get them out of it.

" How slums are created is itself a very interesting study. As soon as a person puts a little hut, he sends for his brother and other relations living the mufassal parts and each one of them as soon as they come builds a hut nearby, and thus a new slum area is created, by the side of slums which have already been existing. It is a very difficult thing to prevent the creation of new slums. It is very difficult to prevent the influx of poor persons who come to the city to earn their livelihood. Some method must be devised for the purpose of seeing that no more slums are created, along with the slums already existing."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I would support and support strongly any measure which is intended to improve the slums in the City and elsewhere. I must compliment the Government and congratulate them on the attention that they have paid to the improvement of slums in the city. Sri Rajaji, by his order that slum dwellers should not be ejected, has earned the deep gratitude of the slum dwellers in the city. It is a great pity to have them ejected for even improving the places and I think everybody ought to be obliged to Sri Rajaji, for giving this great boon to the slum dwellers all over the city.

" The question of slums has to be considered from three points of view, from the national point of view, from the view point of this City and from the point of view of the slum dwellers. Now there has been an exodus into the City from the villages, and there are people who have come here and not finding places to reside have created slums and have squatted wherever they could, either on Corporation lands or Government lands or on private lands. It is not fair to say that private owners have created slums. The attention of the Government must be directed to the cause of the

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creation of slums. Even if we improve hundreds of slums in the City, new slums will be created and they are in fact being created every day. What is the reason for this? The Government must now improve the rural parts, if they want to improve the slums in the City and prevent further slums from being created. They must see that people do not come to the City. They must find employment for the people in the rural parts. This can be done only by devolution of authority and power to the local authorities and they must be entrusted with the work of finding employment for the people. In my opinion, this Government must attend to this work immediately. Then only people will not come to the City and create more slums. In doing so, the Government will only be implementing Article 46 of the Constitution which states that the State shall promote the economic interests of the weaker sections of the people. When you, Sir, were the Mayor of this City, for the first time attention was paid to the improvement of the slums in the City. The late Sri. Satyamurthi when he was Mayor of Madras wanted to make Madras 'the City beautiful'. Now, it is not the City beautiful! There are slums everywhere all over the City. More than the fact that the beauty of the City has gone, the health of the City has also gone, and we have to look at it from the point of view of slum dwellers. I have gone into hundreds of slums during the last two or three years and I can tell you that one would weep when they see these people living in squalor, dirt, poverty, hunger and unemployment. If one should go to any slum he will find that a large majority of people are not even having a single square meal a day. Therefore it is very good of the Government to give attention to the improvement of slums.

" As hon. Member Mr. Bhashyam pointed out, it may be that the object of the Hon. the Chief Minister in bringing forward this Bill is to frighten the private owners of lands on which slums are situated so that they may attempt to improve them. Much has been said that compensation provided for in this Bill for the acquisition of lands where slums exist is very low. It has been a principle provided for, not only in the City Municipal Act but accepted all over the world, that when persons own lands in a crowded place like the City of Madras, certain obligations are cast upon them. I do not know whether the framers of this Bill ever thought of Chapter X-A of the Madras City Municipal Act which gives powers to the municipal authorities to require the owner of a slum area to carry out certain improvements. If the owner of a slum area is too poor to carry out the improvements, the cost of effecting improvements will have to be borne by the Corporation. What is the principle underlying these provisions in the City Municipal Act? It is this, namely, that there is a responsibility cast on those people who own property to keep it neat and clean. Therefore the owner of a slum area is bound to keep it neat and clean. The Corporation has got powers under the City Municipal Act to ask him to improve that area. But unfortunately the man will not do it. The Corporation also has no funds to improve it. Thus these slum areas remain unimproved. In this connection

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I must pay a very high compliment not only to the Mayors but also to the Commissioners who had been in charge of the affairs of the City Corporation during the last several years and also to the present Commissioner, who takes a great interest in the improvement of slums. It is a great pity that the Government owning more than 50 slums in the City have not been able to spend money for effecting improvements therein.

"I must take serious objection to one provision in the Bill—Clause 4—which states that the cost of acquisition shall be borne by the persons to whom the land is allotted for residence. I say, Sir, this is a very cruel thing to do. The poor people living in the slum areas can never afford to pay the cost of acquisition. I say, Sir, that acquisition of lands is not required at all. The Government have got powers to proceed under Chapter X-A of the City Municipal Act and have the slums improved at the expense of the owners and at the expense of the Corporation if the owners are too poor to improve the lands. But, the Corporation has no finances and the Government also will not give them money as the policy of the Government is to starve the local bodies. The Corporation has been asking the Government to pay them Rs. 50 lakhs as compensation for the loss of income from the motor transport in the City. The Corporation is maintaining the roads in the City but the Government do not find it possible out of its own revenues to help the Corporation. Therefore the Corporation has been borrowing for effecting improvements to the slums. When Rs. 4 crores are required for improving the slums—and we must improve the slums—this Government must make every effort to see that the Government of India give this money half as grant and half as loan. If that is done, the slums can be improved. I do not think it is essential or very necessary to acquire the slums which means more money. What money the Government of India can spare, and what money this State Government can spare must be spent on improving the slums and not on acquiring the lands where slums are situated. I suggest that every rupee which we can find for improving slums be spent only on it, and the owner of the slums should also be required to contribute an equal amount if he is in a position to do so. There is provision in the City Municipal Act for acquisition of slum areas. It is said that the powers of the Courts are taken away. I find in one portion of the Bill that the City Civil Court is given powers. I do not quite agree with the taking away of the powers of courts. There may be occasions when expeditious acquisition of areas will be necessary. I suggest to the Government, though this Bill may be passed into law, not to enforce it. Let it, as the hon. Member Sri Bhashyam pointed out, be the Damocles' sword hanging over the heads of private owners, so that they may be persuaded to effect improvements to the slums. Let Government give every financial help to the Corporation to improve the slums."

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SRI G. KRISHNAMURTHI:—"Sir, I heartily welcome this measure. This is a measure that is long overdue, and I am glad that the present Government headed by our revered Rajaji has taken up this measure seriously. I am sorry that the hon. Member Sri Balasubramanya Ayyar has advised the postponement of this measure, which is none too early. I have got my own fears whether the Bill as it has come before this House will fulfil the objects of the framers of the Bill. The definition says that a slum area is an area which is or may be a source of danger to the public health of its neighbourhood by reason of the area being low-lying. There is every chance of this measure being extended to other municipal areas as has been promised by our revered Chief Minister in some other place. We find that even very good areas have become low-lying areas in recent years on account of the policy of metalling the roads over and over again. I do not know if the Government are aware of the fact that even the richest men's houses in places like Tiruchirappalli have gone two feet below the level of the road on account of the metalling of the roads very often—each time going down by two or three inches. The definition of the term 'slum' is rather vague. In my opinion, it ought to be improved. I do not know whether the object of the framers of the Bill will be fulfilled by not including a Clause here to the effect that the present occupants of the slums must be given preference in respect of the occupation of the improved slums. There is no provision like that, and there is every danger of middle-class men, just buying lands in various names and becoming the owners of these slums.

"Regarding the question of compensation, as has been pointed out by several hon. Members, 20 times the annual income of the lands in question is a reasonable amount, but 12 times is not quite reasonable. The owner of the lands may not be hard hit. The Government must come to the rescue of the slum dwellers. It is but right on the part of the Government to pay 20 times the average net income and get only 50 per cent of the cost of acquisition from the slum dwellers. Even this 50 per cent must be recovered from them in easy instalments spread over a period of years. Nobody can be expected to pay in a lump sum the money that has to be paid—i.e., half the cost of acquisition. The money must be recovered in easy instalments from the future occupants of these slums. Let there be a guarantee that every present occupant of the slum must have preference over that place. Otherwise many middle-class men will interfere. They may purchase the slums, and the object of the Bill will be frustrated. While the Bill proposes to bring relief to the poor, it must also bring relief to the present owners of the slums. It must not hit them hard. The owners have to part with their property. Though they have been philanthropically allowing these people to remain on their land, justice requires that they must be given a proper sum. They have to completely give away their whole property. They get some immediate cash. That cash must be able to fetch some reasonable rate of interest which would at least amount to the price

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money after 20 years. Of course there is the fluctuation. The owners may be prepared to overlook the fluctuation in prices. They must be paid at least 20 times the annual average net income.

“In regard to the point brought to the notice of the House by the Hon. the Leader of the Opposition just now, I should like to say I agree with him, and say that in regard to trees, the actual value must be fixed and not exactly as the income derived during five years. With these words, Sir, I support the Bill wholeheartedly.”

THE HON. C. RAJAGOPALACHARI:—“Sir, the observations made by several hon. Members are most valuable and helpful. At the very outset let me defend the Governments which have not been successful. It was feared that this Government also will not be successful in respect of this legislation. After all, hon. Members should remember that the financial resources of this Government are reflected in every matter. I need not labour that point too much. Social reform is difficult. Social reform may be admitted to be difficult. But legal difficulties must first be got over before we attempt to bring in such social reforms and at such pace as we may be able to. Legal difficulties have to be removed from time to time in several matters including untouchability. We may abolish untouchability, but first we must remove the legal difficulties. That is the justification for a measure like this. It is not as if we pretend that everything will be accomplished as soon as the Bill receives the approval of this House and is put into force. The conditions in slums have been referred to. They have been referred to as a scandal and a disgrace. True. But they also are a reflection of the standard of income of the people who dwell there. This is no use of trying to get out of it. What are we paying to those people for the work that they do? How much do we expect them to save for housing after spending their money on primary necessities of life like food and clothing? Let us not imagine that it is all neglect on the part of the Corporation or this or that body. These are all reflections of very real matters which we cannot easily get over, unless we work hard and very long. So I say that we need not blame ourselves a little too much. We shall blame ourselves where it is justified, and we shall try to work more. But so far as the point of view of the hon. Member Sri Balasubramanya Ayyar is concerned—he appeared to be the sole advocate of the point of view that he represented—I wish to say this. These measures some people think will become precedents for greater expropriation. On the contrary, those who are ready to do anything expropriatory and about whom we are afraid in regard to expropriation do not want any precedents, as was stated at once by the Hon. the Minister for Finance.

“They do not wait for precedents. On the contrary what we do really stems the tide of such expropriation. If we do not

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do these things quickly enough that party will have more and more justification for claiming to govern the country and that is what is likely to happen. So I wish to assure hon. Member Sri Balasubramanya Ayyar and others who think with him that much as we may appear to be yielding to expropriatory demands, much as we may appear to be almost in league with those who wish to expropriate, much as we may appear to encourage them, we are really stemming the tide of such expropriation which is really hanging over our heads. If we do not like that kind of civilisation we must try to do something like what we are trying to do now. That is my only defence in support of the matter.

“Then, Sir, much was said that the Government is the main defaulter in this matter. It looks like that. But hon. Members should remember one thing. I have been made to see these slums because of the anxiety I had in the matter. The difference is this. Private slums are agreement slums. The men who live there have been allowed to remain there and rents are collected from them, large or small, irregularly or regularly. They are there by agreement as tenants of a kind. As I said the reflection of their financial condition is seen in the manner in which they are living. So far as Corporation lands are concerned they start with squatting and the Corporation levies a nominal fee. They reconcile themselves to levying one rupee, half a rupee, even four annas, two annas or one anna and things like that just to maintain their legal position in regard to the matter, so that it cannot be claimed by these people afterwards that they have acquired a right over these lands. So far as Government is concerned, we have not done even that. We do not levy any fees. We cannot levy any fees. We do not wish to accept that position. We do not wish to say they have a licence to live there. We have a longer time by way of prescription. Therefore there is this essential difference between the two or three kinds of slums. Government cannot afford to improve the slums unless they get a legal position like the one we are trying to get now. They cannot permit squatters to have a right unless they have a legal authority and undertake the business properly. Private owners' lands, we cannot touch. We have to get them under the present proposal in order that we may do something. The Corporation will be able to do it once the machine is set rolling.

“I should like to explain a little further the position with reference to private owners or private lands on which slums have come to exist. The private owners are getting rents. On what basis? Not on the basis of the value of the house in which these slum dwellers live. The houses are built by the slum dwellers themselves. I call them houses because the dictionary meaning of house is a place where a man lives. The houses are built by these slum dwellers and not by the owner of the land. Therefore it is not really any housing arrangement. It is really, the man is allowed to build a house there and the owner of the

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land is entitled to only ground rent. These slum dwellers get this land under the condition, namely, continual fear of being evicted. There is no legality in the position. There is no stability. Therefore many of these very poor people who are rooted in Madras City, so to say, by reason of their occupation, but still having no house of their own and having no site of their own, are continually subjected to threats of eviction. When ever these people have some money, the landowners even use coercive methods to extort money from these people. That is not a desirable state of affairs. What we are proposing to do is to take over the lands where such slums have come up. Then the Government will be in possession of the land, so to say, on which the huts exist. Then improvements could be effected. But the very announcement of the policy of Government that we are not going to encourage any eviction, that we will even support the squatters and maintain them on the private lands has resulted in a certain amount of stability for the slum dwellers. Hereafter these owners of private lands will not be able to coerce the people to the extent they have been doing hitherto, because the insecurity has been removed. Therefore they will not be able to extort so much. That policy has itself done some good. Therefore I hope and believe that this plan will be welcomed even by the owners of lands. Hitherto they were bothered about the insecurity. That has been removed now. They would rather be eager to give us the lands on fair compensation. The owners of lands won't claim so much compensation as people just now imagine. The compensation that has been provided for in the Bill is not unreasonable. I do not say it is the market value that is proposed to be paid as compensation. In fact, if it were market value, the amount we may have to pay by way of compensation will go into crores of rupees as calculated by the Corporation and nothing could be done. What is after all this market value? It is a wrong term to call it market value, at all. Market value is the result of the condition of the slum dwellers and the necessity for their having to live there and the population ratio in Madras. All these things have given an unearned value to the lands in the Cities and the value will rise very fast as the population increases. So Government want to step in and put down a reasonable principle on which compensation should be given. I ask what were the landowners doing with their lands before? They did not put the lands to use. They should not claim an unearned income. They were getting something from these lands and Government now propose to give a multiple of that income. Therefore it is reasonable. The amount could have been fixed at 20 times as was proposed in the original Bill. But we had to agree to a compromise and that is why it stands as recommended by the Assembly at 12 times. It is not unreasonable. I wish our people get 12 times everywhere, the zamindars, or the people in Burma or elsewhere. If they got 12 times, it would be accepted immediately by everybody. I think, here the people who

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did not make use of their lands, who were only waiting for land values to go up by reason of other people's activities cannot complain that this is unfair. Twelve times is fair enough. It is true if they waited for some time and got the help of the Government to evict the people and sold the land to middle-class people or upper class people they might get better value. But they are not going to get the help of the Government to clear the lands of slum dwellers and the slum dwellers are not going to clear out voluntarily when they know that the Government will come to their assistance. So the value of these lands will not rise as they expect. Therefore the owners of these lands must accept this as a fair compensation. They must not expect to get anything like the market value. Market value is only a phenomenon arising out of several causes. When once the Government say they cannot evict the squatters, as a matter of policy and on humanitarian principles, the land value will not and cannot rise and the present estimate can be looked upon as proper market value so far as that is concerned.

“ Regarding difficulties about trees and such other things, there is a section wherein we have provided for removing such difficulties. Government would frame rules to make allowance for cases not provided for in the valuation and all that. There may be trees, I accept, not yielding trees but still they will yield timber. It is not always the fruits that should be counted. The value of the timber would also be taken into account. We would provide for these things in the rules.

“ Sir, I wish to say to hon. Members who said: ‘ First improve the slums on your own lands, show us your capacity to do your things and then come to private lands ’, that it is not right to say so, because by that time the population will increase and the value of lands also will increase. We will have to hasten in the matter of acquisition although the planning may be slow and gradual. Acquisition cannot wait. People living in these slums must feel ‘ Now that the Government have taken over the slums, we are stable and we have a place to live.’ Then they could spend a little more money to improve the houses and make their own houses more decent than they are. I have seen a glorious phenomenon, which hon. Members also must see. There, some of the houses are kept quite clean although they are small and ugly to look at. They are clean and nice. I actually saw a shop which is run very well. The lady in charge of the shop could get me very easily whatever I wanted, as if they were all kept quite properly as we see in first class shops. That is how people adjust themselves. Not only that, I have seen high class people living in the midst of these people. I see the castes mixing up there. Poverty is a great social reformer, if I may say so. Thousands of these people will improve their houses once they know that Government have taken over these slums and that they will not be disturbed from their places. They will put a

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little more money on their dwellings as they are earning well in these days. They do not spend on drinks; they cannot spend on drinks. They do not also spend much on vanities or waste money on other matters. Therefore they will be able to invest some money on improving their houses.

“As regards the improvement of slums, as soon as our position is stabilized legally, improvements will come in fairly and quickly by reason of the pressure of public opinion in regard to this matter. I have no doubt that we may even get philanthropy to rise to the occasion. If the owners of lands, taking their cue from all this, improve the position themselves and keep the place tidy, this Government are not going to interfere with such owners. They may rest assured that the Government have no hunger for land acquisition. What they want is improvement of the place and if that is done voluntarily and philanthropically out of their own initiative, nobody is going to interfere with them. Only the legal position will have to be cleared and nobody will interfere unnecessarily.

“Then, the question is about housing. Some people think that the huts are ugly and that the new cement structures that come up are very beautiful. It will take only a few more years for them to say that these cement houses are ugly structures and wish that they have thatched cottages, something green. Therefore, if we look after the sanitation by providing ordinary sanitary conveniences, lighting and a place to run about for the children, and tidy roads with green plants growing wherever possible, these places which are now called slums will really look more beautiful to the eye of the man who has a real taste for beauty, than the middle class or upper class houses of the same pattern, classified as ‘A’, ‘B’ and ‘C’, like prisoners in the jail (laughter). There is nothing specially beautiful in that kind of monotony of seeing the same pattern of houses. Outsiders who come and see the so-called slums will say that really they are the better and beautiful part of Madras and there is no question about it. Many people think that Madras is more beautiful than Bombay and other cities because of these thatched huts that they find here and there in between these houses.

“The hon. Member, Mr. Gurunandan Row, is not here and there is no need to discuss his amendment which wants that some provision should be made in the Bill against the eviction of slum dwellers. That is the policy of the Government but it cannot be put in a Bill. Stability or alternative accommodation can be provided by executive action and it is not a justiciable matter. So, it will be done as a matter of policy. The only thing I would request Mr. Balasubramanya Ayyar is that he must reconcile himself to this Bill and not press for the amendment as regards compensation.”

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SRI MOHAMMAD RAZA KHAN :—“On a point of information, Sir. There may be cases in which the slum dwellers may not be paying anything to the owners for the last so many years. I want to know whether they can get any compensation as they have not received any income from those lands.”

THE HON. SRI C. RAJAGOPALACHARI :—“If hitherto, the land owner simply allowed these slums to grow and took no income from it, I do not see why he should not get 12 times zero (laughter). But that is not a fact and there will always be some amount, and it will be very big. In fact the Opposition in the Assembly calculated and estimated that compensation would come to more than the market value—and wanted that it should be fixed at five times the average annual income.”

THE HON. SRI A. B. SHETTY :—“Mr. Chairman, the Hon. the Chief Minister has dealt with the several points raised by the hon. Members who have spoken on this Bill and it is hardly necessary for me to add anything to what he has said except to thank the hon. Members for the appreciation they have shown regarding the purpose of this Bill. I am glad that even our formidable friend, Dr. John, who is usually unsparing in his criticism of Government measures, has complimented the Government on bringing this piece of legislation. The hon. Member, Mr. Balasubramanya Ayyar, who opened the discussion, was also in sympathy with the objects of this Bill. He only stated that we ought to go a little bit slow. I may tell him that the Corporation have effected improvements in all the slums on their lands. They have carried out improvement work in some of the slums on the Government lands also.

“As regards the compensation, the Hon. the Chief Minister has already stated, how in the other House, some hon. Members wanted to reduce the compensation to five times the average annual income. As a result of his persuasion, a compromise was arrived at and it was fixed at 12 times. I am told that several private owners are hardly getting any rent from the slum dwellers and they would only be too glad to get the compensation which is now provided for in the Bill. I hope, Sir, the hon. Members of this House will agree to the passing of this legislation.”

MR. CHAIRMAN :—“The question is—

“That the Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954), as passed by the Legislative Assembly, be taken into consideration.”

The motion was carried.

MR. CHAIRMAN :—“Is the hon. Member, Mr. Balasubramanya Ayyar, moving his amendment to Clause 6? I have disallowed his amendment to Clause 13, as it is a negative amendment.”

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SRI K. BALASUBRAMANYA AYYAR :—“ I am not moving my amendment to Clause 6 as I feel no useful purpose will be served.”

Clauses 2 to 16 were put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954), as passed by the Legislative Assembly, be read a third time and passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Slum Improvement (Acquisition of Land) Bill, 1954 (L.A. Bill No. 6 of 1954), as passed by the Legislative Assembly, be read a third time and passed.’ ”

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

MR. CHAIRMAN :—“ The House will now adjourn and meet again at 4 p.m. on Monday, the 11th instant.”

The House then adjourned.

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APPENDIX.

L.A. BILL No. 6 OF 1954.

(As passed by the Assembly.)

[Vide item at page 448 supra.]

A Bill to provide for the acquisition of lands in slum areas in the City of Madras.

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;

AND WHEREAS under the existing law, it has not been possible to provide for the basic needs of sewerage, water-supply and road and side-drains in these slum areas, without causing excessive financial strain on the owners of the lands affected;

AND WHEREAS to obviate this difficulty it is expedient first to acquire the lands in those areas and thereafter to undertake the execution of works designed to improve those areas;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Slum Improvement (Acquisition of Land) Act, 1954.

(2) It extends to the whole of the City of Madras.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(a) ‘ Court ’ means the Madras City Civil Court;

(b) ‘ land ’ includes things attached to the earth or permanently fastened to anything attached to the earth;

(c) ‘ person interested ’, in relation to any land, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition of that land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(d) ‘ prescribed ’ means prescribed by rules made under this Act;

(e) ‘ slum area ’ means any area declared to be a slum area under section 3, sub-section (1);

(f) all expressions not defined in this Act but defined in the Madras City Municipal Act, 1919 (Madras Act IV of 1919), shall have the respective meanings assigned to them in the latter Act.

3. *Power to acquire land.*—(1) 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

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reason of the area being low-lying, insanitary, squalid or otherwise, they may, by notification in the *Fort St. George Gazette*, declare such area to be a slum area.

(2) Where the State Government are satisfied that it is necessary to acquire any land in a slum area for the purpose of clearing or improving the area, they may acquire the land by publishing in the *Fort St. George Gazette* a notice to the effect that they have decided to acquire it in pursuance of this section:

Provided that, before publishing such notice, the State Government shall call upon the owner of, or any other person who, in the opinion of the State Government, may be interested in, such land to show cause why it should not be acquired; and after considering the cause, if any, shown by any person interested in the land, the State Government may pass such orders as they deem fit.

Explanation.—Cause shown by the person interested in the land, may be against the declaration of the area as a slum area under sub-section (1) as well as against the necessity to acquire the land for the purpose of clearing or improving the area.

(3) When a notice as aforesaid is published in the *Fort St. George Gazette*, the land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances.

(4) The State Government may, by order, authorize any authority or officer subordinate to them to exercise all or any of the powers conferred and perform all or any of the duties imposed on them by this section, subject to such conditions and restrictions as may be specified in the order.

4. *Transfer of land in a slum area by Government.*—(1) Where any land in a slum area has been acquired under this Act, the State Government may either hold the land under their own control and management and undertake the clearance or improvement of the slum area or transfer the land to the Corporation of Madras or the Board of Trustees for the Improvement of the City of Madras for the purpose of undertaking the clearance or improvement of the slum area; and in the latter case, the land shall vest in the Corporation or the Board of Trustees, as the case may be.

(2) Where land is transferred under sub-section (1) to the Corporation or the Board of Trustees, it shall be liable to pay the cost of acquisition of the land or of such portion thereof as the State Government may fix in each case.

(3) Where the State Government hold the land under their own control and management and undertake the clearance or improvement of the slum area, the cost of acquisition shall be borne by the persons to whom the land is allotted in parcels for residence and such cost shall be recoverable from them in such proportion and in such manner as may be prescribed.

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5. *Right to receive compensation.*—Every person whose right, title or interest in any land is acquired under this Act shall be entitled to receive and be paid compensation as hereinafter provided.

6. *Basis of determination of compensation.*—(1) The amount payable as compensation in respect of any land acquired under this Act shall be an amount equal to twelve times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notice referred to in section 3, sub-section (2).

(2) The net average annual income referred to in sub-section (1) shall be calculated in the manner and in accordance with the principles set out in the Schedule to this Act.

(3) The prescribed authority shall, after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (2), the net average annual income actually derived from the land and publish a notice in the *Fort St. George Gazette* specifying the amount so determined and calling upon every person interested to intimate to it before a date specified in the notice whether such person agrees to the amount determined, and if not, what amount he claims to be the net average annual income actually derived from the land.

(4) (a) Any person who does not agree to the amount of the net average annual income determined by the prescribed authority under sub-section (3) and claims a sum in excess of that amount, may prefer an appeal to the Court within thirty days from the date specified in the notice referred to in that sub-section.

(b) Against any decision of the Court under clause (a), a second appeal on any question of law shall lie to the High Court within thirty days from the date of such decision if the amount claimed by the person concerned exceeds twenty-five thousand rupees.

7. *Apportionment of compensation.*—(1) Where there are several persons interested, the prescribed authority shall determine the persons who in its opinion are entitled to the compensation and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of the compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the prescribed authority may refer such dispute to the decision of the Court; and the Court shall, in deciding any such dispute, follow, so far as may be, the provisions of Part III of the Land Acquisition Act, 1894 (Central Act I of 1894).

8. *Payment of compensation or deposit of same in Court.*—(1) The prescribed authority shall tender payment of the compensation to the persons entitled thereto and shall pay it to them.

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(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive compensation, or as to the apportionment of it, the prescribed authority shall deposit the amount of the compensation in the Court, and the Court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894 (Central Act I of 1894).

9. *Payment of interest.*—When the amount of such compensation is not paid or deposited on or before taking possession of the land, the prescribed authority shall pay the amount with interest thereon at the rate of four per cent per annum from the time of so taking possession until it shall have been so paid or deposited.

10. *Powers of prescribed authority.*—(1) The prescribed authority may, with a view to carrying out the purposes of section 5 or section 6 or section 7, by order, require any person to furnish such information in his possession relating to any land which is acquired under this Act as may be specified in such order.

(2) The prescribed authority shall, while holding an inquiry under section 6, sub-section (3), have all the powers of a Civil Court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any Court or office;

(e) issuing commissions for examination of witnesses.

11. *Service of notices and orders.*—(1) Save as otherwise provided by this Act and subject to the provisions of this section, and of any rules that may be made under this Act, every notice issued or order made under this Act shall—

(a) in the case of any notice or order of a general nature or affecting a class of persons, be published in the *Fort St. George Gazette*; and

(b) in the case of any notice or order affecting an individual, corporation or firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX, or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908); and

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(c) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person—

(i) by delivering or tendering it to that person; or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to the head of the office in which such person is employed or to any adult male member of the family of such person, or by affixing a copy of it on the outer door, or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(iii) failing service by these means, by post.

(2) Where the ownership of the land is in dispute or the persons interested in the land are not readily traceable and the notice or order cannot be served without undue delay, the notice or order may be served by publishing it in the *Fort St. George Gazette*, and where possible, by affixing a copy thereof on any conspicuous part of the land to which it relates.

12. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government or the prescribed authority or any officer or authority subordinate to the State Government or the prescribed authority, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

13. *Bar of jurisdiction of Civil Courts.*—Save as otherwise expressly provided in this Act, no Civil Court shall have jurisdiction in respect of any matter which the Government or the prescribed authority is empowered by or under this Act, to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

14. *Power to make rules.*—The State Government may, by notification in the *Fort St. George Gazette*, make rules to carry out the purposes of this Act.

15. *Application of the Act to certain pending cases of acquisition.*—The provisions of this Act shall, if the State Government so direct, apply also to any case or cases in which proceedings have been started before the commencement of this Act for the acquisition of any land in a slum area under the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter referred to as the said Act), but no award has been made by the Collector under section 11 of the said Act before such commencement, as if—

(i) the notification published under section 4, sub-section (1), of the said Act, or

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(ii) the declaration made under section 6 of the said Act, or
(iii) the notice given under section 9, sub-section (1), of the said Act,

were a notice to show cause against the acquisition of the land served by the State Government under the proviso to section 3, sub-section (2), of this Act.

16. *Power to remove difficulties.*—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.

THE SCHEDULE.

[See section 6 (2).]

1. The net average annual income referred to in section 6, sub-section (1), shall be one-fifth of the gross rent actually derived by the owner, from the land acquired and the huts and buildings, if any, thereon, during the period of five consecutive years referred to in that sub-section after deducting municipal taxes, revenue charges and cost of repairs for the said period of five years from such gross rent.

2. 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. The cost of repairs to the huts and buildings on the land shall be calculated at the rate of one month's rent per year in each case.

3. Where there are trees on the land acquired, the prescribed authority shall take into account the income, if any, actually derived by the owner from such trees during the said period of five years.

4. If the land, or the huts or buildings thereon remained unoccupied, or the owner has not been in receipt of any rent for the occupation of such land, huts or buildings during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land, huts or buildings had been leased out or given for rent during the relevant period, and for this purpose the income actually derived from similar lands, huts or buildings in the vicinity shall be taken into account.

THE MADRAS GENERAL SALES TAX (AMENDMENT)
BILL, 1954 (L.A. BILL No. 2 OF 1954)
(AS PASSED BY THE ASSEMBLY)

7th January 1954] [Sri M. A. Manickavelu Naicker]

of the members of the tribunal, this member cannot sit on the tribunal and it cannot work. So also, in the case of the Deputy Commissioner of Sales Tax who is also a member of the tribunal, even if he does not happen to be a relation of the assessee but had disposed of the case as Commercial Tax Officer he cannot sit on the tribunal and take part if this particular case is to come up before it. To obviate this difficulty it is proposed to constitute a Bench of two. The hon. Member, Dr. John, and other advocate friends know very well that in the High Court even big cases involving large sums of money or other big issues are decided by a Bench of two. Similarly, in the case of the Sales Tax Appellate Tribunal I do not see any reason why there should be three members on the Bench. Two members can as well do the function.

“There is also another reason, namely, that on account of the partition of the State two of the members of the tribunal were allotted to the Andhra State. This meant that the tribunal was left with only one member and it could not function. Therefore, on 30th October 1953, the Government thought it necessary to issue an Ordinance on which this Bill is based, namely, that two people could carry on the work of the tribunal. We have also provided that in cases where no question of law is involved a Bench of two consisting of the Chairman and another member or the other two members alone deal with them, and where any question of law is involved the full Bench sit including the Chairman. When a Bench of two sit and the members are divided in their opinion the point or points on which they differ shall be found against the appellant, that is, the original decision will stand or the *status quo* will be maintained. This Bill has been introduced only to regularise the Ordinance which the Government found it necessary to promulgate. I, therefore, commend this motion to this honourable House.”

MR. CHAIRMAN :—“ Motion moved—

“ That the Madras General Sales Tax (Amendment) Bill, 1954 (L.A. Bill No. 2 of 1954), as passed by the Legislative Assembly, be taken into consideration.”

SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, I am taking it that the present Bill is only an amendment to section 2-A of the General Sales Tax Act and therefore we have nothing to do with the question whether section 2-A should be there or not. We are all agreed about it. The only point is that this amending Bill is for the purpose of enacting that the Appellate Tribunal need not always function with all the three members being present but it can function with only two, the Chairman and one other member or the other two members only. As regards sub-clause (c) of clause 3, I have given notice of a small amendment about which I shall speak later but, so far as the principle of the Bill is concerned, it is quite all right and it has to be put on the Statute Book. All the three members need not sit together. In

THE MADRAS LEGISLATIVE COUNCIL

Thursday, 7th January 1954.

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

THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL, 1954
(L.A. BILL NO. 2 OF 1954) (AS PASSED BY THE ASSEMBLY).

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

“ That the Madras General Sales Tax (Amendment) Bill, 1954 (L.A. Bill No. 2 of 1954), as passed by the Legislative Assembly, be taken into consideration.”

“ Sir, in the year 1951 an Appellate Tribunal was constituted to hear appeal cases arising in the working of the Madras General Sales Tax Act. It consisted of three persons, namely, one of the status of a District Judge, the second a Chartered Accountant and the third being the Deputy Commissioner of Sales Tax. We found certain drawbacks in the working of this tribunal. I may mention one or two of them. There are three officers in the tribunal and if one of them took leave the tribunal could not function because under the law all the three had to sit together. Each one of them is entitled to a month's privilege leave. If every officer exercises this right, three months go away from one year. The second difficulty is that if it so happens that an assessee is a relation of one

[Sri K. Balasubramanya Ayyar] [7th January 1954]

regard to this, I would also point out another difficulty. If any member ceases to exist as a member of the tribunal, the decisions of the tribunal will certainly be affected. I do not find any Clause in the Act as it is to cover such cases. If, on the day on which the tribunal is functioning, a member ceases to be a member on account of his being on other duty, difficulties are bound to arise. In the case of the Bank Tribunal, when Justice Chandrasekhara Ayyar who was a member of the Tribunal was on other duty, it was decided that the whole of the proceedings of this tribunal were vitiated."

THE HON. SRI C. SUBRAMANIAM :—" What does it matter, if only two members sit on the tribunal? "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, so long as the tribunal has been constituted with three judges and one member has to be away on other duty, the difficulty that arose in regard to the Bank Tribunal is bound to arise here also. This must also be provided for in the Act."

THE HON. SRI C. SUBRAMANIAM :—" Sir, the High Court is constituted as such with 15 judges and out of them Benches of two Judges are constituted. Because a Bench is so constituted, the judgments do not in any way become ineffective. Similarly in the case of the Sales Tax Appellate Tribunal, even though there are three members in the tribunal a Bench can be constituted with two members. Therefore, if a member goes away on other duty the proceedings will not be vitiated. If the hon. Member wishes to say that even though two members sit as a Bench for hearing a taxation appeal they should sit together throughout the particular case as otherwise the proceedings will be vitiated, we are prepared to consider the suggestion."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I will make the position clear."

THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Chairman, Sir, the point raised by Sri K. Balasubramanya Ayyar is this. A certain function is given to a tribunal constituted in a particular statutory way and, if there is any defect in that statutory constitution, all acts committed by that tribunal would be affected including even the continuity of a previous order of the Bench and the like. It is a nice point of law which may be argued in these days when every possible point is taken advantage of by eminent advocates and Judges are confused in giving judgments in appeals and the like. No doubt, it is very good that Sri K. Balasubramanya Ayyar has suggested it but there is one difference in the circumstances. In the case of the Bank Tribunal it was one of long drawn proceedings; arbitration, etc. There was room for such difficulty arising and seriously affecting the decision. Here the judges, that is the members of the tribunal, take up a particular case at a

7th January 1954] [Sri C. Rajagopalachari]

particular time and it is very likely that when there is a vacancy it will soon be filled up and there will be no practical difficulty. Anyhow, the point will be remembered by Government and we are grateful to the hon. member Sri K. Balasubramanya Ayyar."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, now that we are passing this legislation, it is better to have it done properly."

SRI V. CHAKKARAI CHETTY :—" Mr. Chairman, Sir, it has been stated in the Bill that where an application or appeal is heard by a Bench consisting of two members, and the members are divided in their opinion on any point, the point shall be found against the applicant or the appellant. I do not see any reason why the appellant should be put at a disadvantage when there is a difference of opinion between the two members constituting the Bench. I am not a lawyer and I do not know why the Government want that the difference of opinion should operate against the appellant and not in favour of him."

DR. V. K. JOHN :—" Mr. Chairman, Sir, in my opinion, this is a most mischievous amendment which can be proposed by any Government. The General Sales Tax Act was passed in 1939 and the final authority for adjudication of cases under this Act was the executive. The Board of Revenue was the revising authority and we all know how the Board of Revenue was exercising their revisionary powers. There were many complaints—continuous complaints—and great hardship was felt by the assesses. As a result of these complaints and State-wide agitation, in 1951 the Government thought it fit to introduce a Bill for the purpose of creating an Appellate Tribunal. Under that Bill, they created an Appellate Tribunal of three members, one of whom should be a judicial officer not below the rank of a District Judge and the other two Members should possess such qualifications as might be prescribed by the Government. As a matter of fact, what the Government did was to have a District Judge as the Chairman of the Tribunal and an Accountant and an Officer of the Sales Tax Department as the other two members of the Tribunal. You know, Sir, that a person under the employ of this Government is the third member of this Tribunal.

" Now, Sir, the Government are very unhappy that all the three members of the Tribunal should sit together and dispose of cases and that decisions should be arrived at by a majority of two members. I quite recognize the difficulties of having a Tribunal of three members functioning continuously throughout the year. One member may sometimes take leave or one member may be ill. But the Government, if only they wish to do justice to the assesses can certainly appoint four or even five members. I do not mind Sir, having a Bench consisting of even two members if only the Government can provide a rule that if there is a difference of opinion between the two members, the points of difference should either be referred to a third member or the points should be decided in favour

[Dr. V. K. John] [7th January 1954]

of the assessee. I do not want to say anything about the members of the Tribunal although they are drawn from the executive but I must say this frankly and boldly that what will really happen in a Bench constituted without the Chairman of the Tribunal or even with the Chairman and the third member of the Tribunal—an executive officer of the Government—is that the latter will differ from the former and that the appellant will lose his case. Thus, from a practical point of view, the functioning of such an Appellate Tribunal will become really useless and this Government, instead of trying to do justice to the assessee by making the Tribunal really useful, want to make it a farce. Have the hon. Members here ever heard of a law which provides that when two members in a Bench differ in regard to an appeal the points of difference will be found against the appellant when especially a third member is available to whom these points of difference can be referred? What is happening, Sir, in the High Court is that if there is a difference of opinion between two judges constituting a Bench the matter is referred to a third judge."

THE HON. SRI C. SUBRAMANIAM :—" Are there not cases in the High Court where such points of difference between two Judges constituting a Bench not being referred to a third Judge? "

SRI K. BHASHYAM :—" There are such cases."

DR. V. K. JOHN :—" My point is this. In matters of taxation, when there is a difference of opinion between the two members constituting a Bench the points of difference should be decided in favour of the assessee because it is a fundamental principle of taxation that the law relating to taxation must be construed, and construed in favour of the assessee, even if one of the two members constituting a Bench decides in his favour."

THE HON. SRI C. RAJAGOPALACHARI :—" Is it about the principle regarding interpretation of sections or is it about taxation? "

DR. V. K. JOHN :—" The rule, as far as taxation is concerned, should not be that if there is a difference of opinion between two members constituting a Bench the points of difference should go against the appellant. I suggest that the points of difference should be referred to a third member. Then only, Sir the public will have confidence in this Tribunal. Let not the Government destroy the confidence of the people in the Tribunal constituted under this General Sales Tax Act. It is of paramount importance that the public should have confidence in the judiciary and in Tribunals which are quasi-judicial. This Bill as presented by the Government is calculated to do injustice to the assessee and this will also destroy that faith which ought to be preserved in quasi-judicial bodies like the Sales Tax Tribunal. This Government is very unhappy about the amending Bill passed in 1951 regarding the constitution of the Sales Tax Appellate Tribunal. I

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protest, Sir, against the amendment now proposed by the Government. The Government by passing this Bill are opening the flood-gates of discontent and there will be wide agitation in the State against it. It has even been conceded by the Hon. Minister for Finance that there is some oppression in the matter of collection of this Sales Tax. There will be strong and wide agitation and deep discontent over the passing of this Bill by the Government. By passing this Bill the Government will only be discrediting the Tribunal and not enhancing its prestige. Therefore I suggest to this Government to withdraw the Bill or at least to provide in the Bill that if there is a difference of opinion between the two members constituting a Bench the points of difference will either be referred to a third member or the points will be decided in favour of the assessee. (Sri A. M. Allapichai: 'In favour of the citizens.') Regarding the suggestion of the Hon. Deputy Chairman who himself is an eminent lawyer I wish to point out that we are concerned now with 'assessee' and not with 'citizens'. I suggest that in the interest of Government, in the interest of the reputation of quasi-judicial bodies, in the interests of fairplay and justice and in the interest of assessee, I want the Government not to pass the present Bill as it is. The amendment suggested in the Bill by the Government is a mischievous one though it may look all right.

"The Hon. Minister, a learned lawyer himself, will notice how necessary it is to have a Bench of three instead of two. I quite agree that we can have a Bench of two. But the mischievous part of the Bill is that, when there is a difference, the assessee suffers. Let District Judges be appointed. Then the public will have confidence. By appointing the Tribunal contemplated in the Bill, let not the good name of quasi-judicial tribunals be spoiled. Because justice is not only to be done, but must appear also to be done. I very strongly protest against the introduction of this mischievous rule, when there is a difference of opinion."

SRI T. PURUSHOTHAM :—" 'Mischievous' has been used once, twice and thrice."

DR. V. K. JOHN :—" Sir, I do not use any unparliamentary language at all. It is said that the law is an ass but not the lawyer. (Laughter.) I am only criticising the measure and not the men. I very strongly protest against this rule, because the assessee will suffer, when there is a difference of opinion between the two Members of the Tribunal."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, let me first speak about the words used. It is quite open to the hon. Member to say in various degrees of intensity of voice that a measure is fraught with mischief. But if he repeats the word 'mischievous' so often, then it means that the intention is mischievous. That is wrong."

DR. V. K. JOHN :—" That was not my intention at all. Far from it."

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THE HON. SRI C. RAJAGOPALACHARI:—"I now come to the merits of the points that were put forward by hon. Members. It is true that this is a taxation appeal and not a mere appeal as ordinary appeals on facts and law. It is an appeal involving accounts. The scheme of the tribunal is to have at least one judicial officer in the Tribunal. The intention is to have two others, namely, one who is a Chartered Accountant and another a departmental officer. The practical difficulties that have arisen have already been pointed out in the Statement of Objects and Reasons and also in the speech with which this Bill was introduced. I think the generality of opinion in this House will not object to the power given to the Tribunal to constitute a Bench. This power has been exercised in all Tribunals and High Courts of all States. There are rules by which sometimes, when there is a difference of opinion, the judgment of the senior judge prevails as against the junior judge. This has been long in force, and no great mischief has resulted from such a provision. Here too it could easily have been provided that the senior judge's decision shall prevail. But it was thought that that would not be satisfactory in transactions of the kind in question. Because seniority alone either in age or otherwise may not quite suit the circumstances of a taxation appeal. So, it was suggested that provision should be so drafted as to bring about this result, namely, that where questions of facts are concerned the decision, if it is a confirming decision of the lower Court's decision on the facts, by the Bench that is constituted by the Tribunal, shall stand confirmed. But if there is a reversal, the position is different. If it is a unanimous decision of the Bench, it prevails. But if in reversing a judgment, there is a difference of opinion, and, therefore, there is no majority decision, the idea is that if it is a question of confirming the judgment on facts, it must confirm that judgment. But if it is a question of law, power is given here to resort to another Bench. It is open to the Bench to provide that it shall be referred to a second Bench of which the Chairman shall be a member. This is a non-mischievous, innocent and effective provision in the Bill. There is nothing more in this. Of course, the remedy suggested is there. That is a matter for appointing more and more judges, but which is not relevant just now."

SRI A. GAJAPATHY NAYAGAR:—"கனம் அவைத் தலைவர் அவர்களே சென்னை ஜமீந்தாரி ஒழிப்பு மன்றத்திலே நான் தலைவையிருந்தேன். அப்போது அந்த ட்ரிபுனல் செய்து வந்த வேலையை ஒருவாறு நான் அறிவேன். அந்த அனுபவத்தையொட்டி இப்பொழுது பேச விரும்புகிறேன்."

"ஹைகோர்ட் ஜட்ஜுகள் என்றால் ஒவ்வொருவருக்கும் ஒரு தனி உயர்வு உண்டு. ஒரு ஜட்ஜுக்கு இருக்கும் அதிகாரம் இன்னொரு ஜட்ஜுக்கும் இருக்கிறது."

"இந்த ட்ரிபுனல் என்பது மூவரைக் கொண்ட ஒரு உடல் ஆகும். அதில் ஒருவர் ஜட்ஜ், இன்னொருவர் அந்தத் துறையிலே வேலை செய்தவர் அவர் ஜட்ஜ் அல்ல; மற்றொருவர் சார்ட்ட்டு அக்கௌண்டெண்ட். ஆக, இந்த மூவரும் சேர்ந்தால் தான் அது ஒரு ட்ரிபுனலாகும்."

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THE HON. SRI C. RAJAGOPALACHARI:—"The suggestion is that a lawyer may be made a Munsif and the Head clerk may be made a Munsif. Once he is made a Munsif he is a Munsif."

SRI A. GAJAPATHY NAYAGAR:—"இந்த மூவரும் சேர்ந்தால் தான் ட்ரிபுனலாகுமேயொழிய, ஒருவரை விட்டு, மற்ற இருவர் மட்டும் ட்ரிபுனலாகாது. ஜமீந்தாரி ஒழிப்பு ட்ரிபுனலில் இருந்த இரண்டு பேர்கள் மட்டும் செய்த தீர்ப்பு செல்லாது என்று ஹைகோர்ட்டு தீர்ப்பு கொடுத்திருக்கிறார்கள். ஆகையால், சட்ட பூர்வமாக ஜட்ஜுகளுக்கும் ட்ரிபுனலுக்கும் பல வித்தியாசங்கள் இருக்கின்றன. அப்படியிருக்கும்பேது, மூவரும் சேர்ந்து செய்யும் தீர்ப்பு ஒன்றுதான் சரியான தீர்ப்பு என்று எடுத்துக் கொள்ளலாமே. தவிர, இருவர் சேர்ந்து ஒரு தீர்ப்பு செய்வது அதற்கு மேல் மற்றொரு வரிடம் அப்பீல் செய்வது என்பது சட்டத்திற்கு விரோதமானது. தலை, கை, கால் ஆகிய மூன்று உறுப்புக்களும் சேர்ந்தால்தான் உடலாகுமே ஒழிய கையும், காலும் மட்டும் சேர்ந்து, தலை இல்லாமலிருந்தால் அது உடலாகாது. ஆகவே, மூவரும் சேர்ந்து ஒரு தீர்ப்புக் கொடுத்தால்தான் செல்லாகும். மூவரில் ஒருவர் மாறுபட்ட அபிப்பிராயத்தைத் தெரிவித்தால், மேஜாரிட்டியின் தீர்ப்பே முடிவானதாகும். இதுதான் ட்ரிபுனலின் சிறந்த குணம். அம்மாதிரி இருவர் சேர்ந்தாற்போல் சொல்வது நியாயமான தீர்ப்பாகும். அதை ஆலோசிக்கும்படியாக அரசியலாலைக் கேட்டுக்கொள்கிறேன்."

SRI K. BHASHYAM:—"Sir, a good deal of controversy has arisen over this question of difference of opinion. The matter is going to be decided by a Bench of two judges. Of course the composition of the Tribunal is somewhat peculiar. One of the Members will be a trained judge, the other is a trained accountant, and the third is a Government officer and the Government think it is quite suitable. The one guarantee that all assesseees want is that there must be some judicial element in the Tribunal which decides these cases. In a Bench of two members alone, very often it may happen that the Chairman may not be there. Where is the trained lawyer and where is the trained judge then? Therefore, I am only saying that many of these cases may be decided by a person who is not trained in law and who has had no experience in judging cases. These assesseees in that case will not be satisfied. It is possible also that the fair name of the Tribunal itself is may be spoiled which would otherwise not be the case. This Bench of two judges alone, I would welcome, if one of the two is one who has judicial experience. This would be the proper thing to do. There must be some judicial element in the Tribunal for the purpose of assessing a person to sales tax. This point has really been overlooked in constituting a Bench of only two judges. No serious objection has been raised by the hon. Member Dr. John. True, there are cases in the High Court where if two judges differ in their opinion, the ruling of the senior judge prevails under the Letters Patent though there is no provision to that effect in the Civil Procedure Code. But there is this guarantee. You can file an appeal against the judgment. Here there is nothing like that. True, there is provision in the Letters Patent that when the matter is heard by a Bench of two judges, and if there is difference of opinion between the two judges, the senior judge's opinion should prevail. But the practice is to refer it to a third judge. I

[Sri K. Bhashyam] [7th January 1954]

know even recently in a particular case there was difference of opinion between Justice Subramaniam and another and the judgment of the senior judge prevailed. But the party has always the right even then, to appeal against that judgment because the judgment was only that of one judge. This is a fact which has to be considered. (Interruption.) If there is difference of opinion there is provision for appeal. I will give references to the Hon. the Chief Minister if he wants. I will send the records of the relevant case to the Hon. the Chief Minister for his reference. (Interruption.) On the floor of the House one should not say anything which is not correct and if a statement is disputed it is much better it is proved by producing relevant records. My view is that the party can go on appeal to a higher judge. Therefore what I would suggest is, in case there is a difference of opinion, it would be quite alright if it is referred to a third judge. Simply because one member of the Tribunal who is a departmental official, has come to a definite conclusion and another member agrees with him and the third alone is against the decision, it is not correct to call it a majority decision. The only justification for a provision of that sort is that this is a taxation measure. Taxation measures are generally considered to be oppressive and not popular with the public. Therefore one has to be very careful in framing taxation measures. If not, the Government are likely to become more unpopular than they are today. In the matter of setting up a Tribunal, it is very necessary that they should be so constituted as to command the general acceptance and confidence of the assessee. Therefore I suggest that the amendments given notice of may perhaps be considered favourably by Government. Otherwise I support the Bill."

SRI V. CHAKKARAI CHETTY:—"Mr. Chairman, Sir, I am sorry prominent lawyer Members here disagree among themselves. That being so, to whom are we to refer this problem, this disagreement? How are the Government going to find a solution? When there is a difference of opinion between the two members of the Tribunal, then the case may be referred to a third judge. That seems to be the opinion of some hon. Members. I do not know whether this would rectify matters. Unless there is a majority opinion in the Tribunal, I do not think the assessee will be satisfied even if the case is referred to the Chairman who may after all be a Government servant. These District Judges and others are Government servants, and assessee may say they are favourable to the Government. I do not see how a reference to the Chairman would satisfy the assessee, unless the decision of the Tribunal is a majority decision."

THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Chairman, Sir, will you kindly allow me to say a few words. I am not replying to the discussion. I just want to explain the position. The practical position is known to the Members on the Government Benches and to some hon. Members on the other side but

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not to every one. The trouble is to get people to serve on these tribunals. It is very well to say 'you must have lawyers with judicial experience and all that'. But hon. Members must realize that there are varying degrees of capacity among lawyers. It is very difficult to get leading lawyers even to take up a High Court Judgeship. It is almost impossible to get these people to serve on Tribunals of this kind. Therefore, we get only ordinary people for these Tribunals, the younger people who do not like taking a chord in the profession. Therefore, Government servants are appointed to these Tribunals. This is the practical difficulty. It is not the intention of the Government to win all Government appeals and all that. If we wanted to win all appeals, we could have framed different laws. But as it is we have given Tribunals. As the hon. Member Sri Bhashyam suggested we might make improvements on that provision also. But hon. Members must realise the amount of arrears that had accumulated in these appeals. The accumulation is so enormous and very difficult to justify. We have to dispose of these cases quickly so that the assessee may know where they stand. We have been able to dispose of a good lot with a special drive. Here in this legislation we have provided a Bench, so that the cases may not keep on accumulating. The best thing under the circumstances has been done. The observations made by hon. Members during the course of the discussion will certainly be kept in mind in constituting these Benches as well as in making references wherever there is a substantial question of importance to be decided by a judicial mind. With these observations, Sir, I hope the Bill will not be sent back to the Assembly with amendments but accepted by this House."

SRI MOHAMMAD RAZA KHAN:—"Mr. Chairman, Sir, as usual the hon. Member opposite, Sri Bhashyam criticised the provisions but supported the Bill. There is therefore nothing surprising in his speech. I do not know whether the Hon. Minister in-charge of the Bill went through the proceedings of the last Assembly discussions on this subject in 1951. As I said on the previous occasion Government must make out a case for a definite change in the composition of the Tribunal. The provision for constituting a Tribunal is made after four years of agitation in the last Assembly and in the Council. There has been a good deal of harassment in this matter. The then Finance Minister who was in charge of this portfolio also agreed to the setting up of Tribunals. There was a good deal of discussion on the floor of the House then regarding the constitution of the Tribunal and many different points of view were put forward. It was impressed on the party in power then, that the Tribunal should be similar to the one constituted for Income-tax assessment cases. After a good deal of discussion it was decided that the Tribunal should consist of three members, one District Judge, one accountant and the other from the department, who is just on the verge of retirement. It was then agreed by the Hon. Minister that the member from the department should be on the verge of retirement, a man who has a year or two to retire from

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service. The very purpose of setting up a Tribunal was to create confidence in the assessee. I know the Sales-tax officer. His tendency always is to get as much money as possible for the Government coffers. It may be a good tendency from the Government point of view. But there is considerable dissatisfaction among the general public about the way the assessments are made. Small traders are asked to pay sums out of all proportion to their turnover with the result many of them have to close down their business. Therefore it is, they wanted that Tribunals should be set up so that they could appeal against the orders of these petty officers. And the Government have now decided to set up the Tribunals. But, what have the Government really done? It seems to me that what was done by the then Hon. Minister Mr. B. Gopal Reddy is being undone by the present Minister in-charge of the portfolio, Sri Manickavelu Naicker. This is not a thing for which he would like to take credit. I admit there was an enormous amount of accumulation of work. After partition, I think there must be some reduction in the number of cases pending. If there were 2,000 cases pending then, now it may not be more than 1,000 or 1,200 at the most. But there is this contingency. One of the members of the Tribunal may be absent. The Tribunal can be constituted with only two members. Again I do not know how the Tribunal is working, whether they sit from 10 in the morning to 5 in the evening and dispose of cases every day or whether they will sit only on some days in the week and for a few hours in the forenoon or in the afternoon and dispose of cases.

"Sir, I do not think, in spite of what the Hon. the Chief Minister has said, we are satisfied with the way in which these Tribunals are going to be constituted. I would appeal to Government to take the view points expressed by the Members of this House into consideration in constituting these Tribunals.

"Sir, before I conclude, I wish to refer to one other matter. With regard to the point raised by our Deputy Leader of the Opposition as to why a point of fact should not be referred to the Chairman of the Tribunal by a Bench consisting of two members, the Hon. the Chief Minister said that only a question of law could be referred to the Chairman of the Tribunal and not a question of fact. I hope the Hon. the Chief Minister will agree that in most of the appeals, it is not a matter of law which is involved but a matter of fact. I do maintain that in 99 cases out of 100, only a matter of fact is involved and not a matter of law. Sir, if this is the attitude of the Government in respect of this matter, I am afraid they are not giving the parties concerned a fair trial. Even a point of fact should be referred to the Chairman of the Tribunal."

DR. V. K. JOHN :—"Even this reference is in the discretion of the Bench."

SRI MOHAMMAD RAZA KHAN :—"In short, there is no immediate urgency for this measure and they are not going to lose

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anything by withdrawing this Bill. I hope, after the way in which it was forcefully opposed by our Deputy Leader, the Government will withdraw it."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"Sir, the Tamil-biassed hon. Member—I mean the hon. Gentleman who spoke in Tamil—referred to the High Court and High Court Judges and said that the Tribunal also must have 'a head, legs, hands, etc.' Sir, the High Court Judges do not drop ready-made from the sky. They are just selected by the Government. The posts of High Court Judges are filled up from among advocates, munsifs and I.C.S. officers. Once they occupy the position of High Court Judges, they are all equal and deal with all cases. So also, when an officer belonging to the department becomes a judge, he is really a judge and not a departmental man. He has nothing to do with it. But he has got the additional advantage of the experience of the department which the judges do not have. So also with regard to Chartered Accountant, he has got a lot of experience in respect of this matter and would have spent most of his lifetime in winning cases for the assessee. His whole bent of mind will be in favour of the assessee. When he becomes a judge or a member of the Tribunal, he gets equal status and judges each case on its merit. There is no difficulty about it. Therefore, it is not necessary that only High Court Judges should be members of the Tribunal.

"Now, let me come to the point raised by my hon. and learned Friend, Dr. John. I do not know, what attitude he took when the Madras General Sales Tax (Amendment) Act, 1951, was passed. I believe, he was then a Member of the Legislature. Now only, I am aware of his attitude. He is also afraid that a member of the Tribunal selected from the department will have all the bias of an officer. Sir, the member selected will be a senior man and only the Deputy Commissioner of Commercial Taxes is selected. He occupies that position practically at the fag end of his official career and so there is no difficulty about it. I do not think, there will be any possibility of his reverting back to the department. Even if it is not so, I will bear in mind while selecting these officers that only the seniormost are selected."

DR. V. K. JOHN :—"Even if he gives a decision in favour of the Government, it will only be *bona fide*!"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"It would not be that way, but it would be the other way. If he is a little disgruntled man, he may also do quite the opposite thing. (Laughter.)

"Sir, one hon. Member said that after the partition of the State, there would not be much work for the Tribunal. On the other hand, there is a lot of arrears. Hundreds of cases are pending disposal. Unless we have recourse to the constitution of a Bench

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with two members, it may not be possible to dispose of these cases. Even in the High Court, the Bench dispose of cases and I do not know why the Bench envisaged in this Bill should not do it."

DR. V. K. JOHN :—" I may tell the Hon. Minister that in the High Court, a single Judge disposes of important cases. But the Tribunal is not the High Court."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" For the sales tax cases, the Tribunal is more or less the High Court. A senior District Judge and other experienced men will be in the Tribunal. Most probably a senior Civilian Judge will preside over the Tribunal. I may assure the House that there will be no failure of justice, but justice will be done. As there is a lot of cases pending disposal, this Bill is necessary and I request hon. Members to put themselves in my position and judge. As regards the amendments given notice of by hon. Members, I will deal with them as and when they are moved."

MR. CHAIRMAN :—" The question is—

'That the Madras General Sales Tax (Amendment) Bill, 1954 (L.A. Bill No. 2 of 1954), as passed by the Legislative Assembly, be taken into consideration.' "

The motion was carried.

DR. V. K. JOHN :—" Before the amendments are moved, I wish to rise on a point of order. Sir, the procedure which is prescribed in the Council Rules should be followed and exemptions should not be given in every case. In this connection, I might refer to rule 107 of the Rules of Procedure of the Madras Legislative Council. Rule 107 says—

'Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of the notice.'

The Chair has waived notice in this case and I do not complain about it. According to Rule 108, we have discussed the principles of the Bill. Under rule 109, unless a Joint Select Committee of both Houses considered the Bill, any Member may move, as an amendment, that the Bill be referred to a Select Committee. Then, I come to rule 110 which says—

'If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the rules of the Council regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of Bills shall apply.'

That requires us to revert back to the rules 93 and 94. Rule 93 (2) says—

'If the Member in-charge moves that the Bill be taken into consideration any Member may move as an amendment that the Bill be re-committed.' Then rule 94 says—

'When a motion has been agreed to by the Council that a Bill be taken into consideration, any Member may propose an amendment of such Bill.'

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The principle is that amendments are brought in only after a discussion of the general principles underlying a Bill. Then only any Member will be in a position to move an amendment. The next rule makes it very clear. Rule 95 says—

'(1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered.'

Now, Sir, there must be a motion to take the Bill into consideration. When this motion has been agreed to amendments may be given an, three days' notice must be given. Then there is a fundamental rule, namely, rule 98, which gives the spirit of the procedure."

MR. CHAIRMAN :—" We know all these things. Rule 114 covers all such cases."

DR. V. K. JOHN :—" Sir, rule 98 says—

'(2) If, when a Bill is considered, any amendment is made, any member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed. Thereupon, the Chairman shall, unless he considers that the request is frivolous or unreasonable, not allow a motion that the Bill be passed into law to be moved at the same sitting, but the Bill shall be brought up for further consideration at a subsequent sitting.'

These are the various stages and even at the last stage a Member may say that the third reading shall not be taken up that day and unless this request is found to be frivolous or unreasonable, the rule says that you, Mr. Chairman, shall not allow it but shall adjourn it to another date. No doubt, Sir, there is another rule 114 which enables you to dispense with the rules regarding periods of notice and the interval between the different stages of a legislation. I submit, Sir, that in appropriate cases you may exercise your discretion under rule 114. If this exception is to be made the general rule, let us delete all the other rules in the Rules of Procedure. You may exercise your discretion under rule 114 in exceptional cases but, I submit, Sir, with great respect that in almost every case this exception under rule 114 is made the general rule and the various stages of a Bill are considered at the same sitting, and at a stretch. I submit, Sir, that we the Members on this side of the House feel that we should have time as provided for in the rules to bring in and move amendments. Sufficient time may be given to us particularly in regard to important Bills and this is a very important Bill affecting a very large number of persons in the State."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, we have to transact the business of the House and you exercise your discretion as such to enable us to carry on. Certainly, if there are very important Bills which require careful study and time for the giving of notice of amendments, you will certainly exercise your discretion against the carrying on of the business of the House without the necessary periods of notice mentioned in the rules. Sir, in these cases you have exercised your discretion not to follow the rules strictly with regard to the periods of notice provided for in the rules as these are very small Bills and it is quite unnecessary

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to follow the usual procedure. In this instance, you have exercised your discretion in favour of carrying on with the Bill as it is now and the House has voted in favour of considering the Bill. We have therefore to proceed with the consideration of the Bill and whatever amendments you have already admitted will be discussed. Only, later on it is open to hon. Member, Dr. V. K. John, to say that the third reading of the Bill be postponed and then it is for you to decide whether it is frivolous or proper. But, that stage has not arisen. We have therefore to consider the Bill clause by clause. Dr. V. K. John may raise his objection at the third stage."

MR. CHAIRMAN :—" As a matter of fact, hon. Members had three days' notice and they had enough time to put in amendments. There has really been no departure from the proper procedure."

DR. V. K. JOHN :—" Sir, my point is that amendments can be moved only after the motion for taking the Bill into consideration is adopted. That is the provision in the rules."

SRI K. BHASHYAM :—" Sir, hon. Member Dr. V. K. John's objection is a little premature. He can raise it only after we have considered the Bill clause by clause."

Clause 2.

MR. CHAIRMAN :—" The motion is—

'That clause 2 stand part of the Bill.'

"May I know whether the hon. Member, Sri K. Balasubramanya Ayyar, is moving his amendment?"

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, I beg to move—

"That in sub-clause 3 (c), for the words beginning with "the point shall be found" and ending with "divided" the following be substituted :—

"the point shall be referred by the Bench to the third member of the Tribunal for his decision on the point and the appeal or application shall be decided in accordance with his decision on the point."

This amendment confines itself to the question where two members constitute the Bench and where they differ on a particular point. The sub-clause as at present says—

"... the point shall be found against the appellant or applicant and the members shall, after delivering their separate opinions, pronounce a joint judgment announcing the result of the findings, if any, on which they are agreed and of the findings recorded against the appellant or applicant on points on which they are divided."

This, I submit is rather a clumsy way of mentioning it. Nobody in a Legislature can say 'the point shall be found against the appellant or applicant'. It is a matter for the Judges to say whether a point will be found against the appellant or applicant or not. I take it that in substance it means that the point shall be decided

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against the appellant or applicant. It is rather a very awkward phrase in any legislation. The Legislature cannot order the Judges and say 'the point shall be found against the appellant or applicant'. I submit, Sir, that even if my amendment is to be voted against, this is a very clumsy way of putting it and the Bill should be properly worded. My amendment is to the effect that the point shall be referred by the Bench to the third member and the point of the appeal or application shall be decided in accordance with his decision. This is the procedure which is laid down in section 98 of the Civil Procedure Code and so far as these Tribunals are concerned the general principle is that the provisions of the Civil Procedure Code apply to them and I therefore submit that the question of Letters Patent does not arise at all. In the Letters Patent the judgment of the senior Judge shall prevail but it is applicable purely to the High Court and has nothing to do with these Tribunals. The Letters Patent was conferred on the High Court by His Majesty when we were under British rule."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Why not we adopt the Letters Patent?"

SRI K. BALASUBRAMANYA AYYAR :—" Sir, it is not as easy as the Hon. Minister for Revenue says. Let us not imitate the Letters Patent here. If so, another difficulty will arise. Two members may constitute a Bench and the question will arise as to who is the senior, because this is a Tribunal to which appointments will have to be made from time to time. Further, as constituted the Tribunal consists of three members and if they sit together as a full Bench the question of seniority will not arise. The Bill does not therefore say that the view of the senior member shall prevail. I am not saying anything against this but my objection is to the provision 'the point shall be found against the appellant or applicant'. So far as this is concerned the better rule would be what I have proposed in my amendment that the difference of opinion may be submitted to the third member which is in accord with section 98 of the Civil Procedure Code. This may very well apply to the case where there are two members sitting as a Bench and they differ on a particular point. This particular point may be referred to the third member of the Tribunal and if the third member agrees with the opinion of one of the two other members, his opinion should prevail. Section 98 of the Civil Procedure Code makes it clear that when a point is referred to a third Judge and the third Judge agrees with the opinion of either of the two Judges, then they together form a majority and their judgment shall therefore prevail.

"The procedure I have suggested is workable and no delay also will be caused by referring the point of difference to a third Judge for settling them. After all questions arising out of this Act are not very difficult questions. They are very ordinary questions which may very easily be decided. My amendment only says this that the point of difference shall be referred by the Bench to the

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third member of the Tribunal for his decision on the point and the appeal shall be decided in accordance with his decision on the point. If the decision of the third member is favourable to the decision of one of the two members then that decision becomes a majority decision. My point, therefore, is a clear one and I request that my amendment may kindly be accepted."

SRI T. M. NARAYANASWAMY PILLAI:—"I second the amendment proposed by Sri K. Balasubramanya Ayyar."

MR. CHAIRMAN:—"Amendment moved—

'That in sub-clause 3 (c), for the words beginning with "the point shall be found" and ending with "divided", the following be substituted:—

"the point shall be referred by the Bench to the third member of the Tribunal for his decision on the point and the appeal or application shall be decided in accordance with his decision on the point."

DR. V. K. JOHN:—"I strongly support the amendment for the reasons given by the mover of the amendment. I repeat, Sir, that the amendment suggested in the Bill by the Government is the most objectionable one. The amendment of Sri K. Balasubramanya Ayyar only seeks to remove the grave objection to the Bill."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Mr. Chairman, Sir, the points raised by the hon. Member who moved the amendment and those who supported the amendment were also made at the time of the general discussion of the Bill. No doubt the amendment proposed is very tempting from the standpoint of a lawyer but from the point of view of laymen the amendment will not be very conducive for the working of this Sales Tax Tribunal. As regards the language used in clause (2) I admit that the clause will read better if the language can be improved. But there is this difficulty. Even if some verbal changes are made in the clause, we will have to send the Bill again to the other House for their approval of the changes made here in this House. When we are seized of the substance of the points we need not fight for the shadow. Even though the language may not be quite appropriate, still we can read the meaning correctly. Sir, I oppose the amendment."

MR. CHAIRMAN:—"The question is—

'In sub-clause 3 (c), for the words beginning with "the point shall be found" and ending with "divided", substitute the words,

"the point shall be referred by the Bench to the third member of the Tribunal for his decision on the point and the appeal or application shall be decided in accordance with his decision on the point."

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The amendment was put and declared lost. A poll was demanded and division bells were rung. The motion was again put and declared lost. The demand for poll was not pressed.

SRI V. GURUNANDAN ROW:—"I beg to move—

'in the last sentence of sub-clause (1) after the words "the other two members" and before the words "shall possess" insert the following words:—

"who shall not be persons in Government service."

I will state briefly why I have brought forward this amendment. It has already been stated by the Government that the Appellate Tribunal consists of three members, of whom one is a judicial officer not below the rank of a District Judge and another is an officer of the department. The Hon. Minister for Revenue stated that the officer of the department nominated for membership of the Tribunal will be a person of very great experience in the department and that he will certainly be in favour of the assessee. I do not know whether the Hon. Minister is talking with his tongue in his cheek. We know as lawyers what the department has instructed their subordinates. Their motto is 'when in doubt, tax'. There is no question of the departmental people deciding things in favour of the assessee and the very fact that such a large number of appeals are pending before the Appellate Tribunal is proof of the fact that these officers do not go into the claims of the assessees properly. In fact I am not very particular about the appointment of the Tribunal at all. As a matter of fact, the only way by which the assessees will be satisfied is to allow them to appeal to the High Court direct. This will prevent them from wasting their time. Because the Tribunal happens to be in the City, people from the mufassal, who have been taxed, will have to come to this City on appeal. They have to come from far off places leaving their business to suffer in these days of slump. The Act provided for a judicial Tribunal to decide the cases, because, no justice can be rendered by the Deputy Commissioner of Commercial Taxes or the Commercial Tax Officer. Therefore it is there is the need to have a real and impartial Tribunal which does not consist of Government servants. In my amendment I have suggested that anybody may be appointed with the necessary qualifications, but those persons shall not be Government servants. I have no objection to people, who have retired from Government service, being appointed to the Tribunal. But as long as a person is in Government service, it is really a fiction to say that when once a person in the Sales Tax department has been appointed to the Tribunal, he will give up his ideas on levying taxes."

THE HON. SRI C. SUBRAMANIAM:—"Is the District Judge not a judicial officer?"

SRI V. GURUNANDAN ROW:—"He is a judicial officer not under the control of the executive Government. The District Judge

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is a person who is under the direct control of the High Court. Nobody can do anything to him. His prospects do not depend upon the views of the executive Government. But a person in the department, e.g., the Deputy Commissioner of Commercial Taxes, will always be thinking 'what will be my future if I do not assess this assessee'. It is all right to say that once a man is on the tribunal, he will be impartial. But in practice we know what happens. If the Government want really an impartial tribunal and if they want the purpose of the tribunal to be fulfilled satisfactorily, they must not appoint Government servants to the tribunal. They should not appoint anybody over whom they can exercise their influence. As a matter of fact, a person like the Deputy Commissioner of Commercial Taxes who has come up to that position from below will, when in doubt, tax. It is impossible for me to conceive that from such a person we can get justice. To-day if that Deputy Commissioner of Commercial Taxes sits along with the other judge, there is no hope for the assessee. What is the point in having a tribunal like the one mentioned in the Bill? It is better that it is not there. It is better that the whole tribunal idea is dropped. If the Government find so much difficulty in constituting this tribunal, let them give the direct remedy, namely, an appeal to the High Court. That would be the best thing. I am sure that most of the assessees will thank this Government if they are given the right of a direct appeal to the High Court against the decision of the Commercial Tax Officer. This Sales Tax Tribunal, though it may be good for lawyers has become a real engine of oppression and harassment. It is no use of going to the Deputy Commissioner of Commercial Taxes on appeal against the decision of the Commercial Tax Officer. I am not one of those who say 'we want more and more tribunals'. If the Government are really serious in constituting an impartial tribunal, I submit that my amendment will achieve the object in view."

THE HON. SRI C. SUBRAMANIAM :—"The amendment says that the members shall not be in Government service. After their appointment will they be non-officials or Government servants?"

SRI V. GURUNANDAN ROW :—"They may be members of the tribunal."

THE HON. SRI C. SUBRAMANIAM :—"The amendment says that they shall not be Government servants. The amendment is not properly worded."

The amendment was duly seconded.

MR. CHAIRMAN :—"Amendment moved—

'In the last sentence of sub-clause (1) after the words "the other two members" and before the words "shall possess" insert the following words :—

"who, shall not be persons in Government service." "

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DR. V. K. JOHN :—"Sir, I rise to support this amendment. I make a suggestion to the Government that they may utilise the provision in Section 2-A (1) to the effect that the other two members shall possess such qualifications as may be prescribed by appointing judicial officers—retired judges—or District Judges who are in service. If the Government would agree to this, I would even go to the extent of saying that instead of a Bench, let one judge decide. That would be sufficient, because we will have one who has judicial experience. And, people also would be satisfied with his appointment. If the Government do not want to have more judges, let us have at least one man who will have that judicial temperament and impartiality in whom the public will have confidence. A judge of the High Court or the District Court, either in service or retired, can be the tribunal. There will surely be a lot of complaint against the tribunal if the tribunal is packed with people in whom the public do not have any confidence. Without moving any amendment in this regard, I appeal to the Government to appoint a District Judge or a High Court Judge to the tribunal. I am sure that this Government, after hearing the criticisms of this House, will certainly do their very best to see that persons in whom the public have confidence are appointed. I have no doubt that it is not the intention of the Government in introducing this Bill to constitute a tribunal which is useless. If only the Government appoint persons to the tribunal in whom the public have confidence, the people will be satisfied. Let me express the hope that this Government headed by our revered Rajaji will appoint only those persons who command the confidence and trust of the assessees. It does not matter at all if the tribunal should decide against the assessee although I would prefer that that decision should go before a third judge. Anyway some judicial minded man must be appointed to the tribunal. The real point of criticism in this House is that persons who command the confidence of the assessees should be appointed to the tribunal. I am quite sure, as far as I am able to see, that it is not the intention of the Government at all to constitute tribunals who will not command the confidence of the assessees and the public. I appeal to the Government that, without amending any of these provisions, they should give an assurance that only men who command the confidence of the public will be appointed. I express the hope that this Government will certainly see to it, and will not give room for any complaint."

THE HON. SRI C. RAJAGOPALACHARI :—"Sir, I am grateful to the speech of the Deputy Leader of the Opposition. The intention is to appoint the best possible men available. The intention is also to appoint those who will give satisfaction to all people concerned. The amendment proposed, however, is not suitable, and we cannot accept that. Sometimes an official of experience and long satisfactory service will be a better appointee than a raw judge or somebody from somewhere. It is necessary to appoint the best men. It is not their technical qualifications that count. But here we must remember the general principle involved,

[Sri C. Rajagopalachari] [7th January 1954]

namely, that we want a judicial officer, a man knowing accounts, and also one who knows the trade and the business with which he is concerned. With these things in view, the Government will do their best to appoint the right type of men and will even take advice before appointing such men. Then only they will appoint the men. That is the usual procedure. Therefore, I submit that the amendment need not be pressed."

THE HON. SRI M. A. MANICKAVELU NAICKER :—
" Mr. Chairman, Sir, regarding the remarks of the hon. Member about the probable leanings of the Member selected for the tribunal, I made only a hypothetical argument; I met his extreme argument with another extreme argument. As a lawyer he ought to be familiar with such types of arguments. A diamond alone can cut another diamond. In that way only I made those arguments."

The amendment of Sri V. Gurunandan Rao was by leave of the House withdrawn.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—
" Mr. Chairman, Sir, I move—

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

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

[7th January 1954]

APPENDIX

L.A. BILL No. 2 OF 1954.

(As passed by the Assembly.)

[Vide item at page 2 supra.]

A Bill further to amend the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras General Sales Tax (Amendment) Act, 1954.

2. *Amendment of section 2-A, Madras Act IX of 1939.*—In section 2-A of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939),—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The State Government shall appoint an Appellate Tribunal consisting of three members to exercise the functions conferred on the Appellate Tribunal by or under this Act. Of the three members, one shall be a judicial officer not below the rank of District Judge. He shall be the Chairman of the Tribunal. The other two members shall possess such qualifications as may be prescribed ”;

(ii) sub-sections (3) and (4) shall be re-numbered as sub-sections (4) and (5) respectively and after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) (a) The functions of the Appellate Tribunal may be exercised by a Bench consisting of all the members of the Tribunal or by a Bench consisting of two members constituted by the Chairman or, in the event of the office of a member other than the Chairman being vacant, by a Bench consisting of the Chairman and the other member :

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 to be constituted under this sub-clause of which the Chairman shall be a member.

(b) Where an appeal or application is heard by all the three members of the Tribunal, and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.

(c) Where an appeal or application is heard by a Bench consisting of two members, and the members are divided in their opinion on any point, the point shall be found against the appellant or applicant and the members shall, after delivering their

[7th January 1954]

separate opinions, pronounce a joint judgment announcing the result of the findings, if any, on which they are agreed and of the findings recorded against the appellant or applicant on points on which they are divided.”

3. *Repeal of Madras Ordinance III of 1953.*—(1) The Madras General Sales Tax (Amendment) Ordinance, 1953 (Madras Ordinance III of 1953), is hereby repealed.

(2) Any judgment pronounced, decision passed, action taken or thing done in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been pronounced, passed, taken or done in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such judgment was pronounced, decision was passed, action was taken or thing was done.

THE MADRAS CONTINGENCY FUND BILL, 1954
(L.A. BILL No. 3 OF 1954)

7th January 1954]

MR. CHAIRMAN :—" Motion moved—

'That the Madras Contingency Fund Bill; 1954 (L.A. Bill No. 3 of 1954), as passed by the Legislative Assembly, be taken into consideration.' "

DR. V. K. JOHN :—" Mr. Chairman, Sir, this appears to me to be an unnecessary Bill. I want to put three questions and would like the Hon. Minister to answer them. The Contingency Fund of 1950 consisted of a crore of rupees drawn from the General Reserve Fund of the State. Now this Bill proposes to transfer Rs. 75 lakhs to the Fund from the Consolidated Fund of the State. That is one difference between the previous Act and the present Bill. Then, for the composite State of Madras they had a crore of rupees in the Fund. Why should the Government require Rs. 75 lakhs now when the State has been partitioned? A smaller amount would do for the residuary State of Madras. Then, the third point is, Section 2 (3) of the Madras Contingency Fund Act of 1950 says: 'As often as any such expenditure is authorised by law as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance taken from such Fund to meet the expenditure'. The Government have not done that. This action of Government is not only against the 1950 Act but it is against the provisions contained in Article 267 (2) of the Constitution. That Article of the Constitution says that the Fund shall be recouped. In the Statement of Objects and Reasons, it is stated 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 1950 Act, due to the partition of the State. Probably the Hon. the Minister for Finance will explain to us how the partition of the State affected the recoupment and why the provisions of the 1950 Act and the Constitution were offended. I want to be enlightened on these three points."

SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I rise to support the Bill and in doing so I wish to make one observation. This Bill is being brought before this House under Articles 204 and 206 of the Constitution of India. While this House has to accord legislative sanction for such Bills, it is regrettable to note that this House has no power to scrutinise the details of State expenditure. The report of the Public Accounts Committee is being circulated to the Hon. Members of this House but they have no opportunity to discuss the report on the floor of this House as is done by the other House. I should like a convention should be set up by which the report of the Public Accounts Committee will not only be circulated to the Members of this House but the Members will be given an opportunity to discuss the report. In this connection I may also refer to the observation I made the other day that two or three Members of this House should be appointed to serve on the Public

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 7th January 1954.

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

THE MADRAS CONTINGENCY FUND BILL, 1954 (L.A. BILL
NO. 3 OF 1954).

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

'That the Madras Contingency Fund Bill, 1954 (L.A. Bill No. 3 of 1954), as passed by the Legislative Assembly, be taken into consideration.'

"Sir, I do not think any argument is necessary in support of this Bill. We had a Contingency Fund Act of 1950. By the time the separation of the Andhra State was effected, we had spent about Rs. 75 lakhs out of the one crore of rupees. It is not possible to reimburse that fund now because the accounts have been closed up to the 30th September 1953. We have therefore taken steps to have another Act to constitute another fund. Whatever is left over in the other fund will go into the Consolidated Fund of the State. We are asking for the creation of this fund only under Articles 204, 205 and 206 of the Constitution of India. I therefore hope that this Bill will be accepted by the House."

[Sri T. Purushotham] [7th January 1954]

Accounts Committee. As it is no Member of this House is a Member of the Public Accounts Committee. I hope the Government would consider this suggestion also. With these remarks I support the Bill."

SRI V. GURUNANDAN ROW :—" Mr. Chairman, Sir, in the Statement of Objects and Reasons it is stated that this Fund was constituted for the composite State of Madras with a crore of rupees drawn from the Revenue Reserve Fund and that the expenditure incurred from April to September 1953 could not be recouped to the Fund. The Hon. the Finance Minister has not explained to us how that money was spent, for what purpose the money was spent, why it was necessary to constitute that Fund from the Revenue Reserve Fund while the sum of Rs. 75 lakhs required for the present Fund is proposed to be drawn from the Consolidated Fund of the State. No supplementary grant was asked for, for the amounts spent from the Contingency Fund. A Budget was presented recently. Why was not a supplementary grant asked for, for the amount spent from the Contingency Fund then? And as far as I could see, there was no provision in the Budget for constituting a Contingency Fund with Rs. 75 lakhs. It is only fair that the Hon. the Finance Minister should explain these matters to the House."

THE HON. SRI C. SUBRAMANIAM :—" Sir, with regard to the wording, 'the sum of Rs. 75 lakhs to be transferred from the Consolidated Fund of the State' and the language used in the previous Act of 1950, I wish to say that I do not know, how that was used in the previous Act. We had a Revenue Reserve Fund which has been exhausted. The hon. Deputy Leader of the Opposition referred to it and said that we had squandered away about Rs. 43 crores."

DR. V. K. JOHN :—" I did not say that."

THE HON. SRI C. SUBRAMANIAM :—" Those forty-three crores of rupees have been spent and now there is no Reserve Fund. Now if we refer to a Fund wherein there is no amount available, it will have no meaning at all. Apart from that, under Article 266 of the Constitution, whatever money we have, has to come into one Fund, known as the 'Consolidated Fund of the State', whether it is obtained by loans or taxes. Whatever be the form, it has to go into the Consolidated Fund of the State. Whatever money has to be drawn, it has to be drawn only from that Fund. Therefore, at any rate, the wording in the present Bill, 'Consolidated Fund of the State' is correct.

"With regard to the point, why the expenditure incurred from April to September 1953 could not be recouped to the Contingency Fund, as required by the Act of 1950, the only answer I can give, is that that expenditure was incurred with reference to the composite State of Madras and the entire expenditure has been validated

7th January 1954] [Sri C. Subramaniam]

by an Act of Parliament. Therefore, the matter is completely closed and nothing further can be done. The procedure laid down in Articles 204 and 205 of the Constitution for recouping the amount drawn from the Contingency Fund could not be followed in this case as these accounts have been completely closed by virtue of the provisions of the Andhra State Act. There was only a small amount of about Rs. 30 lakhs left. We wanted a sufficiently large amount to meet the expenditure on new services and therefore it became necessary to enlarge that amount. Of course, we could have asked for sanction to draw some more money but instead of doing that, we thought that it would be better if we re-enacted the Contingency Fund Act and revised the amount also. The hon. Member Dr. V. K. John also wanted to know why that amount should be Rs. 75 lakhs when it was one crore of rupees for the composite State of Madras. If only he looks into the financial position of the State, he will find that the present Revenue is nearly 75 per cent of the composite State. Apart from that, simply because we make a provision of Rs. 75 lakhs or one crore of rupees, it does not mean that we spend away anything without any account or proper estimate or without placing it before the Assembly. For that also, the procedure is laid down in Articles 204 and 205. Even though we may spend it from the Contingency Fund, it will have to be placed before the Assembly by way of Supplementary Demand for Grant and it has got to be discussed and voted upon by the Assembly and formally presented and discussed in this House also. Now, the only question is, what should be the amount? We think there should be a sufficiently large amount in the Contingency Fund to meet any expenditure which we could not anticipate in the Budget. Sir, if we want to draw any money from the Consolidated Fund, there should be a legal authority given by the Legislature as such and that is the Appropriation Bill which we pass every year. Without the Appropriation Act, no amount can be drawn from the Consolidated Fund. That is why the Legislatures constitutes another fund known as the 'Contingency Fund', from which money can be drawn under the authority of the Governor to meet the expenditure on any new services which may be started and which could not be anticipated in the Budget. Therefore, it is only for the purpose of getting over the difficulty of obtaining the specific sanction of the Legislature to draw any amount from the Consolidated Fund to meet such an expenditure, that we have made this provision.

"The hon. Member, Mr. Purushotham, referred to the Public Accounts Committee. It has nothing to do with the Constitution of the Contingency Fund. Whatever we spend from the Contingency Fund, will come by way of Supplementary Demands before this House. But with regard to the Public Accounts Committee, it is a separate matter. I do not know exactly the procedure which is being followed in Parliament. I do not think, the Council of States discusses the Report of the Public Accounts Committee. Anyway, I am prepared to look into the matter and if necessary, amend the rules of this House in this respect so

[Sri C. Subramaniam] [7th January 1954]

that members of this House can also be members of the Public Accounts Committee. We have constituted a Committee to revise the rules of the other House. I do not know whether any such Committee has been constituted to revise the rules of this House. My own view is that it would be better if we have an Estimates Committee. Then it may be useful to have some Members of this House on that Committee. I am not giving a final opinion in the matter. It has got to be considered.

"The hon. Member, Mr. Gurunandan Row wanted to know, what has been done to the one crore of rupees. It has been validated and when we give revised figures in the next Budget, some observations may then be made in respect of that matter."

SRI T. M. NARAYANASWAMY PILLAI:—"Has that expenditure been made with the sanction of the Legislature?"

THE HON. SRI C. SUBRAMANIAM:—"The expenditure has been made without the sanction of the Legislature and that is why it has been validated by an Act of Parliament. As the Andhra State Act was enacted for the specific purpose of forming a new State, that expenditure was not validated by the Assembly as such, but validated by the Parliament. In any event, there will be an opportunity to scrutinize the expenditure under that 'head' when the next Budget is presented. We will give details in that Budget. In fact, most of the amount was spent for the purpose of constructing buildings in Kurnool and for carrying out flood relief operations in Godavari. We cannot be thinking about it now and it has been validated."

MR. CHAIRMAN:—"The question is—

'That the Madras Contingency Fund Bill, 1954 (L.A. Bill No. 3 of 1954), as passed by the Legislative Assembly, be taken into consideration.'

The motion was carried.

Clauses 2, 3 and 4 were put and carried.

Clause 1 and the Preamble were put and carried.

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

'That the Madras Contingency Fund Bill, 1954 (L.A. Bill No. 3 of 1954), as passed by the Legislative Assembly, be read a third time and passed.'

MR. CHAIRMAN:—"The question is—

'That the Madras Contingency Fund Bill, 1954 (L.A. Bill No. 3 of 1954), as passed by the Legislative Assembly, be read a third time and passed.'

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

7th January 1954]

APPENDIX

L.A. BILL No. 3 OF 1954.

(As passed by the Assembly.)

[Vide item at page 2 supra.]

A Bill to re-enact the Madras Contingency Fund Act, 1950.

WHEREAS it is expedient to re-enact the Madras Contingency Fund Act, 1950 (Madras Act XIV of 1950), with certain modifications, as a result of the formation of the State of Andhra and the increasing of the area of the State of Mysore; It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Contingency Fund Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

2. *Establishment of a Contingency Fund.*—(1) There shall be established for the State of Madras a Contingency Fund in the nature of an imprest, called the "Contingency Fund of the State of Madras", and consisting of a sum of seventy-five lakhs of rupees transferred from the Consolidated Fund of the State of Madras.

(2) Such Contingency Fund shall be at the disposal of the Governor of Madras; and he shall have authority to make advances therefrom for the purpose of meeting any unforeseen expenditure, pending authorization of such expenditure by the State Legislature by law under Article 205 or Article 206 of the Constitution.

(3) As often as any such expenditure is authorized by law, as aforesaid, the State Government shall recoup to the Contingency Fund an amount equal to the advance taken from such Fund to meet the expenditure.

[7th January 1954]

3. *Power to make rules.*—The State Government may, by notification in the *Fort St. George Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

4. *Repeal.*—The Madras Contingency Fund Act, 1950 (Madras Act XIV of 1950), is hereby repealed; and the balance in the Fund established by the said Act is hereby transferred to the Consolidated Fund of the State of Madras.

4th January 1954. R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

I certify that this is a Money Bill.

4th January 1954. J. SIVASHUNMUGAM PILLAI,
Speaker, Madras Legislative Assembly.

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THE MADRAS PRESERVATION OF PRIVATE FORESTS
(AMENDMENT) BILL, 1954 (L.A. BILL NO. 5 OF 1954)
(AS PASSED BY THE LEGISLATIVE ASSEMBLY).

7th January 1954]

THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1954 (L.A. BILL NO. 5 OF 1954) (AS PASSED BY THE LEGISLATIVE ASSEMBLY).

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

That the Madras Preservation of Private Forests (Amendment) Bill, 1954 (L.A. Bill No. 5 of 1954), as passed by the Legislative Assembly, be taken into consideration.”

The Madras Preservation of Private Forests Act came into being in 1949 and it was amended in 1951. By the amending Act of 1951 it was extended up to and inclusive of 2nd December 1953. The idea was that in the meantime the Forest Act itself would be amended in an all embracing manner and the provisions of the Preservation of Private Forests Act also would be embodied in it. This could not be done and this Act itself expired on the 2nd December 1953. The Government was therefore constrained to issue an Ordinance on 2nd December 1953 and in pursuance of this Ordinance this Bill has been drafted and it is now before this House. The simple object of this Bill is to extend the life of this Act by a year and nothing more.”

MR. CHAIRMAN :—“ Motion moved—

That the Madras Preservation of Private Forests (Amendment) Bill, 1954 (L.A. Bill No. 5 of 1954), as passed by the Legislative Assembly, be taken into consideration.”

DR. V. K. JOHN :—“ Mr. Chairman, Sir, this Bill does not reflect much credit on the Government. The Government wanted to examine an Act of 1882 and introduce certain changes. They wanted to do this in 1946, eight years ago, and the preamble to this Madras Preservation of Private Forests Act of 1946 stated that pending further legislation the indiscriminate destruction of private forests should be prevented. Everybody agreed and the Act was passed. This Act provided that the Government might extend the period of the Act by notification in the *Fort St. George Gazette* by a period not exceeding two years in the aggregate. Again in 1949, they brought in an Act to extend the period by another year up to 1950. Of course the Government had four years' time but they never made any amendment to the Act of 1882. Again a third Act was passed in 1951 extending the period to 2nd December 1953. Now, this is the fourth Act preceded by an Ordinance. Can any Government who had an intention to introduce legislation for the purpose of amending an Act of 1882 and had this thought in their minds eight years ago in 1946 take credit now for passing this Bill into law and extending the period up to and inclusive of 2nd December 1954? I am quite sure that at the end of another year they will come forward with a fifth Act extending the period by another year and I am also sure that the Forest Act of 1882 will not be amended. This reflects no credit on the Government who ought to

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 7th January 1954.

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

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448 THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT)
BILL, 1954 (L.A. BILL NO. 5 OF 1954) (AS PASSED BY THE
LEGISLATIVE ASSEMBLY.)

[Dr. V. K. John] [7th January 1954]

have gone into this matter, I say in 1947, or 1948, or 1949 or 1950 or, at any rate, earlier than to-day. I say again, Sir, that this Bill does not reflect any credit on this Government."

THE HON. SRI M. A. MANICKAVELU NAICKER :—
" Mr. Chairman, Sir, as regards the past delays, I am afraid the hon. Member Dr. V. K. John was also partly responsible when he was a Member of the Legislature. I am responsible for this latest delay which is due to events in the nature of a major dislocation like the formation of the Andhra State. This dislocated the whole work of the Government for a considerable time. But for this, things would have moved a little faster and probably the amended Forest Act also would have been passed into law. But it has not happened and we could not help it. If we had not been able to pay more attention to this, the blame could be partly laid at the doors of the Andhra partition business."

MR. CHAIRMAN :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1954 (L.A. Bill No. 5 of 1954), as passed by the Legislative Assembly, be taken into consideration.' "

The motion was carried.

Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

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

' That the Madras Preservation of Private Forests (Amendment) Bill, 1954 (L.A. Bill No. 5 of 1954), as passed by the Legislative Assembly be read a third time and passed.'

" I hope the Hon. Members including Dr. V. K. John will support it."

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

APPENDIX

L.A. BILL No. 5 OF 1954.

(As passed by the Assembly.)

[Vide item at page 447 supra.]

*A Bill further to amend the Madras Preservation of
Private Forests Act, 1949.*

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1954.

2. *Amendment of section 1, Madras Act XXVII of 1949.*—In section 1, sub-section (3), of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force immediately before the commencement of the Madras Preservation of Private Forests (Amendment) Ordinance, 1953 (Madras Ordinance IV of 1953), for the words, figures and letters “ up to and inclusive of the 2nd December 1953 ”, the words, figures and letters “ up to and inclusive of the 2nd December 1954 ” shall be substituted.

3. *Repeal of Madras Ordinance IV of 1953.*—(1) The Madras Preservation of Private Forests (Amendment) Ordinance, 1953 (Madras Ordinance IV of 1953), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 7th January 1954.

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

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THE STATE CO-OPERATIVE SOCIETIES (RECONSTITUTION AND FORMATION) BILL, 1954 (L.A. BILL NO. 1 OF 1954) (AS PASSED BY THE ASSEMBLY).

THE HON. DR. U. KRISHNA RAO :—“ Sir, I move—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill^a, 1954 (L.A. Bill No. 1 of 1954), as passed by the Legislative Assembly be taken into consideration.’

Sir, the partition of this State necessitated the reconstitution of the three State co-operative institutions, that is, the State Co-operative Bank, the Co-operative Central Land Mortgage Bank and the State Handloom Weavers' Society. An Ordinance—The Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953), was, therefore, issued providing for the reconstitution of these societies by

^a Printed as Appendix on pages 10-11 infra.

[Dr. U. Krishna Rao] [7th January 1954]

excluding from their area of operation the territory now comprised in the Andhra State and for the formation of the new societies for the said territory. The then existing societies have accordingly been reconstituted and new societies have been formed. As the Ordinance will cease to operate at the expiration of six weeks from the reassembly of the Legislature, it has become necessary to enact legislation to give permanent effect to the acts done and decisions taken in pursuance of the Ordinance. The Bill which is before this House achieves this object. I, therefore, move that this Bill be taken into consideration."

MR. CHAIRMAN :—" Motion moved—

'That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954 (L.A. Bill No. 1 of 1954), as passed by the Legislative Assembly, be taken into consideration.'

DR. V. K. JOHN :—" I feel, Sir, that further information or fuller information should have been given to this House. I have read a copy of the Ordinance, dated the 4th September 1953. That Ordinance provides for general body meetings of these various societies and their consent being taken for reconstitution. Now the Hon. Minister does not tell us whether general body meetings have taken place, whether consent was taken, or whether the vote was unanimous or whether it went before a judge. If the reconstitution was with the consent of the general body, I do not see any reason why there should be an enactment binding on the members and the creditors, because, general body meetings have taken place, and the general bodies concerned have decided to reconstitute the societies. So, fuller information as to how the Ordinance was worked out should have been given to this House to enable the House to know the need for this enactment. Secondly, the Ordinance provides that the guarantee of the Government for the liability of these various societies would still continue. As a matter of information, I want to know whether the guarantee of the Madras Government continues in the case of the newly constituted societies in Andhra. We would like to know this. I feel that, if these societies were reconstituted with the consent of the share-holders, this enactment is unnecessary and superfluous."

SRI S. NARASAPAYA :—" Mr. Chairman, Sir, while fully supporting the Bill moved by the Hon. Minister for Co-operation, I think it will not be out of place, if I take this opportunity to bring to the notice of the Government and to this House one or two matters in particular which have come into being as a result of the splitting up of this composite bank. At the time of the separation of the Madras State, the Madras State Co-operative Bank was functioning for the entire State and advanced various sums of money to the District Central Co-operative Banks. One such bank which had taken a large sum of money was the Bellary District Central Co-operative Bank. At the time of partition a

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sum of Rs. 18 lakhs was due from this bank to the Madras State Co-operative Bank. That debt remains unpaid even to-day. Formerly the Registrar of Co-operative Societies had jurisdiction over the Bellary District Co-operative Bank. After partition he has no control over that bank and he can do nothing to recover the debt.

"The Bellary District Co-operative Bank which borrowed the money had in its turn advanced this money to the various co-operative societies in the undivided Bellary district. A sum of about Rs. 12 lakhs was advanced to societies which are existing and functioning in the three taluks of Adoni, Rayadurg and Alur which have now gone to the Andhra State and Rs. 6 lakhs to societies in seven other taluks in Mysore State. Now, the Andhra State Co-operative Bank cannot take responsibility to pay the debt because it has no jurisdiction over these seven taluks. The Bellary Central Bank has no jurisdiction over the banks in the other three taluks and they refuse to undertake responsibility to pay the debt due from those societies. So, the sum of Rs. 18 lakhs remains unpaid even now since three States, namely the Mysore, Andhra and Madras States are involved in this matter. Therefore there is no use of taking up the matter for discussion at the lower levels. It is a matter which has to be taken up and dealt with at Government level. I bring this to the notice of the Government so that necessary steps might be taken in consultation with the Governments concerned to recover the sum of Rs. 18 lakhs that is due to the Madras State Co-operative Bank.

"There is another matter which I wish to bring to the notice of the House and the Government. Hon. Members are well aware that in co-operative banking there are different grades of societies and banks with very well-defined areas of operation. In the villages we have the village co-operative bank, in the districts we have the district co-operative bank and in the State we have the State co-operative bank. The Madras State Co-operative Bank was operating and functioning for the entire State of Madras. Now it is operating over the entire residuary Madras State or the Madras State, as it is now called. Another co-operative bank was started for the Andhra State with the definite object of serving the Andhra area. It is necessary that each co-operative bank should function within its area of operation. Now the Andhra Co-operative Bank intends opening a branch of that bank in the Madras City. Now this will result in unhealthy competition and a lot of complications because they will be infringing the fundamental principle of co-operative banking, namely, the area of operation of one society or bank should not extend into the area of operation of another bank or society. For example if a village society is lending money to its members, the district bank should not come in there; similarly, the State Bank cannot come into the jurisdiction of the district bank or society. So the area of operation of these banks are very well defined and kept exclusive of one another. So far as the Madras State is concerned if any

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one society or bank should infringe upon the area of operation of another society or bank there is the Registrar of Co-operative Societies who comes and says: 'Your area of operation is this. You cannot go out of your area.' So far as the Andhra Bank is concerned the Registrar of Co-operative Societies, Madras, has no jurisdiction over the bank. Even in ordinary banking business, branches can be opened only after obtaining the permission of the Reserve Bank of India. The Reserve Bank refuses permission to open a branch if there is a possibility of competition or complications arising as a result of the opening of a branch in a particular locality. But the Reserve Bank has no hold upon co-operative banks. If it is the branch of a bank functioning within the State then the Registrar of Co-operative Societies can supervise the work of the bank and see that no complications arise. But the branch proposed to be opened in Madras City is that of a co-operative bank of a different State over which the Registrar of Co-operative Societies of the Madras State will have no jurisdiction. It is Government alone that can take suitable action in this matter. Unfortunately there is a lacuna in the Co-operative Societies Act of the Madras State. There is no provision in it prohibiting another State Co-operative Bank opening a branch in this City. It does not also say that the entire Madras State must be under the exclusive jurisdiction of the Madras State Co-operative Bank. It is time Government looked into this matter. As it is, they cannot prohibit the Andhra State Co-operative Bank from opening its branch here. They must therefore immediately bring in necessary amendments to the Act and prevent the Andhra State Co-operative Bank opening a branch in the City. It may be asked: 'Why should the Andhra State Co-operative Bank be prevented from opening a branch? Why should they not be allowed to open a branch?' If they are allowed to open a branch, a lot of complications will arise as I said already. The fundamental idea of co-operation is that there should not be competition between two co-operative institutions. If the Andhra State Co-operative Bank is allowed to open a branch here there is bound to be competition in the matter of deposits, in the matter of lending and so on. The Registrar of Co-operative Societies, Madras, cannot supervise the work of the branch of the Andhra State Co-operative Bank. It is therefore not proper to allow the Andhra State Co-operative Bank to open a branch here. It is time and right too for the Madras Government to prevent the opening of a branch under the existing laws or if necessary by bringing in suitable amendments to the existing Act.

"With these observations, which I hope the Government will take note of, I support the Bill moved by the Hon. Minister for Co-operation."

SRI K. BHASHYAM:—"Mr. Chairman, Sir, I am really indebted to the previous speaker for the points that he has put forward. The principle of the Bill which separated the original State Co-operative Bank into two banks was that each separated bank will have responsibility for the loans and other things that

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were given in their respective areas. I think this principle was also accepted by the general body meeting of the separated banks. That being so, if the Bellary District Co-operative Bank went to the Mysore Government they take the liability or at least the responsibility of supervising the work of the banks there, which had taken loans in that area. Similarly the Andhra Government will take responsibility for the banks within its jurisdiction. That being so, I do not know how the question of recovering the 18 lakhs of rupees can arise at all. I am unable to see the point raised by my hon. Friend. Because he is connected with the bank as a member of the Managing Committee he will be able to explain it further with the permission of the Chairman. As regards the principle he has enunciated, I agree with him. But, what I want to know is this. Who will suffer by the Andhra State Co-operative Bank opening a bank here? Under the Co-operative Societies Act, the Registrar of Co-operative Societies has got the power to have these matters examined, by an arbitrator or anything like that, pass awards and have the awards summarily executed as between the banks and the parties which come under the Act. If as was stated by the hon. Member, the Andhra Registrar of Co-operative Societies has no jurisdiction over the branch to be opened in Madras, it follows that the branch here taking deposits or granting loans to third parties may not be able to recover the amounts summarily which they can do under the Act. It is the Andhra State Co-operative Bank that will suffer if they open a branch here.

"Perhaps they want to take a risk, thinking that even if it is so, they will still take steps to open a branch and also think of suing in ordinary courts of law for the purpose of recovering loans which they may advance to persons in the Madras City. It is a risk that they are taking and I do not know why they are taking it. We do not know the motive behind it. Perhaps they want to claim that Madras City still belongs to the Andhras and that it is a City jointly owned by Andhras and Tamils. Is it their idea to keep alive that controversy? It may be that way or it may be from the commercial point of view. Perhaps, they do not want to forgo the advantage of having a branch here and receiving deposits from the Andhra people of this City. After all, any bank can open a branch here. There is nothing to prevent it. But the depositors must be aware that if it is a co-operative bank, they have got the right to ask the Registrar of Co-operative Societies to supervise the working of the bank from time to time. If the Andhra State Co-operative Bank opens a branch here, they would be taking a risk and perhaps they will gain more here by receiving large deposits from the Telugu-speaking people here. As my hon. Friend has suggested, the Government must take steps in respect of this matter and even correspond with the Andhra Government. It is a valuable suggestion and nothing should be done against co-operative principles. I, therefore, endorse all that has been said by the previous speaker and support the Bill."

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SRI P. N. MARTHANDAM PILLAI :—“ Mr. Chairman, Sir, I do not see any difference between an Andhra State Co-operative Bank to be opened here and the Hyderabad Bank which has been opened. The British Government can open a bank here. The Government of the United States of America can open a bank here. If the bank is called a co-operative bank, we are not in the least affected by it. It may not come within the jurisdiction of the Registrar of Co-operative Societies, Madras. Therefore, the naming of a bank as a co-operative bank need not offend us. It is an independent institution. We are not concerned whether they call it a co-operative bank or some other bank. Our Acts do not apply to it. Our Registrar of Co-operative Societies is not going to have jurisdiction over it. As the hon. Member, Sri Bhashyam, has pointed out, the Andhra Co-operative Bank is taking a risk and, therefore, there is no point in saying that the Andhra Co-operative Bank should not open a branch here.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, with regard to the question, whether the Andhra State Co-operative Bank can open a branch here, I confess, I have not studied it. As far as ordinary banks are concerned, there is an all-India Act, under which they can be constituted and certainly they have got the liberty to open branches anywhere in the country and carry on their banking operations. But, as far as co-operative banks are concerned, they are the creatures of State Acts and those Acts can apply only within the State. There is no question of extra-territorial application of any State Act. That being so, that bank can operate only within the area where that Act has validity and force. Certainly it cannot come from outside the State and operate here under a law which is not applicable to it. Therefore, I have got very serious doubts whether they are right in opening a branch here at all. That is a matter for consideration and certainly we shall take note of it and have it properly examined. I think, we should, if necessary, correspond with the Andhra Government and arrive at a settlement in regard to this matter. But my own view is, if it is possible, this should not be allowed to happen here. It is not as if it is an ordinary bank but it is a co-operative bank and we will have to examine the matter fully.

“ Sir, with reference to Rs. 18 lakhs borrowed by the Bellary District Co-operative Bank, my hon. Colleague will deal with it. I think, even with reference to that, the Andhra Act is applicable so far as the guarantees are concerned.”

SRI S. NARASAPAYA :—“ The Hospet Co-operative Bank is outside the Andhra area.”

THE HON. SRI C. SUBRAMANIAM :—“ If this amount of Rs. 18 lakhs has nothing to do with the Andhra Act, we will have to refer the matter to the President who will intervene and pass orders on it. My hon. Colleague will deal with the other matters mentioned by the hon. Members.”

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THE HON. DR. U. KRISHNA RAO :—“ Sir, I thank the hon. Members for their valuable suggestions. The hon. Member, Dr. John, wanted more information on the necessity for the Ordinance. Sir, the Ordinance was issued for the purpose of overcoming any objections that might be raised or any point of view that might have arisen as a result of partition of the State. Luckily, nothing has happened and the division took place most amicably and there was no necessity for either the Registrar to intervene or to seek the help of a High Court Judge. It was only as a safeguard that the matter relating to the intervention of the Registrar or the High Court Judge was mentioned. Since that catastrophe did not occur, it does not find a place in the Bill itself.

“ With regard to guarantees, surely all the guarantees that we are making are only for the Residuary State. The Andhra Government will give guarantees with regard to the banks in the Andhra area.

“ With regard to the points raised by the hon. Member, Sri Narasapaya, my hon. Colleague, the Finance Minister, has answered them. We have also written to the Mysore Government pointing out the difficulties mentioned by the hon. Member and asked them to undertake the necessary legislative measure and see that any lacuna is rectified. They wrote back to us saying that the matter is receiving their most urgent attention but actually we have not received any information about the action taken in respect of this matter.

“ As regards the opening of a branch of the Andhra State Co-operative Bank in the Madras City, the hon. Member will see from the discussion in this House itself, that there are many opinions on this question. The hon. Member who pointed out the consequences of opening the branch here also referred to the lacuna in the Act which does not give the State enough power to prevent it. As my hon. Friend, Mr. Bhashyam, and the Finance Minister have made it clear, perhaps the Bank is taking a big risk in the matter and it may not be desirable. In this connexion, I must say that I was aware of this matter only this morning and I have not had enough time to consult my departmental officials on this matter and see whether any political aspect is involved or the interests of the depositors in this State are affected. I will examine and do what is needful in the matter. I can only say that, at this moment, I have no official intimation of the branch being opened here.

“ But, whether in the general political interest it is feasible to permit such a bank to function here is another matter. It has got to be taken up at the State level and discussed at ministerial and Governmental level. I cannot answer now what will be the result of that discussion. I can only give an assurance that I shall initiate that correspondence and I hope it will be fruitful to us. Both these points are really outside the purview of this Bill because it is only intended to validate the Ordinance and to see that the division is made properly and the guarantees for the existing shareholders

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are continued. I feel that with the assurance given on these two vital points as also with the assurance that my hon. Colleague, the Finance Minister and I have given on the other points, the hon. Members will pass this Bill unanimously."

Mr. CHAIRMAN :—" The question is—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954 (L.A. Bill No. 1 of 1954), as passed by the Legislative Assembly, be taken into consideration.' "

The motion was carried.

Clauses 2 to 4 were put and carried.

Clause 1 and the Preamble were put and carried.

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

' *That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954 (L.A. Bill No. 1 of 1954), as passed by the Legislative Assembly be read a third time and passed.*' "

Mr. CHAIRMAN :—" The question is—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954 (L.A. Bill No. 1 of 1954), as passed by the Legislative Assembly, be read a third time and passed.' "

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

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APPENDIX

L.A. BILL No. 1 OF 1954.

(As passed by the Assembly.)

[Vide item at page 1 supra.]

A Bill to give permanent effect to the reconstitution and formation of State Co-operative Societies in the State of Madras.

WHEREAS, in pursuance of the Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953), each of the following societies, that is to say, 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, was reconstituted by excluding from its area of operations, the territory now comprised in the State of Andhra and with the said territory as their area of operations, three new societies, called the Andhra Co-operative Bank, the Andhra Co-operative Central Land Mortgage Bank and the Andhra Handloom Weavers' Co-operative Society, were formed;

AND WHEREAS it is necessary to give permanent effect to the reconstitution of the then existing societies and the formation of the new societies;

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the State Co-operative Societies (Reconstitution and Formation) Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

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2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(a) 'Ordinance' means the Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953);

(b) 'the then existing 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 they existed on the date of the promulgation of the Ordinance;

(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 Bank, the Andhra Co-operative Central Land Mortgage Bank and the Andhra Handloom Weavers' Co-operative Society;

(e) 'corresponding new society' means the Andhra Co-operative Bank in relation to the reconstituted Madras Co-operative Bank, Limited, the Andhra Co-operative Central Land Mortgage Bank in relation to the reconstituted Madras Co-operative Central Land Mortgage Bank, Limited, and the Andhra Handloom Weavers' Co-operative Society in relation to the reconstituted Madras State Handloom Weavers' Co-operative Society, Limited.

3. *Acts done under Ordinance to be effective and binding on share-holders and creditors.*—The reconstitution of the then existing societies, the registration of changes in their by-laws consequent on the reconstitution of the said societies, the formation of the new societies and their registration, the division of assets and liabilities as between, in each case, the reconstituted society and the corresponding new society, the terms and conditions subject to which such division of assets and liabilities was made, the adjustments of rights, liabilities and guarantees, and the creation, transfer and allotment of liabilities as between, in each case, the reconstituted society and the corresponding new society and all acts done and decisions made in pursuance of the Ordinance shall, in all respects be effective and binding on all the share-holders and the creditors of each of the then existing societies, the share-holders and the creditors of each of the reconstituted societies and the Government of the State of Madras.

4. *Act to override certain enactments.*—The provisions of this Act shall have effect, notwithstanding anything to the contrary, in the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), and the Madras Co-operative Land Mortgage Banks Act, 1934 (Madras Act X of 1934).

THE MALABAR TENANCY (AMENDMENT) BILL, 1953
(L.A. BILL NO. 12 OF 1953)—DISCUSSION—*cont.*

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.

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. 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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who grows arecanut trees in large numbers need pay only one-eighth, I see no reason why he should pay one-sixth when he grows coconut trees whose cultivation is also an equally difficult process, perhaps a more expensive one also. So, I would request the Government to reduce the fair rent on coconut garden lands to the level of arecanut garden lands.

"In respect of pepper gardens, the present provision is that one-fifth of the produce constitutes fair rent in respect of dry or waste lands. The Hon. the Law Minister is trying to reduce it to one-sixth in his amending Bill before the House. What he forgets is this. In respect of garden lands, the landlord has given the land to the tenant as garden land and not waste land because the land is much better. The provision of fair rent is one-eighth of the pepper produce in respect of garden lands. When that is so, why is it fixed as one-sixth in respect of dry or waste lands? I am sure, the Hon. the Law Minister cannot defend himself against this argument. Where there are garden lands, which are a better type of lands, the fair rent is only one-eighth. Then why in respect of waste lands—jungle lands—whose cultivation involves arduous labour, the present provision is one-fifth which is sought to be reduced to one-sixth? I want this to be reduced to one-eighth of the produce.

"So, Sir, on these three points—fair rent, eviction and generally ulkudis—I want a progressive policy to be followed. I want also a progressive attitude on the part of hon. Members irrespective of party affiliations because this is a matter where there is no politics involved. I suggest that the artificial notions of justice be given up. We want that justice should be viewed as a social concept. After all, what was just yesterday is not just today. What was just a century ago is not just now. So, justice is a relative notion. A progressive notion of justice social conditions of the people. A progressive notion of justice would be better than an abstract notion thereof. Abstract legal rights may have had a particular meaning in the past but to-day society is not willing to concede it. I hope, hon. Members will adopt such a progressive attitude and will be perfectly free to vote for the amendments which the Opposition Members will move. I hope the Government also will revise their notions of justice and see that they accept our amendments."

*SRI C. H. KANARAN:—“ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, ഈ ബില്ലിൽ ആലോചനയ്ക്കു വന്നപ്പോൾതന്നെ ഈ ബില്ലിനെ സംബന്ധിച്ച് എന്തു നിലയാണ് കൈകൊള്ളേണ്ടതെന്ന് ഞങ്ങൾ വളരെ അധികം ആലോചിച്ചിട്ടുണ്ട്. 1934 മുതൽ മലബാറിലെ കൃഷിക്കാർ അവർക്കു അനുഭവമായിട്ടുള്ള ഒരു നിയമനിർമ്മാണത്തിനു ചേർന്നിരിക്കാൻ തുടങ്ങിയിട്ടുണ്ട്. വളരെക്കാലമായി ഈ നിയമത്തെപ്പറ്റി ഗവണ്മെന്റ് ആലോചനയും അന്വേഷണവും നടത്തിവരുന്നു. ഇതിനിടയിൽ ചില നിയമങ്ങളും കീഴ്ന്നിട്ടുണ്ട്. ചിലതൊക്കെ നടപ്പിൽ വരുത്തിയിട്ടുണ്ടെന്നല്ലാതെ കാര്യമായി യാതൊരു നിയമവും ഇതുവരെ വന്നിട്ടില്ല. ഒടുവിൽവന്ന മധ്യവാരമനോഹരൻ ബിൽപോലും കൃഷിക്കാർ സ്വീകാര്യമായിരുന്നില്ല. ഈ അവസരത്തിലും, കൃഷിക്കാർക്കു അനുഭവമായിട്ടുള്ള ഒരു നിയമം സാധ്യമാണോ, അതെങ്ങനെ സാധിക്കാം എന്നിങ്ങനെയുള്ള കാര്യങ്ങളെ സംബന്ധിച്ച് സൂക്ഷ്മപരമായ നടപടികളെടുക്കേണ്ടത് ആവശ്യമാണെന്നു ഒരു

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തികഞ്ഞാണ് ഞങ്ങൾ പ്രവർത്തിച്ചത്. സെക്ട് കമ്മിറ്റിയിൽനിന്നും കൃഷിക്കാർക്കു അനുഭവമായ നിയമം കൊണ്ടുവരാൻ സാധ്യതയുണ്ടോ എന്നായിരുന്നു ഞങ്ങളുടെ നോട്ടം. പക്ഷെ അതു സാധ്യമല്ല എന്നു പറയപ്പെട്ടിരിക്കുന്നു. ഭൂമി കൃഷിക്കാരനു തന്നെ കിട്ടേണ്ടതാണെന്നു ഞങ്ങൾക്കു കിട്ടാത്തതുകൊണ്ടും അതെല്ലാം ഉടനെ നടപ്പിൽ വരുത്തണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയല്ല ഞങ്ങൾ ഈ ബില്ലിനെ നോക്കുന്നത്. കൃഷിക്കാർക്കു കറച്ചെങ്കിലും ആരംഭിച്ചും കിട്ടുമൊ എന്നുള്ള നോട്ടമാണ് ഞങ്ങൾക്കുള്ളത്. രാഷ്ട്രീയമായി മുതലെടുക്കണമെന്നുള്ള ഉദ്ദേശവും ഞങ്ങൾക്കില്ല. കൃഷിക്കാർക്കു കറച്ചെങ്കിലും നൂട്ടുകരയായ ഒരു നിയമമുണ്ടാകാൻ സാധിക്കുമോ എന്നുള്ള നോട്ടത്തോടുകൂടിയാണ് ഞങ്ങൾ ഈ ബില്ലിനെ സമീപിക്കുന്നത്.

“പ്രധാനമായി മൂന്നു കാര്യങ്ങളാണ് ഈ ബില്ലിൽ അടങ്ങിയിരിക്കുന്നത്—(1) മറ്റൊപ്പാട്ടം, (2) ഒഴിപ്പിക്കലിനെ തടയൽ, (3) ഉൾക്കടൽ. കുറെയെല്ലാം അന്വേഷിച്ചിട്ടും ആരാഞ്ഞിട്ടുമാണ് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളത് എന്നു പറയുന്നതാണ്. പക്ഷെ ഇതിലെ ഏതു വകുപ്പുകളെ നോക്കിയാലും കാണാം ഇത് കൃഷിക്കാരന് ഗുണമായിട്ടുള്ള ഒരു ബില്ലല്ലെന്ന്. ഇരുപത്തിയെട്ടു പറ നെല്ലുകൊണ്ട് കൃഷിയെല്ലാവരും നടത്താൻ സാധ്യമല്ലെന്നു ആർക്കാണ് അറിഞ്ഞുകൂടാത്തത്? കുറഞ്ഞു മുപ്പതു പറയോ നൂറ്റു പറയോ ആവശ്യമാണ്. അതുപോലെതന്നെ കരുമുളകിന്റെ കാര്യമെടുത്തുനോക്കിയാലും, കരുമുളക് കൃഷിചെയ്യുന്ന ഭൂമികൾ പലേടത്തും വളരെ താണവിലക്കു കിട്ടുന്നതാണ്. മുൻ കാലങ്ങളിൽ ഏക്കറിനു പത്തോ പതിനഞ്ചോ ഉറപ്പികമാത്രം കൊടുത്തു വെഞ്ചർ സാധിക്കുന്ന ഭൂമികളാണവ. അതുകൊണ്ട് ആ സ്ഥലങ്ങളെ സംബന്ധിച്ചേടത്തോളം ജന്മിക്കു കൊടുക്കേണ്ട വീഹിതം വളരെ കുറച്ചു നിശ്ചയിക്കണം. പതിനാറിലൊന്നോ മറെറു ആക്കി ചുരുക്കണമെന്നാണ് ഏക്കറിനു അഭിപ്രായം. കരുമുളകിനെ സംബന്ധിച്ചേടത്തോളം ആറിലൊന്നാണ് എന്നാക്കി മാറ്റാൻ മാത്രമാണ് ബഹു: മന്ത്രി സമ്മതിച്ചത്. തോട്ടങ്ങളെ സംബന്ധിച്ചും ഡൈ ലാൻറിനെ സംബന്ധിച്ചും ജന്മിക്കു കൊടുക്കേണ്ട വീഹിതം വളരെയധികം വെട്ടിച്ചുരുക്കിയെങ്കിൽ മാത്രമേ കൃഷിക്കാരന് രക്ഷ കിട്ടാൻ പോകുന്നുള്ളൂ. ഇപ്പോൾ അങ്ങനെയൊന്നും നോക്കാൻ സാധ്യമല്ല എന്നുള്ള മനോഭാവമാണ് ഗവണ്മെന്റിനുള്ളതെങ്കിൽ കൃഷിക്കാരനു യാതൊരു രക്ഷയുമില്ലെന്നു ഉറപ്പിച്ചു പറഞ്ഞുകൊള്ളട്ടെ. ഫെയർ റെന്റ് നിശ്ചയിക്കുകയാണെങ്കിൽ അതു ഏതു ജന്മിക്കും കടിയാനും ഒരുപോലെ ബാധകമാണ് എന്നു പറയുന്നു. ഒരു contract rent-ാം fair rent-ാം ഏതാണ് കുറവ്? അതു സമ്മതിക്കണം എന്നതിനെ ഒരു നൂറു പക്കം മാത്രമേ എതിർക്കുന്നുള്ളൂ. “Whichever is less” എന്നു വ്യക്തമാണെന്നാണ് ഞാൻ പറയുന്നത്. അല്ലെങ്കിൽ പാട്ടം വഴിപ്പിടിക്കാനുള്ള ഒരു നിയമമാണ് ഇപ്പോൾ അസംബ്ലിയുടെ മുമ്പിൽ ഇരിക്കുന്നതെന്ന് പറഞ്ഞാൽ തെറ്റില്ല. എന്തെല്ലാം പറഞ്ഞാലും ശരി, ഏതു മന്ത്രിയായാലും ശരി, മലബാറിലെ കൃഷിക്കാരുടെ മുമ്പിൽ ഈ ബില്ലും കൊണ്ടുവെക്കാൻ സാധ്യമല്ല. കൊണ്ടുവെക്കാലും യാതൊരു പ്രയോജനവും ഉണ്ടാകാൻ പോകുന്നില്ല. കമ്മ്യൂണിസ്റ്റ് കാർ വിപ്ലവകാരികളാണ്, എന്തു പറഞ്ഞാലും അവർ എതിർക്കും എന്നെല്ലാം പറഞ്ഞു തുറന്നുനോക്കിയില്ല. എല്ലാ പാട്ടികളിലെ അംഗങ്ങളും ഒരു ആവശ്യംതന്നെ ആവർത്തിച്ചു പറയുന്നു. അതു ചെവികൊള്ളാൻ ഗവണ്മെന്റ് തയ്യാറാണോ എന്നാണ് ചോദ്യം. മലബാറിലെ കൃഷിക്കാരെക്കൊണ്ട് ഈ ബില്ല് സ്വീകരിക്കാൻ സാധിക്കുമോ എന്നു ഞാൻ ചോദിക്കുന്നു. സാധ്യമല്ലെന്നു ഞാൻ ഉറപ്പിച്ചുറപ്പിച്ചു പറയുന്നു.

“വിനെ പന്ത്രണ്ടു കൊല്ലത്തെ കൈവശത്തിന്റെ കാര്യം പറയുന്നതാണ്. മലബാറിൽ പ്രത്യേകിച്ചും മലപ്രദേശങ്ങളിൽ പന്ത്രണ്ടു കൊല്ലം കൈവശമുള്ളവർ വളരെ ചുരുക്കം. അടുത്ത കാലത്താണ് പലക്കും ഭൂമി കൈവശം കിട്ടിയിട്ടുള്ളത്. എന്നു മാത്രമല്ല, ജന്മിമാർക്കു ഒഴിപ്പിച്ചെടുക്കാനുള്ള അവകാശം കൊടുക്കുകയാണെങ്കിൽ ഉടൻതന്നെ വളരെയധികം ഒഴിപ്പിക്കുകയാൽ നടക്കാനുള്ള സാധ്യതയുണ്ട്. ചില പാവപ്പെട്ട ജന്മിമാരുണ്ട്. അവർക്കു എന്തെങ്കിലും രക്ഷചെയ്യേണ്ട എന്നുള്ള ഒരു ചോദ്യം ഉണ്ട്. ചെറിയ ജന്മിമാരുടെ സംഖ്യയും ധാരാളമുണ്ട്. പേരിനാലാത്രം ജന്മികളാണ് അവർ. അതിനെ സംബന്ധിച്ച് എന്തെങ്കിലും ഒരു വ്യവസ്ഥ ഈ അസംബ്ലിക്ക് ആലോചിച്ചു ഉണ്ടാക്കാവുന്നതാണ്. പക്ഷെ അതിന്റെ പേരിൽ കൃഷിക്കാരെ ഉപദ്രവിക്കരുതെന്നാണ് എനിക്ക് പറയുവാനുള്ളത്. വലിയ കൃഷിക്കാരുടെ കയ്യിൽനിന്നും കുറച്ചു ഏക്കറുകൾ വ്യവസ്ഥ ചെയ്യാലും തരക്കേടില്ല. എന്നാൽ ചെറുജന്മിമാരുടെ പേരും പർത്തു എല്ലാ ജന്മിമാർക്കു ഒഴിപ്പിക്കാനുള്ള അവകാശം കൊടുക്കുന്നത് ശരിയല്ല. അതുകൊണ്ട് ചെറിയ ജന്മിമാർക്കു

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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, down-trodden, 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 beck 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.

“ 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.

"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 mandaté 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.

"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 for 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.

"Then comes the question of cultivation expenses. Now, it has 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."

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.

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 almost 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 നാലു ലക്ഷം ജനങ്ങൾ ഉറപ്പാക്കിക്കൊണ്ടിരിക്കുന്ന മലബാർ കടിയായ്ക്കുമ്പോൾ ഈ അസംബലിയിൽ മുമ്പാകെ വന്നിരിക്കുന്ന ഈ അവസരത്തിൽ മലബാറിലെ കടിയായ്ക്കന്മാരുടെ നിലനില്പിന്നും അഭിവൃദ്ധിയിക്കും വേണ്ടതെല്ലാം വകവെച്ചുകൊടുക്കുകയാണ് ബില്ലിന്റെ ഒന്നാമത്തെ ആവശ്യം. മലബാറിലെ ബഹുമാനപ്പെട്ട ചില മെമ്പർമാർ കടിയായ്ക്കന്മാരുടെ അവശതകളെ സംബന്ധിച്ച ബില്ലിൽ എന്തെല്ലാമാണ് മാറ്റം വരുത്തേണ്ടതെന്ന് ഇവിടെ സംസാരിച്ചു കഴിഞ്ഞു. ഉൾക്കടിയായിൽ താമസിക്കുന്നതിൽ വലിയൊരു ജനവിഭാഗം (5 ലക്ഷത്തോളം) ഹരിജനങ്ങളാണ്. സെലക്ട് കമ്മിറ്റി ഉൾക്കടിയായിൽ താമസിക്കുന്നവരുടെ കാര്യമായി മൂന്നു കൊല്ലമെന്ന ബില്ലിൽ ചേർത്തിട്ടുണ്ടെങ്കിലും ബഹു: ചീഫ് മിനിസ്റ്റർ ഇപ്പോൾ അതു ഒരു കൊല്ലമാക്കിയതിൽ ഞാൻ അദ്ദേഹത്തെ പ്രത്യേകം അഭിനന്ദിക്കുന്നു. ഹരിജനങ്ങളും backward മനുഷ്യരും ആണ് അധിക ഭാഗവും ഉൾക്കടിയായിൽ താമസിക്കുന്നത്. അവർക്കുവേണ്ടി ഈ കടിയായ്ക്ക ബിൽ എന്തെങ്കിലും സംരക്ഷണ വ്യവസ്ഥ ഉൾക്കൊള്ളിക്കണമെന്നുള്ളതിനെ സംബന്ധിച്ച മലബാറിലെ ഹരിജനങ്ങളിൽനിന്നു ഏനിക്ക അനവധി ഹരജികൾ ഇവിടെ കിട്ടിക്കൊണ്ടിരിക്കുന്നു. ഹരിജനങ്ങൾ ഉൾക്കടിയായിൽ താമസിക്കുന്ന സ്ഥലങ്ങൾ ഒരിക്കലും കഴിപ്പിക്കാൻ പാടില്ലെന്ന് ഒരു വ്യവസ്ഥകൂടി ഈ ബില്ലിൽ ചേർക്കണം എന്നായിരുന്നു.

"രണ്ടാമത്ത്, കൃഷിക്കാർ വളരെക്കാലമായി വളരെ ബുദ്ധിമുട്ടുകൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്നു. അധികം പേരുടേയും വീടും പറമ്പും പണയത്തിലാണ്. അതുകൊണ്ട് കൃഷിയിൽ കൈവശമുള്ള കടിയായ്ക്കന്മാർ തീരെ കഴിപ്പിക്കാൻ പാടില്ലെന്ന് ബില്ലിൽ വ്യവസ്ഥ ചെയ്യണം. ചിലർ പാട്ടമായി തരിശുഭൂമികൾ നാലോ അഞ്ചോ കൊല്ലത്തേക്ക് കടിയായ്ക്കു ചുറ്റുന്നതൊക്കെയും ആ സ്ഥലത്തു അവർ പണവും അദ്ധ്വാനവും കൊണ്ട് അനുഭവങ്ങൾ അധികം ഉണ്ടാക്കിയിട്ടുണ്ട്. പാട്ടം നോക്കി നിശ്ചയിക്കുന്ന വ്യവസ്ഥ ബില്ലിൽനിന്നു എടുത്തു കളയേണ്ടതാണ്. അതുപ്രകാരം അറിയാതെ കൃഷി സ്ഥലം കഴിക്കാത്തതിന്നു ചാർജ്ജ് വാങ്ങി കടിയായ്ക്കന്മാർക്കു കഴിയാതെത്തന്നെ അവർ കടിയായ്ക്കന്മാർക്കു വേണ്ടുന്ന അനുഭവവികാസം നോക്കി നിശ്ചയിക്കുന്ന വ്യവസ്ഥ ബില്ലിൽനിന്നു

[Sri M. Chadayan]

[7th January 1954]

എടുത്തുകയറണം. മലംപ്രദേശങ്ങൾ വെട്ടിത്തെളിച്ച കയറ്റുകൂട്ട് കൃഷിയെ വരുത്തുകയാണ് പത്തനം തട്ടിയിൽ കാണുന്നത്. അത് പത്തനം തട്ടിയിൽ കാണുന്നത് ആണ് അപേക്ഷിക്കുന്നത്.

“മലബാറിൽ ഏതാണ്ട് താലൂക്കിലുള്ള കൃഷിക്കാർ കൃഷിയിൽ വന്ന നഷ്ടംകൊണ്ട് അവരുടെ സ്വത്തും പറയും കടത്തിലാണുള്ളത്. കൃഷിചെയ്യുവാൻ നീക്കിവച്ച സംഖ്യ വളരെ കുറവാണ്. അത് കുറച്ചുകൂടി വർദ്ധിപ്പിച്ചുകൊടുക്കേണ്ടതാണ്. മലബാറിന്റെ നാനാ ഭാഗങ്ങളിലുള്ള 90 ശതമാനം വരുന്ന കടിയാന്മാർ പ്രത്യേകമായ ആനുകൂല്യങ്ങൾ ലഭിക്കാതെ 10 ശതമാനം വരുന്ന ജന്മിമാർക്ക് ആനുകൂല്യങ്ങൾ ചെയ്യുകയോ കടിയാന്മാർക്ക് രക്ഷയില്ലെന്നുവന്നാൽ, കോടതികളിൽ കേസുകളും കലാപങ്ങളുമായിരിക്കും ഉണ്ടാകാൻ പോകുന്നത്. ഈ ബില്ല് സെലക്ട് കമ്മിറ്റിയിൽ വരുത്തുന്നതിനുള്ള ഉടനെത്തന്നെ എത്രയോ ജന്മിമാർ കോടതികളിൽ അപ്പീലും തയ്യാറാക്കി കൊടുത്തുകഴിഞ്ഞു. ഈ ബില്ല് വ്യവസ്ഥയനുസരിച്ച ചിലതരം കടിയാന്മാർക്ക് കൃഷിയിൽ വരുത്തുന്നതിനും ജന്മിമാർക്ക് രക്ഷയുണ്ടായിട്ടുള്ളതും ഇത് ബില്ല് പലതരം ഉൾപ്പെടുത്താൻ ജന്മിമാർക്കുള്ള ശ്രമിക്കുന്നുണ്ട്. അതുകൊണ്ടാണ് ഞാൻ പറയുന്നത് ഭൂമി കൈവശമുള്ള യാതൊരു കൃഷിക്കാരനെയും തീരെ കെട്ടിപ്പിടിക്കാൻ പാടില്ലെന്ന ഒരു വ്യവസ്ഥ വന്നാൽ മാത്രമേ കൃഷിക്കാർക്ക് രക്ഷയുള്ളൂ എന്ന്. അല്ലെങ്കിൽ കടിയാന്മാർക്ക് അനവധി ബുദ്ധിമുട്ടുകളും ഉപേക്ഷിക്കേണ്ടതും. ഞാൻ മലബാറിൽ ഒരു ചെറിയ കടിയാനാണ്. 1946 ൽ എന്ന് കെട്ടിപ്പിടിക്കാൻ ജന്മി തളിപ്പറമ്പ് കോടതിയിൽ അപ്പീലും കൊടുത്തതിന്റെ ഫലമായി എന്ന് കെട്ടിപ്പിടിക്കാൻ വിധിയുണ്ടാവുകയാണ് ചെയ്തത്. കേസ്സിൽ നിന്നും എന്ന് നാലായിരം ഉറപ്പികയോളം ചെലവായിട്ടുണ്ട്. ആ കേസ്സിൽ ഇപ്പോൾ ജയിൽക്കാരനായിരിക്കുകയാണ് ചെയ്തത്. അതുകൊണ്ട് ഞാൻ എന്റെ അഭിപ്രായം അതിനിന്നാണ് പറയുന്നത്, കടിയാന്മാർക്ക് രക്ഷ നൽകുന്ന വ്യവസ്ഥകൾ വേണം അതുകൊണ്ട് ഈ ബില്ല് ഉൾപ്പെടുത്താൻ. കൃഷിക്കാരെ യാതൊരു കാരണവശാലും കെട്ടിപ്പിടിക്കാൻ പാടില്ലെന്നതാണ് വ്യവസ്ഥ ചെയ്യണം. നാല്പത് ഉറപ്പിക നികുതി കൊടുക്കുന്ന ഭൂമിയിൽനിന്നും ജന്മി 600 ഉറപ്പികയോളം പാട്ടം വാങ്ങുന്നുണ്ട്. കടിയാന്റെ രക്തമാണ് ജന്മി ഉൾക്കൊള്ളുന്നത്. അത് ഈ ബില്ല് കൊണ്ട് അപസാനിപ്പിക്കുകയാണ് വേണം. അതുകൊണ്ട് എന്ന് ഗവണ്മെന്റിനോടും, ബഹുമാനപ്പെട്ട സഭയോടും അപേക്ഷിക്കുന്നുണ്ട് ബുദ്ധിമുട്ടും നാനാവശങ്ങളും പരിഗണിച്ചു കടിയാന്മാർക്ക് അനുകൂലമായി ഈ ബില്ല് പാസ്സാക്കണമെന്നാണ്. ഉൾക്കൊള്ള സംബന്ധിച്ചിടത്തോളം ഒരു കൊല്ലമെന്നത് ആറു മാസമെന്നത് വ്യവസ്ഥ ചെയ്യണമെന്നും ഞാൻ അപേക്ഷിക്കുന്നു. സെൽ കാനോ ഫോസ്റ്റർ താലൂക്കിലും ഉൾക്കൊള്ള വ്യവസ്ഥ നടപ്പിലാക്കണമെന്ന് ഞാൻ അഭ്യർത്ഥിക്കുന്നു.”

* SRI E. T. KUNHAN:—“മിസ്റ്റർ സ്പീക്കർ, സർ, ഏതാണ്ടുകാലത്തായി ചേരും ചളിയും കടിച്ചു കഷ്ടപ്പെടുന്ന കൃഷിക്കാർ അവർക്ക് ആശ്വാസം നൽകുന്ന ഒരു ബില്ല് അതുകൊണ്ട് എത്രയോ കാലമായി ആഗിച്ചുകൊണ്ടിരിക്കുകയായിരുന്നു. കോൺഗ്രസ്സ് ഗവണ്മെന്റ് അധികാരത്തിൽ വന്നതിനുശേഷം ശ്രീമാന്മന്ത്രിയോട് കൊടുത്ത ബില്ല് കടിയാൻ ബില്ല് അല്ല ജന്മിബില്ല്. ഈ ബില്ല് മാധവ മേനോൻ വളരെക്കാലം ആലോചിച്ചു തയ്യാറാക്കിയതാണെന്നു പറയണം. പക്ഷെ അത് കടിയാൻ ബില്ല്, ജന്മി ബില്ല്. അതുകൊണ്ടാണ് കൃഷിക്കാരനെ ഇക്കഴിഞ്ഞ 1953 ലെ തിരഞ്ഞെടുപ്പിൽ മാധവമേനോനെ ആട്ടിത്തെളിച്ചു വയനാടൻ മല കയറിയത്. അവിടെനിന്നും കുത്തി ചാടിച്ചു തോളിച്ചത് കൃഷിക്കാരന്റെ ബില്ല് അല്ല ജന്മിബില്ല്. ശ്രീ മാധവമേനോന്റെ ഈ ബില്ല് പിന്നീട് ഇന്നത്തെ മലയാളമന്ത്രി ഒരു നല്ല ബില്ല് കൊടുത്തതാണെന്നു പ്രതീക്ഷിച്ചിരുന്നു. പക്ഷെ ഈ ബില്ല് കൃഷിക്കാർക്ക് ഏറെയും ദോഷമായിത്തീർന്നു കൊണ്ടുണ്ട്. ജന്മിമാർക്ക് രക്ഷ നൽകുന്ന ഒരു ബില്ല് ഇത്. മലബാറിൽ ഭൂമി പക്കവും ഉൾക്കൊള്ളുന്നുണ്ട്. പ്രത്യേകിച്ചും പൊന്നാനി താലൂക്കിൽ അറുപതു ശതമാനവും ഉൾക്കൊള്ളുന്നുണ്ട്. മൂന്നു കൊല്ലം താമസിച്ച് സ്ഥിരവകാശമെന്നൊരു കൊല്ലം താമസിച്ച് സ്ഥിരവകാശമെന്നൊരു ഉള്ളൂ മാറി ഇന്ന് താമസിക്കുന്നവർക്ക് സ്ഥിരവകാശമെന്നാണു്. ഇതിനകത്തന്നെ അനവധി പേരെ കെട്ടിപ്പിടിച്ചു കഴിഞ്ഞിട്ടുണ്ട്. ഈ ബില്ല് പ്രസിദ്ധപ്പെടുത്തിയതിനുശേഷം എത്രയോ ഉൾക്കൊള്ള

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കൊണ്ട് കെട്ടിപ്പിടിച്ചു. നാട്ടികൾക്കായിട്ട് എടുത്തതിൽ അയ്യൻ മേൽ രാമൻ, അടിമ എന്ന പരിജനങ്ങളുടെ വീടിന്നു സ്ഥലംപാലും കിളച്ചു നിറത്തി കടിയിറക്കി എന്നൊരു ഹരജി ഇവിടെ എനിക്ക് കിട്ടിയിരിക്കുന്നു.

“ഇങ്ങനെ എത്ര ഉദാഹരണങ്ങൾ വേണമെങ്കിലും പറയാനുള്ളത്. തിരൂരിൽ കട വെട്ടു പടിക്കൽ കോത എന്നൊരു ഹരിജനെ കടിയിരുത്തിയിട്ടുണ്ട്. അവന്റെ വീട്ടുസാമന്തന്മാരും പുറത്തു വലിച്ചെറിഞ്ഞിനുശേഷം ബലം പ്രയോഗിച്ചാണ് കടി ചെയ്തിട്ടത്. ഇങ്ങനെ അനവധി കേസുകൾ ഉണ്ടായിട്ടുണ്ട്. അതുകൊണ്ട് ഞാൻ പറയുന്നത് മൂന്നു കൊല്ലമെന്നുള്ളത് ഒരു കൊല്ലമാക്കിത്തീർക്കുകയും അത് പോലും മൂന്നു മാസമെന്നൊരു ആറു മാസമെന്നൊരു ആക്കണമെന്നാണ്. ഇതിനകം കെട്ടിപ്പിടിച്ചുള്ള സ്ഥലങ്ങൾ തിരിയെ കിട്ടാനും വ്യവസ്ഥ വേണം. ഇന്ന് കൈവശമുള്ള ഉൾക്കൊള്ളലും തന്നെ ആ നിലയിൽ തുടരണം. ഈ ബില്ല് തയ്യാറാക്കി പ്രഖ്യാപിച്ചിട്ടുള്ളത് 1953 മാച്ച് 28-ാം തീയതിയാണ്. അതിനുശേഷം കെട്ടിപ്പിടിച്ചവർക്കും തിരികെ കൊടുക്കാനുള്ള വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തണം. ജന്മിമാർക്ക് ഒരു മുഖ്യ പ്രവൃത്തി താഴെ പറയും വിധത്തിലാകണം. ഒരുവന്നു ആദ്യം ഒരു സ്ഥലം കൊടുക്കണം. അവിടം അവൻ കഴിഞ്ഞുവെച്ചു വെച്ചു നന്നായി വരുമാനം വേറെ ഒരു പറമ്പ് കൊടുക്കണം. അത് നന്നാക്കി കഴിഞ്ഞു ഉണ്ടാക്കി വരുമാനം വേറെ പറമ്പിലേക്കു മാറിക്കൊടുക്കണം എന്നു പറയും. ഇങ്ങനെ മാറിമാറി വരുമാനം വേറെ പറമ്പിലേക്കു മാറ്റുന്നതാണ് വരുമാനം പ്രയോജനപ്പെടുത്തുക.

“മറ്റൊന്നു പറയാനുള്ളത് കൃഷിക്കാരുടെ പാട്ടുവാക്കിയ സംബന്ധിച്ചാണ്. ആറു കൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നാണ് ബില്ല് പറയുന്നത്. അതുകൊണ്ട് തന്നെയാണ് പറയുന്നത് ഈ ബില്ല് കടിയാന്റെ ബില്ല്, ജന്മിയുടെ ബില്ല്. പാട്ടം കൊടുത്താൽ രണ്ടോ മൂന്നോ പറ ബാക്കി വന്നാൽ ജന്മി പറയും മറ്റു പറയും കൊടുക്കുമെന്ന്. കൊടുത്ത സംഖ്യയ്ക്കു രാജി കൊടുക്കുകയല്ല. അങ്ങനെ അന്നു പറയും രാജി കൊടുക്കുകയല്ല. എന്തിനാണ് പറയിട്ടുണ്ട്. ഒടുവിൽ കോടതിയിൽ കേസ് കൊടുത്തപ്പോൾ കോടതി വകവെച്ചു തന്നില്ല. ആറു കൊല്ലം എന്നുള്ളത് ഒരു കൊല്ലമായിട്ടെങ്കിലും കുറയ്ക്കണമെന്നാണ് ഞാൻ അഭ്യർത്ഥിക്കുന്നത്.

“മറ്റൊന്നും, പന്ത്രണ്ടു കൊല്ലം കൈവശമുണ്ടായിരുന്ന കൃഷിക്കാർ സ്ഥിരവകാശം കൊടുക്കുമെന്ന ബില്ല് കാണുന്നുണ്ട്. അത് ഒരു ആറു കൊല്ലമെന്നായി തിരുത്തിയിട്ടുണ്ട് എന്നു പറയണം. അത് മാറി മൂന്നു കൊല്ലമെന്നായി ആക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. കൃഷിക്കാർക്ക് ഇല്ലമുള്ള ഒരു ബില്ല് കൊണ്ടുവന്നാൽ മൂന്നു കൊല്ലമാകുന്നതാണ് വേണമെന്നു പറയാനുള്ളത് ഞാൻ അപസാനിപ്പിച്ചുകൊള്ളുന്നു.”

* 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

[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."

* SRI O. KORAN :—"സാർ, മലബാറിലെ ജനങ്ങളെ സംബന്ധിച്ചിടത്തോളം അതിപ്രധാനമായിട്ടുള്ള ഒരു നിയമമാണ് ഈ നിയമസഭയിൽ ആലോചനകൾ വന്നിട്ടുള്ളത്. എനിക്ക് ഈ സഭ മുമ്പാകെ കൊണ്ടുവരാനുള്ള പ്രധാന സംഗതികൾ മറ്റു പല ബഹുമാനപ്പെട്ട മെമ്പർമാരും പറഞ്ഞുകഴിഞ്ഞുവെങ്കിലും ഉൾക്കടിയെ സംബന്ധിച്ചും മറ്റും എനിക്ക് ചിലതു കൂടി പറയാനാണ്. ഈ നിയമത്തിൽ അതിപ്രധാനമായത് കൃഷിക്കാരന് സ്ഥിരവകാശം, മറ്റൊന്നും നിശ്ചയിക്കൽ, ഉൾക്കടിയെ കുറയ്ക്കുന്നതിനെ സംബന്ധിച്ചതാണ്. ഈ കാര്യത്തിൽ മാറ്റം വരുത്തിയപ്പോൾ മെലികമായ വസ്തുതകളിൽനിന്നും ഗവണ്മെന്റ് വ്യതിചലിച്ചതുപോലെ കാണുന്നുണ്ട്. ആദ്യത്തെ നിയമത്തിൽ ഫോട്ട് കൊച്ചിയിൽ ഉൾക്കടിയെ സംബന്ധിച്ച യാതൊരു കാലപരിഗണനയും വകവെക്കാതെ സ്ഥിരവകാശം നൽകണമെന്നായിരുന്നു. എന്നാൽ ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതികൊണ്ട് യാതൊരു മെലും ഉണ്ടാകാൻ പോകുന്നില്ല. ഫോട്ട് കൊച്ചിയിലുള്ള പരിതഃസ്ഥിതികൾതന്നെയാണ് മലബാറിലെങ്ങും ഉള്ളത്. മലബാറിൽ കാലം നിശ്ചയിച്ചുകൊണ്ടുള്ള ഒരു നിയമം കൊണ്ടുവരുന്നതുകൊണ്ട് ഉൾക്കടികളെ കുറയ്ക്കുകയും ഭേദിക്കുകയും ഗവണ്മെന്റ് ജന്മിമാർക്കു സൗകര്യമുണ്ടാക്കിക്കൊടുക്കുകയാണ് ചെയ്യുന്നത്. ഫോട്ട് കൊച്ചിയിൽ കൊടുത്തിരിക്കുന്ന വ്യവസ്ഥ എന്തുകൊണ്ടു കാലപരിഗണന കൂടാതെ മലബാറിലും നടപ്പിൽ വരുത്തിക്കൂടാ എന്നു ഞങ്ങൾ മന്ത്രിമാർ പറയുന്നില്ല. അടിസ്ഥാനപരമായ ഒരു കാര്യത്തിൽ, അതേപോലെ പാട്ടുപേട്ട പണിയെടുക്കുന്ന സാധ്യമായ ഉൾക്കടികൾക്കു ഗുണപ്രദമായ ഒരു നിയമം നടപ്പിൽ വരുത്താൻ ഗവണ്മെന്റ് എന്തിന് മടിക്കണം? ഉൾക്കടികൾക്കു സ്ഥിരവകാശം നൽകാനുള്ള വ്യവസ്ഥകൾ ഉൾക്കൊള്ളിക്കാൻ മടിക്കണമെന്നത് അർത്ഥവ്യയമായ ഒരുപാധം തന്നെയാണ്. ഇക്കാര്യങ്ങൾ ഗവണ്മെന്റ് വേഗം പോലെ പരിഗണിക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

"ഈ നിയമം വരാൻപോകുന്നവനെ കേട്ടുനോട്ടുകൂടി നിർബ്ബന്ധിച്ചു കച്ചിട്ടു എഴുതിച്ചും മറ്റും ഉൾക്കടികൾക്കു പുറത്തുള്ളി കൊണ്ടിരിക്കുകയാണ്. സാർ, മാതാപിതാ കൊലചെയ്യുന്നതു കണ്ടുനിന്ന കുട്ടിക്ക് കേസു കൊടുക്കാനോ തെളിവു ഹാജരാക്കാനോ പോലും സാധ്യമല്ലാത്ത ഒരു നിലയിൽ ജന്മിമാർ പിടിച്ചുപറ്റിക്കിയിരിക്കുന്ന ഒരു പരിതഃസ്ഥിതിയാണ് അവിടെ ഉള്ളത്. ഗവണ്മെന്റ് ഇക്കാര്യങ്ങൾ വേണ്ടപോലെ പരിഗണിക്കുമെന്നു ഞാൻ ആശിക്കുന്നു.

7th January 1954] [Sri O. Koran]

"കൃഷിക്കാരന് സ്ഥിരവകാശം കൊടുക്കുക, പാട്ടും കുറയ്ക്കുക മുതലായ പ്രശ്നങ്ങൾ ജന്മി ഇവിടെ പലരും പറഞ്ഞുകഴിഞ്ഞു. ഈ നിയമത്തിൽ ഒരു വ്യവസ്ഥ ഉൾക്കൊള്ളിച്ചാൽ നന്നായിരിക്കും. കർഷകരെപ്പോലുള്ളവർക്കു കറഞ്ഞ കൂലി നിശ്ചയിക്കുകയും ജോലിസ്ഥിരത നൽകുകയും കൂടി ചെയ്യാൻ കൊള്ളാം. പണ്ടുവാൾ ആപ്പു തമ്പുവുൾ നടുപ്പിൽ വരുത്താമെങ്കിൽ എന്തുകൊണ്ട് മലബാറിൽ നടപ്പിൽ വരുത്തിക്കൂടാ.

"പാട്ടുപറയെ സംബന്ധിച്ചതാണ് മാറ്റം വരുത്തേണ്ട പ്രശ്നം. കള്ളപ്പറ വെച്ചു പാട്ടും അങ്ങനെയുള്ള കടിയന്മാരെ ഭേദിക്കുന്ന ഒരു ഷർട്ട് ജന്മിമാരെ ഇടയില്ലെന്ന്. അതിനും ഒരു പോംവഴിയുണ്ടാകുന്നത് നന്നായിരിക്കും. ജന്മിമാർ വളരെ കടുപ്പമുള്ള വിഭാഗമാണെന്നും മറ്റും ചിലർ പറഞ്ഞുകേട്ടു. നാട്ടുകാരെ പലവിധത്തിൽ വികുലിപ്പിക്കുന്ന ഒരു വിഭാഗമാണ് ജന്മിമാർ. കാലമേറേ വീട്ട് കാടിക്കണംമെങ്കിൽ ജന്മിയുടെ അനുവാദം വേണമെന്നു പറഞ്ഞാൽ അതുകൊണ്ട് മനസ്സിലാക്കാം ജന്മിമാരെ നിലപാട്. ഇതിനെല്ലാം പരിവർത്തനം വരുത്തേണ്ടത് അത്യാവശ്യമാണ്. കോൺഗ്രസ്സ് ഭരണാധികാരത്തിൽ ഇരുന്നുകൊണ്ട് മലബാറിലെ ഭൂരിപക്ഷം ജനങ്ങളുടെ നിലയെ അവഗണിച്ചു ഒരു നിയമം പാസ്സാക്കുന്നത് ജനായത്തവിരുദ്ധമാണ്. കാലത്തിന്റെ ഗതിയനുസരിച്ചു രാജ്യത്തെ മുന്നോട്ടു കൊണ്ടുപോകാൻ ഗവണ്മെന്റ് ശ്രമിക്കണമെന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു. അതിന്നു മലബാറിലെ വ്യവസ്ഥിതിയിൽ അടിസ്ഥാനപരമായ മാറ്റങ്ങൾ വരുത്തുകയാണ് ആവശ്യമെന്നു പറഞ്ഞുകൊണ്ട് ഞാൻ അവസാനിപ്പിക്കുന്നു."

* SRI T. C. NARAYANAN NAMBIAR :—"Mr. Speaker, Sir, I would have been the most fortunate and happy man if I had 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.

"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."

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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.

“ 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 to 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 realize 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. 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 connexion 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.

" 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.

THE MADRAS INDEBTED AGRICULTURIST
(TEMPORARY RELIEF) BILL, 1954

8th January 1954]

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. 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 ^a, 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

^a Published in the Fort St. George Gazette, dated 6th January 1954.

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. S. J. SIVASHANMUGAM PILLAI) in the Chair.

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[Sri M. A. Manickavelu Naicker] [8th January 1954]

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.'"

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.”

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. Swayamprakasam had pointed out earlier, this Bill is not one that simply reproduces the provisions of the Ordinance. In fact, in the Bill

8th January 1954] [Sri V. Gopala Gounder]

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 bullocks 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.'"

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.)

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 சட்டத் தின்மூலம் கனம் மந்திரி அவர்கள் ஒரு வருஷகாலத்திற்கு ஒத்திப் போட்டிருக்கிறார்கள். தஞ்சாவூர் ஜில்லா விவசாயிகளிடம் பரம்பரையாக 100, 200 வருஷங்களாக இருந்துங்கூட நேற்று வாங்கியதுபோல் எழுதி வாங்கியிருக்கிறார்கள். சென்ற வருஷம் வாங்கிய கடன் இதில் சேர்க்கப்பட

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வில்லை; ஆகையால் இப்பொழுது இந்தச் 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 சட்டத்தின் மூலம் கடனாக பணம் கொடுத்துவ வேண்டும். அதற்கு கோவாபரேடிச் சொசைட்டி மூலமாக முன்கூட்டி அட்வான்சாக கொடுக்க வேண்டுமென்ற சட்டம் விவசாயிகளுக்கு தேவையே தவிர ஒத்திவைப்பதால் ஒரு பிரயோஜனமுமில்லை. மேலும் இது எல்லா பிரதேச விவசாயிகளுக்கும் இந்தச் சட்டம் போடப்பட்டிருக்கிறது. அப்படி இருப்பது அவர்களுக்கு கெடுதலை தவிர எந்த விதத்திலும் பிரயோஜனம் இல்லை என்பதை நான் சொல்லிக் கொள்ள ஆசைப்படுகிறேன். விவசாயிகளுக்கு அவர்கள் (manure) எரு, விதை வாங்கும்படி உதவி செய்ய இந்தச் சட்டத்தைத் தஞ்சாவூர் ஜில்லாவுக்கு கொண்டுவந்து பழைய பண்ணையாட்களுக்கு பாதுகாப்பு அளித்து முன்னர் வாங்கிய கடனைத் தள்ளிக்கொடுக்க கேட்டுக்கொண்டு முடித்துக் கொள்ளுகிறேன்."

SRI P. G. KARUTHIRUMAN:—"கனம் சேர்மன் அவர்களே, இந்தச் சர்க்காரால் கொண்டுவரப்பட்டிருக்கும் 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 செல வழிக்கப்பட்ட உற்பத்திச் செலவை விட அதிகமாக செலவான காரணத்தால், விளைந்த பொருள்களையெல்லாம் தீ வைத்து கொடுத்தி 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 என்பதைச் 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 விற்பனையும், 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

[Sri P. G. Karuthiruman] [8th January 1954]

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 பயி ரிட்டு, தங்களுக்குத் தேவையான அரிசியைக் கொண்டு வருவதற்காக சில வியாபாரிகள், மில் முதலாளிகள் விவசாயிகளாக மாறினர். இந்த வியா பாரிகள் 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 வித மான பாத்தியதையும் ஏற்படாத நிலைமை ஏற்படவேண்டும்.

“சாதாரண விவசாயிகளை எடுத்துக்கொண்டால் அவர்கள் உண்மை யாகவே உற்பத்தி செய்கிறார்கள். இந்த விவசாயிகளுடைய நிலை பல இடங்களில் பலவிதமாக இருக்கும். தஞ்சை அங்கத்தினர் ஒருவர் சொன் னார். அங்குள்ள பூமிகளுக்கு, அதாவது சில இடங்களில் நீர்ப்பாசன வசதி இல்லாவிட்டாலும், மழை பெய்யாவிட்டாலும் விவசாயம் செய்யலா மென்றார். அவர்களுக்கு கிணற்று பாசனமாவது முக்கியம். அதற்காக அவர்களுக்கு விலக்கு அளிக்கப்படவேண்டும். இதெல்லாம் முக்கியமாக கவனிக்கப்படவேண்டும். இப்படிப்பட்ட பூமிகளில் கால மழை பெய்யாத தாலும், வேறு பல காரணங்களாலும் விவசாயிகள் தாங்கள் எதிர் பார்த்த அளவு விவசாயம் பொருள்கள் விளையாது 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 மாதிரி யான சூழ்நிலையாலும் அவன் எண்ணியபடி நிலைமை வராது போகலாம். அதற்கு சர்க்கார் என்ன செய்யவேண்டுமென்று கேட்டால், நான் ஒரு ஆலோசனை சொல்ல முடியும். சாதாரணமாக விவசாயிகளுக்கு இன்கூரன்ஸ் திட்டம் செய்யவேண்டியது அவசியம். இந்தத் திட்டத்தால் வெள்ளாமை செய்ய முடியாத காலத்தில், ஏழை விவசாயிகள் காப்பாற்றபடுவார்கள். ஆகையால் இந்த இன்கூரன்ஸ் திட்டம் விவசாயிகளுக்கு மிகவும் சிறந்த ஒரு முறையாதலால் இதைச் சர்க்காரோ அல்லது வேறு கோவாபரேடிவ், அதாவது அடமான பாங்கு மூலமாகவோ அவர்களுக்கு வேண்டிய செல வுக்கு குறைந்த பணம் கொடுப்பதற்கு ஏற்பாடு செய்யவேண்டும். இந்த முறை அல்லாது வேறு யாரையாவது கடன் கொடு என்றால் இன்றுள்ள நிலை யில் 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 ஒடுக்கப் பட்டது 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 இன்கூரன்ஸ் திட்டத்திலே விவசாயிகளுக்கு நஷ்டத்தை கொடுக்க வசதி செய்தாகவேண்டும். தமிழன் மிகவும் பண்பாடுடையவன். வாங்கியதை எப்படியும் திருப்பிக்கொடுத்து விடுவான். கம்பராமாயணத்திலே கூட

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‘கடன் பட்டார் நெஞ்சம் போல கலங்கினான் இலங்கை வேந்தன்’ என்று இருக்கிறது. ஆனால் இன்று ‘கடன் கொடுத்தான் நெஞ்சப்போல கலங்குகிறான்’ என்று சொல்லவேண்டும். ஆகையால் இந்த இன்கூ ரன்ஸ் திட்டத்தை கொண்டுவந்தால் சர்க்கார் செல்வாக்கு வளரும். அதைக் கொண்டுவரும்படி சர்க்காரை கேட்டுக்கொண்டு, இந்த வசதி இருக் கும்படியான நிவாரணத்தை மிகவும் நல்லதென ஆதரித்து, இதை எல்லா அங்கத்தினர்களும் ஏகமனதாக ஆதரிக்கும்படி கேட்டுக்கொள்ளு கிறேன்.”

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 Govern ment 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. Chair man, 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 intro duced 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 conse quences, 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.

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"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."

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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."

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.

* * * * *

(After lunch—3 p.m.)

THE MALABAR TENANCY (AMENDMENT) BILL, 1953.

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 his 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 Wynaad, 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:—

"I. 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."

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:—"തൃക്കിഴലപ്പ" 25 പാറ എന്ന് നിശ്ചയിച്ചുകൊണ്ട് ഗവർണ്മെന്റ് ഒരു റേറ്റഗതി കൊണ്ടുവന്നിട്ടുണ്ട്. ഏതായാലും അതിൽ കുറഞ്ഞ ഒരു സംഖ്യ കൊണ്ടുവരാൻ ജന്മിമാർക്കു സൗകര്യം കൊടുക്കരുത്. തൃക്കിഴലപ്പ കുറച്ചുകൊണ്ടു വാരം വർദ്ധിപ്പിക്കാമെന്നുള്ള ഒരു സ്ഥിതി ഉണ്ടാകരുത്. തൃക്കിക്കാരന് രക്ഷ കിട്ടാൻ വേണ്ടിയുള്ള ഒരു റേറ്റഗതിയാണിത്. അതുകൊണ്ട് ഇതു സ്വീകരിക്കേണ്ടതാണ്. ഗവർണ്മെന്റ് 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.'

"പുതുതായിട്ടുള്ള ഒരു ക്ലോസ് ഭേദഗതിയായി കൊണ്ടുവരമോ എന്നുള്ള ചോദ്യത്തിന് നാണെങ്കിൽ, ഇവിടെ പല ക്ലാസ്സിലും അങ്ങനെ ഭേദഗതികൾ കൊണ്ടുവന്നിട്ടുണ്ട്. ആ നിലക്കാണ് ഞാനും ഈ 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 :—" സാർ, കയ്യാട് നിലങ്ങളെ സംബന്ധിച്ചിടത്തോളം മറ്റൊരാൾക്ക് ശരിയായ വിവരമില്ല. അതിൽ സാധാരണ ചെലവുണ്ട്. ആരെങ്കിലും തിരികെ ഏകദേശം മുക്കാൽഭാഗത്തിലധികം ചെലവാകും. നാലിലൊന്ന് എന്ന പദം അതിൽ കൃഷിക്കാരന് ആദായമുണ്ടാകുകയില്ലെന്നു മാത്രമല്ല, വളരെ നഷ്ടവും ഉണ്ടാകും. പുത്തൂർക്കോളിനെപ്പറ്റി എനിക്ക് നല്ല അറിവില്ല. അതുകൊണ്ട് ഞാൻ അതിനെപ്പറ്റി ഒന്നും പറയുന്നില്ല."

THE HON. SRI C. RAJAGOPALACHARI :—" அவர்களுக்குத்தான் கால் பங்கு கிடைக்கப்போகிறதே. 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.

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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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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SRI M. NARAYANA KURUP:—"Sir, before speaking on 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."

"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."

[Sri T. C. Narayanan Nambiar] [8th January 1954]

"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.

Sri C. Ahmed Kutti.
 „ T. S. Ardhanari.
 „ A. Ayyaru.
 „ V. Balakrishnan.
 „ M. Chadayan.
 „ P. Chokkalingam.
 „ P. K. Gopalakrishnan.
 „ K. P. Gopalan.
 „ K. C. Gopalan Unni.
 „ M. Kandaswami Kandar.
 „ C. H. Kanaran.
 „ M. Kattimuthu.
 „ S. S. Kolkebail.
 „ O. Koran.
 „ V. R. Krishna Ayyar.
 „ R. Krishnan.
 „ E. T. Kunhan.
 „ Kunhi Mohamed Shafeo.
 „ 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 Nambier.
 „ 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. Bhakthavatsalu Naidu.
 „ V. S. Chinnaswami 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.
 „ 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.
 „ C. 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 Var na 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. Thagaraja Pillay.
 „ S. Thinakarasami Thever.
 „ P. K. Thirumurthi.
 „ G. Vagheesam Pillay.
 „ B. Vaikunta Baliga.
 „ O. Venkatasubba Red i.
 „ S. Venkatrama Ayyar.
 „ K. Venkatramana Gowda.
 „ K. Venkataswamy Naidu.
 „ S. C. Virupakshiah.

Neutral—Nil.

Ayes—38.

Noes—66.

Neutral—Nil.

The amendment was lost.

The amendments of the hon. Members Sri Seethi, Shafeo 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) " " " " " "

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 സബ്ക്ലോസ് ററിയെ നിയമിച്ചിരുന്നു. ആ സബ്ക്ലോസ് ററിയെപ്പോലും 1/8 എന്ന് ഗുവാർശ ചെയ്തിട്ടുണ്ട്. ആറിലൊന്നെങ്കിൽ പത്തിലൊന്നെന്നാക്കണമെന്നാണ് എന്റെ ഭേദഗതി. കരുമുളകു കൃഷിക്ക് ചെലവു വളരെയുണ്ട്. മറ്റുള്ള വിളവുകൾക്കു നിശ്ചയിക്കുന്നതു പോലെ കരുമുളകിന്റേ നിശ്ചയിക്കുന്നതു ശരിയല്ല. കരുമുളകു തോട്ടങ്ങളുടെ വില നോക്കിയാൽ, സ്ഥലങ്ങൾ തുച്ഛമായ വിലയ്ക്കു വാങ്ങിയിട്ടുള്ളവയാണ്. ഏക്കറിനു നൂറു രൂപ കയിലധികം ആവുകയില്ല. എന്നാൽ കൃഷിചെലവു ഏക്കറിന് 2,500 രൂപയിലധികം വരും. ആറിലൊന്നാണ് ജന്മിയുടെ അവകാശമായിട്ടു കണക്കാക്കിയിരിക്കുന്നത്. കെ. പി. സി. സി. സബ്ക്ലോസ് ററിയെന്ന പരയുന്നത് 1/8 കൊടുക്കണമെന്നാണ്. ഞാൻ 1/10 എന്നേ എന്റെ ഭേദഗതികൊണ്ടുദ്ദേശിക്കുന്നുള്ളൂ. ഗവർണ്മെന്റ് ആരു സീക്രട്ടിക്കുമെന്ന് 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—

'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.

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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 'Mulgeni' or the 'permanent' class of tenants. These tenants do not require any help

* Published in the Fort St. George Gazette, dated 2nd January 1954.

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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."

* 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 this 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.

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a.m.

"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 :— "സാർ, ഏതാണ്ട് ഇരുപതു കൊല്ലം മുമ്പായി തെക്കൻ കണ്ണാടക ജില്ലയിൽ ഭൂമിയിൽ അധിപനും ചെറുപ്പനും സ്ഥിരം വകാശം ലഭിക്കുന്നതിന് പ്രക്ഷോഭം ആരംഭിച്ചിട്ടുണ്ട്. 1934 ലാണ് അന്നത്തെ, ഹോസ്ദുർഗ്ഗ് താലൂക്ക് കോൺഗ്രസ്സ് കമ്മിറ്റിയുടെ ആഭിമുഖ്യത്തിൽ അവിടത്തെ ജന്മിമാരുടെ മണ്ണിൽനിന്നും രക്ഷ ലഭിക്കുന്നതിനുവേണ്ടി, കൃഷിഭൂമിയിൽ കർഷകർ സ്ഥിരവകാശം ലഭിക്കാൻ വേണ്ടി, പ്രക്ഷോഭം ആരംഭിച്ചത്. അന്നു അധികാരത്തിലിരുന്നത് വിദേശ ഗവണ്മെന്റ് ആകയാൽ ആ പ്രക്ഷോഭംകൊണ്ട് പ്രയോജനമൊന്നുമുണ്ടായില്ല. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നപ്പോൾ, ഇന്നത്തെ മുഖ്യമന്ത്രിയെന്ന മുഖ്യമന്ത്രിയായി വന്നപ്പോൾ, ലബോർ കടിയായ നിയമം ഭേദഗതി ചെയ്യാൻ തീരുമാനിക്കുകയും അതു തെക്കൻ കണ്ണാടക ജില്ലയിലെ കാസർഗോഡ് താലൂക്കിലേക്ക് പ്രാപിപ്പിക്കേണ്ടതുണ്ടോ എന്നുനോക്കിക്കുന്നതിന്നു 'കുട്ടികൃഷ്ണ മേനോൻ അനേകക്കമ്മിറ്റി'യെ അധികാരം നൽകുകയും ചെയ്തിരുന്നു. കോൺഗ്രസ്സ് ഗവണ്മെന്റ് അധികാരത്തിൽനിന്നു വിട്ടുപോകേണ്ടിവന്നതിനാൽ ആ നിയമം പാസ്സാക്കാൻ സാധിച്ചിട്ടില്ല. അന്നു മുതൽ തെക്കൻ കണ്ണാടക ജില്ലയുടെ പല ഭാഗങ്ങളിലും കൃഷിക്കാർ അവരുടെ അവകാശങ്ങൾക്കുവേണ്ടി പോരാടാൻ തുടങ്ങിയിട്ടുണ്ട്. ഇപ്പോൾ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നു. ജനറൽ കൊല്ലമായിട്ടുണ്ടെങ്കിലും അവിടത്തെ കൃഷിക്കാർ രക്ഷ നൽകാനുള്ള ഒരു ബില്ലു കൊണ്ടുവരാൻ തയ്യാറായിട്ടില്ല. അവിടത്തെ കടിയായ നാൾ യാതൊരു വിചാരിച്ചില്ല എന്നു ഗവണ്മെന്റ് ധരിച്ചിരിക്കുന്നതിന്റെ ഫലമാണിതെന്നു തോന്നുന്നു. എന്റെ സ്നേഹിതൻ മി. പൈ പറയുകയുണ്ടായി : അവിടത്തെ ജന്മിമാർ പ്രജാസാക്ഷ്യബില്ലിന് പാട്ടിക്കാരാണെന്നു്. അവരാണ് കടിയായാൽ റേറ്റും ചെയ്യുന്നതെന്നു മറ്റും. എന്നാൽ കാസർഗോഡ് താലൂക്കിൽ കോൺഗ്രസ്സ് ജന്മിമാർ വളരെ അധികം കടിയായാരെ ഒഴിപ്പിച്ചിട്ടുള്ളതിന്നു തെളിവുകളുണ്ട്. ഒരു കോൺഗ്രസ്സ് എം.എൽ.എ. യോട് ഒരു കടിയറക്കൽ കാര്യത്തിലടപെടുവാൻ ഞാൻതന്നെ പറഞ്ഞിട്ടുണ്ടായിരുന്നു. എന്നാൽ അവിടെ ഒരു കടിയൻ നിയമമില്ലെന്നുള്ളതാണ് എല്ലാ കുറ്റപ്പാടുകൾക്കും കാരണം. ഒരു കടിയൻനിയമം ഇല്ലാതിരുന്നതുകൊണ്ടാണ് തെക്കൻ കണ്ണാടകത്തിൽ കുഴിഞ്ഞു തെരഞ്ഞെടുപ്പിൽ കോൺഗ്രസ്സിന്നു ജയിക്കുവാൻ സാധിച്ചത്. കടിയായാരെ ഒഴിപ്പിക്കുമെന്നു ഭീഷണിപ്പെടുത്തിയും താക്കീതു ചെയ്യുമാണ് അവർ വോട്ട് വാങ്ങിയത്. അല്ലെങ്കിൽ മന്ത്രിമാരുടെ പിൻഭാഗത്തിരിക്കുന്ന എം.എൽ.എ. മാർ ഇത്രയധികം പേർ ഈ ഹൗസിൽ ഉണ്ടാകുകയല്ലായിരുന്നു. കടിയൻ എന്ന് പറഞ്ഞാൽ യാതൊരു രക്ഷയുമില്ലാത്തവനാണ്. ജന്മിയുടെ ഇഷ്ടാനുസരണം കൃഷി നിലം കൈവശംവെയ്ക്കുവാനാണ് ഒരു കൊല്ലം എന്ന് പാട്ടുശീട്ടിൽ എഴുതിക്കൊടുക്കും"

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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. കടിയായാർ ഈ ഒരു കൊല്ലത്തിനകത്ത് ജന്മിക്ക് അനുപ്രീകരമായി എന്തെങ്കിലും ചെയ്യുമ്പോൾ അവന്റെ നിലം

[Sri M. Narayanan Nambiar] [8th January 1954]

എടുത്ത മറ്റൊരാളിന് കൊടുത്തിരിക്കുന്നുവെന്നു പറഞ്ഞാൽ അവർ ഒഴിഞ്ഞുപോയെന്നു ഊണും. ഒരു കൊല്ലം കൈവശമുള്ളവരെ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നു ഈ ബില്ലിൽ വ്യവസ്ഥ ചെയ്യുന്നു. വാശിപ്പിട്ട് ഇല്ലാത്ത കട്ടിയിടം കടിയന്മാരെ നമുക്കു കാണാൻ സാധിക്കും. പാട്ടം കൊടുത്താൽ രണ്ടിതിലൊന്നും കൊടുക്കുകയില്ല. അങ്ങനെ വളരെയധികം കടിയന്മാർ തെക്കൻ കണ്ണാടക ജില്ലയിലുണ്ട്. അവരെ സംബന്ധിച്ചിടത്തോളം ഈ ബില്ലുകൊണ്ടു എത്രയെങ്കിലും മുന്നോട്ടു മുന്നോട്ടു നോക്കൂ. അവർക്കു രക്ഷ നല്കാൻ എന്തെങ്കിലും പ്രത്യേക വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തേണ്ടതായിട്ടുണ്ട്. ഇത്രയും കാലമായിട്ടും കൃഷിക്കാർക്കു ശരിയായി രക്ഷ നൽകുന്നതിനുള്ള ഒരു ബില്ല് കൊണ്ടുവരാൻ ഗവണ്മെന്റിന് സാധിച്ചിട്ടില്ല. ഈ നിയമംകൊണ്ടു മാത്രം തെക്കൻ കണ്ണാടക ജില്ലയിലെ കൃഷിക്കാർ രക്ഷപ്പെടുകയോമെന്നു വിചാരിക്കാൻ നിവൃത്തിയില്ല. ഇത്ര വൈകിയിട്ടെങ്കിലും ഇങ്ങനെ ഒരു നിയമം കൊണ്ടുവന്നതു സന്തോഷകരമാണെന്നു കൃഷിക്കാർക്കു രക്ഷ നൽകാൻ കോൺഗ്രസ്സ് ഗവണ്മെന്റ് തെങ്ങുനായില്ലെങ്കിൽ കഴുപ്പുമാണെന്നു കണ്ടുതുറക്കേണ്ടത് ഈ ചെറിയ ബില്ലെങ്കിലും ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ഞാൻ വിചാരിക്കുന്നു. എന്റെ നോട്ടത്തിൽ ജന്മിമാർ പ്രജാ സോഷ്യലിസ്റ്റ് പാർട്ടിയിൽ മാത്രമല്ല, മറ്റു പാർട്ടികളിലുമുണ്ട്. ഞാൻ വളരെക്കാലമായി കാഷ്കരംഗത്ത് പ്രവർത്തിച്ചു വരുന്ന ആളാണ്. ജന്മിമാരുടെ മട്ടനങ്ങളെ സംബന്ധിച്ച പല ആക്ഷേപങ്ങൾ എനിക്ക് കിട്ടിക്കൊണ്ടിരിക്കുന്നു. അപ്പോൾ ഒരു കാഴ്ച വ്യക്തമാകുന്നുണ്ട്. യഥാർത്ഥത്തിൽ കൃഷിക്കാരന്മാർ വളരെയധികം വിഷമമുണ്ട്. വാരം പാട്ടം കൊടുത്താൽ ശരിയായ രണ്ടിതു ലഭിക്കുകയില്ല. പാട്ടപ്പിട്ട് എഴുതിക്കൊടുത്തു എന്നുള്ളതിന് എന്തിന്റാല് ലഭിക്കുകയില്ല. യാതൊരു രേഖയും കൃഷിക്കാരനെ സംബന്ധിച്ചെടുത്തോളം കാണുകയില്ല. ഇങ്ങനെ ബില്ല് വരാൻപോകുന്നുവെന്നറിഞ്ഞ് പല ജന്മിമാരും വളരെ കരുതലായി പെരുമാറിവരുന്നുണ്ട്. കൃഷിക്കാരന്മാർ കൃഷിഭൂമിയിൽ സ്ഥിരവാകാശം നല്കിയേക്കിട്ടു. ഇന്നു നിലവിലിരിക്കുന്ന പാട്ടവും വളരെ കൂടുതലാണ്. വാരവും പാട്ടവും ന്യായമായി നിശ്ചയിക്കുന്നതിന് പ്രത്യേകം വ്യവസ്ഥ വേണം. മറ്റൊരു കാഴ്ച എടുത്തുപറയാനാണു്. ഒരു ജന്മി കടിയോന്നോടു പറയും 'നീ ഇവിടെ രാമസീച്ചോ, സ്ഥലം നന്നാക്കിക്കോ' എന്ന്. പക്ഷെ അതിനു യാതൊരു രേഖയും കൊടുക്കുകയില്ല. കടിയോന്റെ അദ്ധ്വാനംകൊണ്ടു് സ്ഥലത്തു അനാദയം ഉണ്ടായിക്കഴിഞ്ഞാൽ ജന്മി പറയും സ്ഥലം ഒഴിഞ്ഞുപോയെന്നു്. ഇതിനു എത്ര ഉദാഹരണം ഉണ്ടെന്നെങ്കിലും പറയാൻ സാധിക്കും. ധാരാളം കടിയന്മാരെ പുറത്താക്കിയിട്ടുണ്ട്. അങ്ങനെയുള്ള കടിയന്മാർക്കു രക്ഷ നൽകാനുള്ള വ്യവസ്ഥകൾ ഇന്നി കൊണ്ടുവരാൻമുണ്ടെന്നു ബില്ലിൽ ഉണ്ടായിരിക്കണം. രേഖയില്ലാത്ത സ്ഥലങ്ങൾ കൃഷിക്കാരന് ഒഴിഞ്ഞുകൊടുക്കേണ്ടിവരിക കയാണെങ്കിൽ ശരിയായ പ്രതിഫലം കിട്ടാനുള്ള ഒരു വ്യവസ്ഥകൂടി ഉണ്ടാകണം. കടിയന്മാർക്കു തടയുന്നതിനുവേണ്ടിയുള്ള ഒരു ബില്ലാണിത്. വരാനിരിക്കുന്ന ബില്ല് കടിയന്മാർ വളരെയധികം രക്ഷ നൽകുന്നതായിരിക്കണം. ഭൂമി നന്നാക്കിയിട്ടുള്ളവർക്കു ശരിയായ പ്രതിഫലം കൊടുക്കാനുള്ള ഒരു ബില്ല് ഗവണ്മെന്റ് കൊണ്ടുവരുന്നതു് പ്രതീക്ഷിക്കുകയോ ഞാൻ അവസാനിപ്പിക്കുന്നു."

10-15 a.m.

* SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, I associate myself with the sentiments expressed by the hon. Member, Sri M. Narayana Nambiar, and other hon. Member from South Kanara district. The District Ryoti Sangam affiliated to the All-India Kisan Sabha was agitating for years and months for a piece of legislation restricting evictions, protecting the ryots from exaction of heavy rents, and tackling the problems of rural labour and agricultural workers and other allied questions. I think that it is my duty to state that though this is a belated piece of legislation, the Government have at last recognized the fact that a large number of evictions are taking place in South Kanara. Hundreds of peasants have been evicted from their holdings. Now, no provision is being made in this piece of legislation for the reinstatement of those people. Also, the eviction of a cultivating tenant will be stayed provided he pays the arrears of rent due for about a

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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, had 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 Kolkebil. 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 Kolkebil 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 Kolkebil, 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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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."

10-30
a.m.

* 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. Kolkebail 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 Pannaial 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

[Sri N. N. Suvarna] [8th January 1954]

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 apprised 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 as far as . . .

8th January 1954] [Sri B. Vaikunta Baliga]

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 a.m. கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகளை ஒரு வருஷ காலத்திற்கு நிலத்திலிருந்து வெளியேற்றக்கூடாது என்ற இந்த மசோதாவை நான் வாசனேற்றேன். அதே சமயத்தில் தென் கன்னட ஜில்லாவுக்கு வேண்டிய தீவிரமாக ஆலோசிக்கப்பட்ட நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்குள்ளாக இந்தச் சட்டம் கொண்டு வரப்படுகிறது என்று குறிப்பிட்டிருக்கிறார்கள். அந்தக் காரணங்களினாலே இன்று நிலத்திலிருந்து வெளியேற்றம் வெகு தீவிரமாக அதிகமாகிக்கொண்டுவருவதைத் உடனடியாகத் தடுப்பதற்கு இந்தச் சட்டம் தேவை என்றும் குறிப்பிட்டிருக்கிறார்கள்.

"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 நிலத்திலிருந்து அப்புறப்படுத்தப்படுகிறார்களோ, அதேமாதிரியான நிலைமையான தமிழ்நாட்டிலும் இன்றையதினம் இருந்துகொண்டு வருகிறது. விவசாயிகள் மிகத் தீவிரமாக வெளியேற்றப்பட்டுக்கொண்டு இருக்கிறார்கள். ஆகையால், இந்தச் சட்டமானது தென் கன்னட ஜில்லாவுக்கும்படும் என்று இல்லாமல் இதர தமிழ் ஜில்லாக்களுக்கும் விஸ்தரிக்கப்பட்டிருக்கும்படியான முறையில் இந்தச் சட்டம் கொண்டுவரப்பட்டிருந்தால் மிகவும் நன்றாக இருந்திருக்கும்.

"ஒரு வருஷத்திற்கு இந்தச் சட்டம் அமுலுக்கு 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 முடித்துக்கொள்ளுகிறேன்.”

* 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. Kolkebail 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

8th January 1954] [Sri M. S. Mogral]

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 களைத் தவிர மற்ற தொழிலாளிகளுக்கெல்லாம் சட்டத்தின் மூலமாக a.m. பாதுகாப்பு இருந்து வந்தது. ஆனால், விவசாயிகளுக்கு இதுவரை சட்டத்தின் மூலமாக சில இடங்களைத் தவிர மற்ற இடங்களில் பாதுகாப்பு இல்லையே என்று ஏங்கிக் கொண்டிருந்த சந்தர்ப்பத்திலே, இந்த ராஜ்யத்தின் ஒரு பகுதியிலுள்ள விவசாயிகளுக்கு இந்தச் சட்டத்தின் மூலமாக முதலாவதாக ஆதரவு கிடைத்திருக்கிறதையெண்ணி 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 நிலத்திலிருந்து விவசாயிகளை வெளியேற்றும்படியான இந்த ஆபத்து இருக்கிறதென்பதை 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 என்பதை 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 கிடக்காமல் அடுத்த

[Sri R. S. Arumugam] [8th January 1954]

சட்டசபைக் கூட்டத்திற்குள்ளாகவே ஒரு 'நோட்டிபிகேஷன்' மூலமாக தமிழ் நாட்டிலுள்ள எல்லாப் பகுதிகளுக்கும் ஆங்காங்குள்ள விவசாயிகளை அந்தந்த நிலத்தை விட்டு அப்புறப்படுத்த விடாமல் கண்டிப்பாக ஒரு உத்திரவு அனுப்புமாறு கனம் ரெவின்யூ மந்திரி அவர்களையும் கனம் முதல் மந்திரி அவர்களையும் கேட்டுக்கொள்ளுகிறேன். இந்தச் சட்டத்திற்கு எனது பாராட்டுதலையும் தெரிவித்துக்கொள்ளுகின்றேன்."

* 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 Chalgeni 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. RAMALINGAM :—" 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

[Sri S. S. Kolkebal] [8th January 1954]

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 Alivaigeni 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 Alivaigeni tenants holding under term leases and the Kayamgeni and Mulgeni 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 சரிதானா? 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

[Sri V. R. Krishna Ayyar] [8th January 1954]

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 கூறலும்புகிறேன். தென் கன்னட மக்களுக்கு ஒரு நில வெளியேற்ற தடை சட்டம் கொண்டு வந்து அவர்களை பல கஷ்டங்களிலிருந்து மீட்க வைத்து சௌகர்யம் செய்யவேண்டும் என்று இப்பொழுது இந்த சட்டத்தைக் கொண்டு வந்திருக்கிறார்கள். அதைப் போலவே தமிழ் நாட்டிலும் பார்த்தால் 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 ஸ்டீக் கணக் கான மக்களுடைய முன்னிலையில் தீர்மானம் நிறைவேற்றப்பட்டிருக்கிறது. ஆகவே இந்த நிலைமை மாகாணம் எங்கும் இருந்தும் கூட சர்க்கார் பல முறைகளில் அதை அலட்சியம் செய்துவருகிறார்கள். அப்போதைக்கப்போது ஏற்படும் சிற்சில 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 பூரவுக்கும் 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. Kolkebil 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 கொண்டுவரப்பட்டாலும் நான் கொடுத்திருக்கும் திருத்தம் லாங் டைட்டில் இன் சவுத் கானரா (Long Title in South Kanara) “என்று நான் இருக்கிறேன்.”

MR. SPEAKER :—“ இது அரைட் ஆப் 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 Pannaial (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."

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.

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".'

[9th January 1954]

SRI P. K. GOPALAKRISHNAN :—" Sir, I 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."

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 (1), line 6, for the words " a protected ulkudi or ", substitute the words " an ulkudi or " . "

The amendment was by leave of the House withdrawn.

[9th January 1954]

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'."

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".'

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(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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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."

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."

"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 Kolkebail'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 Kolkebail'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 ഹോൾഡിംഗ്സു ഉണ്ടെന്നു ബഹു : മന്ത്രി പറയുകയുണ്ടായി. മുമ്പത്തെ നിയമപ്രകാരം കുറെ കലക്ടർമാരെയും മറ്റും ഉൾക്കൊള്ളുന്നതിനായിട്ടായിരിക്കണം അവർക്കു പാട്ടു നിജപ്പെടുത്താൻ ആവശ്യം വേണ്ടി വരുമെന്നും മന്ത്രി പറയുകയുണ്ടായി. അപ്പോൾ പത്തു ലക്ഷം ഹോൾഡിംഗ്സിനെ സംബന്ധിച്ച് തീരുമാനമെടുക്കണമെങ്കിൽ എത്ര കാലം വേണ്ടിവരുമെന്നാണ് ഗവണ്മെന്റിന്റെ ഉദ്ദേശം? അതോ അങ്ങിനെ പാട്ടു നിജപ്പെടുത്താനുള്ള ഹിരജി 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 Krishnaswamy Ayyangar need not think that his suggestion has been 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 പിന്തുടരുന്നു. കടിയൻ കന്നം മലയം കയറി വളരെയധികം ദൂരം കടന്നു ജന്മിയുടെ വീട്ടിൽ കൊണ്ടുവരികയും എന്നുള്ളതുതന്നെ വളരെ വിഷമമാണ്. അങ്ങിനെ ചെറുകുട്ടിത്താൽതന്നെ പലപ്പോഴും അളവിൽ കൃത്രിമം കാണിച്ചു മടക്കി അയക്കുന്നുണ്ട്. ജന്മിമാരെന്ന് പറഞ്ഞാൽ അദ്ധ്വാനിക്കുന്നവന്റെ പ്രയത്നഫലം തട്ടിത്തന്നെ അളക്കുകയാണ്. അതുകൊണ്ട് കടിയന്മാരുടെ സൗകര്യമനുസരിച്ചു വേണം പാട്ടം കൊടുക്കൽ, എന്നു വ്യവസ്ഥ ചെയ്യണം. ജന്മിമാരുടെ ഹിതമനുസരിച്ചു പാടില്ല. കാരണം നെല്ലിനും അരിയ്ക്കും ക്ഷാമം നേരിടുന്ന കാലത്തു അദ്ധ്വാനിച്ച കൃഷിക്കാരൻ തിന്നാതെ ജന്മിയുടെ ധാന്യം തന്നെ കൊണ്ടുകൊടുക്കേണ്ടിവരിക എന്നതു കഷ്ടമാണ്.”

SRI C. H. KANARAN :—“ സർ, കൂടാതെ പറ്റ, കോട്ടയം പറ്റ എന്നിങ്ങനെ പലതരം പറ്റകൾ നടപ്പിലുണ്ട്. നെല്ലു കൊണ്ടുപോയാൽ അളവു ഏല്പിക്കാൻ സാധിക്കാതെ ജന്മി തികയില്ലെന്നു പറഞ്ഞു മടക്കിയതിനാൽ നിരിയ കൊണ്ടുപോരേണ്ടിവന്നിട്ടുണ്ട്. അതുകൊണ്ട് നെല്ലല്ലെങ്കിൽ നെല്ലിന്റെ മാർക്കറ്റു വില കൊടുത്താൽ മതിയെന്നുള്ള വ്യവസ്ഥ ആവശ്യമാണ്. കൃഷിക്കാർക്കു അല്ലെങ്കിൽ വളരെ ബുദ്ധിമുട്ടുണ്ടാകുന്നതാണ്.”

SRI R. KRISHNAN :—“ സർ, കടിയന്മാർ ജന്മിയുടെ വീട്ടിൽ പോയി അളവുകൊടുക്കുന്നതെങ്കിൽ ജന്മിയുടെ സൗകര്യം നോക്കണം. നെല്ലുകൊണ്ടു ചെന്നാൽ നാളെയോ മറ്റൊന്നാണോ വരാൻ പറയും. ഇതു സാധാരണ പരിവാറാണ്. പാവപ്പെട്ട കൃഷിക്കാരെ ഇങ്ങിനെ ഉപദ്രവിക്കുവാനുള്ള ഒരു വ്യവസ്ഥ ഇം ബില്ലിൽ ഉൾപ്പെടുത്തരുതേ എന്നു എനിക്കു ബഹുമാനപ്പെട്ട മന്ത്രിമാരോടു ചരപേക്ഷയുണ്ട്.”

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. Member 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

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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.

" 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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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:—"റിക്കാഡ് ആഫ് റെറ്ററേഷിനെ സംബന്ധിച്ചുണ്ടാകുന്ന കഴിവില്ലായ്മ മേന്മയെക്കുറിച്ചുള്ള ഒരു ശിപാശയെക്കുറിച്ച് കെ. പി. സി. സി.യുടെ ഒരു ശിപാശയും ഉണ്ട്. അതെങ്കിലും ഗവണ്മെന്റ് അംഗീകരിക്കുമോ എന്നറിഞ്ഞാൽ കൊള്ളാം."

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. വടക്കു മലബാറും തെക്കു മലബാറും തമ്മിൽ വ്യത്യസ്തമായ ഒരു നിയമ വെച്ചിട്ടുണ്ട്. കാനാമം വടക്കു മലബാറിൽ 40 ശതമാനമെന്നും തെക്കു മലബാറിൽ 60 ശതമാനമെന്നും കാണുന്നു. വടക്കു മലബാറിലും തെക്കു മലബാറിലുപോലും 60 ശതമാനമാക്കണമെന്നാണ് ഞാൻ പറയുന്നത്. കാനസംഖ്യ വർദ്ധിച്ചിട്ടുണ്ടെന്ന് കടിയന്തരമായ അവകാശങ്ങളെ നിഷേധിക്കാനുള്ള ശ്രമം നടക്കുന്നുണ്ടെന്നു തോന്നുന്നു. കോട്ടയം മുതലായ താലൂക്കുകളിൽ അധികം കാനസംഖ്യ തന്നെമെന്നു പറഞ്ഞു കടിയന്തരമായ ഉപദേശിക്കുന്നുണ്ട്. കൃഷിക്കാരന്മാരും കിട്ടാൻ വേണ്ടി 60 ശതമാനമെന്നുള്ളത് വടക്കു മലബാറിലേക്കും കൂടി ബാധകമാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം."

SRI E. T. KUNHAN :—" ഞാൻ ഈ ഭേദഗതി ഹാജരാക്കാനുള്ള കാരണം ഈ ബിൽ തയ്യാറാക്കിയിട്ടുള്ളത് 1953 മാർച്ച് 28-ാം തീയതിയാണ്. അന്നുതന്നെ അന്നുവധം ഉൾക്കൊള്ളാൻ ബലമായി ഒപ്പുവെച്ചിട്ടുണ്ട്. അവർക്കു ആ ഭേദഗതി തിരികെ കൊടുക്കണമെന്നുള്ളതാണ് എന്റെ ഭേദഗതിയുടെ ഉദ്ദേശം. അതു സ്വീകരിക്കുമെന്ന് 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 jennmis 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, Kunhirama 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 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."

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*.

" 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, tabazhi, illom, kutumba, kavaru or family for not less than six years.’ ”

SRI M. NARAYANA KURUP :—“ Sir, I move the amendment standing in the 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.’ ” ”

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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, tarazhi, 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. NARAYANA 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. NARAYANA 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 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 പാട്ടുവാക്കി വന്നാൽ ഒഴിപ്പിക്കാനാവുക എന്നത് മലബാറിനെ സംബന്ധിച്ചിടത്തോളം ഏറെയും അപകടം പിടിച്ച ഒരു വ്യവസ്ഥയാണ്. ചിങ്ങമാസത്തിലെ കൊയ്ത്തുകഴിഞ്ഞാൽ രണ്ടാമത്തെ കൊയ്ത്തിനു മകരമാസമാകും. ഏതെങ്കിലും തരത്തിൽ വിള നഷ്ടപ്പെട്ടാൽ എങ്ങിനെയാണ് മൂന്നു മാസത്തിനകം പാട്ടുകൊടുക്കാൻ സാധിക്കുക? ബഹുമാനപ്പെട്ട മന്ത്രിമാർക്ക് അതിന്റെ ബുദ്ധിമുട്ട് അറിയാവുന്നതാണ്. അതുകൊണ്ട് ഒരു കൊല്ലമാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

"രണ്ടാമത്ത്, ആറു കൊല്ലം കൈവശമുള്ളവർ ഒഴിയേണ്ട എന്നു പറയുന്നുണ്ട്. ആറു കൊല്ലം തികഞ്ഞില്ലെങ്കിൽ തന്നെയും ആറു കൊല്ലം വരെ കൈവശമിരുന്ന ഒരാളെ ഒഴി-

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പ്പിക്കുന്നത് വളരെ കടുമാണ്. അതുകൊണ്ട് അങ്ങിനെ ഒഴിപ്പിക്കുകയാണെങ്കിൽ തന്നെയും 5 ഏക്കറെങ്കിലും കൈവശം വെച്ചുകൊള്ളാൻ അനുവദിക്കണം. അല്ലെങ്കിൽ കടിയാന്മാർക്കു ഏറെയും നഷ്ടമാകുമെന്ന്."

SRI V. SANKARANARAYANA MENON :—"സർ, ശ്രീ നാരായണക്കുറുപ്പിന്റെ ഭേദഗതിയോടു ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. കടിയാൻ നിയമത്തിലെ ഏറെയും മർദ്ദമായ ഭാരം ഒരു കടിയാന്റെ സ്ഥിരവകാശമാണ്. സ്ഥിരവകാശം കൊടുക്കാത്ത നിയമം കടിയാന്റെ രക്ഷയ്ക്കുള്ള നിയമമല്ല. ഇവിടെ കടിയാന്റെ സ്ഥിരവകാശം ഈ ഭേദഗതികൊണ്ട് ഉണ്ടാകുന്നില്ലെന്നു സമ്മതിച്ചേ തീരൂ. ഈ ബില്ലിന്റെ കരടു പ്രസിദ്ധപ്പെടുത്തിയപ്പോൾ ഒരു കാലാവധിയും വെച്ചിരുന്നില്ല. പിന്നീട് ഗവണ്മെന്റ് ആറു കൊല്ലമെന്നു കണക്കുവെച്ചു. എന്നാൽ ഇതുകൊണ്ടെന്നും കടിയാനു സ്ഥിരമായ ഒരു രക്ഷ കിട്ടാൻ പോകുന്നില്ല. എപ്പോഴും ജന്മിക്കു ആവശ്യമുണ്ടെങ്കിൽ ഒഴിപ്പിക്കുമെന്നും അതിന്നു പുറമെ ഇഷ്ടമുള്ള മറ്റൊരാൾക്കു അന്യായീനപ്പെടുത്തിയാൽ രണ്ടു കൊല്ലം കഴിഞ്ഞു അയാൾക്കും ഒഴിപ്പിക്കുമെന്നു വന്നാൽ സ്ഥിരവകാശം എന്നു പറയുന്നതു കേവലം നിരന്തരമാണ്. ഈ ബില്ലിൽ മറ്റൊരുപാട്ടത്തെ സംബന്ധിച്ചിടത്തോളം എന്തെല്ലാം വ്യവസ്ഥകളുണ്ടെങ്കിലും സ്ഥിരവകാശം ഇല്ലാത്തിടത്തോളം കാലം കടിയാനു വലിയ രക്ഷ കിട്ടാൻ പോകുന്നില്ല. സ്ഥിരവകാശം കൊടുക്കാൻ ഗവണ്മെന്റു എന്തിനിത്ര വൈമനസ്സും കാണിക്കുന്നു? ഇന്നു പ്രവൃത്തി എടുക്കുന്ന എല്ലാ തുറകളിലുമുള്ള ആളുകൾക്കു സ്ഥിരവകാശമില്ലെ? വ്യവസായങ്ങളിൽ പ്രവൃത്തി എടുക്കുന്നവനു സ്ഥിരവകാശമില്ലെ? ഗവണ്മെന്റ് പ്രവൃത്തിയെടുക്കുന്നവനു സ്ഥിരവകാശമില്ലെ? ഭൂമിയിൽ കൃഷി ചെയ്യുന്ന കൃഷിക്കാരനു മാത്രം സ്ഥിരവകാശം കൊടുക്കുന്നതിന്നു എന്താണ് ആക്ഷേപം? മുഖ്യമന്ത്രി ഒരു രണ്ടു ആക്ഷേപങ്ങൾ പറയുകയുണ്ടായി. ഒന്നാമതു ചില ക്ഷമാത്രം സ്ഥിരവകാശം കൊടുക്കാൻ നിവൃത്തിയില്ലെന്ന്. ഈ കാര്യത്തെപ്പറ്റി ചർച്ചചെയ്യുമ്പോൾ ഭൂമിമേഖലയുടെ പ്രതിനിധികൾ ഈ സഭയിൽ വേണ്ടത്ര ഇല്ലെന്നാണ് രണ്ടാമത്തെ വാദം. ഭൂമി നടപ്പുകാരികളിൽനിന്ന് ജന്മിക്കു ആവശ്യമുണ്ടെങ്കിൽ വിലകൊടുത്തു വാങ്ങണമെന്നാണ് ഞാൻ പറയുന്നത്. കൃഷി ചെയ്യു ജീവിക്കാനാണെങ്കിൽ ജന്മിത്തത്തിന് വിലകൊടുത്തു വാങ്ങണം. ജന്മിക്കു എപ്പോൾ തിരിച്ചുവേണമെന്നു പറയുന്നവോ അപ്പോൾ തിരിച്ചുകൊടുക്കാനുള്ള വ്യവസ്ഥ സിദ്ധിക്കുമല്ല. മലബാറിലാണെങ്കിൽ നാലു ലക്ഷത്തിലധികം പട്ടയക്കാരെണ്ട്. ഞാൻ പറയുന്നത് ഒരു പാട്ടിയുടെയും പേരിലല്ല. രാജ്യത്തിന്റെ ഭക്ഷമത്തിന്നുവേണ്ടി പറയുകയാണ്. ജന്മിക്കു ന്യായമായി കൊടുക്കേണ്ടതു കൊടുക്കുകതന്നെ വേണം. രാജ്യത്തിന്റെ ഭക്ഷമത്തിന്നു ഇതെല്ലാം ആവശ്യമാണ്. അതു ചെയ്യാൻ എന്തിന്നു മടിക്കണം? ഇന്ത്യയിൽ ഏതായാ രാജാക്കന്മാരുടെ സ്ഥാനങ്ങൾ തകർത്തു ഇന്ത്യയുടെ ഏകീകരണം സാധിച്ചത് ഒരു പാട്ടിപ്രകാരത്തിന്നുവേണ്ടിയല്ല. അതുപോലെ നാട്ടിലെ അദ്ധ്വാനിക്കുന്ന കൃഷിക്കാരുടെ രക്ഷയ്ക്കുവേണ്ട വ്യവസ്ഥകൾ സിദ്ധിക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

SRI K. M. SEETHI SAHIB :—"Sir, I have to explain the amendments that I have given notice of. These amendments relate 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 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

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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 :—“ പന്ത്രണ്ടു കൊല്ലം എന്നുള്ളത് ആറു കൊല്ലം എന്നാക്കിയത് കൃഷിക്കാരുടെ രക്ഷയ്ക്കാണ്, ജന്മിക്ക് സ്ഥാനം ആവശ്യത്തിനു വേണ്ടി ഒഴിപ്പിക്കാമെന്നു പറയുമ്പോൾ ഒഴിപ്പി് അങ്ങനെയൊരു ധാരാളം ഉണ്ടാവുകയാണ് ചെയ്യുന്നത്. ഉദാഹരണത്തിനു ധാരാളം അംഗങ്ങളുള്ള ഒരു ജന്മി കടംബത്തെ എടുക്കാം. അതിൽ അങ്ങനെയൊരു ഒഴിപ്പിക്കാനുള്ള അവകാശം ഉണ്ടു്. അങ്ങനെ

[Sri C. H. Kanaran] [9th January 1954]

യാണെങ്കിൽ അനേകം അംഗങ്ങളുള്ള കട്ടംബങ്ങളിൽ എല്ലാ കുടുംബാംഗങ്ങളും ഒഴിപ്പിക്കുന്നതിനുള്ള സൗകര്യം വരുന്നുണ്ട്. അതുകൊണ്ട് ഏതെങ്കിലും ഒരംഗം കൈവശം വിട്ടിട്ടു വാക്കി മാത്രം ഒഴിപ്പിക്കാനുള്ള വ്യവസ്ഥയല്ല. അതുകൊണ്ടാണ് ഓ ഏക്കറിൽ ജമ്പിയുള്ള കൃഷിക്കാരിൽനിന്നു മാത്രമേ ഒഴിപ്പിക്കുകയാണെന്നു ഞങ്ങൾ ആവശ്യപ്പെടുന്നത്. ജനസംഖ്യ വളരെ വലിച്ചു വരുന്നുണ്ട്. കൃഷിക്കാരുടെ കൈവശം വകാശത്തിന്നു സ്ഥിരതയുണ്ടാകാൻ പരമാവശ്യം. അതുകൊണ്ട് ഓ ഏക്കർ എന്നുള്ള വ്യവസ്ഥ വളരെ പ്രധാനമാണ്. ആറു കൊല്ലമൊ മൂന്നുകൊല്ലമോ ഒരു കൊല്ലമോ ആക്കിയാലും ശരി ജമ്പിക് ഒഴിപ്പിക്കാമെന്നുള്ള കാര്യത്തോളം കൃഷിക്കാരുടെ രക്ഷയില്ല. അതുകൊണ്ട് അഞ്ചു ഏക്കർ 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.

" 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."

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 :—"സർ, തിരുവിതാംകൂർ-കൊച്ചിയിൽനിന്നു ലക്ഷക്കണക്കിനു കൃഷിക്കാർ മലബാറിന്റെ കിഴക്കൻ പ്രദേശങ്ങളിൽ ചാർത്തുവാങ്ങി കൃഷി ചെയ്യുന്നവരാണ്. മിക്കവാറും കഴിഞ്ഞ ആറു കൊല്ലത്തിനു ശേഷം വന്നവരാണ്, ആറു കൊല്ലമെന്ന വെറുക്കയറണങ്കിൽ ലക്ഷക്കണക്കിനുള്ള കൃഷിക്കാരെ ഇതുകൊണ്ട് ഒഴിപ്പിക്കുന്നതിനുള്ള സാധ്യതയുണ്ട്. മറ്റൊരു സംഗതി ജീവികാൻ നിഷ്ഠാമതിലാത്തവരും വിട്ടുകൊട്ടി താമസിക്കാൻ സ്ഥലമില്ലാത്തവരായ ജന്മിമാർക്കുവേണ്ടി 5 ഏക്കറുടെ ഒഴിപ്പിക്കാമെന്നും, അതുകൊണ്ട് 5 ഏക്കറിൽ കൂടുതലുള്ള കൃഷിക്കാരിൽനിന്നു മാത്രമേ ഒഴിപ്പിക്കാൻ പാടുള്ളൂവെന്നും വ്യവസ്ഥ ചെയ്യുന്നത് അത്യാവശ്യമായിരിക്കുന്നു എന്നിങ്ങനെ ബലമായ അഭിപ്രായമുണ്ട്."

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."

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. C. Gopalan Unni.
 „ A. Govindaswamy Nayagar.
 „ 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.
 „ C. Kunhirama Kurup.
 „ K. S. Lakshmiopathy 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. C. Narayanan Nambiar.
 „ M. Palaniyandi.
 „ N. K. Palanisami.
 „ S. Radhakrishnan.
 „ E. L. Raghava Mudaliar.
 „ P. B. K. Rajachidambaram.
 „ P. R. Rajagopala Gounder.
 „ K. T. Raju.
 „ K. Ramakrishnan.
 „ S. Ramalingam.
 „ S. S. Ramasamy Padayachi.
 „ P. Rathinaswami Pillai.
 „ K. R. Sambandam.
 „ V. Sankaranarayanan 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. Jagannatham.
 „ M. Jagannathan.
 „ T. M. Kaliannan.
 „ M. Kandasamy Padayachi.
 „ P. G. Karuthiruman.
 „ 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.
 „ R. M. Palaniappan.
 „ V. C. Palanisami Gounder.
 „ S. Panchaksharam.
 „ K. Parthasarathy.
 „ N. Rajagopal.
 „ C. Rajam Ramasami.
 „ K. Rajaram.
 „ T. K. Rama.
 „ M. R. Ramachandran.
 „ A. Ramachandra Reddiar.
 „ N. Ramakrishna Ayyar.
 „ V. K. Ramaswamy Mudaliar.
 „ S. Ramaswamy Naidu.
 „ A. Ramasamy Tevar.
 „ A. Ramasundara Karunalaya Pandian.
 „ E. K. Sankara Varma Raja.
 „ P. Selvaraj.
 „ M. G. Shanker.
 „ A. B. Shetty.
 „ K. Shunmugam.
 „ V. S. Sivaprakasam.
 „ Somasundara Gounder.
 „ A. S. Subbaraj.
 „ C. Subramaniam.
 „ I. K. Subramania Pillay.
 „ M. Subramania Nayakar.
 „ R. Thangavelu.
 „ M. D. Thiagaraja Pillai.
 „ S. Thinakaran Thevar.
 „ P. K. Thirumurthi.
 „ G. Vagheesam Pillay.
 „ O. Venkatasubba Reddi.
 „ K. Venkatramana Gowda.
 „ K. Venkataswamy Naidu.
 „ S. C. Virupakshiah.

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Neutral—3.

Sri K. M. Seethi Sahib.
 „ Kunhi Mohamed Shafee.

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 ’.”

was by leave of the House, withdrawn.

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 afore-said 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 (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, tavashi, 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 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.

9th January 1954] [Mr. Speaker]

(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, illom, 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 ഭേദഗതികളെ പിന്തുടരുന്നു. ആക്ടിന്റെ 29-B സെക്ഷൻ ഞാൻ ഒരു ഭേദഗതി അയച്ചിട്ടുണ്ട്. ഇന്നുള്ള നിയമ പ്രകാരം കൃഷിക്കാർ കൃഷിനാശം വന്നുകഴിഞ്ഞാൽ നികുതി വിട്ടുകൊടുത്താൽ മാത്രമേ പാട്ടം വിട്ടുകൊടുക്കുകയുള്ളൂ. വെള്ളപ്പൊക്കം കൃഷി ധാരാളം നശിച്ചുപോയിട്ടും ഗവണ്മെന്റ് നികുതി ഇളവ് കൊടുത്തിട്ടില്ല. അതുകൊണ്ട് നിയമപ്രകാരം പാട്ടം വിട്ട് കൊടുക്കാൻ ജമ്മിദാർ നിർബന്ധിതരല്ല. ഗവണ്മെന്റാണെങ്കിൽ നികുതി വിട്ട് കൊടുക്കാൻ തീരെ മനസ്സില്ലായവരാണ്. വില്ലേജ് ഉദ്യോഗസ്ഥന്മാർ ജമ്മി തറവാടുകളിൽ ഉള്ളവരാണ്. അല്ലെങ്കിലും അവർക്ക് അനുകൂലമാണ്. ജമ്മിദാർ കരുതി നികുതി വിട്ട് കൊടുക്കണമെന്ന് അവർ ഗവണ്മെന്റിനോടു പറയുകയില്ല. നികുതിയും പാട്ടവും വിട്ട് കിട്ടാത്ത സാക്ഷ്യംവേണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണ് ഈ ഭേദഗതി 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 13. 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."

[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 തലൂക്കിൽ പലതരത്തിലുള്ള പാട്ടപ്പറകളും ഉപയോഗിച്ചു വരുന്നുണ്ട്. ഗവർണ്മെന്റ് അംഗീകരിച്ചിട്ടുള്ള മുദ്രപ്പറയ്ക്കു പാട്ടം അളന്നാലും പറവാൾ എന്ന പേരിലും മറ്റും കൂടുതൽ എടുക്കുന്നുണ്ട്. അതനുവദിച്ചുകൊണ്ട് കോടതികളിൽ വിധികളും ഉണ്ടായിട്ടുണ്ട് അതിനെ തടയാൻ വേണ്ടിയാണ് ഞാൻ ഈ മേലേതരി കൊണ്ടുവന്നിരിക്കുന്നത്."

SRI K. MADHAVAN NAMBIAR :—"സർ, വടക്കെ മലബാറിൽ പറക കൂടേയും ഇടങ്ങഴികൂടേയും ഗുൽമാൽ വളരെയുണ്ട്. ആനപ്പറ, അഞ്ചാനപ്പറ, കച്ചാണിപ്പറ ഇങ്ങനെ പല ഗുൽമാൽപറകളുമുണ്ട്. മാത്രമല്ല, കോട്ടയം സേർ, കോട്ടയം വാരസേർ, മുദ്രസേർ എന്നിങ്ങനെ ഒരു വ്യവസ്ഥയുമില്ലാത്ത അളവുകളുണ്ട് അതെല്ലാം നിറുത്തണം. പകരം കൂടീകരിച്ച ഒരു ഗവർണ്മെന്റ് നട്ടപ്പിൽ വരുത്തണം. അല്ലെങ്കിൽ വലിയ കഷ്ടപ്പാടുണ്ട്. 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 varam 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."

MR. SPEAKER :—" The question is—

' Add at the end of section 46 of the principal Act, the following :—

" Notwithstanding anything mentioned in any lease the tenant shall pay rent measured in Palghat para or Macleode seer." "

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 ഭേദഗതിക്കുള്ള പുധാന കാരണം, മലബാറിൽ തരിശു ഭൂമികൾ ഇല്ലാത്തതില്ല കൃഷിചെയ്യാതിരിക്കുന്നത് ; ഇന്നത്തെ നിയമം കൊണ്ട് യാതൊരു തരിശുഭൂമിയും കൃഷി ചെയ്യാൻ സാധ്യമായിട്ടില്ല. കൃഷിക്കാർക്ക് തരിശുഭൂമികൾ റെന്റ് നൽകാൻ കോട്ടത്തിട്ടില്ല. തിരുവിതാംകൂട്-കൊച്ചിയിൽ നിന്നു ധാരാളം അഭ്യർത്ഥനകൾ മലബാറിന്റെ കിഴക്കൻ പ്രദേശങ്ങളിലേയ്ക്ക് വന്നുകൊണ്ടിരിക്കുന്നു.”

[Sri C. H. Kanaran] [9th January 1954]

കുന്നു. മലബാറിൽ കുറെ ലക്ഷം ഏക്കർ ഭൂമി തരിശായി കിടപ്പുണ്ട്. ഈ അസംബ്ലി യുടെ മുഖിൽത്തന്നെ തരിശു ഭൂമികളെ പറ്റി ചോദ്യങ്ങൾ വന്നിട്ടുണ്ട്. അതിനെ കുറിച്ച് ആലോചിക്കുന്നുണ്ടെന്നു പറയുന്നതല്ലാതെ ഇത്തരം എന്തെങ്കിലും നിശ്ചിത മായി ചെയ്യാമെന്നു പറഞ്ഞിട്ടില്ല. മലബാറിലെ ജനങ്ങളുടെ പിട്ടിണി കരെയെങ്കിലും നീക്കമെങ്കിൽ ഈ ഭേദഗതി സ്വീകരിക്കണം. കൃഷി ചെയ്യാനാഗ്രഹിക്കുന്ന കൃഷി കാർക്കു ഭൂമി കിട്ടണമെന്നുള്ളതാണ് ഈ ഭേദഗതിയുടെ ഉദ്ദേശം. കൃഷിക്കാർക്കു കൃഷി ചെയ്യാൻ സാധിക്കണം. ജനങ്ങളുടെ പട്ടിണി നീക്കണമെന്നുള്ള ആഗ്രഹം ഗവണ്മെന്റിന്റെ ഉദ്ദേശമല്ല. 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."

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 " . ' "

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. Gopalakrishnan 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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SRI R. KRISHNAN :—“ മലബാർ കടിയായ്ക്കു നിയമത്തിൽ പാസ്സായിരിക്കുന്നതിനുള്ള വകുപ്പുകളുടെ എല്ലാ ഗുണങ്ങളും രാജിപ്പെടുത്താൻ ജന്മിമാർക്ക് സൗകര്യം നൽകുന്ന ഒരു വ്യവസ്ഥയാണ് ആദ്യ കൊല്ലത്തെ പാട്ടബാക്കി കൊടുക്കണമെന്നു പറയുന്നത്. മിക്ക ജന്മിമാരും പാട്ടം അടയ്ക്കാൻ രാജിതി കൊടുക്കാത്തവരാണ്. ഈ നിയമം ഇങ്ങനെ പാസ്സായാൽ പാട്ടബാക്കിയുടെ പേരിൽ കൃഷിക്കാരന്റെ വീടും പറമ്പും വീട്ടുസാമഗ്രികളും ജപ്തിചെയ്യുന്നതിന് സൗകര്യം ജന്മിക്ക് കിട്ടുന്നുണ്ട്. അതുകൊണ്ട് ഈ വകുപ്പു 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.”

SRI K. MADHAVAN NAMBIAR :—“ ആദ്യ കൊല്ലത്തെ പാട്ടത്തെ കൊടുക്കണമെന്നു നമ്പ്രം പടിക്കുന്ന ബഹുമാനപ്പെട്ട മിഷ്ട്രിയെ 1937 ൽ ക്രൈസ്തവസമിതിയുടെ പാസ്സാക്കിയത് കർമ്മപ്പെടുത്തിക്കൊള്ളണം.”

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."

"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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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) (v) 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. 31 ? "

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 as 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 Krishnaswami 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. Krishnaswami 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.' "

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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SRI C. KUNHIRAMA KURUP :—“ സർ, മലബാറിനെ ബാധിക്കുന്ന ഏറ്റവും പ്രധാനപ്പെട്ട കടിയായ നിയമം ഈ നിയമനിർമ്മാണസഭയിൽ പാസ്സായിരിക്കുന്നു. ഒരുപക്ഷേ കഴിഞ്ഞ തിരഞ്ഞെടുപ്പിൽ ആ നാട്ടിലെ പൊതുജനങ്ങൾക്കെല്ലാം മുണ്ടായിരുന്ന പ്രതീക്ഷകൾ നിറവേറ്റത്തക്കവണ്ണമുള്ള ഒരു കർമ്മ നിർവ്വഹിച്ചു. എന്നു ബഹുമാനപ്പെട്ട മലയാളി മന്ത്രി ശ്രീ കുട്ടികൃഷ്ണൻ നായർ കരുതിവോരുന്നതുകൊണ്ട് അതു എത്രത്തോളം ശരിയാണെന്ന് ഭാവിയിലെ സംഭവങ്ങൾ നോക്കി മാത്രം വിധികർഷിക്കുവാനുള്ളതാണ്. 1951 ലെ മാധവമനോരന്റെ കടിയായ നിയമം നാട്ടിലെ ജനങ്ങളെ നിരാശരാക്കി. നാട്ടിലെ ജനങ്ങൾ ആശ്ചര്യപരമായ നടക്കുന്നില്ലെങ്കിൽ നിയമത്തിന്റെ പ്രവർത്തനം ഒരു സുഷോഭനമായിട്ടു എത്തുമെന്നുള്ളത് നാം കാർഷിക്കണം. മലബാറിലെ ഭൂരിപക്ഷത്തിനെതിരാണ് ഈ നിയമനിർമ്മാണം. എങ്കിലും ഈ നിയമത്തെ സംബന്ധിച്ചിടത്തോളം അതിന്റെ പരിപൂർത്തിയിൽ എത്തിയിട്ടുള്ളതിൽ കൃതാർത്ഥരും ഇല്ലാതില്ല. ഒരു രണ്ടു കാര്യങ്ങളിൽ മലബാറുകാരെ വളരെ അസംതൃപ്തരാക്കുകയാണ് ചെയ്തിട്ടുള്ളത്. ഒരു സ്ഥിരവകാശം; രണ്ടു പാട്ടം നിജപ്പെടുത്തൽ. പി.എസ്.പി. യിൽനിന്നും കൊണ്ടുവന്നിട്ടുള്ള ഏറ്റവും മികയയോടുകൂടി ഗവണ്മെന്റും ഗവണ്മെന്റ് - സർവ്വീസിലിട്ടില്ല. ഈ നിയമത്തിലെ മേൽ കാണിച്ച ഇനങ്ങളിലെ നിബന്ധന മലബാറിലെ ജനങ്ങളുടെ മിതത്തിനെതിരാണ് വസ്തുത ഗവണ്മെന്റിന്റെ ശ്രദ്ധയിൽപ്പെടുത്താൻ ഞാനാഗ്രഹിക്കുന്നു. ഈ നിയമനിർമ്മാണത്തിന്റെ പേരിൽ ഭാവിയിലുണ്ടാകാനിരിക്കുന്ന സംഭവഗതികളെ അടിസ്ഥാനപ്പെടുത്തി മലബാറിലെ കാർഷികപ്രശ്നങ്ങൾക്കു പരിപൂർണ്ണമായ ഒരു പരിഹാരം കാണാൻ ഈ ഗവണ്മെന്റിനും സന്നദ്ധസ്ഥിതിയിൽ പ്രതിജ്ഞപ്പെട്ടിട്ടുണ്ട്. ഈ നിയമനിർമ്മാണത്തിന്റെ പേരിലുള്ള പ്രവർത്തനങ്ങളിൽ നാട്ടിലുള്ള സകലജനങ്ങളുടേയും മുന്നോട്ടുവരുന്നതെന്നു വീക്ഷിക്കണമെന്നും, ഈ നിയമത്തെ നാട്ടുകാർ എങ്ങനെ സ്വാഗതം ചെയ്യാൻ വേണ്ടതെന്നു ഗവണ്മെന്റ് ശ്രദ്ധിക്കണമെന്നും അപേക്ഷിച്ചുകൊണ്ടു ഞാൻ അവസാനിപ്പിക്കുന്നു.”

SRI K. M. SEETHI 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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9th January 1954] 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

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എന്റെ നിയോജക മണ്ഡലത്തെ സംബന്ധിച്ച പറയുകയാണെങ്കിൽ തെക്കൻ കണ്ണാടകത്തിലെ മുപ്പത്തിമൂന്നു ഗ്രാമങ്ങളിൽ ഈ നിയമം ബാധകമാണ്. എന്നാൽ ചില ഗ്രാമങ്ങളെ വീട്ടുകളഞ്ഞിരിക്കുകയാണ്. ബഹുജനപ്പെട്ട മുഖ്യമന്ത്രി പറയുകയുണ്ടായി അതേപ്പറ്റി പരിശോധന നടത്തി അവയെക്കൂടി ഉൾപ്പെടുത്തണമോ എന്ന് ആലോചിക്കുന്നതാണെന്ന്. അതിനെ സംബന്ധിച്ച എല്ലാ രേഖകളും ഗവണ്മെന്റിന്റെ മുമ്പാകെയുണ്ട്. രാഷ്ട്രവേദനാ നിഷ്പാദ്യം കട്ടിശ്ശേരിമേനോൻ കമ്മറ്റി നിഷ്പാദ്യം ചില കലക്ടർമാരുടെ നിഷ്പാദ്യം ഗവണ്മെന്റിന്റെ മുമ്പാകെയുണ്ട്. ആ നിഷ്പാദ്യങ്ങളെ അടിസ്ഥാനപ്പെടുത്തിക്കൊണ്ട് ഈ ബില്ലിൽ രേഖ വ്യവസ്ഥകൾ ഉൾപ്പെടുത്താമായിരുന്നു. ഗവണ്മെന്റ് തന്നെ ഈ കാര്യത്തിൽ ഒരു ഭേദഗതി കൊണ്ടുവരാമായിരുന്നു. ഏതായാലും ഇപ്പോൾ മുഖ്യമന്ത്രി നൽകിയ ഉറപ്പനുസരിച്ച് താമസിയാതെ തന്നെ ഗവണ്മെന്റ് അതു ചെയ്യുമെന്നു വിശ്വസിക്കുകൊണ്ട് ഞാൻ നിറുത്തുന്നു. ”

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

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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.

"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.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, 11th January 1954.

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

THE SOUTH KANARA CULTIVATING TENANTS PROTECTION BILL^a,
1954 (L.A. BILL NO. 7 OF 1954) (AS PASSED BY THE ASSEMBLY).

MR. CHAIRMAN :—“ The Hon. Sri C. Subramanian, Minister for Finance, will now move that the South Kanara Cultivating Tenants Protection Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the Assembly), be taken into consideration.”

(The Hon. Sri C. Subramanian rose.)

DR. V. K. JOHN :—“ May I rise on a point of information. Sir? We have now received a letter from the Secretary to the Legislative Council that we must send in our amendments to certain Bills which may come up before this House. In fact, one of them has not yet been passed by the Assembly, and it is being discussed there. Two Bills have come before this House only to-day and you, Sir, kindly read to us the communication received from the Hon. Speaker. Now, if we are asked to send in our amendments before the Assembly passes the Bills and sends them to this House for the mere reason that copies of the Bills submitted to the Assembly have been sent to us by some courtesy, I submit, Sir, it would be offending the provisions contained in the Rules of Procedure of the Madras Legislative Council. It will also be absolutely inconvenient and even premature for the Members of this House to send in their amendments to Bills before they are passed by the Assembly and before they are laid on the table of this House. Actually rule 105 provides: ‘ As soon as possible, after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the table at a meeting of the Council ’. Rule 107 even goes to the extent of saying ‘ Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of the notice ’. We do not

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know whether you, in your discretion, would have directed otherwise than as contemplated in Rule 107. We can know it only to-day. If we are asked to send in our amendments without sufficient notice, I think it is hurrying up matters and is against the rules of procedure of this House. So we have a grievance in this respect and we want to bring it to the notice of the Chair."

MR. CHAIRMAN:—"I think that, in the case of the South Kanara Cultivating Tenants Protection Bill, hon. Members had sufficient notice. But in respect of the other Bill, I think hon. Members may have a legitimate grievance. Hon. Members will be given time to bring in amendments."

THE HON. SRI C. SUBRAMANIAM:—"If hon. Members want time, I have no objection. But hon. Members who are interested in this Bill told me that they were ready, and we thought that the Bill could be taken up. I am prepared to abide by the convenience of hon. Members with regard to the Malabar Tenancy Bill."

DR. V. K. JOHN:—"Sir, if you are acting under Rule 107, the general principles of the Malabar Tenancy Amendment Bill can be discussed now. Actually, only after the principles are discussed, the amendments can be brought in. Hon. Members must know what are the underlying principles. I do not think there can be any objection to this, if the House is given time as provided in Rule 107."

MR. CHAIRMAN:—"It is only for the amendments that we have to rely on Rule 107."

THE HON. SRI C. SUBRAMANIAM:—"Sir, with reference to the Malabar Tenancy Bill, as I have already stated, I am prepared to abide by the convenience of hon. Members. I thought that if hon. Members were ready, we could take up the Bill, and pass it into law even to-day. We are meeting again on the 18th January. If hon. Members so wish, it is open to them to have further discussion on the 18th. As pointed out by hon. Member Dr. V. K. John, we can have the general discussion of the Bill (that is the first reading stage of the Bill) now, and we may take up the clause by clause discussion on the 18th. The business of the House can be adjusted, and it is not as if we are in a hurry to get it through."

MR. CHAIRMAN:—"To-day we may take up the Malabar Tenancy Amendment Bill for general discussion. We can have the clause by clause discussion on the 18th January."

DR. V. K. JOHN:—"We are very keen on assisting the Government as much as we can."

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SRI V. GURUNANDAN ROW:—"Mr. Chairman, Sir, I would like to raise a point of order. Rule 108 lays down 'On the day on which such motion is set down in the list of business, the member in charge of the Bill may move that the Bill be taken into consideration'. From the Agenda I find it is stated that the Hon. Sri M. A. Manickavelu Naicker is the Member in charge of the Bill and that the motion will be moved by him. But the Hon. the Finance Minister rose to move the Bill."

MR. CHAIRMAN:—"I would, in this connection, invite the attention of the hon. Member to rule (h) (vide page 1) of the Council Rules. The Hon. Sri Subramaniam will now move the motion."

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

'That the South Kanara Cultivating Tenants Protection Bill, 1954, (L.A. Bill No. 7 of 1954), (as passed by the Assembly) be taken into consideration.'

Sir, in introducing this Bill, I have to state that for some time past Government have been receiving representations that the landowners in South Kanara district have been evicting cultivating tenants on an increasing scale and as a consequence of that, relations between landlords and tenants are tending to become strained. South Kanara is adjoining Malabar. As far as Malabar is concerned, we are introducing a tenancy legislation, far in advance, when compared to any other part of the State.

"There is an apprehension in the minds of the landlords of this district that South Kanara being adjacent to Malabar, tenancy legislation might also be brought in for that district, not on the same basis as for Malabar but on a basis which is likely to give a certain amount of fixity of tenure to the tenants. In anticipation of such a legislation being brought in by Government, it has been represented to Government that there has been eviction of tenants by the landlords to a certain extent. The Government are not now in a position to introduce a comprehensive land legislation for the district of South Kanara. It requires a great deal of study and thought. Pending the introduction and passing of such a legislation, Government think it necessary to protect the tenants who are now in occupation and enjoyment of land. That is why this short and simple Bill has been brought forward for staying eviction of tenants from lands for a period of one year pending the introduction of a comprehensive legislation. It is our hope that it would be possible for us to finalise the Bill with regard to South Kanara tenancy within that period and get it passed by the legislature also. That is why we have now brought in this short Bill.

"In this connection I may mention that the elected members in the Assembly and also the representative from South Kanara in

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this House have been pressing this matter on the Government. They wanted that legislation should be brought in immediately to provide for continuity of tenure for at least a period of one year pending further consideration and the passing of a comprehensive Bill. That is another reason why we have brought in this measure. This has been passed by the Assembly and now it is before the House for its acceptance.

"This measure will not apply to the 33 villages of Kasaragod taluk to which the provisions of the Malabar Tenancy Act will apply. This is a simple measure and I need not explain it to hon. Members who are well versed in law, especially the tenancy law. During the clause by clause discussion of the Bill, if points are raised, I shall certainly explain them."

MR. CHAIRMAN:—"Motion moved:—

'That the South Kanara Cultivating Tenants Protection Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the Assembly) be taken into consideration.'

SRI M. P. GOVINDA MENON:—"I heartily support the short measure that has been introduced by the Hon. the Minister for Finance for giving protection to the tenants in the district of South Kanara. Coming as I do from the district of Malabar, I can understand the difficulties the tenants of my sister district, South Kanara, are undergoing for the last few years. As far as that district is concerned, the tenants are the worst sufferers because they cannot at the time of eviction even claim compensation for improvements carried out by them. In Malabar, at least from the year 1884, we had the advantage of claiming and getting the improvements valued at the time of eviction. But the tenants in South Kanara, I understand, have to surrender the property without getting anything for the improvements carried out by them. The Ryots Protection Act may also be made applicable to them as the tenants there do not come under the Malabar land tenure system or the ryotwari system. Therefore it is high time that the Government pass a comprehensive legislation which will give protection to the tenants of South Kanara for at least some years. My whole sympathy is with the tenants of South Kanara. I have a brotherly affinity for them. But I have to complain also, Sir."

THE HON. SRI C. SUBRAMANIAM:—"The hon. Member has not taken an imperialist attitude."

SRI M. P. GOVINDA MENON:—"I have not come to that stage. Rather I am in a Tamil Imperialistic State. That apart, my complaint is this. When we, people of Malabar, have got a soft corner for them, and want to get relief for them, the representatives from South Kanara including the hon. Member Sri Narasappaya do not reciprocate. They all opposed the amendments to the Malabar tenancy legislation when that came up for

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discussion in the other House. They do not help us. We do not want to retaliate. We want to help them to get this legislation passed to give protection to the tenants in South Kanara.

"The Hon. the Minister for Finance just now remarked that all the elected members from South Kanara—a majority of them at least—in the Assembly and hon. Member Sri Narasappaya made representations to Government that such a legislation was very necessary. I congratulate the Government on being responsive to the representations made by the representatives of the people of South Kanara. But they are not responsive to the representations made by the representatives from Malabar. Unfortunately we have returned a number of members to the Opposition bloc and not to the Congress bloc. Anyway we are glad that the Government give consideration to the representations made by the representatives of the people of South Kanara. I welcome this measure, and I hope a comprehensive legislation will be introduced to help the tenants in South Kanara."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, my hon. friend from Malabar said that because he came from Malabar, and South Kanara was his sister district, he would support the measure. I neither belong to Malabar nor to South Kanara. I belong to the Madras State of which Malabar and South Kanara are parts. Therefore I have a brotherly, sisterly and parental interest for both the districts of Malabar and South Kanara. At the same time I take a detached view of the matter, neither favourable to the landlords nor favourable to the tenants. I would also request the Government to take a just view of the relations of both the landlords and the tenants."

"Sir, I have grave doubts, whether this Bill will be of any use, because when I look into the various stages that the Malabar Tenancy Bill has gone through, regarding restraints on evictions. I see, from the year 1946 the Government have been passing legislation year after year or at least once in two years. So much so, now so many anomalies and troubles have arisen, and things are in favour of one party and not in favour of the other party. I was told by hon. Members of the Assembly that relations between the landlord and the tenant were harmonious in South Kanara, and not like what they were in Malabar. Now a legislation like this, I am afraid, will tamper with the harmony that subsists between them. I know the agitation in Malabar has spread the contagion to the district of South Kanara, being a sister district, and also because hon. Members from those districts sit together here and also in the Assembly. But let us not on that account pass legislation endlessly from year to year without finally deciding the relations that should subsist between the landlords and the tenants so that the tenants may settle down on the lands and produce food. In our country production is the most important and immediate need. Cultivation must go on. We should not quarrel with each other frequently. If we do I am afraid the

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programme of food production in the country will be in danger. That is why I say a legislation like this should not be undertaken. On the other hand a comprehensive legislation would be much better."

SRI S. NARASAPPAYA:—"Mr. Chairman, Sir, I must heartily welcome this measure and fully support the Bill introduced by the Hon. the Minister for Finance. In some quarters this legislation is termed as a hasty legislation and even a responsible daily of Madras has termed it as such. But I say it is certainly not a hasty legislation. On the other hand this piece of legislation was long over due. Ever since 1939, the people of South Kanara have been agitating for tenancy legislation. Time and again representations were made to the previous Governments. Representations were also made to the present Government for passing tenancy legislation for that district. In fact a few years back, the Secretary of the South Kanara District Congress Committee went on a seven days fast for the purpose of focussing the attention of the Government on the necessity to introduce tenancy legislation for that district. All parties are agreed that tenancy legislation for the district is absolutely essential, and representations were made not only by Congress legislators but also by other political parties in the district. Knowing the district fully as I do, I can assure the hon. Members of this House that even the landlords are not against the introduction as a reasonable tenancy legislation for the district.

"An objection has been raised as to why this tenancy legislation should be confined only to the South Kanara district and not to the entire State. The tenancy system of South Kanara and the land tenure system obtaining therein, are certainly different from that of the other parts of the State. Such of the hon. Gentlemen who have studied the Malabar Tenancy Act will know the complicated nature of land tenure and tenancy system in Malabar. Half a dozen people have interests, one over the other, in the same piece of land, and the system of tenancy and other tenures obtaining therein are really complicated. In South Kanara, there is absolutely no such complication, nor is there any system, as is prevalent in other districts, of either sharing the produce or of the landlord providing for the expenses of cultivation or the grain being divided on the thrashing floor. The landlord lets in a tenant and the tenant is in the exclusive possession of the holding and at the end of the year, he pays a rent that is already agreed upon,—whether there is good harvest or bad harvest it is all the tenant's look out. In South Kanara, there are three kinds of tenants. The first class of tenants—a small class are called 'Mulgeni', that is permanent tenants. So far as they are concerned, they do not require any protection because they cannot be evicted and rent also cannot be increased. There is another class of tenants called 'Vaidegeni', that is, 'term-lease tenants', who are there for a definite period. During

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the subsistence of their lease period, they also do not require protection. They can neither be evicted nor their rent be increased. Once the period of contract is over, then they are on a par with the other tenants. Then, there is the third class of tenants who form the bulk of the agriculturists. They are about 80 to 90 per cent of the cultivating class who are known as 'Chalgeni' tenants, that is, year-by-year tenants. They have absolutely no security of tenure. The landlord, at the end of the agricultural year, by giving two or three months' notice, can evict them and, in some cases, as my hon. Friend Mr. Govinda Menon pointed out, even without paying compensation. It is not that landlords are evicting every tenant. The trouble is, both the psychological factor and the treatment that is given to the tenants are involved in this matter. After all, in these days the tenants are conscious of their rights and of the fact that they also are citizens of the country entitled to live as normal citizens and they do not want to act according to the whims and fancies of the landlords. What really happens is, under the threat of eviction, which the landlord, under the present law, is entitled to issue the tenants are made completely subservient to the landlord and to be under his mercy. It is to prevent that kind of uncertainty in the mind of the tenant that repeated representations have been made to the Government for the introduction of a tenancy legislation. As it is, the tenant can be evicted at any time and there is absolutely no security of tenure, and for continuing his occupation of the land, he depends on the sweet will and pleasure of the landlord. Such a tenant certainly would not have the heart either to improve the land or cultivate it in a manner in which the best produce can be obtained. It is for this reason that a tenancy legislation is absolutely essential.

"So far as this measure is concerned, it is only a temporary measure. Only eviction of a tenant for a period of one year is stayed, but I am welcoming it for two reasons. Firstly, apprehending that the tenancy legislation will be brought in, the landlords cannot evict the tenants until the tenancy legislation is actually brought in. But the still more important factor is, once this measure is passed, the Government are bound to introduce the tenancy legislation. This is only a beginning and it is certain that by the end of the year, a permanent measure of tenancy legislation will be introduced and passed. That is why this measure is most welcome.

"Sir, the hon. Gentleman, Mr. Govinda Menon said that hon. Members coming from South Kanara had not got the same sympathy towards the Malabar Tenancy Act as he had got towards this measure. I am afraid, the hon. Gentleman is very much mistaken. I am not only representing the district of South Kanara, but I am also representing Malabar. I have got as much interest in Malabar as he has. But opinions can certainly be divided. If a certain measure or a certain point of view which looks very

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reasonable to him and which does not look as equally reasonable to me or to the hon. Members coming from South Kanara of the other House, it does not mean that we have not the interests of Malabar at heart. Therefore the hon. Gentleman will certainly pardon us if we differ from him, and from this let him not conclude that we have no interest in Malabar or that we are not supporting the tenants of Malabar.

"The hon. Member, Mr. Balasubramanya Ayyar, expressed apprehensions by saying that this temporary measure need not have been brought in and the Government could have brought in a permanent measure, and that by extending temporary measures like this year after year, a lot of complications would arise. Sir, I do not think there is room for any such apprehension, for I hope and believe—I think I am correct in saying—the Government are intending to bring in a permanent measure very soon. In fact, all the hon. Members coming from South Kanara have agreed to a certain measure that has been put before the Government and the Government are scrutinising it. As the Hon. Minister for Finance has rightly stated, being a permanent measure, it has got to be looked at from all points of view, and all precautions should be taken to see that the intentions of the framers of the Bill are carried out. I am sure it will be brought forward very soon, if possible at the very next session of the Legislature, and passed into an Act.

"So far as this measure is concerned, as I said before, it is not a controversial measure, and there is no divided opinion on it. I, therefore, earnestly request the House to pass this measure. Before concluding, I have got to thank most heartily the Government, and particularly the Hon. the Chief Minister who is mainly responsible for bringing in this measure. During his recent tour of the district, representations were made to him by various political parties, and he gave the assurance there that some reasonable tenancy legislation would be brought forward. As soon as he came back, with the utmost expedition he set his hands on the Bill that is now under discussion here. We, who come from South Kanara, are most grateful to the Hon. the Chief Minister for the very kind consideration that he has shown to our district and for having introduced this measure which, for the last 16 years, no Government introduced in spite of repeated representations, and, as I said before, even a fast by the Secretary of the District Congress Committee. Once more, I thank the Government and the Hon. the Chief Minister for having introduced this measure, and I earnestly appeal to them to bring forward the permanent measure, if possible, even during the next session itself."

SRI A. GAJAPATHY NAYAGAR :—"மன்றத் தலைவர் அவர்களே, இந்த தென் கன்னட குடிவார மசோதா மிகவும் பொறுத்தமானது என்று நான் அதை வரவேற்கிறேன். ஒரு சட்டம் செய்வதாக இருந்தால் முழுதாகச் செய்ய வேண்டும். ஆயினும் எனக்கு முன்பு பேசிய நண்பர் இந்த

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சட்டத்தைக் கொண்டு வர அநேக ஆண்டுகள் ஆயிற்று என்று சொன்னார்கள். இப்பொழுதாவது கொண்டு வந்தார்களே யென்று அதற்காக நான் நன்றி செலுத்தி, இந்த சட்டம் 'டிங்கரிங் வித் லெஜிஸ்லேஷன்' (tinkering with legislation) அதாவது சிறிதளவே செய்யும் குற்றத்திற்கு உட்பட்டதாயினும் அதைக் கொண்டு பெரியதாக இந்த குடிவார மசோதாவால் குடியானவர்களுக்கு நன்மை செய்யுட்படி செய்வார்களென்று நம்புகிறேன். எனக்கு முன்பு பேசிய மதிதகு நண்பர் பாலசுப்பிரமணிய அய்யர் இதனால் கலவரம் நடைபெறுமென்றார். அது எப்படி நடைபெறுமென்று எனக்குத் தெரியவில்லை. இதனை 'Thin end of the wedge' என்று நினைத்து இதனால் நிலச்சுவான்தார்களுக்கு என்னென்ன கேடுகள் விளையுமோ என்று அச்சமுறுகிறார்கள். அப்படி நினைக்கிற காலம் இதுவல்ல. இப்போது ஏழை மக்களுக்கும், குடியானவர்களுக்கும் நன்மை செய்ய முன் வருவதே நம் கடமை. இப்போதுள்ள மாறுதல் நிலைமையை (status quo) மாற்றி அமைத்து, எவ்விதத்தாலும் ஏழை மக்களுக்கு உதவி செய்யலாமென்ற கருத்தோடு நாம் சேர்ந்து ஒத்துழைக்க வேண்டும். அந்த கருத்தோடு இந்த அரசியலார் இச்சட்டத்தை கொண்டுவருவதை நான் மிகவும் பாராட்டி ஆதரிக்கிறேன்."

SRI P. N. MARTHANDAM PILLAI :—"Mr. Chairman, Sir, the matter before the House is a very simple one. When the Government say that a number of tenants are being evicted in South Kanara district, I think most of us will not dispute that fact. If this fact is true, I think a legislation of this kind is absolutely necessary to protect the interests of the tenants. Once the tenants are evicted, then all the evidence regarding tenancy disappears. Most often these are cases of oral tenancy. If the Government are really going to bring in a comprehensive tenancy legislation in the near future, a legislation like the one before the House will be very useful, and the tenants ought to be provided against any eviction. Therefore this Bill has my whole-hearted support."

SRI V. GURUNANDAN ROW :—"Mr. Chairman, Sir, while I also support the principle of this Bill, I have to say that as usual the Government have been very hesitating and halting in regard to any measures in favour of tenants. For example, Sir, the Preamble says:

'Whereas it is necessary pending further legislation, to protect cultivating tenants in the district of South Kanara from unjust eviction; It is hereby enacted as follows :—'

This makes it quite clear that there have been unjust evictions in South Kanara even according to the statements of the Government. If so, why should not the Government protect the rights of those tenants who have been evicted unjustly? If the Government are for justice, this Bill should not only protect the existing tenants from eviction but also protect those who have been unjustly evicted as stated in the Preamble. It is very necessary to do so, as otherwise it would mean that the landlords who have unjustly evicted the tenants get away while only the landlords who have been good and have not evicted their tenants unjustly are now prevented from doing so. What happens to those landlords who have unjustly evicted their tenants? Should not the Government

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seek to do some justice to the tenants who have been unjustly evicted as a consequence of the threatened measures of land reform for South Kanara?

"Is it not necessary that just as in the Tanjore Tenants and Pannaiyal Protection Act a certain date should be fixed and, if on that date a tenant has been in possession, he should be restored to his land? Otherwise, I do not understand the meaning of this legislation. It means as much as to say that in every place unless the landlords start unjust evictions and unless the relations between the landlords and the tenants are strained, the Government are not prepared to do anything in regard to tenancy reform. I do not see any reason why the Government should not extend this interim legislation to the whole State? Why should there be this piecemeal legislation? The hon. Gentleman, Sri S. Narasappaya said that the South Kanara tenancy was a complicated matter. I know that, but it has nothing to do with the question of stopping the eviction of tenants. The question of eviction of tenants is the same whether it is in South Kanara or in any other district. Though a comprehensive land reform is an absolute necessity in the interest of the general public and for the production of more food, this sort of an interim legislation is required not only for South Kanara but for the entire State. As I have already said, the present Bill only amounts to saying that unless the landlords unjustly evict the tenants or the tenants bring about strained relations between themselves and the landlords, the Government are not going to intervene and stop evictions. Why should there be this half-hearted justice? When the Government say that in future the tenants shall not be evicted, what about the tenants who have already been unjustly evicted, as admitted in the Preamble? I therefore request the Government to consider this matter and see that a proper amendment is brought forward so that the tenants who have been unjustly evicted after the promulgation of the Tanjore Tenants and Pannaiyal Protection Ordinance of 1952, which made the landlords think that some land reform was coming and therefore the tenants should be evicted, are reinstated and the injustice done to them is removed. I, therefore, again request the Government to consider carefully the matter and accept the amendment of which I have given notice."

SRI G. KRISHNAMURTHI:—"Mr. Chairman, Sir, I heartily welcome this measure. This is a simple measure that aims at stopping the eviction of tenants that has been going on in the South Kanara district. I should have very much liked that the Government should have brought in some Bill in the case of the teachers also who are being evicted. Now, I am very glad that the Government are realizing that it is very necessary that there should be security of tenure for these tenants if at all they must have good produce and if at all there must be peace in those parts. It is equally true in the field of education also where there

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should be continuity of service and where there should be peace and prosperity also. I very much appreciate the attitude of the Government in running to the rescue of these evicted tenants by an interim legislation and putting an end to the eviction that is going on. This is true in all spheres and I hope the Government will heartily support the cause of the teachers also who are being evicted continually and run to the rescue of these teachers with an interim legislation till definite rules are framed.

"I heartily support this Bill."

DR. V. K. JOHN:—"Mr. Chairman, Sir, this is a measure of agrarian reform and in regard to agrarian reforms I would certainly support any measure which helps the tiller of the soil, because the primary object of every agrarian reform should be to get the largest output from the land and the tiller of the soil should be certainly helped in every way. But, Sir, the question is whether agrarian reform can be introduced without expropriating the owner of the soil. Can we help both the tiller and the owner by a measure which will be satisfactory to both? It is said that the three characteristics of British legislation are conflict of interests, compromise and caution. In all these cases of land reform there are conflict of interests, compromise and caution. There is always a tendency to find a solution by perpetuating the relationship between the landlord and the tenant. It is an economic waste, in my opinion, to perpetuate that relationship.

"We can introduce agrarian reform by making the cultivator of the land the owner of the soil, by having an independent peasantry cultivating their own land and paying over to the landlord and all others interested in the land—may be intermediaries—the full value of the land so that we help the cultivator and at the same time do not expropriate the landlord. I do not say that in cases where the landlord can cultivate his own land he should not be given that freedom to resume his land and cultivate it. The point is that there are two ways of solving the tenancy problem which has been created by pressure of population on land. One way is to have a measure providing for fixity of tenure and also providing for fair rent. The other way is to enable the cultivator of the soil, that is the tenant, to purchase all the interests in the land by an annuity system which I shall explain when I speak on the Malabar Tenancy (Amendment) Bill and which will not lead to expropriation of the landlord but will give the tenant a permanent right of ownership of the land.

"These are the two ways in which agrarian reforms have been introduced in many countries in the world. I have made a fairly good study of agrarian reforms in all parts of the world when I was studying the land tenure system in Malabar years ago. Sir, in many parts of the world, attention has been concentrated on adopting one method or the other. In Germany, which I shall

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explain in the speech which I am going to make on the Malabar Tenancy (Amendment) Bill, a scheme was adopted by which the cultivator was made the owner of the land. No one was expropriated and no cultivating tenant was prejudicially affected. The other way is to have a perpetual relationship between the landlord and the tenant and asking the tenant to pay continuously a rent to the landlord, and this relationship, as far as I can see in our country, will never work and there will be continuous agitation, by tenants and on their behalf, to reduce the rent and for other amenities, which in almost every other country it will be expropriation of the landlord's interests, and continuous agitation by the landlord for the restoration of privileges and powers enjoyed by him. The Government do not seem to have gone into this question in a really scientific manner after making a careful study of agrarian reforms in all parts of the world. When I speak on the Malabar Tenancy Bill, I will point out how it has become an impossible proposition to have good relationship between the tenant and the landlord. Now, Sir, the Government seem to prefer the system of giving security to tenants. I do not find any provision, in the Bill before us, for fixing fair rent. The Bill is only a temporary enactment and the Government will have to consider very seriously the way to bring in a measure of agrarian reform. They must consider what is the object that an agrarian reform must achieve and how it can be permanently achieved without injuring the interests of the cultivator and without injuring the interests of the landlord. I shall explain this point in my next speech on the Malabar Tenancy Bill because I have made a careful study of land reforms in all parts of the world.

" This Bill is said to be a temporary measure. Sir, I am very much against these temporary legislations. First of all, it shows that the Government do not take time by the forelock and, after all, the agitation by the tenants or the creation of difficulties for cultivators in the district of South Kanara could not have been created yesterday or the day before. It should have existed for many years. It might become more acute in the future. I do not see why our Government, at least after independence was achieved, did not consider the question of a comprehensive agrarian reform for South Kanara and for other places in this State. I find one point of view expressed and I regret to find that certain members think that they belong to the district of Malabar, certain other members think that they belong to South Kanara district and so on. I think it is a wrong way of looking at things. Any person belonging to the part of this State where Tamil is spoken certainly must have the same sympathy and consideration for the suffering people in the district of Malabar or South Kanara.

" Our experience with regard to these temporary measures has been, that once a temporary measure is passed, the Government go to sleep and that has been the case in a similar case of agrarian reform. On 4th October 1946, we passed a measure called the

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Madras Tenants and Ryots Protection Act (Act XVII of 1946). Under this Act, no tenants in the district of Malabar, no ryots in estates governed by the Madras Estates Land Act, 1908 and no tenants of private lands in such estates shall be evicted and all suits, proceedings in execution of decrees or orders and other proceedings were stayed. This was for two years with freedom to Government to extend the life of the Act for another period of two years. Sir, this Act was passed in 1946 pending a comprehensive legislation. Then this Act was followed by another Act—Act XXIV of 1949—which came into force on 8th December 1949. That Act again, Sir, incorporated all the material provisions of the earlier Act of 1946 and it was provided that its duration was up to 7th October 1950. Now, Sir, we had two instances of temporary legislations passed pending introduction of comprehensive legislation. It might be said that the Congress Ministry unfortunately had changed many times during this period. I hope this will not happen in the near future. Anyway, what really happened was that they had to pass another piece of legislation—The Madras Tenants and Ryots Protection (Amendment) Act, 1951—which extended the period of expiry of the original Act up to 7th October 1953. Sir, in 1946, in 1949 and in 1951, this legislation relating to the protection of tenants and ryots was passed. What happened to this Act after 7th October of last year, we do not know. This procedure of bringing in temporary enactments with the object of bringing comprehensive legislation later on has not worked very well. It was only the other day that I pointed out that an enactment passed in 1946 for the preservation of private forests was extended from time to time and it was only on that day that we gave another extension but I won't call it a last extension. There is a tendency on the part of the Government to put on the Statute a temporary legislation and then they come the next year before the Legislature and say 'Let us have it extended for a year or for another two years.' It is the duty of the Government—and it has its own responsibility—that immediately temporary enactment is drafted and placed before both the Houses they should set up an organization which will bring in a comprehensive legislation within the period referred to in the temporary enactment. All the previous enactments were extended by ministries which are not functioning to-day. May I express the hope that at least this Government whenever they approach the Legislature for passing a temporary measure in anticipation of bringing in a comprehensive enactment will take the responsibility and consider it their duty to set up immediately a machinery which will introduce this comprehensive legislation within the period mentioned in the temporary enactment? This Bill is for one year and let me hope that the comprehensive legislation will come into existence within this period of one year. Otherwise it is a fraud on everybody concerned and it does not give credit to the Government to extend every temporary enactment year after year. This I hope will not happen in future.

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"Now, Sir, on the provisions of the Bill, I do not wish to say anything now because it is after all a temporary enactment. Although I am afraid it will be extended, still I do not wish to say anything at this stage because after all let me have faith in the Government that it will not be extended from year to year. It is my hope that it will not be extended. There are two ways of introducing an agrarian reform. One way is to see that the market price for the land is given, that the landowner is not expropriated by giving fixity of tenure to the cultivator and at the same time the cultivator is never evicted from his holding.

"That is the way of creating an independent peasantry cultivating its own land and passing the ownership of the land to the cultivator after paying the market value to the owner of the land or those others interested in it. The other way is to have perpetual relationship between the landlord and the tenant and asking the tenant to pay continuously a rent to the landlord, but this will create difficulties year after year and will never solve the problem of landlord and tenant. The Government must make up their mind as to which principle they should follow and then introduce a comprehensive enactment. The system by which the owner is not expropriated and the tenant is allowed to purchase the land in annuities has been introduced all over the Western world and has worked well. I will explain this in further detail when I speak, later on, on the Malabar Tenancy Bill. But here I would like to impress upon the Government that before they introduce any measure of agrarian reform they should consider that this is also a measure of agrarian reform and not something to ward off the evil of eviction. When they introduce a comprehensive measure, let them consider which is best suited to the country and introduce that measure. I must compliment this Government for particularly paying attention to the needs of the poor so that a welfare State may be created. In many measures brought before this House it has been the intention of this Government to assist the poor. But, at the same time the Government must have expert advice on difficult problems like agrarian reforms. I am quite sure that by this measure the Government want to give temporary relief to the cultivating tenants. I do not find any provision which helps the intermediaries, which is against all principles of land reform and I find that only the cultivating tenant is helped. I thank the Government for the sympathy they have for the tenants. But I would request them to go into these questions thoroughly with the help of experts. Thank you, Sir."

THE HON. SRI C. SUBRAMANIAM:—"Sir, there has been almost unanimous support to this measure except for a word of caution by the hon. Gentleman Sri K. Balasubramanya Ayyar. That word of caution is also necessary because any hasty step taken in this direction is likely to deteriorate conditions rather than improve them. Therefore when he said that we should be very cautious in making proposals for agrarian reform, I take it that

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he did not mean that there should be no agrarian reform at all. He only said that there should be a proper study of the conditions and that whatever legislation we may make should be for the smooth working of the society as a whole. Taking that into consideration, I am sure hon. Members will realize the difficulties in bringing forward a comprehensive legislation as such.

"A tenancy legislation has got to be fitted into the circumstances and conditions prevailing in various areas. Conditions are different from area to area, from district to district and in certain cases even from village to village. Therefore, an all-comprehensive measure for the entire State, I think, will not work smoothly. We will have to take into consideration the peculiar features prevailing in the various areas and districts and we will have to model our legislation accordingly. That is why there is a separate Tenancy Bill for Malabar where conditions are completely different. Conditions have developed in Malabar for centuries to suit the genius of the people there. To import into Malabar theories and notions which are prevailing in other parts of this State or in other parts of the country may not work well. Therefore we have to consider these things very carefully and then only we can enunciate propositions to solve these problems. That is why we are taking some time.

"Sir, almost every member has given his approval to the principle of this Bill. But the hon. Gentleman Sri V. Gurunandan Row said that if there had been unjust evictions, as has been stated in the preamble to the Bill, it is necessary to remove those injustices so that tenants who have been unjustly evicted might be put back into occupation of the land. That is very easily said, but in all these things we must take into account the balance of convenience. Suppose we embark upon a district-wide enquiry as to who are the protected tenants, who are the tenants who have been evicted and who have got to be put back into occupation, what is the cause and what is the benefit we would be conferring on the tenants who have been evicted by putting them back into possession of certain pieces of land and for this we will have to take an enormous amount of trouble. Then I have absolutely no doubt that Mr. Gurunandan Row will agree and even if he does not agree --because he has made up his mind that the evicted tenants should be put back in occupation of the land--persons who can realize the difficulties will agree that the balance of convenience is 'Let us protect the tenants as they are and if they are continued, it would be more than sufficient.' After all, if a tenant is evicted from one piece of land, I am sure he would have got into possession of another piece of land elsewhere. The landlords have only the satisfaction of changing the tenants. It is not as if the landlords are taking to cultivation themselves. Even though there may be a few hard cases—even a good law always does not cover all hard cases—we have taken them into consideration and we will have, to a certain extent, resist the temptation of saying 'Let us launch upon a big enquiry and put back all these evicted persons into possession of

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the land.' Therefore we have formulated our proposals and even though there may be few unjust cases of eviction, we will have to put up with them in the interest of the society as a whole and I am sure whoever has been evicted will be able to find alternative land for purposes of cultivation.

"Sir, even though this is a temporary measure, suggestions have been made, especially by the Hon. Deputy Leader of the Opposition, for solving this problem in a permanent way. Of course, it is easy to formulate proposals for solving this problem but the particular solution gives rise to further problems. Therefore we will be going on endlessly and that is the law of life. Let us leave the impression that we will be able to solve any problem permanently without giving rise to further problems in its turn. It was asked 'Why should not the Government purchase the entire interest of the landlords at market price and then distribute the land to the tenants?' Who is to pay the market price? Are the tenants to pay? If the tenants are to pay, will they be able to do so? If they are unable to pay, will the Government be able to pay? And if the Government have to pay for it, it is not as if they are paying it from somewhere. They have to get it from the general tax-payer. All these things will have to be taken into consideration when such proposals are made. It is easily said that the tiller of the land should be the owner of the soil. All right. Will that solve all problems? There can be uniform tenancy rules and regulations only in a totalitarian regime where you can say that no person shall alienate the land without the permission of the Government. It is not as if merely for the sake of giving to another person the pleasure of owning that land, we should distribute the land. We want that land should be utilized to the best advantage. Even though a person might be the owner of the soil, what would happen if he does not engage himself in the proper cultivation of the land? Are we going to set up standards of good cultivation and say that if a tenant does not conform to the standard, he should be evicted and somebody else should be put into occupation? All these are things which we will have to take into consideration unless we are prepared to have a totalitarian regime where everything will be regimented and controlled, where everything will be controlled by the bureaucracy; a system of Government which will order about each citizen as to what he should think, what he should speak and what he should do. Unless we are prepared to have such an administration, I am afraid we cannot have uniform rules made in respect of all matters. That is the difficulty we are facing in respect of tenancy legislation. Certain things have developed in the course of a long time. Those things developed, not out of nothing, but they developed out of conditions existing in society. If conditions change, then we have naturally also to make changes in the existing order. We cannot also forget the entire past. We have to take into consideration what the past has been, what change has taken place in the present and what the future is likely to be. And, with reference to all

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these we have to make changes so that in the process of making changes we do not create greater difficulties and more difficult problems. From that point of view, Government are examining the question of agrarian reforms. After all so many committees were set up to go into this question. I have myself sat in one committee. Each committee had suggested its own remedies for the solution of agrarian troubles and each committee thought its solution was the best and the hon. Member Dr. John thinks that what he has got in his mind is the best solution. I am not at all surprised about his view. Everybody thinks that he alone has the right remedy for these ills prevailing in society today. But what I say is this that the question has got to be looked at from various aspects and from the political point of view also, and proposals formulated for introducing tenancy reforms. From this point of view alone, Government are now examining the various problems. We are hoping that we will be able to solve this problem, if not permanently—my humble opinion is that a permanent solution of this problem is not possible—at least to find a solution which will be a progressive one, which will establish cordial relationship between the tenant and the landlord. The position of the tillers of the soil will be made satisfactory enough so that the land which so many treasure and which has got to be utilized to the greatest possible extent to feed the millions who are existing to-day and those yet to come—we are producing millions every year—may be put to the best possible use. With this object in view this Bill has been introduced before the House. When the comprehensive measure is ready it will be placed before the House when hon. Members will have an opportunity to discuss this question in greater detail, and express their views.

"Sir, I am grateful to hon. Members for the various suggestions made by them not only with regard to this temporary measure but for the ultimate solution of this very difficult problem. In fact if we extend the life of some of these temporary measures, it is not that we are content with it, but because we are compelled by the very difficulties of the problem to do so. When once Government think that they are in sight of the solution and put forward proposals, the examination of those proposals discloses that the problem requires further examination. That is why it goes on endlessly. But we hope to find a sound solution soon. I hope the Bill will be passed by this House."

MR. CHAIRMAN:—"The question is—

'That the South Kanara Cultivating Tenants Protection Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the Assembly), be taken into consideration.'

The motion was carried.

Clauses 2, 3, 4 and 5 were separately put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

*‘ That the South Kanara Cultivating Tenants Protection
Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the
Assembly), be read a third time and passed.’ ”*

MR. CHAIRMAN:—“ The motion is—

*‘ That the South Kanara Cultivating Tenants Protection
Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the Assembly),
be read a third time and passed.’ ”*

SRI K. BALASUBRAMANYA AYYAR:—“ I want to say
only a word, Sir. The Preamble of the Bill states: ‘ Whereas it
is necessary, pending further legislation, to protect cultivating
tenants in the district of South Kanara from unjust eviction; it is
hereby enacted as follows:’. From a reading of this Preamble it
looks as though unjust evictions in large numbers have already
taken place in the district of South Kanara. In fact it is not so.
Ordinarily the Preamble of the Bill should state that a particular
Bill is being brought forward for the purpose of preventing unjust
eviction. If the landlord takes into his head to evict the tenant
unjustly that should be prevented by Government by a legisla-
tive enactment. (An hon. Member: ‘ There has been unjust evic-
tions.’) That does not mean that there have been thousands and
thousands of unjust evictions and that the Government have not
done their duty by the tenants.”

DR. V. K. JOHN:—“ Mr. Chairman, Sir, the Hon. the
Minister for Finance has misunderstood my remarks. He said
my idea was that Government should pay the price of the land
from out of Government funds and then the cultivator should be
made the owner of the land. That was not my idea. I shall
explain my idea later on when we discuss the Malabar Tenancy
Amendment Bill.”

MR. CHAIRMAN:—“ The question is—

*‘ That the South Kanara Cultivating Tenants Protection
Bill, 1954 (L.A. Bill No. 7 of 1954) (as passed by the Assembly),
be read a third time and passed.’ ”*

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

[11th January 1954]

APPENDIX.

[Vide item on page 1 supra.]

L.A. BILL No. 7 OF 1954.

(As passed by the Assembly.)

A Bill for the protection from eviction of cultivating tenants in the district of South Kanara.

WHEREAS it is necessary, pending further legislation, to protect cultivating tenants in the district of South Kanara from unjust eviction; It is hereby enacted as follows:—

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the South Kanara Cultivating Tenants Protection Act, 1954.

(2) It extends to the whole of the district of South Kanara other than the areas therein to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.

(3) It shall come into force at once and shall be in force for a year.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) “cultivating tenant” means a person who cultivates, by his own labour or by that of any other member of his family or by hired labour under his supervision and control, any land belonging to another, under a tenancy agreement, express or implied, and includes any such person who continues in possession of the land after the determination of the tenancy agreement;

(b) “holding” means a parcel or parcels of land held by a cultivating tenant;

(c) “land” means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto; and “cultivation” means the use of lands for the purpose of agriculture or horticulture;

(d) “landlord”, in relation to a holding or part thereof, means the person entitled to evict the cultivating tenant from such holding or part.

3. *Landlords not to evict cultivating tenants.*—(1) Subject to the next succeeding sub-sections, no cultivating tenant shall be evicted from his holding or any part thereof, during the continuance of this Act, by or at the instance of his landlord, whether in execution of a decree or order of a Court or otherwise.

(2) Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant who, if in arrear at the commencement of this Act with respect to rent payable to the landlord and accrued due subsequent to the 31st March 1953, does not pay such rent within a month after the commencement of this Act or who, after the commencement of this Act, does not pay rent within a month after such rent accrues due.

[11th January 1954]

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord—

(i) in the case of rent accrued due subsequent to the 31st March 1953, within a month after the commencement of this Act;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant time not exceeding a month for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudge that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as if this Act had not been passed.

(c) The expression “Court” in this sub-section means the Court which passed the decree or order for eviction or, where there is no such decree or order, the Court which would have jurisdiction to try a suit by the landlord for eviction of the cultivating tenant from the holding or part thereof to which the deposit relates.

4. *Exclusion of time for limitation.*—In computing the period of limitation or limit of time prescribed for an application for the execution of a decree or order for the eviction of a cultivating tenant, the time during which he was protected by section 3 from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

5. *Power to make rules.*—The State Government may, by notification in the *Fort St. George Gazette*, make rules to carry out the purposes of this Act.

THE MADRAS INDEBTED AGRICULTURISTS
(TEMPORARY RELIEF) BILL, 1954.

11th January 1954] [Sri V. Gopala Gounder]

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 தெரிந்தும்சூட அவசரம் அவசரமாக இந்தச் சட்டம் பிரகடனம் செய்யப்பட்டதின் மர்மம் என்ன என்பது சர்க்கார் பின்னால் சொல்லப் போகும் பதிலிலிருந்துதான் ஏற்படவேண்டும்.

“இந்தச் சட்டம் உண்மையிலேயே விவசாயிகளுக்கு என்று பிரகடனப் படுத்தப்பட்டிருக்கிறது. 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 பயிரிடுவனும், நிலச் சுவாந்தார் தன் சொந்த மேற்பார்வையிலே பயிரிடுவனும் 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 காணப் பட்டிருக்கிறது.

“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 செலுகரியமும் இல்லை. யாருக்கு இந்தச் சட்டம் அனுகூலம் கொடுக்குமென்று சொன்னால், பெரிய மிராசு தாரர்கள் 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 வருமா, வராதா என்றுதான் கேள்வி. சாதாரண விவசாயி அன்றாட

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 11th 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.

THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954.

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 ஆண்டு டிசம்பர் 5-ல் அன்று அவசரச் சட்டத்தின் மூலமாக பிரகடனப்படுத்தப் பட்டது. 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 பிரகடனப் படுத்த 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

[Sri V. Gopala Gounder] [11th January 1954]

வாழ்க்கைக்கு, அன்றாடக் கொடுக்கல் வாங்கலுக்கு செளகரியம் இருந்தாலொழிய அவன் தன் வாழ்க்கையை நடத்த முடியாது என்பது உங்களெல்லோருக்கும் 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 கடமைப்பட்டவன் 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 மழை பெய்யாமலிருந்து இப்பொழுது ஏதோ மழை பெய்திருக்கிறது. அதனால் அவர்களுக்கு அதிகமான பலன் கிடைத்துவிட்டது என்று சொல்ல வாஸ்தவம். ஆனால், அவனுக்கு இன்னும் அனேக சங்கடங்கள் ஏற்பட்டிருக்கின்றன. பயிர்களில் பூச்சி ஏற்பட்டு சரியான மகசூல் கிடைக்குமோ கிடைக்காதோ என்ற நிச்சயமில்லாத நிலையில் இருந்துகொண்டிருக்கிறார்கள். அப்படியிருக்கும்போது, மழை பெய்துவிட்டது, அதனால் விவசாயிகளுக்குப் பூரண மகசூல் கிடைத்துவிடும், ஜனங்கள் மழை பெய்துவிட்டதனால் 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 கிடைத்த பொருளை 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. விவசாயிகளுக்கு 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 ஒத்துக்கொள்ளுகிறேன்.

“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. சுப்ரீம் கோர்ட்டு வரையில் போகும்படியான பிரச்சனைகள் கிளம்பலாம். விவசாயிகளுக்கு நிவாரணம் அளிக்க நாம் நினைக்கிறோம். ஆனால், கடைசியில் கிளம்பும் சட்டப் பிரச்சனைகளினால் சுப்ரீம் கோர்ட்டுக்குப் போகக்கூடிய நிலையில் இந்த அவசரச் சட்டம் பிரகடனப்படுத்தப்பட்டிருக்கிறது.

“அவசர சட்டத்தின்பின் இந்த சர்க்கார் மசோதா ஒன்று கொண்டு வந்து, அதற்குச் சில திருத்தங்களும் கொண்டுவந்திருக்கிறார்கள். அந்தத்

[Sri V. Gopala Gounder] [11th January 1954]

திருத்தங்களைப் பார்த்தால் முன்னுக்குப் பின் முரணாக இருக்கிறது. ஆகவே, எனது நண்பர் ஸ்ரீ சுயம்பிரகாசம் அவர்கள் சொன்னதுபோல் 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 தீர்ப்பளித்துவிட்டார். 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 தீர யோசித்து, அதன் பின்னால் இந்த சட்டத்தைக் கொண்டுவந்தால் நல்லதாக இருக்குமென்று எண்ணித்தான் நண்பர் ஸ்ரீ வினாயகம் அவர்கள் பிரேரேபித்த பிரேரே பணியை நான் ஆதரித்துப் பேசினேன். ஆகவே, நான் வக்கீல் என்ற முறையில் பேசுவதாக சில பேர்கள் தப்பிப்பிராயம் 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.

“ஜன்வரி 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 என்னவோ என்று

[11th January 1954] [Sri V. Gopala Gounder]

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 இருக்கும்படியாக 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 நாணயம் 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 speak, Sir, for one purpose, and that is to reduce the amount of 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 tribe to which the hon. Sri Gopala Gounder belongs, the hon. Sri Raghava Mudaliar belongs and the hon. Sri Swayamprakasam belongs. It is not a fault of theirs. It is the fault of the civilization itself 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 proposed 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.

"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 வற்புறுத்திப்பேசப் போவதாலும், இன்று பூராவும் சர்ச்சையை மட்டும் வைத்துக்கொண்டு, நாளை Clause by clause reading ஐ வைத்துக்கொள்ளுமாறு கேட்டுக்கொள்ளுகிறேன். சாயங்காலம் 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 கொள்ளுகிறேன்."

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 fag 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."

[11th January 1954]

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?"

[11th January 1954]

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 do 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."

[11th January 1954]

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."

"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]

SRI P. B. K. RAJACHIDAMBARAM :—“ மன்றத்தினுள் தலைவர் அவர்களே ! விவசாயிகளின் நலனுக்காக அரசியலார் எடுத்துக்கொண்டிருக்கும் இந்தக் கடன் ஒத்திவைப்பு மசோதாவை ஆதரிக்க நான் முன்வந்திருக்கிறேன். ஆனால் இந்த மசோதாவினால் முழு பலனும் இந்த ஒரு சூழ்நிலையில் ஏற்படுமா என்றுதான் அஞ்சுகிறேன். காலையில் முதல் அமைச்சர் அவர்கள் சில விஷயங்களைச் சொல்லியதிலிருந்து 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 என்றால் 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 அறிந்தவனல்ல. நான் ஒரு கிராமவாசி. மசோதாவில் லீசி (lessee) என்ற வார்த்தையை அவர் உபயோகப்படுத்தி இருக்கிறார். அதன்படி ஒருவர் இந்தச் சட்டத்தின் சலுகைபெற லீசியாக இருக்கவேண்டியிருக்கிறது. சென்ற வருஷம், அல்லது அதற்கு முந்திய வருஷங்களில் lesseeயாக 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 கடனாளி 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 கிடையாது. 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 கூறினர். 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 அவர்களே ! பழுதில்லா உழுதொழில் 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 விவசாயிக்ே உண்ண உணவில்லாது இருக்கும் நிலையில், இன்று அரசாங்கம் அவர்களுடைய சௌகரியத்திற்காக கடன் வசூலிப்பை ஒத்தி வைத்திருக்கிறது. அப்படிப்பட்ட மானியத்தை இன்னுக்கு சர்க்கார் கொண்டுவந்து ஓரளவு நிவாரணம் அளிக்க முன்வந்திருப்பதற்கு மிகவும் பாராட்டுகிறேன்.”

“ குறிப்பாக 6 வருஷங்களுக்குப் பிறகு இன்றைக்கு பருவ மழை பெய்ததினால் இயற்கையின் அருளால் விவசாயிகள் உண்ண உணவும், கைச்செலவிற்கு 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 ஏறாமலிருப்பதற்காகவும் 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 கொண்டுதான் 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 புஞ்சு 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, நாளை வரப்போகும் பொங்கல் புதுதினப் பரிசாகக்கொண்டு போக இதை அமுலுக்கு கொண்டுவரவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

[11th January 1954]

Sri S. S. RAMASAMY PADAYACHI :—“கனம் உதவி சபாநாயகர் 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 கிடையாது. 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 முன்னேறலாம் என்பதற்காகத்தான் இதைக் கொண்டுவந்திருக்கிறார்கள். இந்த எண்ணம்தான் 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 கொண்டு வரவேண்டும். மற்றொரு விஷயம். இப்பொழுது விவசாயிகள் குறைந்து இருக்கிறது. விவசாயம் செய்யும் செலவுகள் இன்னும் குறையவில்லை. சென்ற வருஷம் ரூ. 30 என்று விற்பது இந்த வருஷம் ரூ. 20

[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.”

SRI C. KANDASAMY:—“கனம் உதவி சபாநாயகர் அவர்களே! 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 குறைப்பதற்கோ அல்லது கடனை ரத்து செய்வதற்கோ எந்த எண்ணமும் அரசாங்கத்திற்குக் கிடையாது என்றும் சொன்னார். இதைப்பற்றிச் சிந்தித்துப் பார்க்கும் 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 ஆசைப்படுகிறேன். இதே மாதிரிதான் காங்கிரஸ் விவசாய சீர்திருத்த கமிட்டியும் சிபாரிசு செய்திருக்கிறது. ஒரு நில சீர்திருத்த சட்டம் கொண்டுவந்தால் முதலில் விவசாயிகளுக்கு வசதி செய்துவிட்டுதான் அந்த விதமான சட்டம் கொண்டு வருவது சௌகரியமாக 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, கடன்களைப்பற்றியும் 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. ‘Debts of the landless labourers has increased more than that of the others’ என்று கூறி இருக்கிறார்கள். ஆகவே சிறு நிலக் காரர்கள்தான் அதிகமாகக் கடன் பட்டிருக்கிறார்கள். அவர்களுக்கு சொத்து இல்லாமல் இருக்கலாம். ஆனால் அவர்கள் நாணயமாக நடந்து கொண்டு வருவதால் அவர்களால் கடன் வாங்க முடிகிறது. அவர்களுக்கு சொத்து இல்லாவிட்டாலும் தங்களுடைய சொந்த உழைப்பினால் அவர்கள் மாதா மாதம் கொஞ்சம் மிச்சம் பிடித்து வந்து நாணயமாக தாங்கள் வாங்கிய கடனை திருப்பிக்கொடுத்து வருகிறார்கள். அதனால் மிராசுதார்கள் 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 செய்துவிட்டுத் தான் அதைக்கொண்டுவரவேண்டும். இப்பொழுது பருவ மழை பெய்திருக்கிறது. ஒரு வருஷமாவது அவர்கள் கடன் தொல்லை இல்லாமல் இருப்பதற்கு இதைக்கொண்டு வந்தது நல்லதுதான். அதற்கு ஆட்சேபனை இல்லை. அவர்கள் சாகுபடி செய்வதற்கு வசதியாகத்தான் இருக்கும். ஆனால் ஒரு வருடத்திற்கு அவர்கள் கடன் தொல்லை இல்லாமல் இருந்தால் அவர்களுடைய கடன் தொல்லை வெகுவாக குறைந்துவிடாது. சர்க்கார்

[Sri C. Kandasamy] [11th January 1954]

கடன்களையும், சொசைடி கடன்களையும் இது பாதிக்காது என்று சொல்லுகிறார்கள். அதனால் விவசாயிகளுக்கு கடன் தொல்லை குறைந்துவிடப் போவது இல்லை. அதைக்கூட கொஞ்சம் தளர்த்திவிட்டால் நல்லது. சர்க்காருக்கு அதனால் நஷ்டம் ஏற்படும் என்று நினைத்தால் இப்பொழுது சர்க்கார் செய்யும் சில அனுவசிய செலவுகளைக் குறைத்துக்கொள்ளலாம். அவ்விதம் குறைத்துக்கொண்டு இந்த கடனுக்கு சரிக்கட்டிக்கொள்ளலாம். எந்த செலவுகள் அனுவசியமான 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 ஒட்டைகள் 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 கேட்டுக்கொள்ளுகிறேன். சர்க்கார் அவர்கள் நில ஆர்ஜிதம் சம்பந்தமாகவும், நிலவாரம் சம்மந்தமாகவும் குறிப்பிட்டார்கள். சென்ற வருஷம் அமுலுக்கு வந்த சட்டப் பிரகாரம் விவசாயிகளை வெளியேற்றி இருந்தால் அவர்களை இந்த சட்டம் கட்டுப்படுத்தாது என்று சொல்வது சரியானது அல்ல. அதில் மாறுதல் செய்யப்படவேண்டும். கடன் என்பதற்கு வியாக்யானம் செய்திருக்கும் இடத்தில் இதைச்சேர்த்து விட்டால் அதைக் cover 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 சொத்துக்களை 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 பரிபூர்ணமாக ஆதரிக்க விரும்புகிறேன். இன்றைக்கு இந்தச் சட்டம் வந்தவுடனேயே நகரபுறங்களிலுள்ள வக்கீல்களும், பத்திரிகைகளும் இதை ஆட்சேபிப்பதிலேயே கிராம விவசாயிகளுக்கு ஓரளவு பாதுகாப்பு கிடைக்கும் என்பதை எல்லோரும் உணர் முடியும். எவ்வளவுக்கெவ்வளவு சிலில் கோர்ட்டுகளுக்கும், வக்கீல்களுக்கும் வேலையில்லாமல் போகின்றதோ அவ்வளவுக்கவ்வளவு 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 தொந்திரவை குறைக்க முடியும். இரண்டாவதாக கூட்டுறவு இயக்கம் விவசாயிகளிடையே வேகமாகப் பரவ எதுவாகும். விவசாயிகளிடம் கூட்டுறவு இயக்கத்தை மிக நல்ல முறையில் புதிய 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. இப்பட்டப்பட்ட சந்தர்ப்பத்திலே அவர்கள் இரண்டு காரியங்களை ஒரே சமயத்தில் நிறைவேற்ற அவர்களுக்கு நல்ல முறையில் கடன் கொடுத்துதவவேண்டும். தக்காலிக் 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 பாதிக்கும் படியான நிலையில் சில விதவைகள் இருக்கிறார்கள். 1,000, 2,000 ரூபாய் வைத்துக்கொண்டு காலம் தள்ளக்கூடிய ஏழை விதவைகள் அவர்கள். அவர்களுக்கு இந்த சட்டத்திலே நிச்சயமாக விதிவிலக்கு அளிக்கப்படவேண்டும். 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 பரிபூர்ணமாக 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 பரிபூர்ணமாக 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.

"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 those 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 அவர்களே, இந்தக் கடன் ஒத்திவைப்பு மசோதாவை சில திருத்தங்களுடன் ஆதரிக்கவேண்டுமென்ற நோக்கத்துடன் சில வார்த்தைகள் சொல்ல விரும்புகின்றேன். 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."

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 மசோதாவினால் 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 நலமாக இருக்கும். நிலம் இல்லாத விவசாயிகளுக்கு எப்போதுமே கூட்டுரவு 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 வாழ்கிறவர்கள் 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 மிராஸ்தார்களுக்கும் இதில் பாதுகாப்பு அளிக்கப்படையான நிலையைப்பார்க்கும்போது கொஞ்சம் வருந்த வேண்டிய தாயிருக்கிறது. இந்த மாதிரி முனிசிபல் வரி கொடுக்கிறவர்களுக்கு ஒரு விதமான பாதுகாப்பும் கிடையாது. அவர்கள் கடனைக் கொடுத்துத்தான்

[Sri K. R. Sambandam] [11th January 1954]

ஆகவேண்டுமென்ற திருத்தம் சர்க்காரால் கொண்டுவரப்பட்டால் நலமாக இருக்கும். அவர்களுக்கு எல்லாவிதமான வசதி இருப்பதால்தான் நகரத்தில் இருக்கிறார்கள். விவசாயிகள் தங்களுடைய வாழ்க்கையை நடத்துவதற்கே முடியாமல் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். ஆகையால் இந்தத் திருத்தத்தை இப்படி ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். நானும் இந்த மாதிரியான திருத்தம் கொடுத்து இருக்கிறேன். அதை ஏற்றுக்கொள்ளுவார்கள் என்று நம்புகிறேன்.

“Economic Advisory Board-ல் இருந்த டாக்டர் B. V. நாராயணசாமி நாயுடு அவர்கள் சொல்லும்போது விவசாயிகள், கடனிலே பிறந்து, கடனிலே வாழ்ந்து, கடனிலே இறக்கிறார்கள் என்று சொல்லுகிறார். அதை உற்று நோக்குமிடத்து 1938-ம் வருஷத்தில் விவசாயிகள் கடன் நிவாரண மசோதா என்று கொண்டு வரப்பட்டு மிராஸ்தார்கள் மாத்திரம் நன்மை அடைந்ததைப் போலவே புதிய சட்டத்தில் மிராஸ்தாருக்கு மாத்திரம் பாதுகாப்பு வந்து விடுமோ என்ற பயம் ஏற்படுகிறது. ஆகையால் அந்த மாதிரி இல்லாமல் விவசாயிகளுக்கே அதனுடைய முழுப் பயன் கிடைக்கவேண்டுமென்றே நிலைமையை சர்க்கார் தெளிவுபடுத்த 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 தன்னை விவசாயி என்றே நிலம் இருக்கிறவன் என்றே lessee என்றே சொல்லிக்கொண்டு வாதாடுவதற்கு முடியாது. விவசாயிகள் 50, 100 கடன் வாங்கியதும் இந்தக் கோர்ட்டுச் செலவுக்கே சரியாகப் போய்விடும். ஆகையால் அதிகமான நிலம் வைத்திருக்காத ஏழை 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 பட்டுத் தத்தளித்துக்கொண்டிருக்கக் கூடிய நிலைமையில் தங்களுக்கு கடன் நிவாரணம் வேண்டுமென்று கோரியிருக்கிறார்கள். அந்தக் கோரிக்கை நியாயமானது. அந்தக் கோரிக்கைக்கு ஏதாவது செவி சாய்க்கவேண்டுமென்ற எண்ணத்தை இப்பொழுது கொண்டு வந்திருக்கக்கூடிய மசோதாவானது காட்டுகிறது.

“இந்த மசோதாவில் பல குறைபாடுகள் இருந்தாலுங்கூட மொத்தத்தில் பார்க்கும்போது ஸ்ரீ B. V. நாராயணசாமி நாயுடு அவர்கள் சொல்கிறபடி, கடனிலே பிறந்து, கடனிலே வாழ்ந்து, கடனிலே இறந்துக் கொண்டிருக்கக்கூடிய விவசாயிகளுக்கு, நிச்சயமாக நிவாரணமளிக்கும் என்பதில் சந்தேகமில்லை. எனவே, கடனிலே துவண்டு கொண்டிருக்கக் கூடிய விவசாயிகள் சார்பிலே இந்த மசோதாவை நான் வரவேற்கின்றேன்.

“இந்த நிலைமையில், விவசாயிகள் யார் என்பதற்கு சர்க்கார் விளக்கம் கொடுக்கிறது. அந்த விளக்கம் அவ்வளவு சரியானது அல்ல என்பது என்னுடைய அபிப்பிராயம். விவசாயி என்றிறபோது, அதற்கு கொடுத்திருக்கிற வியாக்கியானம் சாதாரண விவசாயிகளோடு நிலலாமல், மிகப் பெரிய நிலப் பிரபுக்களுக்குக் கூட, இதிலே சாதகம் இருக்கிறதென்பது ஒப்புக்கொள்ளக்கூடிய விஷயம். அதே சமயத்தில் சர்க்கார் தரப்பிலிருந்து ஒரு திருத்தம் வந்திருக்கிறது. அந்தத் திருத்தம் கூட வரவேற்கத்தக்க ஒரு திருத்தம் தான். விவசாயிகள் என்றிறபோது, ‘who is in receipt of rents or profits thereof’ என்பதை மாற்றிவிட்டு, ‘who pays rent and receives wages’ என்றிற வார்த்தைகளை 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 என்கின்ற 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 விரும்புகின்றேன்.

“இந்தக் கடன் ஒத்திவைப்பானது ஒரு வருஷத்திற்கு என்று இருக்கிறது. இது நிச்சயமாகப் போதாது. ஐந்து வருஷமாவது தவணை கொடுக்கப்படவேண்டும். குறைந்த பசும் மூன்று வருஷமாவது தவணை கொடுக்கவேண்டுமென்று கேட்டுக் கொள்ளுகின்றேன்.

“இந்த நிவாரணம் உண்மையில் விவசாயிகளுக்கு பயன்பட வேண்டுமானால், நிச்சயமாக சர்க்கார் அவர்களுக்கு கடன் வாங்க வசதி செய்து கொடுக்கவேண்டும். இன்றைக்கு சட்டம் வந்து விட்டது. அதனால் கிராமத்தில் லேவாதேவிக் காரர்கள் உஷாராக இருக்கிறார்கள். அவர்களிடமிருந்து கடன் வாங்குவதற்கு முடியாமல் விவசாயிகள் திண்டாடுகிறார்கள். நிலம் சாகுபடி செய்பவன் மாடு கன்றுகளை வாங்கவேண்டும், உழுபடைகளை வாங்கவேண்டும். இதற்காக கடன் வாங்குவதற்கு விவசாயிகள் செல்லுகின்றபோது, கிராமப்புரத்தில் இருக்கக்கூடிய லேவாதேவிக் காரர்கள் கடன் கொடுக்க மறுக்கிறார்கள். நிலத்தைக் கிரயம் எழுதிக்கொடுத்தால்தான் பணம் கொடுப்பேன் என்று லேவாதேவிக் காரர்கள் 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 கேட்டுக்கொள்ளுகின்றேன்.”

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 back-bones 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 Members have spoken for and against the Bill and criticised the

[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.

"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 பட்டிருப்பதென்று நான் சொல்லிக்கொள்ள விரும்புகிறேன். அதிக நேரம் கொடுத்து, முக்கியமான திருத்தங்களை அங்கீகாரம் செய்து, இதை நிறைவேற்றவண்டும் என்பதுதான் என்னுடைய நோக்கமாகும்.

"முக்கியமாக, எஸ்டேட் ஒழிப்புக்குப் பின்னால், 'survey' ஆகாத எஸ்டேடுகளில் நில அடமான பாங்குகளோ அல்லது இதர கடன் வாங்கக்கூடிய ஸ்தாபனங்களோ உதவியளிப்பதில்லை. அந்தக் கிராமங்களிலுள்ள விவசாயிகள், பக்கத்திலுள்ள விவசாயி மக்களிடமிருந்து கடன் வாங்கிக்கொள்ளுகிறார்கள். விவசாயிகள்தான் இங்கு 'creditors' னாக மாறுகிறார்கள். 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 என்பதுதான் நான் அஞ்சுகின்றேன். அதற்காக சர்க்கார் ஏராளமான பண உதவியை கிராமங்களுக்கு அவ்வப்போது தேவையான போது கொடுக்கவேண்டும். விவசாயிகள் அன்றாட வாழ்க்கைச் 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. முச்சியமாக, அது உதவியளிப்பதற்கு பதிலாக கெடுதல்தான் செய்யும் என்று சொல்லிக்கொள்ளுகிறேன். 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. Lakshmipathi 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 ஒத்தாசை செய்யவேண்டும். அப்படிச் செய்தால்தான் ‘Survey’ ஆகாத எஸ்டேட் ஒழிப்பு இடங்களில் இந்த கடன்களை பெற்றுள்ளவர்களுக்கு வாஸ்தவத்திலேயே உண்மையான பன்னித்ததாகச் சொல்ல முடியும். ஆகவே, இப்பொழுது இருக்கக்கூடிய இந்த மசோதாவில் சர்க்காருடைய கடன்களையும் ஒத்திவைப்பதற்கு அவர்கள் முன்வரவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன். அப்படிச் செய்ய அவர்கள் முன்வந்தால்தான் உண்மையிலேயே விவசாயிகளுக்கு உதவியளிக்கக்கூடிய நிலைமை இருக்கலாமெய்யெழிய, 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 நிறைவேற்றவேண்டுமெய்யெழிய, அவசரம் அவசரமாக நிறைவேற்றுவது அவ்வளவு நல்லது அல்ல என்று தெரிவித்துக்கொண்டு, என்னுடைய வார்த்தையை இதுதான் முடித்துக்கொள்ளுகின்றேன்.”

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 பண்ணையான் பாது காப்பு சட்டம் கொண்டுவந்த உடன் கனம் பிரதம மந்திரி அவர்கள் தன் 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 மகிச்சிக்குறிய விஷயமாகும்.

“தொழிலாளர்களிடே நீண்டகாலமாக வேலை செய்த நாங்கள், விவசாயத் தொழிலாளரின் கடன், அதை அவர்கள் பெற்றுக்கொண்ட விதம், பல ஆண்டுகளாக, நீண்டு, நீண்டு மூன்று ஆண்டுகளுக்கு ஒரு முறை ஒரு புதிய 1 அண தலையை ஒட்டிக்கொண்டு முதலீட்போல் பல மடங்கு பெருகி, உழவர்களை சதா அச்சுறுத்தி, திகிலையும், என்ன நேருமோ,

[11th January 1954] [Sri G. Narayanaswami Naidu]

என்ற ஏக்கத்தையும் தந்த இந்த சனியன் அடியோடு துலையாமல், ஒரு வருஷம் கழித்து வட்டியும் முதலும் சேர்ந்து கோர சுரூபம் எடுக்கப் போகின்றது என்றால் அதுவும் பெரிய திகிலாய் 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. இதை சர்க்கார் நன்றாக பரிசீலனை செய்யவேண்டுமென்றும் விரும்புகின்றேன்.

“சட்டத்தை எவ்வளவு ஜாக்கிரதையாய் செய்தாலும் எங்கள் ஜில்லா வாசிகள் தங்களுக்கு சாதகமாக பயன்படுத்திக் கடன் ஒத்தி வைப்பு சட்டம் வந்த உடன் இந்த திருவாடுறை பண்டாரம் என்ன செய்தார் என்பது ஒரு வேடிக்கை. ஒரு குடியானவர் பக்கிரி படையாச்சி என்று பெயர் பாரம்பர்யமாக பண்டாரங்களுக்கு பணி செய்தவர். அவர் நீண்ட நாள் குடிக்குக்கு 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 சட்டம்கொண்டு வரப்பட்டது? எங்கள் ஜில்லாவில், ஒரு பழமொழி உண்டு, ‘எட்டுக் குடியான் சம்பாதிக்க, வேதாரண னியத்தான் தின்று பார்க்க’ என்று கூறுவார்கள். அதே போல், நம்முடைய முன்னோர்கள், நல்ல எண்ணத்தின் காரணமாக லட்சக்கணக்கான ஏக்கர் நிலங்களை, கடவுளின் பேரால் அளித்து ஏழை மக்களுக்கு உதவி செய்யச் சொன்னால், இப்பண்டாரங்கள் விலகி விநாயகர்க்கும், பிராந்தியைப் பெருமாளுக்கும் நிவேதித்து லேடிமார்களுக்கு 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, எக்ஸிக்யூட்டிவ் 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 சிறுகடம்புரையாவது விசாரித்தால், பழைய கடன்கள் பேரால், குடிகள் எவ்வளவு இம்சைக்கு ஆளாகி 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 என் டோவ்மென்டு மந்திரி அவர்கள் மனமுவுந்து ஒவ்வொரு கோவிலுக்கும் சமீப பத்து வருஷங்களில், என்ன புதிய காரியங்களை செய்துகொண்டு எத்தனை லட்சம் 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 குடிகள் கொடுக்க நமது பாதுகாப்பு சட்டம் செய்யப்போவதால், இன்னும் ஐந்து வருஷங்களில் தஞ்சை ஜில்லாவில் உள்ள கோவில்களெல்லாம் பல, பல, லட்சம் பணம் முதல் கொண்ட கோவில்களாக மாறிவிடும்.

“ஆனால் ஏழை பங்காளன் என்ற அந்த கடவுள் வாகனம், ஆபரணம், மதில், கோபுரம்—இவ்வளவும் புதுப்பித்துக் கொள்ளவும், முதல் சேர்க்கவும் வாய்ப்பளித்த, குடிகள் என்ன நிலையில் உள்ளார்கள்! கட்டின வீடு, வைத்த மரம் இவைகள் நாசமாவதைத்தான் காண்கிறார்கள். கடனால் மேலும், மேலும் தொந்தரவுக்குத் தான் ஆளாகிறார்கள். நன்றி மறப்பது நன்றன்று என்பது இதற்குத்தானா? கடவுளுக்கு வேண்டாமா? இவ்வளவு வசதி செய்து கொடுத்த தன் குடிகள் பயமுறுத்தல் இல்லாது, குடியிருக்க, கொல்லையில் வைத்த மரங்களை அனுபவிக்க, இடுப்பாற உடுக்க, வயிராற சாப்பிடச் செய்தால் அல்லவா இறை வணக்கம், ஆஸ்திகத்தன்மை மேம்படும், ஊரை எமாற்றும் எத்தர்கள், பல்லக்கில் பவனிவர, பக்தி அற்றவர்கள் கூலிக்காக பாட்டுப்பாடுவதினால், ஆஸ்திகம் பெருகும், ஏழை மக்களுக்கு அன்னாபமாகத்தான் கடவுள் பிரத்யட்சமாகிறார் என்ற காந்தி அடிகளின் வார்த்தையை, உங்களுக்கு ஞாபகமூட்டுகிறேன் 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 கிளப் போர்டுகளும் இல்லாவிட்டால், B.A., B.L., M.A., B.L. போர்டுகளாகத்தான் காட்சி அளிக்கும். எங்கள் ஜில்லாவுக்காக எந்த சட்டம் வந்தாலும் உடனே கும்பகோணம் வக்கீல்மார்கள் அந்த சட்டத்தை அணுவணுவாக பிளந்து, அதனால் நிலச்சுவான்தார்களுக்கு ஏற்படும் கஷ்டங்களை புதக்கண்ணாடி போட்டு பெரிதாக்கி விளம்பரம் செய்வார்கள் உடனே சென்னை பத்திரிகைகள் 6 பத்தி தலைப்புக் கொடுத்து உற்பத்தி குறைந்து விடும் என்று பயமுறுத்தும். இது வெறும் பத்திரிகை பிரசாரம். மிராசுதார், 100 பெயர் கூடி கூட்டம் நடத்தினால் ஆயிரக்கணக்கான மிராசுதார்களும், பல ஆயிரம் பார்வையாளரும் கூடி புதிதாக வந்த சட்டத்தை ஷரா வாரியாக திருத்த வேண்டுமென்று, அழுத்தமாக 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 பயன் படுத்தி உள்ளார்கள் என்பது நேற்றைய சர்க்கார் அறிக்கையிலிருந்து சபையோருக்கு தெரிந்திருக்கலாம். சமரஸ அதிகாரிகள் பழைய கோட்டை அணிய முடியாத நிலைக்கு வந்து விட்டார்கள். மந்திரிகள் காங்கிரஸ் தலைவர்கள் பார்லிமெண்டு அங்கத்தினர்கள், மாஜி மந்திரிகள் அடங்கிய பிரம்மாண்ட மகாநாட்டில் சமரஸ அதிகாரியின் எச்சல் புத்தியை, விளக்கி தீர்மானம் நிறைவேற்றினோம். முடிவு ஒட்டக்கூத்தன் பாட்டுக்கு இரட்டைத் தாப்பான்,

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ஒரு தாலுகாவில் அக்ரமம் செய்தவர், பல தாலுகாவுக்கு தன் மனுநீதியைச் செலுத்த உயர்த்தப்பட்டு விட்டார், ஜனநாயகத்திற்கு 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 பாசர, திருப்பாவை, திருவெம்பாவை மகாநாட்டுத் தலைமையில், மந்திரிகளுக்கு பதிலாக, அதிகாரிகள் தலைமையில் மாநாடுகள் நடத்தி, அருட் செங்கோல் மூளையினால், ஒளி விடும், சில கதிர்களை வீசி, குடியானவர் கோறிக்கைகள், குட்டிச்சுவராக்கப்படுகிறது. இது, வானையும் மண்ணையும் ஒரு காவியஸ்திரத்தால் ஆளும் மகா பெரிய பண்டாரங்கள் செய்யும் வேடிக்கை. இவை நிறைய சோறிட்டால் கடவுளே நன்றாய் இருக்கணும் என்று சொல்லி திருப்தியுடன் சாப்பிடுவான். ஏழை பட்டினியினால் வாழும் உழவனோ, பாழாய்போன கடவுள் பட்டினி போட்டுக் 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 தலிணை சொல்ல சட்டம் இடம் கொடுக்காமல், சாகுபடி சம்மந்தமான பாக்கிகளை ஒரு வருஷமென்று ஒத்தி வைக்காமல், ஒழித்துக் கட்டுவதுதான் நல்லது. ஒத்தி வைப்பது 1 வருடமாக இல்லாமல் 10 வருடமானாலும் பரவா இல்லை. நாலுகால் கோமாரியும் இறங்கி 1 காலில் வந்ததைப்போல, ஆண்டு முடிவில், வட்டியும் முதலுமாக, கச்சேரியில் ஏறி வக்கீலுக்கும் தட்சணையும் ஸ்டால்புக்கு அர்ச்சனையும் செய்துகொண்டு பெருமான் பெத்தபெருமா னாவதில் 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.”

SRI M. PALANIYANDI:—“கனம் உதவி சபாநாயகர் அவர்களே! எனக்கு முன்பு பேசிய நண்பர்களெல்லாம் இந்த கடன் ஒத்தி வைப்புச் 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 உண்மை 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 வாஸ்தவம்தான். ஆனால் அதே சமயத்தில் இந்த அரசாங்கம் தங்க

[Sri M. Palaniyandi] [11th January 1954]

ளுடைய கடனையும் 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 ஒத்திப் போடுவதால் 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 தங்களளுடைய நிலங்களில் விளைந்த பயிர்கள் பூச்சடிப்பதாலும், 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) குறையையத்தான் 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.”

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 ஏற்றுக்கொள்ளுவார்கள் 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 ஐயங்கார் வக்கீல் அவர்களுடன் பேசிக்கொண்டிருந்தேன். நாங்கள் கல்வி திட்டத்தை எதிர்த்த சமயத்தில் ‘ராஜாஜி கொண்டு வந்த கல்வி திட்டத்தை ஏன் எதிர்க்கிறீர்கள்? அவருடைய மூளை அபரமானது’ 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 வயதாகி 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 மகஜர் அனுப்பியிருக்கிறார். அநியாயமாக விவசாயிகள் ஏமாற்றப் பட்டு கோர்ட்டிலே ஆஜர் பண்ணப்படுகிறார்கள். கனம் ஸ்ரீ ராஜகோபாலாச்சாரி அவர்கள் இதைக் கவனிப்பார் என்று நினைக்கிறேன். எப்ரல் மாதத்தில் முதல் மகஜர் வந்திருக்கிறது. செப்டம்பர் மாதத்திலும் இரண்டாவது மகஜர் வந்திருக்கிறது. இறுதியாக டிசம்பரில் ஒரு மகஜர் 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 மாதத்திரத்தில் மந்திரிகள், ஜமீந்தார்கள், பணக்காரர்கள் எல்லோரும் கேட்ட தொகைக்கு அதிகமாகவே கொடுத்தார்கள். அதே போல், விவசாயிகளின் கடன் நிலவாரணத்திற்கென்று 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.

"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 assesseees. 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." "

[11th January 1954]

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 commencement 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.

[11th January 1954]

MR. SPEAKER :—" Motion moved—

' For the words " Civil Court " occurring in line 5, substitute 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 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 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 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 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 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 ".

[11th January 1954]

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. Swayamparakasam being a lawyer ought to know this."

SRI N. K. PALANISAMI :—" Mr. Speaker, Sir, I move—

' 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 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]

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."

*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 எதிர்கட்சியில் இருக்கக்கூடியவர்களும் ஒத்துக்கொள்கிறார்கள். இந்தத் திருத்தங்களைக் கொண்டுவந்ததன் 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 தான்யங்கள் கிடைக்கும். ஒரு வருஷம் முடிந்தவுடன் அந்த கடன்காரர்களுடைய நெருக்கடி அதிகமாக ஏற்படும். ஒரு வருஷம் முடிந்த உடன் விவசாயிகளிடம் இருக்கக்கூடிய சொத்துக்களையும் தான்யங்களையும் 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 கடனை 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 உழுதார்கள் என்று பத்திரிகையில் பார்த்தோம்,—இவ்வளவு கஷ்டமான நிலைமை விவசாயிகளுக்கு ஏற்பட்டிருக்கிறது. அதனால் ஒரு வருஷம் போதாது, அதை மூன்று வருஷங்கள் விஸ்தரிக்க வேண்டும் என்று இந்தத் திருத்தம் கொடுக்கப்பட்டிருக்கிறது. ஒரு முக்கியமான நோக்கத்தோடு இந்தத் திருத்தம் கொடுக்கப்பட்டிருக்கிறது. மனிதன் ஏர் உழுததாக சரித்திரத்தில் பார்த்ததே கிடையாது. ஆனால் தமிழ் நாட்டில் அந்த நிலைமை இப்பொழுது ஏற்பட்டிருக்கிறது. இந்தத் 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 தான் எங்களுடைய நோக்கம். அதுதான் இந்தத் 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 கிடையாது. ஆகையால் நிலத்தை இழப்பதோடு அல்லாமல் கடன் தொல்லையும் பாதிக்கும். இது தஞ்சை ஜில்லாவில் மட்டும் இல்லை, மற்ற எந்த ஜில்லாவிலும் இருக்கிறது. அந்த மாதிரி ஏதாகிலும் சிலில் கோர்ட்டுகளில் நடவடிக்கைகள் இருந்தால் அதையும் நிறுத்தி வைக்க வேண்டும் என்று இந்தத் 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 மறை பெய்திருக்கிறது. இதைத் தொடர்ந்து மறை 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 ஆட்சேபினை செய்து தான் ஒரு விவசாயி என்று ரூஜா பண்ணுவதற்கு சட்ட வரம்பு இருக்கிறது. அதற்கு ஒரு வக்கீலை வைத்துக்கொண்டு அந்த வக்கீலின் மூலமாக அந்த கேசை நடத்தித்தான் ரூஜாப்பிக்க முடியும். இந்த திருத்தத்தை நாம் ஒப்புக்கொண்டால் அந்த மாதிரி வக்கீல் வேண்டியது இல்லை. ஒரு விவசாயி தான் ஒரு விவசாயி என்று வக்கீல் வைக்காமல் தன் எஜெண்ட் 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 எஜெண்ட் மூலமாகவோ அல்லது தானாக நேராகச் 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 கொள்ளுகிறேன்.”

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”

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 உட்கருத்தும் அதுதான். வழக்கறிஞர்கள் நிரம்பியிருக்கும் 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 இருக்கிறது. 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 முடித்துக்கொள்ளுகின்றேன்.”

SRI N. K. PALANISAMI :—“கனம் சபாநாயகர் அவர்களே, பொதுவாக இந்தச் சட்டத்தில் டிசம்பர் முதல் டிசம்பர் வரையில் என்று இருக்கிறது. எந்த அடிப்படையில் டிசம்பருக்கு டிசம்பர் என்று கணக்கிட இருக்கிறார்கள் என்று தெரியவில்லை. உதாரணமாக, தஞ்சாவூர் பண்ணையார் 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 தீர்ந்தவுடன் 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 ஜப்தி செய்ய முற்படுகிறான். டிசம்பருக்கு டிசம்பர் என்று இருக்கிறதே அது எந்த அடிப்படை என்று தெரியவில்லை. தஞ்சாவூர் பண்ணையார் 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 புரோநோட்டு 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 புரோநோட்டு எழுதிக்கொடுத்து கடன் வாங்கிக்கொண்டிருக்கிறார்களென்பதை இந்தச் சபையின் ஞாபகத்திற்குக் 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 பூர்வமாக நடந்திருக்கிறது. பணம் கொடுக்காவிட்டால், எழுதிக்கொடுத்த தொகைக்கு கோர்ட்டில் கேஸ் போட்டு வசூல் செய்துவிடுகிறார்கள். விவசாயிகளுக்குப் பணம் கிடைக்காத காரணத்தினால் அவர்கள் இந்த மாதிரி அதிகத் தொகைக்கு எழுதிக்கொடுக்க வேண்டிய நிர்ப்பந்த நிலையில் இருக்கிறார்கள். ஒரு வருஷ தவணை என்பது வெகு குறுகிய காலமாக இருக்கிறது. ஒரு வருஷம் எப்பொழுது முடியுமோ என்று காத்துக் கொண்டிருந்து கடன்காரர்கள் விவசாயிகளை நெறுக்குமபடியான 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 வந்திருப்பதனால், அந்தத் திருத்தத்தை நான் ஆதரிக்கின்றேன். கனம் அமைச்சர் அவர்கள் இந்த விஷயத்தில் கவனம் செலுத்த வேண்டுமென்றும் கேட்டுக்கொள்ளுகின்றேன்.”

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 காலையிலேயே பேசியாய்விட்டதே !”

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 தவணை 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 சட்டமும் யாவருக்கும் பயன்படவேண்டுமானால் ரெவன்யூ சிவில் கோர்ட்டுகளில் தாவா இருந்தாலும் அவர்களை கட்டுப்படுத்தாது என்று இருக்கவேண்டும் என்று கேட்டுக் கொள்கிறேன். கோர்ட்டுகளில் வக்கீல்களை வாதிப்பதற்கு உபயோகப்படுத்துகிறார்கள். விவசாயிகளிடம் சட்டத்தை விளம்பரம் செய்யாததால் ஜனங்கள் சரியாக இதைப் புரிந்துகொள்ளவில்லை. இதனால் பல அதிகாரிகள் நியாயத்தைப்பார்க்காமல் சட்டத்தைப் பார்த்துக்கொண்டு பலரை நிலத்திலிருந்து வெளியேற்ற திட்டமிடும் ஏற்பாடு செய்கின்றனர்; பல ஏழை விவசாயிகளை வெளியேற்றியுமிருக்கிறார்கள். இப்படித் தவறாகப் பட்டிக்கொண்டிருக்கிற விவசாயிகளுக்கு நிவாரணம் அளிக்கவேண்டுமென்பதற்காகத்தான் இந்தத் திருத்தத்தைக் கொடுக்கிறோம்.

“குத்தகை பாக்கிக்காக பல்லாயிரக்கணக்கான விவசாயிகள் அப்புறப்படுத்தப்பட்டிருக்கிறார்கள். மேலும் அவர்கள் தாங்கள் கட்டவேண்டிய கடன் தொகையைக் கட்டத் தவறுவதால் அடிக்கடி கோர்ட்டுகளுக்கு இழுக்கப்படுகிறார்கள். சட்டநுணுக்கம் தெரியாததால் அவர்கள் வக்கீல்களின் உதவியை நாடுகிறார்கள். கோர்ட்டில் தான் ஒரு விவசாயி என்று நினைப்பதற்கு ஒரு பிரதிநிதி மூலமாகவோ அல்லது தானாகவோ நேரில் சென்று எழுத்து மூலமாக எழுதிக்கொடுத்து அதன் மூலம் தான் ஒரு விவசாயி என்று நினைப்பதற்கு வசதி செய்துக் கொடுக்க வேண்டும். இதற்காக விவசாயிகள் வக்கீல் ஒத்தாசைக் கொண்டு பேசாமல் இருந்தால் நலமாக இருக்கும். தஞ்சை சட்டத்தில் இவ்விதம் இருப்பதால் என்றும் பாதகமில்லை. ஆகையால் விவசாயிகளுக்கு அதிக கஷ்டமோ பண நஷ்டமோ ஏற்படாது. இதனால் பல செளகர்யங்கள் ஏற்படு மென்று

[Sri P. Venkatesha Sholagar] [11th January 1954]

இந்தச் சந்தர்ப்பத்தில் சொல்ல விரும்புகின்றேன். சர்க்கார் இதை ஏற்றுக் கொள்ளும்படியாகக் கேட்டுக்கொண்டு இதை நான் வற்புறுத்துகிறேன். 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 I 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

[11th January 1954] [Sri P. S. Krishnaswami Ayyangar]

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

[Sri S. Panchaksharam] [11th January 1954]

action against an agriculturist, lies be 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 தங்கள் வாங்கிய கடனைக் கொடுக்க வேண்டிய நிர்வந்தம் 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 செய்யப்படவேண்டும். அதற்கு அடுத்த வருஷம் மீதி கடன் பாக்கியையும், மூன்றாவது வருஷம் கொடுக்க வேண்டிய தொகை பூராவையும் கொடுப்பதற்கு அரசாங்கம் வகை செய்ய வேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்."

SRI A. RATNAM:—"கனம் சபாநாயகர் அவர்களே, இந்த விவசாய கடன் ஒத்திவைப்பு மசோதாவானது விவசாயிகளுக்கு பலன் தரும் வகையில் இல்லை என்று சொல்ல விரும்புகிறேன். 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:—"முக்கியமாக நான் விரும்புகிறேன் என்று சொல்கிறேனே தவிர பொதுப்படையாக மற்ற சமூகத்தைப்பற்றி பேச முடியாது என்று நான் சொல்லவில்லை. இப்போது பேசிய அத்தனைபேரும் வழக்கறிஞராகவும், தனவந்தராகவும், சட்ட நுணுக்கத்தில் 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 அளிக்கப்படவில்லை 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 கோருவதெல்லாம் ஒருவருஷத் தவணை போதாது இரண்டு வருஷமோ அல்லது மூன்று வருஷமோ அதிகம் செய்ய வேண்டும் என்று இந்தத் திருத்தத்தை ஆமோதிக்கிறேன். ஆகையால் டிசெம்பர் மாதம் அறுவடை செய்து அதை விற்பனை செய்து வட்டியும் முதலும் கொடுக்கவேண்டிய நிர்வந்தம் ஏற்படுகிறது. அது முடியாது. ஆகவே இந்தக் கடன் தவணை ஒரு வருஷமாக இல்லாமல், இரண்டு வருஷமோ அல்லது மூன்று வருஷமாக ஆக்கப்பட வேண்டும்."

"தோழர் ராமலிங்கம் அவர்களுள் கொணுவந்திருக்கும் திருத்தம் விவசாயிகள் தங்கள் 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, 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

[Sri S. Swayamprakasam] [11th January 1954]

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:—"റിസ്റ്റർ റ്റ്രീകർ, സർ, ശ്രീ കെ. പി. ഗോപാലൻ നോട്ടീസിനെ ഞാൻ വിനോദം. ഉണക്കുകൊണ്ട് വിളമ്പും വന്നിട്ടുള്ള കർഷകനായ സഹായികാൻ കരുണയണിട്ടുള്ള ഈ ബില്ലിൽ ഭൂരിപക്ഷം വരുന്ന കർഷകത്തൊഴിലാളികൾക്കുശേഷം ആശ്വാസം ലഭിക്കുന്ന ഒരു വ്യവസ്ഥ ഉൾക്കൊള്ളിക്കണമെന്നുള്ളതാണ് ഭേദഗതിയുടെ ഉദ്ദേശം. വിള നഷ്ടം വന്നിട്ടുള്ളതുകൊണ്ട് പലരും കടം വാങ്ങിയാണ് കൃഷിചെയ്യുകയും ജീവിതചെലവും നിർവ്വഹിച്ചിട്ടുള്ളത്. കൃഷിക്കാരന് കൂലിക്കൊടുക്കാൻ നിവൃത്തിയില്ലാതെ 100 ശതമാനവും 150 ശതമാനവും പലിശ കടം വാങ്ങിയാണ് പലരും കൃഷിചെയ്യുപോന്നിട്ടുള്ളത്. ഈ നാട്ടിലെ സാധുക്കളായ കൃഷിക്കാരുടെ രക്ഷയ്ക്കും ഈ ഭേദഗതി സജീകരിക്കണമെന്നാണ്. ജനിക്കുവോളം ഈ ബില്ലിൽ ആശ്വാസം നൽകുന്ന സ്ഥിതി കർഷകത്തൊഴിലാളികൾക്ക് എന്തുകൊണ്ട് ആശ്വാസം നൽകിക്കൂടാ? ശ്രീ രാമലിംഗത്തിന്റെ ഭേദഗതിയും അതുതന്നെയാണ് ആവശ്യപ്പെടുന്നത്. ഗവർണ്മെന്റ് ഇതു സജീകരിക്കുമെന്ന് ഞാൻ വിശ്വസിക്കുന്നു."

SRI S. KANDASAMI GOUNDER:—"கனம் சபாநாயகர் அவர்களே, கனம் ராமசாமி படையாச்சி அவர்கள் கொண்டு வந்த திருத்தத்தை அனுசரித்து சில வார்த்தைகள் பேச விரும்பும். இந்தக் 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 வருகிறார்கள். 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 விருப்பம்."

SRI V. MADANAGOPAL:—"கனம் சபாநாயகர் அவர்களே, இந்தச் சட்டத்தை யார் விரும்பினாலும் விரும்பாவிட்டாலும் கடன் ஒத்திவைப்பு

[11th January 1954] [Sri V. Madanagopal]

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 எட்டரை வட்டி என எழுதிக்கொண்டு 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 வேண்டுமென்று 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 நன்மை யாக இருக்கும். இதையே எல்லோரும் விரும்புவார்கள் என்று நினைக்கிறேன். ஆகவே குறைந்த பட்ச திட்டத்தை 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, இப்பொழுது 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 கண்ணாடிகூட பார்க்கவேண்டாம். ஆகவே மூன்று வருஷங்களுக்கு இதை ஒத்திப்போடவேண்டும் என்ற திருத்தத்தை ஒப்புக் கொள்ள வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

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:—“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 சொல்ல வில்லை. ஆனால் தஞ்சை பண்ணையான் பாதுகாப்பு சட்டத்தில் விவசாயி களுடைய 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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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. C. Gopalan Unni.
„ C. Kandasami.
„ S. Kandaswami Gounder.
„ C. H. Kanaran.
„ S. S. Kolkebail.
„ O. Koran.
„ R. Krishnan.
„ E. T. Kunhan.
„ P. Kunhirama Kidav.
„ C. Kunhirama Kurup.
„ V. Madanagopal.
„ K. Madhavan Nambiar.
„ M. Manickasundaram.
Dr. K. B. Menon.

Sri K. Moidu.
„ Mookkiah Thevar.
„ T. C. Narayanan Nambiar.
„ M. Palaniyandi.
„ N. K. Palanisami.
„ S. Radhakrishnan.
„ E. L. Raghava Mudaliar.
„ P. B. K. Rajachidambaram.
„ 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. Viswanathan.

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.
„ AR. R. RM. Chokkalingam Chettiar.
„ T. P. Elumalai.
„ 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 Shafeo.
„ 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.

Sri M. C. Muthukumaraswamy.
„ G. Narayanaswami Naidu.
„ R. M. Palaniappan.
„ V. K. Palanisami Gounder.
„ S. Panchaksharam.
„ B. Parameswaran.
„ K. Parthasarathy.
„ N. Rajagopalan.
„ C. Rajam Ramasami.
„ M. R. Ramachandran.
„ A. Ramachandra Reddiar.
„ N. Ramakrishna Ayyar.
„ V. K. Ramaswamy Mudaliar.
„ S. Ramasamy Naidu.
„ A. Ramasamy Tevar.
„ G. Samia Koorayar.
„ E. K. Sankara Varma Raja.
„ M. G. Shanker.
„ A. B. Shetty.
„ K. Shunmugam.
„ Somasundara Gounder.
„ A. S. Subbaraj.
„ I. K. Subramania Pillay.
„ M. Subramania Nayakar.
„ R. Thangavelu.
„ M. D. Thiagaraja Pillay.
„ S. Thinakaranasami Thevar.
„ P. K. Thirumurthi.
„ G. Vagheesam Pillay.
„ A. Vaikuntam.
„ T. R. Varadan.
„ O. Venkatasubba Reddi.
„ S. Venkatrama Ayyar.
„ K. Venkatrama Gowda.
„ K. Venkataswamy Naidu.
„ S. C. Virupakshaiah.

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.

[11th January 1954]

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."

* 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 தனக்குள்ள தான்யத்தை அனுபவிக்க உரிமை கொடுக்கவேண்டும். கோர்ட் ஆர்டர் பிரகாரம் அந்த நெல்லையோ அல்லது மற்ற தான்யத்தையோ விற்பதுவிட்டால் அந்த விவசாயிக்கு இந்த சட்டத்தின் பலன் இல்லாமல் போய்விடுகிறது. இந்த சட்டத்தினால் அந்த விவசாயிக்கு என்ன நன்மை செய்யவேண்டும் என்று கொண்டு வருகிறோமோ அது இல்லாமல் போய்விடும். அவ்விதம் ஜங்கம் சொத்துக்களை ஏலம் போட்டுவிட்டால் அந்த விவசாயிக்கு நன்மை கிடைக்காது. சென்ற வருஷ பாக்கிக்காக விவசாயியை நிலத்தை விட்டு அப்புறப்படுத்தி இருந்தால் மீண்டும் அந்த நிலத்தை அவனுக்குக் கொடுக்க வேண்டும் என்று மனுக்கொடுத்தால் 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 (i), 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 move—

'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."

[11th January 1954]

SRI F. 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'."

[Sri S. Swayamprakasam] [11th January 1954]

*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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(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 landholder of an estate under the Madras Estate 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' 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

[11th January 1954] [Sri S. Panchaksharam]

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."

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.

[11th January 1954]

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, 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;

[Sri M. A. Manickavelu Naicker] [11th January 1954]

(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 (iii) 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 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. Kandaswamy 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."

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 ஒத்திவைப்புப் பானது ஒரு வருஷத்திற்கு என்று இருப்பது போதாது என்றும், குறைந்தபட்சம் மூன்று வருஷத்திற்காகவாவது ஒத்திவைக்கப்படவேண்டுமென்றும், இன்னும் எவ்வளவோ குறைந்தபட்ச திருத்தங்களைக் கொடுத்திருந்தோம். ஆனால், அரசாங்கம் அவைகளுக்குச் செவிசாய்க்கவில்லை. இருந்தாலுங்கூட, 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 சர்ச்சைகள் எழுந்தன. நாட்டில் பல துறைகளிலிருந்து இதற்கு எதிர்ப்புகளும், 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 தொனிக்கும் 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 சட்டசபை 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 முடிவுசெய்து 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 ஏற்படுத்தலாம் அரசியலாளரைக் 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 அனுகூலமாகக் கொண்டுவரப்படும் எந்த சீர்திருத்தங்களுக்கும் இந்தப் பக்கத்திலிருக்கும் எங்களுடைய ஆதரவு அரசாங்கத்திற்கு எப்பொழுதும் இருக்கும் என்பதை அரசியலாளருக்குச் சொல்லிக் காண்க. இந்த நல்ல திட்டத்தைக் கொண்டுவந்ததற்காக மீண்டும் ஒரு முறை அரசியலாளரைப் பாராட்டுகிறேன்.”

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

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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 நாயக்கர் அவர்களையும் பாராட்டுகிறேன்.

“பல எதிர்ப்புக்கள் 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. அப்படிக் 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

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ஸ்பட்டது. 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 தெரிவித்துக்கொள்கிறேன்.

“மக்களுக்கு நன்மை செய்யக்கூடிய எந்தக் காரியத்தையும் சட்ட சபையில் கொண்டுவந்து விவாதித்து நிறைவேற்றுவது முறை. அப்படிச் செய்யாது முதலமைச்சர் அவர்கள் இதுபோன்ற சட்டங்களை தாமாக அவசரமாகப் பிறப்பித்து தமக்குமட்டும் பெருமை தேடிக்கொள்கிறார். நல்ல காரியத்தை அவர் செய்யும்போது எல்லோரும் அவரைப் பெருமைப் படுத்துகின்றோம். ஆனால், ஒவ்வொரு காரியத்தையும் முதன் முதலில் 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 மாரடோரியம் 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 முடித்துக்கொள்கிறேன்.”

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, 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 எதிர்க்கவேண்டும்? ஏன் இந்தச் சட்டம் அவசியம் இல்லை என்பதை விளக்கிக் கூறினேன். ஆனால், அதை என்னுடைய 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 நாணயம் 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 நாளைக்குத்தான், 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 கொள்கிறேன். 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 அனைத்து 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*.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, 11th January 1954.

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

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THE MALABAR TENANCY (AMENDMENT) BILL^a, 1953 (L.A. BILL NO. 12 OF 1953) (AS PASSED BY THE ASSEMBLY).

DR. V. K. JOHN:—“ Mr. Chairman, Sir, I wish to make a submission. The desire of hon. Members on this side of the House is that the Bill may be introduced by the Hon. Minister and the general discussion on the Bill might be taken up on the 18th.”

THE HON. SRI C. SUBRAMANIAM:—“ Mr. Chairman, Sir, we have sat only for just half an hour. Of course I am prepared to be guided by the Chair and the wishes of hon. Members on the other side. But I think after the introduction of the Bill we can sit for some more time and do some work till 6-30.”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“ This is a very urgent measure, and I would like that the discussion of the Bill is taken up now itself.”

MR. CHAIRMAN:—“ The motion for consideration will be moved now and the general discussion will go on till 6-30 to-day. The Hon. Minister may move his motion.”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—“ Mr. Chairman, Sir, I beg to move—

‘ That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) as passed by the Assembly, be taken into consideration. ’

“ In doing so, I think it is my duty to place before this House the absolute necessity for this Bill. It is to be remembered, Sir, that the agrarian agitation in Malabar dates back from 1836. The first time Government took up the issue for consideration was in 1880. A petition was received by the Government and that was referred to Messrs. Logan Wingram and McGregor. They submitted their report and said that there was serious agrarian agitation in Malabar and that it had to be remedied. In 1881, Mr. Logan was appointed as a Special Commissioner to go into this question. He recommended fixity to cultivators and also recommended that the rent should be fixed at two-thirds of the net produce. The

^a Printed as Appendix on pages 20-30 infra.

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Government again in 1884 appointed another Commission with Sir T. Madhava Rao as President. Messrs. Logan Wigram, Karunakara Menon and Sir C. Sankaran Nair were members. In their report they recommended fixity of tenure. Their report was mercilessly criticized by Mr. Charles Turner, the then Chief Justice of the Madras High Court. Hence a new committee with Mr. Master as Chairman was constituted. It recommended that in case of eviction, the tenant had to be given value of improvements.

"As a result of all these, Act I of 1887 was passed. Even then the agitation continued and in 1899 Mr. Ross was entrusted to draft a Tenancy Bill. He died in the course of a few months. So tenancy legislation was given up. But an amendment to Act I of 1887 was passed as Act I of 1900. It only dealt with payment of the value of improvement. Not being satisfied, the Government entrusted to Mr. Dance the work of drafting a Bill. The Malabar Melcharth Bill was prepared but subsequently legislation in respect of that was dropped. In 1915, Mr. Enis, then Collector of Malabar, sent a report to the Government recommending fixity for the tenants. But as per the report of his successor, Mr. Evans, nothing was further done. Finally in 1924 Sir M. Krishnan Nair's Tenancy Bill was introduced and it was passed by the Legislature in 1926. But the Governor withheld his assent. Another Committee with Mr. Raghavayya as President was constituted. It recommended fixity to tenants, fixation of rent and renewal fee, and creation of charge for arrears of rent, etc. Ultimately the Malabar Tenancy Act XIV of 1930 was passed.

"It gave fixity to tenants, right of purchase to the kudiyruppu holders in case of suit for eviction, right to surrender uneconomic units, right to get receipts for payments, etc. It took away the right of melcharthdar to get possession. It fixed proportion of rent and renewal fee to be paid. It provided for fixation of price of commodities and fixed the place of delivery of rent in kind.

"Again in 1938 another amending Bill was given notice of by the Government but subsequently it was dropped. In 1939, a Committee with Sri K. Kuttikrishna Menon as Chairman was constituted. It recommended that stains, etc., need not be given the rights to evict tenants under sections 14 and 20. It recommended 22 paras of paddy to be allowed for tenants as cultivation expenses, fixity to kudiyruppus, fixing interest on arrears of rent at $6\frac{1}{4}$ per cent, abolition of feudal levies, fixation of rents and the extension of the Act to the taluks of Gudalur and Kasaragod.

"Bona fide requirements under sections 14 and 20 was misused and so the amending Act XXIV of 1945 was passed. Again the agitation continued and in 1951 a new amending Act was passed. It relied much on Sri Kuttikrishna Menon Committee's report and granted reduction in the rates of fair rents, fixity to kudiyruppus, remission of rent in case of remission of assessment, wiping off of arrears of rent prior to 1944-45, abolition of renewals

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and renewal fees, abolition of feudal perquisites, etc. Under that, provision was made for the establishment of Rent Settlement Authority for the purpose of fixing fair rent and for recording of rights. These amendments came into effect only in March 1952.

"The Rent Settlement Authority with its complicated machinery and the inevitable delay that would be caused in its working created a lot of agitation in Malabar. The tenants were not satisfied with the remissions and the reduction of rent rates. Ulkudi holders outside Fort Cochin were not given fixity and hence they were also dissatisfied. From 1946 onwards all suits for possession and for arrears of rent were stayed. These and subsequent suits continued to be stayed. The number of suits swelled to such an extent that there are about 20 thousand such suits pending now.

"It was in this background that Government took up this issue. The Rent Settlement Authority was abolished forthwith. A draft Bill was published and moved in both the Houses and it was referred to a Joint Select Committee. The Bill sought to establish Rent Courts presided over by Revenue Divisional Officers. Instead of compulsory fixation of rents, the Bill made it only optional in cases of disputes. It provided for payment of one year's income to be paid to the tenant in case of eviction under sub-section (5) of sections 14 and 20. It provided that no ulkudi holder should be evicted unless a site equal in size is given in the same village or without three years' notice being given. It enhanced the share of the tenants in case of pepper gardens by making the rent payable as one-sixth instead of one-fifth. It also sought to make voidable surrender deeds executed after 28th July 1950. It also sought to wipe off two years' arrears of rent.

"The Joint Select Committee after six sittings, carefully went into the whole question and examined memoranda received from various persons and interests in Malabar. The Joint Select Committee recommended that mulgenidar who enjoyed a greater right than the tenant in Malabar should be exempted from the purview of the Act. It recommended fixity to ulkudi holders in case of three years continuous occupation, exemption of payment of rent in case of protected ulkudi if there was no agreement to pay rent and exemption from the operation of clause 5 of sections 14 and 20 if the tenant was in continuous possession for twelve years. It further reduced fair rent on garden lands by exempting the tenant from payment of half the assessment. It also decided that Tahsildars could also function as Rent Courts. It prohibited the assignees from exercising the rights under sections 14 and 20 within the lapse of two years. It extended the benefits of ulkudi holders on ulkudis on wet lands. A provision was also recommended for proving the real nature of transactions.

"The Legislative Assembly has considered the recommendations and has modified them further. In the case of ulkudi one year's continuous possession was decided to be sufficient. Protection was given to tenants who were in actual possession for six

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years in the case of evictions under sections 14 and 20. Cultivation expenses were raised from 22 paras to 25 paras. The fair rent of garden lands was reduced to one-eighth from one-sixth. In case the fair rent under section 7 is more than the contract rent, a limit that two times the contract rent is to be the fair rent for twelve years was decided upon and the excess amount was spread over a number of years so that in no year it shall exceed one and one-fourths of the previous year. It was also decided to extend the Act to *punam* cultivation and the rent was fixed at two times the assessment. Ulkudi holders from 28th March 1953 were also given protection. Permission was also given for the tenant to elect to pay in kind in case of increased fair rent being fixed. It was also decided that section 51 was to be modified so that instead of fixing the price of commodities monthly, quarterly fixation could be done. It was also decided that amounts thus fixed shall be uniform throughout the area.

"I am sure the Bill, as now presented before this House, will be welcomed by the majority of the people of Malabar. All the aspects were considered and a fair solution of all the problems has been made in this Bill.

"I think, Sir, that by the passing of this Bill, there will be goodwill between the landlord and the tenant and each will perform his part for the welfare of the whole State.

"I move, Sir, that this Bill may now be taken into consideration and disposed of as early as possible as it is an emergency measure which requires due consideration by this House.

"Thank you, Sir."

Mr. CHAIRMAN:—"Motion moved—

'That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) (as passed by the Legislative Assembly), be taken into consideration.'

SRI M. P. GOVINDA MENON:—"Mr. Chairman, Sir, I am very happy that I am a Member of the Madras Legislature when this Bill is discussed by this House. I am also glad that I have an opportunity to associate myself with an important legislation which affects lakhs of people in my district. The Hon. Minister for Law, while introducing the Bill, traced the history of the agrarian agitation in Malabar from 1836 onwards up to the present day, that is upto day before yesterday when this Bill was passed by the Legislative Assembly. He had touched the main points in the course of that agitation. I do not like to repeat the very same history of the agrarian agitation in Malabar which had been done by the Hon. Minister for Law but I want to touch upon some of the important links in that history which the Hon. Minister failed to mention in his speech. Before we go into that history, we must consider why this is such an important problem which has been troubling the people of Malabar for the last so many years.

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"I think my hon. Friend, Dr. John, had me in his mind when he said that certain people considered themselves as people of Malabar or people of South Kanara. Dr. John may not have known it but I have spent my life in the struggle for the freedom of the country and not for the freedom of Malabar alone. I think that I am first and last an Indian, a citizen of this country to which I have the honour to belong. I also had the honour to belong to an organization under the banner of which I never considered myself as belonging to this caste or that caste or to this district or that district. Sir, I know the conditions of Malabar much more than what Dr. John knows. He is a citizen at large. He does not belong to any particular area. He has settled down in Madras and has acclimated himself to the City of Madras. So, when I speak of the conditions in Malabar and the grievances of that district I speak with authority and I am entitled to speak with authority.

"Why is there so much of trouble in Malabar? The trouble arose in this manner. Mr. Chairman, I am taking you to the pre-British days. In those ancient days when our Rajas were ruling our country and when Malabar was under the administration of Malabar chieftains there was no land tenure trouble nor was there the Hindu-Muslim trouble. Malabar was considered to be one of the happiest areas of Bharata Varsha. You know, Sir, that when the Zamorin of Calicut was ruling over Malabar his Generals were Moplahs, his navy was under the command of Moplahs and the Moplah armies were protecting the Hindu State of Malabar because there was harmonious relationship between the landlords and tenants in Malabar during those pre-British days. In those days there was no janmi or landlord in Malabar. As far as Malabar was concerned, there was no question of ownership of land in those days and nobody was considered as the owner of even a piece of land before the advent of the British. There was only the question of the division of the produce between the various persons. I am speaking with authority, authority collected by the British administrators. My Friend, the Hon. the Minister for Law, just now referred to Mr. Logan. Mr. Logan was the Collector of Malabar for a long period. He had lived in Malabar for a number of years, knew the Malayalam language even to the extent of delivering lectures in Malayalam and also knew very well the customs and manners of the people of Malabar. He had gone into the question of land tenure in Malabar and he says: 'The essential difference between a Roman dominus and a Malayalee janmi was unfortunately not perceived or not understood at the commencement of the British administration.' (Mr. 'William Logan's 'Malabar'—1951 reprint.) The British people came with their notions of Roman jurisprudence. They thought that the man who sat at the top was the *dominus* and that he had dominion over the land. They thought he was the landlord as they had in England. Mr. Logan further says that 'The janmi 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.'

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There was no janmi during the pre-British days. There was only an arrangement for the division of shares in the produce and a certain amount was set apart for the janmi, the kanamdar and the cultivating tenants. These shares were set apart because each had some functions in the administration of the country. The so-called janmis were holding some positions in the polity of the country and to meet the expenses of the administration of such powers a part of the produce was set apart. When the British took over Malabar from Tippu Sultan after the Mysore wars, they brought with them their notions of Roman jurisprudence and British notions of overlordship and proprietorship. In the district of Malabar, the Judges of the Civil Courts converted these janmis into actual proprietors. In the 1951 Act also the definition of 'janmi' as a person entitled to the absolute proprietorship of land still persists. Perhaps, in those parts of the country on this side of the Western Ghats this conception is not understood. In these parts, the Government is the owner of the land. In the zamindari and ryotwari tenures the landlords are not the owners of the land and it is the Government that own these lands. In our parts the Government are not the owners of the land. Probably they own some poramboke lands or waste lands adjoining the beds of the rivers. The conception that each janmi is the absolute owner of the piece of land over which he sits was borrowed from British jurisprudence. This was the beginning of the trouble and that is why there has been this agrarian trouble in Malabar over so many years. As the Hon. the Minister for Law said it is more than a century old. The year 1836 is the relevant date. The British administration started in the beginning of the nineteenth century and the trouble began in 1836.

"The Hon. the Minister for Law did not refer to what the trouble exactly was. There had been serious outbursts in the Moplah portion of the district almost every year during the Ramzan months. All these outbursts and attacks had been due to agrarian troubles. My hon. Friend, Sri Raza Khan, said the other day that I attacked the Muslims. I will be the last person to attack the Muslims. I live in the midst of the Moplahs. They are my supporters and they are my professional clients. I know what they are. I have been with them during the Moplah Rebellion of 1921. Many members of my family suffered for the sake of the Moplahs."

Dr. C. NATHAMUNI NAIDU:—"You were also made a Raja for a day."

SRI M. P. GOVINDA MENON:—"Because of this agrarian trouble, the Moplahs committed serious outrages. The poor ignorant Moplah is not civilized, and he is not educated. If this poorest man in the district was to be sent away from his land and what was more important was to be driven out his homestead . . ."

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Dr. V. K. JOHN:—"Sir, on a point of order, is it in order for the hon. Member to say that the Moplah is not civilized?"

SRI M. P. GOVINDA MENON:—"I am speaking only out of a feeling of consideration for the poor, ignorant Moplah, whom we did not civilize or educate. Dr. V. K. John may not have the same feeling. Coming to my point, when a man was driven out of his homestead he naturally took the cudgel in his hands because he had not got any other method open to him. The courts which were on the side of the janmis did not give him any relief. The only method of protest known to the Moplah was to take the cudgels."

"Therefore, Mr. Logan and other good British administrators who had lived in Malabar for a long time recommended the year 1836 for conferring fixity of tenure. (Interruptions.) My hon. Friend, Sri K. Balasubramanya Ayyar, says that at present I am a landlord. I was saying that the British administrators who were in Malabar and who had experience of its customs and manners recommended 1836 as the year for giving absolute fixity of tenure, as far as the tenants were concerned. But, unfortunately we are living in a composite State and were so doing when the foreigners were ruling over us. Let me not be misunderstood when I say that we are living in a composite State. I am not attacking my Tamil brethren or any others in this State. My complaint is that they could not feel for us and understand our difficulties. Our land tenure is not easily understood. Even our Marumakkattayam is not understood by those people on the other side of the West Coast, I do not say that it is so because of lack of love or affection for us. Now, I can say with all the gratitude that I am capable of expressing that here is a Chief Minister who could understand us, whose intellect could help him to understand us and perhaps his association with us during the freedom struggle would also help him to do so. Only two leaders who led us during the freedom struggle, Sri C. Rajagopalachari and Sri T. Prakasam alone on this side of the Western Ghats could understand our problems and it is they who know the conditions in Malabar. I was therefore very glad when this Bill was brought when Sri C. Rajagopalachari is the Chief Minister."

Dr. V. K. JOHN:—"What about the present Finance Minister?"

SRI M. P. GOVINDA MENON:—"He is too young. He was perhaps not born during those days."

THE HON. SRI C. SUBRAMANIAM:—"I have gone to Malabar only once or twice."

SRI M. P. GOVINDA MENON:—"Though he has been our closest neighbour he had not the opportunity to understand our problems. I was glad when this Bill was brought in because the Chief Minister could understand our problems. He had moved

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with us inside and outside the jails in Malabar. He could understand the feelings of the Malayalees. That is why I said that we were unfortunately is a composite State. It is not an attack nor is it any anxiety on my part to get away from my Tamil brethren. The problem is so difficult and that is why this land tenure question has been delayed for a long time. The foreigners were ruling this country and we were unfortunately in a composite State where the majority of people were not in a position to understand our difficulties.

"The Hon. Minister for Law referred to the then Chief Justice of the High Court of Madras—Sir Charles Turner—in connexion with giving of fixity of tenure to tenants. As stated by the Hon. Minister, Sir Charles Turner turned down the recommendations made for giving fixity of tenure to tenants by the officers of the then British Government itself and the people of Malabar have had to wait till 1954 for this reform.

"The first Act—the Improvements Act—giving to tenants when evicted the value of improvements effected by them was passed in 1887, which was again subsequently amended in 1900. Till this Act was passed, the position was that if a tenant was evicted, he was not given anything by the landlord, not even the value of the improvements effected by him. The tenant might have, by his own efforts, converted a waste land into a perfect garden, by planting jack trees, coconut trees, etc., but still if he was asked to vacate the land by the janmi, he had to give possession of the land and leave the place. Not only that. He had also to leave the building put up by him for his residential purposes without receiving in return any payment as compensation. I think, to-day in South Kanara, the tenants are in the same position, as pointed out by my Friend Sri Narasapaya. That was the position of tenants in 1887. The Improvements Act of 1887 as amended in 1900 gave some relief to the tenants. But the people were not completely satisfied. New ideas about tenancy reforms were coming into the district and therefore troubles again started. During the course of the first world war, in 1914-15, there was agitation for Home Rule under the leadership of Dr. Beasant throughout the State and there was also agitation in the district of Malabar, for Home Rule. Along with this agitation for Home Rule, there was agitation for agrarian reforms. Hon. Members will find in the Bill, now under consideration, a clause stating that any person interested in any land might adduce evidence and prove that a transaction entered into on or after 1st January 1916 purporting to be a mortgage is not in fact a mortgage but a transaction by way of kanam, etc., etc. This shows how in 1916 janmis were converting demises and leases into mortgages so that they could sue for redemption under the Transfer of Property Act. So from 1916 agitation was again started for land reforms.

"As a result of the introduction of the Montague Chelmsford Reforms, elections were held throughout this State. There was then a ban by the Congress organisation on 'Council entry!'

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Though the people of Malabar followed in the footsteps of Mahatma Gandhi more than anybody else in other parts of the country, still they did take part in the elections and elected the late Sir M. Krishnan Nair (then he was only a Diwan Bahadur) who championed the cause of tenants. The hope of the people that some tenancy reform would be introduced and passed, as a result of the efforts of Sir M. Krishnan Nair, did not materialise. In 1924, there was again election to the Legislative Council and this time Sir M. Krishnan Nair was returned to the Council. He introduced a tenancy reform and it was passed by the Legislature in 1926. But the Governor withheld his consent to the Bill in spite of the fact that the people of Malabar had supported it and in spite of the fact that the Justice Party which was in power also supported it.

"Then we come to the year 1921. The people of Malabar began to take a different attitude towards the Government and the land lords. Under the leadership of Mahatma Gandhi they were being trained in non-violent non-co-operation. Those were the glorious days when no janmi dared to evict a tenant even though the people including the Moplahs did not take up arms. The people never went to a Court of law or legislature. They only saw to it that whenever a tenant was evicted by a landlord no other tenant went in his place. Many hon. Members will be surprised to hear that many lands particularly in the Moplah areas of Ernad and Walluvanad taluks were lying waste without cultivation. Many landlords who had evicted their tenants would not be served by the washermen, or the barbers. There were cases where even money was offered for the cultivation of lands, but still anybody came to undertake cultivation. Unfortunately the Moplah rebellion broke out in 1921. There was a discussion in the other House as to whether it was an agrarian one or otherwise, and there was an exchange of words between the Hon. the Chief Minister and other Members belonging to the great Communist Party. Sir, I was in the midst of the rebellion. I saw with my own eyes treasuries being looted, offices being burnt and Court records being destroyed. I lived with the rebels for 21 days, when there was no British Government and as my Friend suggested I had some part in the administration set up by the rebels. When the Moplah rebellion broke out, it was neither agrarian nor anti-Hindu. It was not communal. It was purely anti-British. Uneducated and uncivilized as some of them were, Dr. John will pardon me for saying so, the rebellion turned anti-Hindu and later on agrarian also. There is a saying in the Moplah Malayalam language that if you grow hair there is hair and if you remove them there is no hair—*mottai* (മൊട്ടൈ കടമ് കെരട്ടാൽ മൊട്ട) That is also the paraphrase of the Communist slogan introduced by Kal Marx who stated: 'what have you to lose except the chain which binds your legs?' For these poor Moplahs who had to work so hard from morning to evening, who were so poor and had nothing else in the world—not even a homestead which was rather very barbarous and cruel—there was no other way except to rebel and that was why the rebellion started.

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"From 1921 to 1928 we had to wait patiently. In 1928 elections again came and the Swarajist Party decided to enter Councils. There was again agitation for land reforms. As a result of this agitation, as hon. Members are aware, the 1930 Act was passed. This 1930 Act gave fixity of tenure to tenants. As far as kanam was concerned, a tenant could apply for renewal after the 12th year. As regards verumpattamdar tenancy was concerned, verumpattamdars were given some qualified fixity of tenure. As regards fair rents also, a tenant could apply to the court on the basis of two-thirds net produce. The Act also took away the right of melcharthdars to get possession, and prevented them from evicting tenants. These melcharthdars are usually third parties. The greatest harm done to Malabar is not by ancient Rajas or Nambudhries or landlords but by these Melcharthdars. These Melcharthdars are a new class of landlords who as a result of work in various professions like law, medicine, trade, etc., have earned large wealth and have made themselves big landowners.

"The 1930 Act did not give complete satisfaction to the people of Malabar. We were waiting for an opportunity. In 1935 a new Government was formed here under the provincial autonomy conferred by the Government of India Act of 1935 and our great Rajaji became the Chief Minister of this State. My friend the late Mr. Ramunni Menon, who was one of the greatest heroes the district of Malabar has produced, became the Law Minister then and a draft Bill was prepared by him. You know our Rajaji wants to do things in a leisurely way and he wants to study things. He did not want to rush the Bill through and he suggested that a Committee might be appointed. A Committee was accordingly appointed and Mr. Kuttikrishna Menon, who was a member of the Madras Bar and who was Advocate-General for some time, was the Chairman. Of the then Members of the Madras Legislature, some representatives of Malabar were the members of that Committee. That Committee went into the question. They travelled throughout Malabar, recorded evidence, received memoranda and had discussions. A report was published in 1940. The Committee has taken much pains and has dealt with all aspects of the question of Malabar tenancy. Even a man, who is not at all conversant with the Malabar tenancy problem, if he goes through that report, will know much about Malabar tenancy. That report made certain recommendations. Unfortunately, the Congress was not able to implement them. Then there was the Second World War in 1939. The Congress was not in power. There was no democratic administration in this State for some time. As a result of the 'Quit India' campaign, almost all Congressmen were in jail. At that time, Sir, a havoc was done even to the 1930 Act. I have got very great respect to our Judges. Our judiciary is one of the best that we have inherited from the British Government—not at all corruptible, not at all corrupted. Able and eminent persons adorn the Benches both in mufassal Courts and High Courts. But there is one defect with our lawyers and Judges. They are very conservative. With great respect to Sri K. Balasubramania

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Ayyar, who is a lawyer—of course, I am also a lawyer but I am in the political field—I have to say that lawyers and Judges have always been very conservative. They always look backwards and not forwards. They take pride in quoting the decisions of previous years with the result that cases cited in 3 Madras and 4 Madras are quoted even in 1953 and 1954. And our Judges—good Judges and eminent jurists—could interpret the law and in interpreting the position of law, they always show an unconscious bias in favour of the landlord. This is not because they are alive to the Communist theory of class conscience, but somehow or other their interpretation is always in favour of the landlords, not in favour of the tenants. In 1942 there was a Full Bench decision. That decision nullified the intentions of the 1930 Act. Sections 14 and 20 of the principal Act were referred to by the Hon. Minister for Law. Section 14 says, 'no suit for eviction of a cultivating verumpattamdar from his holding shall lie at the instance of his landlord except on the following grounds'. Section 20 says 'no suit for eviction of a customary verumpattamdar, kanamdar or kuzhikanamdar shall lie at the instance of his landlord except on the following grounds'. One of the grounds mentioned is that the janmi wants it *bona fide* for his own cultivation. The mufassal Courts in Malabar interpreted that '*bona fide* necessity' meant that the janmi must prove that his family is destitute, that he wanted the land for himself and that without it he cannot maintain the family. Unfortunately, the Full Bench decision of the Madras High Court of 1942 said 'no, *bona fide* is an adverb modifying the verb "requires" and not an adjective qualifying the word "necessity"'. You know, Sir, how the lawyers can make white black and black white. As in a contest between Noes and Ayes, they change sides and argue both ways. An absolute right conferred on the tenants by a very good piece of legislation was in no time taken away by the High Court by saying that if the landlord said 'I require the land *bona fide* and my intention is *bona fide*', his contention should be accepted. It is not surprising therefore that a large number of evictions were made not by the petty landlords referred to by the Hon. Minister but by big landlords. People were sitting on the top. They filed a large number of suits and got eviction of the poor tenants. Congressmen were in jail. There was no public agitation. Fortunately, during the Advisers' regime in 1945, Mr. Austin, who was one of the Advisers, knew Malabar. He took up the matter and it was due to him that the Amendment Act of 1945 was passed by the Governor. The Governor had legislative power in those days. This Act said that the landlord must prove that he had necessity and that unless he got the land he could not live. This was the interpretation given to the expression '*bona fide*'. Then, Sir, in 1946 the popular Government came to power. Again there was agitation. Some people said that this agitation was started by interested persons. But I can tell you, Sir, that no agitation can thrive for three days unless there is real grievance behind it. Do you think that thousands of people will stand by agitators unless they have got a real grievance? Agitation is the reflection of the

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sufferings of the people and in 1946 when the popular Government came, we asked for reforms. My respected leader Sri T. Prakasam, who was then the Chief Minister, passed the Ryots Protection Act. He said that he would consider bringing in some legislation as the one we are having for South Kanara, namely, that all evictions will be stayed for some time. The Ryots Protection Act was passed. Not only that. He appointed a Committee—Sri Raghavendra Rao Committee—to go into this question and that Committee prepared a report. This report is a classical report and the presentation is very nice. Though I would not be able to agree with many of the conclusions arrived at by that Committee, I must say that the Committee has marshalled facts and has presented them in a cogent manner so that everybody can understand the report. On the basis of this report, we wanted a Bill. Somehow or other it was delayed. My esteemed friend and ex-Minister Sri Madhava Menon, who was the Minister for Law introduced a legislation in 1951. When he placed some proposals, all of us were taken aback. They were so revolutionary in character. A conference was convened at Kozhikode. The proposals were examined. Even Sri Kuttikrishnan Nair's Bill has not come up to the stage which Sri Madhava Menon's Bill aimed at. There was a conference at Madras and the Bill was discussed. But it went to a Select Committee and came in a different form. That Bill was passed. It conferred some little concessions. We welcomed even those small mercies because the Assembly, as was then constituted, was on a limited franchise and we could not get a better Bill. But even though we welcomed that Bill, there was a huge agitation in the district again. You know, Sir, the result of that agitation. I am not talking of any party. The 1951 Elections were fought on political grounds. But so far as Malabar was concerned, the tenancy question played a very important part in that election. The Congress, the Praja Socialists and the Communists contested the elections. We fought against the Congress. The Congress had some reverses in the rest of the State, but so far as Malabar was concerned it was broken to pieces. If this tenancy problem had been solved satisfactorily, the history of the general elections in Malabar would have been different. Out of 30 seats, Sir, set apart for the Malabar area, the Congress got only four seats. Twenty-six seats went to the opposition parties. I do not say that this is entirely due to the Malabar tenancy question. I do not also say that it is entirely due to the views held by the other political parties that won the elections. I say it is due to a great extent to the misdeeds of the previous Government also. In a way the land tenure question played a very important part. You know, Sir, Mr. Madhava Menon is one of the gems of Malabar, he was one of the able Ministers of the previous Cabinet. I think he was a dominating Minister in the previous Cabinet. He was not a minor Minister or a satellite. He was an important Minister of the previous Cabinet. He was defeated in the last elections. That shows the feeling in Malabar regarding the agrarian reforms.

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"When the Bill was originally introduced by the Hon. Minister Sri Kuttikrishnan Nair, we were all taken aback. That Bill went back even on the every unpopular Act passed during the time of Mr. Madhava Menon, and hated by the people of Malabar. It was a great surprise to us that Hon. Mr. Kuttikrishnan Nair should have introduced such a Bill, because we know him as one of the greatest workers in the Congress and a worker for the cause of the poor people in Malabar. You know, Sir, he is one of the very few good Congress men of the residuary Congress of Malabar—practically the Malabar Congress is dead now. In the residuary Congress he is one of the very few good Congress workers. In the last elections when everybody set up by the Congress was defeated, you know, Sir, he defeated the great Communist leader Sankaran Nambudripad and got himself elected. It came as a thunder to all of us. It was therefore a surprise to us that he should have introduced a Bill in such a form. I do not blame him personally for that. I know his heart is good. If he had been sitting on this side of the House he would be more vehement than I am in speaking about this Bill. After all this is the tragedy of politics. When people adorn some particular benches, they have to stick to them. That was why Mr. Madhava Menon failed, and not because he was not in sympathy with the demands of the tenants of Malabar. I know it is the tragedy of politics.

"Sir, when the Bill was originally introduced by the Hon. the Minister for Law, Sri Kuttikrishnan Nair, there was a huge agitation against it. But we wanted to co-operate with the Government. A conference was held in Payanoor purely under the auspices of the Praja Socialist Party. It had nothing to do with the Communists. That conference was attended by thousands of people. The conference was presided over by one of the greatest leaders of South India, Pattom Thanu Pillai. It was inaugurated by my leader, Sri T. Prakasam. Another great leader Sri Kelappan participated in the conference. Can any one say that there are greater leaders in South India than these three—excluding Rajaji—Pattom Thanu Pillai, Sri T. Prakasam and Sri Kelappan? That conference passed a series of resolutions containing constructive suggestions (and not destructive suggestions) and placed them before the Government. Not only that, Sir. A big 'Jatha' not like the one which we saw the other day when the Assembly was discussing the Malabar Tenancy Bill (a show of a 'Jatha') walked miles and miles in the district of Malabar under the leadership of my eminent leader Mr. Kelappan. That 'Jatha' came to Madras and saw the then Hon. the Chief Minister and the Hon. the Minister for Law.

"Sir, when the Bill was originally introduced my Party did not join the Joint Select Committee. We non-co-operated. There was also a talk about that, and people asked why we non-co-operated. I may tell this House, Sir, that the Praja Socialist Party is not for opposing anything for mere opposition's sake. We are not out to destroy a particular political party. If the Congress revises its policy we will be glad. If the Congress does

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good things to the country we will welcome such things. But we non-co-operated and did not participate in the deliberations of the Joint Select Committee. The reason for our non-co-operation is this. Mr. Narayana Kurup, a Member of the Legislative Assembly, brought forward a resolution in the Assembly and asked the Government to reopen certain sections in the principal Act and accept amendments to various sections of the principal Act. The Government opposed the resolution and did not allow the reopening of the principal Act. So we thought no useful purpose would be served by our co-operating with the Government in the Joint Select Committee. We walked out and therefore we were not in the Joint Select Committee.

"Sir, a great leader that he is, the Hon. the Chief Minister and the Government wanted to get our views on the matter. Government sent special invitations to my leader, Sri Kelappan and myself to attend the Joint Select Committee meetings. We responded to the invitation and attended the meeting. The Hon. the Chief Minister was good enough to convert the meeting of the Joint Select Committee into an informal conference and we had free and full discussion. We placed all our views before the conference and the Hon. Ministers and especially the Hon. the Chief Minister. He understood our viewpoints. He questioned us. There was a very free exchange of views and we went away satisfied with the impression that the Hon. the Chief Minister had understood us. When the Joint Select Committee submitted its report a ray of hope emerged. The Joint Select Committee did really suggest certain changes in the Bill as it was originally published, and introduced by the Hon. the Minister for Law. But we were not completely satisfied. Who is satisfied till the last thing is given? We thought: 'What shall we do now?' Fortunately for us our leader, Sri Kelappan, after the session of Parliament, came to Madras soon after the report of the Joint Select Committee was published. He rushed to the Hon. the Chief Minister. He suggested to the Hon. the Chief Minister how the suggestions made by the Joint Select Committee could be incorporated in the Bill and the Bill improved and made acceptable to the people of Malabar. Sir, in fairness and in gratitude to the Hon. the Chief Minister and the Government and especially to my hon. Friend, the Minister for Law, Sri Kuttikrishnan Nair, I must say that the majority of the demands placed by my leader Sri Kelappan were conceded by the Government and Government themselves proposed amendments to the Bill in the Assembly. So, Sir, though we are not completely satisfied, I must concede that this legislation which had been passed by the Assembly and sent to us for consideration is an improvement upon the previous Acts. It has done some real good to the tenants of Malabar and so in that way my party and myself and my leader Kelappan welcome this Bill.

"Now let me come to the improvements made in this Bill over the 1951 Act. The fair rent to be given by a cultivating tenant was fixed as half of the net produce in the case of paddy lands with

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liability to pay half the assessment. This Bill says that the tenant need not pay any assessment. He need only pay half the net produce. This is a great improvement. Regarding garden lands . . . (An hon. Member: 'What about cultivation expenses?') I have everything in my mind. I shall refer to it. Regarding cultivation expenses, it was fixed at 22 paras in the earlier Act. That had been increased in the present Bill to 25 paras. That was one of the points raised in the minute of dissent appended to the Kuttikrishna Menon Committee's report. As regards fair rent for dry lands, garden lands, coconut gardens, and other lands, the fair rent has been reduced. So far as fair rent is concerned it is all good. But then who is to fix the fair rent? There is a dispute always whether the Civil Court or the Rent Court should be allowed to fix the fair rent. Mr. Madhava Menon's Act suggested an important machinery for the fixing of permanent fair rent throughout the district of Malabar, the machinery known as the Rent Settlement authority. That was a fine idea. We were very glad that once for all fair rent would be fixed without leaving any room for further dispute, and a record of rights created. But unfortunately it was found unworkable by the department and to a certain extent by the public also. When the Hon. Minister Sri Kuttikrishnan Nair took up office in the present Cabinet he also considered this question and felt that it was unworkable. We do not dispute their contention. Therefore we gave up that demand. Now the question is who is to decide this fair rent. As arranged in this Bill, it is left to the Revenue officers, a Revenue Divisional Officer, or a Tahsildar. Very often it is argued: 'Why not give this work to a Civil Court.' Coming as I do from the Civil Courts—still I am a practising lawyer in the Civil Courts—I have sufficient experience of Civil Courts. I have no experience of the High Court. I have experience of the mufassal Courts. If a tenant has to get the rent fixed, it is an uphill task as far as he is concerned. Sir, it is often suggested that the Revenue Officer may not be beyond temptation. Quite correct. No human being is beyond that. Nowadays, after the last war and perhaps after we attained our independence, the standard has gone down. The trouble is, in no country, human beings are beyond temptation. I would like to ask, are others beyond temptation. If the tenant is asked to go to the Civil Court he will be put to great hardship. If he has to go to the Civil Court he has to engage a big lawyer and if the landlord engages a bigger lawyer his chances of success are very poor. The tenant cannot engage a big lawyer. And when a judge gives a decision you have to go to a higher court for appeal and this means additional expenses to the tenant. The landlord can take the case on second appeal and drag the poor tenant to the court and bring him to ruin. Sir, if a Tahsildar misbehaves I can come to the Hon. Minister and make representations to him. Sitting as I do on the opposite side, Government may not pay so much heed to my representations as they may to representations made from the other side. (Interruption) I can make representations to the Government and tell them: 'Here is a Tahsildar who misbehaves' please do the needful'.

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"Sir, in a Civil Court, the tenant is at a disadvantage. I do not consider that this is the best machinery. Even the Revenue Court is not the best machinery. I know the difficulties and we have to work with human agencies with all the imperfections. The only body which can determine this fair rent is the Revenue Court. There is an appeal provided to the Sub-Judge if there is any injustice done by the Revenue Court. As far as the fixation of fair rent is concerned, we have no quarrel with the Government. There is one point on which I feel very strongly and I want to make a passionate request to the Hon. the Chief Minister—unfortunately he is not here and I hope the other Hon. Ministers will convey it to him. Sir, if the fair rent fixed by the Revenue Court happens to be higher than the contract rent, what is the position? The then Hon. Minister, Mr. Madhava Menon, when he introduced the Malabar Tenancy (Amendment) Bill, 1951, said that if there was to be any difference between the contract rent and the fair rent, the tenant need pay only that rent which was less. I think, that is a most reasonable proposal. It may be argued that the rent fixed should be fair to both sides. The hon. Member, Mr. Balasubramanya Ayyar, will argue on behalf of the landlords and say, that we must be fair to both sides. Sir, after all, what is the contract rent? The 'contract rent' is a rent imposed and dictated by the landlord to the tenant. It is not a free contract between the landlord and the tenant as such. It is a contract between an elephant and an ant."

SRI S. NARASAPPAYA:—"Landlords are only ants!"

SRI M. P. GOVINDA MENON:—"They belong to the elephant class. Sir, the rent is fixed by the landlord, and he says 'this is the contract rent'. Why are Government so anxious to help the landlord in getting a higher rent than he is getting to-day? Was there any agitation by the jannmis to increase the rent? No, Sir, I have not heard even a word about such an agitation. On the other hand, it is the tenants who are agitating that this rack-renting should go and the Government should come to their help. Therefore, it is not fair to ask the tenant to pay the fair rent if it happens to be higher than the contract rent. There is no logic behind it. There is no reason behind it. There is no humanitarian consideration behind it. Sir, if the Government accede to my request in respect of this matter, I will not say that, on account of the political pressure brought to bear upon the Government, they have conceded it. I will only say that it is only their goodwill that is responsible for it. I will not make political capital out of it. I am thankful to the Government for all that they have done to the people of Malabar. In this connection, I want to make a suggestion. If the fair rent is higher than the contract rent, the tenant should pay only a cent per cent increase in the contract rent. For example, if Rs. 10 is the contract rent and the fair rent is higher than that, the higher rent must never exceed more than cent per cent, that is, Rs. 20. In this connection, I wish to draw the attention of the House to the minute of dissent by the

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hon. Member, Sri K. Bashyam, another eminent lawyer in the Madras High Court, who knows the conditions of the Malabar tenants. (At this stage the Hon. the Chief Minister entered the House.) I am glad the Hon. the Chief Minister has come."

MR. CHAIRMAN:—"I allow five more minutes to the hon. Member to finish his speech."

SRI M. P. GOVINDA MENON:—"Sir, now I am the only Member representing Malabar and I must be given more time."

"Sir, I was referring to the minute of dissent of the hon. Member, Sri Bashyam. He says, in his minute of dissent—

'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.'

Mr. Seethi Sahib, a stalwart Muslim Leaguer, and a supporter of the Government in the other House, also says, in his minute of dissent, that the tenant should pay fair rent or contract rent, whichever is less. I take this opportunity to make a very humble request to the Hon. the Chief Minister. I may tell frankly this House that we are not thinking in terms of gaining any political advantage over this issue. After all, what is the advantage or disadvantage gained to any party? If the Congress Government have done something to the tenants, my influence with the tenants is lessened to that extent. If the Government show goodwill to the tenants, the Congress prestige is increased. When I fight for the rights of the tenants of Malabar and more and more concessions are given by the Government, I lose the chance of attacking the Party in power. Therefore, I make this final appeal that the proposition, 'fair rent or contract rent whichever is less' shall be accepted. There is also another reason why we should accept it. So far this House has never contributed successfully by way of an amendment to any piece of legislation. At least on this occasion, let us send this Bill to the Assembly with this small amendment, thereby justifying our existence also. I am sure, if this amendment goes to the other House, the whole House will unanimously accept it."

THE HON. SRI C. RAJAGOPALACHARI:—"There are many other opportunities."

SRI M. P. GOVINDA MENON:—"I think, this may be taken as one such opportunity."

"Then, I come to eviction. As regards eviction, the Government have done a very good thing. The power of eviction has been restricted considerably. I know what advantages it will give to the persons who have been in possession of the land for six years. This is a very great concession. A large number of tenants will be benefited. The term 'primary needs' or 'bona fide' need mentioned in clause 15 of the Bill should not be there. Let us define what is 'primary need'. I know the Hon. the Chief Minister has many things in his mind. I know his heart and he

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wants to do many things for the tenants. But when clever lawyers come to the court, they will interpret the definition of 'primary need' in various ways. It may be argued that, what is the primary need of one man is not the primary need of another man and what is the primary need of a zamindar is not the primary need of an ordinary man. Thus, the concessions given by the Government will not be enjoyed by the tenants. Therefore, I request the Government to do away with clause (5) of section 14 or section 20 of the principal Act. After all, the Government have granted fixity of tenure and let them be generous in this respect also and see that there is no more eviction on any account in Malabar. We want that the tenant who is actually cultivating the land should be allowed to continue his cultivation. As the hon. Member, Dr. John, has pointed out, we do not want him to become the owner or the proprietor of the land he is cultivating. So long as he pays rent to the landlord, he should not be evicted.

"Then, I come to the question of alienation. Provision has been made in the Bill that an alienee can ask for eviction after a period of two years. That is too short a period. In this connection, I am reminded of a custom prevalent in Malabar. If one measure of paddy is to be given to a person, before it is actually given, something is taken away from it. In the same way, the Government want to give something but take away a part of it before it is actually given. The Government have given fixity of tenure to the tenants but, at the same time, they make provision for eviction in certain cases. I am not able to understand the motive behind it. The Government can be very generous in this matter also and create a psychological revolution in Malabar. The Hon. the Chief Minister can make the tenants of Malabar more happy by accepting some of the suggestions made by me. Let us send this Bill with the amendments suggested by me to the other House. Let the Assembly pass this amended Bill unanimously and it will be a glorious day. The Hon. the Chief Minister has rendered great services to this country in various ways. He is probably even now held in great respect and reverence in Malabar. Let him give an opportunity to the people of Malabar to hold him in greater respect and greater reverence by conferring absolute and unqualified fixity of tenure to the tenants and fixing the question of fair rent as 'fair rent or contract rent whichever is less.' These are the two small points which we put forth. I hope the Government will seriously consider them.

"Sir, we do not want to be ungrateful for the things that have been done, and I want to express a word of gratitude to the Government. I may tell the House that I never expected this Bill to go to this extent and I know to whom I am indebted for this. I am again repeating my request to that great heart to be a little more generous in considering this Bill on the 18th instant. We are on the 11th. Sir, there is one week's time for the Hon. the Chief Minister and the Law Minister to consider this passionate appeal made by Sri M. P. Govinda Menon, not

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on behalf of himself, not on behalf of his party and not for political purposes, but on behalf of the lakhs and lakhs of poor tenants of Malabar so that they may have a permanent tenure and lead a happy life. I hope, Sir, that within this week a miracle would happen. The other day the Hon. the Chief Minister said that we should not expect miracles to happen. But, I am a believer in miracles. Why should not the heart of the Chief Minister melt? He may reconsider these points and accept them."

[Continued]

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APPENDIX.

[Vide item on page 1 supra.]

L.A. BILL No. 12 OF 1953.

(As passed by the Assembly.)

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.

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.

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;”

(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”;

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(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 one year;

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.

(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.

3-A. *Amendment of section 4, Madras Act XIV of 1930.*—In the Explanation to clause (c) of section 4 of the principal Act, for the word “twenty-two” the word “twenty-five” 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.

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

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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)."

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 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, in the case of a protected ulkudi or a kudikidappu, if rent be payable for the site of the protected ulkudi or the kudikidappu

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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 for such purposes, 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."

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:

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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 9-CC " 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 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."

12. *Repeal of section 9-H, Madras Act XIV of 1930.*—Section 9-H of the principal Act shall be repealed.

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.*—(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."

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."

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(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 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, illom, kutumba, kavaru or family for not less than six years."

16. . . .

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:—

" 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."

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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.

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."

21. *Repeal of section 52-A, Madras Act XIV of 1930.*—Section 52-A of the principal Act is hereby repealed.

22. *Insertion of new sections 52-C, 52-D and 52-E 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

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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, 1954, 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 rights 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:

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

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(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.

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."

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 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.

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(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:

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.

(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.

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(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.

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.

THE MADRAS INDEBTED AGRICULTURISTS
(TEMPORARY RELIEF) BILL, 1954 (L.A. BILL
No. 8 OF 1954) (AS PASSED BY THE ASSEMBLY)

THE MADRAS LEGISLATIVE COUNCIL.

Monday, 18th January 1954.

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

THE MADRAS INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) BILL, 1954 (L.A. BILL NO. 8 OF 1954) (AS PASSED BY THE ASSEMBLY)

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

‘That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954 (L.A. Bill No. 8 of 1954) (as passed by the Assembly) be taken into consideration.’

I do not have much to say on this Bill. It has been before the public for quite a long time, first in the form of an Ordinance, then as a published Bill, and now after being passed by the Assembly it has come over here. The Bill is very short and simple. The object is to give a sort of relief to the ryots just for a year especially as they had gone through a gruelling time for the past five or six years owing to drought and famine conditions. The Bill has been passed in the Assembly with many changes. They are all welcome changes, and all that is desirable has been done. I may say that the Bill as it is now is like cream got after churning the milk well, and therefore I think it will be very acceptable. I commend the Bill for the acceptance of the House.”

MR. CHAIRMAN:—“Motion moved—

‘That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954 (L.A. Bill No. 8 of 1954) (as passed by the Assembly) be taken into consideration.’”

DR. V. K. JOHN:—“Mr. Chairman, Sir, under rule 109 of the Madras Council Rules, I move—

‘That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.’”

“Rule 109 provides that any member may (if the Bill has not already been referred to a Select Committee of the Assembly or to a Joint Committee of both Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee. I understand that the Bill was not referred to a Select Committee in the Assembly and I know that it was not referred to a Joint Select Committee. Therefore I have moved the motion.

“Sir, this is a highly controversial measure, a measure with far-reaching consequences. I am deeply sympathetic to any

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measure which is intended for the solution of the problem of the indebtedness of not only agriculturists but also of the middle classes who are suffering from chronic indebtedness. This Bill was preceded by an Ordinance. I realise that the Bill was introduced not as a political stunt or as a bid for popularity as somebody complained, but was introduced out of the large-heartedness and great kindness which our Chief Minister has towards the suffering people. When the first Congress Ministry was formed in this State in 1937, he introduced the Agriculturists Relief Bill. Later on he introduced many measures which only evidence his large-heartedness and kind-heartedness. But we have to analyse and find out whether the solution now offered is correct or not. If I criticize the solution now offered, I am not doing it as a matter of captious criticism; I am only trying to assist the Government to introduce a measure which will help the solution of the problem of agricultural indebtedness. The essence of this Bill is the freezing of debts due from agriculturists. I realize that the measure is only for one year.”

SRI K. BALASUBRAMANYA AYYAR:—“It may be extended.”

DR. V. K. JOHN:—“I will come to that later on. I know that the Bill underwent many changes in the Assembly. I am glad to find that the Chief Minister as very accommodative. In spite of the changes made, I say that the principle underlying this Bill is wrong and very defective. The principle is the freezing of debts due from agriculturists. This is a wrong approach to the solution of the problem of agricultural indebtedness. If we freeze debts, the reaction will be that hereafter loans will become very shy. As soon as the Congress Party took over the reins of Government, they gave publicity to the fact that they might nationalise many industries and private undertakings. The declaration of this policy frightened people who were in a position to invest some money into industry and business. People did not know where they stood and capital became shy. The result was unemployment and fall in production. The Government have since reversed this policy and said that in many matters the private sector will be allowed to operate. If we create the impression that loans will be frozen, then loans will become very shy. This is an elementary thing which anybody can understand. People will think twice or thrice before they advance any loan, because they do not know what will happen to that loan.

“Agriculturist debtors will certainly agitate for the extension of this Act beyond the one-year period. I find that the Hon. the Chief Minister has given an assurance that this Act will not be extended. But I am as positive as he is positive that the Act will not be extended, that there will be an agitation for extension and the Government will find it almost impossible not to grant the extension. Extension of time for payment of debt will ultimately lead to extinction of debt. In the history of the economic

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structure of society throughout the centuries, two factors have been in operation—one is exploitation and the other is expropriation. What will happen in this case is that the agitation will continue and at the end expropriation will take place. This is giving a handle to agitators. There will be continued agitation, particularly by a certain section of the people, the Communists, for extending the Act. The Chief Minister who undertook a whirlwind tour in Travancore-Cochin State compared the Communists to tigers and scorpions. But previous to that, he called the Communists his enemy No. 1. But I think this Act will give him an opportunity to call them his ally No. 1, because he is on the path which will encourage agitation by this section of the people not only for extension of time for repayment but for the very extinction of the debt."

THE HON. SRI C. RAJAGOPALACHARI:—"Does the hon. Member want the Bill to be referred to a Select Committee or is he opposing the Bill?"

DR. V. K. JOHN:—"I want a Select Committee for examining the very principle underlying this Bill.

"I have got one serious objection. This Act is indiscriminate in its application. I know that certain exemptions have been introduced which will do justice to certain cases. On a superficial reading it may be said that this Bill embodies the three leading characteristics of British legislation in matters like this, namely, conflict of interests, compromise, and caution. There is conflict of interest between creditor and debtor, the Government have effected a compromise by granting some exemptions, and they are proceeding cautiously as they have put the life of this Act only at one year. But if we go deep, we will find that it is indiscriminate in its application. I boldly assert that it is so indiscriminate as to dislocate and destroy the economy of the country-side. It is indiscriminate in its application like an atom bomb which destroys not only those who deserve to die but also those who deserve to live.

"The widow who lent money will have to wait for one year, and she will not get her money for a year. So long ago as the time in which Socrates lived, it was accepted that a general principle enunciated for all would work hardship in particular cases. In all civilised countries, the law has two characteristics, namely, certainty and flexibility. In this case there is certainty but hardly any flexibility at all. I would suggest that it is for an impartial tribunal to consider the question whether in a particular case justice would be done by a decree passed against the debtor and money realised quickly or by a decree asking the debtor to pay money in instalments or by staying the execution proceedings for a long time. I do not know why the Government would not leave this matter to judicial officers—impartial tribunals—to look into the relative position of the debtor and the creditor. It may be that the creditor is a more needy person. In country parts

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a loan is not always an investment at all. It may be merely sympathy which impels a creditor to give a loan to an agriculturist. Now, is that creditor to suffer for his sympathy? Therefore, the proper course to be adopted, if such a Bill is to be introduced, is not to order the stay of execution proceedings or to prevent or bar the filing of suits in Courts, but to ask a judge to go into the matter bearing in mind one important point, namely, that the agriculturists must have sufficient money to cultivate their lands during the year. That judge will examine in a summary manner whether in a particular case the agriculturist or the borrower is a rich man, and he can afford to repay the debt, or whether he himself wants that money for cultivating his lands. There are hundreds and hundreds of cases which will differ from one another, and justice has to be done to all. This Bill has no flexibility at all. It lays down certain rigid rules. I am sure that this Bill, when passed into law, will be applied indiscriminately, and this law will work great hardship on poor people. I suggest that freezing of debts, even if that were allowed, should not be indiscriminate. There must be flexibility and elasticity and the only way to get flexibility is to ask a tribunal, even if it be in a summary manner, to go into the relative position of the debtor and the creditor. Then only justice can be done. Justice is not done under this bill, and I am afraid great justice would be done to the people and this Bill, as I already stated, will become an atom bomb and will destroy everybody and the economic fabric of the countryside. I condemn the principle and also the provisions of this Bill. What is required in solving the problem of agrarian indebtedness is not freezing of debts. The one way of solving the problem is first to see that there is no usurious money-lending in villages. If Rajaji not only bars the filing of suits by usurious money-lenders but also extinguishes their loans to agriculturists—they may have collected many times their principal—I would be the first man to support him. Because usurious money-lending is exploitation of the agriculturists. Let us see that there is no exploitation. In a conflict between exploitation and expropriation, we should condemn both. A usurious money-lender is an exploiter, and if the Government should extinguish his loans to agriculturists, they (the Government) need not worry about it very much. But, Sir, there are other ways of solving the problem. The Government must sit down and think out what is the best way of solving this chronic problem of agricultural indebtedness and also the indebtedness of others, particularly the middle classes. The one way of solving the problem is to give employment to all people. Let them earn and let them work hard."

MR. CHAIRMAN:—"The hon. Member is straying from the main points. The hon. Member has five minutes more."

DR. V. K. JOHN:—"I am giving a constructive suggestion, Sir."

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MR. CHAIRMAN:—"The hon. Member is not to make a very long speech."

DR. V. K. JOHN:—"I am speaking on the merits of the Bill, Sir. I am giving a constructive suggestion as to how the problem of agricultural indebtedness can be solved. I am saying that the principle underlying the Bill is wrong, and that it must be examined by a Select Committee. My suggestion to the Government is that they should first introduce a Bill which will enable people in the country-side to work hard and earn, and this can be accomplished by bringing in agrarian reforms and by decentralising administration. The Government must encourage co-operative societies in villages to pool the resources of the rich, and bring money in. If this Bill is passed into law, who knows whether this will not affect the co-operative societies in the villages? People will fight shy of putting their money into co-operative societies. Another defect of this Bill is that, it opens up by saying that it is in the interests of the general public that freezing of debts should happen. If it is in the interests of the general public, why should the burden be taken up by a body of people who are merely small creditors in the villages? Why should not the Government or the general tax payer take up that burden? Why don't the Government give remission of kist to the agriculturist? The Government are free. The co-operative societies are free. But who is not free? The poor people in the villages who have given loans are not free. I say that the principle underlying this Bill is wrong, and that it should be examined by a Select Committee. There is a rush in all these matters, and if the Chief Minister will excuse my saying so, this is not only evidence of his kind-heartedness but also evidence of his feeling that there is nobody near him in his intellectual eminence. It is intellectual arrogance. It is also evidence of his autocratic method. He first introduced the ordinance under Article 213, which is not applicable. Probably he thought that the ordinance would gather public opinion, which it did. I condemn the principle underlying this Bill, namely, freezing of debts. This Bill will not solve the problem of agricultural indebtedness. On the other hand it will do just the opposite. I, therefore, think it necessary that the Bill should be referred to a Select Committee to examine the principles of the Bill."

SRI A. GAJAPATHY NAYAGAR:—"மன்றத் தலைவர் அவர்களே எனது மதிப்பிற்குரிய ஜான் அவர்கள் கொண்டு வந்திருக்கும் கிருத்தத்தை நான் வாழ்கிறேன். எதற்காக நானும் V. K. ஜான் அவர்கள் சொல்வதைப் போலவே இதை ஒரு பொறுக்குக் குழுவின் பரிசீலனைக்கு அனுப்ப வேண்டுமென்று எண்ணுகிறேன். என்றால் உண்மையில் இந்தச் சட்டத்தினால் விவசாயிகளுக்கு ஒரு நன்மை உண்டாகுமென்று தோன்றவில்லை."

"குறிப்பாக" கடந்த ஆண்டுகளில் மழை பெய்யாத காரணத்தினாலும், இப்பொழுது அதிகமாக மழை வழங்கியிருப்பதாலும் உணவுப் பொருள்களை உற்பத்தி செய்பவர்களுக்கு ஊக்கம் கொடுக்கக் கூடிய வகையில், சிறிது சலுகை காட்ட வேண்டி இந்த மசோதாவைக் கொண்டு வந்திருப்பதாக அரசியலார் சொல்லுகிறார்கள். ஆனால் இன்றைய தினம் கிராமங்களில்

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உழுது உண்ணும் மக்கள் ஒரு சாரர்களாக இருக்கிறார்கள் என்றால், அதைப் போலவே உழவித்து உண்ணும் மக்களும் ஒரு பக்கத்தில் இருக்கிறார்கள். உண்மையிலேயே இன்றையதினம் உழுது உண்ணும் மக்களுக்கு எந்தவிதமான பாதையும், தொந்திரவும் இல்லாமல் செய்தால் நிச்சயம் அவர்களால் அதிகம் உணவை உற்பத்தி செய்ய முடியும் என்பதை நான் நம்புகிறேன். அவர்களுக்கு கடன் தொல்லை இல்லாமல் செய்தால் உதவி யாக இருக்குமென்று அரசியலார் சொல்லுகிறார்கள். அதை நானும் வர வேற்கிறேன். ஆயினும் இன்றையதினம் உழுது உண்ணும் மக்களுக்கு அவர்கள் பயிற்சி செலவு செய்கின்ற நிலங்களில் எந்தவிதமான பொறுப்பும் அக்கரையும் கிடையாது. ஆகையால் அவர்கள் வாங்கியிருக்கும் கடனை ஒரு வருஷத்திற்குத் திருப்பிக் கேட்கக் கூடாது என்று அரசாங்கம் சட்டம் கொண்டு வந்தால் அதனால் அவர்கள் அங்கப் பணத்தை நிலத்தில் போட்டு நன்றாக வேலை செய்வார்கள் என்று நினைப்பது தவறாகும். நாளுக்கு நாள் விலைவாசிகள் ஏறிய வண்ணமாகவே இருக்கின்றன. ஆகவே அவர்கள் அந்தப் பணத்தையும் தங்கள் குடும்பச் செலவுக்கே செலவிட்டுக் கொண்டு விடுவார்களே தவிர உண்மையில் நிலத்தி் போட்டு அவர்கள் வேலை செய்ய மாட்டார்கள். அதோடு இந்தச் சட்டத்தின்படி கடனை வசூல் செய்வதை ஒரே ஒரு ஆண்டு நிறுத்தி வைக்கக் கோரப்படுகிறது. ஆனால் இவ்வாண்டைப் போலவே அடுத்த ஆண்டும் கடன் வசூல் செய்வதை நிறுத்தி வைக்க வேண்டுமென்றும்: அதற்கு அடுத்த ஆண்டும் இம்மாதிரியே ஒத்தி வைக்க வேண்டுமென்றும் பல கிளர்ச்சிகள் நாளாவட்டத்தில் கிளம்பக் கூடும். அதற்குச் சான்றாக இப்பொழுதே கீழ்ச்சபையில் விவாதம் நடந்த காலத்தில் ஒரு ஆண்டு ஒத்தி வைக்கவேண்டுமென்பதை மூன்று ஆண்டுகள் ஒத்தி வைக்கவேண்டுமென்றதொரு திருத்தத்தை பொதுவுடமைக் கட்சிக்காரர்கள் கொடுத்து வலியுறுத்தியிருக்கிறார்கள்."

SRI T. PURUSHOTHAM:—"Sir, are we now discussing the motion that the Bill be taken into consideration, or are we discussing the amendment that the Bill be referred to a Select Committee? I want a clarification in the matter."

A. GAJAPATHY NAYAGAR:—"இந்த மசோதாவை ஒரு பொறுக்கு குழுவின் பரிசீலனைக்கு என் விடவேண்டுமென்பதற்காக, நான் இந்தக் காரணங்களை எல்லாம் எடுத்துக் காட்டிக் கொண்டிருக்கிறேன்."

DR. V. K. JOHN:—"On a point of order, Sir: It is only when the Bill is taken into consideration and discussion follows that one can move amendments. But I have moved that this Bill be referred to a Select Committee."

MR. CHAIRMAN:—"At this stage, general principles cannot be discussed. The hon. Member may speak on his amendment."

DR. V. K. JOHN:—"It is better at this stage, Sir, to discuss the general principles underlying the Bill."

MR. CHAIRMAN:—"No. It cannot be done under the rules."

SRI A. GAJAPATHY NAYAGAR:—"ஒரு பொறுக்குக் கமிட்டியின் ஆராய்ச்சிக்கு இதை என் அனுப்ப வேண்டுமென்பதற்கு நான் சொல்லும் விஷயங்கள் ரொம்பவும் உதவியாக இருக்கும்."

"இரண்டாவதாக உழவித்து உண்ணும் மக்கள் நகரங்களில் உத்தியோகத்தில் இருந்து வெளியேறுகிறார்கள். அவர்கள் தங்களுக்குச் சொந்தமான நிலங்களை கிராமங்களிலுள்ளவர்களிடம் குத்தகைக்கு அடைத்த பின்னர் நிலத்தைப் பற்றியே கவலைப் படுவது கிடையாது. தற்போது தங்களுக்கு கிடைத்துக் கொண்டிருக்கும் வருமானம் எல்லாவற்றையும் நகரங்

[Sri A. Gajapathy Nayagar] [18th January 1954]

களில் சலவு செய்து கொண்டிருக்கிறார்களே தவிர அந்தப் பணத்தில் கொஞ்சமாவது நிலத்தில் செலவிடவேண்டுமென்ற அக்கரையே அவர்களிடம் கரணப்படவில்லை. வீடுகள் வாங்குவதும், காலி மனைகள் வாங்குவதும் மாகத் தான் அவர்கள் இருந்து கொண்டிருக்கிறார்கள். ஆகவே இவர்கள் வாங்கியிருக்கும் கடனையும் தரும்ப ஒரு வருஷ காலம் வரையில் கேட்கக் கூடாது என்றால் இவர்கள் அந்தப் பணத்தையும் நகரங்களில் செலவிடப் போகிறார்களே தவிர நிலங்களில் செலவிடமாட்டார்கள். ஆகவே பொது வாசகப் பார்க்கும்போது அரசியலார் நினைப்பதைப் போல இந்தச் சட்டத்தினால் அவர்களுக்கு எந்த விதமான நன்மையும் ஏற்படாது என்று கருதுகிறேன். எனினும் இன்னும் ஒரு வருஷம் கழித்தாவது கடனைத் திருப்பித் தானே கொடுக்கவேண்டும்? வருங்காலத்தில் இந்தச் சட்டம் நாட்டில் பல சிளர்ச்சிகளை உண்டாக்குமென்று நாங்கள் கருதுவதால் இதைக் கொண்டு வருவதற்கு முன்பாகவே இதை ஒரு பொறுக்குக் கமிட்டியின் பரிசீலனைக்கு அனுப்பிவைத்து நன்றாக ஆராய்ச்சிகள் நடத்திய பின்னரே இதைக் கொண்டு வரவேண்டுமென்று கருதுவதால் எனது மதிப்பிற்குரிய ஜான் அவர்கள் கொண்டு வந்திருக்கும் திருத்தத்தை மனப்பூர்வமாக ஆதரிக்கிறேன்."

MR. CHAIRMAN:—"The amendment has been moved—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.
The original motion and the amendment are now before the House for discussion."

SRI V. CHAKKARAI CHETTY:—"Mr. Chairman, Sir, I support the amendment that has been moved, not on the grounds put forward by the hon. Member Dr. John, but on just the very opposite grounds. The Mover of the amendment said that this would give a hand to the agitators and that this would lead to a good deal of agitation. I do not know whether the hon. Member Dr. John has any comprehensive and revolutionary proposal to put a stop to agitation in this world. As a matter of fact, he himself has been principally responsible for a good deal of agitation in regard to this and other matters. If agitation is put an end to, I do not know what position the hon. Member Dr. John will occupy in public life. After all, agitation is the very breath of our life, as a great Congress leader in the past used to say as against the British Government which always condemned agitation and agitators because agitators were rather disliked by them in those days since they wanted to lead a quiet life. I do not believe that the Hon. the Chief Minister or this Government want to lead an easy-going life. On the contrary, they are living in difficult times."

MR. CHAIRMAN:—"The motion and the amendment are before the House for discussion. But the hon. Member is talking of something else."

SRI V. CHAKKARAI CHETTY:—"Sir, I am only supporting the amendment on the ground that this measure should be more thoroughly examined and not to stop agitation or to placate anybody of people whom the Hon. the Chief Minister or anybody else may regard as enemy No. 1, No. 2, No. 3, No. 4 or No. 5."

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As a matter of fact, I do not believe the Hon. the Chief Minister has any enemies at all in this country. Sir, I am always amenable to reason. When the Hon. the Chief Minister puts forward a reasonable proposal, I am prepared to support it with all my might and main. I do not think that the matter should be looked at from the point of view of any particular political party being regarded as enemies. Even the Communists in this country are in one sense very good allies of the Hon. the Chief Minister for the simple reason that they are trying to make him realize the responsibilities of his high office. In that way, one should certainly be thankful to them. Unless the Ministry in power understands this position, it is likely to run into greater dangers. Therefore, it is being warned in time that unless proper measures are taken to ameliorate the conditions of those who have been suffering from disabilities for long, greater dangers and more of revolutions are inevitable. That has happened in other countries of the world when the Government concerned were adamant and ignored the representations of rebel parties. A time came in those countries when the rebel parties disappeared and the most revolutionary parties had the upper hand and overthrew the Government. I do not know whether the hon. Member Dr. John wants to give a warning in regard to the more revolutionary parties which believe in real violence and overthrow of constitutional Government in this country.

"Sir, this Bill may be examined further for the simple reason that it does not go far enough to bring about contentment and satisfaction among the indebted labourers in agricultural areas. I believe that the Government would have before them a lot of materials to strengthen their position. I believe that they would have gathered information as to the amount of agricultural indebtedness in this country, especially in Tamil Nad. I remember some years ago a report was published by an officer of the Government, giving details of agricultural indebtedness. From the figures given then, of which I have only a vague recollection now, it was evident that indebtedness was enormous. The Government have now been roused to give some kind of relief to those people who have been suffering for long. My own suggestion would be that all debts should be extinguished. That is a good suggestion to make and it is feasible without any injustice being done to any particular party. If it is possible for the Government to assume responsibility for all the indebtedness and to pay back the creditors, it will be an even greater blessing and it will satisfy even the soul of the hon. Member Dr. John in that no injustice will be done to anybody because all debts will be honourably repaid. Well, it seems to me that creditors belong to a very superior class of philanthropists. They lend money on purely altruistic grounds and for the sake of helping people in need. They have abundant sympathy for the poor. The milk of kindness is flowing from them. But I do not know what kind of people agitators are. Generally, people won't lend money unless there is plenty of money to lend. It seems to me that all these questions cannot be referred to a judicial tribunal. If they are s

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referred, it will simply mean protracted trials which will not be liked by the creditors at all. For all these reasons, I support the amendment and hope that the Select Committee that may be appointed to go into all these questions will see whether greater justice cannot be done to the debtors without altogether destroying credit facilities in our country. The hon. Member Dr. V. K. John made a passing suggestion that nationalization has frozen capital. I do not believe that is the reason. Whether there is going to be nationalization or not, the labouring classes are now quite alive to their position and responsibilities and will not allow capitalists to exploit them for their own benefit. That is the reason why capital is shy and it is not because of the Government's coming forward to nationalize some of the industries. I do believe that this Bill has to be referred to a Select Committee so that it may be made more liberal and satisfactory from the point of view of the debtors than it is to-day. With these words, I support the amendment moved by hon. Member Dr. John for reasons that are not exactly the same as those that he has put forward."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, I support the motion for referring the Bill to a Select Committee, not on the ground that I accept the principles of the Bill and the Select Committee can examine the various amendments, but on the ground that we must carefully examine whether it is proper, whether it is useful, whether the Bill is based on principles of sound economy and whether we should have a moratorium at all like this. Those are the questions that should be examined by a Select Committee. I think the chief aim of Dr. John in making this motion is to give sufficient opportunity for a Select Committee to examine all these very important issues. It may be that moratorium may be frequently resorted to hereafter by our Government. Because, I am afraid that agricultural indebtedness cannot and will not be removed completely even within the life of the present Government. We must carefully look into the working of the various co-operative societies in our State and also the various annual reports prepared by them. Even in 1945, the Gadgil Committee had gone thoroughly into the whole matter and they have found that co-operative societies were under very great disabilities especially in the matter of granting loans on a short-term credit basis and also cheap loans on personal credit of the debtor for the agriculturist wants loans at a particular time during the season. He is sure to take a loan during the season and he will pay it back after the harvest. He can sell the paddy produced on the land and he can pay the debt back. Agriculturists want the loan on a short-term basis during the period of cultivation. There are many things which they have to buy and for which they have to raise a loan. During the time of cultivation, they have to incur expenses in buying seeds, manure, ammonium sulphate and things like that and even cattle, the price of which is very high nowadays. Besides these, they have to perform a number of social duties and obligations, such as marriages, for

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which also they have to incur heavy expenditure. For all these purposes the agriculturists have necessarily to raise loans on a short-term basis.

"So far as the co-operative societies are concerned, the Gadgil Committee report has made the position clear, by stating that the co-operative societies were finding it very difficult to give short-term loans. The whole procedure is very complicated. Moreover, the co-operative societies look also to the solvency of the agriculturists. When they observe so many formalities like this, it is very difficult for them to give short-term loans immediately on personal credit. Therefore it is I say that the co-operative societies will not be of very great use and will not help the agriculturists to an appreciable degree. The other alternatives open to the agriculturists in our country are private money-lenders, commercial concerns, industrial corporations, Banks, chit funds and other organizations. The agriculturists have to rely on these organizations. Therefore I am constrained to say that this Bill, when passed into an Act, will disturb the rural credit as a whole in this State and this will not be beneficial to the agriculturists themselves, whom the Government want to help. I do not say anything against the motive behind this Bill. The Government's motive is quite laudable. It is for the purpose of giving some breathing time to the agriculturists. Oh, yes. Certainly, we agree. But, is this the way to do it? This is a new way of paying old debts and we have to be very careful in this matter. Agriculturists have to borrow in a particular season. That is the state of things in which we find ourselves placed to-day. That will continue to be so unless everybody gets into an Arcadia of peasants toiling and moiling for their own satisfaction without being indebted to any society or anybody and when in each one is a peasant proprietor, full, strong and robust, doing his duty."

SRI T. PURUSHOTHAM:—"Mr. Chairman, I rise to support the motion that the Bill be taken into consideration and to oppose the amendment moved by the Deputy Leader of the Opposition, hon. Member Dr. V. K. John. Some of the hon. Members who preceded me, have adduced different reasons as to why this Bill should be referred to a Select Committee. Hon. Members will remember that a non-official resolution was moved by my hon. Friend Sri Annamalai Pillai in this house that a moratorium of this kind should be declared as early as possible to relieve agricultural distress. After all, this is only an emergency measure and I do not think there can be any objection to have this simple Bill passed in this House. I have attended some of the ryots' conferences presided over by my Friend the Hon. Sri M. Bhaktavatsalam, especially in the Chingleput district in places like Vallur, Tiruvallure and so on. In those conferences, resolutions were adopted by agriculturists requesting the Government to grant one year's moratorium. (Sri K. Balasubramania Ayyar: 'Were there creditors?') Yes, they were there. This Bill will do some good to the agriculturists. After all, the objection to this Bill seems to be that it will disturb rural credits. That is

[Sri T. Purushotham] [18th January 1954]

a different problem and has to be tackled in a permanent way and not while considering a temporary Bill of this kind. Perhaps, the establishment of an agricultural credit corporation on the lines of the industrial credit corporation may solve this question. But, that is a different problem altogether covering a large field of agricultural economy and should not be mixed up with the consideration of this emergency Bill. Even the establishment of an agricultural credit corporation will only help the bigger ryots to get tractors and things like that, and the small landholders and ryots will necessarily have to depend on co-operative societies and Government loans. The Government loans are now being given by different agencies. The takkavi loans are given, some by the Agricultural department and other items by the Revenue department. I raised this question some time ago and suggested that there must be only one agency to distribute these loans to the ryots, and that agency may be the Revenue department under a special loans officer for each taluk, and the Agricultural department need not have anything to do with it. The then Minister for Agriculture, Sri Nagan Gowda promised to examine the question. There is great difficulty and delay in the agriculturists getting these Government loans for various purposes. These are vital aspects of the rural problem that should be carefully examined. As stated by the hon. Member Sri Bhashyam Ayyangar the other day, most of the agriculturists do not really know about the several kinds of loans that they could get and the procedure to be followed. They are not getting necessary assistance at the hands of the subordinate officials at taluk level. They are completely ignorant of the different loans they could get and the different channels of applications to get these loans. Information regarding these matters must be published in the form of a 'Villagers' Guide Book and circulated to the ryots in the regional languages. I am sure the Government will consider this aspect of the question and take steps to instruct the departmental subordinates to guide the ryots in the proper way. I also feel that the Government should take steps permanently to solve the question of rural credit though that may be considered separately. The Bill that is before the House is only intended to afford some temporary relief to the agriculturists and I hope it will be welcomed by all sections of the House. With these words, I support the motion that the Bill be taken into consideration."

SRI T. G. KRISHNAMURTHI:—"Mr. Chairman, I rise to oppose the amendment moved by the hon. Member Dr. John and to support the Bill. I was indeed surprised when I heard hon. Member Dr. John, as I did not know when he became the protagonist of creditors. Because, I heard him some time ago deciding to champion the cause of the 'have-nots' in the same House."

"Our impression is that the Bill, coming as it does at this stage, is really a God-send to the indebted agriculturists. Hon. Member Dr. John stated an amusing fact that the creditor was actuated by humanitarian principles when he advanced loans to agriculturists. Of course, the creditor has as much sympathy for his debtor as a cat has for the mouse when it plays with it before

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devouring it. That is our experience in the rural areas. Another misconception seems to be that so long as the moratorium is there, no debtor will pay his debt. That is not the case. Debtors who can afford to repay the debts will pay. They would not like the idea of being debtors for ever. (Sri K. Balasubramanya Ayyar: 'That is not our experience'.) That is not the experience of creditors, the hon. Member Mr. Balasubramania Ayyar says. But I am not a creditor. I am a debtor and that is why I am welcoming it. I am an agriculturist debtor. If what hon. Member Mr. Balasubramania Ayyar says is a fact, most of the creditors would have gone out of business by now. They manage to get back their dues. They do not stop there. They even fleece their debtors and that is what is happening in the rural areas. Conscientious debtors there are just as there might be a few conscientious creditors. One thing, I would request the Government to look into. So many hon. Members in this House champion the cause of creditors. (The Hon. Sri C. Rajagopalachari: 'Not many'.) Yes, only a few; there cannot be many in these days. Creditors may take it into their head to be a bit conservative in coming forward to advance loans to the agriculturists. The Government should, therefore, come forward to enlarge the credit facilities now available to the agriculturists. The hon. Member Mr. T. Purushothama Mudaliar referred to the delay in disbursing loans. This delay should be curtailed. I know of a funny incident which occurred in my place seven months ago. An agriculturist applied for a loan to the District Collector. Unfortunately, the petitioner was not aware that he ought to have gone and interviewed the clerk concerned before he applied. What happened was the petition was being returned to the Taluk office with query after query, and though the petitioner made his application on the eve of the commencement of agricultural operations, the latest query with which it was returned by the Collector's office to the Taluk office was: 'Does the agriculturist still require the loan?' The agricultural operations had far advanced in the meantime and naturally the Collector's office felt that there was no longer any need for the loan! Sir, it is really scandalous that the Government's intentions should be so frustrated by the 'clerk-baby'. I interviewed the Collector and apprised him of the facts of the case. He said: 'There are certain genuine doubts that have arisen and so the paper has been sent back to get those doubts cleared'. I told him to call for the file and look into it so that he may be satisfied that the queries of the clerk did not relate to any *bona fide* doubts, and he may take action against the clerk concerned. So, Sir, I would request the Government to issue instructions to Collectors to see that such delays do not occur in future and that the agriculturists, when they apply for loans, get their loans as early as possible without this inordinate delay. Then only the agriculturists will be better off. (Dr. V. K. John: 'Why did not the applicant see the clerk concerned?') He is not an educated man like the hon. Member Dr. John to see the clerk before making the application.

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"Then, Sir, it is said that the Government loans which are still pending repayment will be collected in the regular course. The Government can issue instructions that their loans need not be collected now and that collections may be postponed by one year, even though such a provision is not contained in the Bill itself. For instance, loans advanced for purchasing pump-sets need not be collected now. In certain cases, in my own district of Madurai, loans have been advanced to agriculturists for purchasing pump-sets. The agriculturists have also purchased pump-sets. But the trouble seems to be that electricity has not been supplied to this area. Electric motors and pump-sets are there but they are not put to any use for lack of electrical energy. The Revenue Department is pressing these people to pay back the loan in instalments as promised. Such instances as may be brought to the notice of the Government by parties may be quickly and sympathetically disposed of. The indebted agriculturist should get relief whether it is the Government that is the creditor or it is a private individual that is the creditor. I hope the Government will take note of this fact and issue urgent instructions in the manner I have suggested.

"Sir, referring this Bill to a Select Committee is not going to take us far. On the contrary, the whole thing will be delayed. The Select Committee will have to go into the whole question and if the Council adopts any modifications, then the Bill may have to go to the Lower House again. What will really happen is the moratorium will cease meanwhile and another Ordinance may have to be promulgated to prolong the life of the dying Ordinance. Nothing is going to be gained by referring the matter to a Select Committee. The Government in their rule-making power as well as in their executive capacity can issue necessary instructions to the authorities concerned to make the Bill a boon to agriculturists which it really is."

SRI M. P. GOVINDA MENON:—"Mr. Chairman, I had a suspicion that the inspiration for the Moratorium Ordinance and this Bill came from my district. When the Hon. the Chief Minister had a tour of Malabar some time ago, my district presented him a very green appearance as a result of the north east monsoon which had just set in and I think that he referred to the coming Ordinance or the Bill in a speech he delivered on that occasion in my own place, Ottapalam, in Malabar. Knowing him as I do, I anticipated some such thing when I read that speech. But the unfortunate Malabar is not going to get the benefit of this Bill. The Preamble to this Bill says: 'Whereas, after successive years of drought, by the bounty of Nature there has been adequate rainfall this year . . . ' Unfortunately, my district, though it was promised by the bounty of Nature plenty of rainfall, was denied the benefit of the north-east monsoon with the result that there is complete failure of the second crop. I am, however, glad that Nature has been very kind to the rest of the State and therefore I associate myself with the sentiments

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expressed by those who support this Bill sent by the Assembly. The enactment is only for the duration of one year. Hon. Members who want this Bill to go before a Select Committee need not be very much worried, because this is only a temporary measure. The Government feel that as a result of the bounteous crop that the agriculturists are going to get this year they may have a sense of relief if they are not disturbed by the creditors. They may preserve the produce—I mean whatever they can save—and utilize it for the next year's crop. The moratorium is for a very short period. Of course, there may be defects here and there. Even then such a temporary measure is absolutely necessary and I hope the hon. Member Dr. John will withdraw his amendment to refer the Bill to a Select Committee.

"Then, Sir, there may be some dispute about particular clauses. As far as I am concerned, I feel that the definition of the word 'agriculturist' is very wide. We are giving protection not only in deserving cases but even to bring landlords, who will also come within the definition given in the Bill. Of course, there is the question of income-tax and that is the only type of exemption proposed in the Bill. I think the definition given in the Agriculturists' Debt Relief Act of 1938 (Act IX of 1938) is quite all right. Anyway, while we are giving some relief to persons who are not really deserving, the Bill will do a lot of good to those who really deserve relief. Therefore we would like to support this Bill.

"About the availability of rural credit facilities, I anticipate there will be some trouble. The Government can really face the situation by helping the co-operative societies and enabling them to give loans to the needy agriculturists. So far as my district is concerned there is a big organization which I am afraid is not put to proper use. When rationing of foodstuffs was introduced we started in our district what were known as Producer-cum-Consumer Co-operative Societies. There are about 103 such societies in the district and they have huge reserve funds. After food was derationed, these societies have no work. I would seriously suggest to Government to consider utilizing these huge reserve funds that are available with the societies. We can convert these societies into rural urban banks throughout the district of Malabar. There will be ample credit facilities for the needy agriculturists if this is done. I hope the Hon. the Minister for Co-operation and other Hon. Ministers will seriously consider this suggestion of mine, because I am sure if they are converted into urban banks they will be of great help to the agriculturists.

"With these words, Sir, I oppose the amendment of the hon. Member Dr. John and support the Bill before the House."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, I do not feel my way to accept the amendment moved by the hon. Member Dr. John for referring the Bill to a Select Committee. Hon. Members from this side as well as the other side have

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spoken as to how it was not at this stage necessary to refer the Bill to a Select Committee. The mover of the amendment traversed a wide field and talked about centralization, decentralization, freezing of debts and so many other things. I shall not try to meet those points at this stage, because he has given notice of specific amendments on some of these and these can be dealt with at the time the Clauses are discussed. This a short Bill with only eight clauses and only two or three of these require to be looked into carefully. Most of the hon. Members who have given notice of amendments to the clauses being able lawyers themselves, there will be no difficulty, I think, in going through the amendments, discussing them and coming to a sound conclusion. Therefore I feel it is not really very necessary to refer this Bill to a Select Committee.

"Then, Sir, some hon. Members wanted that Government should come to the aid of agriculturists by way of postponing the collection of loans advanced to them. One hon. Member also said that disbursement of loan should be expedited. All these are different matters and they do not strictly come under the purview of this Bill. As we go on with the discussion of the Bill clause by clause, I shall try to explain how far we can try to meet the points raised by hon. Members. Now it is only left to me to oppose the motion for referring this Bill to a Select Committee."

DR. V. K. JOHN:—"Mr. Chairman, Sir, before I reply to the points raised during the discussion, I would like to look into the rules, especially the convention that we discuss the principles of the Bill, and while we discuss the principles we move an amendment for referring the Bill to the Select Committee."

MR. CHAIRMAN:—"I said that both the motions, the one that the Bill be taken into consideration and the other that the Bill be referred to a Select Committee, were under discussion."

DR. V. K. JOHN:—"Then, Sir, the Hon. Minister who moved the motion that the Bill be taken into consideration, has not met the points raised during the discussion. I strongly suggest that while a solution for liquidating agricultural indebtedness and also other indebtedness is required, freezing of debts is not the method which should be applied. It will defeat its own purpose. The cure suggested is worse than the disease. It will whet the appetite of those people to agitate for the extinction of loans. 'Let us suggest some other method', is what I suggested to the Hon. Minister. He had not the kindness to say whether the principle underlying the Bill, namely, the freezing of the debts, is or is not the correct principle to be applied to those cases, though the Act is to be in force only for a year. It is on that basis that I wanted that this Bill should go before a Select Committee for a thorough discussion of the principle underlying it. It is only in the Select Committee stage of the Bill that the principle can be discussed. Only if the principle is accepted, Members can bring in amendments to clauses which are not acceptable to them."

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But my suggestion now is that the principle itself has not been discussed and agreed to. If this Bill were to be passed as it is placed before this House, I say it will have far-reaching consequences, and the economy of the rural parts will be dislocated and destroyed. The Hon. Minister, I know, has a majority in the House. He can have my amendments defeated easily. I regret to say he has not met even one point I made for the discussion of the principle underlying the Bill. He ought to have at least defended the principle, namely, freezing of debts as a solution for solving the problem of agricultural indebtedness."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I have nothing more to say at present, Sir. I would like to meet the points made by the hon. Member when we take up his amendment for extending the period of the Act to three years."

MR. CHAIRMAN:—"The question is—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954, be referred to a Select Committee.'

The amendment was lost.

MR. CHAIRMAN:—"The question is—

'That the Madras Indebted Agriculturists (Temporary Relief Bill), 1954 (L.A. Bill No. 8 of 1954) (as passed by the Assembly), be taken into consideration.'

The motion was carried.

The consideration of the Bill, clause by clause, was then taken up.

Clause 2.

MR. CHAIRMAN:—"Motion moved—

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

DR. V. K. JOHN:—"Mr. Chairman, Sir, I have given notice of amendments to clauses 2, 1 and also 3 to 6. They are all inter related and if you will permit me, I would like to speak on all of them together and that too only for a few minutes."

THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Chairman, Sir, there is no objection to the hon. Member moving his amendment to clause 2 and incidentally referring to other amendments to explain the position. Technically we are discussing clause 2 and we shall discuss amendments to clause 2. The hon. Member while moving amendments to clause 2 may incidentally refer to other matters to explain the position."

DR. V. K. JOHN:—"My amendment to clause 2 relates to definition. I move the amendment, namely,

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'For clause 2, substitute the following:—

"Definition.—In this Act, unless the context otherwise requires, 'agriculturist' means a person who is in actual possession and cultivation of agricultural land."

"Now, Sir, the definition of the term 'agriculturist' as given in the Bill under clause 2 (a) includes 'a person who owns an interest in land, and who, by reason of such interest, is in possession of such land or is in receipt of the rents or profits thereof and shall include a lessee but shall not include, etc., etc.'"

"Now, Sir, under the present definition of the term 'agriculturist' not only does it include within its scope actual cultivators, tillers of the soil who are in actual possession of land but also intermediaries and landowners who are in receipt of rents and profits thereof. I say, Sir, it is not the object of the Bill to help landowners and intermediaries. What is it that is stated in the Preamble? The Preamble of the Bill seeks to help cultivators. In the Preamble of the Bill it is stated, 'we must help the cultivators, the actual tillers of the soil, through whose sweat and labour the produce is raised'. But what is it that we find under clause 2 (a) dealing with definitions? By the present definition of the term 'agriculturist' the very purport of the Bill, viz., to help the poor cultivators, is nullified, because under the loose definition now given even a non-cultivator is helped. If a non-cultivator owns a patch of land and is indebted, he is given protection now. Intermediaries are protected. That is why I say it is very wrong to extend the benefit to intermediaries who are non-cultivators. It is going against the very principle enunciated in the Preamble. The help that is now sought to be given to agriculturists must be confined to real agriculturists, viz., those who cultivate the lands, the tillers of the soil, and not intermediaries and absentee landlords, for they also are owners of lands and receive rents and profits thereof and as such come under the definition of 'agriculturists' as enunciated in clause 2 (a). On the other hand my amendment which seeks to define an 'agriculturist' as a person who is in actual possession and cultivation of agricultural land, will, if accepted, exclude the intermediaries and confer the benefit now sought to be given only to the real agriculturists."

"Coming to clause (3) which puts a bar on suits and applications, I want that clauses 3 to 6 are omitted and in their place, the following are substituted."

SRI K. BALASUBRAMANYA AYYAR:—"We are in clause 2 now. Why should we discuss amendments to clauses 3, 4, 5, 6 and so on?"

DR. V. K. JOHN:—"As I explained at the beginning, I intend to speak on all the amendments I had given notice of with regard to the different clauses of the Bill, at the same time, because all the amendments are inter-related. For instance, I have

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given notice of an amendment to clause (1), sub-clause (3), viz., that this Act shall remain in force for three years from the date this Act comes into force. Then come my amendments seeking to omit clauses 3 to 6 and to substitute the following:—

'For clauses 3 to 6, substitute the following:—

"3. In any suit or proceeding for the recovery of a debt due by an agriculturist, it shall be open to the Court to give him time for payment of the decree amount and extend such time from time to time on equitable considerations particularly the ability of the defendant to pay the decree amount without prejudice to the expenditure required for cultivation and the need of the decree-holder and the respective financial position of the parties."

Notwithstanding anything to the contrary in any other enactment in force, the Court may in its discretion order refund of the Court-fee paid in any suit or proceeding to which this Act applies."

I submit, Sir, that the bar on suits and proceedings and also stay of execution of decrees should not be granted in favour of people who are not actually cultivating the land. That is the purport of the amendment which I had given notice of for omitting clauses 3 to 6 of the present Bill and substituting in their place the amendment which I have just read out."

SRI K. BALASUBRAMANYA AYYAR:—"I second the amendment of hon. Member Dr. John to Clause 2."

MR. CHAIRMAN:—"Amendment moved—

'For clause 2, substitute the following:—

"Definition.—In this Act, unless the context otherwise requires, 'agriculturist' means a person who is in actual possession and cultivation of agricultural land."

THE HON. SRI C. RAJAGOPALACHARI:—"I suggest as usual that hon. Members who have given notice of amendments to this Clause 2 which is now under discussion, might discuss all their amendments to this clause so that Government might reply to them after the discussion is over."

MR. CHAIRMAN:—"The whole of Clause 2 as well as the amendment are now before the House for discussion."

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move—

'In sub-clause (a) in the second line, after the word "Land" add the words "in the State of Madras"; and "after the words "in possession of such land" add the words "and regularly engaged in cultivation thereof" and omit the words "or is in receipt of the rents or profits thereof".'

"I want to make it clear that by the term 'agriculturist' it should be construed to mean a person who owns an interest in lands situated in the State of Madras. Otherwise if we leave the definition as it is at present, even people who have interest in lands in Andhra but remain here and borrow money will come under

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the definition of the term 'debtor'. My amendment seeks to render help only to agriculturists who are in possession of lands in the State of Madras and who are regularly engaged in cultivation thereof. Then only we would have fulfilled the real object of the Bill, viz., to give relief, to the tillers of the soil who are now heavily indebted, by granting a moratorium. Otherwise if we leave the definition as it is, even a land owner having some interest in land and who is an absentee landlord, will be protected since he is having a technical, rather I can say a symbolic, possession of land because he engages some tenants and carries on cultivation through them and as such is in receipt of the rents or profits thereof. Therefore, he comes under the present definition of the term 'agriculturist'. Therefore even persons who are not engaged in direct cultivation of lands are now being termed as 'agriculturists' and are given protection. In the Ordinance it was said that an agriculturist would mean persons engaged in direct cultivation of lands. But that definition is dropped now. Under the present loose definition even a landlord residing here and who carries on cultivation of his lands in his village through his tenants is in legal possession of the land and as such becomes an 'agriculturist'. As an hon. Member observed even a merchant doing business here and owning some interest in land somewhere in his village and who carries on the cultivation by means of tenants becomes an 'agriculturist'. If he is indebted, he is now given protection. But that is not exactly the main purport of the Bill. That is why I have given notice of the amendment which I had just moved. Of course if the merchant pays income-tax and has been assessed to income-tax for any of the years 1951-52, 1952-53 and 1953-54, he will be excluded. But I say that is not enough. The definition ought to be made clear on the lines of the amendment which I had moved. Then only we would have fulfilled the object of the Bill, viz., to bring succour to the agriculturists who cultivate the lands and raise the produce. If all our agriculturists are cultivators, then the necessity for clarification of the term 'agriculturist' would not have arisen. But unfortunately that is not the case now. I long to see the day when all the agriculturists would be engaged in personal cultivation of their lands, and when there would be no more absentee-landlords. But until then it would be better to extend the relief now sought to be given only to those agriculturists who till the soil and through whose sweat and labour, the produce is raised. That is why I request that my amendment may be accepted."

DR. V. K. JOHN:—"I second the amendment of the hon. Member, Sri Balasubramanya Ayyar."

MR. CHAIRMAN:—"Amendment moved—

"In sub-clause (a), in the second line, after the word "Land" add the words "in the State of Madras"; and after the words "in possession of such land" add the words "and regularly engaged in cultivation thereof" and omit the words "or is in receipt of the rents or profits thereof."

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SRI T. PURUSHOTHAM:—"Sir, I move—

'Omit item (i) in sub-clause (a).'

All these firms referred to here were included in the exception provided under this clause in the original Ordinance. But now they have been removed from item No. (VI) of clause 2 (b) under the head 'Exception'. They are now included as item (1) in sub-clause (a) and at the same time not included under item No. (VI) under the head 'Exception' in sub-clause (b). That is why I have given notice of an alternative amendment either we should have co-operative societies also omitted from the Exceptions in clause 2 of the Bill or . . . "

THE HON. SRI C. RAJAGOPALACHARI:—"I wonder if hon. Member Mr. Purushothama Mudaliar knows what he is doing. The removal of these banks from clause 2 (a) would mean that they are not entitled to this moratorium. Is it the intention of the hon. Member to include these firms registered under the Indian Partnership Act, 1932, or a company as defined in the Indian Companies Act, 1913, or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law, under exception (vi) of clause 2? Or is it the intention of the hon. Member to include these under the definition of 'agriculturist' in clause 2 (a)? That is to say, does the hon. Member want that these firms also should be entitled to a moratorium in case they are not able to discharge their loans? Is that the intention of the hon. Member? It is one thing to say 'Remove it from the definition of 'debt'. It is another thing to say 'Remove it from the definition of agriculturists'. Perhaps the intention of the hon. Member is that relief should be given to debtors who owe money to those firms, which he had mentioned in his amendment. That is to say just as the co-operative societies, these firms also should be included in the exception (vi) to Clause 2 so that those agriculturists who owe money to these firms might be given a moratorium. Is that the real intention of the hon. Member?"

SRI T. PURUSHOTHAM:—"I want either the co-operative societies to be omitted under the exception clauses, or in case it is persisted in, I wish to add at the end of (Madras Act VI of 1942) in line 4 of exception (vi) of clause 2 (b), the following words and figures:—

'or 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,'

"I had also given notice of an amendment to the clause under sub-clause (a) in item (ii) wherein I had suggested that all those who pay income-tax of Rs. 200 and less might be protected under the Act. I want and a ceiling to be fixed so that only those who pay more than Rs. 200 (The Hon. Sri C. Rajagopalachari: 'You mean tax') as income-tax might not be classified as agriculturists for purposes of this relief. I have suggested in

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another amendment that only those who have been paying income-tax in all the three years 1951-52, 1952-53 and 1953-54 might be denied the benefit of this measure."

MR. CHAIRMAN:—"Is there anyone to second the amendment of the hon. Member Mr. Purushotham?"

"I find there is no one to second the amendment. For want of a seconder, the amendments of the hon. Member Sri Purushotham fall through."

SRI G. KRISHNAMURTHI:—"Sir, I support the amendment moved by the hon. Member Sri K. Balasubramanya Ayyar. In my opinion, the definition of the term 'agriculturist' ought to be limited to persons who are actually engaged in tilling the soil. If the intention of the Government is just to extend the moratorium only to those who are actually engaged in tilling the soil and who cannot repay their debts, naturally the definition of an agriculturist must be a person who is actually engaged in the cultivation of the soil. Now, there is another difficulty in having the definition vague and in including persons who have got interest in land as agriculturists. There is a subsequent clause in this same Bill which says that no immovable property can be disposed of by these agriculturists for a year from the commencement of this Act. House property also comes under the definition of immovable property. A person who may depend for 90 per cent of his income on trade or some other business and depending only for 10 per cent of his income on land also comes under the provisions of this Bill. If the term 'agriculturist' stands as it is in the Bill before the House, such a person cannot even dispose of his house property or any other immovable property."

"The term 'land' has been defined to be 'not being land appurtenant to a residential building.' Now, in the case of Malabar, I do not know how the people who have got their houses on lands which are really farms are to get the benefit of this legislation so long as the term 'land' is defined to be 'land used for agriculture or horticulture, not being land appurtenant to a residential building.'"

"In addition to the question of inability to dispose of house property for a year arising in the case of a landlord who depends only to a limited extent on his income from land, there is also the question of a dispute arising under the Transfer of Property Act questioning the disposal of the house property within a year by this kind of an agriculturist who is not really an agriculturist as he depends only to a very little extent on his income from land. Considering all these factors, I am of opinion that the definition of 'agriculturist' should be limited to those agriculturists who depend for their main income on their lands or those who are actually engaged in the cultivation of the soil."

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MR. CHAIRMAN:—"I think, I should put hon. Member Dr. V. K. John's amendment to the vote of the House."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, there are only two amendments before us, hon. Member Dr. V. K. John's amendment and hon. Member Sri K. Balasubramanya Ayyar's amendment and the discussion can be on both and this will conclude sub-clause (a) of Clause 2 and then we can take up the amendments to sub-clause (b). If hon. Member Dr. V. K. John's amendment is not accepted, the amendment of hon. Member Sri K. Balasubramanya Ayyar also cannot come in."

SRI K. BALASUBRAMANYA AYYAR:—"Even then the portion of my amendment to add the words 'in the State of Madras', after the word 'land' in the second line of sub-clause (a) has to be put to vote."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Mr. Chairman, Sir, hon. Gentleman Dr. V. K. John's amendment intends to restrict the meaning of the word 'agriculturist'. He wants that it should apply to a person who is in actual possession and is also in cultivation of it. Hon. Gentleman Sri K. Balasubramanya Ayyar says that he should not only be in cultivation but he must also be regularly engaged in cultivation. He also wants to omit the words 'or is in receipt of the rents or profits thereof.' This is the very crux of the matter behind the idea of the Government in having the word 'agriculturist' defined as it is in the Bill. (Interruption: Sri K. Balasubramanya Ayyar: 'So also are the words "regularly engaged in cultivation thereof"'.) Sir, if we accept this amendment, it will lead to a lot of difficulty in the matter of interpretation of the words 'regular cultivation'. It will raise a crop of petitions and counter-petitions and affidavits and counter-affidavits. What is regular cultivation and what is irregular cultivation will become matters of enquiry and the word 'cultivation' may even be disputed. Can we expect the Courts to go into all these things when the scope and object of the Bill is so short. I can understand such a thing in the case of the Agriculturists Relief Act which was passed in 1938. Then there was time to go into all these matters leisurely to give effect to the provisions of this Act. Here relief has to be given at once. All these amendments so to say curb the definition and, if accepted, there will have to be a lot of enquiry. It is only to avoid this that the definition of 'agriculturist' has been made a little wider. We cannot help it if some people are benefited by it. There is no harm even if some landowners are benefited. Just as the ryot has got his own difficulties in a small way the landowner has got his difficulties in a big way. We have therefore put a curb, namely, that those who pay income-tax do not come under this Bill. I hope this will satisfy hon. Members as by this provision big and monied people will not come under this Bill. Sir, I therefore oppose these amendments."

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THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Chairman, Sir, as regards the amendment to add the words 'in the State of Madras' after the words 'agriculturist' means a person who owns an interest in land', it could be added without any objection. But, the question is whether it is necessary to amend the Bill just now at this stage and send it back. This amendment was suggested even in the other House and I may also add why it is not there in the Bill. We would be excluding from the benefits of this moratorium people who have just borrowed here and have no land here but have land in the neighbouring area. I do not think we should convert this moratorium into a matter over which there should be any difference between people who are just on this side of the border or on that side of the border. It was not considered necessary. It will not make any material difference either by way of borrowing or by way of lending. A few border villages on both sides may have common dealings. We do not propose to erect an 'iron curtain' between the two areas and, therefore, I think that the Hon. Member will withdraw his amendment."

SRI K. BALASUBRAMANYA AYYAR:—"Sir, the difficulty is in respect of persons who have lands outside the State."

THE HON. SRI C. RAJAGOPALACHARI:—"If he has borrowed here it is just the same. Why should we make any difference?"

MR. CHAIRMAN:—"The question is—

'For Clause 2, substitute the following:—

"Definition.—In this Act, unless the context otherwise requires—'agriculturist' means a person who is in actual possession and cultivation of agricultural land."

The amendment was lost.

MR. CHAIRMAN:—"The question is—

'In sub-clause (a), in the second line, after the word "Land" add the words "in the State of Madras"; and after the words "in possession of such land" add the words "and regularly engaged in cultivation thereof" and omit the words "or is in receipt of the rents or profits thereof".'

The amendment was lost.

Clause 2:

Sub-clause (b).

* SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, I beg to move that—

'In item (ii), under "Exception", after the words and figures "31st March 1953" add the words "and arrears of rent due on or before 31st March 1953".'

[18th January 1954]

DR. V. K. JOHN:—"Sir, I second the amendment."

MR. CHAIRMAN:—"Amendment moved—

'In item (ii), under "Exception", after the words and figures "31st March 1953" add the words "and arrears of rent due on or before 31st March 1953".'

SRI K. BALASUBRAMANYA AYYAR:—"Sir, under the provisions of the Malabar Tenancy Act, the Tenants and Ryots Protection Act, many suits for arrears of rent have been stayed and if we now extend it beyond 31st March 1953 also it will work as a great hardship. This stay was granted by the Legislature or rather was imposed by the Legislature. What I want by the addition of these words 'and arrears of rent due on or before 31st March 1953' is that I want to exclude from the definition of 'debt' rent as well as arrears of rent also."

THE HON. SRI C. RAJAGOPALACHARI:—"It means to say that we do not give under this Bill the benefit of the moratorium to current dues, that is, arrears accrued after 31st March 1953. The hon. Member's amendment, I suppose, proposes that there should be some benefit even in respect of old arrears accrued on or before 31st March 1953."

SRI K. BALASUBRAMANYA AYYAR:—"Yes, Sir, but it should not be said that the amendment is not acceptable because the Bill has been passed in the other House."

SRI T. PURUSHOTHAM:—"I beg to move—

'That in clause 2, sub-clause (b), item (v), under "Exception", omit the words "or loan".'

I want, Sir, that the benefit of this intended relief to agriculturists should cover the debts due to co-operative societies and the loans due to Government on account of supply of pump sets, purchase of bulls, well-subsidy, etc., I want that the recovery of all these loans should be put off for one year."

MR. CHAIRMAN:—"The hon. Member's amendment falls through for want of a seconder."

SRI T. PURUSHOTHAM:—"Mr. Chairman, Sir, I am not moving the other two amendments given notice of by me for sub-clause (b) of clause (2)."

SRI K. BALASUBRAMANYA AYYAR:—"I beg to move—

'That in sub-clause (b), clause 2 in item (vi) under "Exception", after the words and figures "1st October 1953" add the words "or a Company incorporated under the Indian Companies Act, 1913, or under any special law in force or a Chit Fund registered under the Indian Companies Act, 1913".'

[Sri K. Balasubramanya Ayyar] [18th January 1954]

Sir, I seek by my amendment that the chit funds also like co-operative societies should be exempted from the application of this Bill. I should like to say that the chit fund is a well known form of credit organization in our State. I know there are a large number of chit fund organizations whose members are all poor small agriculturists. In this connexion, I am only referring to chit funds registered under the Indian Companies Act and not to those chit fund organizations which are not so registered. This chit fund organization has got all the advantages of a co-operative society but without its disadvantages. These chit funds are generally taken advantage of by poor agriculturists. It is really a co-operative society without its formality, such as furnishing of sureties, etc. Subscriptions to chit funds are payable monthly and payments are made punctually. It is being worked out in many districts, in Tirunelveli, Ramanathapuram, Madurai, etc. I understand these organizations have made representations in this regard to the Hon. the Chief Minister. As a result of the passing of this measure these organizations will be put to a real difficulty because most members of these organizations are small agriculturists. This is one of the best ways of getting credit on a co-operative basis in our country. These chit funds are working very well and they have also been accepted by our courts of law. Therefore these organizations should be given special protection from the application of this Act. This is an organization which has been evolved by the genius of our own people. I do hope that the Government will recognize the help rendered by these chit funds to the people."

DR. V. K. JOHN:—"Sir, I second the amendment."

MR. CHAIRMAN:—"Amendment moved—

'That in sub-clause (b), clause 2 in item (vi) under "Exception", after the words and figures "1st October 1953" add the words "or a Company incorporated under the Indian Companies Act, 1913, or under any special law in force or a Chit Fund registered under the Indian Companies Act, 1913".'

DR. V. K. JOHN:—"I strongly support this amendment. to omit 'chit fund registered under the Indian Companies Act' from the application of the provisions of this Bill. The chit fund is an indigenous system of pooling the resources and helping the members of the fund so that one member may get something one month, another member may get something another month and so on. The Government did not pay attention to this matter when the Ordinance was issued, when the Bill was drafted and also when the Bill was discussed on the floor of the other House. If the Government are not helpful in this matter, the economy of the countryside, particularly, in the district of Malabar will be disturbed. There is not one place where such chit funds are not functioning and almost every individual is a member of a chit fund. If chit funds are not exempted from the purview of this Bill, the economy of the countryside will be disturbed. I appeal

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to the Government to bring in either an amendment to meet this object or to provide for it in the rules to be framed by them under the provisions of this Bill. Somehow some protection will have to be given in the case of these chit funds. I know every amendment moved here will be lost. But I again appeal to the Government to give protection in some manner or other to these chit funds."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, I wish to explain the position so that hon. Members who have moved amendments may not feel that we bear them down with strength of numbers. There are two amendments before us. One amendment is that arrears of rent also should not be given the benefit of the moratorium. It is somewhat difficult to deal with amendments moved by hon. Members who take up contradictory positions. On the one hand they do not want this moratorium Bill at all. They do not want it to be passed. They do not want moratorium to be given, because it will disturb the credit structure. At the same time they propose amendments which will increase the field of disturbance. It is difficult to argue with them. But let me forget the general attitude and deal only with the proposals. Arrears of rent are really in the nature of a debt. Current arrears should be paid, according to the view of the Government, because it is an essential and vital fact connected with the relationship of landlord and tenant. But when the rent is allowed to go into arrears for a number of years it is a debt and not really that which the tenant can easily recover from the land and pay, because in the year what he can pay is the rent, that is, fair rent or fixed rent or contract rent, as the case may be. But so far as arrears are concerned, he has been unable to pay them for some reason or other. He cannot get out of the same land double or treble of what he would otherwise recover so that arrears have been treated as 'debt' and dealt with like other debts. That is the justification that Government offers for excluding arrears of rent from the liability to pay and including arrears of any debt to be entitled to moratorium."

"Then the other amendment that is proposed is about chit funds. I want hon. Members to appreciate our difficulties. We cannot include chit funds alone. Then we would have to include Scheduled Banks and other Banks like that. They go together, fall or stand together. Now, I want hon. Members, who are lawyers, to appreciate this position. If we do not allow one class of creditors to file any suits to recover the money through Courts under this moratorium but allow another class of creditors to file suits and to recover the money, what will happen is that the property of the debtor can be attached and sold, but the creditor who has been stayed compulsorily under this law will lose the advantage of recovering his money. Therefore it is that we say that we cannot allow a discrimination like that. We cannot allow the Bank creditors and Chit creditors to take away the property of the debtor and steal a march over other creditors who have not

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been allowed to file suits. The other side may say 'Then, why do you allow it in favour of Co-operative Societies and Government dues?'. They stand as a class apart because they are not creditors so to say. Co-operative Societies have all pledged their joint security and they are all working together. We must protect the Co-operative Societies even though Chit funds may suffer. Now, Chit funds are very good as pointed out by Sri K. Balasubramanya Ayyar. I agree, that in a large number of cases, they are good. But in a certain number of cases, I would not say large or small, they have been also acting for purposes of exploitation and fraud. That is not the point. Assuming that they are all good, I want to know why these Chit funds should not recover the money without going to Courts. This moratorium gives protection only against going to Courts. It does not prevent anybody from paying. But, if it is argued that the fact that the Chit funds cannot go to Court will make the men unpunctual and they will not pay, then I submit that in such cases there is no great point in protecting such organizations. They ought to be able to pay and should be willing to pay because they are private organizations with 10 or 20 people. I am sure Chit funds will not go to Court and they will not suffer. They will continue to work even with this moratorium. It is not possible, without protecting the Indian Bank or the Indo-Commercial Bank or any other bank, to protect the Chit funds alone. Then these Banks or organizations will take away the property of the debtor and there will be nothing left for the man who is prevented by the moratorium."

SRI M. P. GOVINDA MENON:—"I have a very strong reason why the amendment of hon. Member Sri K. Balasubramanya Ayyar regarding sub-clause (b) of Clause 2 cannot be accepted, because under the Malabar Tenancy Bill which we are going to discuss in the afternoon and which is likely to become an Act soon, there is a provision that six years' arrears of rent can be claimed immediately by the landlord. Some suits are pending and if protection is not given to the agriculturist in respect of arrears of rent—not for the current rent there is the danger that all tenants in Malabar will be called upon to pay all the existing arrears. At least they may be given one year's breathing space to pay the arrears of rent. I therefore oppose the amendment of Sri K. Balasubramanya Ayyar because he wants to exclude all the arrears and not only the current rent from the definition of 'debt'."

MR. CHAIRMAN:—"I will now put amendment of the hon. Member Sri K. Balasubramanya Ayyar to the vote of the House. The question is—

'In item (ii), under "Exception", after the words and figures "31st March 1953" add the words "and arrears of rent due on or before 31st March 1953".'

The amendment was lost.

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MR. CHAIRMAN:—"I will now put the next amendment of hon. Member Sri K. Balasubramanya Ayyar to the vote of the House. The question is—

'That in sub-clause (b), clause 2—

"in item (vi), under "Exception", after the words and figures "1st October 1953" add the words "or a Company incorporated under the Indian Companies Act, 1913, or under any special law in force or a Chit Fund registered under the Indian Companies Act, 1913".'

The amendment was lost.

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN:—"Motion moved—

'That Clause 3 do stand part of the Bill.'

DR. V. K. JOHN:—"Sir, I beg to move this very important amendment—

'For Clauses 3 to 6, substitute the following:—

"3. In any suit or proceeding for the recovery of a debt due by an agriculturist, it shall be open to the Court to give him time for payment of the decree amount and extend such time from time to time on equitable considerations particularly the ability of the defendant to pay the decree amount without prejudice to the expenditure required for cultivation and the need of the decree-holder and the respective financial position of the parties.

Notwithstanding anything to the contrary in any other enactment in force, the Court may in its discretion order refund of the court-fee paid in any suit or proceeding to which this Act applies."

There should be equity and not discrimination between the debtor and the creditor. The creditor himself may be an agriculturist. I submit that the best course to adopt is to enable the Court or the Tribunal concerned to have a summary disposal and dispose of the claim by giving some time for payment of the decree amount or by asking the judgment-debtor to pay in instalments. This will do justice both to the creditor and the debtor. It is the practice obtaining in Courts to-day that if a debtor requests the Court to grant him time for payment giving good reasons, the Court grants him time. Now, I have mentioned 'without prejudice to the expenditure required for cultivation'. The Court can take that also into consideration, although it is not usually taken into consideration. Such an amendment will satisfy all parties and avoid discrimination between a particular creditor and a particular debtor. It may be that a rich man, who is a debtor and an agriculturist, will have to pay to a poor creditor who also may be an agriculturist. As I said in my opening speech, there must be certainty and flexibility, with regard to every piece of legislation. If there is no flexibility, that enactment ought to be

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condemned. The present enactment has no flexibility whatsoever. It gives exemptions in certain cases but these exemptions are not rational. Let us have flexibility. In cases like this, flexibility can be introduced only by giving power to the Court to dispose of a particular matter on merits. A general rule which has a characteristic of certainty might work injustice in many cases and we must leave the matter to be decided by the Tribunal on the merits of each case. If the Government's object is only to protect the needy agriculturist I would request the Government to accept this amendment and not to be obstinate simply because they have, without consulting anybody, issued an Ordinance and they have also got this Bill passed by the Assembly. It is very simple. The only thing is that power is to be given to the Court to dispose of the matter on its merits. Hundreds of cases under the Madras Buildings (Lease and Rent) Control Act are disposed of and justice is done to the parties. But if the parties are prohibited from going to Courts, justice can never be done to them.

"I must make one comment on Clause 6. It is provided therein that a debtor who transfers his immovable property will have to prove that the transfer is bona fide. This is an extraordinary provision. In any legislation it is the person who attracts the transfer, the person who pays the money, that will have to prove that the transfer was not with intent to defeat or delay the creditors. But just the contrary rule has been introduced. I say that this kind of provision, which is apparently new, will not do good to anybody, but will introduce uncertainty in transfer of property and in dealings between creditor and debtor and cause injustice to a very large number of people. If my amendment is accepted, every matter will be enquired into by a Court. My amendment gives certainty and flexibility to the law."

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'For Clause s 3 to 6, substitute the following:—

"3. In any suit or proceeding for the recovery of a debt due by an agriculturist, it shall be open to the Court to give him time for payment of the decree amount and extend such time from time to time on equitable considerations particularly the ability of the defendant to pay the decree amount without prejudice to the expenditure required for cultivation and the need of the decree-holder and the respective financial position of the parties.

Notwithstanding anything to the contrary in any other enactment in force, the Court may in its discretion order refund of the court-fee paid in any suit or proceeding to which this Act applies." "

SRI M. P. GOVINDA MENON:—"Sir, this amendment is absolutely unnecessary. A Civil Court has got the right even to-day to give relief wherever necessary to the judgment-debtor or defendant in a suit for the recovery of a debt. That power is

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already there and in addition this Act gives a moratorium for one year. The amendment has nothing to do with the Bill under discussion."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, since the amendments cover clauses 3 to 6 and since Dr. John has elaborately attacked the provision about presumption, I would like to explain the position. The presumption will come into play only in respect of transfers made during the period of compulsory non-suing. It should be the duty of the transferor then to show that the transfer was a bona fide transaction and not merely a transaction with intent to defeat or delay the creditors, taking advantage of the relief given by this Act."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The object of the Bill is to make the agriculturist forget the Court for a year. If the amendment is accepted, he will be constantly reminded of the Court, and he will have to be visiting the Court. Dr. John wants the Court to find out the ability of the defendant to pay the decree amount without prejudice to the expenditure required for cultivation and the need of the decree-holder and the respective financial position of the parties. This involves a very elaborate enquiry and there will have to be petitions, arguments and so on. The object is to avoid all that. If we accept the amendment, we will be defeating the very object of this Bill. As the Hon. Chief Minister already pointed out, the presumption affects only the transfers made during the period of the Ordinance and this Act, and the presumption can be easily rebutted. I oppose the amendment.

"As for the court-fee being refunded, if a suit is recklessly filed, it will wait only for one year and there will be no great harm caused."

MR. CHAIRMAN:—"The question is—

'For Clauses 3 to 6, substitute the following:—

"3. In any suit or proceeding for the recovery of a debt due by an agriculturist, it shall be open to the Court to give him time for payment of the decree amount and extend such time from time to time on equitable considerations particularly the ability of the defendant to pay the decree amount without prejudice to the expenditure required for cultivation and the need of the decree-holder and the respective financial position of the parties.

Notwithstanding anything to the contrary in any other enactment in force, the Court may in its discretion order refund of the court-fee paid in any suit or proceeding to which this Act applies." "

The amendment was lost.

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Clause 3.

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move—

'At the end of the first paragraph and before Explanation I, add the following proviso:—

"Provided he sends a registered notice under his signature to his creditor within one month from the date of the commencement of the Act, that he is an agriculturist and claims the benefit of the Act."

"In the Ordinance protection was given to a creditor who did not file a suit for the recovery of a debt in the honest belief that his debtor was an agriculturist who was entitled to relief under the Ordinance. But that provision has been omitted in this Bill. Thinking that this debtor is an agriculturist, a creditor may not have filed a suit for the recovery of the debt. But if he is not an agriculturist, the limitation period of three years will lapse, and the debtor may plead that as an excuse. For avoiding such a contingency, my amendment proposes that the debtor should give notice to his creditor that he is an agriculturist and claim the benefit of the Act."

THE HON. SRI C. RAJAGOPALACHARI:—"May I draw the attention of Sri Balasubramania Ayyar to Clause 5 which provides a presumption in favour of the creditor in such a case? It conclusively protects a creditor who does not file a suit believing in good faith that his debtor is an agriculturist entitled to relief under the Ordinance or this Act. It is provided more definitely in this Bill than in the Ordinance."

SRI K. BALASUBRAMANYA AYYAR:—"If the creditor is unable to show sufficient reason, there will be difficulty. It is only as safeguard that I want this provision. However, in view of the reply of the Hon. Chief Minister I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move—

'In Explanation II, omit the words "either against the non-agriculturist or".'

"Where there are joint debtors, that is where one of the debtors is an agriculturist and the other a non-agriculturist, the suit against the non-agriculturist can very well be proceeded with and it need not be stayed. He will have his remedies as against the agriculturist later on. He can pay the debt and recover the money from the agriculturist. This is a very reasonable amendment."

DR. V. K. JOHN:—"Sir, I second the amendment. This Bill protects not only agriculturists, but also non-agriculturists who owe a debt jointly with agriculturists. In the definition of

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'agriculturist', the Government have brought in intermediaries who do not cultivate the land. Nothing except obstinacy should stand in the way of the Government accepting this amendment."

MR. CHAIRMAN:—"Amendment moved—

"In Explanation II, omit the words 'either against the non-agriculturist or'."

SRI M. P. GOVINDA MENON:—"When a debt is payable by an agriculturist jointly with a non-agriculturist, staying of suit against the agriculturist and proceeding with the suit against the non-agriculturist will create complications. When we pass a measure for a temporary period, we need not create all sorts of complications. So I oppose the amendment."

THE HON. SRI C. SUBRAMANIAM:—"In the filing of suits, there is something like the splitting up of the cause of action. Suppose there are two defendants in a suit. The plaintiff can file a suit against one person and recover money from that person alone. The hon. Member said this with reference to the pending suits. But with reference to the filing of new suits, when the creditor is entitled to recover from two persons, if he is to recover only from one person, the provisions of the Civil Procedure Code will be attracted. This will lead to all sorts of complications. That is why we have advisedly retained this provision."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, the non-agriculturist mentioned in the Bill is not any non-agriculturist. He is one involved in the transaction. He has got to give if he has entered into a transaction. We do not want to separate them, because pressure will be brought to bear on the agriculturist. That is why we have included the non-agriculturist here, apart from the legal point raised by the hon. Member."

MR. CHAIRMAN:—"The question is—

"In Explanation II, omit the words "either against the non-agriculturist or"."

The amendment was lost.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN:—"Motion moved—

'That Clause 4 do stand part of the Bill.'

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move the amendment standing in my name, namely,—

'In sub-clause (1),

"After the words 'stand stayed', add the words 'as against the agriculturist defendant or judgment-debtor in respect of such of the reliefs claimed therein as are of the nature mentioned in section 3'."

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Sir, this amendment is an answer to the various points mentioned by the Hon. the Finance Minister and others. There would not be any complication at all. This is a reasonable amendment, and this will expedite proceedings. Thousands of suits have now been stayed. In the whole State, thousands of suits have been stayed and most of the District Munsifs are without work. (A Voice: 'They may be happy.') But, unfortunately public money is spent on them. What about the revenue from court-fee? The Government will lose the court-fee. The whole work is now at a standstill. We cannot dispose of the matter by simply saying that it concerns only lawyers. Everybody is concerned in the matter. Lawyers are there to represent the case of their clients because it is the clients who suffer. Let us not have this lawyer phobia. The Hon. the Finance Minister is a lawyer, and, therefore, I am emboldened in saying this. Nothing will happen if the suit is stayed or the execution of a decree is stayed for only one year. Because it will proceed from that stage."

THE HON. SRI C. RAJAGOPALACHARI:—"Then, the hon. Member says that it shall be proceeded against."

SRI K. BALASUBRAMANYA AYYAR:—"A decree must be given. Sir, I want that we remember that it is only for one year, and that all the other stages can go on. After one year, the decree can be passed. Otherwise, the further trial would take place after one year is gone."

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'In sub-clause (1),

"After the words 'stand stayed', add the words 'as against the agriculturist defendant or judgment-debtor in respect of such of the reliefs claimed therein as are of the nature mentioned in section 3'." "

THE HON. SRI C. RAJAGOPALACHARI:—"Is the hon. Member, therefore, moving his other amendment also?"

SRI K. BALASUBRAMANYA AYYAR:—"Yes, Sir. I move the other amendment standing in my name, namely,—

'Add the following as sub-clause (4):—

"(4) On the application of a party to the suit or proceedings stayed under the Madras Ordinance V of 1953, the Court shall proceed with the trial of the suit or proceeding from the stage where it was stayed, if it is proved that the present Act does not apply to the suit or proceeding." "

The amendments were duly seconded.

SRI M. P. GOVINDA MENON:—"I rise on a point of order. Sir. The hon. Member Mr. Balasubramanya Ayyar's second

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amendment is out of order. To clause 3, the hon. Member Mr. Balasubramanya Ayyar moved an amendment seeking to omit the words 'either against the non-agriculturist or'. That amendment was outvoted. Clause 4 (1) says, 'All further proceedings in suits and applications of the nature mentioned in section 3 . . .'. The amendment now moved by the hon. Member Mr. Balasubramanya Ayyar is out of order, because all proceedings and suits are of the nature mentioned in clause 3. The hon. Member's amendment to omit 'either against the non-agriculturist or' in Explanation II to clause 3, was outvoted. Therefore, this amendment is out of order according to me."

SRI K. BALASUBRAMANYA AYYAR:—"It did not become out of order only now."

MR. CHAIRMAN:—"Amendment moved—

'Add the following as sub-clause (4):—

"(4) On the application of a party to the suit or proceedings stayed under the Madras Ordinance V of 1953, the Court shall proceed with the trial of the suit or proceeding from the stage where it was stayed, if it is proved that the present Act does not apply to the suit or proceeding." "

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I thank the hon. Advocate Member for meeting the argument of the hon. Member Sri K. Balasubramanya Ayyar."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, the objection of the hon. Member Mr. Govinda Menon is quite correct. But as the amendment has been moved and seconded, it has to be voted out."

MR. CHAIRMAN:—"The question is—

'In sub-clause (1),

"After the words 'stand stayed', add the words 'as against the agriculturist defendant or judgment-debtor in respect of such of the reliefs claimed therein as are of the nature mentioned in section 3'." "

The amendment was lost.

MR. CHAIRMAN:—"The question is—

'Add the following as sub-clause (4):—

"(4) On the application of a party to the suit or proceedings stayed under the Madras Ordinance V of 1953, the Court shall proceed with the trial of the suit or proceeding from the stage where it was stayed, if it is proved that the present Act does not apply to the suit or proceeding." "

The amendment was lost.

Clause 4 was put and carried.

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Clause 5.

MR. CHAIRMAN:—"Motion moved—

'That clause 5 do stand part of the Bill.'

SRI T. PURUSHOTHAM:—"Sir, as clause 2 has been adopted already, these amendments I have given notice of do not arise."

Clause 5 was put and carried.

Clauses 6, 7 and 8 were put and carried.

Clause 1.

MR. CHAIRMAN:—"Motion moved—

'That clause 1 do stand part of the Bill.'

DR. V. K. JOHN:—"Sir, I am not moving my amendment to this clause. In this House, there is no hope of getting any amendments passed. I withdraw my amendment."

THE HON. SRI C. RAJAGOPALACHARI:—"I certainly agree to the withdrawal. But the reason that the hon. Member has given is very wrong. He should really withdraw, because it is wholly contradictory to the general position he has taken up."

Clause 1 was put and carried.

The Preamble was put and carried.

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

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954 (L.A. Bill No. 8 of 1954), (as passed by the Assembly), be read a third time and passed.'

I wish to thank especially the lawyer Members for raising objections on one hand and some other lawyer Members meeting them on the other. I will bear in mind the suggestions that were put forward. As far as the reasonable ones are concerned, they will be borne in mind while framing rules if they can be accepted legally. We shall try to improve matters, Sir."

MR. CHAIRMAN:—"Motion moved—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954 (L.A. Bill No. 8 of 1954) (as passed by the Assembly), be read a third time and passed.'

DR. V. K. JOHN:—"Sir, after hearing all the discussion and explanation from the other side, I still believe that this is not a rational piece of legislation. Let me express the hope that the creditors and debtors, agriculturists and non-agriculturists as they are, will ignore this piece of legislation and pay off their debts as and when they can irrespective of the fact . . ."

SRI T. PURUSHOTHAM:—"Sir, as the Bill has gone through all the stages, is it in order for the hon. Member to call it not rational?"

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DR. V. K. JOHN:—"I am expressing only my hope. I am quite in order in saying what I said. I am expressing the hope that this Bill will be ignored by the public to whom this is intended to apply."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, it may look strange, but I heartily support what Dr. John has said. I do want that debtors should ignore this Bill. I do want that creditors should ignore this to the extent the law permits them to ignore. But the debtors should ignore this altogether if they can and if their finances permit. We do hope that conditions will become better, and that this law will be utilized only by those who are unable to pay their debts. Then there is the question 'what about credit'? I hope, Sir, that this one year's moratorium will not interfere with credit, because it is not the intention of the Government to wipe off any debts. It is not the intention of the Government to extend the moratorium. It is not also the intention of the Government to bring it only as the first step. It is really intended to give time only for one year, and we do really hope that it will help the debtors."

MR. CHAIRMAN:—"The Question is—

'That the Madras Indebted Agriculturists (Temporary Relief) Bill, 1954 (L.A. Bill No. 8 of 1954) (as passed by the Assembly), be read a third time and passed.'

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

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

The House then adjourned.

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APPENDIX.

[Vide item on page 584 supra.]

L.A. BILL No. 8 OF 1954.

(As passed by the Assembly.)

A Bill to provide temporary relief to indebted agriculturists.

WHEREAS, after successive years of drought, by the bounty of Nature there has been adequate rainfall this year and agriculturists are applying themselves with assiduity to the cultivation crops; AND WHEREAS, agriculturists have borrowed or added to their debts during the years of drought and may, if freed for a time from the pressure of creditors, be enabled to rehabilitate themselves;

AND WHEREAS, it is in the interests of the general public that, at the present time, agriculturists be spared the distractions and expenditure involved in litigation launched by their creditors, in order that the maximum possible advantage may result to the State in the matter of production of food crops;

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Indebted Agriculturists (Temporary Relief) Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) 'agriculturist' means a person who owns an interest in land, and who, by reason of such interest, is in possession of such land or is in receipt of the rents or profits thereof 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 and 1953-54.

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 provided that he has not been assessed to income-tax in any of the years 1951-52, 1952-53, 1953-54.

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(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.

Explanation.—It is immaterial that the sum or produce is recoverable only by sale of property in enforcement of a mortgage or charge or that the contract was entered into by the person's predecessor-in-title or by the manager of the joint Hindu family or the karnavan of the tarwad or tavazhi or the yajaman of the kutumba or kavaru of which such person was or is a member.

Exception.—'Debt' does not include—

(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;

(iii) any liability arising out of a breach of trust;

(iv) any liability in respect of maintenance;

(v) any sum payable to the State or the Central Government or to any local authority, whether by way of revenue, tax, cess, or loan or otherwise;

(vi) any sum payable to any co-operative society, including a land mortgage bank, registered or deemed to be registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), provided that the right of the society to recover the sum did not arise by reason of an assignment made subsequent to the 1st October 1953;

(vii) wages or remuneration due as salary, or otherwise for services rendered;

(c) 'land' means land used for agriculture or horticulture, not being land appurtenant to a residential building;

(d) 'Ordinance' means the Madras Indebted Agriculturists (Temporary Relief) Ordinance, 1953 (Madras Ordinance V of 1953);

(e) 'pay' with its grammatical variations, includes deliver;

(f) '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.

3. *Bar of suits and applications.*—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

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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.

Explanation I.—"Suit" does not include a claim to a set off made in a suit instituted by an agriculturist.

Explanation II.—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this section.

Explanation III.—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, and a decree shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted by such decree:

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.

4. *Stay of proceedings.*—(1) All further proceedings in suits and applications of the nature mentioned in section 3 in which relief is claimed against an agriculturist, not being proceedings for the amendment of pleadings or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall, subject to the next succeeding sub-section, stand stayed until the expiry of a year from the date of commencement of this Act:

Provided that, in regard to property under attachment, the Court may pass such orders as it deems necessary for the custody or preservation of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it, the expenses of custody or preservation are considered excessive.

(2) 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.

(3) In the case of suits or applications of the nature mentioned in section 3, instituted or made against an agriculturist, the provisions of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), or of section 54 or section 55 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), shall not have effect in so far as the said provisions are inconsistent with the provisions of sub-section (1).

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5. *Exclusion of time for limitation.*—(1) In computing the period of limitation or limit of time prescribed for a suit for the recovery of a debt or an application for the execution of a decree passed in such suit, the time during which the institution of the suit or the making of the application was barred by section 3 of the Ordinance or section 3 of this Act, or during which the plaintiff or his predecessor-in-title, believing in good faith that section 3 of the Ordinance or section 3 of this Act applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded.

Explanation.—"Good faith" shall have the meaning assigned to it in section 3 (22) of the General Clauses Act, 1897 (Central Act X of 1897).

(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.

6. *Effect of transfer of immovable property by the debtor.*—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.

7. *Power to make rules.*—The State Government may make rules to carry out the purposes of this Act.

8. *Repeal of Madras Ordinance V of 1953.*—The Madras Indebted Agriculturists (Temporary Relief) Ordinance, 1953 (Madras Ordinance V of 1953), is hereby repealed.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, 18th January 1954.

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

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(After lunch—2 30 p.m.)

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO 12 OF 1953) (AS PASSED BY THE ASSEMBLY)—*cont.*

MR. CHAIRMAN:—"The House will now resume discussion on the Malabar Tenancy (Amendment) Bill, 1953. The hon. Member Dr. John will now speak."

DR. V. K. JOHN:—"Mr. Chairman, Sir, this is a very important measure, and before I discuss the principles underlying this Bill, I think it is only right and proper that I must pay a very good and high compliment to the Hon. the Minister for Law, Sri Kuttikrishnan Nair, for the very able speech which he delivered in this House and which gave us a very good idea of the history of tenancy legislation in Malabar. I am quite satisfied that he has made a thorough study of the various reports on tenancy reform, preceding the introduction of tenancy legislation, and that he has also made a very good study of the various enactments concerned. I must also pay him a compliment for his courage in repealing

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substantially all the provisions of the Amending Act of 1951 which came into force only in March 1952. Within a very short period, he found out the defects of that Amending Act which the Congress Party got through both the Assembly and the Council as a very well-considered measure of agrarian reform in Malabar. He found out the defects of that enactment and he had the courage to try to rectify them to a very large extent. I really pay him a compliment for it.

“ Now, in dealing with agrarian reforms in Malabar, one has to take into consideration a few facts which are peculiar to Malabar. The first is that while the density of population in India is 281 per square mile, in Malabar it is 992 and in Travancore-Cochin State it is 1,015 per square mile. There is such a large pressure of population on the land and there are no industries worth mentioning in Malabar. In former days when the population was sparse, the janmis, mainly rajas, rulers and Nambudri Brahmans, would not cultivate the land because most of them considered it beneath their dignity to cultivate it, and they gave the land on kuzhikanam to cultivators. Kuzhikanam is improvement lease. I am mentioning these things because I myself have made a research into the land system in Malabar and have studied agrarian reforms in all parts of the world in connexion with that research. (At this stage, the Hon. Sri C. Rajagopalachari entered the Chamber and took his seat.) (To the Hon. the Chief Minister) You were not present a little earlier, Sir. I was then paying a high compliment to the Law Minister, the Hon. Sri Kuttikrishnan Nair. Now, Sir, this kanam, of which we hear so much in Malabar, is only a development of kuzhikanam. The land is so situated in Malabar that it requires a large investment to bring it under cultivation, whether it is garden cultivation or paddy cultivation. Now, the expenses incurred by a tenant were calculated and assessed by assessors and a document was entered into in that connexion, because the landlord wanted to know what the tenant's value in the land was. A kanam never meant mortgage of the land but it meant only the value of improvement as assessed by assessors. Now, when the population was sparse, the tenants were not evicted. Another peculiarity with Malabar was that there was no land tax before the British Government took possession of that part of the country. The kings and the rajas depended for their revenue on custom and other sources of income. There was no land-tax at all then. When the Britisher introduced the land-tax, it had to be paid by the proprietor or the janmi and that disturbed the relations between the landlord and the tenant. As a result, we have seen an agitation going on since 1836. As the population increased, the agitation also increased. Now, in the economic structure which is prevalent outside the Communist countries, namely, Russia and China, there has been a continuous action by exploiters and ex-proprietors. People when they could exploit somebody always exploited. Now, Sir, we are trying to prevent rack-renting by means of legislation. When there is a great pressure of population on land, any legislation against rack-renting cannot be enforced. There are so many

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intermediaries according to the land system prevalent in Malabar. An estimate was taken in 1929 and I think it is stated in the report of the Committee concerned that there are only 5.6 per cent owner-cultivators in Malabar. The reason is that they found it more profitable to lease the land to cultivators than to cultivate it themselves. It will also be seen that out of a total of 2,71,469 pottas, 2,66,000 are single pottas paying less than Rs. 100. As I said, it will be seen that there are only 5.6 per cent owner-cultivators in Malabar. The real reason for this is that the owner of the land always found it advantageous to give it to somebody for cultivation. One will find that on a plot of land there are a few intermediaries with the janmi at the top and the rack-rented cultivator at the bottom. Now, the agitation in Malabar, as pointed out by the Hon. Minister, started in 1836. After many years, by about 1887 or 1900 the tenants got compensation which was due to them on eviction. The agitation continued. The result of all these agitations is expropriation on the one side and exploitation on the other. The tenants wanted to expropriate the landlords. On the other hand, there was the complaint that the landlords were exploiting the tenants, intermediaries were exploiting the cultivating tenants and that there was rack-renting. By a previous enactment, the landlords were compelled to give fixity of tenure to a large class of tenants without any compensation whatsoever being paid to them. By the present Bill, the landlords will certainly be expropriated, they will not be paid any compensation and they will not be allowed even to resume their land for personal cultivation. The fair rent has been changed frequently. Once it was two-thirds. Later on, it has become one-eighth. In this manner, the fair rent has been reduced. In 1946, the Government brought forward a measure to abolish the zamindaris without paying adequate compensation to the zamindars. It was a clear case of expropriation. They cannot go on expropriating the landlords or landholders in this fashion. If we look into the history of tenancy legislation in Malabar, we will find exploitation on the one side by the owner, intermediaries and others and expropriation on the other side. On the one side, there were the owners and intermediaries exploiting the cultivating tenants. On the other side were cultivating tenants and others asking the landlord or landowner to give up his rights in the property without any compensation. The two currents flowed side by side. Now, the tenants have gone further and I must say that expropriation is succeeding. What will really happen at the end of all these agitations? If we followed the course of expropriation which is adopted today, very soon the landlords would have lost all their rights in the properties without getting any compensation whatsoever and we would have introduced Bolshevism or Communism. On the other hand, if we allowed exploitation by the owners of land or intermediaries, in spite of any enactment that we may pass, in spite of any restriction that we may impose and even in spite of heavy penalties which we may impose, most of the cultivators will be rack-rented. Every cultivating tenant will have to pay a high rent to the owner or intermediary as the case may be. No legislation, however rigorous it may be, can prevent this. The

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question now is this. Can we have a more rational reform on measure by which the land-owner is not expropriated and the cultivator is not exploited? This position arose in Germany in the beginning of the 19th century. In 1811, two University Professors put up a proposition before the Emperor and an enactment followed soon. The professors who made an investigation into this question gave their findings. They have used the term 'marks' but I am going to use the term 'rupees' for purposes of convenience. According to their findings, this was the position. Out of Rs. 100 payable by a tenant to a landowner, Rs. 20 went as land-tax and the collection agency and others consumed another Rs. 20. The result was the landowner was left with a net income of Rs. 60. The Professors after making an elaborate investigation suggested a measure of reform under which this Rs. 60 was to be capitalised twenty times. A bond for a sum of Rs. 1,200 was to be executed by the cultivating tenant to the landlord and this would bear interest at 5 per cent. This bond was guaranteed by a co-operative society. I need hardly tell you that the co-operative societies prospered and thrived in Germany at that time better than in any other place, although today in Holland, Denmark and other places, the co-operative societies can be said to be functioning better. The Professors said that these bonds might also be guaranteed by the Government. But the landowners did not want the Government guarantee. As I already said, these bonds carried 5 per cent interest. The sum of Rs. 60 was paid in two instalments by the co-operative societies to the landowners. The landlords or landowners required no collection agency and they were sure of getting this money in instalments twice a year. Moreover, the landlords could sell these bonds in the open market. These bonds were considered to be very good security and a bond worth Rs. 100 could very easily be sold for a sum much higher than Rs. 100. The co-operative societies used to collect from the cultivating tenant Rs. 60 to be paid to the landlord, Rs. 20 to be paid to the Government as tax, Rs. 15 to be paid into an Annuity Fund and Rs. 2 towards collection expenses. Thus a sum of Rs. 97 was accounted for out of a sum of Rs. 100. The sum paid into the Annuity Fund was invested at 5 per cent compound interest and this was utilised for paying off the bond. If you invest Re. 1 with compound interest at 5 per cent, it will bring Rs. 100 in 36 years. It is merely a mathematical calculation. Here, when they pay Rs. 15 every year, in 36 years, it will come to Rs. 1,600. These figures are not immutable. I am only explaining the general principles underlying the reform introduced in Germany. In the initial years, they had prescribed a period of 47-1/2 years for repayment. Actually, it was found that the cultivating tenants did not wait for 47-1/2 years, because, agriculture is a human problem. The tenants thought that by paying something less than the rent, they could become the owners of the land and that they could pay it at any time they liked. Ninety-nine per cent of the cultivating tenants in Germany paid off their bonds in 10 years' time. It was also found that the yield from the land increased by three times. The primary object of any land reform or agrarian reform must be

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to get the largest output from the land. No doubt, agriculture is a human problem. When a man is told that he would become the owner of the land in a few years, he will starve himself instead of starving the land. If today the Germans are thrifty, it is due to the fact that for many years these land reforms were in operation there. The cultivators by paying a small sum towards the Annuity Fund become the owners of the land in a few years. The owner of the land was paid the market value for the lands taken away from him. He was not expropriated at all. The reform in Germany created an independent peasantry cultivating its own land. Nobody was compelled either to give the land or to take the land. It was left to the option of the tenant or the cultivator to buy the land from the landlord and thus acquire the ownership of the property. Now, what are the advantages of such a reform? The tenant by paying something less than the rent, became the owner of the land in a few years and the landlord was not expropriated. He got a bond. In this State, we have the Hindu Law and Marumakkattayam Law and other enactments. These bonds can take the place of immovable property. The landlords need not be expropriated and they may be enabled to sell the bond as they liked at any time and get interest out of the bond.

"Then, Sir, from the point of view of the nation which is the most important, output from the land must be increased. In Germany, the co-operative societies were filled with millions of marks. If Germany prospered in the 19th century, it was solely and entirely due to these agrarian reforms which filled every co-operative society with millions of marks which in turn found their way to create a boom in industry and trade. Though a small portion went to the improvement of agriculture, major portion of them went into industry, Germany's prosperity was entirely due to these agrarian reforms which, as it were, converted the land into cash and put it back into the co-operative societies.

"Now, Sir, this agrarian reform was copied in other parts of the world. I have made a special study of agrarian reforms in all parts of the world by reading a large number of volumes of reports sent by the Ambassadors of the United Kingdom to His Majesty's Government in United Kingdom on agrarian reforms as they obtain in various parts of the world. The United Kingdom Government called for these reports in order to find out what reform they could introduce in Ireland. I read through these reports in the British Museum and you will find, Sir, that it is the German reform which converted the tenant cultivator into the owner of the land by enabling him to pay the owner in annuities without expropriating the landlord. This scheme was adopted in many countries. You know Frenchmen are a very emotional and gullible people and if Bolshevism did not enter France in 1917 and subsequently, it is due to the fact that there are five million owner-cultivators in France owning each one acre or two acres of vine yards and lands. We must have a measure which will not exploit the poor cultivator and which will not expropriate the

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owner of the land. Such a measure alone can finally solve the agrarian problem. If we start expropriation, we shall only reach the goal of Communism. If there is exploitation, then the poor will suffer from hunger and poverty. I say it is impossible to have any legislation to prevent rack-renting in a place where there are nearly a thousand people to the square mile and about half of the land is covered by hills and lagoons which are uncultivable. Actually, there are 2,000 people to the square mile in Malabar. We must have a measure which will not have any repercussions hereafter. We find now various enactments which have had their repercussions. Take the period right from the year 1887. We have had several enactments which had their own repercussions. There will be agitation even now, after we pass this Bill into law. You have now reduced the rent to 1/8 from 2/3. The agitation will be for a reduction to 1/10 or even 1/12 and then the agitators will say that the landlord can get no rent at all. There will be such an agitation. On one side we will find people expropriating the landlords which is against the Fundamental Rights guaranteed in the Constitution. Unless we want to follow in the footsteps of Russia and China, there should not be expropriation if we possibly can avoid it. There should not be exploitation also on the other side, if we want to prevent hunger and poverty in the land. We can never prevent exploitation when there is so much pressure of population on land as we see in Malabar. We have only 5.6 per cent of the people as owner-cultivators. Naturally, people who have no occupation will cultivate whatever land that they come across and there will be rack-renting. We must try to have a reform which will regulate the relationship between the landlord and the tenant in the best manner possible. The Government have now introduced a most irrational piece of legislation and I protest against it. I want the Government to prevent exploitation and expropriation. I want them to follow the reform introduced in Germany and in other parts of the world. It was introduced all over Western Europe. It was not introduced in Russia and we know what the result was in 1917. The landlords were so powerful in Russia that they would never have such a reform and; therefore, expropriation came. I suggest that if the Government want to avoid future troubles, they should adopt this German method. There will be, I am quite sure, a countrywide agitation for a greater reduction of rent. We will never be able to resist that. With adult suffrage for elections, I am quite sure the representatives of the people will have to heed to such an agitation. In all agrarian reforms, we must bear in mind two alternatives. One is to give fixity of tenure and fair rent. The other is to make the cultivator buy up occupancy rights by paying the market value of the land to the owner. The other day, when I was speaking here, the Finance Minister incidentally pointed out that the Government had not got the money to buy up the occupancy rights of the owners. I say you have made a mistake. When the Government abolished the zamindaris, they allotted nearly 17-1/2 crores of rupees to benefit persons who were given ryotwari pattas. That was an irrational piece of legislation. As in Germany or in the

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United Provinces, the persons who have benefited from this abolition of Zamindaris should be asked to pay into co-operative societies annuities—that is the price of the land in instalments. I do not ask the Government to pay the value of the land but the persons who have benefited from this and that, in accordance with their capacity. I would not mind if a landlord lost ten or fifteen per cent of the rent payable to him to enable the tenant to buy up his rights. It need not be even the market value but market value minus fifteen per cent. Sir, actually fifteen years ago, the zamindars should have sold their lands for the market value thereof. So, what I tell the landlords of Malabar, the intermediaries, once, twice and thrice is: 'See that the relationship of landlord and tenant does not exist. Let the tenant become the owner of the land by paying annuities—the value of the land in instalments—to a co-operative society.' Sir, this morning we were discussing a Bill to remove agricultural indebtedness for a temporary period. If co-operative societies are filled with lakhs and crores of rupees by cultivating tenants, then where is indebtedness? If land in Malabar is valued and paid in cash into co-operative societies, then that money will be available for improving land and for promoting trade and commerce. This is not a visionary scheme but a scheme which was followed in Germany and in many other countries of the world. If the Government are not prepared to pay anything, let those who are benefited pay. If we ask any economist—he would say that the relationship between tenants and landlords is an economic waste. In England the Small Holdings Act was passed in 1926. There is local self-Government in England and this Act has given powers to local bodies to look after the welfare of the people within their jurisdiction. Under this Act, a man can go and ask for a few acres of land for cultivation and he need only to pay fair rent for sixty years or its equivalent. Then he becomes the owner of the land. That is what our local bodies should also do. There should be decentralisation of authority, each local body having jurisdiction over a certain number of villages with a total population of 5,000. People must be given responsibility. It must be the concern, pride and privilege of the local bodies, to see that no man goes with a begging bowl in his hand within their respective jurisdictions, no man is without employment and without land and education and there is no poverty or hunger among the people. It is for the local body to acquire lands for the landless. (At this stage, Mr. Chairman sounded the gong.)

"Therefore, Sir, I would suggest that we introduce similar reforms as were introduced in Germany in the last century and which were also adopted by many other countries. If the present relationship between the landlord and the tenant ceases to exist, and if the rent that is now lost between them towards the cost of a collection agency, etc., is converted into an annuity which will enable the tenants to buy up the land, then the problem will be solved for all time. I can assure the Hon. Minister for Law that we will never see the end of agrarian reforms either in Malabar or

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anywhere else if we adopt such measures, as are under discussion now. Next year we will have to bring in another amending Bill to revise the 1/8th share of the landlord into 1/12th. I am not weeping for the landlord. My heart is with the tenants, the poor cultivators who are rackrented, and I am against the intermediaries who have fixity of tenure and who are rackrenting the poor cultivators and get the best out of the land. It is these intermediaries who influenced the Government to pass the Act of 1930 and got fixity of tenure for themselves and not for the poor cultivators.

"I therefore suggest to Government that they must have a rational way of looking at agrarian reforms. Government must investigate the matter thoroughly. They must study and understand how the agrarian reforms were introduced in Germany, and how that reform was adopted by various other countries, and how it made the peasantry independent which led to an increase of the output by three times, how it solved the problem of indebtedness and made the cultivators the owner of the land. I would suggest to the Government that they may adopt the second alternative and enable the cultivator of land to buy up the land by payment of annuities, not by Government but by the cultivators themselves. If that is done, the problem of agrarian reforms in Malabar can be easily solved. It can be applied with or without modifications to other parts of the State and the country as well. I strongly commend this rational method to the Hon. Minister for Law to solve the agrarian problem in Malabar. That method was adopted in many countries and found to be a complete success. The method adopted in the legislation before the House is irrational. I strongly condemn it. It should not have been introduced at all. This is only whetting the appetite of intermediaries who will ask for more and more and rackrent the poor cultivators and expropriate the landlord and will not result in any good to the country, to the tenant or the cultivator or anybody else. I say the cultivator should be enabled to buy up the rights by paying the market value and then we would have solved the agrarian problem in Malabar. Otherwise the Government would be only creating new problems. The cure which the Government have now adopted is worse than the disease. I condemn the Bill. I condemn it strongly and ask the Government to withdraw it and introduce another Bill which will lead to no expropriation, and which will lead to no exploitation."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, in considering the various aspects of this Bill, I have to say that the Hon. the Law Minister when he introduced the original Bill in 1953 was very wise and the amendments were very sound. I wholeheartedly support many of the amendments which he introduced in that Bill. But, unfortunately, in the Select Committee things took a very different shape. There were large numbers of people belonging to various groups and they all pressed upon the Hon. the Chief Minister and the Hon. the Law Minister various other provisions. Therefore some of the amendments which were

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never thought of by the Government, I make bold to say, to sections 14 and 20 of the principal Act were brought in and of course the Hon. Chief Minister applied his mind to those amendments and accepted some of them. After the Select Committee stage the matter went before the Legislative Assembly. There again a large number of amendments were moved by various groups of people, certainly not friends of the Congress, and of them some were selected by the Hon. the Chief Minister and the Hon. the Law Minister and they were agreed to. Some of the amendments accepted have really created a revolution and that is why I am in the unfortunate position of not being able to welcome this Bill as I would otherwise have done if the Bill had been presented in the form in which it was originally introduced. I take my stand on the principle which the Hon. the Chief Minister enunciated during the discussions in the Select Committee and also during the consideration of the Bill in the Assembly, that the Government representing the State should be just to all parties, that the Government should do justice as between the ryot and the landlord, should do things which are right and proper and which are according to intrinsic principles of justice and which would be welcomed by all, and that the Government should not take sides. In respect of this matter I would only draw the attention of the Government to the way in which the Government of Madras broached the question on an earlier occasion. I shall quote the very words used in the report of the Malabar Tenancy Committee, 1928—

"The Government's position on this question has been that it is not profitable or just to go behind the decisions of Courts ranging over three-quarters of a century, which have recognized the full proprietary rights of the janmi. The Government are therefore, of opinion that any future attempt at legislation should take that right as a settled fact and proceed on the basis thereof."

"What do we see here now? People have been talking of janmis as not having full rights though the definition in the Act of 1930 and the Amendment Act of 1951 says that the janmis are entitled to full and absolute proprietorship of the land.

"The report further says:

"As a corollary to that proposition, they think that any attempt to take away the rights of the janmis, in any substantial way, whether it be by the grant of permanent occupancy rights or otherwise, should be accompanied by adequate provision for reasonable compensation being paid to the janmi. While this has to be conceded to the janmi the Government are also of the opinion that in the case of homesteads at least there is urgent necessity for creating security of tenure, that the claim of the actual cultivator of the soil for fixity of tenure and security from arbitrary evictions must be viewed with considerable sympathy and that every possible attempt should be made to secure this to him in so far as it can be reasonably done without injustice to the janmis."

"Now, Sir, what has happened? The vestige of janmis' rights has also been taken away. Two of the most important rights of any absolute owner are: (1) he has the choice to induct tenants into the land or not and (2) the right to recover rents. In the Select Committee stage the Leader of the Opposition in the Assembly, Sri Ramamurthi said: 'What wrong is there so long as the janmi gets the rent all right'. He further said: 'It does not even matter if the land were taken away from the landlord; so

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long as he has the right to recover rent properly, then his rights are protected'. But when it comes to the question of fixing of rents, amendments proceed in such a fashion, discussions proceed in such a fashion that even the right to recover rent is in danger. When we say the janmis have the right to recover rent, the rent is reduced. It is said that the landlord should not apply for fixation of fair rent or revision of fair rent once the fair rent is settled. I say this fair rent is really unfair to the landlord. This is all in favour of the tenant and is called fair rent. After it is settled in the law court, still we in the Legislature ought to interfere and say what should be the fair rent.

"Sri M. P. Govinda Menon has given notice of an amendment by which the tenant could pay the fair rent or contract rent whichever is less. Fortunately such a provision enabling the tenant to pay that rent which is lesser of the two rents, viz., contract or fair rent is not here in the Bill. Looking at the amendments that have been made after the Bill had emerged from the Select Committee and passed by the Assembly, it looks as though the whole Bill is over-weighted in favour of the tenants. The janmis seem to have had a raw deal. A transformation seems to have taken place soon after the Bill had passed through the Select Committee stage. What is it that we find now? Even the right to resume personal cultivation is now denied to the janmis. I submit, Sir, in all earnestness that so far as sections 14 and 20 of the principal Act—I mean the Malabar Tenancy Act of 1929—are concerned, those are the only sections wherein the poor janmi is given at least some sort of rights. The right to resume personal cultivation had been given to the janmi. That fact was conceded even when the present Bill was discussed in the Select Committee. 'That solemn right of the janmi to resume personal cultivation for *bona fide* reasons would never be disturbed'—this was what we were told during the discussions in the Select Committee. But what do we find now? (The Hon. Sri C. Rajagopalachari: 'Even now it is not denied.') Of course the Hon. Chief Minister may say so. If we look into the particular clause, we find a great change had been effected. What was it that was stated in the Act of 1945? What was it that was conceded in the Malabar Tenancy (Amendment) Act of 1951? The right of the janmi to resume any plot of his land he may require for personal cultivation to satisfy his *bona fide* needs and for his maintenance, was conceded in the above enactments. The principal Act contained such a provision. Even in the Kuttikrishna Menon Committee report which thoroughly went into this question, it was stated that the janmi being the owner of the land, has got the right to resume cultivation in parts of his lands for his maintenance. None of the various committees which went into the question of tenancy reform in Malabar did ever say that the janmi had no right to resume personal cultivation for his maintenance. I am yet to see the report of a committee which denied him such a right. Let me bring to the notice of the House what Sir A. P. Patro long ago observed. What did he say? He said: 'So long as the

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janmi is the absolute proprietor of his land, you cannot deny him the right to resume cultivation if he so wants it'. All along it has been recognized in the various enactments for the reform of Malabar Tenancy that the janmi is the absolute proprietor of his land and that the right to resume personal cultivation cannot be denied to him. That fundamental principle had never been denied. But a curious provision is inserted now? What is that provision? The Exception after the Explanation to clause 5 of section 14 of the principal Act now proposed in clause 15 of the present Bill says:

'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 six years.'

If the tenant has been in continuous occupation of the land for six continuous years, nothing on earth can move him now. All those solemn declarations by which the janmi was characterized as the sole proprietor of the land and by which the right to resume personal cultivation was given to the janmi to satisfy his primary needs, are now gone. All those proprietorships will be of no avail once the tenant has been in continuous occupation of the land for six years. I am not a resident of Malabar. Nor am I proficient in questions concerning Malabar tenures. Of course my hon. friend Mr. Govinda Menon wants that all these tenants should be declared outright owners of lands and not the janmis. But what do the reports show? Let it not be imagined that the janmis are rich people. What did the Raghavayya Committee say? They have stated that only 8 per cent of them are really rich, that 20 per cent of them have something for their own subsistence and that the rest of them are poor janmis. What did Sri K. P. Raman Menon, a leading member of the Bar in Calicut, say in the Kuttikrishna Menon Committee Report? He has brought out instances wherein a poor janmi did not have enough funds even to pay the assessment for his lands. This has been recorded in that report. Therefore let not a one-sided view be taken that the janmis are a rich lot and that the tenants only are the people who need relief. There have been instances when a janmi did not have the necessary funds to pay his gardener and when the gardener under him was also a janmi. When such is the case and when the bulk of the janmis are poor, is it right and proper to deny him the right to resume personal cultivation if the janmi so desires? What is the meaning in saying at one place that the janmi is the absolute proprietor of his land and at the same time in another place denying him the right to resume personal cultivation because he could not now evict the tenant if the latter had been in continuous possession of the land for six years. All the time it should be remembered that right from 1946, the evictions had been stayed and now the six-years period would have elapsed and so the tenants had been in continuous occupation of the lands for more than six years. Under the present provision it virtually amounts to denying the right to the janmi to resume personal cultivation. Therefore the fundamental principle of giving the right to resume personal cultivation for the janmi which

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had been conceded in the Acts of 1930 and 1951 had now been denied. Even though it has not been put in black and white, it virtually amounts to that. I had explained it just now. What did the Government say when they brought forward the Bill in 1951 to amend the Malabar Tenancy Act of 1929? They said in future legislation also, we will not touch the fundamental principle of the jenmi being the absolute proprietor of his land. What use is that proprietorship when it is now said that he cannot resume personal cultivation and cannot evict his tenant? Of course Mr. Govinda Menon had taken pains to refer to old days. He had gone back as far as 1836. He has referred to T. T. Logan's Manual wherein it has been stated that the janmi has not got any proprietary right over the land and that only the cultivator alone, if at all any right exists, should be given the right of proprietorship, on the lines of the Roman dominus. But I say, Sir, I shall go still farther back. When in 1793 Tippu seceded Malabar to the British Government, a commission was appointed to settle the proprietorship of lands for which there were various claimants at that time. And, what did that commission say? They said that the janmi was the proprietor of the land and the kanamdars had also a share in it. Let it be understood that even in those days they never forgot the kanamdars. The one peculiarity we find in Malabar land tenure is that there is a plethora of intermediaries. Never mind this legislation or any other legislation. I say by no legislation, however much we may try to investigate and investigate, can we exactly define who will be the owner of the land? Can we say that the tiller of the soil is the owner? Even the much-talked of verumpattamdars is not in many cases the actual tiller of the soil. Even there we have a distinction. There is the cultivating verumpattamdars and non-cultivating verumpattamdars. That is why I say it would be better to follow what eminent jurists, most eminent men who sat in various committees have said. Great jurists like Sir T. Muthuswami Iyer and Sir S. Subramania Iyer sat in the committee of 1884 which went in detail over this question. The committee was presided over by an eminent man Therein those eminent people have laid down that the janmi should have the unassailable right of proprietorship of the land and that he has the right to resume personal cultivation if he so likes it. But we find a curious departure from that fundamental principle. It is now said that if the tenant has been in continuous occupation for six years, the landlord cannot evict him even if he wants to resume personal cultivation for his maintenance. As I said previously, right from 1946, the Government have been staying all suits for eviction of tenants and they have been staying all suits for recovering arrears of rent. A legislation to that effect was passed in 1946 and it was extended for two years and then for another two years. The Tenants and Ryots Protection Act of 1949 gave another extension. We are now in 1953. Therefore all these seven years the tenants have been in continuous occupation of the lands. So by the present provision in this Bill, the landlord cannot evict any tenant. That is the present position. When such is the case, can we say that

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justice has been done to one and all. That is why I plead for justice to be meted out to the poor janmis, who have all along been neglected. I plead for justice at the hands of one, who now heads this Government and who will always do the just thing and will continue to do that in spite of unpopularity. That is why because he is such an upright man I plead that it is not fair to pass an expropriatory legislation like this, giving all the benefit to the tenants and at the same time depriving the poor janmi of even the right to resume personal cultivation to satisfy his primary needs. Let it not be understood that all the janmis are rich. Not even 8 per cent of the janmis are rich. That is why I say the proposal to provide for an exception, in the case of the tenants who have been in continuous possession of land for six years, against any eviction in the amendments proposed in clause 15 to sections 14 and 20 of the principal Act is not at all correct. It completely deprives the janmi from exercising his right to resume personal cultivation. I have already pointed out how it deprives the right of the janmi. The Hon. Law Minister was wise enough in not moving any amendment to that effect during the Select Committee stage. But some how when the Bill came before the Assembly for discussion, I think, to allay the agitation of many parties the 12-year period has been reduced to six. Of course, Mr Govinda Menon is so reactionary as to wipe out the landlords altogether from the field and make the tenants the complete owners of the soil. Such a provision has not been enacted now. To that extent we must thank the Government. (Laughter.) It is purely an expropriatory legislation. There is no doubt about it. After having stated that the janmis have full proprietary rights, nobody can support this legislation. Many families have been partitioned under the Marumakathayam Law and the Nambudri Act, 1932, and many junior members—I am not stating these out of my personal knowledge but they are mentioned in the various reports—are anxious to cultivate their lands. But this legislation does not help them to do so and I therefore say that this legislation which is now before this House after the Assembly stage completely deprives the janmis of all their rights. So far as the right of recovery of rents is concerned, so many provisions have been put in for the purpose of fixing fair rent that the 'fair rent' is always unfair to the landlord and all in favour of the tenant. The landlord cannot have any increase in rent even though the tenants who grow commercial crops have become very rich people, so to say, 'pepper kings', during these years of high prices. If there is any provision in this Malabar Tenancy Act which states that nothing in this Act shall apply to the tenants who have got more than"

THE HON. SRI C. RAJAGOPALACHARI:—"If janmi is so poor, how can he have rich tenants? If the land is very small for the janmi it must be very small for the tenant also. We should not pick up the poorest janmis on the one hand and the richest tenants on the other hand and compare them."

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SRI K. BALASUBRAMANYA AYYAR:—"Sir, I am not comparing the poor janmi with the rich tenant. Fortunately or unfortunately, Sir, there is a lot of land available in Malabar for purposes of improvement and for cultivation. We must also remember that there is no such irrigation system in Malabar as we have in Tanjore and other districts. Therefore there is great scope for the tenants to improve their lands and to get a lot of money by growing articles which have now risen in price. The chief difficulty in Malabar is this question of rising prices. The tenant can pay the rent in money or if he chooses in kind. My submission, therefore, is that this Bill as it is, is not just to the landlord. I am not against this Bill nor do I want to say that there should be no fixity of tenure. Wherever there are hard cases they must be protected. We must also take into consideration the fact that the janmi has got full proprietary rights and such proprietary rights as he has got must be absolutely protected and the amendments proposed in clauses 14 and 15 of this Bill should not be passed by the Legislative Council."

SRI P. N. MARTHANDAM PILLAI:—"Mr. Chairman, Sir, if I am desirous of intervening in this debate, it is because some 30 years ago I happened to be the President of the First Malabar Tenancy Agitation Conference. This conference was held at Palghat and Sir M. Krishnan Nair put the mantle on my shoulders because the elder members were unwilling to accept it. I therefore had to go all the way to Palghat and listen to all their complaints. I was greatly impressed that the case of Malabar was entirely different from the rest of the country and the position of the tenant was literally much more onerous than the tenant in this part of the State. During the course of the speeches made, the representations made and the conclusions arrived at, I felt that the tenants in Malabar were poorer than the tenants in our part of the land. This agitation was started for the verumpattandars and other 'dars' whom I do not quite remember. They said that many middlemen, mostly lawyers and merchants who have earned a lot of money, had arisen. Now that Sri K. Balasubramanya Ayyar has also mentioned it after 30 years, my answer is that they are not middlemen but they are middle class men and I do not think that we can raise any objection to the middle class men owning land along with the poor men and along with the janmis. After I listened to the hon. Member, Sri M. P. Govinda Menon and the Hon. the Minister for Law, I necessarily felt that the cause of the tenant was really a good one and therefore every sympathy must always be shown to the tenant."

"Till I heard Sri K. Balasubramanya Ayyar I felt that the tenant's cause was unanswerable and no objection could be taken to the Bill. Now that I have heard him, I have some hesitation. It is not that I am against the janmi but there may be hard cases but I am quite willing to put up with hard cases provided no great injury is done to any class of men. Sir, we are going to have our own land reform, and I shall be the last man to accept

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the principle that the good of the majority must be accepted by the few men who lose but the position in Malabar, I shall believe is entirely different. I therefore still support the Bill with the knowledge that no great harm will be done to the minority of the individuals who may be janmis and who may be poor. If they are poor janmis, I do not think they lose much. I am in the sad predicament of Sir John Wallis, who was the Chief Justice of the Madras High Court. In deciding a case he once said: 'Look here, Mr. Sadagopachariar, if I look to the vakil on the left I feel that his witnesses are lying and if I look to the witnesses on your side I see that they are lying.' Mr. Sadagopachariar, the clever advocate that he was, said: 'My Lord, in such a case, I request Your Lordship not to look at my witnesses.' Sir John Wallis got up and went away laughing. Similarly, I am feeling that the janmi requires some protection. I think the Government must have taken all this into consideration and also whatever representations either Sri M. P. Govindan Menon or the other groups have made. If there is any likelihood of any wrong to the janmis, I think we shall certainly look into it and, if possible amend the law after it has been in force for some time. These reforms are always thought of from time to time and they always have elements in them which are either good or bad. No law is perpetual. So we must have some time to amend the points which we consider to be really bad or oppressive. I do not want that the Government should harbour any feeling against the janmi or the tenant. The law is both for the prosperity of the whole lot of the people including the consumers who have nothing to do with cultivation and for the prosperity of the country as a whole. I therefore support the Bill wholeheartedly in the belief that the law which is enacted at present will really do good and if there is anything oppressive, I do say that it will receive the attention of the Government and the Government will remove any injustice that may be done to any of these people."

SRI E. H. PARAMESWARAN:—"Mr. Chairman, Sir, I have great pleasure in supporting this Bill amending the Malabar Tenancy Act. In spite of everything that the hon. Member Sri K. Balasubramanya Ayyar, said and in spite of the condemnation of the hon. Member Dr. V. K. John, I feel it my duty to say . . ."

SRI MOHAMMAD RAZA KHAN:—"Dr. V. K. John did not oppose the Bill. He wanted something to be done on the model of . . ."

SRI E. H. PARAMESWARAN:—"Yes, he wanted something on the model of what is obtaining in Germany and I do not think it was very relevant. Sir, the large number of tenants in Malabar are very enthusiastic that justice has been done to them. As one coming from the district of Malabar and as one who is neither a janmi nor a tenant I feel that there is every reason to congratulate the Government, the Hon. Minister for Law and the Hon. the Chief Minister on the very great progress that they have

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been able to make in the Bill. I feel it my duty to say that the Hon. the Chief Minister took infinite pains in the drafting of the Bill in the Joint Select Committee. He was present at every meeting of the Joint Select Committee. I for one thought that he had no mastery of the peculiar problems of Malabar and that he might not be able to devote much attention to the Bill. But he bestowed his supreme wisdom and experience in the drafting of this legislation and the result is that we find that something satisfactory to the tenants and something satisfactory to the janmis also has been passed by the Legislative Assembly. We find that with regard to several matters like provision of ulkudis, fair rent, etc., very great advance has been made. I should also like to congratulate the Government for having arranged to consult Mr. Kelappan of the Praja Socialist Party though he was not a Member of the Joint Select Committee. Mr. Kelappan is one of the great leaders of Malabar. The Government thought that a leader like Mr. Kelappan should be consulted. So they invited both Mr. Kelappan and Mr. Govinda Menon to go over to Madras and requested them to be present at the meeting of the Joint Select Committee. Representatives of janmis were also given an opportunity to present their case. All sides were heard and were given a patient hearing at the meeting of the Joint Select Committee.

"We are very glad that fixity of tenure is given to ulkudidars and this will solve the housing problem to a very great extent. Fixity of tenure has also been given to the tenants who have been in possession of the land for a period of six years. This is very fundamental change and a very great change too. Of course there are people who say, 'we are not satisfied with any advance that is made'. There are people who say that the real owner of the soil is the tiller of the land and that the janmi has got no right over the land. We have heard all sorts of propaganda being carried on that janmis are tyrannical, that they are engines of tyranny and oppression and so on. I have heard speakers comparing them to the landlords of France before the French Revolution. All these are mere exaggeration. There is no use of saying now that janmies have no rights, that they are tyrannical and all that. With regard to fixing of fair rent also, there has been a great advance. The provision in the old Act that the tenant should pay half the assessment has now been eliminated, and that is a very great advance. In respect of coconut gardens and in respect of pepper gardens also there is reduction of rent. Therefore I feel that the tenants of Malabar have every reason to be glad that they have got a very welcome measure. I would make an appeal both to the janmis and tenants not to carry on an agitation but to live as brothers. Among janmis there are persons who have got hundreds of thousands of acres. But there are also janmis who live in utter poverty. I come from a village, Sir, where there are janmis who have not got the wherewithal for a living. They gave away their lands to the so called tenants several years back and they are not able to get back the lands and they are in utter

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poverty. The picture which Mr. Balasubramania Ayyar gave is not at all an incorrect picture. I felt very glad that the Government as a result of their efforts have produced a Bill which should be welcomed by all classes of people. All people who look at the Bill from an impartial point of view should welcome the provisions of the Bill and should feel that the Government have really done something to improve the agrarian situation in the district of Malabar. I would request the politicians not to carry on any propaganda either in favour of the old Bill or against it. I would like to say to janmis only this. Some kind of adjustability is necessary. There is no going two hundred years back. There is no use saying that janmis were very powerful and that no tenant would have any courage to stand before them. There is no use of harping upon the situation that existed two hundred years ago. Janmis and tenants must compose their differences. I think everybody will find that it is a happy measure and that it will conduce to the well-being and prosperity of Malabar. With these few words I have very great pleasure in congratulating the Government on the very beneficial measure that they have brought forward."

SRI T. M. NARAYANASWAMY PILLAI:—"Mr. Chairman, Sir, I have very little to contribute to the discussion except to say that in passing this legislation the Government seem to have abandoned what I consider to be one of the essential principles. There was a Joint Select Committee consisting of all shades of opinion and that Committee came to certain definite conclusions with regard to several matters. On two important matters, decisions were arrived at by the Joint Select Committee and one of them related to the granting of fixity of tenure and the other related to the fixing of fair rent. On the question of granting of fixity of tenure, the Joint Select Committee decided that any one who was in continuous occupation for twelve years and more would get permanent occupancy. On the question of fixing fair rent, the Joint Select Committee decided that the decision of the Court was to prevail. Also there are three other important matters on which decisions were arrived at by the Joint Select Committee but I do not propose to refer to them now. On the two important matters which I was referring to, the Government, all of a sudden, without consulting anybody, seem to have yielded to some pressure. It is very refreshing to hear from my friend Sri Parameswaran that bad times are coming and that people should reconcile themselves to those times. (Interruption.) At any rate that is what I understood from his speech and that is the impression which his speech made upon me. We are not sitting here as a legislative body to be coerced into something which we consider to be wrong. The Joint Select Committee has given two directions. I wish to know the principle which the Government could urge or could lay before the House in order to justify the change of their opinion to which they themselves were committed. The Joint Select Committee said that it would be unjust to give fixity of tenure to people who did not have 12 years' occupancy;

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that was also the opinion of the Government. Then why was it the Government reduced the period from 12 to 6 years? Was it because people clamoured for the change or was it because the tenants were so vociferous or clamorous that they would not be satisfied with anything less? Therefore, this Bill as passed by the Legislative Assembly does not represent the considered opinion of even the Government and if the Government are now forced to support the Bill as altered in one important matter, it must be on account of its yielding to and submitting to clamorous agitation; it is not in the interest of the country. We know the importance of agrarian reforms. My point is that persons who can command the ears of Government should not coerce other members of the society into submission. I have not given any amendment as I came here only this morning. If it were possible, I would suggest that this Bill be referred back to the Select Committee for considering these very points and for taking such further steps as are possible. If you would permit me, I will move the motion."

THE HON. SRI C. RAJAGOPALACHARI:—"I think the Hon. Member is ignoring the dissenting minutes."

SRI T. M. NARAYANASWAMY PILLAI:—"My point is not that there are no dissenting minutes. My point relates to the changes in the attitude of the Government. What is the decision of the Government in the original Bill and the Select Committee and in the Bill as passed by the Assembly? What is the reason that prompted the Government to change their opinion?"

THE HON. SRI C. RAJAGOPALACHARI:—"If the hon. Member has an open mind, he will come to know of it."

SRI T. M. NARAYANASWAMY PILLAI:—"My point is that the Government should stand by the recommendations of the Joint Select Committee rather than yield to pressure."

THE HON. SRI C. RAJAGOPALACHARI:—"The Constitution has been changed now."

SRI T. M. NARAYANASWAMY PILLAI:—"The Constitution has not been changed but the way in which democratic administration is carried on has been changed. It is not in consonance with the true spirit of parliamentary democracy. I have not heard of a case where in open Parliament a Minister rises up and says 'My opponents are clamouring for this and therefore I yield to their request'. Is this a valid reason?"

THE HON. SRI C. RAJAGOPALACHARI:—"Between 1 and 12, we fixed six."

SRI T. M. NARAYANASWAMY PILLAI:—"That is not a reason which is sound and which the Government should give."

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SRI MOHAMMAD RAZA KHAN:—"Sir, without trying to contradict any of the Members of the Opposition, I would like to say at the outset that my sympathies are with the Government on this Bill because I quite realise the difficulties of the Government. In the last Assembly, during all the six years we were there, member after member from Malabar raised this issue of Malabar tenancy and Malabar agrarian reforms by way of adjournment motions, short notice questions and half-an-hour debates. After all that has been said by so many members who can speak with authority on the subject, the matter is not so easy that a legislation can be pushed through within a week or a month. Therefore, Sir, the then Government brought in a measure in the year 1951. Sri Madhava Menon, the then Law Minister, who happened to hail from Malabar, piloted the 1951 Act and he was very ably assisted at that time by Sri M. P. Govinda Menon. Unfortunately, it so happened that Sri Madhava Menon lost his seat on this very issue and his party suffered reverses in Malabar and I do not know whether Sri M. P. Govinda Menon has been responsible for putting Sri Madhava Menon in that unfortunate position. I leave it at that stage."

"I myself was surprised why an enactment, which was passed after a good deal of discussion and after going through a Joint Select Committee of both Houses which toured the district of Malabar and received memoranda from both sides—the janmis, tenants and others—had not received much support and why was it that within this very short period of one or two years there should be such keen agitation in Malabar that the whole thing should be scrapped. In fact, the hon. Member Sri M. P. Govinda Menon made a definite point when he said that apart from politics which played a prominent part it was on this question of agrarian reforms that the General Elections were fought and the Congress Party had to meet with such reverses. The fact is this, Sir. Whatever we may say about the merits or demerits of the enactment, the tenants in Malabar are not at all satisfied with the previous enactment. Much has been said by the Hon. Law Minister that particularly the machinery, which was created for fixing fair rent, etc., was found to be too cumbersome and if everything was to be finalised it would take not less than twelve years. I cannot claim to know anything about the tenure system prevailing even in Tamil Nad, but yet I venture to talk about Malabar where conditions are much more difficult and complicated. Now, Sir, one thing which really struck me was this. The other day I happened to be in the Assembly when the Hon. Chief Minister Sri C. Rajagopalachari, whose sense of justice and fairplay everybody knows, was replying to the debate on behalf of the Government. He said: 'Here is a case of two extremes. On the one hand, the majority of the people who are affected want very very drastic legislation. They want that the janmis should be left with nothing and that they should get everything which belongs to the janmis. On the other hand, the vested interests—I would not like to call the janmis like that—having been in possession of these things for a long period also feel that it would

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be difficult for them to part with them. We have to deal with both.' In the last Assembly the Zamindari Abolition Bill was passed. The Government have taken away their lands and most of the poor Zamindars are in the streets. But here it is not the Government who are getting the benefit. They are taking away the benefit from one section and passing it on to another section. On principle, it may look wrong. But we must look to present-day circumstances. The Hon. Chief Minister has studied the subject with a good deal of patience and he has bestowed much time and attention and has considered the view points of those who might have been opposed to the party in power or to the very Government and has made these proposals. My hon. Friend Sri M. P. Govinda Menon even said 'We are able to get so much from the Hon. the Chief Minister and the Government'. That itself is an indication and is a point in favour of the Government that they were able to understand the viewpoints of those who were opposed to them politically. But the question cannot be dealt with purely from the political angle because I know that there is real necessity and dire need for a legislation like this. Supposing the Government at this stage say 'We have gone so far. We cannot do anything more'. I am sure the present Law Minister will have to go back and another Law Minister from Malabar will have to come. I think the Government have done the best that is possible in the circumstances. It might have it some of the janmis. But in the generality of cases, we are not concerned with individuals. There may be some hard cases. We may sympathise with them. But the question is one which affects thousands of people, particularly in South Malabar, where poverty is rampant and people have been suffering for a very long time. Something has been done, Sir, in regard to fixity of tenure, fixation of fair rent, etc. The Hon. the Chief Minister has been very reasonable and I feel there is a case for us to give our support and co-operation to this enactment.

"Before I conclude my speech, I should like to refer to one thing. Even the other day Sri M. P. Govinda Menon drew the attention of the Hon. the Law Minister to a particular clause dealing with fixation of fair rent and said that as between the contract rent and fair rent, whichever was less should be accepted. I also find from the dissenting minutes that my friend Sri N. M. Seethi has also stressed this very same point and has pointed out that the section should be so amended as to provide for the payment by the tenant of fair rent or contract rent whichever is less. It would be well if the Hon. Chief Minister would accept this clause, because, as has been said in the preamble to this Bill, this Bill is intended to help the poor tenants. It is not intended to help the janmis who may not be getting proper rent. I hope that the Hon. the Chief Minister and the Hon. the Law Minister would do very well to examine this particular section and amend the provision suitably so as to provide for fair rent or contract rent whichever is less. I feel that the benefit of this enactment should go more to the tenants than to the janmis."

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SRI K. BHASHYAM:—"Sir, Malabar tenancy reform is a very difficult matter. It has been engaging the attention of the Government from time to time and also the attention of the people. The matter was considered by more than one committee and by more than one legislature. Every time some reform was effected, there was a good deal of dissatisfaction because one section or the other was not satisfied with the state of things as they were. I cannot at all understand why Malabar should be governed by a system of land tenure quite different from the one that is prevailing in the other parts of the State. Of course, the difference has been there for a long time. But now an attempt is being made to make the land tenure uniform throughout the State. Zamindaris were abolished for introducing the ryotwari system in those places. I suggested this before and I suggest it once again that we must introduce the ryotwari system in the whole of Malabar so that that district also may be on a par with the other parts of the State. I do not at all understand why there should be this difference except for the reason that it has been there for quite a long time."

THE HON. SRI C. RAJAGOPALACHARI:—"The method of cultivation, the nature of holdings, etc., vary considerably."

SRI K. BHASHYAM:—"The Chief Minister is not a Malayalee, nor am I. But the rights as between the landlord and tenant are not variable; they are after all one and the same. It may be that pepper gardens may take a longer time to yield or jack-fruit trees may take a longer time, and there may be differences as to what portion of the produce the landlord should get and what portion of the produce the tenant should get. But on the question of the rights as between the landlord and the tenant, there cannot be any great difference between Malabar and the rest of the State. Even if there is some difference, it is not insuperable. I will suggest a way out if the Government are willing to consider it. The Government can carry out a survey of every one of the holdings and find out the proportion of interest which each one of the various tenure holders possesses in that land. Suppose the produce from a holding is one hundred paras of paddy, and out of it the janmi gets 10 paras, the Zamindar 10 or 20 paras, the cultivating tenant 10 paras and so on. The land can be divided among these persons in proportion to the interest they possess and the whole land can be brought under the ryotwari settlement. What is the difficulty in this? One difficulty I can imagine and that is this. The holdings are so small that further subdivision will lead to fragmentation of holdings. If it is not possible to divide the land as suggested, we can amalgamate the share of two or three tenure holders, give it to one person and compensate the others. I am making this suggestion seriously. In a janmi conference held recently, the janmis wanted the ryotwari system to be introduced, giving to each one of the persons that portion of the land which corresponds to the interest he holds by way of income from that land. Under the ryotwari

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system, there can be no question of clash of interests at all. The Government will be dealing directly with each one of the patta-dars. This is the best arrangement that can be made. I feel that this Bill is not going to be the last word on the subject. There is going to be plenty of agitation over it. Malabar people are not people who will easily let things sleep. They have inherited some portion of the Andhra technique which the Tamil people do not have. There is no chance of my suggestion being accepted now. I think the Government will be well-advised to consider the suggestion seriously at least next time when they take up the question of land reform.

"Section 9-H of the Malabar Tenancy Act provides for the preparation of a Record of Rights in respect of every holding. In that case the Government will find out the interest which each tenure holder has got, whether it is one-third or one-fourth and so on. When that is done, the next thing is to divide the land in the proportion that is determined. Unfortunately the Government have repealed that section by this Bill on the ground that the preparation of a Record of Rights is an insuperable task. I am very sorry for it. The Government must have a survey and settlement.

"The whole tendency of modern legislation is to protect the actual cultivator on the land from being evicted. That is what has got to be done. I do not see why the intermediaries should be given fixity of tenure at all. The interests of the intermediaries may be bought out by the janmi or the tenant on the land and the intermediaries got rid of. I think the Government will have to do something in this direction and see that the interests of the intermediaries are purchased either by the janmi or by the cultivating tenant. Then there will be only the janmi and the tenant, and there will not be a plethora of intermediaries like the kanamdar, kuzhikanamdar and so on. All the intermediaries must go. I think legislation will be necessary for the purpose of getting rid of intermediaries. I strongly plead for uniformity in the land tenure system, because we have been following that policy and it is with that object that we abolished the zamindaris

"The question of rent has always agitated the landlord and the tenant. If a tenant is asked to pay by way of rent more than what he has been paying so far, it is bound to create a lot of discontent. The tenants were discontented with the legislation for which hon. Member, Mr. Govinda Menon, also was responsible. My submission is that the electorate has expressed very strongly against that portion of the Bill. I think we have provided in the Madras Estates Land Act that if there is to be any increase in rent, it cannot be more than one anna or two annas in the rupee. There cannot be any sudden jump in the amount of rent. Suppose a tenant, who has been paying one hundred rupees so far, is asked to pay one thousand rupees. Certainly it is a great hardship. He might have drawn up his budget and incurred expenses. He

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might have sent his son to England for higher education relying on the fact that he will have to pay a rent of only one hundred rupees. I have expressed my dissent against any sudden increase in rent all through. The fair rent cannot be higher than the rent which the tenant has been paying so far. If there is to be any increase at all it should be restricted as in the case of the Madras Estates Land Act. With this restriction, we may leave the fixation of fair rent to the Rent Court. There has been an agitation on the question of rent so far, and very soon in respect of the rent as fixed in the Bill also there will be agitation. (Interruption by the Hon. Sri C. Rajagopalachari.) If I am called, I will go and do something in the matter of agitation. But, I do not think I am big enough and persuasive enough for the purpose. Persons in charge of the Bill on the Government side or the Hon. Chief Minister himself may go and explain the position to the people. (Interruption by the Hon. Sri C. Rajagopalachari.) I know Mr. Govinda Menon is not pleased. His chief Mr. Kelappan came and talked to me about it. I told him he was right and he wanted me to speak about this in the Council. I really said. . ."

SRI M. P. GOVINDA MENON:—"The hon. Member promised to support."

SRI K. BHASHYAM:—"Yes, I promised, and I kept up my promise. There is no doubt about it. What I point out is that, in such a case, it will be a very great hardship on the tenant. Coming from a lawyer, this will be very much discounted. Lawyers are a despised lot, and belong to a class of people who are not taken seriously. The Hon. the Chief Minister is supposed to have said I want to point out to you that in this case it is not for the benefit of the lawyer that I am saying all this. We must understand that lawyers speak not only for the clients but also for the general public. It is not a case of the lawyer speaking for himself. After all he may be a poor lawyer. He may not have an inch of land anywhere. I do not have any land in Malabar or anywhere else. All the experience and knowledge of the lawyers are given to the people. In expressing their opinion in cases affecting the interests of the people, they will be able to tell the exact position in respect of a particular matter, and they will say it whether it is considered or not. After all, they are persons who move with people at large and they will be able to put forth the grievances of the people better than others. Things are now changed, and other people also now purport to speak for them. Lawyers are not always speaking in their self-interest. They speak for the public also. Speaking for the public is not confined to politicians. There are some lawyers who really take a good deal of interest in public matters. We must give credit to them. There may be blacksheep among them, but that does not mean that there are no blacksheep among politicians. Coming to the point, if fair rent is to be fixed, let it be by a Civil Court. No doubt revenue officers have got great experience. I have no

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objection to their trying cases which are really within their cognizance, e.g., classification of land into I class, etc. In a case dealing with property, it is not a matter of opinion. It is a question of deciding on the rights of parties on the evidence in the case, for which Civil Courts are the best fitted and they are manned by lawyers. Why should lawyers be discounted? I do not understand. Why then do the Government want the High Court Judges, even retired judges for all purposes? Why do they want a District Judge for the Industrial Tribunal? For sales tax appeals, they want a District Judge. Do the District Judges come from Heaven? They are only from the lawyer class."

THE HON. SRI C. RAJAGOPALACHARI:—"I do not think we have any Clause in the Bill that lawyers should not be entrusted with cases."

SRI K. BHASHYAM:—"If the Hon. the Chief Minister objects to the relevancy of my remarks he is not quite correct. What I say is that the Civil Court must be substituted for the Rent Court, and it is a cheaper way of doing justice. The Hon. the Chief Minister must have great respect for lawyers, having belonged to that class himself once."

THE HON. SRI C. RAJAGOPALACHARI:—"There is no question about lawyers here."

SRI K. BHASHYAM:—"Some people think that things are done in the interests of lawyers only. Is that opinion prevalent or not? I learnt that when the Moratorium Bill was being discussed and when lawyers protested against the stay of suits and proceedings and complained that Courts have no work to do, the Chief Minister is said to have exclaimed that it was the sweetest thing we had heard for some time." (Interruption.)

DR. V. K. JOHN:—"May I suggest to the hon. Member that lawyers can take care of themselves?"

SRI K. BHASHYAM:—"What I do now is one way of taking care. What is the good of remaining silent over these matters? I plead very strongly for retaining the jurisdiction of the Civil Courts in all matters. They are the most important and competent persons to deal with cases. Rent Court is a misnomer. It consists of a person who is supposed to deal with tenants and cultivators. He has got some survey training and settlement training. Even District Munsifs are now given this training. What is the peculiarity about Rent Courts? I do not understand the magic of these Rent Courts and Revenue Courts. Will the people trust a Rent Court or a Revenue Court, I would like to know. I want to point out that the jurisdiction of Civil Courts must be retained. In matters which are of a technical nature, the revenue official may be asked to render all assistance

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that he can to the Civil Court. The Rent Court is certainly not a very conducive forum to the settlement of fair rent between one party and another.

"Sir, I have exceeded my time, and I thank you for having shown me so much indulgence."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I have to thank hon. Members for the various suggestions they have made in connection with the consideration of this Bill. I have to make it very clear that the Government have not done anything to deprive the interests of the ryots nor have the Government done anything to vest in people the rights wrested from any other body of people. What the Government have done is only to see that fair rent is fixed in respect of leases in Malabar. The Government had to interfere because, as you know, the productivity of the Malabar land is far below the average of the Madras State. Regarding paddy, the average yield comes to about 1,260 pounds in Malabar while the State average is 1,379 pounds. Regarding the population which mainly depends upon agriculture, about 50 per cent of the population depend entirely on agricultural operations. About 9,63,000 that is, 19 per cent depend on cultivating lands belonging to others. About 22½ per cent of the agricultural population are agricultural labourers. If we divide the land that is available for cultivation in Malabar, we will find that even among the agricultural population, it will be actually only about four-fifths of an acre if all cultivable lands are taken into account and it will only be one-third of an acre if lands on which foodgrains are raised, are taken into account. The Government are trying to see that there is a just and equitable distribution of the produce from the land as between persons who have contributed to the production. It is only a tenancy legislation that we are now taking into consideration. That is why we have to see that we are not taking away the rights of any person interested in land in Malabar. What we have done is only to give fixity of tenure to the tenants. It is nobody's case that granting fixity of tenure to the agriculturist who is cultivating the land is expropriation. We are only preventing the landlord from interfering with the fixity that should be enjoyed by the cultivator in respect of the land which he is actually cultivating. The six-year rule is applicable only to the cultivating verumpattamdar, the man who actually tills the land, and not in respect of Section 20 of the Principal Act. It will also be seen that the share that is now being distributed is fair and equitable. Regarding pepper, the distribution of produce is according to the old custom prevalent in Malabar, namely, one-sixth to the landlord and five-sixth to the tenant. There was some mistake in interpreting the wording of the previous agreement or custom that was prevailing in Malabar and the benefit of doubt was given to the landlord in the Amending Act of 1951. Now, we have given the benefit of doubt in favour of the tenant, the man who actually cultivates the land. It is also a mistake to presume that persons who cultivate and

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produce pepper are 'pepper kings' and are making money. Cultivation in Malabar is very difficult because the productivity of the soil is less due to the heavy rains that Malabar experiences. We were compelled to take up the question of bringing in the legislation because the Rent Settlement Authority was abolished and we thought that we had to evolve a machinery less costly and more efficient than that. We were also compelled to make certain changes in the provisions dealing with fixation of fair rent because we thought that the proportion fixed was a bit high and that in the case of tenants, they would be compelled to pay more. Certain experimental cases were tried by some of the staff of the Rent Settlement Authority which was functioning in Malabar for a few months and it was found that in certain cases the rent might go up a bit. It was because of that that we took it into our heads to revise the proportion already fixed in the Amending Act of 1951. It was not an arbitrary interference with the Amending Act of 1951. It was only an interference which was absolutely necessary based on our experience. We have made only those modifications which we consider absolutely necessary in the matter of the calculation or sharing of the profits on these items of property so that they may be enjoyed not only by the janmi and the actual cultivator but also by the four or five intermediaries concerned. You will also find, Sir, that the cost of labour in Malabar comes to about one and a half times the average cost in the rest of the State. Unless we give a greater proportion of the produce to the tenant, justice cannot be done to the workers who are employed in agriculture. We have to consider that aspect also and that is why we have changed the cost of cultivation from 22 paras to 25 paras.

"As far as the landlord is concerned, his rights in respect of the property are preserved, because we have not changed either section 14 or section 20 of the Principal Act except the clause relating to recovery of possession of land for one's own cultivation. We will also see from the statistics that out of 444,775 pattadars, 430,000 pattadars are persons who are in possession of land ranging from an extent of one acre to six acres. It is true that we have to safeguard their interests and we have done that in the present Bill. That is why we are reluctant to accept the suggestion made by the hon. Gentleman, Sri Govinda Menon and others that we should adopt the formula that if the fair rent is more than the contract rent, the tenant must be given the right to choose whichever is less. It is not necessary in the interests either of the landlord or of the tenant to adopt that formula because we have already revised the rent in respect of wet lands and garden lands and we have also fixed a limit of twice the existing rent as a ceiling for a period of twelve years. We have also given the advantage of spreading it over many years so much so that it shall never exceed $1\frac{1}{4}$ times the rent in the previous year. We have also prevented the landlord from filing an application to get the fair rent fixed for three years from the date of passing of this legislation. We have reduced the rent in respect of pepper and we have also exempted land which is set apart for communal

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purposes, from liability to fair rent. In view of all these things, it is not necessary to stipulate that fair rent or contract rent, whichever is less, should be paid by the tenant. We have seen to it that no injustice is done to him. We have also seen to it that no injustice is done to the landlord. We have further seen to it that the agricultural labourer gets a decent proportion of the yield. So, as far as the Government are concerned, they have done what is just and proper under the existing circumstances.

"An argument was advanced that because a Joint Select Committee had gone into the provisions of the Bill, the Government need not have moved certain amendments afterwards. If that argument is stretched further, the Government which bring in a Bill have to stick on to it, should not budge an inch from the clauses of the Bill and should get it passed. Sir, that may not work well. At the time of presenting a Bill, like the present one, we are aware of only certain things regarding the agricultural relationship in Malabar. When we are apprised of new factors, when we receive representations from various quarters and when we see that certain proposals of theirs are reasonable, we have to accept them. Accordingly, we accepted certain modifications suggested and not amendments that were brought forward by others. We accepted the principle of their proposals and brought forward amendments to the Bill in the Joint Select Committee as well as in the Legislative Assembly. If we had stuck to the report of the Joint Select Committee, I am afraid we would not have done full justice, as we ought to do, to representations made by responsible persons. Hon. Member Sri Govinda Menon remarked the other day that the Bill of 1950 prepared by Mr. Madhava Menon was very good and that he was not fully satisfied with the present Bill. As far as the Bill of 1950 is concerned, I can assure the hon. Member that in some respects, we have gone to a greater extent than what was contemplated in that Bill. Regarding fugitive cultivation, we have accepted the recommendations contained in that Bill. Regarding fixity of ulkudi, we have extended it to other areas and we have given fixity to all ulkudi-holders. The other Bill confined this benefit only to the watchmen. We have enlarged the scope of this clause to cover all persons occupying the ulkudi. Regarding cultivation expenses, I wish to say that we have given more and we have deleted the provision relating to half the assessment in respect of paddy lands which the other Bill did not cover. By quoting all the clauses, I will be able to convince this House that we have done more than what the Bill referred to by the hon. Member contemplated. The only thing that we are unable to accept is the clause in the other Bill relating to the provision of adopting contract rent or fair rent, whichever is less. It may not be proper to have such a provision in a legislation of this type. When we consider any revision, we must see that no injustice is done. We must see that the operative sections are brought up-to-date, and so the contingency of accepting such a clause does not arise. We must see whether justice is done or not. In this case, we feel that justice has been done and it

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is better to fix and adhere to the fair rent that is contemplated by the operative sections rather than admitting a clause contained in the other Bill relating to this matter.

“One hon. Member referred to the Rent Settlement Authority. Sir, we were compelled to change this machinery and entrust it to the Revenue department for the purpose of fixing fair rent. Our idea was not to deprive the Civil Courts of their powers of jurisdiction. As the hon. Members know, it is only fixation of fair rent and it requires a certain amount of knowledge of the soil, the yield of the place, the wages pertaining to the locality and things like that. Knowledge about these things is absolutely necessary for the purpose of fixing fair rent. If the Law Courts were entrusted with this work, I am sure it may not be possible for them to come to any conclusion, much less a correct conclusion, like the Revenue authorities. The function of the Rent Court is essentially a revenue matter. The power of deciding whether a document was a lease or a mortgage is given to the Civil Court because we know that the Rent Court will not be able to weigh the law and decide whether a document was a lease or mortgage. They cannot quickly come to a conclusion with regard to this matter. There is absolutely no intention on our part to deprive the Civil Court of their jurisdiction. What we want is this. The Rent Court must be given its proper place and the Civil Court must be given its proper place. In this Bill, we have apportioned the various duties as per the efficiency and skill of the machinery concerned which is utilised for the purpose.

“Sir, Dr. John referred to the German land reforms and all that. He said that we could capitalise rent and ask the tenant to pay the amount. He said that it would not come under expropriation. Sir, arbitrary fixation of rent by a multiple of 15 or 20 will be more expropriatory than the fixation of the ratio of fair rent. We have to consider the fact that it might be very good in a land reform matter. But in a tenancy reform measure, where the relationship between the landlord and tenant has to be settled we cannot take up such principles and adhere to them.

“Sir, I can assure hon. Member Sri Balasubramanya Ayyar that the Government have tried to be just in the apportionment of the rent. It is fair rent that the Government have fixed and the Government have not in any way taken away the janmis' paramount title or right to the properties. Their right to resume the possession of the land for *bona fide* cultivation alone is restricted. There is no question of taking away their right or disputing the paramount title of the janmi. I can claim that this Bill will satisfy the majority of the people of Malabar. I know there will be a certain section of the population which will not be satisfied. As far as the clauses are concerned, I am sure they will satisfy the majority of the people of Malabar. If we grant some more amenities or advantages to one class, it is sure to raise apprehensions on the side of the other class. On the whole, we have considered all the aspects and have come to the conclusion

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that it is not necessary to revise some of the rent fixing sections. We thought that an overall consideration of the whole question was necessary to have peace and to see that the production of the State increased as a result of friendly relations between the landlord and the tenant. We have not taken up this Bill for political or other considerations. We had to take up this legislation, as in the last six years or so, there has been a number of suits filed against the tenants for possession. A large sum of money was spent in litigation and practically about 80,000 families were involved in about 20,000 pending suits. We thought that a speedy, just and comprehensive legislation will be able to solve all these difficulties and will be able to achieve peace. I am sure that this House can take it from me that the Government have considered all aspects of the question and we were not cowed down by any representation on the part of any party or section. We thought that we should consider all these aspects in the interest of the landlord and the tenant in Malabar.

“Sir, I think I have covered all the points and I hope that the doubts and fears raised by the hon. Members have been cleared by my reply. I also hope that the hon. Members belonging to all sections will vote for all the clauses of the Bill with my assurance that this Bill has not hit any section of the people of Malabar. This is only a just Bill which we are bound to pass considering the welfare of the people of Malabar. Thank you, Sir.”

MR. CHAIRMAN:—“The question is—

“That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) (as passed by the Assembly), be taken into consideration.”

The motion was carried.

The consideration of the Bill clause by clause was then taken up.

Clauses 1-A, 2, 3, 3-A and 4 were put and carried.

Clause 4-A.

MR. CHAIRMAN:—“Motion moved—

“That clause 4-A do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR:—“Sir, I move—

“In sub-clause (iii), delete the words beginning with “after sub-section (4)”, etc., and ending with “revision” and also sub-section (6).”

The sub-clause says:

“Fair rent determined under section 9-CC shall not exceed twice the rent payable for the agricultural year 1949-50 . . .”

I want to remove the restriction placed on the Court in the matter of fixation of fair rent. Once fair rent is fixed, it is generally assumed that both sides will be bound by it. That is the principle

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Clause 9.

MR. CHAIRMAN:—"Motion moved—

'That clause 9 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move—

'In clause 9-cc omit the words "or after the expiry of three years from the commencement of the Malabar Tenancy (Amendment) Act, 1954." "

The provision in the Bill is—

'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.'

Once there is a dispute why should the landlord alone be compelled to wait for three years? This point was also referred to by the Government of India. Why should there be this difference between the landlord and the tenant? I do not want any disputes. But should there be a dispute as to the fixation of fair rent, the tenant can immediately apply to the Rent Court but so far as the landlord is concerned, after the passing of this Act, he will have to wait till 1957. If he is alive till then, he can apply for determination of fair rent. This provision is perfectly unfair to the landlord.

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'In clause 9-cc omit the words "or after the expiry of three years from the commencement of the Malabar Tenancy Amendment Act, 1954." "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I oppose the amendment, Sir. All of us are aware that there are more than 20,000 suits pending in Malabar in respect of eviction for *bona fide* cultivation. We want to give a few months' time for the tenant and the landlord to try whether they can square up the disputes that arise between them. After three years the landlords can go to the court. We have also to consider another fact. The object of any tenancy legislation is to prevent rackrenting. This can only be achieved if we allow the tenant immediately to go to court and get a fair rent fixed. If we allow the landlords also the right to go to court there will be another rush of petitions in the courts from the landlords as well. I have therefore to oppose the amendment."

SRI T. M. NARAYANASWAMY PILLAI:—"I think the pendency of suits would be wiped out by the passing of this Act. Unless these suits are disposed of, there is no meaning in passing such a legislation. This very Bill is intended to put an end to

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litigation. Therefore, the reason given by the Hon. the Minister for Law cannot hold good. There is discrimination between the landlord and the tenant."

MR. CHAIRMAN:—"I cannot allow the hon. Member to speak at this stage."

THE HON. SRI C. RAJAGOPALACHARI:—"For three years, the landlord is not allowed to go to a court and ask for increased rent. Thereafter if he applies, he will get an increase by only 25 per cent each year. Thereafter when it reaches double the rate at the most, it stops there. Therefore there is no great harm done to the landlord in this three years' period being accepted."

SRI K. BALASUBRAMANYA AYYAR:—"It is not for the purpose of asking for fixation of increased rent. It is only for the purpose of making an application to the Rent Court, if there should be a dispute, that this three years' limit has been fixed. The clause says: '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'. The tenant can apply immediately, but the landlord has to wait for three years."

MR. CHAIRMAN:—"The question is—

'In clause 9-cc omit the words "or after expiry of three years from the commencement of the Malabar Tenancy (Amendment) Act, 1954." "

The amendment was lost.

Clause 9 was put and carried.

Clause 10 was put and carried.

Clause 11.

MR. CHAIRMAN:—"Motion moved—

'That clause 11 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR:—"I move my amendment, namely—

'Omit the words "shall not be liable to be revised on the application of the landlord before the expiry of twelve years from the date of the orders of the Rent Court, but" and after the words "reduced" insert the words "or enhanced"; and at the end add the words "and the landlord respectively." "

"This is on a par with the earlier amendment I moved. The provision is very unfair and I am pressing my amendment for the acceptance of the Government. The fair rent ceases to be fair. That is the whole difficulty. 'Fair rent shall not liable to be revised on the application of the landlord before the expiry of 12 years from the date of the order of the Rent Court but may for sufficient causes be reduced by the said court on the application of

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the tenant.' Why should there be this discrimination? If it is sauce for the goose let it be sauce for the gander also. The right is given to the tenant to ask for a reduction within 12 years but the landlord cannot apply within 12 years. Why should there be this discrimination? I have therefore moved the amendment, and request that it may be accepted by the Government. Let the landlord and the tenant have the right to apply to the Court and if the Court fixes the fair rent let them accept it."

The amendment was duly seconded.

Mr. CHAIRMAN:—"Amendment moved—

'Omit the words "shall not be liable to be revised on the application of the landlord before the expiry of 12 years from the date of the orders of the Rent Court, but" and after the words "reduced" insert the words "or enhanced"; and at the end add the words "and the landlord respectively".'

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir there seems to be some amount of misapprehension. I can assure the hon. Member that in respect of these revisions and other things, too many petitions will not come. That has been our experience. In the 1930 Act there was a provision for revision of rent. But only very few petitions were filed. Unless it is a question of very bad rackrenting, these things will not happen. We have fixed 12 years because it is the usual period fixed in other case also."

SRI K. BALASUBRAMANYA AYYAR:—"I only want that the landlord should be given the same right as the tenant."

Mr. CHAIRMAN:—"The question is—

'Omit the words "shall not be liable to be revised on the application of the landlord before the expiry of 12 years from the date of the orders of the Rent Court, but" and after the words "reduced" insert the words "or enhanced"; and at the end add the words "and the landlord respectively".'

The amendment was lost.

Clause 11 was put and carried.

Clauses 12 and 13 were put and carried.

Clause 14.

Mr. CHAIRMAN:—"Motion moved—

'That clause 14 do stand part of the Bill.'

SRI M. P. GOVINDA MENON:—"A new section has been introduced to prove the real nature of the transaction. This clause says:

'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, etc.'

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The Hon. Minister for Law enumerated the points on which he has improved the original Bill brought forward by the then Minister Sri Madhava Menon. In the Act of 1951 there was a Section, i.e., Section 52-A. That section gave the right to the tenants to prove the real nature of the document. The year 1916 is mentioned because as I said in my general remarks the landlords of Malabar came to know then that there was a likelihood of legislation being brought in regarding this matter. So they began converting what were known as kanams, etc., into mortgages. Therefore section 52-A gave the right to tenants to agitate and reopen the question. Now the present Bill also gives the right to the tenants. But there is a world of difference between these rights given to the tenants. Sri Madhava Menon's Act gave not only the right but laid the onus of proof on the landlord. There was a presumption in favour of the tenant. Now that onus is shifted. Not only this, but the proposed clause does not say what would be the effect of the declaration made by a court of law that this is not a mortgage but a kanam, etc. I, therefore, move—

'That the following be added at the end of sub-clause (1) of the new section 11 of Madras Act XIV of 1930:—

'When according to a decision under this section a transaction has been held not 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 the date of decision—

(a) be treated as kanartham in case the transaction has been held to be kanam or kanam kuzhikanam and security for due payment of rent in other cases; and

(b) 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 previous provision giving the Rent Settlement Authority the right of presumption regarding whether a deed is mortgage or kanam deed is now taken away. The onus of proof is shifted to the tenant. He must prove whether his deed is kanam or mortgage. The proposed clause does not say what will be the effect of a decision if a court comes to the conclusion that a deed is not a mortgage but a lease. That is why I have now brought forward this amendment, which I have just read out. I say when the decision of the court is that a deed is not a mortgage but a kanam, the effect of that decision would be to treat the amount purporting to be secured by way of mortgage as kanartham in case the transaction has been held to be kanam or kanam kuzhikanam. That should be treated as a security for the payment of rent. It must bear interest. That is why I have brought forward a consequential amendment specifying the rate of interest as one specified in the instrument relating to the transaction or at five and a half per cent per annum whichever is less. I think

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that this is but just and fair. In the absence of that valuable presumption in the previous section 52-A, my amendment fulfills the purpose and this alone will satisfy the numerous tenants, on whose shoulders the onus of proof is now shifted."

SRI G. KRISHNAMURTHI:—"I second the amendment just moved."

MR. CHAIRMAN:—"Amendment moved—

'That the following be added at the end of sub-clause (1) of the new section 11 of Madras Act XIV of 1930:—

"When according to a decision under this section a transaction has been held not 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 the date of the decision—

(a) be treated as kanartham in case the transaction has been held to be kanam or kanam kuzhikanam and security for due payment of rent in other cases; and

(b) 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 HON. SRI C. RAJAGOPALACHARI:—"Mr. Govinda Menon knows more about it very probably than what I do. But still I would like to draw his attention that there is no question raised now about onus to which reference has been made just now. We need not discuss that now. It is now provided in the first sub-clause to the clause proposed in the Bill. If it is claimed that a transferee is entitled to fixity of tenure in accordance with the provisions of section 10 of the principal Act the question to be decided by the court is whether it is a Malabar mortgage with such fixity of tenure or a pure and simple mortgage. According to Mr. Govinda Menon, once it is recognized by the court that it is a kanam and not a mere mortgage, the amount purporting to be secured by way of mortgage should be treated as kanartham and shall bear interest at the rate specified in the instrument or at five and half per cent per annum whichever is less. But I say that according to the second sub-clause of the new section proposed by Government, the power is given to the court, in case the court holds that the transferee is entitled to fixity of tenure in accordance with provisions of section 10, to pass necessary directions regarding the application of the sum, if any, advanced to the landlord. The power is also given to the court to make other suitable alterations in the terms recorded in the instrument executed by the parties. I think the provision in the second sub-clause of the proposed section given notice of by Government and passed by the Assembly, is a better and more flexible provision than the one suggested by Mr. Govinda Menon wherein a certain decision of the court is assumed and on that assumption certain

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directions are proposed. I think it would be by far better to leave the second sub-clause as it stands at present rather than allow the court to rely upon the fictitious statement of the transferee. The court should be given the power to decide what is to be done. That power has now been given in the second sub-clause of the proposed section. I think in the light of what I have said, Mr. Govinda Menon will not press his amendment. The court should not be asked to rely conclusively on the statements in the documents."

The amendment of Mr. Govinda Menon was by leave of the House withdrawn.

Clause 14 was then put and carried.

Clause 15:

MR. CHAIRMAN:—"Motion moved—

'That clause 15 do stand part of the Bill.'

SRI M. P. GOVINDA MENON:—"Sir, I move—

'Omit sub-clause (5) in sections 14 and 20 of the principal Act.'

"I am not moving now the alternative amendment I had given notice of. Sub-clause (5) of section 14 of the principal Act gives the power to the landlord to evict his tenant for *bona fide* purposes. Hon. Members here need not feel depressed that there is no provision in the Bill giving the right of eviction to the landlord. I have been hearing so many speeches wherein the cry had been raised that the janmis had been denied the right to evict the tenants for *bona fide* reasons. In fact under section 14 of the Act, there are various clauses by which a landlord could evict his tenant. There is no difficulty with regard to that. The question now is what is to be done if the landlord wants to do his own cultivation. Can he evict the tenant straightway? Section 20 contains various sub-sections by which the kanamdars, kuzhikanamdars and verumpattamdars could be evicted by the landlords on *bona fide* grounds. But we find in section 14 of the principal Act, a new provision has been added now when this Bill was discussed and passed by the Assembly. A proviso has been added to section 14 by which it is now provided that if a tenant had been in continuous occupation of a land for six years, on no ground he could be evicted. I ask in all seriousness 'Why can't the Government do away with the landlord straightway. Why stipulate a provision stating that the tenant, because he had been in occupation for six years, should not be disturbed? Why can't the tenant be made the proprietor of the land when during all these six years he had been tilling the soil and raising the produce? Why can't that concession be shown to him?' I ask with all the seriousness at my command that this sort of loophole should not be created. This sort of provision enabling the landlord to evict the tenant for *bona fide* purposes should be omitted completely. The tenant

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had all along been cultivating the lands. He had been doing his work conscientiously. All on a sudden if the landlord were to say that for *bona fide* reasons he wants to resume personal cultivation, where can the poor tenant go? Is he to be left in the lurch? That is why I say, 'do not give any such loophole'. Once some sort of fixity of tenure had been given, let that fixity be everlasting. Let it be made clear that if a tenant had been in continuous occupation of land for six years, not only should he be allowed to continue without being evicted but he should be declared the owner of the land straightway. Let not Dr. John feel that the middle class are being deprived. The tenants are poorer than the middle class. Our object is that the man who cultivates, the man who tills the soil and the man who works from dawn to dusk and through whose sweat and labour the produce is raised, should not be distributed. Let there be no intermediary between the actual cultivator and the State. Let there not be a separate class over and above the actual cultivator. Let it not be misunderstood that I am Communistic in my utterances. I only want that the man who works and who raises the produce, should be made the ultimate owner of the land. After all it is but just and proper to do so. Till such a state of affairs comes when the cultivators will become the absolute owners, when the maximum and minimum holdings will be fixed, when the nationalization of land will complete, let the cultivators of the soil not be disturbed from pursuing their work of cultivation. That is why I say it would be better to omit sub-section 5 of sections 14 and 20 by which the landlord is given the power to evict the tenant for *bona fide* purposes, and leave the tenant helpless. Of course, Government might say that they have now removed the ambiguity in the term '*bona fide*' by now putting the word 'primary needs' in place of *bona fide*. To that extent I may be glad. But even then the picture is not rosy for the tenants. The sub-section should be omitted. They should be given fixity. They should not be disturbed. If that sub-section is removed Government would have given a quietus to the present agitation of the peasants of Malabar."

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'Omit sub-clause (5) in sections 14 and 20 of the principal Act.'"

THE HON. SRI C. RAJAGOPALACHARI:—"I think Mr. Govinda Menon has forgotten to add to his amendment a consequential amendment."

SRI M. P. GOVINDA MENON:—"It follows."

THE HON. SRI C. RAJAGOPALACHARI:—"Oh, I see.

"There are two sections, 14 and 20, in the principal Act. In both of these sections there are various sub-sections wherein conditions are laid down for evicting a tenant. Under certain

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conditions the landlord can apply for evicting his tenant. Objections have not been raised in respect of the other sub-sections of sections 14 and 20 by which the landlord could apply for evicting his tenant. Objection has now been raised to the provision that a landlord could apply for eviction of his tenant in case he requires the land *bona fide* for his personal cultivation or for a member of his family. If the landlord requires the land for maintaining himself and his family and to satisfy his primary needs, as between him on the one hand and his tenant and his primary needs on the other, the former is given preference. In fact that was the old provision also. It was said in the old provision that if the landlord were to require the land for *bona fide* reasons, the tenant could be evicted. Because there were certain ambiguities raised in law courts regarding the interpretation of the term 'maintenance' we have now changed it into 'primary needs'. By 'primary needs' is meant what one requires for food, shelter and clothing for himself and his family. That is the ordinary meaning of the term which would appeal to anyone. In fact this was what was pointed out during the Select Committee sittings by us when we changed the wording 'maintenance' into 'primary needs'. I do not think any ambiguity would arise regarding the interpretation of the term 'primary needs'. But Mr. Govinda Menon wants to oppose even that. He does not want that if a landlord were to require his land for satisfying even his primary needs, he should be allowed to evict the tenant. I think Mr. Govinda Menon is going too far. It is not proper to deny the landlord even the facility to cultivate his own land for satisfying his primary needs. I think that instead of moving this amendment and getting a negative vote and sowing the seed for further agitation, I would beg of Sri M. P. Govinda Menon not to plant the seed for agitation but to leave the Bill to grow in a healthy atmosphere. I may also point out that as between sections 14 and 20 of the Malabar Tenancy Act we allow the six-year rule only in respect of one section and we do not allow it in regard to the other section. This is a provision greatly in favour of the tenants. Without arguments and reasoning, if I could persuade him on this one ground that we should allow the Bill a fair chance and not plant a new seed for agitation, I would request Sri Govinda Menon not to press this amendment."

SRI M. P. GOVINDA MENON:—"Sir, I would have been happy if I were in a position to accept the suggestion coming from such high quarters but I cannot accept it on principle because, according to my experience, 'primary needs' will become the subject-matter of litigation in courts hereafter. What is a primary need of one man may not be the primary need of another."

THE HON. SRI C. RAJAGOPALACHARI:—"May I interrupt, Sir, with your permission. I thought Sri Govinda Menon would be convinced. What I wish to say is that there is no question here of favouring a particular person A, B or C. The idea is to favour those who want themselves to cultivate their lands. Here

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is a man who has got justice ownership of the land who says 'I will cultivate it myself'. For what purpose, it may be asked. It is not for making huge profits but for meeting his primary needs. Why should not the Government help him to do so? I think we should bring in a class of people who were not hitherto cultivators to cultivate the land and for that reason the Government press their opposition to the amendment."

SRI M. P. GOVINDA MENON:—"Sir, if as the Hon. the Chief Minister says a person wants to cultivate, he can purchase leasehold rights."

THE HON. SRI C. RAJAGOPALACHARI:—"Why should he purchase leasehold rights and why should he not cultivate his own lands?"

SRI M. P. GOVINDA MENON:—"Sir, those who have money are sometimes investing it in purchasing the general rights and sometimes the kanam rights. If a tenant and his family have been in possession of the land, he must be given fixity of tenure. I am not withdrawing my amendment."

MR. CHAIRMAN:—"The question is—

'Omit sub-clause (5) in sections 14 and 20 of the principal Act.'"

The amendment was lost.

SRI M. P. GOVINDA MENON:—"Mr. Chairman, Sir, I move that—

(a) in the proposed sub-clause (iii) in item (3) of clause 15, after the words "inter vivos", add the words "voluntary or involuntary".

(b) for the word "two" in line 4 substitute the word "six".

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

"(a) in the proposed sub-clause (iii) in item (3) of clause 15, after the words "inter vivos" add the words "voluntary or involuntary".

(b) for the word "two" in line 4, substitute the word "six".

SRI M. P. GOVINDA MENON:—"Sir, the amended item (iii) of the new sub-clause would read as follows:—

"(iii) no person whose right to evict arises under an instrument of transfer inter vivos voluntary or involuntary shall be entitled to sue for eviction on the ground specified in clause (5) or clause (6) until the expiry of six years from the date of the instrument."

This is a very good and wholesome proposal made by the Government because in Malabar the landlords used to make bogus assignments in favour of their relations or dependants in order to circumvent the provisions of sections 14 and 20 of the principal Act.

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These dependants or relations would be made to file suits saying that they are the absolute proprietors and under the instruments of transfer they have got the right to evict the tenants. It is a very wholesome provision that no person whose right to evict arises under an instrument of transfer shall be entitled to sue for eviction for a certain period. But, the transfer is *inter vivos*. I want only to add the words 'voluntary or involuntary'. It is a very simple, innocuous and innocent amendment which even this House could accept. What is the use of our existence if we could not accept even such an innocent amendment? Sometimes the transfer may be voluntary or involuntary. The landlord may make his dependant file a collusive suit and get the property attached and the dependant will become the owner saying that he was a person without property. It should be made clear and therefore I have proposed this amendment. If this simple amendment cannot be accepted I do not know what is the use of our moving amendments here or continuing the existence of this House."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I oppose the amendment. The hon. Member himself admitted that it was only a very minor thing and he could very well withdraw it. This aspect has been considered and the necessary safeguards are there. I submit, Sir, that the hon. Member will kindly withdraw this amendment."

DR. V. K. JOHN:—"Involuntary *inter vivos* is unknown to law!"

MR. CHAIRMAN:—"The question is—

(a) in the proposed sub-clause (iii) in item (3) of clause 15, after the words "inter vivos" add the words "voluntary or involuntary".

(b) for the word "two" in line 4, substitute the word "six".

The amendment was lost.

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, I move—

'That in sub-clause (4) Exception, at the end, add the words "before the year 1946".'

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'That in sub-clause (4) Exception, at the end, add the words "before the year 1946".'

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, this amendment, viz., 'six years before the year 1946' raises a great question of principle. I would therefore press it with all the earnestness which I can command even though our

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experience has been that no amendments are accepted. I do so because the year 1946 is a crucial year so far as Malabar Tenancy Amendment Acts are concerned. In this year by legislation there was a stay of all suits for eviction or for recovering arrears of rent. The Government said that till a notification was made this Amending Act granting the stay of suits would be in force. They did not make any such notification and this Act went on. The Government also passed another Act, the Tenants and Ryots Protection Act, 1949. Therefore this thing has been continuing from the year 1946 to 1953-54. For the last 8 years the tenants have been in possession not on account of their ability or on account of the action of the landlord but by the action of the Legislature which passed an Act putting them in possession. The suits for eviction might have been good or bad and might not have even been just but all suits were stayed for the purpose of giving general relief. I do not quarrel with this thing but what I want to say is that because the suits had been stayed and the tenants had not been evicted they have been continuing in possession. Now, this Exception says that the landlord cannot resume his land if any holding has been in continuous occupation of a tenant for not less than six years. A landlord, who in the evening of his life wants to enjoy a portion of his property of two or three acres for the purpose of maintaining himself and his family is to be denied this right especially in cases where the period of tenancy of the cultivating tenant has expired. It is only after the expiry of the period for which the tenant has been let into the land that the landlord has the right to resume his land. Even after this period he is not to be allowed to resume the land for his own primary needs as the Hon. the Chief Minister has explained, namely, food, raiment and water. He is now to be denied this right and already six years have elapsed. No landlord can resume even a portion of his land for cultivation. (An hon. Member: 'If the tenant has been continuously in occupation from 1946'.) He has been put into occupation by the Legislature and that is why I say let the period of six years be counted prior to 1946. That will be reasonable for all. Originally twelve years was also fixed by the Select Committee."

Dr. V. K. JOHN:—"Sir, I support this amendment. I think no Government should have been a party to an amendment to reduce the period from 12 to 6 years. Perhaps, the Hon. the Minister for Law must have had the advantage of a Tutor in mathematics. For 8 years from 1946 to 1954 the tenants have been in possession on account of an Act passed by the Legislature. If they had been in possession for six years now, they were certainly compelled to be in possession when you cannot evict them. I am not very much in sympathy with the landlords who want to evict tenants and I am only concerned with the rationality of the amendment reducing the period of 12 years to 6 years. The Joint Select Committee said it must be 12 years and the original Bill also said it should be 12 years. There was some sense in it because for 8 years the landlords could not evict the tenants. How

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can the Government now say that no tenant could be evicted if he had been in possession for six years while he had already been in possession for the last eight years. Reducing it from 12 to 6 years is therefore an irrational amendment. I hope a day will come when there will be no evictions at all, when every tenant who is the tiller of the land and who is in possession of the land will become the owner or the owner will have land which is his own for cultivation. I do not see any reason why an owner should not have a land for cultivation if he wants it *bona fide* for cultivation purposes. Mahatma Gandhi was quoted as saying that there should be nobody between the Government and the tiller of the soil. We must have something rational and the rational thing is to allow the cultivator to be the owner of the land and not to be a tenant with fixity of tenure for eternity. Landlord-tenant relationship should be scrapped. I am afraid, if this is not done, the present measure will only lead to further agitation hereafter. Coming to the amendment, I wish to state that no Government should have been a party to such a provision to which the amendment relates when they know that eight is bigger than six."

SRI M. P. GOVINDA MENON:—"Mr. Chairman, Sir, I can understand the hon. Member Sri K. Balasubramania Ayyar honestly and frankly supporting janmis. I respect his feelings and sentiments. But I cannot understand the attitude of those people who shed crocodile tears for the tenants and who are all for tenants but always support the interests of landlords. The tenant has been cultivating the land for years and has been giving food to the landlord and his family. Why not Dr. John have some sympathy for the tenant who cultivates the land and gives food to the landlord? I know that many landlords who have lands have come to Madras and have started business. Many of them have started coffee hotels. Some have opened '*vethalai kadais*'. These people have not been cultivating their own lands. I generally welcome, Sir, brutal, frontal attacks but I cannot bear side attacks."

THE HON. SRI C. RAJAGOPALACHARI:—"Sir, too much heat blurs reason. The real commonsense reason I would press for accepting the Bill as it is without amendment is this. Although Dr. John says vociferously that no Government should have been a party to it, I do not see why the Government should not have an open mind in this matter. If the principle should be maintained that once a Government come to a decision they should not change it, then we should not accept any amendment to the Bill. But that is not correct. The real commonsense reason is, if between two parties one has been carrying on for six years without direct cultivation, it should be presumed that he can continue to do the same."

SRI T. M. NARAYANASWAMY PILLAI:—"I may agree that a person who has been cultivating the land for six years may be given fixity of tenure. But the main question is when this

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period of six years should commence, i.e., six years before 1946 or six years from 1946. If a tenant has been in occupation for six years prior to 1946 all that the Hon. the Chief Minister says is correct; but after 1946 the rights of the parties—the landlord and the tenant—have been in dispute, and the landlord's right is held in abeyance by the Court. Under the provisions of this Bill, a tenant who may be defying the provisions of law from 1946 has now been given the right of occupancy. That is the main principle underlying the amendment to which the Government have now agreed. That is what Mr. Balasubramania Ayyar objects to and what I object to. If a landlord has got a right under the law at the time when the ban on eviction was imposed that right should be protected. But the provision in the Bill states that notwithstanding the rights of the parties, the tenant is entitled to protection. That is what we object to and that is the standpoint which we cannot understand."

THE HON. SRI C. RAJAGOPALACHARI:—"I think I have not been misunderstood. I have great respect for Mr. Narayanaswami Pillai's opinion. That is why I am asking whether he is under a mistake or whether he really objects to my argument."

"Here is a case where a particular right—it is a peculiar right—is given. Ordinarily a tenant should not be evicted without good cause. That is accepted as a matter of policy or expediency or as a matter of principle. Whatever it may be, it is not contested now. But under certain circumstances a landlord can interfere with the position of the tenant. What are those special circumstances? A case may arise when the landlord is absolutely in need of the land for his primary needs. That is a very limited right given to the landlords to interfere with the tenant's position, apart from the question of continuous occupation for six years or for one year or for two years. Now it is stated in the Bill that that limited right of interfering with the tenant, who is ordinarily not to be evicted but because the landlord is in dire need has to be evicted, has to be tested by facts, by evidence and by reflection. Here is an indisputable fact that for six years,—whatever may be the cause,—he has been carrying on and meeting his primary needs without the cultivation of land. Therefore this limited contingent right to interfere with the tenant is not given when the tenant has had possession for six years. The legal position of calculating the six year period should not come in for consideration. What we want to consider is whether the land is necessary for primary *bona fide* needs. It has been proved that it is not necessary by the fact that for six years he has been carrying on without it."

SRI T. M. NARAYANASWAMY PILLAI:—"The point to be considered is, Sir, that from 1946 which is the crucial date a tenant may be in unlawful possession of the land and that such possession of the land from 1946 should not be taken into consideration in giving fixity of tenure."

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"If we accept the amendment, we will be depriving the tenant who has been in continuous occupation for six years, the concession which we have given by way of fixity of tenure. We cannot say that all the landlords in Malabar were prevented from filing suits as a result of the Tenants and Ryots Protection Act. There may be only a few individual cases."

"I will tell hon. Members that as far as Malabar tenancy is concerned, it is only in exceptional cases there are disputes. We can only prescribe a certain procedure by which we have to protect *bona fide* persons and allow them certain privileges by prescribing a six-year limit. We have given all that to *bona fide* tenants and if in a few cases some persons are hard hit we cannot help it. Sir, I oppose the amendment."

MR. CHAIRMAN:—"The question is—

'That in sub-clause (4), Exception, at the end, *add* the words "before the year 1946".'

The amendment was lost.

Clause 15 was put and carried

Clause 16 was put and carried.

Clause 17.

MR. CHAIRMAN:—"Motion moved—

'That clause 17 do stand part of the Bill.'

SRI M. P. GOVINDA MENON:—"Sir, I beg to move—

'For the existing clause 17, substitute the following:—

"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:—

"28. The maximum rent payable by every cultivating tenant of a holding other than a Kanamdar or a customary verumpattamdar, every tenant of a commercial site, who is entitled to fixity of tenure under this Act, every tenant of Kudiyiruppu, every holder of a protected ulkudi and every holder of a kudi-kidappu shall be the 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 above amendment is the most important amendment which I have given notice of and which I move. Though I know I have not got a party to support my amendment, I am very optimistic about the success of my amendment. I believe that the Hon. the Chief Minister will yield to some pressure—not political or any other pressure—but the pressure of logic and the pressure of reasoning. I will place logical arguments before him and I hope, I will succeed in convincing him. If the Government accept

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my amendment, the Bill will have to be sent back to the Assembly again, and that is the difficulty experienced by Hon. Ministers on the Treasury Bench. I should like to ask, Sir, what are we here for if alterations cannot be made in a Bill by means of amendments moved here in this House? If we cannot usefully make amendments it is better that this House is abolished.

"If the amendment is accepted, the Bill must go to the Assembly again. The Constitution provides for that. The Constitution provides for the existence of two Chambers for this purpose. Another argument of the Hon. the Law Minister is that this is a very urgent matter and that thousands of cases are pending in Malabar. I concede, but that argument will not hold good. In the morning session, we passed the Madras Indebted Agriculturists (Temporary Relief) Act. This Act will stay all the suits pending now. Even if the Malabar Tenancy Bill is passed into law to-day, these suits cannot be disposed of. These suits for recovery of arrears of rent will have to be stayed, because under the Moratorium Act 'debt' does not include current rent but includes arrears of rent. I understand from the newspapers that the Assembly will be sitting again from the 22nd February 1954 and that the Budget will be introduced on the 27th February. We can wait for a few weeks more. There is enough time between the 22nd and 27th February. This Bill can go back to the Assembly and between the 22nd and 27th February 1954—the year of Grace—we can pass the Malabar Tenancy (Amendment) Bill completely. If there is a difference between the contract rent and the fair rent, I plead that the tenant need only pay the lesser of the two."

THE HON. SRI C. RAJAGOPALACHARI:—"On a point of information, Sir, may I ask a question. When we have passed clause 4-A, will this be in order?"

SRI M. P. GOVINDA MENON:—"This is in order. Section 9-CC only says how fair rent has to be fixed. Section 28 is the section which deals with the payment of rent. So I am in order. Clause 17 says 'Substitution of new section for section 28—For section 28 of the Principal Act, the following section shall be substituted, namely:—

'Every cultivating tenant . . . 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, 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."

Therefore, the liability of the tenant to pay rent arises under this new section and in this connexion I say that the clause 'whichever is less' must be accepted."

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THE HON. SRI C. RAJAGOPALACHARI:—"If I am wrong in my facts, Mr. Govinda Menon can correct me. Section 4-A is the substantial section which lays down the law for deciding the rent. We have passed it and we have said therein that it shall not exceed more than twice the rent payable, but that if it exceeds, the increase shall be spread over more than one year so that in no year the rent shall be not more than one and a quarter times the rent payable for the year immediately preceding. Therefore, this procedural section cannot now re-open that section."

SRI M. P. GOVINDA MENON:—"This is about the fixing of fair rent. As already stated by me, the liability to pay fair rent arises only under section 28, which comes under clause 17. So I am entitled to move this amendment to clause 17."

DR. V. K. JOHN:—"I support the point of order raised by the Hon. the Chief Minister. This amendment is not in order at all."

THE HON. SRI C. RAJAGOPALACHARI:—"I think I am right."

SRI M. P. GOVINDA MENON:—"With very great respect to the Hon. the Chief Minister, I may point out that clause 4-A says how fair rent should be calculated. The liability to pay arises only under section 28."

THE HON. SRI C. RAJAGOPALACHARI:—"Would it be in order if the Bill provided fair rent to be determined in a particular way and the payment to be made in a different way?"

SRI M. P. GOVINDA MENON:—"If my amendment is accepted, the Government will have to come with consequential amendments."

THE HON. SRI C. RAJAGOPALACHARI:—"That amounts to saying that if the present amendment is accepted, we will have to alter the previous decision. That is why I say it is out of order."

MR. CHAIRMAN:—"I rule out of order the amendment of the hon. Member."

Clause 17 was put and carried.

Clauses 18 to 26 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I move—
'That the Malabar Tenancy (Amendment) Bill 1953 (L.A. Bill No. 12 of 1953) (as passed by the Assembly), be read a third time and passed.'"

[18th January 1954]

MR. CHAIRMAN:—" Motion moved—

' That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) (as passed by the Assembly), be read a third time and passed.' "

DR. V. K. JOHN:—" Sir, it is my prayer and my fervent hope that wisdom will dawn upon this Government to go into this Act again and produce a rational measure of agrarian reform which will enable the owners of land to resume their land for cultivation if they *bona fide* require it and the tillers of the soil to be the owners of the land by allowing them to purchase the land in annuities. It was stated here that Mahatma Gandhi was of the opinion that there should not be anybody between the tiller and the Government. In many other States in India also opinions have been expressed by important persons, who have gone into this question, that the tiller of the soil should be the owner of the land. The present measure will only lead to further agitation for another legislation. I hope, Sir, wisdom will dawn upon the Government which will bring in a measure which will prevent exploitation and expropriation at the same time."

SRI M. P. GOVINDA MENON:—" Mr. Chairman, Sir, I concede that the present Bill as passed by both Houses is really an improvement over the 1951 Act. I do not want to go into all the questions. I shall just summarise them. As far as the cultivator is concerned, in fixing the fair rent, the cultivation expenses have been increased from 22 to 25 paras. It is a great deal so far as the cultivator is concerned. In the matter of eviction, an Explanation has been added to Clause (5) of sections 14 and 20 of the principal Act that in considering requirements for maintenance regard shall be had only to primary needs. I am not satisfied with that, but anyway it is an improvement on the previous Act. Again, under section 14, a cultivating verumpattamdar, who has been in continuous occupation of a holding for not less than six years, is protected. A person whose right to evict arises has to wait for two years. These are real improvements as far as the cultivating tenant is concerned. In respect of the provision for eviction of verumpattamdar, kanamdar, etc., also, there are some improvements."

" In the matter of fair rent, there is considerable improvement. Under the Malabar Tenancy Amendment Act of 1951, the tenant had to pay one-half of the net produce, after deducting twenty-two Palghat paras of paddy per acre for cultivation expenses, and an amount equal to one-half of the annual assessment payable in respect of the land. Under this Bill the cultivation expenses have been raised to twenty-five paras of paddy per acre, and the tenant need not pay one-half of the annual assessment for the land. In respect of garden lands also, the rent has been reduced and this is a considerable improvement."

" Certainly the tenants of Malabar will be grateful to the Government, especially to the Hon. Chief Minister who intervened and

[18th January 1954] [Sri M. P. Govinda Menon]

helped to get such an improved Act for the tenantry of Malabar. Of course, I am not satisfied. When I say this, it is not for the purpose of starting an agitation. As I said in a former speech on this Bill, agitation is the reflection of the position in the country. The Hon. Chief Minister might have gone a step further. If he had conceded complete fixity of tenure and fixed the rent at fair rent or contract rent whichever was less, the people of Malabar will be happier in spite of the drought which prevailed for the last several years. Unfortunately that has not been done. I also pray along with Dr. John that wisdom may dawn on this Government and that they may be pleased to give complete fixity of tenure and fix the rent at fair rent or contract rent whichever is less."

" This Act is not going to solve all the agrarian problems and ills of our country. But it will create a better relationship between the landlord and the tenant. This Act has done some good and it is an improvement on the 1951 Act. The people of Malabar will be grateful to the Hon. Law Minister and the Hon. Chief Minister for this Act."

MR. CHAIRMAN:—" The question is—

' That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) (as passed by the Assembly), be read a third time and passed.' "

The motion was carried and the Bill was passed.

MR. CHAIRMAN:—" The House stands adjourned *sine die*."

The House then adjourned *sine die*.

THE MADRAS DISTRICT BOARDS (AMENDMENT)
BILL, 1954

20th March 1954] [Sri K. Rajaram]

could not be held before the expiry of the term of office of the Members of the District Boards. It was then intended that the elections to the District Boards should be completed by 1st April 1954 but on account of preoccupations connected with the Andhra partition, arrangements for the conduct of elections to District Boards could not be taken up as expected. Further Government have under consideration proposals for the decentralisation of the functions of District Boards. It is in fact proposed that the future of local bodies in the rural areas may be determined finally after a thorough examination of the various aspects of the local administration relating to rural areas. There is one proposal under the consideration of the Government to have smaller units of administration like the Taluk Boards in the place of the present District Boards. Examination of this question by the Government and necessary legislation and administrative arrangements for bringing the changes into effect are bound to take some time. It is therefore felt that the reconstitution of the District Boards should not be put off indefinitely on that account. In these circumstances, Government propose to extend the term of office of the Members of the District Boards to 30th June 1954 and arrange to hold the elections so as to bring into existence elected District Boards by that date. This Bill contains necessary provisions for this purpose.

"I, therefore, introduce this Bill, and request that it be taken into consideration at once, Sir."

Mr. CHAIRMAN:—"Motion moved—

'That the Madras District Boards (Amendment) Bill, 1954, be taken into consideration at once.'

Dr. V. K. JOHN:—"Mr. Chairman, Sir, this Bill is a clear evidence of the inefficiency of the Government. My regret is that even after the Hon. Mr. Rajaram took charge of the department not much change or improvement has taken place. What are the facts? The elections to the District Boards ought to have been held on the 1st April 1953. I do not know why they were not held then. The Government then introduced a Bill and had it passed. That Bill conferred power on the Government to have Special Officers appointed. These Special Officers were appointed and they thought that the necessity for the continuance of the Special officers would last only till 1st April 1954. Now they find their terms should be extended till 30th June 1954. I do not see any reason at all why elections should have been postponed in this manner. Elections need not have been put off in the beginning itself. It need not have been put off last time. Now Government say elections would be held after 30th June 1954. I do not know whether elections would be held then at all. After the expiry of the present period they may come up with another Bill and ask for further extension of time. If they cannot give the excuse of partition of Andhra then, they will come forward with some other excuse. We regret to see that the Government are so inefficient and that this inefficiency should also go into the Statute Book. Government are playing with the most important thing which ought to create and promote a Welfare State in our country,

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 20th March 1954.

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

THE MADRAS DISTRICT BOARDS (AMENDMENT) BILL, 1954.

THE HON. SRI K. RAJARAM:—"Mr. Chairman, Sir, I beg leave to introduce the Madras District Boards (Amendment) Bill, 1954, and move—

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

"Sir, this Bill seeks to amend the Madras District Boards (Amendment) Act 1953 (Madras Act V of 1953). The old legislation was enacted with a view to provide for the appointment of Special Officers to District Boards on the 1st of July 1953, the date of expiry of the term of office of the Members of the District Board, because it was felt that the elections to the District Boards

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[Dr. V. K. John] [20th March 1954]

namely, the Local Self-governing institutions. Article 40 of the Constitution of India provides that the State shall take steps to organize village panchayats and endow them with such powers and authorities as may be necessary to enable them to function as units of self-government. Now we had these so-called units of self-government for many, many years. In 1920 we had the Local Boards Act. Then in 1930 the Taluk Boards were abolished for some reason or other. Now there is an idea of bringing them back to life. But the Government have no idea of implementing Article 40 of the Constitution, namely, creating local self-governing units. The Britisher gave powers to these local bodies to light the streets and to attend to sanitary conditions within their jurisdiction. Now we must create really self-governing units which ought to collect revenue and spend large sums of money for the creation of a Welfare State and for solving the problem of unemployment. They should see that there are no beggars within their jurisdiction, that everybody is employed, fed, clothed, sheltered and educated, and sanitary conditions and social securities are provided. But now the Government are playing with the local self-governing bodies. I would suggest to Government, instead of thinking of restoring the Taluk Boards and, instead of playing with these local self-governing bodies, to bring in a comprehensive Bill which will really introduce local self-government in this State. After all it is decentralization that is now required—decentralization of administration. It may be that Ministers like to keep all power to themselves. It is no good at all. It is better to have local self-governing authorities instead of centralizing power and authority. There may be factions in those bodies. Are there not factions at higher levels? They may be factions in local self-governing bodies. But I wish to submit to the Government that a child can learn to walk only when it tries to do so though it may fall down now and then. Now, it should not matter at all if there are factions in the local bodies. We must create them and endow them with powers of self-government. Government must think over this matter and implement Article 40 of the Constitution of India which is fundamental according to Article 37 of the Constitution. Only it cannot be enforced in a court of law. I therefore suggest to Government that instead of playing with this very important matter, they must bring in a comprehensive Bill which will enable them to create and promote a Welfare State in this country. Some years ago we passed the Panchayats Act. But it has become a dead letter because the Government promised to give some money to those panchayats, and they could not find the money. I desire that as in Britain and other civilised countries where 25 per cent or more of the revenues are spent by local bodies, we should also empower the local bodies here to collect revenues and spend them carefully. Let not this Government play with this important matter but bring in a comprehensive measure as early as possible without wasting much time and create these local self-governing units. The unemployment problem can be solved only if local self-governing units are created and they are made responsible for the solution of the unemployment problem in their jurisdiction.

20th March 1954] [Dr. V. K. John]

"I say, Sir, that it gives no credit to this Government to introduce this Bill to extend from time to time the period which was fixed for the conduct of elections to these bodies, and also extend the life of the Special Officers. I must say that I condemn, and strongly condemn a Bill like this. But to-day it cannot be helped. Perhaps they may want a little more time to conduct the elections to these bodies. Even this 30th June 1954 is, I say, too long a period for conducting the elections. They can conduct the elections even much earlier. I would therefore request the Government not to bring in another Bill after some time to extend the period again."

SRI K. BHASHYAM :—"Mr. Chairman, Sir, the Deputy Leader of the Opposition has strongly condemned this Bill. This Bill has been brought before this House merely as a measure of administrative convenience. It is not as if there is any principle or policy relating to local self-government involved in it or that the Government have got any policy which is against what has been laid down in Article 40 of the Constitution. It is merely, as I said, a matter of convenience whether elections to the District Boards can be held now or a little later. It is true that elections must be held in an atmosphere which will enable all persons to come and vote with a free mind without any preoccupation. It was therefore necessary to postpone the elections at a time when excitement was high and people were engrossed with the partition of the State. I think the Opposition will agree with this view that in those circumstances elections could not be held and it was necessary to postpone them for a while. Now the question is whether this time-limit should be extended till the end of June 1954. This has been considered by the Government and I therefore support it. The arguments of the Opposition are also not against the present Bill altogether. I am sure that even if such a Bill had been brought forward at the instance of the District Boards that the elections should be postponed at a time of excitement like the partition of the State, the argument would have been valid.

"So far as the other ground for postponing the elections, namely, that the Government have in view further devolution of powers in regard to local self-Government, is concerned, it is also a perfectly valid argument. In fact, I can say, it will be in furtherance of the policy which the Deputy Leader of the Opposition desires. He wants as much decentralization of local self-Government as possible so that more and more persons can take part in local self-Governing institutions.

"Sir, reference has been made to the Panchayats Act. I think this Act is a step in the right direction and it had been passed for the purpose of implementing Article 40 of the Constitution. If this Act has not been put through much quicker than it has been, it is not because the Government are unwilling but because the people themselves are not quite ready. In the recent elections to Panchayat Boards there have been so many election disputes and

[Sri K. Bhashyam]

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we find a large number of these election writ petitions accumulating in the Madras High Court. I think it is merely a waste of shot and powder to oppose the introduction of the Bill before the House."

SRI T. PURUSHOTHAM:—"Mr. Chairman, Sir, this is the first time that an official Bill is being first introduced in this House and I congratulate the Government on doing so. This is a short Bill and there is no room for any controversy. But it should be stated that the Bill seeks to prolong the administration of the District Boards by officials and to that extent it is not a commendable piece of legislation. However, in the circumstances stated by the Government it is a necessary evil. It is said in the statement of Objects and Reasons that a scheme for the decentralization of the functions of the District Boards is under consideration. Pending a decision on this question, the elections to the District Boards could have been held before the expiry of the due date. The Legislature has now simply to bow to the decision of the Government and pass this Bill for prolonging the undemocratic rule in the District Boards. Let us at least have this assurance that in view of the objections raised by the Hon. the Deputy Leader of the Opposition, no more extension of time would be asked of the Legislature except perhaps in regard to the West Coast where on account of monsoon conditions, I believe my hon. Friend, Sri S. Narsapaya, considers that elections may not be held before September. In the case of those districts, such a special provision may be made. I would request the Government to take the House into their confidence and tell us what arrangements have been made for holding elections to the other District Boards. I would also like them to tell us at least now the programme of dates for these elections, whether elections are proposed to be held for all the districts together or separately, whether the final electoral rolls are ready and whether the necessary establishments have been sanctioned for conducting the elections. In a way, I would like to add that with sufficient administrative foresight, such requests for extensions could have been avoided. I certainly hope that there will be no need for the Government to come before the House for further extensions.

"It is said that the Government will take steps to introduce legislation for the establishment of Taluk Boards to replace the existing District Boards and to perform all their functions in the respective areas. I am sure the Government will appoint an expert committee to go into this question because I find that at a conference of Collectors which was held some time back such a decision has been taken on the advice of the District Collectors who happen to be Special Officers of the District Boards. I do not see any reason why no non-officials were invited to this Conference. Naturally, the Collectors nodded assent to the proposals of the Government. I would therefore request the Government to appoint a representative non-official committee to go into this question of the proposed abolition of District Boards in all its aspects before any final decision is taken by the Government. I

[20th March 1954] [Sri T. Purushotham]

once again repeat what I have stated several times in this House that the Government ought to publish the report of the committee that was appointed some time ago. I do not see any reason why the Government should fight shy of publishing the findings of the Kuttikrishna Menon Committee's report. I even now request the Government to place it before the House so that we may know what that Committee have said in regard to the question of the abolition of the District Boards, the revival of Taluk Boards, etc.

"So far as this Bill is concerned, I feel that there is no alternative but to accept it, and so I support the motion before the House moved by the Hon. the Minister for Local Administration."

SRI MOHAMED RAZA KHAN:—"Mr. Chairman, Sir, I have no doubt in my mind that this Bill will get through this House. I had great sympathy for the Hon. Sri K. Rajaram, the Minister in charge, when he introduced this small Bill but I feel very strongly that it would be successfully pushed through after the able support it has received from the hon. Member, Sri K. Bhashyam, who, though sitting on the same side as the Government, is sometimes more aggressive in his criticisms than the Members of the Opposition."

SRI K. BHASHYAM:—"I have always given my silent support."

SRI MOHAMED RAZA KHAN:—"Sir, Members are prone to misunderstand that I am defending the Deputy Leader of the Opposition. Whatever the Deputy Leader of the Opposition has got to say, he will defend himself at the second reading stage of the Bill.

"Sir, if we go through the proceedings of this House and of the other House, we will see that the then Minister in charge of Local Administration and even the Hon. the Chief Minister also have given definite assurances that whatever be the cost and whatever may be the conditions and the circumstances prevailing, elections to the District Boards would be conducted before the 30th of April 1954 and that the new District Boards would come into being then. The Government knew quite well that the partition of the State was there with its attendant problems and yet they gave this assurance. We know the difficulties of the Government and we ought to be charitable enough but the fact remains that nothing can prevent the Government of Madras from coming up and saying in the middle of June that they had tried their best to hold the elections, that the usual difficulties like the monsoon or things of that sort had delayed the elections and that therefore another extension of three months should be given. This is always the tendency of the Government. Though the House may not grudge to grant the extension the Government are asking, such reasons that certain difficulties stood in the way do not appeal to us.

[Sri Mohamed Raza Khan] [20th March 1954]

"Another thing which I wish to mention is in regard to the reference made by the hon. Member Sri T. Purushotham regarding the publication of the Kuttikrishna Menon Committee's report. I know, Sir, that at present it will be said that the Bill before the House is only an innocuous Bill whereby the Government seek power to extend the term of the Special Officers by another period of three months within which time they would hold the elections, and that this is not the time to discuss the working of the District Boards and other relevant factors. The whole case is that the Government themselves have stated in the Statement of Objects and Reasons that they want a three months' extension as arrangements for the conduct of elections to District Boards could not be taken up because a scheme for the decentralisation of the functions of District Boards, that is the replacement of District Boards by Taluk Boards, is pending consideration. In fact, Sir, it was not a wise policy on the part of the Government to mix up both the issues. The issue is very simple. The Government gave a promise that they would conduct elections within a certain date and they have to keep to that promise. If they wanted Taluk Boards, they could say that in the course of the working of the District Boards they had found that they were not functioning properly and that the interests of the various taluks were not being looked after properly. I think, Sir, the Government have mixed up the issue of holding elections to District Boards with the other one, namely, the formation of Taluk Boards. I should like to ask, where is the finality in all these matters? There seems to be no finality with regard to these matters. Government themselves say that elections to District Boards will be held. But it has been stated in the Statement of Objects and Reasons that a scheme for the decentralization of the functions of District Boards has been under the consideration of the Government and pending a decision on that scheme, arrangements for the conduct of elections to District Boards could not be taken up. Government have been saying during the last two or three months that they are going to constitute Taluk Boards. Taluk Boards were in existence some 20 or 25 years ago. I do not know what was the experience of Government with regard to the functioning of these Taluk Boards when they existed a long time ago. I do not know whether the reasons for the abolition of Taluk Boards do not hold good even now. Anyhow, Sir, I feel that whenever the Government give an assurance on the floor of the House that elections will be completed within a particular period of time, they should see that they are so completed within that particular period of time. Otherwise a bad precedent is set up. The Hon. the Minister for Local Administration really feels that extension of time for holding elections to District Boards should be given, because it is not possible to hold elections to District Boards within the 31st March 1954, as provided for in the Madras District Boards (Amendment) Act, 1953, and I think we can give our support to the Bill introduced by the Hon. the Minister for Local Administration seeking extension of time up to the 30th June 1954."

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SRI K. BALASUBRAMANYA AYYAR:—"Mr. Chairman, Sir, I had no idea of intervening in this debate; but, after hearing the speech delivered by the hon. Member Sri K. Bhashyam, I want to say one or two words. I find that notice of an amendment has been given to clause 2 of the Bill seeking extension of time to hold elections to District Boards up to 31st October 1954 instead of 30th June 1954 as provided for in the Bill. This amendment has come from Sri S. Narsapaya, the Chief Whip of the Congress Party. I do not know whether the Government will accept this amendment. The hon. Member Sri K. Bhashyam imagines that the Deputy Leader of the Opposition has embarked on a tirade against this Bill. It is not a tirade at all, and the Deputy Leader of the Opposition knows very well when he should embark on a tirade. Because of the amendment moved seeking further extension of time up to 31st October 1954, the Deputy Leader of the Opposition was forced to advise the Government that elections should not be postponed further and should be held at the earliest opportunity."

THE HON. SRI K. RAJARAM:—"Mr. Chairman, Sir, I thank hon. Members for having taken so much interest in this Bill. I shall try to clear some of the doubts raised by several hon. Members during the debate. The Deputy Leader of the Opposition in the course of his speech said that elections to District Boards should have already been held, that he could not understand the delay in holding the elections, and that he wanted to know why elections to District Boards were not held even before last July. Sir, the Deputy Leader of the Opposition was fully aware that the Andhra partition was imminent and that elections could not be held before July 1953. That was why the previous enactment [The Madras District Boards (Amendment) Bill, 1953] was passed intending that the elections to District Boards should be completed by April 1st, 1954. After the Andhra partition, the Government had reorganization work in the Secretariat and so much other work that they could not make arrangements to hold elections to District Boards. Now, Sir, hon. Members must have read in the Press the notifications issued already by the Government regarding the holding of elections to District Boards. We have already appointed Election Officers for holding elections to District Boards. These officers have taken charge and their offices have been opened in the offices of the District Boards. Necessary staff has been sanctioned. The Government are, therefore, now ready to conduct the elections and a programme has been chalked out.

"Some of our friends from the West Coast have raised a point with regard to the date by which elections to District Boards should be completed and whether the date should not be 31st October 1954. But let us take up that point at the second reading stage of the Bill.

"Sri T. Purushotham wanted certain clarifications from the Government. He wanted to know whether this subject was discussed at the Collectors' Conference held sometime back and

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whether the decision of the Government to extend the term of Special Officers was taken on the advice of Collectors. He also wanted to know as to what had become of the Kuttikrishna Menon Committee's report. My Hon. Colleague Sri M. Bhaktavatsalam has already pointed out both in this House and in the other House very clearly that the Government are going to appoint a High Level Committee consisting of experienced and retired officials in local bodies and some Members of this House as well as the other House. The Kuttikrishna Menon Committee's report will also be placed before that Committee. The intention of the Government is to have a comprehensive legislation for all the local bodies as mentioned by the Deputy Leader of the Opposition.

"In this connection I want to tell hon. Members of this House that the Government cannot stop after merely discussing about Taluk Boards and District Boards. We have to take into consideration the Panchayat Boards also because in several respects whether they be Taluk Boards or District Boards they have some jurisdiction over Panchayat Boards also. As far as hospitals, big roads, etc., are concerned, District Boards or Taluk Boards must take charge of them and Panchayat Boards cannot be expected to spend money on such big institutions.

"Now, Sir, I shall come to the point raised by the hon. Member Sri Raza Khan. He said that the Taluk Boards were abolished a long time ago and asked whether the reasons for their abolition did not hold good even now. In those days, not only Taluk Boards but also District Boards were in existence and both of them were having the same powers. Therefore it was thought necessary by the then Justice Party Government to abolish the Taluk Boards and the District Boards were abolished accordingly. This might have been a good policy in those days. But now, after Independence, our State has become a Welfare State, and we have to look after villages first. We have taken up so many intensive development works in villages and there must be some responsible body to look after these village development works. It is better to have a small body like the Taluk Board or the Firka Board to look after these development works. In cities there are no such development works as in villages. It will be too unwieldy for the District Boards to manage these works. After the completion of our local development works—the Community Projects and the National Extension Service Schemes—the Government will withdraw the officers at present in charge of those schemes and entrust them to the local bodies concerned and they will have to maintain these works like maternity hospitals or educational institutions. If we hand over all these institutions to the District Boards I do not think they will be able to administer these institutions very efficiently. The Government, therefore, are very seriously thinking whether they should form Taluk Boards or not. As we have decided to form a Committee to go into this matter, we have left it at that.

"But, regarding elections to the District Boards, even if this Committee is constituted next month, it will take at least one year

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for the Committee to present its report to the Government and that report will have to be taken into consideration by the Government. Then necessary legislation must be brought up and all the provisions now contained in the District Boards Act would have to be incorporated in the Taluk Boards Act also. It will take much time and it will take some more time for holding the elections to the Taluk Boards.

"The hon. Member Sri T. Purushotham said that District Boards were now governed in an undemocratic way. In this connection, I want to tell hon. Members one thing. After my taking up office, I can proudly say that not even a single complaint has been received from any district or from any quarter against the administration of the District Boards by the Special Officers. But even then we feel that we should have democratic bodies. The Congress, as a democratic body, feels that democratic institutions must run these local bodies. We want to conduct the elections immediately and we do not want to delay them any further. The elections will be held in June. The Taluk Boards Bill may be ready in a year or two and then we may bring forward that Bill. It may take some time for us to pass the Bill. If the present District Board elections are over, those members who are elected may continue for two or three years and afterwards we can have the Taluk Boards. This is not at all a complicated matter. I therefore, request that this Bill be taken into consideration at once."

MR. CHAIRMAN :—"The question is—

'That the Madras District Boards (Amendment) Bill, 1954, be taken into consideration at once.'

The motion was carried.

The clause by clause discussion of the Bill was then taken up.

Clause 2.

MR. CHAIRMAN :—"The motion is—

'That Clause 2 do stand part of the Bill.'

SRI S. NARSAPAYA :—"Sir, I move—

'In sub-clause (2), for the figures, letters and word "30th June 1954", substitute the figures, letters and word "31st October 1954".'

I am moving this amendment for more reasons than one. First of all, if this amendment is passed, the apprehension of the hon. Gentleman the Deputy Leader of the Opposition and Sri Mohamed Raza Khan that the Government might come again and again for extension of time will be allayed. I wish that the Government should not come again and again for extension of time but must once for all take the necessary time. But the main reason why I am moving this amendment is that the District Board elections may not be held in a hurry and in an unsatisfactory manner

[Sri S. Narsapaya] [20th March 1954]

From reliable reports I learn that the electoral roll itself is not yet ready. No doubt, Special Officers have been appointed for that purpose and they are doing their work as expeditiously as possible. But, still the electoral roll is not yet completed and finalised and it may take at least a month more for the electoral roll to be completed, properly arranged and published. Then, under Rule 2 of the Election Rules, it is essential that there should be clear 45 days between the publication of the final electoral roll and the date of the election. Then there are other preliminaries such as the publication of the dates, the issue of notice calling for nominations, etc., and then there is the holding of elections. Therefore whatever may be the good intentions of the Government it would not be possible for them to hold the elections before the end of May. At best, the elections may be held in June.

"Sir, hon. Members are aware that about the end of May the monsoon sets in the West Coast and particularly this year since the rains have stopped very early, we expect that the monsoon will start even about the middle of May. Once the monsoon sets in in the West Coast, it will be absolutely impossible for us to do any out door work. The rigour of the monsoon and the incessant downpour of rains cannot be imagined by those who are not acquainted with my district and Malabar. One has to see it for oneself.

"Then, Sir, the election booths for these elections will be spread over the entire district, one booth serving a number of villages. The voters will invariably have to walk at least four or five miles to reach the election booths. Sir, unlike the houses or villages in the East Coast, the houses in the West Coast are all spread out in the villages and even if a person has got an election booth in his own village, he may have to walk two or three miles to reach the election booth. Apart from the incessant downpour of rains, all the streams, channels and rivulets will be completely filled up and will be unfordable and it will be very difficult for the voters to reach the election booths. Then, as soon as the monsoon sets in, the cultivation operations begin. As hon. Members are aware, the majority of the voters are cultivators and at the beginning of the rainy season, the villagers will have to be in their fields attending to the cultivation work and they will not be in a position to get out of the village or go to the election booths. So, if the elections are held in June, the result will be that the majority of the voters will not be able to take part in them. They will be denied the opportunity of exercising their franchise. After all, we have waited all these years. Let us have a satisfactory election. Let it not be said afterwards that the elections were not held properly and that the majority of the voters were not able to take part in them. After all, the extension of time by about four months will not jeopardise the interests of anybody. But the people of Malabar and South Kanara will have the satisfaction that the elections were held at a time convenient to them and that they had every chance of taking part in them and were not prevented from doing so. I may also bring to the notice of this House that all along the elections to the District Boards in our district were

[Sri S. Narsapaya] 20th March 1954]

taking place in the month of October and the new District Boards were functioning from November. The reason for this is that it would be impossible to hold the elections in the months of June, July, August and September. That was why every District Board election in the past was being held in October and the new Board was entering office in November. For all these reasons, I appeal to the Hon. the Minister for Local Administration to accept this amendment and I earnestly appeal to this House to pass this amendment."

SRI K. BHASHYAM :—"Sir, I second the amendment. The Mover of the amendment has graphically described the difficulties the voters and the candidates will have to undergo if the elections are to be held in the months of May or June. Sir, he has complained about the monsoon and the heavy downpour that takes place in the West Coast. There is another reason so far as the other districts also are concerned. May and June are the hottest part of the year, and it will be difficult for candidates to go about canvassing voters and bringing them to the polling booth to exercise their franchise. Therefore, it would be better if elections are held in cool months, namely, October and November. In the interests of the electors of not only the West Coast but also of the other districts, it would be better to postpone elections until October.

"There are other technical difficulties also. There is one important thing which strikes me as something that should persuade the House to agree to the postponement of the elections until October. The Hon. the Minister in charge of Local Administration took pride in the fact that the Special Officers were doing splendid work, they were working so very efficiently, and that he did not receive any complaints against them. I think, therefore, the Special Officers ought to continue for some time longer. (Dr. V. K. John : 'Dangerous'.) Not at all dangerous. Autocratic dose for a short time in a democracy will do some good. That is my view. Apart from this, what I point out is that the Special Officers now in charge of these boards will certainly undo all the mischief done during a long period when they (the Boards) were under the non-officials. If elections to these Boards are to be postponed by about six months, I welcome that, because at the end of the period of six months, these Boards will be handed over to the Presidents in a well administered and efficient condition. These are the reasons which really prompted me to support this amendment. Of course the Deputy Leader of the Opposition will not agree. He is so democratically minded. If he has the welfare of the people at heart, he must accept the amendment seeking to postpone elections until October. For these reasons, I support the amendment for postponing the elections until October."

MR. CHAIRMAN :—"Amendment moved—

'In sub-clause (2), for the figures, letters and word, "30th June 1954", substitute the figures, letters and word "31st October 1954".'

[20th March 1954

SRI T. PURUSHOTHAM :—“ Sir, as one representing local authorities, I wish emphatically to oppose this amendment.”

MR. CHAIRMAN :—“ The hon. Member will continue his speech on the 23rd March 1954. The House will now adjourn and meet again at 3-30 p.m. on the 23rd March 1954.”

The House then adjourned to meet again at 3-30 p.m. on Tuesday, the 23rd March 1954.

THE MADRAS DISTRICT BOARDS (AMENDMENT)
BILL 1954 (L.C. BILL No. 4 OF 1954)

23rd March 1954] [Sri T. Purushotham]

it sought to prolong the undemocratic way of administration of the district boards. The hon. Member told us that electoral rolls were not ready in several of the districts. The Hon. the Minister for Local Administration on the other hand told us the other day that all arrangements had been completed for holding the elections, that the necessary staff had been appointed, and that the electoral rolls were also ready. If electoral rolls are not ready in some districts, only in respect of those districts a special provision may be made in the Bill for prolonging the administration by special officers. The other argument advanced by the hon. Member from the West Coast was that monsoonic conditions were not favourable for holding the elections in the West Coast in May or June. The hon. Member representing the Graduates' constituency stated that the hottest part of the year in the other districts would be May and June. If we are to take into consideration the climatic conditions of the different places, then I think we may not be able to hold the elections at any stated period, because while in certain districts it will be the hottest summer, in certain other districts it will be severe monsoon season. Therefore, as I stated earlier, special provision may be made in the Bill for holding elections in the West Coast at a later date. In other districts, elections may be conducted according to the programme already laid down by the Government. The hon. Member, Sri K. Bhashyam also stated that the administration of the district boards by non-officials might not be said to be above board, and that it was fraught with mischief. I am afraid that it is not fair on the part of the hon. Member to have characterised the non-official administration of the district boards like that. The non-officials are carrying on the administration as efficiently as they can, and it is not proper that any such remarks should be made. He also said that there was no complaint at all as far as the present Special Officers were concerned. If there is no complaint that does not mean that there is good administration. It is only indicative of the fact that under the present administration of the District Boards there is no progress, they are just carrying on in a routine way, and there is no progress. So I say, I am against the extension of the term of the Special Officers' regime. If, as stated by the hon. Member from the West Coast, for the sake of conducting the elections efficiently and in accordance with rules, which require that there should be prescribed intervals between the different stages for holding the elections, more time is required, then I think there might be some case for the further extension sought for in the Bill. But all the same the Government should give an assurance that elections will be conducted in the case of the District Boards where preliminary arrangements are fairly complete. The dates for elections should be so staggered in the several districts that the temporary election staff is reduced and that the same staff is made to go round and conduct the elections by stages in the different districts. We cannot keep on the entire establishment that we have sanctioned now for all the districts. Therefore I would request Government to give an assurance that they will cut down the temporary staff that is now appointed for the elections suitably and that only the minimum staff will be retained and that the staff will be sent from district to district,

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 23rd March 1954.

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

THE MADRAS DISTRICT BOARDS (AMENDMENT) BILL, 1954
(L.C. BILL NO. 4 OF 1954)—cont.

SRI T. PURUSHOTHAM:—“ Mr. Chairman, Sir, I stated the other day that I emphatically disagreed with the amendment proposed by the hon. Member representing the local authorities in the West Coast. I said that I objected to the amendment, because

[Sri T. Purushotham] [23rd March 1954]

where elections are to be held. If Government should agree to the above course, the amendment of the hon. Member from the West Coast may be accepted.

"I should like to hear what the Government are going to say on this issue, and if a later date should be fixed as proposed in the amendment, the House, I believe, would be glad to be assured that the elections, for which arrangements are ready now in some of the districts, will be conducted as scheduled and that they will not be put off till the end of the period that is now proposed by the hon. Member from the West Coast.

"In this connexion I should also like to congratulate the Hon. the Minister for Local Administration on what he has said in reply to the speeches made during the introduction stage of the Bill. He said that Government proposed to appoint a committee for investigating the whole question of the future of the District Boards and the Panchayat Boards. A High Power Committee, he said, would be appointed. We have been having so many changes in local administration. One Ministry wanted to retain the District Boards. Another wanted that the Taluk Boards should be there. A third said that the Taluk Boards should go. Now the proposal is that the Taluk Boards should be revived. Therefore a Committee, as was referred to by the Hon. Minister, is absolutely necessary, and I take this occasion to congratulate the Government on having come to that decision. I am glad also that he said that the future of the Panchayat Boards will be considered by that High Level Committee. I feel that in order to evolve a pattern of local self-Government for the whole of India, a Central High Power Commission should be appointed so that we may have a framework on which the local administration may be built up with suitable modifications to fit in with local conditions. I do not know whether any steps are being taken in that direction. I should like the State Government to move in the matter. At any rate I am glad the State Government are going to appoint a Committee to examine the future of the District Boards and Panchayat Boards, and I thank them for the same."

SRI MOHAMED RAZA KHAN :—"Mr. Chairman, Sir, with your permission at the outset let me congratulate the hon. Member Sri Narsapaya, who has brought forward this amendment, on his brilliant success this morning in the elections to this House. (Interruption.) Of course, if the Chair permits me, I congratulate also my two very good friends, the veteran Annamalai Pillai and Sri T. G. Krishnamurthi. Of course it is on behalf of the Opposition that I congratulate these hon. Members. Because I congratulate the hon. Member, Sri Narsapaya, it does not mean that I am going to accept his amendment blindly, for his arguments were very contradictory, if I may say so. He is a clever lawyer from the West Coast, and he tried to argue two points at the same time in the hope that if the first should fail, he could press the second for consideration and get it accepted. That is no good on principle. The straightforward course would be to take his stand on only one point and fail or succeed on that single point.

[Sri Mohamed Raza Khan] [23rd March 1954]

The hon. Member Sri Narsapaya has said that arrangements for the conduct of elections are not yet complete. But the Hon. the Minister in charge of Local Administration said that he hoped to complete the elections to these District Boards by the 30th of June 1954. I do not know who is right. It is for the Hon. the Minister for Local Administration to come out with a categorical statement that, allowing for the preparation of the electoral rolls, allowing for the time lag that may be necessary for making arrangements the conduct of elections and anticipating other contingencies the Government have come to the conclusion that the elections could be completed by the period stated in the Bill, namely, 30th June 1954. I do feel the Hon. the Minister for Local Administration would have already thought about the various difficulties referred to by the hon. Member Sri Narsapaya, and that is why the Hon. Minister has come before the House for extending the period only up to 30th June 1954. I think the Government feel sure that they will be able to complete the elections to these District Boards by that period because there were already objections that the period should not be further extended unless there were extraordinary circumstances necessitating the extension of the period further. Now the hon. Member Sri Narsapaya, who is the Chief Whip and a prominent member of the party in power, says that it would take more time to complete the elections. Perhaps that may also be true as things are progressing at present. In these circumstances I do not know which statement I have to accept; either the statement of the Hon. Minister or the statement of the hon. Member Sri Narsapaya. However, when the Hon. Minister himself says that practically every arrangement for the conduct of the elections has been completed, I do not think I need accept the statement of the hon. Member Sri Narsapaya.

"As regards the other points raised by the hon. Member such as difficulties due to monsoon and other causes, I wish to submit that after all conditions differ in different districts. The West Coast differs in many ways from the East Coast. When there is monsoon in the West Coast there will be terrible summer in the East Coast for us. If it is inconvenient for the people on the West coast, it may not be inconvenient for the people in the East Coast. If the Hon. Minister feels that it would be difficult to conduct the elections to the district of South Kanara and Malabar before the time mentioned in the Bill, if the Government feel it would be unfair to conduct the elections in those districts during the monsoon, during heavy and torrential rains, as people will not be able to go to the polling booths during that period, we do not want to press that the elections should be held in those districts also before that period. I am sure, if it is so difficult, the Government of Madras can devise some method by which the elections in those particular districts could be postponed. They can do this by an executive order or take the permission of the House that the Government should have power to postpone elections in certain districts. This can be decided by the Hon. the Minister for Local Administration.

[Sri Mohamed Raza Khan] [23rd March 1954]

"I do not want to comment much on the fine speech of the Hon. the Minister for Local Administration, who is really anxious to reconstitute these local bodies on a proper basis. Whatever be the difficulties he will be able to remove them with the experience he has gained so far and with the help of the High Power Commission which he proposes to constitute with men of eminence who have special knowledge and experience in the subject. This High Power Committee, I am sure, will be of very great help to him in his endeavour to reconstitute the local bodies on a proper basis.

"One word more, Sir, and I shall finish. I was wondering how the hon. Member Sri Narsapaya managed to get the hon. Member Sri Bhashyam to second his amendment. It was the greatest surprise to me."

SRI S. NARSAPAYA:—"It is the proper thing and therefore he supports me."

SRI K. BHASHYAM:—"He is my neighbour."

SRI MOHAMED RAZA KHAN:—"However, the hon. Member Sri Bhashyam, knowing for certain that the reasons given in support of the amendment asking for postponement of the elections were not good and valid, probably felt that the amendment brought in by his colleague should not fall through for want of a seconder. That is the reason why, I think, he supported the amendment. That is the liberal interpretation that I want to put upon it. Whatever that be, his argument that no great harm would be done to these local bodies by a further extension of six months, looks very strange, coming as it does from a prominent member of the Congress Party, which swears by democracy, which stood for democracy worked for it for so long, and even today stands for those things. Possibly the Special Officers—the Personal Assistants to the Collectors—might have done good work. They might have performed a difficult task. But that does not mean that they must be allowed to continue indefinitely.

"Therefore, Sir, I oppose the amendment, and I am sure the Government will see to it that the elections are completed within the time specified in the Bill, and we have new District Boards functioning from that date throughout the State."

SRI M. SATYANARAYANA:—"Mr. Chairman, Sir, I want to support this amendment for the postponement of the elections. I have different reasons to support it from what my hon. Friend Sri Narsapaya stated as his reasons for the postponement of the elections. His reasons are of course very valid. My reasons are that we have been having these District Boards for a long time.

"Sometimes the Taluk Boards have been coming up very prominently and sometimes the District Boards have been coming up prominently. If we want to have Taluk Boards, the question that will be asked is, what should be their powers? In addition to these Taluk Boards, we will be having the Panchayat Boards also.

[Sri M. Satyanarayana] [23rd March 1954]

We have heard for the first time from a Cabinet Minister that there is an idea to have something like a decentralisation policy. This idea of decentralisation has now come up from the point of view of replacing the District Boards by Taluk Boards. My own feeling is that we must pursue this decentralisation of the administration down to the Panchayat Boards. We have to-day a highly centralised Government and this Government are now thinking in terms of decentralising the administration, and the question is whether it should be kept at the district level or at the taluk level. The present district administration was envisaged and brought into existence at a time when no proper calculation or survey was made of the population or the resources of the districts. The districts have been there for a long time and we are continuing them. There are certain districts which have a large population and a large revenue and there are other districts which have no large population at all. In our State as a whole there are certain districts having a population of more than 35 lakhs and certain other districts having a very small population. For instance, the Nilgiris, has only a population of 3,12,000. In the same way, if we take area into consideration, there are certain large districts like Salem and Coimbatore whose area is about 45 lakhs of acres. Similarly in regard to revenue also they are greatly disproportionate. Therefore, we can say that there is no similarity in any respect between these districts, and consequently there are a large number of disabilities. It is only for the purpose of removing these disabilities that we are now thinking of decentralising the various powers given to the District Boards and also of giving more powers to the local self-governing institutions. I would suggest for the consideration of the Committee that is going to be appointed, the Department that is concerned and the officer who is going to be appointed to go into the question of the administration of local self-governing institutions, that the whole State should be divided into different regions, each region consisting of three or four districts according to their size. The administration of each region should be entrusted to a Regional Council consisting of Members of the Legislative Assembly and the Legislative Council, the District Collectors concerned and the various other departmental officers working under the authority of the State Government. This Council should be entrusted with the full responsibility for carrying on the various services required by the people. Thus, we will be not only decentralising the administration at the Panchayat Board and the Taluk Board level but also at the State level. It might be asked, 'How are we going to find the money for the functioning of these Regional Councils?' I would suggest that the land revenue which is now being collected in the particular region should be made over to the Regional Council concerned. I am making this suggestion now because this is the proper time to make it, for we are discussing the District Boards Bill now. It will certainly be possible for the Regional Council to administer itself though a region may consist of four large districts. For instance, Madras City is having a revenue of Rs. 2 crores. We have a very efficient Corporation which has been permitted to collect house tax, and it is able to manage its affairs very well. The Corporation is also having sufficient revenue.

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In the same way each one of these Regional Councils will be having a revenue of about Rs. 2 crores and they can try to become very good administrative units as far as each region is concerned. For instance, the Tamil districts alone of our State can be divided into three regions. The Palar region may consist of . . ."

DR. V. K. JOHN :—" On a point of order, Sir. The hon. Member is now discussing the general principles of the Bill and not the amendment before the House. The motion that the Bill be taken into consideration has already been passed and the hon. Member is addressing the House as if it is now the first reading stage."

SRI K. BHASHYAM :—" Sir, it is no point of order at all."

SRI M. SATYANARAYANA :—" Sir, it may or may not be a point of order. I am only speaking on the amendment. Various reasons have been given for postponing the elections. In addition to the reasons given by the hon. Member Sri S. Narsapaya, there are also several other solid reasons for which I would very much like these elections to be postponed not only till December 1954 but even beyond period. I therefore think that my arguments are neither irrelevant nor out of place. Sir, I therefore request that I might be permitted to say a few more things. The administration is to be decentralised at the Taluk Board level. This idea may be further expanded to the regional level consisting of three or four districts. Taking for instance the Palar region, as I conceive it, it may consist of the four districts of Chingleput, South Arcot, North Arcot and Salem, with an area of about a crore of acres."

THE HON. SRI C. SUBRAMANIAM :—" The hon. Member wants us to go back to the Chera, Chola and Pandyan era."

SRI M. SATYANARAYANA :—" That is history, Sir, but what I am now stating is a matter of administrative convenience. (An hon. Member : 'Imperialistic convenience.') I am not saying this as a matter of imperialistic convenience. I am suggesting these things only in the interest of administrative convenience. The Central Tamilnad Region will be having an area of a crore and ten lakhs of acres with an approximate population of 95 lakhs. The other region, namely, the Southern Tamilnad will be having an area of nearly 89 lakhs of acres and a population of about 74 lakhs. These regions will be more or less having their revenues also distributed evenly. I have got many other details which I can place before the House but as the Hon. the Deputy Leader of the Opposition is already getting impatient, I do not propose to go into any details. I have given all these reasons so that the Hon. the Minister for Local Administration may think over them in terms of the Constitution wherein it is stated that the Panchayat Boards should be entrusted with large powers. We should have complete decentralisation of the various types of administrative functions so that we will be able to train our citizens to handle their own affairs

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with the least amount of control. If there is any trouble, the State Government could step in and lay down certain policies. The State Government should find the revenue and direct that these be given to the local bodies, and both the State Government and the local self-governing institutions should march hand in hand so that the maximum benefit of the services they can render financially, educationally, etc., may go to the people. With these words I support the amendment. If the Hon. Minister in charge accepts the amendment, I will be very glad though I would like to have the elections postponed even for a longer period. Meanwhile the Government can appoint a Committee to consider the suggestions made so that there may be a proper decentralisation of powers and people can have the full benefit of participating in the administration as much as possible."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I welcome this amendment which has been moved by the hon. Member Sri S. Narsapaya and supported very strongly and ably by the hon. Gentleman, S. K. Bhashyam. I welcome it because it is my view that there should not be a whip in any matter which does not raise an issue of confidence in the Government. Every Bill ought to be left to the individual judgment of the Members of the House. I am glad therefore that somebody from the Congress benches, namely, the Chief Whip of the Congress Party himself, has moved this amendment. If we want to establish the sovereignty of the people and make the executive responsible to the Legislature and the Legislature supreme, I say that there should not be too much of party discipline. There should be a party whip sent round only when there is a motion of no-confidence against the Government or the Government consider a particular measure as a question of confidence. I therefore welcome this amendment but I think this amendment should be condemned because the Government have postponed these elections from time to time for too long a period. I think the Government are right in asking only for the minimum period, namely, up to the 30th June 1954, and I have to oppose this amendment because it is not in the interests of the public to have these elections postponed any further. As I do not propose to speak at the third reading stage of the Bill, I wish to make one or two more remarks now. I welcome the assurance given by the Hon. the Minister for Local Administration, Sri K. Rajaram, that a comprehensive Bill will be introduced and that the holding of elections to District Boards is only a temporary thing. I do hope that the Government will bring forward a comprehensive Bill. It is my hope that in the meantime the portfolios of Hon. Ministers will not be changed and that there will not be a new Minister in charge of Local Administration. It has been my experience from 1946 that whenever a Minister takes up a question, he soon ceases to be a Minister. If the matter is left to Hon. Minister Sri K. Rajaram I am quite sure he will come forward with a comprehensive Bill. Sir, I oppose the amendment moved by the hon. Member Sri S. Narsapaya."

[23rd March 1954]

SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, I heartily support the amendment brought in by the hon. Member Sri S. Narsapaya and I support his amendment for quite a different reason. We the teachers are having a kind of dual mastership. If the District Boards are to be abolished, we do not know whether our High Schools will be put in charge of Taluk Boards or the Committee to be formed at the District level. This dual control has been affecting the teachers in many ways and as has been pointed out by me in this House before, there is no meaning for self-Government after August 15, 1947, except as a branch of the Government. The Britisher threw some crumbs empowering us to clean the streets and light the streets and called it local self-Government. But now we have self-Government from Kashmir to Cape Comorin."

MR. CHAIRMAN :—" The hon. Member will please speak on the amendment before the House."

SRI G. KRISHNAMURTHI :—" The amendment now under discussion before the House, gives Government some time to conduct elections to District Boards, and until elections are held to District Boards, the teachers will be under the control of Special Officers. Teachers have been rightly feeling that the regime of Special Officers especially with reference to the administration of schools is better than the regime of District Boards. By accepting the amendment the Government would be getting some time to hold elections to District Boards, and they should consider in the meantime whether it would not be better if the administration of schools is taken away from the local bodies and entrusted to the Government Department itself. This will not only remove so many kinds of hardship caused to teachers by District Boards but also ensure for them salaries which the teachers in Government-managed schools are getting now and many other things which they lack at present. This proposal requires the careful consideration of the Government. I would, therefore, commend the acceptance of the amendment moved by the hon. Member Sri S. Narsapaya in order to give time to the Government to consider all matters pertaining to education, namely, whether or not education ought to be dealt with by District Boards or by Panchayat Boards, or by Taluk Boards to be formed as a result of a legislation proposed to be introduced by the Government."

* THE HON. SRI K. RAJARAM :—" Mr. Chairman, Sir, as I said in my reply to the general discussion on the Bill, the Government have made all preliminary arrangements to conduct elections to all the District Boards and we have to take into account that fact. We cannot now go back on the policy of Government to hold elections to District Boards. The amendment of the hon. Member Sri S. Narsapaya seeks to postpone elections by four months more and the reasons adduced by the hon. Member in support of his amendment hold good as far as the districts of South Kanara, Malabar and the Nilgiris are concerned. But so far as the other districts are concerned, I do not think there is any reason to postpone elections and wait till the end of September or October. 1

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think in the months of August, September and October, in the districts on the East Coast, i.e., in Tamil Nad, there will be more rains than in any other part of the year, and during these months we cannot hold elections to District Board in these districts. At any rate, we must finish the elections to District Boards in these districts before July or before the beginning of August. We are not going to stop the holding of elections to District Boards now in order that we may hold elections to all the District Boards at the same time. By accepting this amendment, the Government are enabled not to hurry up the elections. They can divide the whole State into three or four groups and conduct elections in those groups one by one. In the districts of Malabar, South Kanara and the Nilgiris we can have elections in the month of September or October. It is only for this reason that the Government have decided to accept the amendment moved by the hon. Member Sri S. Narsapaya."

SRI T. G. KRISHNAMURTHI :—" On a point of information, Sir. If the amendment is accepted by the House, may I know, if as a result of holding elections to District Boards in different parts at different periods, whether the District Boards in a particular area will begin to function as soon as elections are over in that area or whether all the District Boards will begin to function at the same time after the elections in all the districts are over?"

THE HON. SRI K. RAJARAM :—" October 31st is only the last date for holding elections and it does not mean we should not conduct elections in June itself. We can begin elections even in June or July. The only thing is that elections to all the District Boards must be completed before the 31st October, and that is the meaning of the amendment.

" Various other matters were raised by the hon. Member Sri T. Purushotham. Sri T. Purushotham is very much experienced in the administration of the local boards. He had acted as Secretary of the Ramanathapuram District Board. He was also Municipal Commissioner in many towns. His suggestions will be taken into consideration. He has given very valuable suggestions regarding Panchayat Boards, and decentralization of the functions of various local bodies and other matters relating to local boards.

" The hon. Member Sri G. Krishnamurthi representing the teachers' constituency has suggested that the whole administration of education must be taken up by the Government themselves. It is a very big question. As far as I understand, at least elementary education must be left to local bodies. Otherwise, it will be very difficult even for the Government to manage all the schools including elementary schools in the State. Elementary schools giving education up to V standard must be looked after either by the Panchayat Boards or the proposed Taluk Boards or District Boards. Anyhow, all these matters will be considered by the High Level Committee, which will be appointed very soon early in

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April or before the end of April. The Committee may take two or three months to submit their report; and, after we get the report of the Committee, we can bring in a Bill for the decentralization of District Boards and constitution of Taluk Boards. For the present the elections to District Boards will be conducted and completed before the 31st October, and that is the idea of the Government. We accept the amendment moved by the hon. Member Sri S. Narsapaya."

MR. CHAIRMAN :—"The question is—

'In sub-clause (2), for the figures, letters and word "30th June 1954" substitute the figures, letters and word "31st October 1954".'

The amendment was carried.

Clause 2, as amended, was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

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

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as amended, be passed into law.'

MR. CHAIRMAN :—"Motion moved—

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as amended, be passed into law.'

SRI K. BALASUBRAMANYA AYYAR :—"Mr. Chairman, Sir, I am sorry to say that the procedure adopted by the Government in bringing forward this amendment is rather peculiar. The Government first brought forward this Amending Bill to extend the time for holding the elections up to 30th June 1954. Now they have asked members of their own party to suggest an amendment to extend the time-limit up to 31st October 1954 and they have accepted the amendment. This is not the right procedure. The Government should have considered the whole thing and they should have brought in a regular Bill stating that the time for holding the elections may be extended up to 31st October. When the Bill was being discussed, I shrewdly suspected—I do not wish to pay a compliment to myself—that the Government had asked their own party men to suggest an amendment and they were accepting that amendment now. This device could be adopted in every case. I am sorry to say this, but I do not want to make any reflections on the Government. Nor do I wish to attribute any motive. But this is liable to be interpreted in a wrong way. That is why I am anxious that the Government should come forward with a regular Bill."

THE HON. SRI C. SUBRAMANIAM :—"Sir, we have done nothing improper. This is the proper method which we can adopt. Suppose we bring forward a Bill and we publish it, and later on we think that a small amount is necessary. It is open to the

[23rd March 1954] [Sri C. Subramaniam]

Minister, who is in charge of the Bill to move the amendment or to ask one of the party members to move it. There is nothing wrong about it. There is nothing improper. We will adopt this method in future also if necessary."

SRI K. BHASHYAM :—"I want to add something more. Even if the Opposition moves an amendment and the Government get wisdom and think that that amendment is good and may be accepted, then it may be accepted on the floor of the House. There cannot be any surprise in such a matter. The hon. Member cannot expect the Government to say that they are not open to conviction, if, as a matter of fact, arguments advanced on the floor of the House go to show that the amendment moved is a good amendment. Therefore, it is not a question whether the amendment is moved by the Government side or by the Opposition. That does not matter. The question is whether it is reasonable—reasonable to the mind of the Government. This is all that is necessary. There is nothing improper and there is nothing sinister about this amendment being moved by a member of the Party which is ruling the country. It is very strange to say 'Because the amendment comes from your own side, it should not be accepted'."

SRI T. PURUSHOTHAM :—"Sir, I welcome such acceptance by the Government of any non-official amendment. The Government have considered what has been discussed in this House and they have accepted the amendment. I think there is nothing wrong or improper and I congratulate the Government on the successful passage of the Bill. Though this is only a small Bill, I am glad that the Government have considered all the viewpoints of non-official members and have accepted the amendment. I once again thank the Hon. the Minister for Local Administration for being so considerate in his reply, and I hope my suggestions will be taken note of."

SRI MOHAMED RAZA KHAN :—"Sir, it is not for me to defend my good Friend Sri K. Balasubramanya Ayyar. What really he wanted to point out to the Government was that the procedure adopted was not good and would not convince the people. After all, situated as we are, it is our duty to point out to the Government that a particular procedure is wrong. In spite of it, if the Government rush through—they have got the power and they have got the requisite majority—we cannot help it. We are not responsible. It is our duty to point out to the Government that a particular procedure is wrong. At the same time, I would like to say that if we really feel that the procedure adopted is improper, we will maintain that it is improper. If the Hon. the Finance Minister feels that it is proper, he is at perfect liberty to have his own views. We are also at perfect liberty to have our own views. We do not grudge that the Government have accepted the amendment of Sri Narsapaya. The whole question resolves itself into this. Already the Government made a declaration both in this House and in the other

[Sri Mohamed Raza Khan] [23rd March 1954]

House that the elections will be held within a particular time. They knew for certain that the partition of the State was there. They knew all these contingencies. They planned the whole thing. They had the advice of their officers who said that the elections could be held by such and such a time. There was a persistent demand that the elections to the District Boards should be held soon, and the Government thought that the elections could be completed by the 1st April 1954. That time-limit has gone. The Government themselves have come forward with a Bill saying that the elections would be completed by 30th June. In this connexion, I would invite the attention of the hon. Members to the speech of the Hon. Minister when he introduced the Bill. He himself said: 'Things are ready. Election Officers have been appointed. The electoral roll is complete. The whole machinery is working.' Did it not occur to him that the monsoon would set in and that it would not be possible to conduct the elections? May I take it that the Hon. Minister was not aware of the fact that in June the monsoon would set in in the West Coast."

THE HON. SRI C. SUBRAMANIAM:—"Sir, this is the third reading stage. There is no use of repeating the same arguments which were advanced during the second reading stage."

SRI MOHAMED RAZA KHAN:—"I am only following the Hon. the Minister for Finance. He also argued the same thing. If he had simply said 'The amendment has been accepted by the House; either you pass the Bill or reject it', then it would be a different thing. But, inasmuch as he has given the lead, I am following him. I do maintain that the procedure adopted is not all right. There will be a feeling in the minds of the public that it was only the Government's move asking their own party men—prominent men—to move the amendment and then to accept it. As far as we are concerned, we have done our job."

MR. CHAIRMAN:—"Then, what is the suggestion of the hon. Member?"

SRI MOHAMED RAZA KHAN:—"The Government should stand by the original clause."

THE HON. SRI C. SUBRAMANIAM:—"The hon. Member must know that the House has accepted the amendment."

SRI S. NARSAPAYA:—"The Bill is before the House as amended."

THE HON. SRI K. RAJARAM:—"Sir, I thank hon. Members for their co-operation in passing this Bill. I want to say a few words about the remarks of Sri K. Balasubramanya Ayyar. He said that we had adopted a wrong procedure. I wish to bring to the notice of hon. Members that this is the first Bill to the introduced in this House. Hitherto no amendment was accepted by this House. Therefore, the hon. Member thinks that this is

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a new procedure and that the amendment should not be accepted by the Government. All Bills were usually introduced first in the Legislative Assembly and then brought here. So many amendments are brought forward by the Government themselves and they are passed."

SRI K. BALASUBRAMANYA AYYAR:—"This amendment is not of such a nature. It is a crucial amendment. The whole thing stands or falls on the acceptance of this amendment or not."

THE HON. SRI K. RAJARAM:—"Even if Members of the Opposition give notice of amendments, we consider them on their own merits, and I can tell the hon. Member that so many amendments tabled by the Opposition have been accepted by the Government. Therefore, there is nothing improper in the procedure adopted by this House. I once again thank all hon. Members."

MR. CHAIRMAN:—"The question is—

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as amended, be passed into law.'"

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

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC
(AMENDMENT) BILL, 1954

25th March 1954]

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT)

BILL^a, 1954.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Mr. Chairman, Sir, I beg leave to introduce the ‘ Madras Suppression of Immoral Traffic (Amendment) Bill, 1954, and move—

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

In doing so, Sir, I may tell this House that the Government constituted a Committee in 1950 to go into the question of revising the existing Act on the basis of certain legislation passed by the Bombay State Government. The Committee went into all the questions and made an elaborate report. They examined witnesses and visited many places to acquaint themselves with the conditions there. By this Bill Government seek to amend only sections 6, 9, 11 and 12 of the Act. This is because a comprehensive legislation in respect of this matter is now before the Parliament. Its aim is to consolidate the law relating to suppression of immoral traffic. So we have only taken up certain amendments to some of the sections of the Act which are absolutely necessary for the administration of the Act. The Central Bill when passed into law will cover all aspects of this question. It is a well-thought-out and comprehensive legislation which will ultimately decide the law in this State also. By this Bill we seek to amend certain sections of the Act which are absolutely necessary for the administration of the Act. I am sure hon. Members will support this Bill.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954, be taken into consideration at once.’ ”

SRI K. BALASUBRAMANYA AYYAR :—“ I wish to know whether the report referred to by the Hon. Minister will be made available to hon. Members of this House for reference.”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ We have only a few copies of the report. I can spare a copy for the hon. Member’s reference.”

DR. S. MUTHULAKSHMI REDDI :—“ We are not able to hear the hon. Member and the Hon. Minister who spoke just now. I would request the Chair to instruct them to make their speeches in a clear voice.”

MR. CHAIRMAN :—“ I cannot change their voice.”

DR. S. MUTHULAKSHMI REDDI :—“ I mean they may be asked to use the mike and make themselves heard by hon. Members.”

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 25th March 1954.

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

^a Published on pages 33-35 of Part IV-A of the Fort St. George Gazette, dated the 10th February 1954.

[25th March 1954]

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, in my opinion the way in which the Government have been trying all these years to tackle this problem of immoral traffic is wrong. They consider that the problem is entirely economic. Taking the tradition of our country we find that the lack of proper education especially after the advent of the Britisher has been responsible for treating morality on a light plane. We find we have gone far away from the way in which we ought to educate our women. Now we impart the same education that we impart to boys to girls also. So much of estrangement has been caused in the atmosphere of girls because of modern education. They are being separated not only at their tender age but also up to adolescent stage from the homes in which they were having their mothers as their natural tutors. Now girls receiving the same education as boys are apt to mistake the ways in which feminine nature ought to act. We content ourselves by saying that the modern education that the girls obtain in schools is just making them weaker in health and perhaps weaker in mind. But the real fact is, the education which we impart to girls which is the same as we impart to boys, has completely made them fickle-minded. It has given them an atmosphere quite foreign to our soil. It has separated them from the natural atmosphere, that is the homely atmosphere, where they were having their mother as their tutor and guardian.”

SRI A. M. ALLAPICHAI :—“ Mr. Chairman, Sir, the question before the House is something else. The hon. Member seems to suggest that our educated girls are bad girls. Some such insinuation is being made in his speech. I think the amendments brought in by the Hon. the Minister for Law have nothing to do with that.”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, because we are on the general discussion of the Bill, I am only analysing the problem and suggesting how it should be tackled. Because of the separation of the girls from their home atmosphere, they do not get the education that they used to get through their natural tutors, namely, their mothers. In saying so I should not be taken to mean that modern education is useless. But what I say is that modern education is partly responsible in denying the girls that kind of education which was given in their homes by their mothers. The other point is that it is not purely economic reasons alone and it is not poverty alone that just brings about some light manners in our girls. It is the complete lack of dinning into the ears of the girls, especially just before adolescence and at the adolescent stage, the value of chastity. India has been a poor country all through, but the problem is acute only now. We find that the Government have not been able to suppress this immoral traffic in spite of so many laws they have passed and in spite of so many Vigilance Homes, etc., which they have been running. It is purely a matter of mental attitude and that mental attitude can be corrected only by education. It is not at all a

25th March 1954] [SRI G. KRISHNAMURTHI]

problem of economics. Poverty has no connection with morality. Morality will perhaps be found more among the poor people rather than among the rich. Of course, we can say that poverty may drive the poor to this and that and so on. It is the mental attitude that is responsible for all these lapses and this mental attitude has to be corrected especially in the pre-adolescent and the adolescent stage by the guardians. Especially in respect of girls, the system of education, which separates a girl from her natural guardian, the mother, for a considerable number of hours during the best part of the day, is not good. The education of the girl should be restricted to two or three hours a day and during the rest of the day she should be allowed to remain in her home. Necessary education about the physical requirements of the girl, the nutrition of the girl, care of the home and the nursing of children can be better taught at home by the mother rather than by an artificial mother created in the form of her teacher.”

SRIMATHI S. MANJUBASHINI :—“ Mr. Chairman, Sir, on a point of information, I would like to tell the hon. Member that if he cares to come and see the Vigilance Homes, he would find that most of the girls there are not educated. He need not therefore carry on a tirade against educated girls.”

SRI G. KRISHNAMURTHI :—“ I shall just conclude this point regarding education. I am not really against education of girls but I do not accept that the education that is now obtaining in our girls' schools is true education. It is the complex civilisation that has brought in the modern conditions. There should be separate schools for girls from the initial stages. There should not be co-education. These separate schools should only work for about three hours in the day, and the girl should be allowed to remain for the rest of the day under the care of the mother in her home. In this land of hoary traditions, it is the father and the mother who are the natural guardians of the girl that could instil into her mind the real value of chastity, and that is the way in which the Government should tackle this problem.”

DR. S. MUTHULAKSHMI REDDI :—“ Mr. Chairman, Sir, the League of Nations has considered the question of immoral traffic as an international problem many, many years and many, many decades ago. Expert Committees were appointed to study the conditions in every advanced country and these Committees have submitted their reports. Immoral traffic in women is not a problem peculiar to India alone. It does not depend on education or the lack of education. It is also true that both boys and girls should be educated. It is not only the girls who are at fault. Unless the boys are pure-minded no girl can be pure. I wish to lay stress on this point, namely, both the boys and the girls, the sons and daughters of this land, should be taught the same code of morals. There should be no difference in regard to this code of morality in the teaching of boys and girls. Both must receive the same kind of instruction. The boys must be told to be strict

[Dr. S. Muthulakshmi Reddi] [25th March 1954]

bramacharis and the girls must be taught to be *pathivrathas*. Both must receive this training and this teaching in regard to morals. It should not be confined to one party alone, because this question of sexual promiscuity is common to both. There must be two parties to a crime. So both parties must be educated. The weaker party alone must not be burdened with the responsibility of this Act. This vice is not confined to India alone. It is obtaining even in countries where the people are cent per cent literate. The League of Nations have examined all aspects of this question and they have come to certain conclusions. India has been a signatory to these conclusions.

“ Indeed, as far back as the year 1925 I had to study this problem when I myself introduced this Suppression of Immoral Traffic Act in the then Legislative Council. As regards the merits of this Act, it was found to be absolutely necessary to control commercialised vice. It is this kind of vice that this law tries to deal with and not the ordinary single act of immorality. The Act was intended to stop the vice which is traded upon by others and to punish this commercialised vice and those who run homes or institutions for making profit out of the vice of others. There is now, therefore, no question about the aims and objects of this Act. We are only moving certain amendments to it. The Government have brought forward certain amendments which we have got to consider and not go into the aims and objects of the Bill. They have been decided upon many, many years ago as far back as 1930.”

SRI A. M. ALLAPICHAJ :—“ Mr. Chairman, Sir, I feel that I may be in a position to add something to the debate. Some sort of a suggestion was made by an hon. Member here that due to the defective system of education prevailing today that some of our girls had become bad. I do not at all agree with him. On the other hand, no education, whether modern or ancient, teaches us that we should become bad. No books either in our high schools or colleges ever taught us that we should behave badly. Therefore it is rather very bad to condemn a particular system of education merely because we may differ from it in some respects. As a matter of fact, the hon. Member, who spoke against the system is himself a product of this system. No one can blame him and, in fact, he is a very good man. As such we cannot say that the system was responsible for any such evil. There are several factors which go to make this unhappy state of affairs. One is man himself. Shakespeare, one of the greatest poets of the world, has said it very beautifully ‘ Woman falls because the man is weak. So, for the fall of some of our unfortunate sisters, the persons that are responsible are men. I can say it is definitely man who is responsible.

“ I wish to bring to the notice of the Hon. the Minister for Law another point. As the law now stands, a man who visits a house of ill-fame is not punished. Perhaps most of the hon. Members may not know this fact that if a man visits a house

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 26th March 1954.

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

THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, * 1954.

THE HON. SRI K. RAJARAM :—“ Mr. Chairman, Sir, I beg leave to introduce the Madras City Municipal (Amendment) Bill, 1954, and move—

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

“ Sir, under the existing provisions of the Madras City Municipal Act, 1919, the maximum monthly salary of the Water Works Engineer of the Corporation of Madras has been limited to Rs. 800 per mensem while the maximum monthly salary of the other Heads of Departments of the Corporation like the Health Officer, the Electrical Engineer, the Public Works Engineer, and the Revenue Officer has been fixed at Rs. 1,200 per mensem. As the duties and responsibilities of the Water Works Engineer are not less onerous than those of the other Heads of Departments, the Council of the Corporation has recommended that the maximum monthly salary of the Water Works Engineer also be raised to Rs. 1,200 a month so as to be on a par with that of the other officers. This is reasonable and it is therefore proposed to amend clauses (b), (c) and (d) of proviso to section 85 (1) of the Madras City Municipal Act, 1919. I therefore request the House to take this Bill into consideration at once and accept it.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras City Municipal (Amendment) Bill, 1954, be taken into consideration at once.’ ”

DR. V. K. JOHN :—“ Mr. Chairman, Sir, this Bill has my strong support.”

SRI K. BHASHYAM :—“ Mr. Chairman, Sir, I only want to add a few words to what the hon. the Deputy Leader of the Opposition has said. It is a piece of justice that ought to have

* Published at pages 43-44 of Part IV-A of the Fort St. George Gazette, dated the 17th March 1954.

[Sri K. Bhashyam] [26th March 1954]

been rendered long, long ago. I remember when I was in the Corporation Council in the year 1946 there was a move that no officer should be paid more than Rs. 1,000 a month. It was under those circumstances that Rs. 800 was fixed. When I was leading the Congress Municipal Party at that time though other changes were made this provision was not changed. I am glad the mistake which was committed on the last occasion when the salary was fixed at Rs. 800 and no more is now going to be rectified. Things have changed since then and prices have gone up. Therefore it is but right that the Water Works Engineer should be placed on the same level as the other officers of the Corporation."

SRI V. CHAKKARAI CHETTY :—"Mr. Chairman, Sir I have great pleasure in supporting this amendment. As one who had been connected with the Corporation of Madras for a long time, I know that the Water Works Engineer's duties are expanding day by day with the expansion of the City. The Water Works Engineer has many duties to perform in connection with the works entrusted to him apart from other matters. I know the present Corporation Water Works Engineer. He is a hard working, conscientious and painstaking Engineer. He certainly deserves to be placed along with other Engineers whose duties are not more onerous than that of the Water Works Engineer. I heartily support this amendment."

SRI K. BALASUBRAMANYA AYYAR :—"Mr. Chairman, Sir, I also support the amendment, but I wish to point out that the name Water Works Engineer may be changed because in our part of the City we get very little water. In spite of many representations there is the difficulty in getting sufficient water-supply."

MR. CHAIRMAN :—"That is why there should be a Water Works Engineer."

SRI K. BALASUBRAMANYA AYYAR :—"But he is a Water Works Engineer who never gives water. There is a great deal of complaint from people in those parts that they do not get proper supply of water."

SRI T. PURUSHOTHAM :—"He is not a 'Water giving Engineer'. He is a Water Works Engineer."

SRI K. BALASUBRAMANYA AYYAR :—"I know the Engineer does not give water. The water is supplied from the water works and the Engineer is in charge of those works. Even simple people know this. Because he is in charge of works intended for the supply of water to people he is called Water Works Engineer. He is not supplying water properly. Therefore instead of calling him Water Works Engineer, he might be called Engineer, or Works Engineer or Public Works Engineer."

[26th March 1954] [Sri K. Balasubramanya Ayyar]

"Sir, my point is that we have complained very strongly that many portions in the City, which is expanding, do not get any water-supply. I cannot blame distance for this, because Gandhinagar, which is farther away from Red Hills than Mylapore, gets good supply of water but Mylapore does not get it. The whole matter has to be gone into by the Government. I submit that the Government should take this opportunity to enquire into the matter and see that water is fully supplied to people and there is no complaint from the public. There has been plenty of rain recently and the Corporation cannot complain of failure of rains. The Red Hills lake is full. This is all my submission. Let the Water Works Engineer be paid Rs. 1,200 a month but let him do the work all right and let him do it in such a fashion that we get sufficient water."

SRI G. KRISHNAMURTHI :—"Mr. Chairman, Sir, I quite appreciate the attitude of the Government in trying to equalise the pay of persons doing equal work. But I do not know why the equalization should not go the other way about, why the salaries of other Heads of Departments who are stated to be drawing Rs. 1,200 a month should not be reduced to Rs. 800 a month. I do not mean by this that the present incumbents getting that salary should be affected. At least for the future entrants the reduced scale of pay may be given. Sir, it is a naked fact that when we ask for mere creature comforts for people in certain professions, such as the Non-gazetted officers, the clerical grades, the teachers, the menials, and the men in the last grade service, they do not get even one or two rupees extra from this Government. But a particular officer is able to get a lift of Rs. 400 simply on the initiative of the Government. What we like to point out is that it is the duty of a national Government especially in a Welfare State to see that all these poor people get a living wage. It is the particular duty of the Government to attend to their comforts first. I would have been doubly glad if the Government had done any such thing, if they had raised the salaries of these poor paid people at least by a rupee or two. But of course it may be argued that it is only a question of additional expenditure of Rs. 400 only to Government in this case. The saving effected by denying this would be nothing. But I must say that the Government should also go by certain principles. It is only the laying down of sound principles especially by this Government that will lead to contentment among these poor servants and this will put in sympathy and goodwill in these professions."

SRI T. PURUSHOTHAM :—"Mr. Chairman, Sir, if I rise to speak on this Bill, it is not to oppose it. I support the amending Bill. I want to take this opportunity to state that in the matter of fixation of the scales of pay of the officers and staff of the Corporation, the Corporation should be given the fullest powers. The control of the Government should not be there. The Corporation should have the fullest powers in the matter of fixation of scales of pay, subject, of course, to the condition that the scales

[Sri T. Purushotham] [26th March 1954]

of pay fixed by the Corporation for their officers and staff shall not exceed those fixed by the Government for their officers and staff. A general amending Bill like that will be much more welcome than fixing the scales of pay of individual posts by this legislature. I know there is a proposal to introduce a comprehensive Bill to amend the City Municipal Act. I hope the Government would consider my suggestion also when bringing in such a Bill. With these words I support the Bill moved by the Hon. the Minister for Local Administration."

SRI T. M. DAIVASIKHAMANI ACHARIAR :—" Mr. Chairman, Sir, I wish to associate myself with the Amending Bill before the House. This step has long been overdue. The Water Works Engineer ought to have been placed on an equal position with the other Engineers because he also possesses the same educational and technical qualifications. Besides, whenever an epidemic breaks out in the City, it is the Water Works Engineer on whom the whole blame is thrown. Every action of his as well as the purity of the water supplied will be then questioned. He has to face a greater amount of criticism than either the Roads Engineer or the Buildings Engineer. In view of the fact that the health of the City largely depends upon the supply of pure water, I believe, Sir, that the Water Works Engineer must be treated at least on a par with the other Engineers. I am glad that the Government have now come to his rescue and are trying to remove the disparity between one Engineer and another. Not only do I know the Water Works Engineer personally, but from the reputation that he has built up in this City as a straightforward Engineer, a man who is always at his post and attends to his duties with greater zeal and looks after every drop of water that is supplied to the City, I have great pleasure in supporting this Bill."

SRI A. GAJAPATHY NAYAGAR :—" மன்றத் தலைவர் அவர்களே, இந்த உத்தியோகஸ்தரின் சம்பளத்தை உயர்த்துவதில் எனக்கு ஒன்றும் ஆட்சேபமில்லை. ஆனால் ஒரு குறையை தெரிவித்துக்கொள்ள விரும்புகிறேன். நான் அயனாவரத்தில் இருக்கிறேன். பக்கத்திலே Water Works Department-ன் பெரிய tank இருக்கிறது."

MR. CHAIRMAN :—" You are too near the Water Works ! "

SRI A. GAJAPATHY NAYAGAR :—" ஆனால் குமாயில் தண்ணீர் வருவதில்லை. இது ஒரு பெரும் குறை. இது ஒரு புது காலனி; இதற்கு வெங்கடேசபுரம் என்று நமது கனம் மந்திரி வெங்கடசாமி நாயுடு அவர்களின் பெயர் வைக்கப்பட்டிருக்கிறது. ஆனால் தண்ணீர் கிடையாது. இந்த உத்தியோகஸ்தரின் சம்பளம் உயர்ந்தபிறகாவது தண்ணீர் ஜாஸ்தியாகக் கிடைக்குமென்ற நம்பிக்கையுடன், நான் இந்த மசோதாவை ஆதரிக்கிறேன். உடனே நான் சொல்லிய குறையைத் தீர்க்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

THE HON. SRI K. RAJARAM :—" Mr. Chairman, Sir, I thank hon. Members for the full support which they have given to this Bill. There has been no objection from any hon. Member from any part of the House to increase the salary of the Water

[26th March 1954] [Sri K. Rajaram]

Works Engineer and bringing it on a par with that of the other engineers of the Corporation. These engineers belong to the same cadre and till now there was this anomaly, namely, that the maximum of the salary of the Water Works Engineer was fixed at Rs. 800 while that of the others like the Electrical Engineer and the Public Works Engineer was fixed at Rs. 1,200. This anomaly was found out now and the Corporation have also agreed that the maximum salary be raised to Rs. 1,200 so that all the three Engineers may get the same salary. I am very thankful to hon. Members for giving their unanimous support to this Bill.

" Further, hon. Members, Sri K. Balasubramanya Ayyar and Sri A. Gajapathy Nayagar mentioned that they were not getting water in their taps and that water was not equitably supplied to all the Divisions in the Corporation. This matter will be communicated to the Commissioner of the Corporation and I will try to see that everything is set right.

" The hon. Member, Sri T. Purushotham said that the Corporation must be allowed to fix the salaries of its servants but that it may be laid down that the maximum should be so fixed that they do not go beyond the salaries of similar Government Officers. That was the impression I gathered from his speech. If such a power is given to the Corporation, then all the local bodies, municipalities and panchayats also will demand that they must be free to fix the salaries of their servants. It is better to have centralized control over all these things. Even in the present case the suggestion to increase the salary of the Water Works Engineer came only from the Corporation and the Government immediately agreed to it. So also, if any local body expresses its intention to increase the salaries of its servants, the Government will examine them and come to a decision on the merits of each case. The Government agreed to the recommendation of the Corporation that the salary of the Water Works Engineer should be on a par with that of the other Engineers and so they have brought forward this Bill which has received the unanimous support of this House. It is therefore better that the Government have some control over it. The hon. Member's viewpoint will also be considered when a comprehensive legislation is brought forward to amend the City Municipal Act and other similar Acts. For the present, I think, the hon. Member need not press his viewpoint because so many other troubles will arise as I have already said. I once again thank all hon. Members."

SRI MOHAMED RAZA KHAN :—" Sir, may I know whether the Water Works Engineer's salary will be enhanced only after the Bill is passed into law or will it have retrospective effect? "

MR. CHAIRMAN :—" The Bill before the House is not concerned with any particular officer."

THE HON. SRI K. RAJARAM :—" Sir, it cannot have retrospective effect. There is a sub-section in the Madras City Municipal

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Act which states that the salary of the Water-Works Engineer shall not exceed Rs. 800 a month and another sub-section states that the salary of the other Engineers shall not exceed Rs. 1,200 a month. This anomaly has to be removed. Therefore the sub-section fixing the maximum salary of the Water Works Engineer has been deleted and the other sub-section suitably amended to place these officers on a par with each other."

MR. CHAIRMAN :—" The question is—

' That the Madras City Municipal (Amendment) Bill, 1954, be taken into consideration at once.' "

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

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

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

' That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), be passed into law.' "

MR. CHAIRMAN :—" The question is—

' That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), be passed into law.' "

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

THE COURTALLAM TOWNSHIP BILL, 1954

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 26th March 1954.

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

THE COURTALLAM TOWNSHIP BILL,^a 1954.

MR. CHAIRMAN :—“ The Hon. the Minister for Local Administration will now introduce the Courtallam Township Bill, 1954.”

THE HON. SRI K. RAJARAM :—“ Mr. Chairman, Sir, I beg leave to introduce the Courtallam Township Bill, 1954, and move—

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

“ Courtallam in the Tirunelveli district is famous for its waterfalls and its importance has been recognized both by the public and the Government. A panchayat was constituted for the village in the year 1939 to manage its civic affairs. In subsequent years, an association called the Waterfalls Association was formed to attend to the needs of the bathers and a Public Health Committee was appointed to improve the sanitation of the area. It is, however, found that the corporate bodies including the panchayat functioning in that area have not been able to effect any appreciable improvement in the condition of the people. In the interests of public health, Government consider it desirable to develop the potentialities of the place as a health resort on sound planned

^a Published at pages 49-52 of Part IV-A of the Fort St. George Gazette Extraordinary dated 18th March 1954.

26th March 1954] [Sri K. Rajaram]

lines. The resources of the existing panchayat are inadequate to develop the area. The Government have, therefore, decided to constitute the area at present within the jurisdiction of the Courtallam Panchayat into a Township, and to vest in a Township Committee necessary powers to administer the municipal affairs of the township. The Committee will be empowered to levy taxes normally levied by Municipalities. All the members of the Committee will be appointed by Government. The members will hold office for a period of three years in the same way as municipal councillors. On the expiry of the term of office of the members in the normal course, or on the occurrence of casual vacancies, Government will make the appointments. This is similar to the constitution of the Mettur Township.

“ There is no provision in the Madras District Boards Act, 1920, or in the Madras District Municipalities Act, 1920, for the constitution of Township Committees. It is, therefore, proposed to undertake special legislation on the lines of the Mettur Township Act, 1940, in respect of Courtallam.

“ I move that the Courtallam Township Bill, 1954, be taken into consideration at once.”

MR. CHAIRMAN :—“ Motion moved—

“ That the Courtallam Township Bill, 1954, be taken into consideration at once.” ”

SRI K. BHASHYAM :—“ Mr. Chairman, Sir, I welcome this measure as one of the measures taken for the purpose of popularizing health resorts in this State. A measure like this is certainly necessary for the purpose of attracting visitors to Courtallam and places like that. I should like to make one or two suggestions to the Government so that they may consider them and come forward with a comprehensive measure for implementing their intentions.

“ According to the provisions of this Bill, the Township Committee is to be a Government appointed Committee. I think such a provision is not quite so progressive as one would like it to be. But certainly I do not mean that the Government should not take upon themselves the right of appointing members to the Township Committee in the first instance. After all it may be necessary for the organization of the Township Committee for the first time that the Government should have the help of persons who, they think, will be able to help them as much as possible. But the Government have provided in this Bill for elections and for representation of the local people either now or later on. The Government may have the power to appoint a Committee now. But later on they may bring in a measure for giving representation to the local people on this Committee. Again, Sir, according to the provisions of this Bill, not only the Members of the Township Committee are to be appointed by the Government but also the Chairman of the Township Committee is to be appointed. Only three members of the Township Committee, according to the Bill,

[Sri K. Bhashyam] [26th March 1954]

are to be non-officials. It is not clear whether a non-official will be made a Chairman of the Township Committee or not. I hope, in the light of what I have stated, an influential non-official will be appointed as Chairman in the first instance.

“As regards application of the Madras District Municipalities Act and other enactments to Courtallam Township, specified in clause 4 of the Bill, I am not able to see how the House can pass such a provision which gives such wide powers to the Government without some sort of control by the Legislature. Clause 4 of the Bill states—

‘The State Government may, by notification in the *Fort St. George Gazette*, direct that any of the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the Courtallam township, shall apply to it to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.’

This provision gives wide powers to the Government. The terms of the provision are also vague. One hesitates to give such wide powers to the Government, ordinarily. I think it is for the second time that a legislation for a Township Committee of this kind is introduced in this House. I understand that such a legislation was passed some years ago in connection with the formation of a Township Committee for Mettur. Government themselves now consider it necessary to have these powers. After some time when such notifications as are contemplated in this provision are issued and when people become familiar with the provisions of the Madras District Municipalities Act that are applied to the Township, I hope the Government will consider it necessary to come forward with a measure of the kind which will give more representative voice to the people of that locality in the matter of administration of their own affairs. This is a matter which must really be looked into. What I want to point out in this connection is that if only the Government have said that these rules and other notifications which the Government would be issuing shall be placed before the Legislature for the purpose of information at least before they are being acted upon, that would have been better. I do not know what the Government's intentions are in this matter. I am not standing in the way of passing this measure at once. But I would like them to consider whether such rules and notifications might not be placed before the Legislature either for the purpose of approval or at least for the purpose of information.

“I also welcome the provision made in the Bill for the appointment of an Executive Officer to the Township.

“I have suggested the above improvements for their incorporation in the present Bill itself now, if possible, or later on when the Government will bring forward another measure for the purpose of improving the present Bill.”

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SRI E. H. PARAMESWARAN :—“Mr. Chairman, Sir, I have also great pleasure in welcoming this Bill which has been introduced by the Hon. the Minister for Local Administration Sri K. Rajaram. Courtallam is one of the beauty spots in the whole of India. I doubt very much whether there is any place in the whole country that can be compared with Courtallam. People who have spent a few days in Courtallam have been very much impressed with the salubrious climate of the place. People feel that their very stay in Courtallam for three or four days is a kind of invigorating tonic. I have been wondering why even after the attainment of freedom our Government have not been devoting any attention to this question of improving Courtallam. Courtallam can be made as popular as Ootacamund or Kodaikanal. This can be made a poor man's paradise. It can be also a sanatorium. I would plead with the Government to take all necessary measures to make Courtallam a sanatorium. I have often heard people saying that if there had been a place like Courtallam in America or in the European continent they would have spent large sums of money to improve the place to attract visitors from all places. It seems as if we have no imagination to make our own places attractive. In spite of the Courtallam Waterfalls Committee and other Committees, Courtallam had been kept as a very dirty place and people did not observe the rules of sanitation. I am very glad, therefore, that the Government have brought forward a Bill of this kind and I would request the Government to do everything in their power to see that Courtallam is made an ideal spot so that people may come and stay there for a few weeks during the season. Finally I want to make one or two suggestions with regard to the provisions in the Bill.

“As the hon. Member Sri K. Bhashyam pointed out, I do not understand why all the members of the Township Committee should be appointed by the Government. We are living in the days of democracy and I do not see any reason why all the members should be appointed by the Government. At least some of the members can be elected in the first instance. The Chairman also can be elected. I would request the Government to consider whether it is possible to introduce the elective principle with regard to the constitution of the Township Committee.

“I find from the Schedule that only the present revenue village of Courtallam is included in the Township area. I would request the Hon. Minister to consider whether parts of Melagaram should not be included in the Township area. I would request the Government to consider whether the words ‘such part of Melagaram as the Government may include’ may not be added in the Schedule at the appropriate place so that the Township area which comprises now the revenue village of Courtallam may include this area also. I understand from people in the know of things that many of the important bungalows in Courtallam are situated in what is called the revenue area of Melagaram. Unofficially all the bungalows are in Courtallam, but according to the Revenue authorities they are in Melagaram. Therefore, if these words are included, namely, ‘such part of Melagaram as the Government may include’, then

[Sri E. H. Parameswaran] [26th March 1954]

Sir, all big bungalows will come under the Township of Courtallam. There is the bungalow of Sri Karimuthu Thyagaraja Chettiar. There is the lunatic asylum. There is another bungalow belonging to Dr. Ramasubramaniam. If all these are excluded from the jurisdiction of Courtallam Township, the revenue accruing to the Township may be very small."

THE HON. SRI K. RAJARAM :—" I invite the attention of the hon. Member to the Schedule."

SRI E. H. PARAMESWARAN :—" Sir, I say that some parts of Melagaram may also be included in the Schedule. With these words, I have great pleasure in supporting this Bill."

SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I am supporting this Bill. The main objection to this Bill seems to be, from what I heard from hon. Members, that there is not the elective element introduced in the Bill and that all the members including the Chairman are going to be appointed. I believe, Sir, that the Chairman and the members could be appointed in the first instance. Later on, the members may come in through elections. But, in the first instance, as suggested in the Bill, all the members including the Chairman may be nominated by the Government and the elective principle may be introduced later on. With these observations, I support this Bill."

SRI K. BALASUBRAMANYA AYYAR :—" While I generally support the Bill, I have to point out the way in which the whole thing has to be done. I do not want Courtallam to become a big Township. I do not want that the other adjoining villages should be added to the Township because this is a special Township to which the Madras Village Panchayats Act and the Madras District Municipalities Act will not apply. Therefore, let this Township not encroach upon the jurisdiction of the surrounding areas. Only the small place of Courtallam alone should be made into a township. That must be the guiding principle of the Government. Sir, Courtallam is a health resort. It is not a mere luxury resort. Mainly, jaded men and women, people who are ill and who feel tired go there and have an exhilarating bath in the beautiful waterfalls there. Therefore, when it is made into a Township, the beauty of it as a countryside should not be destroyed. Otherwise, it will cease to be a health resort. Already the waterfalls is being abused in various ways by people and those things will have to be prevented. That is why I do not want that elections should be introduced for this Township Committee. Once we introduce elections and once we introduce factions, people will no longer go there. People will only be bothered about the elections. Let us get rid of the elections at least in one place to which poor people and others who require rest go for recouping their health. The Government should not introduce the elective principle. They can appoint the members. Therefore, I support the Bill as it is."

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SRI P. N. MARTHANDAM PILLAI :—" Mr. Chairman, Sir, I hail from Tirunelveli district and I am familiar with the surroundings of this Township. I congratulate the Government on taking steps to establish a Township for that sanatorium. At present, the sanatorium is noted only as a bath resort, though the climatic conditions are really very favourable. This aspect of the matter is not normally noted by the average man who goes to Courtallam. The bath in the waterfalls is the most attractive feature there. Sir, Courtallam is a very small place and requires some extension. As the speaker who preceded me pointed out, in the Schedule where the area constituting the Township is specified it is mentioned 'bounded on the east, by the revenue village of Melagaram'. I would request the Government to extend the area up to Tenkasi. That would give greater facility. Courtallam is now being kept as a very nasty place. During the major part of the year, namely, for 8 or 9 months in a year, it is almost deserted. There is considerable activity only for about three months in a year."

"The Government have stated that they are going to constitute a Committee consisting of eight members of whom three will be non-officials. I do not know how the Government are going to appoint the other five officials. If they are district officers who are residing abroad and who come to Courtallam now and then, they may not really help. Tenkasi and Elanchi are two of the best villages bordering Courtallam where there are a number of enlightened and educated people. Some of these people may be selected to form this Committee. There is no use appointing an official who is a Tahsildar elsewhere or a Subdivisional Officer at Shermadevi. They may not take any interest. There are at least a dozen unemployed graduates in both the villages I have referred to and they can attend to the work. I am sure they will really contribute something to the development of this township."

"Now, I come to the financial side of the matter. I do not think that the Committee will be able to improve the town with only the taxes and fees levied. Unless large grants are forthcoming, it would not be possible to improve the township. The mere conversion of a panchayat into a township would not provide the necessary money for effecting various improvements. If the Government are really serious in the matter, I request them to give large grants for improving the town. Sir, there is dearth of good drinking water. The waters of the Sithar river which is running through the mountain are now going to waste. Some attempt should be made to tap the water sources higher up in the falls and the water must be brought through pipes to the town. Otherwise, there would be considerable difficulty in getting drinking water. With these words, I wholeheartedly support the Bill."

SRI G. KRISHNAMURTHI :—" Sir, I heartily support the suggestion made by my hon. Friend Sri K. Balasubramania Ayyar. The township, as at present contemplated, may be there. Let us

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see whether at Government level we cannot have good administration. After all, it is something like a sample survey or an experimental test. I am afraid that the powers given to the Township Committee to alter the boundaries or to make additions to the area may work havoc and diminish the importance of Courtallam. Courtallam has its charm more on account of the solitude that we enjoy there. If really the area is enlarged, naturally all the complexities of modern civilization, which we want to avoid by going to Courtallam, will be there. Naturally, the attraction of Courtallam will go down. What we now want is that the Township Committee should just see that the area at present contemplated is there and that it is never enlarged but that the amenities are increased as a result of the powers vested in the Committee by the Bill which we are now going to legislate."

SRI A. GAJAPATHY NAYAGAR :—" I am sorry, Sir, that this Bill is introduced without proper notice to us."

SRI T. PURUSHOTHAM :—" May I know, Sir, why the hon. Member is speaking in English? "

SRI A. GAJAPATHY NAYAGAR :—" There is the constitutional objection to speak in Tamil."

SRI T. PURUSHOTHAM :—" Sir, the hon. Member Sri A. Gajapathy Nayagar is blowing hot and cold in the same breath."

SRI A. GAJAPATHY NAYAGAR :—" Not at all. I sometimes speak in Tamil, because . . ."

SRI K. BHASHYAM :—" He wants that all should understand him."

SRI N. ANNAMALAI PILLAI :—" கனம் கஜபதி நாயகர் அவர்கள் எப்பொழுதும் வெளியிலும் இந்தச் சபையிலும் தமிழிலேயே பேசுவது வழக்கம். ஆனால் இன்று திடீரென்று ஆங்கிலத்தில் பேசுகிறார். மற்றொரு சமயம் தமிழில் பேசுகிறார். காரணம் தெரியவில்லை. அவராவது தமிழில் பேசினால் நாங்கள் விபரம் தெரிந்து கொள்ளலாமென்று நினைத்தோம். ஆனால் அவரும் ஜோதியோடு ஜோதியாய்க் கலந்துகொண்டு விட்டார். அதை விளக்குமாறு கேட்டுக் கொள்கிறேன்."

SRI A. GAJAPATHY NAYAGAR :—" I will explain. I have raised the question whether this legislature is going to adopt Tamil as the official language. But that matter is put in cold storage. When any Member speaks in Tamil, Hon. Ministers reply only in English, because they say that English is the only authorised language under the Constitution and therefore they reply only in English."

THE HON. SRI M. BHAKTAVATSALAM :—" That is not what the Ministers said."

SRI A. GAJAPATHY NAYAGAR :—" I understand them in suchwise, though they did not say so in so many words. They cannot help speaking in English, because English is the only authorised language. I know the Minister can speak in Tamil."

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SRI N. ANNAMALAI PILLAI :—" அதில் எனக்கு ஆசைப்படுகிறது."

SRI A. GAJAPATHY NAYAGAR :—" Sri Annamalai Pillai wants to know why I speak in English and why I do not speak in Tamil."

MR. CHAIRMAN :—" The hon. Member will speak on the Bill."

SRI A. GAJAPATHY NAYAGAR :—" Sir, I am speaking on the Bill in English, because my right to speak in Tamil is not constitutionally recognized. I do not speak in Tamil because constitutionally I am bound to speak in English. The right is not left to me to speak in Tamil. The Hon. Chairman may prevent me from speaking in Tamil, when I can express myself clearly in English. Therefore, I am speaking in English. Sir, this Bill is only the thin end of the wedge in destroying democratic principles. Courtallam is a religious resort. Also it is a health resort. It is a place for all people—rich or poor—to visit. The Government want to make Courtallam a township. That means, they will constitute a township committee, of which three only will be non-officials. This committee will get all control, and they will convert the whole area with reference to their needs and comforts. Why should administration by the elected panchayat be taken away and the administration entrusted to a township committee? The Government should leave the panchayat alone to do its duty. Wherever authority goes, authority goes with all its implications. If the Government want to improve the place, let them give more powers to the panchayat. If the Government so want, they can appoint a special officer. But I ask, why convert the panchayat into a township committee? This is against all democratic principles. I oppose the very principle underlying this Bill. Health is not a subject which the panchayats cannot deal with. Merely in the name of preserving the health of the people there, the Government cannot take away the powers of the panchayat. I hope the people of Courtallam wish to have their own panchayat. Why should there be this township committee in the place of the panchayat? This Bill is unconstitutional, and it will lead to other complications. This Bill will convert the place into a regular town buzzing with noise, and the people would be deprived of all the benefits of this health resort. Therefore, I oppose the Bill."

DR. V. K. JOHN :—" I am very glad that the Government are paying attention to health resorts. I strongly advise them that every health resort must be resorted to. Very costly buildings were constructed in Ootacamund for the purpose of housing Government offices and for enabling officers and Members of the Government to go and take rest and also do work. For the last few years after the Congress took up office, these places were not resorted to, much to the disadvantage of administering public affairs. I personally think that it would be much better for the Secretaries, the staff, and Ministers to spend a month or two at Ootacamund

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and recoup their health, so that they may be fit for work in the next ten months. I want the Government to bear this in mind. Because the Government want to improve one health resort, I am making reference to this. I would also say that the Government should pay attention to every health resort both in the Nilgiris and Kodaikanal. Coming to the question of Courtallam health resort, I say I welcome the idea of improving this health resort. It is stated that the panchayats and other various organizations functioning there have not been able to effect appreciable improvement in the conditions of the place. If that is true—and I think it is true—it is entirely due to the fact that they have not enough funds. What the Government should have done and could have done was to assist the panchayat and other bodies functioning in Courtallam with the necessary funds to improve the township. The Government say that they will make rules to enable the township committee to levy all or any of the taxes and fees which may be levied by virtue of the provisions applied to the township under this section. I must very strongly object to the Government taking over powers to levy taxes. In fact the Government should come before the legislature. The legislature must know what taxes the Government propose to levy, and the legislature must give sanction to the proposal. To levy a tax by mere notification is wrong on principle. The executive should not be given the power to impose taxes without the special sanction of the legislature. A mere blank order to the executive to levy any tax they like, by notification, is wrong on principle, and we have to oppose this move very strongly. Then, Sir, it is stated that there will be a committee which will be appointed by the Government. Three Members of the Committee will be non-officials. This is again evidence of the Government trying to have patronage and power in their hands, and also trying to see that they appoint their own men to important places. We must develop democracy, Sir. I would personally request the Hon. Minister to give an assurance to this House that all the eight members will be non-officials or at least a majority of them will be non-officials. What we require now is financial assistance by the Government to improve these townships and also other health resorts. Not one word was spoken by the Hon. Minister whether the Government had any idea to give any financial assistance, and what would be the amount of that financial assistance. That is what people are interested in. What the Government will do, we do not know. Being a health resort, the Government must spend money out of the public revenues to improve it. I hope, Sir, that the Government will think twice over in not conforming to principles of taxation and also in trying to appropriate to themselves the power of nomination as well as the power to appoint officials to this committee."

SRI T. M. DAIVASIKHAMANI ACHARIAR :—" Mr. Chairman, Sir, the question of improving Courtallam as a sanatorium is long overdue. Barring the two places, Ootacamund and Kodaikanal, there are no other health resorts in our State worth

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the name. Courtallam has a very good climate. The drizzling continues for some months and people enjoy that climate like anything. That is a place fit to be developed into a sanatorium. There is also the waterfalls. As our hon. Friend Sri Parameswaran pointed out, in America they are selecting places for developing them into sanatoria and they are spending large sums of money on them. It should therefore be a matter for pride that this State should establish one or two good sanatoria in this State. Some more sites should be acquired and the place should be improved to a very great extent. The place rendered a first-class sanatorium. Then into we must have good residential buildings there. When people go there they must be provided with good residential accommodation as they may wish to stay there for some time. So I would suggest that construction of small buildings should be included in the scheme.

" Sir, in this connexion I would refer to what my hon. Friend Sri E. H. Parameswaran said about the work of the committees. Generally I am not a believer in committees much less in the proposed Township Committee, the House Committee of this House, etc. The hon. Member Sri Purushotham also said something about this in defence. As an instance, may I quote that last year we were called upon to elect a House Committee for this House and we elected one also this year. The whole House is in darkness as to what that committee has done so far. On a previous occasion when I pointed out that the seats of the back bench members might be improved the Hon. the Finance Minister was good enough to say that the back benches received greater attention than the front benches. I would like to know what are the duties of this House Committee, if not improving the amenities of the House."

SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, the hon. Member is referring to the House Committee. That has no relation to the Bill under reference. I may tell the hon. Member that the House Committee is doing excellent work. He is himself aware of it."

SRI T. M. DAIVASIKHAMANI ACHARIAR :—" Since the hon. Member has paid a compliment to the House Committee I will leave it at that."

" Now, Sir, I support this Bill strongly because we want at least another sanatorium in this State. If new sanatoria have to be found, and if this is not improved, we will have to go into the forests and mountains. In this connexion I may mention that in the Andhra State they have no sanatorium. They have yet to establish one whereas we have to-day three sanatoria. In this respect at least let us march in advance of that State. I wholeheartedly support this Bill."

MR. CHAIRMAN :—" The question is—

' That the Courtallam Township Bill, 1954, be taken into consideration at once.' "

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

Clauses 2 to 6 were put and carried.

The schedule was put and carried.

THE HON. SRI K. RAJARAM :—“ Sir, the Government want to move an amendment to clause 4. It may please be reopened.”

SRI MOHAMED RAZA KHAN :—“ Should not the House give its permission to reopen the clause? ”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Sir, I move—

‘ That clause 4 of the Bill be reopened. ’ ”

MR. CHAIRMAN :—“ I hope the House gives its permission to reopen the clause. The Hon. Minister may move his amendment to clause 4.”

Clause 4.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Sir, I wish to move an amendment to clause 4 to the effect that the rules, etc., framed under that clause will be placed on the table of the House so that the House may have an opportunity to consider those rules and make modifications, if necessary.”

THE HON. SRI K. RAJARAM :—“ The amendment is being moved as suggested by the hon. Member Sri K. Bhashyam.”

SRI K. BHASHYAM :—“ The rules will be published in the gazette and also placed on the table of the House at an early date for the information of hon. Members. I do not know if the Government would like the Members of the Legislature to consider those rules and vote on them.”

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ The object of the Government is to place the rules framed under the clause on the table of the House. The Legislature may consider those rules and suggest modifications, if necessary. The usual procedure adopted in respect of other legislations authorizing Government to frame rules and place those rules on the table of the House will also be incorporated in this Bill. That is the object of the amendment.”

MR. CHAIRMAN :—“ Let us wait for the official amendment.”

SRI K. BALASUBRAMANYA AYYAR :—“ I believe if special taxes are proposed to be levied which are not of the same kind as taxes levied by the panchayats and municipalities, proposals of such taxation will be placed on the table of the House for our consideration.”

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THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Only such taxes as are now collected by the panchayats and municipalities will be collected by the Township authority. No new taxes will be collected by them unless they are approved by the Legislature. Certain items have been classed as taxes to be collected by the panchayats and municipalities and they are making those collections. Only the existing provisions regarding the collection of taxes will be applied to that area. It is only an extension of the existing power to a new area. There is no fresh taxation involved in this.”

SRI T. PURUSHOTHAM :—“ May I know, Sir, whether it is in order to move an amendment without proper notice.”

MR. CHAIRMAN :—“ I have power to allow any amendment at any moment. The House is at liberty to accept it or not.”

SRI MOHAMED RAZA KHAN :—“ The purpose of the amendment is very good. It is a very welcome thing and indicates the willingness and responsiveness of the Hon. Ministers of Law and Local Administration to accept suggestions made by hon. Members particularly Members of the Opposition. It was just now pointed out that it would not be fair on the part of the Government to take powers of taxation without the approval of the Legislature. Now Government have said that they won't levy any new taxes without the approval of the Legislature. I am sure this attitude will be kept up in future also, because this is a very wholesome principle.

“ I do not at this stage want to go into a general discussion on the object of the Bill. The object is very good. Every one of the hon. Members who spoke on the Bill approved of it. But I am afraid the net result of all this will be that nothing will be done as far as the improvement of the place is concerned. That place is an excellent health resort. The very appearance of my hon. Friend Sri Parameswaran who comes from that place is sufficient proof to show that that place is a very good health resort.”

MR. CHAIRMAN :—“ What has that to do with the amendment? ”

SRI MOHAMED RAZA KHAN :—“ I was just pointing out the influence of health resorts on the appearance and the health of a person.

“ Sir, the Government have also given an indication that though they may levy some taxes there, the taxes may not be much. There seems to be a difference of opinion in the House. Some hon. Members feel that the old beauty and grandeur of the place should be maintained and the place should not be allowed to develop into the usual kind of township. Some hon. Members also want that some amenities should be provided for the people who come there. It would be much better if the Government give some sort of an idea as to the quantum of help they are going

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to give to make Courtallam a perfect health resort not only for its inhabitants but for the people who particularly seek to go there and who may feel that Courtallam would improve their health."

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, to enable the proposed amendment to be fitted into the clause concerned, may I suggest that we take up the third reading on the next day that the House meets. Then the Government can move the amendment, and the House can vote upon it. Otherwise, the amendment has to be made here and now and there may be difficulty regarding the proper wording of the amendment."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr. Chairman, Sir, I shall read the draft of the proposed amendment—

' Provided that such notifications shall be placed on the table of the Houses of the Legislature and it will be open to the Legislature to alter, amend or add to them.'

SRI K. BALASUBRAMANYA AYYAR :—" This cannot be put in as part of the Bill."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I am afraid, I have not been properly understood. This is a proviso to clause 4 of the Bill which contemplates how the provisions of the Madras District Municipalities Act are to be implemented. What is suggested in the amendment is the method by which such rules framed by the Government are modified or added to. This is the formula which we have adopted in regard to all legislative enactments both in this House and in the other House."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I would suggest that the amendment be regularly moved."

SRI K. BHASHYAM :—" Mr. Chairman, Sir, I will explain the implications of this amendment. Any notifications made shall duly come into effect at once. When the Legislature meets or when the notifications are placed before the Legislature, it can amend or add to these rules and then the amended rules come into force. Therefore, there is no question of holding up the framing of the rules till the Legislature meets. Very often what happens is the Legislature may be otherwise busy or it may even be indifferent. I therefore submit that the notifications published by the Government should come into force at once and afterwards it is open to the Legislature to take up the matter and make such amendments as are necessary. This, I think, has been the practice adopted in regard to the Estates Abolition Act and other Acts."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I shall clarify the whole position. I suggest, Sir, that the following be added as sub-clause (3) to clause 4 :—

' The notifications made by the State Government under sub-section (1) in the Fort St. George Gazette shall have effect as if enacted under this Act. The said notification shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature of the State and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make during the session in which it is so laid.'

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It has been sufficiently explained that this is an emergent measure and we have to push up the formation of the Committee, etc., and that these rules have to be framed as and when they become necessary. If the Legislature thinks that these rules are not proper or that any modifications have to be made, the Legislature has an opportunity to do so when the rules are placed on the table of the Houses of the Legislature. This will work very well both from the point of view of the Government as well as that of the Legislature."

MR. CHAIRMAN :—" When does the opportunity arise to make any alterations? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" The rules will be placed before the Legislature immediately when the next session begins."

MR. CHAIRMAN :—" How does the House take it up? "

THE HON. SRI K. RAJARAM :—" Amendments to the rules can be moved in the House. It has been stated in all our legislative enactments that fourteen days' time is allowed for moving any amendment."

SRI MOHAMED RAZA KHAN :—" There is a precedent, Sir. Last time when the Sales Tax Act was amended there was some discussion in regard to this matter and the then Minister for Law said that he would place the rules framed by the Government on the table of the House and that the House could either accept them or reject them. Therefore, for the present, we can accept it when the Government say that the rules will be placed before the Legislature. If they are not working properly, we can further amend them."

SRI K. BALASUBRAMANYA AYYAR :—" If the papers are merely laid on the table of the House, are they open for amendment or discussion in the House? That is the difficulty of the Hon. the Chairman. I think the better way would be for the Government themselves to bring forward a motion that these rules be taken into consideration. Even if there are precedents, this appears to be the better way."

THE HON. SRI K. RAJARAM :—" Sir, there are already a number of enactments in which we have such a provision. Normally these rules are published in the Gazette and then they are placed on the table of the House when it is in session. If any hon. Member wants to amend any rule, he can give notice of such an amendment within fourteen days. The rules are placed on the

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table of the House for fourteen days and within these fourteen days any hon. Member can give notice of an amendment and the House has to take it into consideration."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I formally move—

' Add the following as sub-clause (3) to clause 4 :—

(3) The notification made by the State Government under sub-section (1) in the Fort St. George Gazette shall have effect as if enacted in this Act. The said notification shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature of the State for fourteen days and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make during the session in which it is so laid.' "

MR. CHAIRMAN :—" The question is—

' Add the following as sub-clause (3) to clause 4 :—

(3) The notification made by the State Government under sub-section (1) in the Fort St. George Gazette shall have effect as if enacted in this Act. The said notification shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature of the State for fourteen days and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make during the session in which it is so laid.' "

The amendment was carried.

Clause 4, as amended, was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI K. RAJARAM :—" Mr. Chairman, Sir, I thank hon. Members for giving various valuable suggestions in regard to this Bill. An hon. Member raised the point that a time-limit should be fixed for the Township Committee that is going to be appointed under this Act and after that time-limit, elections should be held. This Bill is only a temporary measure. The present Panchayat Board containing elected representatives is not capable of effecting any improvement to the place. Already there are two committees—a Waterfalls Committee and a Public Health Committee—functioning. These committees also are not capable of carrying out any improvements. Therefore, the Government have decided to nominate a committee called a Township Committee. This committee will consist of eight members. Out of them five will be officials. The officials will include the District Collector, the Executive Engineer, the Assistant Electrical Engineer and the District Health Officer. There will be three non-officials. They will be selected from the nearby two or three villages and one of them will be the executive officer of the temple which owns many houses in Courtallam itself. The executive officer of the temple has got some control over the

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waterfalls. Therefore the executive officer or the trustee of the temple must be a member of the committee. They will have to pay more taxes than anybody else in Courtallam. If all the improvements in the condition of the place have been effected and if the Government then consider that they can have a non-official body to administer the area, we can revert again to the system of panchayat board administration, and there will be no difficulty. That is why provision has been made in the Bill for nomination of members to the Township Committee. As the present panchayat board is not capable of effecting any improvement, we have brought forward this special legislation. We cannot give effect to the provisions of the District Municipalities Act in this place because Courtallam is only a small place containing a population of about five thousand people and it does not satisfy the conditions required for raising it to the status of a municipality. That is why we cannot bring into force the provisions of the District Municipalities Act there. Therefore, we have brought in this special legislation. When we find that all the improvements in the condition of the place have been made and that an elected body may start functioning, we can revert to the old panchayat board system. A new panchayat board can then be elected as is done in other areas.

" The non-officials who are going to be nominated will be natives of Courtallam and surrounding villages. They will be able to see that other areas are not unnecessarily included in the township area. Unless they are places where people, who come to Courtallam as visitors, can live, no other places will be included in the Courtallam Township area.

" Reference has also been made to the benefits that will accrue as a result of the formation of the township. There are many big buildings in Courtallam. The present panchayat board cannot collect as much taxes as a municipality will be able to collect. If Courtallam is made a township then, the township will be able to levy as much taxes on these buildings as a municipality can levy. Further the township will be able to get more grants from this Government than what a panchayat board will be able to get. We are also thinking of getting some grants from the Government of India. I think it is not necessary to explain all these things. I consider that it would be very beneficial to convert it into a township. Once again I thank all hon. Members for giving so many valuable suggestions. Sir, I move—

' That the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as amended, be passed into law.' "

MR. CHAIRMAN :—" Motion moved—

' That the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as amended, be passed into law.' "

SRI K. BHASHYAM :—" I thought I heard the Hon. Minister saying that out of the non-officials nominated by the

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Government the executive officer of the temple or the trustee of the temple will be one. I wish to point out that it is only the trustee of the temple who is a non-official. But the executive officer of the temple has to be classified as an official member, because he is part of the Government machinery."

THE HON. SRI K. RAJARAM :—" I thank Mr. Bhashyam for his suggestion. If we appoint the executive officer of the temple as a member of the committee, he will be treated as an official member of the committee. If a trustee is nominated to the Township Committee he will be included among non-official members to be nominated for the committee."

SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I congratulate the Hon. the Minister for Local Administration on having successfully piloted this Bill. I hope that as a result of the efforts of the new township that will be constituted for Courtallam, we will have an excellent sanatorium and an ideal health resort in South India. As suggested by my hon. Friend Sri P. N. Marthandam Pillai, the Government should help the Township Committee with necessary financial assistance. I hope our Government will also address the Government of the Travancore-Cochin State to contribute towards the successful functioning of the township, and for effecting the necessary civic improvements. The committee also should take up the question of the construction of cloak rooms. They are very necessary, especially for ladies. I hope Government will take up all steps for improving the place and making it an ideal one. Opening of parks on the lines of those found at the Kannambadi Dam in Mysore should be welcome. I hope the Government will give substantial financial assistance for carrying out all these improvements. As a member of the Regional Tourist Committee, I welcome this Bill and hope that this place will be developed as a first-rate tourist centre in the South. There are several other places in our State where such tourist centres could be established. For instance, a Township Committee can be constituted at Tirukkalikundram in Chingleput district. Sri Daivasikhamani Achariar referred to the functioning of the House Committee and said that the Township Committee should function much more efficiently than the House Committee of this House. I believe, Sir, he has been confusing the issues. I wish he had suggested that this House should meet at Courtallam sometime when it is fully developed as a health resort. I hope that an occasion would arise when the sittings of the Legislature would be held in health centres like Ootacamund or Courtallam. I hope that the Township Committee would apply themselves to develop the place in such a way that we would be tempted to pass a resolution recommending the holding of at least one session of the Legislature during summer at Courtallam and that the Government also would accept our proposal. With these few words, I support the motion. I once again congratulate the Hon. Minister on successfully piloting this Bill."

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MR. CHAIRMAN :—" The question is—

' That the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as amended, be passed into law.' "

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

MR. CHAIRMAN :—" The House will now adjourn and meet again at 11 o'clock on Monday, the 29th March 1954."

The House then adjourned to meet again at 11 a.m. on Monday, the 29th March 1954.

THE MADRAS DISTRICT BOARDS (AMENDMENT)
BILL, 1954 (L.C. BILL No. 4 OF 1954)
(AS PASSED BY THE COUNCIL)

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 27th March 1954.

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

THE MADRAS DISTRICT BOARDS (AMENDMENT) BILL, 1954 (L.C. BILL NO. 4 OF 1954) (AS PASSED BY THE COUNCIL).

SRI K. P. GOPALAN :—“ Sir, I think the Hon. the Minister for Local Administration is going to move the District Boards (Amendment) Bill. Regarding that Bill, I want to raise a point of order and say that the Bill cannot be moved.”

MR. SPEAKER :—“ Is the hon. Member saying that the Bill cannot be moved here? ”

SRI K. P. GOPALAN :—“ Yes, Sir. On a former occasion, the term of the District Boards was extended by one year. Again, another Resolution was passed by this House for appointing Special Officers. At that time, the Hon. the Chief Minister said that before March 31st, elections would take place. What I wish to bring to the notice of this Hon. House is that when once this Assembly passes a Resolution on a particular subject, it is the decision of this Assembly.”

MR. SPEAKER :—“ Is the hon. Member arguing that this Assembly cannot change its decision? ”

SRI K. P. GOPALAN :—“ Sir, may I submit that Article 164 (2) of the Constitution of India says that ‘ the Council of Ministers shall be collectively responsible to the Legislative Assembly of the

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State.’ When the Assembly passes a Resolution, it is a mandate to the Hon. Ministers who should carry out that mandate. My contention is that this Bill cannot be taken up now as the Ministry by not conducting elections to the District Boards, has not only violated the decision of the Assembly but also violated the privileges of the hon. Members of this House. For these reasons I object to the taking up of this Bill and say that the Hon. the Minister should not move the Bill now.”

MR. SPEAKER :—“ I cannot understand this objection by any stretch of imagination, that once the House has passed a resolution or given a verdict, it cannot change it again. I do not think so. The House is a Sovereign body. It can pass a Bill to-day and tomorrow it can bring another Bill to nullify it.”

SRI K. P. GOPALAN :—“ Sir, this is the second time that this matter has been brought before the House. Is it possible to bring the same subject again and again? ”

MR. SPEAKER :—“ I can give any number of instances. The House has power to change its own decision. This is only the second time. The Hon. Minister can bring forward such a Bill a hundred times.”

THE HON. SRI K. RAJARAM :—“ I beg to move—

‘ That the Madras District Boards (Amendment) Bill, 1954, (L.C. Bill No. 4 of 1954), as passed by the Legislative Council and transmitted to the Legislative Assembly, be taken into consideration at once.’

The Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953) was enacted with a view to provide for the appointment of Special Officers to District Boards from the 1st July 1953, the date of expiry of the term of office of members of District Boards. It was then intended that elections to District Boards should be completed by the 1st April 1954 so that the new members might come into office on or before that date. After the formation of the Andhra State, a scheme for the decentralization of the functions of the District Boards has been under consideration and pending a decision on that scheme, arrangements for the conduct of elections to District Boards could not be taken up. The Government proposes to set up a high level committee to go into the question of reorganisation of local bodies and a comprehensive legislation will be introduced in due course, after examining the Committee's recommendations.

“ I would like to mention briefly the reasons for the proposal of the Government to abolish District Boards. With the coming into force of the Madras Village Panchayats Act, 1950, the Panchayats were removed from the control of District Boards. This entailed a readjustment of the functions performed by the District Boards. The activities of the District Boards are now practically

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confined to non-Panchayat areas, except in regard to Education, Medical relief, and Public Health which extend over Panchayat areas also. The District Boards have too large an area to administer. There has been a growing feeling that they are unable to attend to the development of rural areas in an effective manner from the district headquarters. It is therefore considered very desirable to decentralize the functions of District Boards and replace these bodies by smaller and potent administrative units, namely, Local Boards for taluks which can be more *close* in touch with the people in their respective areas and which can cater to their needs in an effective manner. The scheme will have the advantage of not only providing better administration for rural areas not served by Panchayats, but associating a large number of non-officials in local administration.

"As the legislation and the administrative arrangements necessary for bringing the new local boards into existence will take some appreciable time, it has been decided that elections to district boards should be proceeded with, and that the district boards should continue to function after the elections until the new local boards are set up. In view of the work in the Assembly in connection with the New Year's Budget, and the time required to complete the elections to district boards, it has been decided that the term of the Special Officers who are now in charge of district boards and whose term of office will expire on 1st April 1954, should be extended further. The Bill makes the necessary provision for this purpose. When the Bill was taken up for consideration in the Legislative Council, an amendment was moved by one member to the effect that the term of the Special Officers may be extended up to 31st October 1954, mainly with a view to facilitate the conduct of elections to the district boards in the West Coast and the Nilgiris, after the monsoon was over. This amendment has been accepted by the Government.

"I wish to make the position of the Government clear in regard to the acceptance of the amendment in order to remove the misapprehension felt by some members that the term of office of the Special Officers has been prolonged unnecessarily. I may say here and now that the extension of the term up to 31st October 1954 is only the outside limit and it is intended that where elections are completed earlier, the elected boards should be brought into being at once, instead of waiting till 1st November 1954. As I have said in the other House, arrangements are already in full swing for the conduct of elections and the election proceedings will be started by about the middle of May 1954. Only in South Kanara, Malabar and the Nilgiris districts, will elections be held in September-October 1954. It is the intention of Government that the administration of district boards by Special Officers should be replaced by elected boards as quickly as possible.

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"I therefore commend the Madras District Board (Amendment) Bill, 1954, as passed by the Legislative Council to the unanimous acceptance of the House."

MR. SPEAKER:—"Motion moved—

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as passed by the Legislative Council and transmitted to the Legislative Assembly be taken into consideration at once.'

The hon. Member, Sri M. Kalyanasundram, may move his amendment."

SRI M. KALYANASUNDRAM:—"கனம் சபாநாயகர் அவர்களே, நான் என்னுடைய திருத்தத்தைப் பிரேரிக்கிறேன். விவாதம் நடக்கட்டும். நான் கடைசியில் இந்தத் திருத்தத்தைப் பிரேரித்ததற்கான காரணத்தை விளக்கிப் பேசுகிறேன். என்னுடைய திருத்தம் அடியில் வருமாறு இருக்கிறது.

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as passed by the Legislative Council, be referred to a Select Committee.'

SRI K. P. GOPALAN:—"I second the amendment."

MR. SPEAKER:—"The motion as well as the amendment of Sri Kalyanasundram is before the House for discussion."

SRI P. B. K. RAJACHIDAMBARAM:—"தலைவர் அவர்களே, நீண்ட நாட்களாக நான் எதிர்பார்த்திருந்த இந்த மசோதாவானது இன்றைக்குத்தான் விவாதத்திற்கு வந்திருக்கிறது. அதுவும் ஒரு நன்மையில், வெகு அவசரமாக இன்னும் சில மணி நேரத்திற்குள் இது சட்டமாகச் செய்யப்படவேண்டுமென்றும், இல்லாவிட்டால் நாட்டில் ஸ்தல ஸ்தாபனங்களின் நிர்வாகம் சீர்குலைந்து போகுமென்ற நிலைமையில் ஸ்தல ஸ்தாபன அமைச்சர் அவர்கள் இந்த மசோதாவை பிரேரித்திருக்கிறார்கள். இந்த மசோதாவைப் பிரேரித்து அவர் பேசிய போது, நான் இந்த மசோதாவை எதிர்த்து இது அவசியமற்றது என்று எடுத்துக்காட்ட என்னென்ன விஷயங்களை எல்லாம் சொல்லவேண்டுமென்று எண்ணினேனோ, அதே விஷயங்களைத்தான் அவர் குறிப்பிட்டார்.

"நான் அமைச்சர் அவர்கள் கொண்டுவந்துள்ள மசோதாவுக்கு ஒரு சிறிய உதாரணத்தை எடுத்துச் சொல்ல விரும்புகிறேன். ஒரு மனிதனுக்கு ஒரு நீதி ஸ்தலம் தூக்கு தண்டனை விதிக்கிறது. ஆனால் தூக்கு தண்டனை என்றைக்கு நிறைவேற்றப்படவேண்டுமென்று நான் நிர்ணயம் செய்யப்படவில்லை. தூக்கு தண்டனை விதிக்கப்பெற்ற அந்த மனிதன் கலியாணமாகாதவன். ஆகவே அந்த ஊர் ஜனங்கள் தூக்கு தண்டனை விதிக்கப்பெற்றவனிடம் அனுதாபம் கொண்டு, தூக்கு தண்டனை நிறைவேற்றப்படும்முன் அவனுக்கு ஒரு கலியாணம் செய்து வைத்துப் பார்த்துக் கொடுக்க விரும்பினார்கள் என்றால் அதைக் கண்டு நாம் ஆனந்தப் படுவோமா, அல்லது அனுதாபப் படுவோமா என்பதை நீங்கள் யோசித்துப் பாருங்கள். அதைப் போலவே 'ஜில்லா போர்டுகள் அவசியம் இல்லாத ஸ்தாபனங்கள். அவைகளைக் கலைத்து அதற்குப் பதில் தாலுக்கா போர்டுகள் அமைக்கவேண்டும். பஞ்சாயத்துச் சட்டம் வந்த பிறகு ஜில்லா போர்டுகளை வைத்திருப்பது ஜனநாயகத்திற்கு விரோதமானது. ஆகையால் ஜில்லா போர்டுகளைக் கலைக்க அரசாங்கம் முடிவு செய்துவிட்டது. ஜில்லா போர்டுகளை சுவமாக்கப் போவதால் அதற்குப் பதில் தாலுக்கா போர்டுகளை அமைக்கவும் பல சர்ச்சைகள் நடந்து முடிவு செய்யப்பட்டுவிட்டது.

[Sri P. B. K. Rajachidambaram] [27th March 1954]

அதை எப்படி அமைப்பது என்கின்ற விஷயங்களைப்பற்றி ஒரு விபரம் தயார் செய்ய பல நிபுணர்கள் அடங்கிய ஒரு குழுவை அமைக்கப் போகிறோம், என்றெல்லாம் சொல்லிவிட்டு அதே சமயத்தில், 'அப்படி இன்னும் சிறிது காலத்திற்கே உயிரோடு இருக்கப் போகின்ற ஜில்லா போர்டுகளுக்குத் தேர்தலை நடத்தியே ஆகவேண்டும்,' என்று அரசாங்கத் தார் சொல்வது விந்தையிலும் விந்தையாக இருக்கிறது.

(At this stage, the temporary Chairman Sri V. Balakrishnan took the Chair.)

"ஒன்று அரசாங்கம், ஜில்லா போர்டுகள் தேவை என்று கருதினால் தேர்தலை நடத்தலாம். அல்லது அரசாங்கம், ஜில்லா போர்டுகளே அவசியம் இல்லையென்ற ஒரு முடிவுக்கு வந்திருக்குமானால் அதற்கென இப்பொழுது தேர்தல் நடத்தியாக வேண்டுமென்ற அவசியம் என்னவென்பதை கனம் அமைச்சர் அவர்கள் சபைக்குச் சொல்ல மறந்துவிட்டார்கள் போலும்! ஒன்று மட்டும் நான் கேட்க விரும்புகிறேன். அமைச்சர் அவர்கள் சொல்லலாம், 'இந்த விசேஷ அதிகாரிகளின் நிர்வாகத்தின் கீழ் ஸ்தல ஸ்தாபன நிர்வாக அதிகாரத்தை நீண்டநாள் விட்டுவைக்க அரசாங்கம் விரும்பவில்லை, ஜனநாயக முறைக்கு விரோதமாக,' என்று. ஆனால் கடந்த ஒன்பது மாத காலமாக ஜனநாயகம் இந்த நாட்டில் இல்லாமல் போய்விட்டதோ என்று எண்ணக்கூடிய வகையில் விசேஷ அதிகாரிகளின் கையில் ஸ்தல ஸ்தாபன நிர்வாகத்தை ஒப்படைத்திருக்கிறார்களே, அப்பொழுது ஜனநாயகத்தைப்பற்றிய நினைவே இவர்களுக்கு இல்லையா, என்று அரசாங்கத்தைக் கேட்க விரும்புகிறேன். இந்த ஒன்பது மாத காலமாக மக்களுடன் எவ்வித தொடர்பும் இல்லாமல், அரசாங்கத்தின் சிப்பந்திகளான ஜில்லாக் கலெக்டராலும், அவர்களுக்குக் கீழ் வேலை செய்வதற்காக நியமிக்கப்பட்ட அதிகாரிகளாலும், ஸ்தல ஸ்தாபனங்களின் அடிப்படைத் தத்துவத்திற்கு நேர் விரோதமான முறையில் நாட்டில் ஸ்தல ஸ்தாபனங்களின் நிர்வாகம் நடந்துவந்துகொண்டிருப்பதை அரசாங்கம் பார்த்துக்கொண்டிருந்தும், திடீரென்று ஜனநாயக முறையில் ஸ்தல ஸ்தாபனங்கள் இயங்க தேர்தலை நடத்தப் போகிறோம் என்று சொன்னால், என்னைக்கும் இல்லாது, இன்றைக்கு ஜனநாயகத்தின்மீது இவ்வளவு பெரிய காதல் அரசாங்கத்திற்கு எப்படி உண்டாயிற்று என்பது எனக்குத் தெரிய வில்லை."

SRI G. GOVINDAN :—"பாயிண்டு ஆப் ஆர்டர். கனம் சேர்மென் அவர்களே, கனம் அங்கத்தினர் பேசும்போது 'ஜனநாயகத்தின் மீது இவ்வளவு பெரிய காதல் அரசாங்கத்திற்கு எப்படி உண்டாயிற்று என்று தெரியவில்லை' என்பதாகச் சொன்னார். 'காதல்' என்ற வார்த்தையை இங்கே உபயோகப்படுத்தலாமா என்பதை தாங்கள் சொல்ல வேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்."

TEMPORARY CHAIRMAN (Sri V. Balakrishnan) :—
"நன்றாக உபயோகப்படுத்தலாம்" (சிரிப்பு.)

SRI P. T. RAJAN :—"அதுவும் இரவு நேரத்தில் 'காதல்' என்ற பதம் உபயோகப்படுத்தலாமா?"

TEMPORARY CHAIRMAN (Sri V. Balakrishnan) :—
"இதற்கு நேரம் காலம் ஒன்றுமில்லை" (பலத்த சிரிப்பு.)

SRI P. B. K. RAJACHIDAMBARAM :—"ஜில்லா போர்டுகள் அவசியமில்லையென்று அரசாங்கம் முடிவுக்கு வந்துவிட்டது என்று கனம் அமைச்சர் அவர்கள் சொன்னார்கள். இப்பொழுது நியமிக்கப் போகும் நிபுணர்கள் அடங்கிய குழுவும் 'தாலுக்கா போர்டுகளை எப்படி அமைப்பது, எப்பொழுது அமைப்பது' என்பன போன்ற விவரங்களைத்தான் தயார் செய்யும் என்றும் சொன்னார்கள். அதோடு தற்காலத்தில் ஜில்லா போர்டுகள் எல்லாம் தங்கள் தங்கள் ஜில்லாவில் மக்களுக்குப்

27th March 1954] [Sri P. B. K. Rajachidambaram]

பல செளகர்யங்களைச் செய்துகொடுக்க முடியாத நிலைமையில் பணக் கஷ்டத்தால் திண்டாடிக்கொண்டிருக்கிறார்கள் என்ற விஷயம் அரசாங்கத்திற்குத் தெரிந்திருக்கும், ஆகவே, ஒரு விஷயத்தை அவர்கள் சிந்தித்துப் பார்க்கவேண்டும்.

"இங்கு நடக்கப் போகும் ஜில்லா போர்டு தேர்தலானது சென்ற சட்ட சபை பொதுத் தேர்தலையும்விட பெரியது என்பது அரசாங்கத்தாருக்குத் தெரிந்திருக்கலாம். தெரியாவிட்டாலும் இப்பொழுது தெரிந்துகொள்ள வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். அதுவும் ஜில்லா போர்டு தேர்தலிலே இரட்டிப்பு மடங்கு அங்கத்தினர்களைத் தேர்ந்தெடுக்கவேண்டும். அதுவும் நம் ராஜ்யம் முழுவதிலிருந்தும் தேர்ந்தெடுக்க வேண்டும். அதற்காக ஏற்படும் செலவுகளை அரசாங்கம் ஏற்றுக்கொள்ளப்போவதில்லை. மேலும் இந்தச் செலவின் ஒரு பகுதியைக்கூட அரசாங்கம் ஏற்றுக்கொள்ளப் போவதில்லை. அந்தந்த ஜில்லா போர்டுகளின் தேர்தல் செலவுகளை வரையில் ஒரு ஜில்லா போர்டுக்கு இரண்டு லட்சம் ரூபாயிலிருந்து மூன்று லட்சம் ரூபாய் வரை தேர்தல் செலவு ஆகும். அதுவும் இன்றைக்கு பல ஜில்லா போர்டுகள் அந்த ஜில்லாக்களிலே வேலை செய்துகொண்டிருக்கும் ஆசிரியர்களுக்குக்கூட சம்பளம் கொடுக்கமுடியாத நிலைமையில் அரசாங்கத் தாரே முன்வந்து ஒரு மான்யமோ அல்லது கடனோ கொடுத்து ஒத்தாசை செய்யவேண்டிய நிலைமையில் இருக்கின்றன. மேலும் மக்களுக்கு பல நன்மைகளைச் செய்யவேண்டுமென்று ஜில்லா போர்டுகள் உணர்ந்தாலும் கூட அவைகளைச் செய்யமுடியாத நிலைமையில் பண்முடையால் திண்டாடிக் கொண்டிருக்கின்றன என்ற விஷயம் நம் எல்லோருக்கும் தெரியும். அப்படியிருக்கும்போது லட்சக் கணக்கான ரூபாய்களை மிகக் குறைந்த காலத்திற்கே உயிருடன் ஜீவித்திருக்கப் போகின்றது என்று முடிவு கட்டப் பட்டுவிட்ட ஜில்லா போர்டுகளின் தேர்தலுக்காக ஜனநாயகத்தை காப்பாற்றுகிறோம் என்ற பெயரால் பல ஜில்லா போர்டுகளை செலவழிக்கவேண்டுமென்று சொல்லுவது நியாயமா என்பதை கனம் அமைச்சர் அவர்கள் சிந்தித்துப் பார்க்கவேண்டும். ஜனநாயகத்தை இந்நாட்டில் நிலைநிறுத்தப் போகிறோம் என்று சொல்லிக்கொண்டு அரசாங்கத்தார் ஜில்லா போர்டு தேர்தலை தற்போது நடத்துவதற்கு முடியாத காரணம் என்னவென்று சொல்லியிருக்கிறார்கள் என்று பார்த்தால்—

'After the formation of the Andhra State, a scheme for the decentralization of the functions of district boards has been under the consideration, and pending a decision on that scheme arrangements for the conduct of elections to district boards could not be taken up.'

என்று சொல்லியிருக்கிறார்கள். ஆனால் தாலுக்கா போர்டுகளை அமைப்பதற்கு ஏதாவது நடவடிக்கை எடுத்தார்களா என்பதைப்பற்றி கனம் மந்திரி அவர்கள் விரிவாகச் சொல்லியிருந்தால் நன்றாக இருக்கும். அக்டோபர் மாதம் 1-ம் தேதி ஆந்திர மாகாணம் பிரிந்து சென்றது. ஆந்திர மாகாணம் பிரிந்து சென்று ஆறு மாதங்களுக்குமேல் ஆகியும்கூட இதைப்பற்றி ஒரு முடிவான அபிப்பிராயம் தெரிவிப்பதற்குப் பதிலாக நிபுணர்கள் அடங்கிய ஒரு குழுவை அமைக்கப்போவதாக அமைச்சர் அவர்கள் சொல்லியிருக்கிறார்கள். 'ஜில்லா போர்டுகள் இருக்கவேண்டுமா இருக்க வேண்டாமா என்பதைப்பற்றி ஆராய்ச்சி செய்யாது இந்தக் கமிட்டி ஜில்லா போர்டுகளை ஒழித்துக் கட்டுவது என்று அரசாங்கம் முடிவு செய்துவிட்டது. ஆகவே அதற்குப் பர்த்தியாக தாலுக்கா போர்டுகளை எப்படி அமைப்பது என்கின்ற விஷயத்தைப்பற்றியே இந்தக் கமிட்டி ஆராய்ச்சி செய்து தனது யாதாஸ்தை சமர்ப்பிக்கும்,' என்று அமைச்சர் சொல்லுகிறார்.

"ஏற்கெனவே இரண்டு ஆண்டுகளுக்கு முன்பாக ஜில்லா போர்டுகளின் நிர்வாகத்தை சீர்திருத்துவதற்காக முன்பிருந்த அரசாங்கத்தார் ஒரு கமிட்டியை நியமித்தார்கள்; அவர்களால் நியமிக்கப்பட்ட கமிட்டியாரால் அரசாங்கத்திற்கு அளிக்கப்பட்ட ஒரு ரிப்போர்ட்டானது என்ன ஆயிற்று

[Sri P. B. K. Rajachidambaram] [27th March 1954]

என்று அரசாங்கத்தைப் பல முறையும் கேட்டுக்கொண்டே வந்திருக்கிறோம். அப்பொழுது எல்லாம் அதைக் கவனித்துக்கொண்டு வருவதாகவே கனம் மந்திரி அவர்கள் பதில் சொன்னார்கள். ஆனால் அக்கமிட்டியின் சிபார்சுகள் என்னவென்பது இதுவரையிலும் சட்டசபை அங்கத்தினர்களுக்கோ, பொதுமக்களுக்கோ தெரியாது. தெரிந்து கொள்ளவும் ஒரு வாய்ப்பை இந்த அரசாங்கத்தார் அளிக்கவில்லை. இப்பொழுது ஜில்லா போர்டுகளை ஒழித்துவிட்டு தாலுக்கா போர்டுகளை அமைக்கவேண்டுமென்ற யோசனையும் கூட அந்தக் கமிட்டியால் அளிக்கப்பட்ட பல சிபார்சுகளில் ஒன்றே என்று நான் கருதுகிறேன். அதையும் அரசாங்கத்தார் தெரிவிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். கடந்த ஆறு மாதங்களாகவே, ஜில்லா போர்டுகளை ஒழித்துவிட்டு தாலுக்கா போர்டுகளை அமைக்கும் விஷயம் சம்பந்தமாக எந்த விதமான நடவடிக்கையையும் எடுக்காமல், கடந்த ஒன்பது மாத காலங்களாகவே ஜனநாயக வாசனையே நாட்டுப்பறங்களில் இல்லாதவாறு விசேஷ அதிகாரிகளைப் போட்டு நிர்வாகத்தையும் நடத்தச் சொல்லிவிட்டு, தற்போது திடீரென்று சபைக்கு வந்து, 'நாங்கள் ஜில்லா போர்டுகளை ஒழித்துவிடுவதென்றே தீர்மானித்து விட்டோம். இருந்தாலும் ஜில்லா போர்டு தேர்தலையும் தற்போது நடத்துவது என்றும் தீர்மானித்துவிட்டோம். இந்த ஸ்தாபனங்கள் இன்னும் சில மாதக் காலத்திற்கே உயிரோடு இருக்கும். பிறகு வேறு உரு எடுத்து நாட்டில் வேலை செய்யத் தலைப்படும்' என்று சொல்வது நியாயமில்லை என்று அமைச்சர் அவர்களுக்குச் சொல்ல விரும்புகிறேன். முதலில் இது ஜனநாயகத்திற்கே உகந்தது அல்ல. இரண்டாவதாக பரிட்சார்த்தமாக என்று சொல்லி இன்னும் சிறிதுகாலத்திற்கே உயிரோடு இருக்கப் போகின்ற ஜில்லா போர்டுகளின் தேர்தலை நடத்த பல லட்சக்கணக்கான ரூபாய்களை, தற்போதே பொருளாதார நெருக்கடியால் மிகவும் கஷ்டப்பட்டுக்கொண்டு மிகவும் ஏழ்மையான நிலைமையில் இருந்து கொண்டிருக்கும் ஸ்தல ஸ்தாபனங்களை, செலவு செய்யவேண்டுமென்று சொல்வதும் நியாயமல்ல. ஆகையால் அரசாங்கம் ஜில்லா போர்டுகளைக் கலைத்து தாலுக்கா போர்டுகளை அமைக்கத் தீர்மானித்துவிட்டது என்றால், உடனடியாக தாலுக்கா போர்டுகளை அமைக்க தக்க நடவடிக்கை எடுக்க வேண்டும். கடந்த ஒன்பது மாத காலமாக நாட்டில் ஜனநாயகத்தத்துவத்திற்கே விரோதமான முறையில் நடத்தப்பட்டு வரும் புதுமுறை ஆட்சியாகிய, விசேஷ அதிகாரிகளின் ஆட்சியில் ஜனங்களுக்கு மிகுந்த கஷ்டம் ஏற்பட்டுவிட்டது. ஆகவே இந்தத் தாலுக்கா போர்டுகளையும் உடனே அமைக்க முடியாதென்று சொன்னாலும் இனிமேல் புதுமுறை ஆட்சியை நீடித்துக்கொண்டே போவதில் பயனில்லை. அப்படி ஒரு வேளை மக்களின் உறவு இல்லாமல் இந்த ஸ்தல ஸ்தாபனங்கள் நடைபெறுவதில் அரசாங்கத்திற்கு மிகுந்த சங்கடம் இருக்கிறதென்று சொல்லித் தேர்தலை நடத்திவிடப்போகிறோம் என்று அரசாங்கம் விரும்புகிறேன். அதாவது வெறு முறையில் மக்களால் தேர்ந்தெடுக்கப் பட்ட பிரதிநிதிகள் நாட்டில் இருக்கிறார்கள். அதுவும் அவர்கள் இதே சபையில் ஸ்தாபனம் பெற்றிருக்கிறார்கள். இன்றைக்கு ஸ்தல ஸ்தாபன நிர்வாகத்தை சர்வாதிகாரி போன்ற விசேஷ அதிகாரிகளிடம் மாதிரி ஏற்படப்பதற்குப் பதிலாக அந்தந்த ஜில்லா சட்டசபை அங்கத்தினர்கள் எல்லோரையும் ஒன்றாகப் போட்டு, அக்கமிட்டிக்கு என்னவேண்டுமானாலும் பெயர் கொடுங்கள்—இவர்களின் யோசனைப்படி, இவர்களைக் கலந்துகொண்டு எல்லாக் காரியத்தையும் அந்த அதிகாரிகள் செய்யவேண்டுமென்று உத்தரவு போட்டாலும் ஜனநாயக முறையில் சிறிது காலம் நம் நாட்டில் ஸ்தல ஸ்தாபன நிர்வாகத்தைத் திறம்பட நடத்தலாம். ஆகவே இதற்கு வேண்டிய நடவடிக்கையை சர்க்கார் எடுத்துக்கொள்ளவேண்டும். அதை விட்டு தாலுக்கா போர்டுகள் அமைப்பதற்குள் லட்சக்கணக்கான ரூபாய்கள் செலவில் ஜில்லா போர்டு தேர்தலை நடத்தப் போகிறோம் என்று சொன்னால் மிகக் குறுகிய காலமே உயிரோடு இருக்கப் போகின்ற ஜில்லா போர்டுகளினால், செலவிடப்படும் பணத்திற்குத் தக்க நஷ்ட ஈடு கிடைக்காது என்றும் சொல்லி இப்பொழுது அரசாங்கத்தார் கொண்டு வந்திருக்கும்

ரபன

[27th March 1954] [P. B. K. Rajachidambaram]

வளர்ச்சிக்கும் கொஞ்சம் கூட உகந்தது அல்ல என்று என்னுடைய அபிப்பிராயத்தையும் எடுத்துச் சொல்லி என் வார்த்தையை முடித்துக் கொள்ளுகிறேன்."

SRI V. K. PALANISAMI GOUNDER :—"கனம் தலைவர் அவர்களே, இந்த ஜில்லா போர்டுகளைக் கலைத்து விட்டு, ஸ்பெஷல் ஆபீஸர்களை முதல் ஒன்பது மாதத்திற்கு சர்க்கார் போடப்பட்டிருக்கிறார்கள். மறுபடியும் இப்பொழுது ஏழு மாதத்திற்கு தேர்தலை தள்ளி வைக்கப்போவதாகத் தெரிய வருகிறது. ஆந்திர பிரிந்த பிறகு பட்ஜெட் வந்துவிட்டது; அதற்குள் இவைகளை யெல்லாம் அமைக்க முடியவில்லை என்று அதற்குக் காரணம் சொல்லுகிறார்கள். இந்தக் காரணங்களுடன் நிறுத்தி இருந்தால் சரியாக இருக்கும் என்று நான் நினைக்கிறேன். தாலுகா போர்டுகளை அமைக்கப் போகிறோம், ஜில்லா போர்டுகள் நிர்வாகத்திலிருப்பது பரந்த பிரதேசமாக இருக்கிறது அதனால் நடத்த முடியவில்லை. பல ஜனங்களுக்கு சரியாக பலன் படுவதாக இல்லை. அதற்காக தாலுகா போர்டைக் கொண்டு வரலாம் என்று நினைத்திருக்கிறார்கள் என்று சொல்லவே வேண்டியது இல்லை. அது மனதில் இருந்தாலும் கூட அதை தெரிவிக்காமல் பின்னால் யோசனை செய்து இருக்கலாம். இந்த யோசனையை வெளியே சொல்லாமல் இருந்திருக்கலாம். அப்படி இருந்தால் கனம் ஸ்ரீராஜா சிதம்பரம் பேசும் போது 'தாலுகா போர்டு வரப்போகிறது. இதற்குள் ஜில்லா போர்டு தேர்தல் நடக்க வேண்டாம், அதற்கு அதிக பணம் செலவு செய்ய வேண்டாம்' என்று சொல்லியிருக்கமாட்டார். ஜில்லா போர்டு தேர்தலை உடனே கொண்டுவர முடியாது, அதற்காக ஏற்பாடுகள் இன்னும் செய்யப் படவில்லை. அதை ஒத்திப் போட வேண்டியது அவசியம் தான். 'மேற்குப் பிரதேசத்திலும் நீலகிரி முதலிய இடங்களிலும் பருவ மழை காலம் வரப் போகிறது அதனால் அங்குதேர்தலை நடத்த முடியாது' என்றும்சொன்னார்கள். கோயம்புத்தூர் ஜில்லாவிலும் கூட ஒரு பகுதியில் பருவ மழை இருக்கும். அதனால் அங்கு ஜூன், ஜூலை மாதங்களில் தேர்தலை நடத்த முடியாது. இதையும் ஒத்தி வைக்க வேண்டியது அவசியம் என்று நான் நினைக்கிறேன். ஜில்லா போர்டு தேர்தல்களை நடத்துவதற்கு காலதாமதம் ஏற்படுவதால் இப்போதே நிர்வாகத்தில் சில சீர்திருத்தங்கள் செய்தால் தேவலை. இப்பொழுது ஸ்பெஷல் ஆபீசர் அதிகாரத்தின் கீழ் ஜில்லா போர்டு இருக்கின்றது. தலைவரைப்போல் அவர்களுக்கும் எவ்வளவோ கஷ்டங்கள் இருக்கின்றன. அந்தக் கஷ்டங்களைத் தீர்ப்பதற்கு ஏதாவது ஏற்பாடுகளை உடனே செய்தால் தேவலை. அக்காரியங்களை இப்பொழுது செய்ய வேண்டும் என்று நான் கேட்டுக் கொள்ளுகிறேன்.

"இதற்கு முன்பு சர்க்காரால் நியமிக்கப்பட்ட கமிட்டி ஒரு ரிப்போர்டை அனுப்பி இருக்கிறது. அந்த ரிப்போர்ட்டின் சாராம்சத்தை வெளியே சொல்லவில்லை என்று கனம் ராஜா சிதம்பரம் அவர்கள் சொன்னார். அந்தக் கமிட்டியில் நானும் கூட இருந்தேன். ஜில்லா போர்டு நிர்வாகத்தில் சில சீர்திருத்தங்கள் செய்ய வேண்டியதாக இருக்கின்றன. அதற்கு சட்டம் செய்ய வேண்டிய காரியங்களை பின்னால் வைத்துக் கொண்டாலும் சர்க்காராலேயே சில காரியங்களைச் இப்பொழுதே செய்ய முடியும் என்று ரிப்போர்ட்டில் சொல்லி இருக்கிறது. அதை அப்படியே செய்தால் தேவலை. இப்போது ஏதாவது வேண்டுமென்று பொதுமக்கள் ஸ்பெஷல் ஆபீசரைப் போய்க் கேட்டால் பணம் இல்லை என்று சொல்லிக் கொண்டிருக்கிறார். பணம் இல்லாததற்கு பல காரணங்களும் இருக்கின்றன. ஆனால் வெளியே என்ன சொல்லிக் கொண்டிருக்கிறார்கள் என்றால் 'ஜில்லா போர்டு தலைவர்களே பணத்தை நிறைய செலவு செய்து விட்டார்கள்', அதனால் பணம் இல்லை என்று சொல்லுவதே தவிர வேறு இல்லை. ஜில்லா போர்டு பட்ஜெட்டை கவர்ன்மெண்டுக்கு அனுப்பி கவர்ன்மெண்ட் அங்கீகாரம் செய்த பிறகு தான் அந்த பட்ஜெட்டின் மீது நடவடிக்கை எடுக்கப்படுகிறது. ஆகையால் ஜில்லா போர்டின் பணச்சிலவின்மீது சர்க்காருக்கு ஆதிக்கம் இருக்கிறது. இப்பொழுது பஞ்சப்படி எல்லாபள்ளிக்கூட சிப்பந்திகளுக்கும் மற்றவர்களுக்கும் ஜில்லா போர்டுகள் கொடுக்கவேண்டியதாக இருக்கிறது. அந்தப் பஞ்சப்படி செலவை சர்க்கார் ஏற்றுக்கொள்வதாக முன்பு சொல்லி

[Sri V. K. Palanisami Gounder] [27th March 1954]

இருக்கிறார்கள். ஆனால் பல ஜில்லா போர்டுகளுக்கு அந்த மாதிரி பஞ்சப் படிக்க கொடுக்கவே இல்லை. பஞ்சப்படி கொடுத்த ஜில்லா போர்டுகளுக்கு பணம் குறைவாக இருக்காது. இவ்விதம் பஞ்சப்படி கொடுப்பதால் சுமார் ஐந்து, ஆறு லட்சம் ரூபாய் அதிகம் செலவாகிறது. அதை சர்க்கார் ஒத்துக்கொள்ளுகிறோம் என்று சம்மதித்தும் கூட அதை ஜில்லா போர்டுகளுக்கு இன்னும் கொடுக்கவில்லை. அதனால் பணக் கஷ்டம் ரொம்ப இருக்கிறது.

“தவிர ஜில்லா போர்டுகளில் ஆரம்பப் பள்ளிக்கூடங்கள் இருக்கின்றன, அந்த ஆரம்பப் பள்ளிக்கூடங்களின் செலவுகளில் ஒரு பகுதியை சர்க்கார் கொடுத்துக்கொண்டு வந்திருக்கிறார்கள். அது மட்டுமல்ல கல்வி செஸ் என்று வசூல் செய்தால் எவ்வளவு ஜில்லா போர்டு வசூல் செய்கிறதோ அவ்வளவு தொகை சர்க்காரில் கொடுப்பதாகவும் முன்பு சட்டம் இருந்தது. பின்னால் சர்க்கார் என்ன சட்டம் செய்தார்கள் என்றால் ஜில்லா போர்டு எவ்வளவு வசூல் செய்தாலும் கூட ஒரு ரூபாய் கந்தாயத்துக்கு மூன்று அணு செஸ் போட்டு வசூல் செய்தாலும் கூட ரூபாய்க்கு 1½ பைசா வசூல் செய்தால் எவ்வளவு கிடைக்குமோ அவ்வளவு துறைதான் கொடுப்பது என்று சட்டம் செய்தார்கள். அதனால் தான் ஜில்லா போர்டுகளுக்கு பண நெருக்கடி அதிகம். பஞ்சப்படி எல்லாவற்றையும் சர்க்கார் ஏற்றுக்கொள்ளுகிறோம் என்று சொல்லியும் கூட சர்க்கார் கொடுக்கவில்லை. ஆரம்பக் கல்வி செஸ் வசூல் செய்வதில் அந்த அளவிற்கு சர்க்கார் கொடுக்கிறேன் என்று சொன்ன அளவில் அதையும் இன்னும் கொடுக்கவில்லை. அதனால் தான் பணக்கஷ்டம் ஜில்லா போர்டுக்கு வந்து ரொம்பக்கஷ்டப்படுகிறார்கள். ஆனால் வெளியே என்ன பெயர். அதைப் பற்றி கவுன்சிலில் கூட ஒருவர் பேசி இருக்கிறார். இந்த ஜில்லா போர்டு செய்த தவறுகளை எல்லாம் இந்த ஸ்பெஷல் ஆபீஸர்கள் இப்பொழுது சரி பண்ணிக் கொண்டு வருகிறார்கள், இன்னும் கொஞ்சம் காலம் கொடுத்தால் அதை பூராவும் சரி பண்ண முடியும். அதனால் இன்னும் ஆறு மாதத்திற்கு நீடிக்க வேண்டியது தேவலை என்று சொன்னார். ஜில்லா போர்டின் நிலைமை அப்படி இருக்கிறது. இந்த நிலைமையில் அங்கு பேசி இருப்பதாகவும் தெரிகிறது. ஜில்லா போர்டினுடைய நிலைமை எப்படி இருக்கிறதென்று தெரியாமல் பேசினதாகத்தான் தெரிகிறது. சித்தூர் ஜில்லா போர்டானது இப்பொழுது ஆந்திர தேசத்திற்குப் போய்விட்டது. சித்தூர் ஜில்லா போர்டானது ஏற்கெனவே ரொம்ப மோசமாக நடந்துவந்தது; ஆசிரியர்களுடைய சம்பளத் தைக்கூட சரிவர கொடுக்கமுடியவில்லை; கண்டிராக்கர்களுக்குப் பணம் கொடுக்க முடியவில்லை என்ற பெரிய புகார் இருந்தது என்பதையும் பத்திரிகையில் பார்த்தோம். ஜில்லா போர்டாருடைய பொருளாதார நிலைமை சரியாக இல்லாததன் காரணமாக நான்கு உயர்நிலைப்பள்ளிகளை ஸ்பெஷல் ஆபீசர் மூடி விட்டார் என்பதையும் பத்திரிகையில் பார்த்தோம். சர்க்காரால் கொடுக்கப்படவேண்டிய தொகை அத்தனையும் சித்தூர் ஜில்லா போர்டுக்கு இப்பொழுது வந்துவிட்டது. அதனால் எந்த ஸ்தாபனத்தையும் நிறுத்தவேண்டியதில்லையென்றும், அவைகளைத் தொடர்ந்து நடத்தலாமென்றும் ஸ்பெஷல் ஆபீசர் சொல்லுகிறார். இதனால் என்ன தெரிகிறது? சர்க்கார் ஒத்தாசை செய்ய வேண்டிய தெல்லாம் மத்தியில் நிறுத்தப்பட்டதின் காரணமாக ஜில்லா போர்டானது ரொம்பவும் கஷ்டப்பட நேரிட்டது.

“இதையெல்லாம் ஏன் சொல்கிறேனென்றால், ஜில்லா போர்டுக்கு தேர்தல் முதலில் 6 மாத காலமும் அதன் பிறகு 9 மாத காலம் ஒத்திவைக்கப்பட்டது. ஆக மொத்தம் 1½ வருஷம் ஆகப்போகிறது. இப்பொழுது ஜில்லா போர்டார் ஒரு வேலையையும் சரியாகச் செய்வதில்லை. எதைக் கேட்டாலும் ‘பணம் இல்லை’, என்று சொல்லுகிறார்கள். ஸ்பெஷல் ஆபீசருக்கு அக்கறை கிடையாது. டிபுடி கலெக்டர் கிரேடினாள்ஸர்களை ஜில்லா போர்டு ஸ்பெஷல் ஆபீசருக்கு பர்ஸனல் அலிஸ்டெண்டாகப் போட்டிருக்கிறார்கள். அவர்களுக்கு ஜில்லா போர்டு நிர்வாக அனுபவம் கிடையாது. அதனால் வேலை தடுமாறுகிறது. ஒரு புறத்தில் பணம் இல்லை; மற்றொரு புறத்தில் அனுபவமுள்ளவர் நிர்வாகத்தில் இல்லை. ஆகவே,

27th March 1954] [Sri V. K. Palanisami Gounder]

ஜில்லா போர்டு வேலை தடுமாறுகிறது. ஜில்லா போர்டு தேர்தலை சர்க்கார் ஒத்திவைப்பதை நான் வரவேற்கிறேன். ஆனால், ஜில்லா போர்டு வேலைகள் ஒழுங்காக நடக்கவேண்டிய ஏற்பாட்டைச் சர்க்கார் செய்யவேண்டும். பின்னால் தாலுகா போர்டு வருகிறது என்று சொல்ல வேண்டியதில்லை. தாலுகா போர்டு எந்த முறையில் வரவேண்டும் என்பதற்காக ஒரு கமிட்டி போட்டு யோசனை பண்ணப்போகிறோம்; ஆனால், ஜில்லா போர்டு தேர்தலை ஆறு மாதத்திற்குள் நடத்துகிறோம்; என்று சொன்னால், அதற்கும் இதற்கும் சம்பந்தம் இருக்கிறதாக்கவே தெரியவில்லை. இப்பொழுது தேர்தலை ஒத்தி வைப்பது சரி என்று ஏற்றுக்கொள்ளுகிறேன். ஆனால், தேர்தல் நடக்கும் வரை, ஜில்லா போர்டுகள் ஒழுங்காக நடக்க வேண்டியதற்கு வேண்டிய முயற்சிகளைச் செய்யவேண்டும்.

“கோயமுத்தூர் ஜில்லா போர்டு நிர்வாகத்தின் கீழ் 45 முதல் 60 ஆஸ்பத்திரிகளவரையில் இருக்கின்றன. அவைகளில் 15 ஆஸ்பத்திரிகளுக்கு டாக்டர்கள் கிடையாது. ஏனென்றால் டாக்டர்கள் பொதுவாக கிராமத்திற்குப் போக விரும்புவது கிடையாது. முன்பெல்லாம் எல்.எம்.பி., எல்.ஐ.எம். படித்த டாக்டர்கள் கிராமத்திற்கு கொஞ்சமாவது போய்க் கொண்டிருந்தார்கள். ஆனால், இப்பொழுதெல்லாம் எம்.பி.பி.எஸ். படித்தவர்கள் கிராமத்திற்குப் போகத் தயாராயில்லை. அப்படித் தயாராயிருந்தாலும்கூட, அவர்களுக்குப் போதுமான சம்பளம் கொடுக்கமுடியவில்லை. ஜில்லா போர்டு ஆஸ்பத்திரிகளில் வேலை செய்யும் டாக்டர்களுக்கு மாதம் ரூ. 85-லிருந்தும், சர்க்கார் ஆஸ்பத்திரிகளில் வேலை செய்யும் டாக்டர்களுக்கு ரூ. 260-லிருந்தும் சம்பளம் ஆரம்பிக்கப்படுகிறது. இந்தக் கஷ்டங்களை எல்லாம் நீக்கவேண்டுமென்று நான் சொல்லுகின்றேன். ஜில்லா போர்டு தேர்தலை ஆறு மாதத்திற்கு ஒத்திவைக்கவேண்டுமென்று இப்பொழுது கோரப்படுகிறது. சென்ற 9 மாதமாகவே ஜில்லா போர்டுகள் சரியாக வேலை செய்யவில்லை என்பது எங்களைப்போன்றவர்களுடைய அபிப்பிராயம். இன்னும் இதேமாதிரி ஜில்லா போர்டு நிர்வாகம் நடந்தால், அங்கு வேலைகள் ஒழுங்காக நடைபெறமுடியாது. அதை முந்தி போட்டிருந்த கமிட்டியிலே சொல்லியிருந்தேன். வரிசையாக சிபாரிசுகள் செய்திருக்கிறோம். அந்தக் கமிட்டியின் ரிபோர்ட்டைப் பார்த்து நடைமுறையில் சர்க்காராலே நிறைவேற்றக்கூடிய காரியங்களைச் சர்க்கார் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன். தேர்தலை 6 மாதங்களுக்கு ஒத்தி வைப்பதை நான் வரவேற்கின்றேன்.”

SRI A. VELOO :—“மிஸ்டர் சேர்மன் அவர்களே, “ஜில்லா போர்டின் ஸ்பெஷல் ஆபீசர் காலம் நீடிக்கவேண்டுமென்று கனம் மந்திரி அவர்கள் மறு முறையும் கால நீடிப்பு சம்பந்தமான திருத்த மசோதாவைக் கொண்டுவந்திருக்கிறார்கள். அதன்மீது ஸ்ரீ கல்யாணசுந்தரம் அவர்கள் இந்தக் காலவரையை நீடிப்பதுபற்றி ஒரு பொறுக்குக் கமிட்டி (Select Committee)யின் யோசனைக்கு விடவேண்டுமென்று கொண்டு வந்திருக்கும் திருத்தத்தை ஆதரித்து நான் சில வார்த்தைகள் கூற விரும்புகிறேன்.

“ஜில்லா போர்டுகள், இப்பொழுது ஸ்பெஷல் ஆபீசர்களுடைய ஆட்சியின் கீழ் இருப்பதால் பலவித உரிமைகள் பரிசீலிக்கப்படுகின்றன என்பதை முன்பு பேசிய அங்கத்தினர்களுடைய பிரச்சந்திலிருந்து தெரிந்து கொண்டிருக்கிறோம். இன்னும் ஜில்லா போர்டு நிலைபெற்றிருக்கவேண்டுமா? அதன் காலம், நீடிக்கப்படவேண்டுமா? அல்லது தாலுகா போர்டுகள் திரும்பவும் வரவேண்டுமா? என்பதைப்பற்றி மிகவும் பரவலாகவே மக்களிடத்திலே சர்ச்சை நடந்துகொண்டிருக்கிறது. தாலுகா போர்டுகள் வருவதன்மூலம் பல நன்மைகள் உண்டு என்பதை யாரும் மறக்கமுடியாது. இப்பொழுதுள்ள ஜில்லா போர்டுகள் கையில் ஒப்படைக்கப்பட்டுள்ள வேலைகள் ஜில்லா பூராவிற்கும் பொதுவாயுள்ள ஒரு ஸ்தாபனத்தினால் திரும்பட மேற்கொள்ள முடியாத ரீதியில் இருக்கின்றன. தேர்ந்தெடுக்கப்பட்ட அங்கத்தினர்கள் தங்கள் தங்கள் தொகுதியிலுள்ள காரியங்களை மாத்திரம் கவனிக்கிறார்கள் என்பது மிகவும் வெளிப்படையாகத் தெரிந்ததுதான்.

[Sri A. Veloo]

[27th March 1954]

குறிப்பாக, எங்கள் ஜில்லாவிலே எடுத்துக் கொண்டால் பட்டுக்கோட்டையில் ஜில்லா போர்டு தேர்தல் நீண்ட காலமாக இருந்து வந்த காரணத்தினாலே அந்த இடத்தில் ரோடு வசதிகள் இன்னும் மற்ற வசதிகள் எல்லாம் மிகவும் ஒழுங்காகவே நடைபெற்று வந்திருக்கின்றன. மற்ற இடங்களுக்குப் போனால் ரோடு வசதிகளைப் பார்த்தால் பயங்கரமான மோச நிலையிலிருக்கின்றன. குறிப்பாக செம்பனூர்கோவிலிருந்து திருவடைக் கழி முதலிய ஊர்களில் உள்ள ரோடுகளைப் பார்த்தால் மழை காலங்களில் மிகவும் மோசமாக இருக்கும். மழை நின்று ஒரு மாதம் இரண்டு மாதம் வரை வண்டியோ காரோ போகமுடியாத நிலைமையில் சேறும் சகதியுமாக இருக்கின்றது. இப்பொழுதுள்ள ஜில்லா போர்டுகளின் வேலை முழுவதையும் தாலுகா போர்டுகளிடம் ஒப்படைப்பதன்மூலம் பல சௌகரியங்கள் ஏற்படலாம். ரோடுகள், பள்ளிக்கூடங்கள் இவைகளையெல்லாம் தாலுகா போர்டினிடமே ஒப்படைத்தால் மிகவும் நலமாக இருக்கும். அதிகாரத்தைப் பரவலாக்குவதற்கு சௌகரியமாக இருக்கும். மேலும் பலருக்குப் பயிற்சியளித்து, தகுதிவாய்ந்த தலைவர்களை உண்டாக்குவது ஜனநாயகம் சரியாக நடைபெறுவதற்கு அவசியமான தேவையாகும். தாலுக்கா போர்டுகளை அமைப்பது இதற்கு வழி கோலுவதாக இருக்கிறது. தாலுக்கா போர்டுகள் ஏற்பட்டால் கல்வியை பரப்பும் வேலையை ஜில்லா போர்டினிடம் ஒப்படைத்திருப்பதுபோல் தாலுகா போர்டுகளிடம் கல்வியை ஒப்படைக்கவே கூடாது. இப்போது ஜில்லா போர்டிலே பலவிதமான இடைஞ்சல்கள் இருப்பதைக் கண்டும் தாலுகா போர்டுகளிடம் கல்வியை ஒப்படைத்தால் இன்னும் ஏராளமான துன்பங்கள் ஏற்படும். இப்பொழுது ஆசிரியர்கள் ஜில்லாவின் ஒரு மூலையிலிருந்து இன்னொரு மூலைக்கு, 50, 60 மைல் தூரத்திற்குப்பால், இரண்டு மாதத்திற்காகவோ ஒரு மாதத்திற்கோ மாற்றிவிடுகிறார்கள். இது மிகவும் விந்தையாக இருக்கிறது. அந்தமாதிரி ஏற்படாமல் இருப்பதற்கு, தாலுகா போர்டுகளிடத்திலே கல்வியை ஒப்படைக்காமல், சர்க்காரே ஏற்றுக்கொண்டு நடத்தினால் மிகவும் நலமாக இருக்கும். அல்லது ஆரம்பக்கல்வியை ஒரு தனி ஸ்தாபனத்தின் பொறுப்பாக்கவேண்டும். இன்னும் இந்தக் காலவரையை நீடிப்பதுபற்றி மந்திரி அவர்கள் குறிப்பிட்டார்கள். அதாவது இப்பொழுது ஒரு முறை நீடித்துவிட்டு, இரண்டாவது முறையாகவும் நீடித்து, அதற்குப் பிறகு ஒரு High Level Committee-ஐ ஏற்படுத்தி, அந்தக் கமிட்டியின் சிபார்சு மூலம் தாலுகா போர்டுகள் ஏற்படுவதற்கு காலவரையை நீடிப்பதைவிட ஒரே முறையாக தாலுகாபோர்டு தேர்தலையே நடத்துவது நலமாக இருக்குமென்று நான் கருதுகிறேன். ஆகவே, இதுசம்பந்தமாக பொறுக்குக் கமிட்டியின் முடிவுக்கு விடவேண்டுமென்று நான் கேட்டுக்கொண்டு என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகின்றேன்.”

* SRI K. VENKATRAMANA GOWDA :—“ Mr. Chairman, Sir, it is stated that for reasons of inconvenience to hold the elections to the District Boards of South Kanara, Malabar and the Nilgiris in the month of June, extension of the term of the Special Officers of the District Boards has been found to be necessary till the 31st October 1954. It will be much more inconvenient to hold the elections in the West Coast Districts and the Nilgiris in the month of October 1954. There will be heavy rains then and streams will be flooded from June to November. It will be so at least in the Malnad area and the sub-ghat regions of the South Kanara district which comprises one-fourth of the district where facilities of communication are lacking. I wonder how it will be possible for the candidates to contact their electorate under these conditions. It is unfortunate that these proposals should have emanated from a Member of the other House who belongs to my district and who represented in the District Board a constituency

[Sri K. Venkatramana Gowda]

27th March 1954] which is impossible to reach during this period. I think it is absolutely necessary to postpone the elections till December at least in the District of South Kanara. But I do not propose to press my contention in view of the procedural difficulties that would arise regarding the present Bill, but I would request the Government to come forward with one more amendment later seeking extension of the term of the office of the Special Officer of the District Board of South Kanara district till 31st December 1954.

“ Thank you, Sir.”

SRI K. T. RAJU :—“ கனம் சேர்மென் அவர்களே! இந்த ஜில்லா போர்டு காலத்தை அக்டோபர் மாதம் வரை நீடித்து தேர்தலை ஒத்திவைப்பதற்காக ஸ்தல ஸ்தாபன மந்திரி அவர்கள் கொண்டு வந்திருக்கும் இந்த மசோதாவின் மோசமான அம்சத்தை கனம் அங்கத்தினர் ராஜா சிதம்பரம் எடுத்துக் கூறியிருக்கிறார். இந்த மாதிரி மசோதா சட்டசபையில் 9 மாதத்திற்கு முன் வந்திருக்கிறது. அப்போது சபையில் காரசாரமான விவாதம் நடந்தது. அந்த விவாதத்திற்குப் பதிலளிக்கும் முறையில் அன்று ஸ்தல ஸ்தாபன மந்திரியாக இருந்த கனம் ஸ்ரீ சங்கர ரெட்டி அவர்கள் 1954-ம் வருஷம் மார்ச்சு மாதம் 31-ம் தேதிக்குள் ஜில்லா போர்டு தேர்தலை நடத்துவதாக இந்த சபைக்கு வாக்குறுதி கொடுத்திருக்கிறார். ஆனால் இன்னும் அவ்வாக்குறுதியின்படி தேர்தல் நடக்கவில்லை. இன்று அதற்குப் பதிலாக இந்த சட்டசபையின் முன் இம்மாதிரி மசோதா அக்டோபர் மாதம் வரைக்கும் தேர்தலை ஒத்திப்பது போடுவதற்கு கனம் ஸ்தல ஸ்தாபன மந்திரி கொண்டு வந்திருக்கிறார். உண்மையாகவே, நம்முடைய ஸ்தல ஸ்தாபன மந்திரி இந்த மாதிரி நிலைமை ஏற்படுமென்று கருதியிருந்தால் ஜனவரி மாதத்தில் சட்ட சபைக் கூட்டம் நடந்த போது அவர் தேர்தலை மார்ச்சு மாதத்திற்குள் நடத்துவதற்கு அரசாங்கத்திற்கு வசதியில்லாத காரணத்தினால் அக்டோபர் மாதம் வரைக்கும் ஒத்திப் போடவேண்டுமென்று சொல்லியிருக்கலாம். அப்படிச் செய்யாமல்—இன்றைக்கு மார்ச்சு மாதம் 27-ம் தேதி இன்னும் மார்ச்சு மாதம் முடிவதற்கு மூன்று தினங்கள் தான் பாக்கி இருக்கின்றன—இன்றைக்கு இந்த நள்ளிரவில் இந்த மசோதாவை கனம் மந்திரியவர்கள் சட்டசபை முன் கொண்டுவந்து அதன் ஆதரவைக் கேட்பது நியாயமா என்று கேட்கிறேன். உண்மையிலேயே இந்த சர்க்காருக்கு ஜனநாயகத்தில் நம்பிக்கை இருந்தால் இரந்தால் இப்பேர்ப்பட்ட மசோதாவைக் கொண்டு வந்திருக்கமாட்டார்கள். கனம் ஸ்தல ஸ்தாபன மந்திரி அவர் பேசும்போது தாலுகா போர்டைத் திருப்பிக் கொண்டு வருவதற்காக ஒரு கமிட்டி ஏற்படுத்தும் யோசனை சர்க்காருக்கு இருப்பதால் ஜில்லா போர்டு தேர்தலை ஒத்திவைக்க வேண்டியதாக இருக்கிறது. அந்த யோசனையை நிறைவேற்றுவதற்காக மந்திரி சபைக்கு அவகாசம் கொடுக்க வேண்டுமென்று சொல்லுகிறார். 9 மாதம் ஆகியும் இன்னும் என்ன அவகாசம் சர்க்காருக்குத் தேவையாய் இருக்கிறது என்று பல கூட்டங்களிலேயே சிலர் கேட்டிருக்கிறார்கள். இதற்குள்ளே அதைப்பற்றி ஏதாவது ஒரு முடிவு செய்து இருக்கவேண்டும். அதையும் செய்யவில்லை. ஜில்லா போர்டு தேர்தலையும் நடத்தவில்லை. இப்பொழுது அந்த ஜில்லா போர்டு தேர்தலைக்கூட நடத்தாமல் அதை ஒத்தி வைப்பதற்கும் ஒரு மசோதாவை இப்பொழுது கொண்டு வந்திருக்கிறார்கள். இதிலிருந்து நமக்குத் தெரிவது என்னவென்றால் உண்மையிலேயே ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்தவேண்டுமென்கிற எண்ணமே சர்க்காருக்குக் கிடையாது. இம்மாதிரித் தேர்தல்களை நடத்தாமல் எவ்வளவு நாளைக்கு ஒத்திப்போட முடியுமோ, அவ்வளவு நாளைக்கு ஒத்திப் போடுவதுதான் அரசாங்கத்தின் கொள்கையாயிருக்கிறது. அவ்வாறு இல்லையென்றால் இந்த மாதிரி ஒரு மசோதாவை இந்த நேரத்தில் கொண்டு வரவேண்டிய அவசியம் கிடையாது. உண்மையிலேயே தாலுகா போர்டைக் கொண்டுவர

[Sri K. T. Raju]

[27th March 1954]

வேண்டுமென்ற கொள்கை அரசாங்கத்திற்கு இருக்குமேயானால் ஜில்லா போர்டு தேர்தலை ஒத்திவைப்பதற்காக இந்த மசோதாவைக் கொண்டு வரவேண்டிய நிலைமை ஏற்பட்டிருக்காது. அம்மாதிரி அப்படி திட்ட வட்டமாக அமைச்சர் இந்த சபையில் சொல்லாததினால் கொஞ்சம் சந்தேகத்திற்கு இடம் கொடுக்கிறது. அவர் திட்ட வட்டமாக நாங்கள் தாலாகா போர்டைக் கொண்டு வரப்போகிறோம், ஒரு மாதம் அல்லது இரண்டு மாதம் தள்ளி வைப்பதற்காக அவகாசம் கொடுக்க வேண்டுமென்று சொல்லி யிருந்தால் அதில் கொஞ்சம் அர்த்தம் இருக்கிறது. அவ்வாறு சொல்லாததினால் தாலாகா போர்டு கொண்டுவருவார்களா என்பது கூட நிச்சயமில்லை. ஜில்லா போர்டு தேர்தலும் வருகிற அக்டோபர் மாதத்தில் நடைபெறும் என்ற உத்தரவாதமும் கிடையாது. அப்படி இந்த முறையும் உத்தரவாதம் கொடுத்தாலும் எங்களுக்கு நம்பிக்கையில்லை. ஏனென்றால் இம்மாதிரி ஏற்கனவே உத்தரவாதம் கொடுத்திருந்தும் அவர்கள் நடைமுறையில் அனுஷ்டிக்காததால் எங்களுக்கு நம்பிக்கையில்லை. இந்த மசோதா நிறைவேற்றப்பட்டு அடுத்த அக்டோபர் மாதத்திற்குள் தேர்தல் நடக்க முடியாமற் போனால் இதே மாதிரி இரண்டு மூன்று தினைங்களுக்கு முன் கொண்டு வருவார்களோ என்ற எண்ணம் எங்களுக்குத் தோன்றுகிறது. இம்மாதிரி சட்டசபைக்குக்கொடுத்த உத்தரவை நிராகரித்து தேர்தலை ஒத்திவைத்துக் கொண்டே போவது ஜனநாயகத்துக்கு விரோதமான ஒரு செய்கை. மேலும் தாலாகா போர்டைக் கொண்டுவர சர்க்கார் யோசிப்பதால் ஜில்லா போர்டு தேர்தலை நடத்துவது என்பது அவைசியமான செலவாகும். ஜில்லா போர்டு கொண்டு வருவதை மூன்று தினைங்களிலே முடிவு செய்துவிடலாம். இந்த சட்டசபையில் அந்த விஷயத்தை விவாதத்திற்குக் கொண்டு வந்து தாலாகா போர்டு வேண்டுமா அல்லது ஜில்லா போர்டு தேர்தலை நடத்த வேண்டுமா என்பதை இந்த சட்டசபையின் மூலமாக தெரிந்து கொள்ளலாம். அம்மாதிரி செய்வதுதான் ஜனநாயகத்திற்கு உகந்தது.

(At this stage Mr. Speaker resumed the Chair.)

“கனம் அங்கத்தினர் ஸ்ரீ பழனி சாமி கவுண்டர் இன்றைக்கு பேசும் போது Special Officer மூலமாக ஜனங்களுக்கு நன்மை ஒன்றும் கிடையாது என்று சொல்லி யிருக்கிறார். உண்மையிலேயே ஜில்லா போர்டு நிர்வாகத்தில் நெருக்கடி ஏற்பட்டது. அதை நிவர்த்திக்க சர்க்கார் ஒரு முடிவுக்கு வர வேண்டும். தாலாகா போர்டு அவசியமா, ஜில்லா போர்டு தேர்தல் அவசியமா என்பதை ஆலோசிக்க ஒரு நாளைக்கு இந்த சட்டசபைக் கூட்டத்தை ஒத்திவையுங்கள். இம்மாதிரி செய்யாமல் இந்த மசோதாவை இப்போது கொண்டு வருவதற்காக இதை வண்மையாகக் கண்டிக்கிறேன். இப்பொழுது மசோதா நிறைவேற்றமல் தோற்கடிக்கப்பட்டால் மார்ச்சு 30-ம் தேதிக்குள் தேர்தல் நடக்க முடியுமா என்பதை சர்க்கார் கவனிக்காமல் இன்றைக்குக் கொண்டுவந்திருக்கிறார்கள். இதைப் பார்க்கும்போது நமக்கு என்ன தோன்றுகிறதென்றால் இந்த சர்க்காருக்கு ஜனநாயகத்தின் மீதோ அல்லது ஜனங்களின்மீதோ நம்பிக்கையோ நல்ல எண்ணமோ கிடையாது என்பது பிரதிபலிக்கிறது. கனம் அமைச்சர் ஏதாவது ஒரு முடிவுக்கு வருவார் என்ற நம்பிக்கையுடன் என் பேச்சை முடித்துக் கொள்கிறேன்.”

MR. SPEAKER :—“ Let the hon. Members be brief in their speeches.”

SRI A. GOVINDASWAMY NAYAGAR :—“ கனம் சபாநாயகர் அவர்களே! ஜில்லா போர்டு தேர்தல்களை ஒத்திப் போடுவதற்குப் பதிலாக Special Officer காலத்தை நீடிக்க வேண்டுமென்று சொல்லுவது சரியான வியாக்கியானம் அல்ல. இந்த சர்க்காருக்குத் தெளிவான கொள்கை கிடையாது என்று ஸ்தல ஸ்தாபன மந்திரி அவர்களுடைய பேச்சிலிருந்து தெளிவாகிறது. இந்த சர்க்காரின் போக்கை கவனித்தால் முகமது துக்கல், தலை நகர் மாற்ற விஷயத்தில் கைகண்ட முறை ரூபகத்தில் வருகிறது.

[Sri A. Govindaswamy Nayagar]
27th March 1954]

“ மந்திரி அவர்கள் பிரசங்கத்தில் ஜில்லா போர்டு தேர்தலை ஒத்திவைக்க வேண்டும் பிறகு தாலாகா போர்டு தேவையா என்பது பற்றி முடிக்கட்ட ஒரு நிபுணர் கமிட்டி நியமிக்கப்படுமென்று வெளியிட்டிருக்கிறார். இவர் இப்படிச் சொல்வது இந்த சர்க்காருக்கு இரண்டு வித அபிப்பிராயங்கள் இருக்கின்றன என்று தெளிவாகிறது. கனம் ஸ்தல ஸ்தாபன மந்திரி அவர்கள் பொதுக் கூட்டங்களில் பேசுகிறபோது, ‘தாலாகா போர்டுகளை உடனடியாக நடத்தப் போகிறோம்,’ என்று சொல்லுகிறார். காங்கிரஸ் கட்சிக் கூட்டத்தில் ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்தவேண்டுமென்று அபிப்பிராயம் நிலவுகிறது. மந்திரி சபையை உறுவாக்குகின்ற (Warwick) king maker ஸ்ரீ காமராஜ் நாடாருக்கும் அவரைச்சார்ந்தவர்களுக்கும் ஒரு கொள்கை இருக்கின்றதென்பதும், ஆட்சியுரியும் மந்திரி சபைக்கு வேறு கொள்கை இருக்கின்றதென்பதும் தெள்ளத் தெளிவு. இப்படி இரண்டு விதக் கொள்கையின் காரணமாக பொது ஜன நலன் பாதிக்கப் படுமென்று சொல்லிக் கொள்ள நான் ஆசைப்படுகிறேன். சர்க்கார் கட்சியைச் சேர்ந்த கனம் அங்கத்தினர் ஸ்ரீ பழனிசாமி கவுண்டர் ஜில்லா போர்டு தலைவராக இருந்திருப்பதால் அவருக்கு ஜில்லா போர்டு நிர்வாகம் எப்படி நடத்தப் படவேண்டுமென்ற கொள்கை தெரியும். அவர் கட்சியின் சார்பாக கால தாமதத்தை ஒருவாறு ஒப்புக் கொண்டபோதிலும் ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்தவேண்டுமென்று தெளிவாக எடுத்துக் கூறியிருக்கிறார்.

“இப்பொழுது நடக்கக் கூடிய தேர்தல் ஒரு புதுமுறையில் நடக்க வேண்டுமென்பது என்னுடைய விருப்பம். மேஜர் பஞ்சாயத்து தலைவர் சர்வஜன வாக்கு மூலம் தேர்ந்தெடுக்கப் படுவது போல் ஜில்லா போர்டு தலைவரும் சர்வஜன வாக்கு பெற்ற பிரதிநிதியாக இருக்கவேண்டும். அங்கத் அப்பொழுது தான் அவர் மக்களுக்கு நன்மை செய்ய முடியும். அங்கத் தினர்கள் தனித்தனியாக தேர்ந்தெடுக்கப்பட்டு பிறகு அவர்களுக்குள் தலைவர் தேர்தல் நடந்தால் ஆள் தூக்கிபடலமும் பணச் செலவும் போட பா போட்டியும் ஏற்படும். அப்படித் தேர்ந்தெடுக்கப்பட்ட தலைவர் கட்சிக் கண்ணோட்டத் தோடு வேலை செய்ய முடியுமே தவிர மக்களுக்கு நன்மை செய்ய முடியாது.

“ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்த வேண்டும். அக்டோபர் மாதத்தில் தேர்தல் நடந்தால் அப்பொழுது மழைகாலம் வந்து விடும். குறிப்பாக எங்கள் ஜில்லாவில் அப்பொழுது மழை பெய்யும்.”

THE HON. SRI K. RAJARAM :—“ In the Tamil districts elections will be over before August. That is what I said in my introductory speech.”

SRI A. GOVINDASWAMY NAYAGAR :—“ ஆகஸ்டு மாதத்தில் கூட மழைகால ஆரம்பம்தான். ரோடுகளில் காரில் போகமுடியாது. காரில் போகும்பொழுதுகூட மண்வெட்டியையும் கப்பாரையும் எடுத்துக் கொண்டு ரோடு போட்டுக் கொண்டே போகவேண்டும். தேர்தலுக்கு நிற்கின்றவர்களுக்கு இந்தக் கஷ்டம் தெரியும். கனம் மந்திரி அவர்களுக்கும் இது தெரிந்திருக்கவேண்டும், அவர்களும் இந்த ரோடுகளின் வழியாகப் போய் வேட்டுகள் வாங்கி யிருக்கிறார்கள். அப்பொழுது ரோடு போடுகிறோம் என்று வாக்குறுதி கொடுத்து, பிறகு அந்த வாக்குறுதியை நிறைவேற்றுவது கிடையாது. மேலும் பல பாடசாலைகள் திறக்கப்பட வேண்டும். உடனடியாக தேர்தல் நடந்தால்தான் மக்கள் பிரதிநிதிகள் ரோடுகள் போட வேண்டும், பாடசாலைகள் திறக்கவேண்டுமென்று தீர்மானங்கள் கொண்டு வந்து அவைகளை திறக்கவேண்டுமென்று தீர்மானங்கள் கொண்டு வந்தி செய்து முடியும். Special Officer-கள் மக்களுக்கு அனுசூலமாக புதியதாக ரோடுகளைப் போடுவதும் பள்ளிக்கூடங்களை ஆரம்பிப்பதும் கடினமான காரியம். ஆகையால் ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்தவேண்டும்.

[Sri A. Govindaswamy Nayagar] [27th March 1954]

“ ஜில்லா போர்டு தேர்தலை நடத்துவதற்கு பதிலாக நேரடியாக தாலுகா போர்டு தேர்தலையே நடத்தினால் வீண் செலவைத் தவிர்க்கலாம், என்று நண்பர் ஸ்ரீ ராஜா சிதம்பரம் அவர்கள் சொன்னார்கள். நண்பர் ஸ்ரீ பழனிசாமி கவுண்டர் அவர்கள் ‘கனம் மந்திரி அவர்கள், தாலுகா போர்டு இருக்கவேண்டாமென்று ரகசியமாக வைத்துக் கொண்டிருக்கலாமென்றும்’ சொன்னார்கள். ஏன், அவர்கள் சொல்லா விட்டால் எங்களுக்கு தெரியாமல் போய்விடுமா? நாங்கள் சூசகமாகத் தெரிந்து கொள்ள முடியும். தாலுகா போன்ற குறுகலான இடத்தில் தேர்தல் நடத்தினால் காங்கிரஸ் வெற்றியடைய முடியாதென்றும் ஜில்லா போன்ற பரவலான இடத்தில் தேர்தல் நடத்தினால் ஒரு சமயம் காங்கிரஸ் ஜெயிக்கலாம் என்ற எண்ணம் சர்க்காருக்கு இருக்கலாம். ஆனால் நான் ஒன்று கேட்கிறேன், ஜில்லா போர்டுக்கு பதிலாக தாலுகா போர்டு ஏற்படுத்தினால் ஜில்லா போர்டு தலைவருடைய கதி என்ன ஆகும்? மேலும் ஜில்லா போர்டு தேர்தலுக்கு மற்றொரு தாலுக்காவில் இருப்பவர் நிற்கலாம். ஆனால் தாலுகா போர்டு தேர்தலுக்கு அந்தந்த தாலுகாவைச் சேர்ந்தவர்தான் நிற்க முடியும். உதாரணமாக கடலூர் தாலுகா போர்டு தேர்தலுக்கு விழுப்புரம் தாலுகாவைச் சேர்ந்தவர் நிற்க முடியாது. அதே மாதிரி விழுப்புரம் தாலுகா போர்டு தேர்தலுக்கு வேறு தாலுகாவைச் சேர்ந்தவர் நிற்கமுடியாது. ஜில்லா போர்டு தாலுகா போர்டாக மாற்றப்பட்டால், ஜில்லா போர்டு மெம்பர்களின் பதவி நீடிக்குமா அல்லது ரத்து ஆகும் என்பதை சர்க்கார் சொல்லவேண்டும். சர்க்காருக்கு ஒரு திட்டவட்டமான கொள்கை கிடையாது. ஜில்லா போர்டு தேர்தலில் காங்கிரஸுக்கு majority கிடைத்து விட்டால் ஜில்லா போர்டையே நீடிக்க விட்டுவிடுவார்கள். அப்படி ஜில்லா போர்டு தேர்தலில் majority கிடைக்காவிட்டால் தாலுகா போர்டாக மாற்றி மறுபடியும் தேர்தல் நடத்துவார்கள். இப்படிச் செய்வதால் பொது மக்களின் பணம் வீணாகச் செலவழியும். பொது மக்களுக்குக் கொடுத்த வாக்குறுதி வீணாகத்தான் போகும். இந்த சர்க்கார் எந்த வாக்குறுதி கொடுத்தாலும் அதை நடைமுறையிலே நிறைவேற்றுவதில்லை.

“ ஜில்லா போர்டு தேர்தலை ஒத்திப் போடுவதற்கு முதலில் voters list தயாராக இல்லை என்று சொல்லப்பட்டது. பிறகு ஆந்திர ராஜ்யம் பிரிந்த தால் தேர்தல் ஒத்திப் போடப்பட்டது. இப்பொழுது நண்பர் ஸ்ரீ K. T. Raju அவர்கள் கூறியது போல் சர்க்கார் பல வேறு காரணங்களைக் கொண்டு தேர்தலை ஒத்திப் போடவேண்டுமென்று சொல்லுகிறார்கள். தாலுகா போர்டு ஏற்படுத்துவதற்காக ஒரு கமிட்டி போட்டு அதற்கு சிறிது காலம் எடுத்துக் கொள்ளுகிறார்கள். இதனால் பொது மக்களின் பணம் ஏன் விரயமாகும். இப்பொழுதிருக்கும் ஜில்லா போர்டு Special Officers-கள் பொது ஜனங்களோடு தொடர்பு கொள்ளுவதில்லை. பொது ஜனங்களோடு தொடர்பு கொள்ளவும் முடியாது. இப்பொழுது ஜில்லாவிலிருந்து M.L.A.-க்கள் வந்திருக்கிறார்கள். அவர்கள் மக்களுடைய பிரதிநிதிகள். அவர்களையும் Special Officers-களோடு ஒன்று சேர்த்து Ex-Officio மெம்பர்களாகக் போட்டு நிர்வாகம் நடத்தினால் பொது ஜனங்களுக்கு வேண்டிய ரோடுகளையும் பள்ளிக்கூடங்களையும் ஏற்படுத்த அனுசூலமாயிருக்கும். சர்க்கார் ஏற்கனவே இந்தக் கொள்கையை ஒப்புக் கொண்டபோதிலும் இப்பொழுது இதை கைவிட்டு விட்டார்கள், காரணம் விளங்கவில்லை. அவர்களுக்குள் ஒற்றுமையிலலாதது தான் காரணமாயிருக்கவேண்டும்.

“ ஜில்லா போர்டு தேர்தலை உடனடியாக நடத்தவேண்டுமென்று கேட்டுக் கொண்டு, நண்பர் ஸ்ரீ கலியாணசுந்தரம் அவர்கள் இந்த மசோதாவை ஒரு Select Committee-யின் யோசனைக்குவிட வேண்டும்மென்று கொண்டு வந்த திருத்தத்தை நான் ஆதரிக்கிறேன்.”

SRI V. K. RAMASWAMY MUDALIAR:—“ Mr. Speaker, Sir, the District Boards were abolished ten months back.”

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MR. SPEAKER:—“ As a large number of hon. Members want to take part in the debate I fix a time-limit of five minutes for the speech of each hon. Member.”

SRI V. K. RAMASWAMY MUDALIAR:—“ Now the Government have come forward with a proposal for extending the term of the present Special Officers by another six or seven months. Evidently the Government are not aware of the public feeling prevailing in the districts. Ever since the abolition of these Boards, we have completely lost touch with the masses with the result that we are very doubtful whether we will be in a position to face them again. There is already a feeling in the districts that the Special Officers of the District Boards do not take any interest whatsoever in the administration and that further they do not even find time to look after the work of these District Boards. That is the great difficulty. In some districts I am told reliably that the Personal Assistants to the Special Officers also do not administer the affairs properly. Again strict instructions, I understand, have been issued by the Government to the Special Officers to the effect that they should bring about effective retrenchment. The result is they are unable to do any work either with regard to the formation of the roads or opening of dispensaries or opening of schools and so on. There is so much of agitation everywhere and the public want that elections to these Boards should be held as early as possible.

“ Sir, I have in my last speech requested the Government to terminate the appointments of the Special Officers and hold elections to the District Boards immediately. If they had done it, new Boards would have been formed by now and we would have been in touch with the masses. Now, on some pretext or other the elections have been postponed. There is also a proposal to revive the Taluk Boards. It is not known why these Taluk Boards were abolished and why now Government want to revive them. There are two sets of opinions on this question. Taluk Boards were found uneconomic and hence District Boards were revived. This is one view. Another view is that the District Boards are unwieldy and some Presidents are abusing their powers. The result is that some areas are neglected, and if the Taluk Boards are revived all these will go. Even if the Taluk Boards are revived the same difficulties will be there. Some of the Presidents will concentrate all the attention on their own constituencies and so on. Whatever it is, we must once and for all decide whether we should have Taluk Boards or District Boards. If it is necessary to have Taluk Boards, they should be revived. If not, we should have only the District Boards. However, it is not so easy to decide on the revival of these Taluk Boards within such a short time. Hence I am for holding the elections to the District Boards as early as possible.

“ Sir, the re-organization committee report has not yet been published by the Government even though the Committee finished

[Sri V. K. Ramaswamy Mudaliar] [27th March 1954]

its deliberations a few months back. The result is we do not know what its findings are. Though the Hon. Minister for Local Administration promised to place the report on the table of the House, he has not so far done it. Government must pay serious attention to the recommendations made by that Committee and take action on them. The Hon. Minister has just now given an assurance that in the ten districts of Tamilnad, elections would be completed before August and in the other three districts, namely, South Kanara, Malabar and the Nilgiris, the elections would be held before October 1954. I am quite sure if the Government want, they can hold the elections immediately and they can finalize the whole thing before the outbreak of the monsoon. It is not a very difficult thing and there is no point in going on extending the term of the present Special Officers indefinitely. Some hon. Members have said that the monsoon will interfere with the elections and so on. But whatever it is, elections can be held though not in March or April, at least in May and June. Within two months we can have the elections. The electoral rolls are ready. Officers have been appointed in some districts and many of the Election Officers are now working at it. Therefore, elections can be conducted as early as possible. That is my humble opinion. Even though the Bill proposes to extend the term of the Special Officers I would request the Government to hold the elections as early as possible.

“ With these words, Sir, I take my seat.”

SRI M. NARAYANA KURUP:—“ Mr. Speaker, Sir, I am constrained to say that the approach of the Government regarding some of the important problems that face us is neither straight nor honest. Taking two important fields, on the economic side we have the agrarian question and on the administration side, we have the question of the decentralization of power. On both these the Government have been following a policy of indecision. That they are not approaching the problem in a straight manner is evidenced by the speech of the Hon. Minister for Local Administration who moved that the Bill be taken into consideration at once. That speech landed him in a bundle of contradictions. Sir, the purport of his speech is, ‘ We intend to bring in Taluk Boards in the place of District Boards ’ but the prayer is ‘ We therefore want time to conduct elections to the District Boards. ’ I cannot understand these inconsistent positions taken up by the Hon. the Minister for Local Administration. If the Hon. Minister had made a considered approach in the matter, what he ought to have asked of this House is that the Government want time to constitute Taluk Boards and therefore extension of time to the Special Officers should be given, though all of us may not like it, so that the question may be settled once and for all. It is plain that what the Government intend and what has been put forward as the important ground for the extension of the term of the Special Officers in charge of District Boards is their policy regarding the

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creation of Taluk Boards, but curiously enough this important ground is not mentioned in the Preamble. This clearly shows that the Government have not yet come to any decision on this question. A High Power Commission for the redistribution of States could be appointed in a short space of time but to decide whether they want Taluk Boards or not and to appoint a Commission or a Committee to go into this question, the Government want a lot of time. It was some months back that the Hon. the Minister for Local Administration himself gave through the newspapers a vivid picture not only of the Taluk Boards but their constitution and their functions and almost every minute detail. Still, he would now say that the Government want to consider this question, that a Committee should be appointed to consider it and for considering the appointment of such a Committee the Government want some time. This indicates how the mind of the Government is moving. They have not yet decided whether to trust the people and whether they could give local institutions the powers which they deserve.

“ Our Constitution lays down that power should be decentralized. Sir, it was Sri S. K. Patil who on his return from his tour of Western countries remarked that compared with local administration as it obtains in other countries, local administration in India is a travesty and a ‘ mockery ’. That is the word he used. As I said the Government’s approach was not honest. I will prove it. Immediately after this Congress Government came to power they passed the Madras Village Panchayats Act of 1950. Not only this but they also issued a pamphlet and gave it the pompous title ‘ Panchayat Raj ’. The other day when the Hon. the Minister for Local Administration was answering a question as to how many panchayats were constituted under the Act of 1950, he was not able to say whether a single panchayat was constituted or not. That is the reason why I challenge the *bona fides* of this Government when they speak of decentralization of power and reconstitution of Taluk Boards. If I read it correctly, they will neither carry out the programme of elections to the District Boards nor will they reconstitute the Taluk Boards. As is evident from the Hon. Minister’s speech this is the idea underlying the arguments put forward by the Government. I would certainly consent to a longer period of extension for the Special Officers, if only the Hon. the Minister in charge of Local Administration had the courage to say that here and now he would appoint a Committee to go into the question of local administration and that the Government intend to bring a comprehensive legislation in the near future on the recommendations of this Committee. These important questions are shelved and arguments and reasons are put forward which contradict each other.

“ The Government must come to a decision on these important questions. Of course, the Opposition will not oppose the Government in any reasonable measures which they take and they will not hesitate to give ample time to the Government to bring forward a legislation which really intends to give power to the people. I

[Sri C. H. Kanaran] [27th March 1954]

കക്കാരാണു്, നിങ്ങൾ ബുദ്ധിയുടേയും ജ്ഞാനത്തിനേറിയം കരുതുകകാരാണു്, എന്നുള്ള ഒരു മനോഭാവം വച്ചുകൊണ്ടാണു നിങ്ങൾ ഭരിക്കുന്നതു്. എന്താണു ഈ നീതിവസ്തു ചിഹ്നം അത് ? ഈ രാജ്യത്തിലെ ജനങ്ങളുടെ വേദവകാശത്തെ അവർ നിഷേധിച്ചിരിക്കുകയാണു്. ഈ രാജ്യത്തിലെ ജനങ്ങളെ അവർ അപമാനിക്കുകയാണു്. നിരിക്കുകയാണു്. ഇനി, കാലംവധി നീതിയെന്നു തന്നെ വസ്തുക്ക. എന്നാൽ: അവരിരിക്കത്തക്കപ്പു നടത്തുമോ ? ഇല്ല. അങ്ങനെ ഒരു പാരമ്പര്യമാണു ഇവക്കുള്ളതു. ഇതിനു മുമ്പു രണ്ടു പ്രാവശ്യം നീതിവെച്ചു. ഇതു മൂന്നാം പ്രാവശ്യമാണു്. ഈ കാലം വധിക്കുക. നിങ്ങൾ: തിരിക്കത്തക്കപ്പു നടത്തുമെന്നു ആർക്കു് പറയാൻ സാധിക്കും ? നിങ്ങളെ പുറത്താക്കാൻ വല്ല വഴിയുമുണ്ടോ എന്നു നോക്കുകയല്ലാതെ, നിങ്ങൾ തിരിയത്തക്കപ്പു നടത്തുമെന്നു് ആശിച്ചിരിക്കുന്നതു അബദ്ധമാണു. നിങ്ങൾ പറയുന്നതിൽ സ്വരസ്ഥിരതയുടെ കണിക്കയെങ്കിലുമുണ്ടോ എന്നു ഞാൻ ചോദിക്കുന്നു. എത്രയെത്ര നീതിമാനങ്ങൾ നിങ്ങൾ കല്പിക്കുന്നോ: മരിച്ചവരിൽ വെളിച്ചമില്ല ! ഏത്രയെത്ര വാഗ്ദാനങ്ങൾ നിങ്ങൾ പിരിച്ചിരിക്കുന്നു കാണാൻ പറഞ്ഞി ! ഇതാണോ നിങ്ങളുടെ ജനാധിപത്യം ? ”

SRI MOHAMAD SALIH MARACAIR:—“கனம் சபாநாயகர் அவர்களே, ஜில்லா போர்டு சம்பந்தமாக சர்க்கார் அனுஷ்டிக்கும் கொள்கை ஜனநாயகத்திற்கு விரோதமானது. பொதுஜனங்களால் தேர்ந்தெடுக்கப்பட்ட ஜில்லா போர்டு பிரதிநிதிகளின் காலம் முடிந்தாலும் மறு தேர்தல் நடக்கும் வரை அவர்களையே பதவி வகிக்கும்படி செய்ய வேண்டியதாக இருக்க, சர்க்கார் அந்த மெம்பர்களை ஒழித்துவிட்டு ஜில்லா போர்டு நிர்வாகத்தை ஸ்பெஷல் ஆபீசர் கையில் ஒப்படைத்து விட்டார்கள். ஜில்லா போர்டு நிர்வாகம் ஸ்பெஷல் ஆபீசரின் கையில் போனவுடன் பொது ஜனங்களுக்கு ஏற்பட்டிருந்த கல்வி வசதி, வைத்திய வசதி, ரோடுவசதி, ஆதிய வசதிகள் எல்லாம் அடியோடு மறுக்கப்பட்டுவிட்டன. கிராமப் பள்ளிக்கூடங்களில் பிள்ளைகளுக்குப் பதிலாய் ஆடுமாடுகளை அடைக்கின்றனர். கிராம ஆஸ்பத்திரிகளில் மருந்துகள் இல்லாமலும், டாக்டர்கள் இல்லாமலும், இருப்பதால் எழை எளிய மக்கள் வைத்திய வசதியின்றி ரொம்பவும் கஷ்டப்படுகிறார்கள்.

“ரோடுகள் பராமரிக்கப்படாமல் போக்குவரத்து வசதிகள் இல்லாமல் மக்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். முன்பு ஜில்லா போர்டுகளில் கிராம மக்களின் நலனை உத்தேசித்து பள்ளிக்கூடம் ஏற்படுத்தவும், கிராம ஆஸ்பத்திரிகள் ஏற்படுத்தவும், கிராம ரோடுகள் போடவும் பல திட்டங்கள் வகுக்கப்பட்டன. அவைகளை எல்லாம் அமுல் நடத்தாமல் இந்த ஸ்பெஷல் ஆபீசர்கள் அவைகளை மூட்டக் கட்டி மூலையில் வைத்துவிட்டார்கள். குறிப்பாக மனமேற்குடி என்ற ஊரிலுள்ள ‘ரூரல்’ டிஸ்பென்ஸரியை ‘பக்கா’ டிஸ்பென்ஸரியாக அமைப்பதற்கு தஞ்சாவூர் ஜில்லா போர்டில் தீர்மானம் செய்யப்பட்டு ஜில்லா போர்டு பட்ஜெட்டிலும் அதற்குத் தொகை ஒதுக்கப்பட்டிருந்தது. ஆனால் வருஷம் ஒன்றுக்கு மேல் ஆகியும் அந்த டிஸ்பென்ஸரியை பக்கா டிஸ்பென்ஸரியாக மாற்றுவதற்கு எவ்வித நடவடிக்கையும் எடுத்ததாகத் தெரியவில்லை. இதனால், அங்குள்ள சுமார் இருபத்தையாயிரம் ஜனங்கள் வைத்திய வசதியின்றி கஷ்டப்பட்டு வருகிறார்கள். இதைப்பற்றி நாங்கள் சொல்லும் வார்த்தைகள் எல்லாம் ஸ்பெஷல் ஆபீஸர்கள், ஜில்லா அதிகாரிகள் இவர்களின் காதில் விழமாட்டேன் என்றிருந்தது. ‘செவிடன் காதில் ஊதிய சங்கைப்போல்’ தான் பயனற்றதாகவும் ஆகிறது. இதைப்பற்றி பல மகஜர்கள் கொடுக்கப்பட்டிருக்கின்றன. இருந்தாலும் அந்தக் குறைகளுக்கும் விமோசனம் எதுவுமே ஏற்படவில்லை. மக்களுடைய நன்மைக்காக வகுக்கப்பட்ட திட்டங்கள் பல இன்னும் நிறைவேற்றப்படாமலேயே இருக்கின்றன. இந்த நிலையில் இப்படிப்பட்ட ஸ்பெஷல் ஆபீஸர்கள் ஆயுட்காலத்தை இன்னும் நீடித்துக்கொண்டே போவதற்கு சர்க்கார் அக்கரை கொண்டிருப்பது ரொம்பவும் விசனிக்கத்தக்க விஷயமாகும். இந்த ஜில்லா போர்டுகளை எல்லாம் ஒழித்து விட்டு தாலுகா போர்டுகளை ஏற்படுத்தப்போவதாக சர்க்கார் முன்பு ஒரு ஆசை வார்த்தை காட்டிற்று. அதை கிராம ஜனங்கள் எல்லோரும் வெகு சந்தோஷத்துடன் வரவேற்கத் தயாராக இருந்தார்கள். ஆனால் நமது

27th March 1954] [Sri Mohamad Salih Maracair]

மந்திரி அவர்கள் பேச்சிலிருந்து புதியதாக அமைக்கப்போகிறோம் என்று சொல்லப்பட்ட தாலூகா போர்டுகள் என்ற சிசு காப்பததிலேயே 'அபார்ஷன்' ஆகிவிட்டது என்று அறிகிறேன். (சிரிப்பு). ஆகையினால் ஸ்பெஷல் ஆபீஸர்களின் பதவிக்காலத்தையே நீடித்துக்கொண்டே போகாமல், உடனடியாக ஜில்லா போர்டுகளின் தேர்தலை கூடிய சீக்கிரத்தில் நடத்தி வைக்க வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்."

SRI S. RADHAKRISHNAN :—“கனம் சபாநாயகர் அவர்களே, இந்த ஜில்லா போர்டு கால வரம்பை ஒத்திவைக்கிற இந்த நிலைமையில் நான் பேசும்போது கனம் அங்கத்தினர் ஸ்ரீ ராஜா சிதம்பரம் ஒரு உதாரணத்தைச் சொன்னார்கள். அதாவது, ஜில்லா போர்டு தேர்தல் விஷயத்தில் அரசாங்கம் எவ்வளவு கடைசி நேரத்தில் வந்து என்ன காரியம் செய்கிறது என்பதைப்பற்றி ஒரு உதாரணத்தைச் சொன்னார்கள். அதை விட, அரசாங்கம் எப்படி கடைசி நேரத்தில் வந்து தங்கள் முடிவை மாற்றிக் கொள்ளுகிறார்கள், அதற்கு என்ன காரணத்தைச் சொல்லுகிறார்கள் என்பதற்கு நான் ஒரு உதாரணத்தைக் கொடுக்க விரும்புகிறேன். குடிப் பழக்கம் உள்ள ஒருவன் குடித்துவிட்ட பிறகு ஒரு சபதம் எடுத்துக்கொண்டதாச் சொல்லுவார்கள். ‘நாளை முதல் நான் குடிக்கவே போவதில்லை’, என்று காலையில் சத்தியம் செய்து சொல்லுவான். ஆனால், சாயங்காலம் ஆனவுடனே மறுபடியும் குடிக்க ஆரம்பித்து விடுவான். அதற்கு மறுநாள் காலையில் பார்த்துக் கேட்டால், ‘நாளை முதல் குடிப்பதே கிடையாது; இது நிச்சயம்’ என்று மறுபடியும் சத்தியம் செய்வான். இப்படியாக தினசரி அவன் சொல்லிக்கொண்டேயிருந்து, குடித்துக்கொண்டே இருப்பான். இது குடிப்பவனுடைய பழக்கம். அதேபோல அரசாங்கத்தாரும் மயக்க போதையில் சட்ட வரம்பைக் கையாளுகிறார்கள் என்பதைப் பார்க்கும்போது வியப்பாக இருக்கிறது. ஏனென்றால், ‘ஜில்லா போர்டு தேர்தலை இன்னும் சில மாதங்களில் நடத்திவிடப் போகிறோம்’ என்று சொல்லிக் கொண்டிருக்கும்போது, மீண்டும் மீண்டும் தேர்தலை ஒத்திவைப்பதற்காகவே திருக்கும்மோது, கணம் முன் கொண்டு வருகிறார்கள். முதல் மந்திரிகனம் ராஜாஜி அவர்கள், ‘கண்டிப்பாக ஏப்ரல் மாதத்தில் தேர்தல் நடத்திவிடுகிறோம்,’ என்று வாக்குறுதி கொடுப்பதுபோல் சொன்னார்கள். ஆனால், இந்தக் காலவரம்பு இந்த மார்ச்சு மாதம் 31-ந் தேதிக்குள் முடிவடைகிறது. அவர் முதல் மந்திரியாக இருந்தால் கண்டிப்பாக தேர்தலை நடத்திவிடுவார் என்று நினைக்க முடிகிறது. ஆனால், அவரும் முதல் மந்திரி பதவியிலிருந்து போய்விடுவார்போல் தெரிகிறது. இதை நான் எதற்காகச் சொல்லுகிறேன் என்றால், கனம் ஸ்ரீ. ராஜாராம் நாயுடு அவர்கள், அக்டோபர் மாதம் 31-ந் தேதி வரைக்கும் ஒரு காலவரம்பை கேட்டிருக்கிறார்கள். அதேமாதிரி முதல் அமைச்சர் குறிப்பிட்ட காலவரம்பு கடைசி நேரத்தில் மாறிவிடுமோ என்ற சந்தேகமாக இருக்கிறது. இப்படி அவர்கள் தேர்தலை ஒத்திவைத்துக்கொண்டே போவதில் அர்த்தமில்லை. ஆந்திர ராஜ்யம் பிரியப் போகிறது என்ற காரணங்களை முன்பு சொல்லி வந்தார்கள். ஆனால், முதலில் 6 மாதங்களும், பிறகு 9 மாதங்களும் தவிரை கேட்கப்பட்டது. தேர்தல் தேதியை இன்னும் ஒத்திவைத்துக் கொண்டு போவதற்கு இப்பொழுது அனுமதி கோருவது மிகவும் வியப்பாக இருக்கிறது. இவ்விதமாக அடிக்கடி தவிரை கேட்பதைப் பார்த்தால், சாதாரணமாக பள்ளிக்கூடத்தில் படிக்கும் பையன் சொல்லக்கூடிய காரணத்தைப்போல இருக்கிறது. பரிகைக்குப் போகக்கூடிய ஒரு பையன் சாதாரணமாக, பல மாதங்கள் ஒன்றும் படிக்காமல் இருந்துவிட்டு, அல்லது படித்துக்கொண்டிருந்துவிட்டு, கடைசி நேரத்திலும் அந்தப் புத்தகத்தை பிரித்துப் படிக்க ஆரம்பிப்பான். அதைப்போல அரசாங்கம் எத்தனைமோ மாதங்களாக இந்தத் தேர்தலை ஒத்திவைத்துக் கொண்டிருந்துவிட்டு, தேர்தலை நடத்திவிடுவதாகப் பல தடவைகளில் வாக்களித்திருந்துவிட்டு, இப்படிக்கடைசி நேரத்தில் தேர்தலை ஒத்திவைக்கவேண்டுமென்று மசோதாவைக் கொண்டுவருவது அவ்வளவு பொறுத்தமாகத் தோன்றவில்லை. ஆறு மாதங்கள் ஒத்திவைக்கப்பட்டிருந்தபொழுது சர்க்கார் என்ன செய்வார்களென்று தெரியவில்லை. ஆனால், இந்த மந்திரி சபையிலே

[Sri S. Radhakrishnan] [27th March 1954]

இருக்கிற குழப்பத்தைப்போல மற்ற திட்டங்களையும் குழப்பிக்கொண்டிருக்கிறார்கள். இன்றைக்கு இருக்கக்கூடிய மந்திரிகள் பொதுஜனங்களிடையே போகும்போது, ஆங்காங்கு பிரசாரம் செய்யும்போது தங்கள் இஷ்டப்படி சொல்லிவிடுகிறார்கள். ஏதோ சில வருஷங்களுக்குள் தாலூகா போர்டுகளை கட்டாயமாகக் கொண்டுவரப்போகிறோம் என்று கனம் ஸ்ரீ ராஜாராம் அவர்கள் சொல்லுகிறார். ஆனால் மந்திரி சபையிலும் பிளவு இருப்பது எனக்குத் தெரியும். 'தாலூகா போர்டைக் கொண்டு வரப்போகிறோம்,' என்று மந்திரி அவர்கள் சொல்லுகிறாரே தவிர, கட்சியில் என்ன சொல்லுகிறார்களோ தெரியாது. அது வேறு மாதிரியாக இருக்கலாம். அது உண்மையாகப் போய்விட்டது. தாலூகா போர்டு கொண்டுவராததற்குக் காரணம் மந்திரியார் சொன்னபோது, ஜில்லா போர்டு நிச்சயமாக வரப்போவதாகத் தெரிகிறது; இருந்தாலும் நடுத்தரமாகச் சொல்லியிருக்கிறார். நிபுணர் குழு அமைத்து, அதிலே ஒரு ஆராய்ச்சி செய்ய விரும்புவதாகச் சொல்லி இருக்கிறார். ஆனால், உண்மையிலேயே காரியத்தை முடிப்பதற்கு ஆகுமா, அல்லது இன்னும் ஆறு மாதங்கள் நீடிப்பதற்கு ஒரு காரணமாக இருக்குமா என்று சந்தேகம் இருக்கிறது. இந்தக் கமிட்டி போடுவது, ஆராய்ச்சி செய்வது இவைகளெல்லாம் வழக்கமாகச் சொல்வதுபோல் இருக்கிறதேயொழிய, காரியத்தில் நடைபெறுவதாகத் தெரியவில்லை. கேள்வி நேரத்தில் எந்தக் கேள்வியைக் கேட்டாலும், பொதுவாக 'யோசனை செய்து கொண்டு வருகிறோம்' என்று தான் சொல்லுகிறார்கள். யோசனை எப்பொழுது முடியுமென்பது தெரியாது. ஆராய்ச்சிக் கமிட்டி போட்டு யோசனை செய்வதென்றால், எத்தனை வருஷங்கள் ஆகுமோ தெரியாது. இவர்கள் குறிப்பிட்ட காலவரம்பைக் கடந்து இன்னும் தேர்தலை ஒத்திவைக்கவேண்டுமென்று திரும்பவும் கடைசி நேரத்தில் ஒரு திருத்த மசோதாவைக் கொண்டு வந்தாலும் ஆச்சரியமில்லை.

"நாங்கள் போனதவை பேசும்போது, தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளைக்கொண்ட கமிட்டி அமைத்து அவர்களுடைய ஆலோசனையைக் கேட்டு காரியங்களைச் செய்யக்கூடிய அளவிற்கு ஸ்பெஷல் ஆபீஸர்கள் நியமனம் ஏற்படவேண்டுமென்ற அளவில் பேசினேன். ஆனால், அந்த ஸ்பெஷல் ஆபீசர் இதுவரை ஒன்றும் செய்யவில்லை. ஸ்பெஷல் ஆபீசருக்கு கிராமத்தில் தொடர்பு இல்லாததால் தங்கள் இஷ்டப்படி காரியங்களைச் செய்கிறார்கள். எதிர்பார்த்த அளவுக்கு ஸ்பெஷல் ஆபீசர்களுடைய மேற்பார்வையில் ஜில்லா போர்டுகள் நல்ல முறையில் மக்களுக்குப் பயன்படக்கூடிய முறையில் நடைபெறவில்லை. தோழர் ஸ்ரீ கல்யாண சுந்தரம் அவர்கள் கொண்டுவந்த திருத்தத்தை ஆதரித்து என்னுடைய பிரசங்கத்தை முடித்துக் கொள்ளுகிறேன்."

Sri V. MADANAGOPAL :—"கனம் சபாநாயகர் அவர்களே, இந்த ஜில்லா போர்டு தேர்தல் ஒத்திவைப்பு மசோதாவைப்பற்றிய திருத்தத்தை ஆதரித்து சர்க்காரின் கவனத்திற்கு சில விஷயங்களைக் கொண்டு வருகிறேன். ஆளும் கட்சிக்கு மெஜாரிட்டி இருக்கிறது என்ற ஒரே காரணத்தினால் இந்த மசோதா மூன்றாவது தடவையாக இந்தச் சபையின் முன் கொண்டுவரப்பட்டிருக்கிறது. இம்மாதிரி செய்வது ஜனநாயகத்தை இழிவுபடுத்துவதாகும். ஜில்லா போர்டு தேர்தலை ஒத்திவைப்பதற்கு இரண்டு காரணங்கள் இருக்கின்றன. அவை கனம் மந்திரி அவர்கள் சொன்ன காரணங்கள் அல்ல. முதலாவது காரணம், சர்க்காருடைய கையில் செத்த பிரேதமாகக் காட்சியளிக்கும் புதிய ஆரம்பக் கல்வி திட்டம் இருக்கிற வரைக்கும் இந்த ஜில்லா போர்டு தேர்தலை சர்க்கார் நடத்தப் போவதில்லை. அவ்வாறு தேர்தல் நடந்தால் சர்க்கார் கட்சிக்கு படு தோல்வி கிடைக்கும் என்பது நிச்சயம். நான் கூறுவது பொய் என்று சொன்னால் உடனே தேர்தல் நடத்திப் பார்க்கட்டும், அப்போது தெரியும். பெரும்பாலான விவசாயிகள் அளிக்கக்கூடிய தீர்ப்பு அந்தத் தீர்ப்பு ஆளும் கட்சிக்குள்ளே செல்வாக்கை குறைக்கும் என்பதில் சந்தேகமில்லை. லாண்டாவச காரணம். இன்றைக்கு இருக்கக்கூடிய ஜனநாயக உரிமைகள்

27th March 1954] [Sri V. Madanagopal]

மீதும் சர்க்காருக்குப் பயம் ஏற்பட்டுவிட்டது. காரணம், சமீபத்தில் நடந்த பஞ்சாயத்து போர்டு பிரசிடெண்டுகள் மகாநாட்டில் பல புதிய கோரிக்கைகளை வற்புறுத்தியிருக்கிறார்கள். இதைபோன்றே ஜில்லா போர்டுகளும் முனிசிபாலிட்டிகளும் பற்றாக்குறையைச் சரிக்கட்டி உதவியும் இதர உரிமைகளையும் கோருகின்றன. இவைகளைத் தவிர்க்கும் முறையில் இன்றுள்ள அதிகாரங்களை மாற்றி அமைத்து, புதிய வரி விதிக்கும் அதிகாரம் கொண்ட சபைகளாக மாற்றுவதற்கே சர்க்கார் தாலூகா போர்டு என்ற தனது புதிய திட்டத்தை அறிவிக்கிறது. தற்பொழுது நடைபெறும் ஸ்பெஷல் ஆபீஸர் ஆட்சி என்பது அழிந்த நந்தவனத்தில் ஆடு மேய்ந்தால் என்ன கழுதை மேய்ந்தால் என்ன என்ற கதையாக உள்ளது.

"மதுரை ஜில்லாவில் ஜில்லா போர்டின்மீது உள்ள சந்தைகளின் சுங்க வரி திடீரென பலமடங்கு உயர்த்தப்பட்டுள்ளது. ஒரு அணுவாக இருந்த ஒரு தலை சமைக்கு இன்று நான்கு அணுவென்றும் பத்தணுவாக இருந்த ஒரு வண்டிக்கு தற்பொழுது ஒன்றரை ரூபாயாகவும் சுங்கவரி உயர்த்தப்பட்டுள்ளது. வருகின்ற எப்ரல் முதல் தேதி இவை அமுலுக்கு வரப்போகிறது. ஜில்லா முழுவதும் உள்ள விவசாயிகளும், சிறு வியாபாரிகளும் வரி உயர்வை எதிர்த்து கடுமையான ஆகேஷனை செய்வார்கள். இவ்விதம் வரியை உயர்த்தியதால் ஜில்லா போர்டின் வருமானம் உயர்ந்துள்ளதா என்றால் இல்லை. இந்த வரி உயர்வால் கான்ட்ராக்டருக்குத்தான் கொள்ளை. சென்ற வருடம் எந்தத் துறைக்கு எலம் விடப்பட்டதோ அதே துறைக்குத் தான் இவ்வருடமும் எலம் விடப்பட்டுள்ளது. நியாயமும் அவசியமும் இல்லாத இந்தச் சுங்க வரி உயர்வை கைவிட்டு, ஏற்கனவே தலை சமைக்கு அமுலில் உள்ள ரேட்டுப்படி வருலிப்பதற்கான நடவடிக்கை எடுக்கவேண்டுமெனச் சர்க்காரைக் கேட்டுக்கொள்கின்றேன்.

"ஜில்லா போர்டுகளின் மூலம் போடப்படும் ரோடுகள் பற்றி சரியான கண்காணிப்பு இல்லாததால் பலவித ஊழல்களும், பணவிரயமும், பொது ஜன அறிருப்பதும் ஏற்படுகிறது. திண்டுக்கல் தாலூகா, வேடசந்தூர் பிரிக்காவைச் சேர்ந்த ஒட்டநாகம்பட்டிக்கு ஒரு ரோடு போடப்பட்டிருக்கிறது. 5½ பர்லாங்கு நீளம் ரோடு போட்டால் போதும். 6 பர்லாங்கிற்கு பணம் சாங்ஷன் செய்யப்பட்டுள்ளது. அரை பர்லாங்கு நீளத்திற்கு அந்த சிறு ஊரில் உள்ள லீடுகள் இடிக்கப்படுகிறது. இது அவசியமற்றது, அநீதியானது என்று அந்த ஊர் ஜனங்கள் கூறினாலும் சம்பந்தப்பட்ட அதிகாரிகள் அதைக் கவனிப்பதில்லை. இதேபோன்று ஷே திண்டுக்கல் தாலூகா, பாளையம் பிரிக்காவைச் சேர்ந்த வெள்ளோடு கிராமத்தில் கிராம சந்தைக்கு மேல் புறமாக ஒரு நல்ல புகையிலைத் தோட்டத்தின் நடுவில் ரோடு போட பிளான் செய்யப்பட்டுள்ளது. இதனால் 30 ஆயிரம் ரூபாய் பெருமான தோட்டமே நாசமாகும். ஏற்கனவே உள்ள பாதையிலேயே ரோடு போட்டால் ஷே தோட்டம் பாதிக்காது. இதைப்போன்ற ஷே தாலூகா கெண்டய கவுண்ட் லூர் அருகிலும் பல விவசாயிக்குப் பாதிப்பு ஏற்படும் முறையில் ரோடு போடப்படுகிறது. ரோடு போடும் கான்ட்ராக்டர்களும் சம்பந்தப்பட்ட அதிகாரிகளும் வைத்ததுதான் சட்டமாக உள்ளது. இந்நிலை தவிர்க்கப்பட வேண்டும். விவசாயிகளின் நிலங்கள் பூரண பாதிப்புக்குள்ளாகாத முறையில் ரோடுகள் பிளான் செய்யவேண்டுமெனச் சர்க்கார் அறிவிக்க வேண்டும்.

"இன்றுள்ள ஸ்பெஷல் ஆபீசர்களால் இவை எல்லாவற்றையும் கண்காணிக்க முடியாத நிலை இருப்பதால் உடனடியாக ஜில்லா போர்டு தேர்தலை நடத்தவேண்டுமெனக் கூறிக்கொண்டு எனது வார்த்தைகளை முடித்துக் கொள்ளுகிறேன்."

*** Sri S. RAMASAMY NAIDU :—**"கனம் சபாநாயகர் அவர்களே, நம் நாட்டில் 100-க்கு 80 பேர்கள் கிராமத்தில் வசிக்கிறார்கள். கிராமத்துக்கு எந்தவிதமான ஆட்சி தேவையென்று தீர ஆலோசித்து முடிவு செய்யவேண்டும். கிராம மக்கள்தான் இன்றைக்கு நம் நாட்டின் ஜீவநாடிகளென்பதை நாம் அறிவோம். கிராம மக்கள் இன்றைக்கு

[Sri S. Ramasamy Naidu] [27th March 1954]

மிகவும் கஷ்டப்படுகிறார்கள் என்பதையும் நாம் அறிவோம். ஆகவே, கிராம வாழ்க்கை நல்ல முறையில் நடப்பதற்கும் கிராமங்களுக்கு வேண்டிய சகல வசதிகள் செய்து கொடுப்பதற்கும் ஆதாரமான ஒரு ஸ்தல சுய ஆட்சிபை நிர்ணயிக்க வேண்டியது மக்களுடைய பிரதிநிதிகளாகிய நம்முடைய கடமை. இன்றைக்கு ஆளும் கட்சியாளர் தாங்கள் தேர்தலில் தோற்றுப்போய் விடுவார்கள், மற்றவர்கள் ஜெயித்துவிடுவார்கள் என்று எண்ணி அதற்கு அனுசூலமாக தேர்தலை சிறிது காலம் ஒத்திப்போட்டிருக்கிறார்கள் என்று சொல்லுவது தப்பு அபிப்பிராயம். காங்கிரஸ்காரர்கள் தங்களுக்கு அனுசூலமான நிலைமையை ஏற்படுத்திக்கொண்டிருக்கிறார்கள் என்ற தப்பு அபிப்பிராயத்தைக் கற்பித்து அதற்காக அவர்கள் தேர்தலை ஒத்திப்போடுகிறார்கள் என்று சொல்லுவது எந்த வகையிலும் பொருந்தாது என்று நாம் உணரவேண்டும். சர்க்கார் சிப்பந்திகளைக்கொண்டு ஜில்லா போர்டுகளை அரசாங்கம் நடத்தினால் சர்க்கார் சிப்பந்திகள் காங்கிரஸ் கொள்கையை எவ்வளவு தூரம் பரப்புவார்களென்பதை எதிர்க்கட்சிக்காரர்கள் நன்றாக அறிவார்கள். ஆகவே அந்த எண்ணம் வாஸ்தவத்தில் அவர்கள் உள்ளத்தில் உள்ளதில்லை. பேச்சில்தான் சொல்லுகிறார்கள் என்று நினைக்கிறேன். ஆகவே இந்த சர்ச்சையை விட்டுவிடுவோம். தாலுகா போர்டுகளை நியமிப்பதற்கும் ஜில்லா போர்டுகளுக்கு மறுபடியும் ஒரு உயிர் கொடுப்பதற்கும் எந்த முறையில் செய்யவேண்டுமென்று தீர் ஆலோசிக்க வேண்டியது அவசியம். அப்படி ஆலோசிப்பதற்காக நெடுங்காலம் தேர்தலை ஒத்திவைக்காமல் கூடிய சீக்கிரம் அதை நடத்தவேண்டுமென்ற நல்லெண்ணத்துடன் சர்க்கார் சில மாதங்கள் அவகாசம் கோரி இந்த மசோதாவைக் கொண்டுவந்திருக்கிறார்கள். சர்க்காரின் கொள்கையிலே எண்ணத்திலே எந்த விதமான கல்மிஷமும், தோஷமும் கற்பிக்க அவசியமில்லையென்று நான் சொல்லிக்கொள்ள விரும்புகிறேன்.

“நம் நாட்டிலே கிராமங்களில் ஸ்தல சுய ஆட்சியில் பலவிதமான தீர்வைகள் விதிக்கப்படுகின்றன. கிராமத்திலே பஞ்சாயத்து விதிக்கும் தீர்வை வேறு, தாலுகா விதிக்கும் தீர்வை வேறு, ஜில்லா போர்டு விதிக்கும் தீர்வை வேறு, சர்க்கார் நேரடியாக வசூல் செய்து ஸ்தல ஆட்சி சபைக்குப் பிரித்துக் கொடுக்கும் தீர்வை வேறு என்று பலவிதமான தீர்வைகள் வசூலிக்கப்படுகின்றன. தீர்வைகளை வசூலிப்பதில் பலவிதமான பழைய மாமூல்களும் புதிய ஏற்பாடுகளும் சேர்ந்து பல கஷ்டங்களை உண்டாக்குகின்றன. ஒரு சுலபமான வழியில் ஒரு முகமாக ஒரே இடத்தில் வரிவசூலை வைத்து பல கிராமங்களுக்கும் பல கிராமங்கள் சேர்ந்த ஒரு வட்டத்துக்கும் வெகு கிராமங்கள் சேர்ந்த ஒரு பெரிய வட்டத்துக்கும் வரிகள் பிரித்துக் கொடுப்பது பற்றி ஆலோசனை செய்வது மிக அவசியம். பலதரப்பட்ட வரிகளை பலவிதமாக வசூல் செய்வதால் கிராம மக்கள் கஷ்டப்படும்படியான நிலைமை ஏற்பட்டு பின்னால் கிராமங்களுக்குப் பணம் நேரடியாக சேரவேண்டிய முறையில் சேரவேண்டிய அளவில் போய்ச்சேருவதில்லை. உடனே கிராமப் பரிபாலன விஷயத்தை தீர் ஆலோசித்து ஆவன செய்யவேண்டியது மிக அவசியம். கிராமங்கள் செழிப்பாக இருந்தால் கிராமப் பிரதிநிதிகளாகிய நாம் எல்லோரும் சந்தோஷப்படக்கூடும். இன்றைக்கு நாம் கிராமப் பிரதிநிதிகள் என்பதை விட்டுவிட்டு எந்தக் கட்சியின் பெயரால் இங்கே அங்கத்தினராக இருக்கிறோமோ அந்தக் கட்சியின் கொள்கையைப்பற்றி பேசிக்கொண்டிருக்கும் நிலைமையிலிருக்கோமே தவிர, வாஸ்தவத்தில் நம் கிராமத்திலிருக்கக்கூடிய ஏழை விவசாயிகள் நன்றாக வாழவேண்டுமென்ற எண்ணம் நமக்கு இருப்பதாக மற்றொருவர் நினைக்கும்படி நாம் பேசுவதில்லை, காரியங்களைச் செய்வதில்லை. உதாரணமாக கால்பந்தை அடிக்கும்போது அதை மற்றொருவன் வலையில் தள்ளிவிடவேண்டுமென்று பந்தின்மேல் அதிகமான பிரியம் வைத்து அதை ஒவ்வொருவரும் உந்தி உதைத்து உதைத்து தள்ளுகிறோம் என்ற காரியம்போல, நாம் எல்லோரும் சேர்ந்து அன்பு காட்டுகிறோம் என்ற காரணத்துக்காக இன்றைக்கு கிராம மக்கள் கஷ்டப்படவேண்டிய நிலைமை ஏற்பட்டிருக்கிறதேயொழிய, அவர்கள் சந்தோஷப்படும்படியான காரியங்களை நாம் நடத்துவதில்லை. ஆகவே எந்தக் கட்சியைச் சேர்ந்தவர்களாக இருந்தாலும் கட்சியை மறந்துவிட்டு

27th March 1954] [Sri S. Ramasamy Naidu]

கிராமப் பரிபாலனம் நல்ல முறையில் நடக்கவேண்டுமானால் அரசியல் சம்பந்தமில்லாமல் கிராம மக்கள் பள்ளிக்கூடங்களை நடத்துவதற்கும் நல்ல சுகாதார வசதியோடும் பாட்டை வசதியோடும் வாழ்வதற்கும் நல்ல முறையில் விவசாயப் பொருள்களை பணமாக்குவதற்கும் வேண்டிய ஏற்பாடுகளைச் செய்ய முயற்சி செய்யவேண்டும்.”

SRI N. C. RAMASAMY KANDER :—“கனம் சபாநாயகர் அவர்களே, நமது ஸ்தல ஸ்தாபன மந்திரி அவர்கள் கொண்டு வந்த தீர்மானத்தை நான் ஆதரித்துச் சில விஷயங்களை எடுத்துச் சொல்லி சில குறைகளையும் பேச முன் வந்துள்ளேன். அதாவது ஜில்லா போர்டு இருந்த காலத்தில் அங்குள்ள ஜில்லா போர்டு பிரசிடென்ட்கள், மற்றுமுள்ளவர்கள் அதிகமான குறைகளைச் செய்துவிடுகிறார்கள். அவர்களை சீக்கிரத்தில் விலக்கிவிட்டு கவர்ன்மென்ட் மூலம் ஸ்பெஷல் ஆபீஸர்களை நியமித்தால் ஜில்லா போர்டுகள் நல்ல முறையில் நடக்கும் என்றும் நேர்மையாக ஸ்பெஷல் ஆபீஸர்களும் நடந்துகொள்வார்கள் என்றும், அங்கு 72 மெம்பர்கள் நடத்திய நிர்வாகத்தை நாம் எல்லோரும் சேர்ந்து வோட்டு அளித்து அதை ஒழித்தோம். பிறகு அங்கு என்ன நடந்தது? வட ஆற்காட்டில் தற்போது ஸ்ரீ சுந்தரம் என்ற ஒரு ஸ்பெஷல் ஆபீஸர் இருக்கிறார். எழுபத்திரண்டு பேர்கள் கொண்டு தேர்ந்தெடுக்கப்பட்ட அதிகாரியைவிட அவர் நேர்மையாக நடந்துகொள்ளுவார் என்று சர்க்கார் அவரை நியமித்தார்கள். ஆனால் அவர் வந்தவுடன் என்ன நடக்கிறது. வட ஆற்காடு ஜில்லா போர்டு சம்பந்தமான பாடசாலைகளுக்கு அவர் ஒரு உத்தரவு போட்டிருக்கிறார். அதாவது எம்.எல்.ஏ.க்களிடமிருந்தோ அல்லது வேறு எந்த கட்சியிடமிருந்தோ ஜில்லா போர்டு மெம்பர்களிடமிருந்தோ, காங்கிரஸ் கமிட்டி மெம்பர்களிடமிருந்தோ ஆசிரியர்கள் சிபாரிசு மூலமாகவோ அல்லது எழுத்து மூலமாகவோ ஏதாவது சிபாரிசு கொண்டு வந்தால் அந்த ஆசிரியர்கள் உடனே ‘சல்பெண்ட்’ செய்யப்படுவார்கள் என்று ஒரு சர்க்குலர் விட்டிருக்கிறார். இப்படிப்பட்ட ஸ்பெஷல் ஆபீஸர்களை நியமித்தது ஜில்லாவிலுள்ள பிரதிநிதிகளை அவமதிப்பதற்கும் இதைப்போலவே அவர் பல பாடசாலைகளைப் பார்வையிடுவதற்குப் போகும்போது சேரியிலுள்ள பாடசாலைக்குப் போனால் அவர் சேரிக்குப்போகாமல் வெளியிலிருந்தே பாடசாலைகளின் விஸிட்டர் புஸ்தகங்களை வரவழைத்துப் பார்வையிட்டுப் போவதாகக் கேள்விப்படுகிறேன்.

“செங்கம் தாலுகா தானியாடி கிராமத்திலுள்ள ஆஸ்பத்திரியானது இரண்டு வருஷங்களாக மூடப்பட்டிருக்கிறது. அதைப்பற்றி எந்த நடவடிக்கையும் எடுத்துக்கொள்ளவில்லை. நான் அதைப்பற்றி எழுதியும் பயன் இல்லாமல் இருக்கிறது. உதாரணமாக ஜில்லா போர்டு ஆஸ்பத்திரியில் ஒரு யூனிட் டாக்டரை நியமித்திருக்கிறார். அவர் ஒரு ‘பி’ சர்ட்டிபிகேட் பெற்றவர். அவருக்கு இங்கிலீஷ் தெரியாது, தமிழ்கூட சரியாக தெரியாதவர், நாட்டு வைத்தியத்தில் ஏதாவது நாடி சரியாக இருக்கிறதா என்று பார்க்கக்கூடியவர். அவரை ஒரு டாக்டர் என்று அங்கு போட்டிருக்கிறார்கள். அவரிடம் ஒருவர் வந்து தனக்குப் பல் வலி என்று மருந்து கேட்டார். உடனே அவர் கம்பவுண்டரைக் கூப்பிட்டு அந்த ஆஸ்பத்திரியிலுள்ள ஒரு பாட்டிலைக் காண்பித்து அதன்மேல் எழுதியிருப்பதைப் பார்த்துவிட்டு அதைக் கொடுக்கச் சொன்னார். அந்த மருந்தைப் போட்டுக்கொண்ட ஒரு வாரத்திற்கெல்லாம் அவருடைய பல் பூராவும் போய்விட்டது. (சிரிப்பு) இப்படிப்பட்ட ‘பி’ சர்ட்டிபிகேட் உள்ள டாக்டரை, சர்க்காருக்கு எழுதி உத்தரவு வாங்கிக்கொண்டு, நியமித்திருக்கிறார். இதைப்போலவே எவ்வளவோ சிக்கலான குறைகள் அந்த தாலுகாவில் இருக்கின்றன. நேர்மையான முறையிலும் ஸ்பெஷல் ஆபீஸர்கள் நடக்கவில்லை. அதனால் அந்த ஸ்பெஷல் ஆபீஸர்களை உடனே எடுத்துவிடவேண்டும். இப்பொழுது இன்னும் ஆறு மாதங்களுக்கு தேர்தலை ஒத்திவைக்கவேண்டும் என்று சொல்லுகிறார்கள். ஸ்பெஷல் ஆபீஸர்கள் இருந்தாலும்கூட கனம் ஸ்ரீ ராஜா சிதம்பரம் அவர்கள் பேசிய மாதிரி, எம்.எல்.ஏ.க்களைக் கொண்ட ஒரு கமிட்டியை அமைத்து, அதன் மூலம் அவர்களைக் கலந்து நல்ல முறையில் நிர்வாகத்தை நடத்த ஏற்பாடுகளைச் செய்ய முன் வர

[Sri N. C. Ramasamy Kander] [27th March 1954]

வேண்டும். இப்பொழுது ஸ்பெஷல் ஆபீசர்கள் சர்வாதிகாரியைப்போல் நடந்து கொண்டு வருகிறார்கள். எம்.எல்.ஏ க்கள் ஸ்பெஷல் ஆபீசர்களிடம் போனால், பெரிய பிசினெஸ் பண்ணவருகிறார்கள் என்று ஸ்பெஷல் ஆபீசர்கள் நினைத்து விடுகிறார்கள். நாங்கள் பிசினெஸ் ஆரம்பிக்கமாட்டோம். நேர்மையான முறையில் இரண்டு லட்சம் ஜனங்களிடமிருந்து வோட்டு வாங்கி நாங்கள் வந்திருக்கிறோம். இந்த சட்ட சபை அங்கத்தினர்களையும் மந்திரிகளையும் நான் குறைகூறவில்லை. சபாநாயகர் அவர்களையும் யாரும் குறைகூற வில்லை. நல்ல அரசாங்கம் நடக்கிறது; அதுவும் ஒழுங்காக நடக்கிறது என்று தான் ஜனங்கள் சொல்லுகிறார்கள். அதனால் அங்குள்ள குறைகளை நிவர்த்தி செய்யும்படியாக நான் கேட்டுக்கொள்ளுகிறேன்.”

SRI T. V. SANNASI :—“கனம் சபாநாயகர் அவர்களே, மக்களுடைய நன்மைகளை உண்மையாக சர்க்கார் உணர்ந்திருக்குமானால் இவ்வளவு சீக்கிரம் ஜில்லா போர்டு தேர்தலை நடத்த வேண்டுமென்று சொல்லிக்கொண்டு முன் வந்திருக்காது. (சிரிப்பு.) ஏனென்றால் தேர்தலினால் மக்களுக்கு எந்த விதமான நலனும் இருக்கிறதென்று சொல்ல முடியாது. ஆனால் இந்தத் தேர்தலினால் அங்கங்கேயுள்ள கட்சிகளுக்கு நிறைய அனுசூலம் ஏற்பட்டாலும் ஏற்படலாம் என்று சொல்லலாம். உண்மையில் மக்களுக்கு இதனால் தொந்தரவைத் தவிர வேறு நலனே இல்லை என்பதை எல்லாக் கட்சித் தலைவர்களும் உளமார் நினைத்தார்களானால் அவர்கள் மனச்சாட்சியே, ‘இந்தத் தேர்தலை நடத்துவது தப்பு, தப்பு. இதனால் மக்களுக்கும் தொந்தரவு. நாட்டிற்கும் நஷ்டம்’, என்று சொல்லும். (சிரிப்பு.) ஆகவே இதை உணர்ந்து பாராமல் சர்க்கார் இவ்வளவு சீக்கிரம் இந்தத் தேர்தலை நடத்தியே தீரவேண்டுமென்று ஒரு மசோதா கொண்டு வருவது எனக்கு திருப்தியாக இல்லை. என்றாலும் இதைக்கூட சில அங்கத்தினர்கள் எதிர்க்கிறார்கள் என்றால் எனக்கு இதன் காரணம் என்னவென்று தான் புரியவில்லை.

“அரசாங்கத்தின் மந்திரி உத்தியோகத்திற்கு ஒருவர் வரவேண்டுமென்றால் உண்மையில் அவர் போன ஜன்மத்திலாவது பெருத்த பாவம் செய்திருந்தால்தான் மந்திரியாக வரமுடியுமென்று நான் நினைக்கிறேன். (சிரிப்பு.) உரலுக்கு ஒரு புறத்தில் மொத்து என்றால் மத்தளத்திற்கு இரண்டு பக்கத்திலும் மொத்தாக இருக்கிறது” (சிரிப்பு.)

THE HON. SRI C. SUBRAMANIAM :—“கனம் மந்திரிகளுக்கு நான்கு புறத்திலும் மொத்து. (சிரிப்பு.)”

SRI T. V. SANNASI :—“தேர்தலை கொஞ்சம் தள்ளி வைக்கலாம் என்றாலும், தேர்தலை வேண்டாமென்று சொன்னாலும் ‘மக்களுடைய பிரதிநிதிகளை ஏன் தேர்ந்தெடுக்க சர்க்கார் ஏற்பாடு செய்ய வில்லை’ என்று சிலர் குற்றம் சாட்டுகிறார்கள். ஆனால் தேர்தலை நடத்தி விடலாமென்று சொன்னாலும் ஏராளச் செலவாகிறது. மக்களுக்கும் கஷ்டம் ஏற்படுகிறது. ஆகவே ‘தேர்தலை இப்பொழுது நடத்த சர்க்கார் ஏன் முன் வந்தது’ என்று சிலர் குற்றம் சாட்டுகிறார்கள். இப்படி இரண்டு விதமாகவும் பேசினால் கனம் மந்திரிகள் என்னதான் செய்வார்கள் என்று எனக்குத் தெரியவில்லை. (சிரிப்பு.) ஸ்பெஷல் ஆபீசர்கள் அனுபவம் அற்றவர்கள். பொது ஜனங்களுடன் தொடர்பு அற்றவர்கள். ஆகவே ஸ்தல ஸ்தாபனங்களின் நிர்வாகத்தை அவர்களிடம் ஒப்படைப்பதற்குப் பதில் தேர்தலையே நடத்த வேண்டுமென்று எண்ணம் பெரும்பாலான ஊழியர்களிடமும், பொது மக்களிடமும் இருந்து வருகிறது. ஆனால் தேர்தலினால் மக்களுக்கு ஏராளமான தொந்தரவுகளும் இருக்கின்றன. பூச்சி பிடித்த வெள்ளாமை போல நாட்டில் பணக்கஷ்டம், வேலையில்லாததிண்டாட்டம், வேலை செய்தும் கூலி கிடைக்காத பணக்கஷ்டம், பஞ்ச நிலைமை இவைகள் எல்லாம் மிகக் கடுமையாக இருக்கும் போது இப்பொழுது தேர்தலை நடத்த வேண்டுமென்று சொல்லிக்கொண்டு சர்க்கார் முன் வந்திருப்பது நல்ல முடிவல்ல. மக்களுடைய நலனில் சர்க்கார்

27th March 1954] [Sri T. V. Sannasi]

காருக்கு நிரம்ப அக்கரை இருக்குமானால், அவர்களுடைய செலகர்யத்தில் கருத்து இருக்குமானால், இந்தத் தேர்தலை ஒரு வருஷம் தள்ளிப்போட்டால் தான் நல்லது என்பது என்னுடைய அபிப்பிராயம்.

“இந்த நிலைமையில் அரசாங்கம் கொண்டு வந்துள்ள மசோதாவிற்கு கட்சி நலனைக் கருதாமல் நாட்டு மக்களுடைய நலன் ஒன்றை மட்டும் கருதி ஆதரிக்கக் கூடியவர்களின் சார்பில் நானும் ஆதரிக்கின்றேன்.” (சிரிப்பு.)

SRI T. C. NARAYANAN NAMBIAR :—“Mr. Speaker, Sir, I am really shocked to see the Hon. the Minister for Local Administration coming this night with a Bill to get permission from this House to extend the term of the Special Officers of District Boards. This is the third time that the Government have come forward before this House seeking its approval for the postponement of the democratic elections to District Boards. Last time, Sir, the Hon. the Chief Minister himself intervened and assured the House that, even before the expiry of the term of Special Officers of District Boards, elections would be held. I do not know what made the Hon. the Chief Minister and other Ministers of the Government change their decision and come forward with a Bill before this House seeking further extension of the term of Special Officers. This they do because they feel that Congress will have to face dismal failure in elections, if conducted now. When the life of District Boards was extended by the Act VII of 1952, hon. Members on either side of the House pointed out to the Government that people had lost confidence in District Boards because most members of District Boards had been defeated in the General Elections. It has become habitual with this Congress Government and with the Congress organization to constitute undemocratic organizations. They do this either by appointing loyal servants of the ruling clique or those people in whom the people have no confidence at all to special posts. If we just go through the names of the Governors, we can easily be convinced . . .”

SRI C. RAJAM RAMASWAMI :—“On a point of order, Sir. May I know whether the word ‘clique’ is parliamentary?”

MR. SPEAKER :—“It is parliamentary. The hon. Member can proceed with his speech.”

SRI T. C. NARAYANAN NAMBIAR :—“Repeating undemocratic acts has become the habit of the ruling clique and repetition of this habitual blunder becomes a part of the character of the Congress Government. That is the reason why this Bill is introduced in this House now.

“The Government have now brought forward a fine argument in support of the Bill, namely, that they are going to bring in a legislation to replace the District Boards by Taluk Boards. I do not know wherefrom they got this fine idea. Anyhow this question was not discussed on the floor of this House. As far as I am concerned, I wish to say that Taluk Boards are no substitutes to the present District Boards. At village, taluk, district, State and all-India level, we want democratic people's organizations. We are not content with Taluk Boards alone. We want District Boards

[Sri T. C. Narayanan Nambiar] [27th March 1954]

also. In no circumstances we will consider Taluk Boards as an alternative to District Boards. I have given an amendment to the provisions of this Bill and when it comes up for discussion, I shall say a few more things on that occasion. I take this opportunity to record my vehement protest and righteous indignation against the undemocratic move by which this Government want to introduce a legislation to extend the life of Special Officers' regime."

SRI D. KRISHNAMURTHY GOUNDER :—"கனம் சபாநாயகர் அவர்களே, ஜில்லா போர்டு தேர்தல் ஒத்திவைப்பு மசோதா, அனுமார் வால் போல் வளர்ந்து கொண்டே போகிறது. 1952-ஆம் வருஷத்திலேயே ஜில்லா போர்டு தேர்தல்கள் வந்திருக்கவேண்டும். அதை விட்டு விட்டு சற்றேரக்குறைய ஒரு ஆண்டுக்கு மேலாக இதை வளர்த்து விட்டார்கள். இன்னும் எவ்வளவு ஆண்டுகளுக்கு வளரும் என்று சொல்ல முடியாது. ஆனால் ஒன்று நடப்பது நிச்சயம். எனக்கு முன் பேசிய தோழர்கள் சொன்னது போல, தற்போது அதிகாரத்தில் இருக்கும் கட்சிக்காரர்கள் தேர்தலைக் கண்டு அஞ்சுகிறார்கள் என்றுதான் சொல்ல வேண்டியிருக்கிறது. அவர்கள் நேர்மையாகவும், மற்றும் ஜனநாயகத்தைப் பாதுகாப்பதாக இருந்திருந்தால் 1952-வது வருஷத்திலேயே இந்தத் தேர்தலைக் கொண்டு வந்திருக்க வேண்டும். அதை விட்டு விட்டு கடைசி நேரத்தில் அவ்வப்போது கொஞ்சம் கொஞ்சமாக ஒத்திவைப்பது ஜனநாயகத்திற்கு விரோதமாகும். மேலும், தாலுக்கா போர்டுகளைக்கொண்டு வருவதாக அவர்கள் காரணம் கூறுகிறார்கள். தாலுக்கா போர்டுகளை முன்பு ஒழித்தது நீதிக்கட்சியாகும். எதற்காக தாலுக்கா போர்டுகளை அவர்கள் ஒழித்தார்கள் என்றால், அவைகளுக்குப் போதுமான வருவாய் கிடையாது. அவர்கள் ஜனங்களுக்குப் போதுமான நன்மையைச் செய்ய முடியாது என்ற காரணத்திற்காகத்தான் ஒழித்தார்கள். ஜில்லா போர்டுகளும் அவ்வாறு தான் இருக்கின்றன. ஏனென்றால் ஆங்காங்கே பஞ்சாயத்துகள் ஏற்படுத்தப்பட்டு விட்டன. மேலும், இன்னும் அனேக கிராமங்களில் பஞ்சாயத்து போர்டுகளை ஏற்படுத்த வேண்டியிருக்கிறது. அப்படி ஏற்படுத்தினால் ஜில்லா போர்டு வருமானம் குறைந்து விடும். Cess மூலம் தான் ஜில்லா போர்டுகளுக்கு அதிகமான வருமானம் கிடைக்கிறது. பஞ்சாயத்து போர்டுகள் ஏற்பட்ட பிறகு இந்த Cess அவர்களுக்குக் கிடைத்து விடுகிறது. ஆகையால்தான் ஜில்லா போர்டுக்கு அந்த வருமானம் குறைந்துவிடும் என்று நான் சொல்லவேண்டியிருக்கிறது.

"மேலும், நாம் அனேமாகப் பார்க்கிறோம். பள்ளி ஆசிரியர்களுக்குச் சம்பளம் கொடுக்கக்கூட ஜில்லா போர்டுகளிடம் போதுமான தொகை கிடையாது. அநேகப் பள்ளிக்கூடங்கள் மூடப்பட்டு விட்டன. நான் முன்பு பேசினபோது கூறினேன்: 'ஸ்பெஷல் ஆபீசர்கள் வந்தால் ஜில்லா போர்டு வரவு செலவைச் சரிக்கட்டி அனேக பள்ளிக்கூடங்களை மூடி விடுவார்கள்' என்று. அதன்படி நடந்து விட்டது. அதனால் தான் நாங்கள் சேலம் ஜில்லா போர்டில் ஒரு தீர்மானத்தை நிறைவேற்றினோம். அதாவது, தற்போது இருக்கும் நிலையில் ஜில்லா போர்டுகள் அவசியம் இல்லை. மாகாணத்திற்கு ஒரு ஜனநாயக அரசாங்கம் ஏற்பட்டிருக்கிறது. ஆகையால் சர்க்காரே நேரிடையாக தற்போது ஜில்லா போர்டு செய்யும் எல்லாக் காரியங்களையும் எடுத்து நடத்தினால் மிகவும் நல்லதாக இருக்கும். அதற்கு வேண்டிய திருத்தங்களைச் செய்ய வேண்டுமென்று ஜில்லா போர்டில் தீர்மானம் ஒன்றை நிறைவேற்றினோம். அதைப்போல் இப்பொழுது அரசாங்கத்தார் நேரடியாக எல்லா அதிகாரங்களையும் எடுத்துக் கொள்வது நல்லது. ஏனென்றால் பணம் இல்லாமல் ஜில்லா போர்டுகளை நடத்துவது மிகக் கஷ்டம். ஆனால் சர்க்கார் தன்னுடைய பொறுப்பைத் தட்டிக் கழிக்க எதுவாக இருக்கிறது. அதாவது, நம்முடைய ராஜ்யம் மிகச் சிறியதாகப் போய்விட்டது. மந்திரிகள் ஆங்காங்கே சுற்றுப் பிராயர்ணம் செய்வது வழக்கமாகிவிட்டது. ஜனங்களுக்கு சுகாதார வசதி, ரோடு வசதி, கல்விக்கு வேண்டிய பள்ளிக்கூட வசதி இவைகளெல்லாம் வேண்டு

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மென்று கேட்டால், 'நாங்கள் என்ன செய்வது, உங்களுக்கு ஜில்லா போர்டு இருக்கிறது, அவர்களைப் பார்த்துக் கேளுங்கள்', என்று சாக்குப் போக்குச் சொல்லுவதற்கு, எதுவாக இருக்கிறதே தவிர, மற்ற உருப்படியான காரியங்களைச் செய்ய ஜில்லா போர்டுகளால் ஒன்றும் முடியாது. ஆகையால் எப்படியோ தேர்தலை ஒத்திவைக்கத் துணிந்து விட்டார்கள். ஜில்லா போர்டுகளை ஒழித்துக்கட்ட ஒரு நல்ல மசோதாவைக் கொண்டு வந்து, சர்க்காரே தங்கள் பொறுப்பை உணர்ந்து, ஜனங்களுக்கு முக்கியமாக கல்வி வசதிகள், ரோடு வசதிகள், சுகாதார வசதிகள் கிடைக்கத்தக்க முயற்சிகளை எடுக்க வேண்டும். சர்க்கார் தங்களுடைய பொறுப்புகளைத் தட்டிக் கழிக்கக் கூடாது என்று தான் நான் சொல்ல ஆசைப்படுகிறேன்.

"மேலும், இப்பொழுது ஸ்பெஷல் ஆபீசர்களின் நிர்வாகம் சரியாக நடக்கவில்லை என்று சொல்லுகிறார்கள். ஆனால் எங்கள் ஜில்லாவைப் பொறுத்தமட்டில் நிர்வாகம் சரியாகத்தான் நடக்கிறது. ஜில்லா கலெக்டர், ஸ்பெஷல் ஆபீசராகவும், டிபுடி கலெக்டர், Personal Assistant களாகவும் இருக்கிறார்கள் என்று ஏதோ அரசியல் காரணங்களுக்காகச் சில குறைகளைச் சொல்லலாம். இருந்தாலும் ஸ்பெஷல் ஆபீசர் என்ன செய்ய வார்? மேலே இருக்கக்கூடிய சர்க்கார் இலாகாக் காரியத்தரிசி, லோகல் போர்டு இன்ஸ்பெக்டர் இவர்களுடைய உத்தரவுப்படி தான் ஸ்பெஷல் ஆபீசர் நடந்து கொள்ள வேண்டியிருக்கிறது. வரவு செலவைச் சரியாகக் காட்டுங்கள், இல்லாவிட்டால் உங்களுக்கு ஒன்றும் செய்ய முடியாதென்று எச்சரிக்கை விடுகிறார்கள். அதற்காகப் பள்ளிக்கூடங்களை மூடுவதும், மற்ற பல விதமான காரியங்களையும் செய்ய முடியாமல் இருக்கிறார்கள். அதனால் ஸ்பெஷல் ஆபீசர் நிர்வாகத்தை குறை கூறுவதற்கு இல்லை என்று நான் சொல்ல வேண்டியிருக்கிறது. ஆகையால் தாலுக்கா போர்டுகளை ஏற்படுத்துவதை விட்டு விட்டு இந்தத் தேர்தலை எப்போதோ ஒத்திவைக்க அவர்கள் நினைப்பதாலும் அந்தக் குறுகிய காலத்தில் ஜில்லா போர்டை ஒழித்துக் கட்டவும், மற்றும் பொதுவாக ஜனங்களுக்கு நல்ல நன்மைகளைச் செய்யக்கூடிய திட்டங்களை வகுக்குமாறு கேட்டுக்கொண்டு என்னுடைய பிரச்சங்கத்தை முடித்துக்கொள்ளுகிறேன்."

MR. SPEAKER :—"We have already taken two hours. Mr. Ramalingam may now speak."

SRI S. RAMALINGAM :—"கனம் சபாநாயகர் அவர்களே! நண்பர் ஸ்ரீ ராஜா சிதம்பரம் அவர்கள் சொற்பொழிவிலே அடங்கியுள்ள கருத்துக்களை, சில விஷயங்களை சர்க்காரின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். சென்ற சட்ட சபைக் கூட்டத்தில் Special Officerகளை நியமிக்க வேண்டும் என்ற கருத்துடன் கொண்டு வந்த மசோதா நிறைவேறியபோது அன்று ஸ்தல ஸ்தாபன மந்திரியிருந்த கனம் ஸ்ரீ சங்கர ரெட்டி இரண்டு வாக்குறுதிகளைக் கொடுத்தார்.

"முதலாவதாக, 'இந்த Special Officerகள் காலத்தை இனி நீடிக்க மாட்டோம்; மார்க்சு மாதத்திற்குள் ஜில்லா போர்டு தேர்தலை நடத்தியே தீருவோம்' என்று வாக்குறுதி அளித்துள்ளார். மற்றொரு வாக்குறுதி என்னவென்றால் 'Special Officer வருவதற்கு முன் பள்ளிக்கூடங்கள் என்னென்ன நடத்தி வந்தார்களோ அவைகளை தொடர்ந்து நடத்த வேண்டு' மென்று சொன்னார்கள். கடந்த 9 மாத காலத்தில் இந்த Special Officerகள் நடைமுறையில் என்ன செய்தார்கள் என்பதைப் பார்க்கும் போது பல ஜில்லாக்களில் பல பள்ளிக்கூடங்களை மூடிவிட்டார்கள். குறிப்பாக தஞ்சாவூர் ஜில்லாவிலே Special Officer அநேக பள்ளிக்கூடங்களை மூடியிருக்கிறார்கள். அது மட்டும் அல்ல. ஜில்லா போர்டுகள் சந்தையில் சென்ற வருஷம் இருந்த குத்தகைத் தொகையை விட இந்த வருஷம் அதிகமாக வசூலிக்கிறார்கள். 2 அணுவாக இருந்தது 4 அணுவாக மாறிற்று. தலைக்கூடை சுமைக்கு முன்பு அரையணுவாக இருந்தது இப்போது இரண்டணுவாக மாறியிருக்கிறது. இது விஷயம்

[Sri S. Ramalingam] [27th March 1954]

கனம் மந்திரி ஸ்ரீ ராஜாராம் நாயுடுவின் கவனத்திற்குக் கொண்டுவரப் பட்டது. கடந்த 9 மாத காலமாக ஜில்லா போர்டின் Special Officerகள் பொதுக் காரியங்களில் தங்கள் இஷ்டப்படி நடந்து வருகிறார்கள். அம் மாதிரி காரியங்களில் ஈடுபடுவதற்கு அனுமதி கொடுக்கக்கூடாது என்பதைத் தெரிவித்துக் கொள்ள விரும்புகிறேன். கனம் ஸ்ரீ ராஜா சிதம் பரம் அவர்கள் சொன்னது போல தாலுகா போர்டு கொண்டுவருவதாயிருந்தால், ஜில்லா போர்டு தேர்தலை நடத்த வேண்டாமென்று கேட்டுக் கொள்கிறேன்.”

SRI S. T. ADITYAN :—“கனம் சபாநாயகர் அவர்களே, ஜில்லா போர்டு தேர்தலை ஒத்திப்போடுவதற்கு இரண்டு மூன்று காரணங்கள் கூறப்பட்டிருக்கின்றன. முதலாவதாக ஜில்லா போர்டுகளை ஒழித்து தாலுகாப் போர்டுகளை ஏற்படுத்த வேண்டுமென்று தீர்மானிக்கப் பட்டிருப்பதாக சொல்லப்படுகிறது. இரண்டாவதாக தாலுகா போர்டு தேர்தலை நடத்துவதற்கு இன்னும் இரண்டு வருஷ காலமாகுமாதலால், அதற்குள் ஜில்லா போர்டு தேர்தலை நடத்தப் போவதாக சொல்லப்படுகிறது. தாலுகா போர்டு தேர்தலை ஏன் உடனடியாக நடத்த முடியாது? ஏன் அதற்கு இரண்டு வருஷங்கள் வேண்டும்? இந்தியாவும் பாசிஸ்தானும் 90 நாட்களில் பிரிக்கப்பட வில்லையா? இதோ இருக்கிற Special Officer. இது ஒன்றும் பெரிய காரியமில்லை. இதெல்லாம் நொண்டிச்சாக்கு தான். மூன்றாவதாக ஜில்லா போர்டு தேர்தலை நடத்த அவகாசமில்லை. மேலும் அக்டோபர் மாதம் வரை அவகாசம் வேண்டுமென்று கேட்கிறார்கள். வேண்டுமென்றே கொடுத்த அவகாசத்தை நிராகரித்து விட்டு இன்று அவகாசமில்லை என்று சொல்லுகிறார்கள். Electoral rollsகளை என் னைக்கு வெளியிட்டார்கள்? சர்க்கார் அவர்கள் காலா காலத்திலே Electoral rollsகளை வெளியிட்டிருந்தால் தேர்தலை நடத்தியிருக்கலாமே? தேர்தலை துரிதமாக நடத்த அவர்கள் என்னென்ன நடவடிக்கை எடுத்துக் கொண்டிருக்கிறார்கள்? இன்று மார்ச் 27-ம் தேதி. இது வரை அவர்கள் ஜில்லா போர்டு தேர்தலை நடத்துவதற்கு ஒருவிதமான நடவடிக்கையும் எடுக்கவில்லை. அப்படியிருக்கும்பொழுது அவகாசம் கேட்பதற்கு நியாயமே யில்லை.

“ஆனால் ஒரு காரணம் தான் இருக்கலாம். இதே விஷயம் இந்தச் சபையில் சென்ற தடவை விவாதிக்கப்பட்டபொழுது நாங்கள் இதை ஆட்சேபித்து ஒரு காரணம் சொன்னோம். அதாவது, காங்கிரஸ்காரர்கள் எலெக்ஷனில் வெற்றி தோல்வியைப் பற்றியே நினைத்துக் கொண்டிருக்கிறார்களே தவிர, ஜனங்களைப் பற்றிய எண்ணத்தை மறந்து விட்டார்கள். அதே காரணத்தைத்தான் இன்று திரும்பவும் சொல்லத்தோன்றுகிறது. நண்பர் கோவிந்தசாமி அவர்கள் கூறியது போல் காங்கிரஸ் கட்சிக்குள் இரண்டு அபிப்பிராயம் இருக்கிறது. ஒரு சிலர் ஜில்லா போர்டையே தொடர்ந்து நடத்த வேண்டுமென்ற கொள்கை கொண்டவர்கள், மற்றும் சிலர் ஜில்லா போர்டு எலெக்ஷனில் காங்கிரஸ் தோற்றுவிடும். ஆகையால் ஜில்லா போர்டை ஒழித்து விட்டு தாலுகா போர்டை ஏற்படுத்தலாமென்று அபிப்பிராயம் கொண்டவர்கள் காங்கிரஸ்குள்ளேயே இப்படி இரண்டு விதமான அபிப்பிராயங்களிருப்பது தெளிவான விஷயம். இந்த மசோதா முன் பக்கத்துக்கு பின்பக்கம் முரணாக இருக்கிறது. இந்த மசோதா தாலுகா போர்டுகள் ஏற்படுத்த வேண்டுமென்று ஆரம்பிக்கப்பட்டு வேறு விதமாக முடிக்கப்பட்டிருக்கிறது. இதில் இரண்டு விதமான அபிப்பிராயம் பிரதிபலிக்கிறது. முன்னால் செட்டியார் குதிரை பின்னால் பட்டாளத்து காரன் குதிரை என்று சொல்லுவது போல் ஒரு பக்கம் மந்திரியின் அபிப்பிராயமும் மறு பக்கம் தமிழ் நாட்டு காங்கிரஸ் தலைவரின் அபிப்பிராயமும் பிரதிபலிக்கிறது. ஒன்றுக்கொன்று விரோதமான மனப் பான்மை பிரதிபலிக்கிறதே தவிர ஜனங்களின் உண்மையான நோக்கம் பிரதிபலிக்கவில்லை. நான் இந்த மசோதாவுக்கு என்னுடைய ஆட்சேபணையை தெரிவித்துக் கொள்ளுகிறேன்.”

27th March 1954]

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, நமது ஸ்தல ஸ்தாபன மந்திரி திரு. ராஜாராம் அவர்கள் மந்திரியான பிறகு அவர் பிரேரேபிக்கக்கூடிய முதல் மசோதா இது. அவர் முதல் முதலாக பிரேரேபிக்கக் கூடிய மசோதா இப்படி தகுறான ஒரு விஷயத்தைப் பற்றி இருக்கிறது என்பதற்காக அவருக்கு என்னுடைய அனுதாபத்தைத் தெரிவித்துக் கொள்ளுகிறேன். எதிர்க் கட்சியில் மட்டுமின்றி, அவருடைய கட்சியிலேயே பேசிய திரு. வி. கே. ராமசாமி முதலியார் கூட எதிர்த்து பேசியிருக்கிறார். ஆனால், அவர் வோட்டளிக்கும் போது சர்க்கார் திட்டத்தை ஆதரித்துதான் வோட்டு அளிப்பார். இருந்தாலும் அவருடைய அபிப்பிராயம் இதற்கு மாறாக இருக்கிறது என்பதை அவர் இந்த சபையில் பகிரங்கமாக பேசிக் காட்டி விட்டார். இப்படிப்பட்ட ஒரு தகுறான மசோதாவைத் தான் திரு. ராஜாராம் அவர்கள் முதல் முதலாக பிரேரேபிக்க வேண்டுமா என்று கேட்கிறேன். அத்துடன் கூட திரு. ராஜாராம் இரண்டு வருட காலமாக சர்க்கார் கட்சியின் கொரடாவாக இருந்து வேலை செய்து வந்தவர் என்பதையும் நாம் பார்த்திருக்கிறோம். அவர் மந்திரியாக வேலை செய்வதையும் பார்க்கிறோம். சமீபத்தில் அவருடன் நெருங்கிப் பழக வேண்டிய ஒரு சந்தர்ப்பம் எனக்குக் கிடைத்தது. அதாவது Delimitation Committee-யில் அவர் மெம்பராக இருந்தார்; நானும் அதில் மெம்பராக இருந்தேன். அப்பொழுது அவர் எவ்வளவு சுறு சுறுப்பாக வேலை செய்யக் கூடியவர் என்பது எனக்குத் தெரிந்தது. அவ்விதம் சுறு சுறுப்பாக வேலை செய்யக் கூடியவர் இதை இன்னும் ஏழு மாதம் நிறுத்திவைக்க வேண்டும் என்று சொல்லுவதற்கு அவசியம் என்ன என்பது தான் எனக்கு விளங்கவில்லை. நிர்வாகத் துறையில் இருக்கக்கூடிய வேறு எந்த இடையூறுகளும் காரணமல்ல என்பது என்னுடைய அபிப்பிராயம். இந்த மசோதாவைக் கொண்டு வந்து இருப்பதன் நோக்கத்தைக் கொஞ்சம் கூர்ந்து கவனிக்க வேண்டும். மந்திரிகளும் சரி அவர்களைச் சார்ந்து பேசக் கூடியவர்களும் சரி, கட்சி விருப்பு வெறுப்பிற்கு இடம் இருக்கக் கூடாது என்றும், தேச நலனை கவனிக்க வேண்டும் என்றும் சொன்னார்கள். ஆனால் உண்மையில் இந்த மசோதாவின் நோக்கத்தைப் பார்த்தால் காங்கிரஸ் கட்சியின் சுயநல நோக்கத்தைத் தவிர வேறு நோக்கம் கிடையாது. எப்படியாவது ஜில்லா போர்டையும், ஸ்தல ஸ்தாபனங்களையும் தங்களுடைய கட்சிக்கு ஆதரவு போடக் கூடிய கருவியாக உபயோகித்துக் கொள்ள வேண்டும் என்ற எண்ணம் கொண்டிருப்பதாகத் தெரிகிறது. பொது மக்களின் நன்மையை உத்தேசித்து இது நடக்கிறது என்று சொல்வதற்கு இல்லை. அப்படி ஜில்லா விட்டால் சர்க்கார் இதுவரைக்கும் ஏன் நடவடிக்கைகள் எடுக்கவில்லை. இந்த இரண்டு வருஷ சரித்திரத்தைப் பார்த்தால் தெரியும். இந்தப் பிரச்சனை இன்றைய நேற்றைய பிரச்சனை அல்ல. 1952-ம் வருஷம் நவம்பர் மாதம் இது விவாதத்திற்கு வரவில்லையா? அன்று ஒரு வருஷத்திற்கு தேர்தலை ஒத்திவைக்க வேண்டும் என்று வாய் கூசாமல் சொல்லிக் கொண்டு சபைக்குக் மசோதா கொண்டு வரவில்லையா? அப்பொழுது ஒரு வருஷத்திற்கு ஒத்தி வைப்பது நியாயம் இல்லை என்று எடுத்துச் சொன்னபோது காலவரையை ஆறு மாத காலமாக குறைக்க ஒத்துக்கொண்டு அதற்குள் தேர்தல் நடத்திவிடுவது என்று வாக்குறுதி கொடுத்தார்கள். ஆறு மாதங்களுக்குப் பிறகும்கூட மறுபடியும் என்ன நிலைமை ஏற்பட்டது—அதுவரையில் சம்மா இருந்துவிட்டு தேர்தல் வரப் போகிறது என்று எல்லோரும் நினைத்துக்கொண்டிருக்கும்போது தேர்தலை நடத்த முடியாது ஸ்பெஷல் ஆபீசரை நியமிக்க வேண்டும் என்று சொல்லி சென்ற எப்ரல் மாதம் ஒரு மசோதாவை இந்த சபை முன் கொண்டுவந்தார்கள். பழைய ஜில்லா போர்டை நீடிக்க வேண்டும்; அல்லது ஸ்பெஷல் ஆபீசர்கள் நியமித்து அவர்களிடம் ஜில்லா போர்டுகளை ஒப்படைக்க வேண்டுமென்ற நிலைமை ஏற்பட்டது.

“ஸ்பெஷல் ஆபீசர் வேண்டும் என்றாலும் வைத்துக்கொள்ளுங்கள் என்று அவர்களுக்கு விட்டுக்கொடுத்தார்கள் எதிர் கட்சி. எப்படியாவது நெருக்கடி தீரவேண்டும் என்பதற்காக அப்படி விட்டுக்கொடுத்தார்கள்.

[Sri M. Kalyanasundram] [27th March 1954]

முதல் மந்திரியும், கணம் மந்திரி ஸ்ரீ சி. சுப்ரமணியமும் அன்று என்ன வாக்கூறுதி கொடுத்தார்கள். ஆந்திரப் பிரிவினை குறுக்கே நிற்கிறது, அது இடையூறாக இருக்கிறது, பொறுத்துப் பாருங்கள், 1954-ம் வருஷம் மார்ச்சு மாதம் 31-ம் தேதி காலவரை சட்டத்தில் போடப்பட்டிருந்தாலும், அதுவரை தேர்தல்களை ஒத்திப்போடப் போவதில்லை என்றும் டிசம்பர் 31-ம் தேதிக்குள்ளாகவே தேர்தல் நடைபெறுமென்றும் பயமுறுத்தினார்கள். ஆனால் தேர்தலை வரவில்லை. பிறகு மார்ச்சு மாதம் 31-ம் தேதி வரப்போகிறது. இன்னும் எலெக்ஷனைக் காணாமே என்று நினைத்துக் கொண்டிருந்தோம். ஆனால் மார்ச்சு மாதம் 27-ம் தேதி யன்று நன் னிரலில் வந்து ‘அக்டோபர் 31-ம் தேதி வரைக்கும் ஸ்பெஷல் ஆபீச ருடைய கால வரம்பை நீடிக்கவேண்டும்’ என்று தைர்யமாக கணம் ஸ்தல ஸ்தாபன மந்திரி அவர்கள் கூறிக்கொண்டு ஒரு மசோதாவையும் பிரேரேபிக்கிறார். இதைக் கண்டு எனக்கு ஆச்சர்யமாக இருக்கிறது. இப் படி பிரேரேபிக்கக்கூடிய காலத்தில் மந்திரியவர்கள் சொல்லக்கூடிய காரணங்களை அங்கத்தினர்களும் குறிப்பிட்டிருக்கிறார்கள். தாலுக்கா போர்டுகளை நியமிப்பது விஷயமாகவும், ஜில்லா போர்டுகளை கலைக்கும் விஷயமாகவும் சர்க்கார் ஆலோசித்துக்கொண்டிருக்கிறது. அதனாலே தான் இந்தத் தேர்தலை ஒத்திப்போட வேண்டுமென்று கேட்டுக்கொள்ளு கிறோம் என்று சொல்லப்படுகிறது. தாலுக்கா போர்டுகளை அமைக்கும் யோசனை வெகு காலமாக இருந்திருக்கிறது. இதைப்பற்றி அமைச்சர் அவர்களும் பல இடங்களில் பேசியிருக்கிறார்கள். ஆனால் ‘முடிவுக்கு என் வரவில்லை? தாமதம் என்ன?’ என்ற காரணம் என்னவென்று தான் எனக்குத் தெரியவில்லை. ஜில்லா போர்டுகளை கலைத்து தாலுக்கா போர்டுகளை அமைக்கவேண்டுமென்று ஏற்கனவேயே முடிவாகிவிட்ட விஷயம். அந்த முறையில் தாலுக்கா போர்டுகளை எப்படி அமைப்பது என்ற விபரங்களைத் தயாரிக்க என் சர்க்கார் தயங்கிக்கொண்டிருக்கிறது? சென்ற வருஷம் டிசம்பர் மாதத்தில் கூட நமது சட்ட சபை கூடி யிருக்கிறது. மார்ச்சு 31-ந் தேதிக்குள் இந்தச் சட்டம் புதுப்பிக்கப்படா விட்டால் இது காலாவதியாகிவிடுமென்று சொல்லிக்கொண்டு அவசரம் அவசரமாக இன்றைய தினம் இந்த மசோதாவை சபையில் பிரேரித் திருப்பதைவிட, தாலுக்கா போர்டுகளை அமைக்கப்போகிறோம், ஜில்லா போர்டுகளை கலைத்துவிடப்போகிறோம், ஆகவே தேர்தலை இன்னும் ஒரு வருஷ காலத்திற்கு ஒத்திப்போட அனுமதி கொடுங்கள்’, என்று சென்ற டிசம்பர் மாதத்திலேயே சபையின் அனுமதி கோரி வந்திருக்கலாமே. அப்படி வந்திருந்தால் இன்றைக்கு இந்த மசோதாவைக் கொண்டுவரு வதற்குப் பதிலாக தாலுக்கா போர்டுகளை அமைக்கும் மசோதா சட்ட சபைக்கு வந்திருக்கக் கூடும். அவ்வளவு சுறுசுறுப்பாக வேலை செய்யக் கூடியவராகவும் கணம் மந்திரி அவர்கள் இருக்கிறார்கள். ஆகவே அப்படிச் செய்யவில்லையென்றால் ஜில்லா போர்டு தேர்தலை நடத்துவதோ, தாலுக்கா போர்டுகளை நடத்துவதோ அரசாங்கத்தின் நோக்கமே அல்ல என்பதே எனது தாழ்மையான அபிப்பிராயம்.

“எனது நண்பர் ஸ்ரீ மதனகோபால் சொன்னபோது மந்திரி சபைக்கு நெருக்கடி இருக்கிறது. குறிப்பாக, இரண்டுவித நெருக்கடி இருக்கிறது. அவர்கள் கட்சிக்குள்ளேயே இருக்கும் நெருக்கடி ஒருவகை. அக்கட்சிக்கு வெளியில் இருக்கும் நெருக்கடி ஒரு வகை என்று சொன்னார். இது எல்லோருக்கும் தெரிந்திருக்கக்கூடிய விஷயம். புதிய கல்வித் திட்டத்தை வாபஸ் பெறாமல் கிராம மக்களிடையே இனிமேல் போட்டுப் போடுங்கள் என்று சொல்லிக்கொண்டு போகமுடியாது என்பது மந்திரி சபையினருக்கும் தெரியும். காங்கிரஸ் கட்சி அங்கத்தினர்களுக்கும் தெரியும். இவர்களேபிரில் மக்கள் கொண்டிருக்கக்கூடிய கோபம், மக்கள் கொண்டிருக்கக்கூடிய ஆத்திரம் கொஞ்ச நஞ்சுமல்ல என்பது உலகம் அறிந்த விஷயம். ஆகவேதான் ஜில்லா போர்டு தேர்தலை இப்பொழுது நடத்தினால் காங்கிரஸ் கட்சிக்கு பெரிய வீழ்ச்சி ஏற்படும் என்ற எண்ணத் தினால் தேர்தலை ஒத்திப்போட முன் வந்திருக்கிறார்களே தவிர, அரசியல் நோக்கம் எதுவும் தேர்தலை ஒத்திப்போடுவதில் இல்லையென்று சொன்னால்

27th March 1954] [Sri M. Kalyanasundram]

அதை யாரும் ஒப்புக்கொள்ள முடியாது. தங்கள் கட்சி நலன் ஒன்றையே பிரதானமாகக்கொண்டு இந்தத் தேர்தலை ஒத்திப்போட முன் வந் திருக்கிறார்களே தவிர, கிராமவாசிகளைப் பற்றியோ, அல்லது ஸ்தல ஸ்தா பனங்களைப் பற்றியோ ரொம்பவும் கவலைகொண்டு இந்த முடிவுக்கு வரவில்லையென்பது நான் கூறாமலேயே உங்களுக்கு விளங்கும். ஆனால் கட்சி மனோபாவம் எங்களுக்குக் கிடையாது என்று இந்தச் சபையில் சொல்லலாம். பத்திரிகையில் பிரசுரிக்கலாம். ஆனால் பொது மக்கள் யாரும் அதை நம்பமாட்டார்கள்.”

THE HON. SRI C. SUBRAMANIAM :—“நாங்கள் சொல்வதை நீங்கள் தான் நம்ப மாட்டீர்கள்.”

SRI M. KALYANASUNDRAM :—“சர்க்கார் சொல்லக்கூடிய விஷ யங்களை நாங்கள் நம்பமாட்டோம் என்று சொன்னால் நம்பக்கூடிய அள விற்கு நீங்கள் இந்தச் சபையில் கொடுக்கும் வாக்குறுதிகள் எதையும் பூர்த்தி செய்யவில்லை என்கின்ற விஷயம் எங்களுக்கு நன்றாகத் தெரி திறது. சென்ற தடவை நீங்களே இவ்வாண்டு மார்ச்சு 31-ந் தேதிக்குள் எப்படியாவது தேர்தலை நடத்திவிடுகிறோம் என்று சொன்னீர்கள். சொன்னபடி நடத்தினீர்களா? இல்லையே. அப்படியிருக்கும்போது இப் பொழுது மறுபடியும் ‘அக்டோபர் 31-ந் தேதி வரை காலவரையை நீடியுங்கள். அதற்குள் நாங்கள் தேர்தலை நடத்திவிடுகிறோம்’ என்று சொன்னால் இதைத்தான் எப்படி நம்பமுடியும்? ஆகவே மக்களை ஒரு நாளும் ஏமாற்ற முடியாது என்பதை அரசாங்கத்தாருக்கு எடுத்துச் சொல்ல விரும்புகிறேன். அரசாங்கத்தார் என்ன செய்துகொண்டிருக் றார்கள் என்பதை பொது மக்கள் சர்வ ஜாக்கிரதையுடன் கவனத்துக் கொண்டே வருகிறார்கள். அதற்குச் சாட்சியாக நமது சட்ட சபை கால ரியைப் பார்த்தால் எவ்வளவு மக்கள் குழியிருக்கிறார்கள் என்பது தெரியும். சபை அங்கத்தினர்களுக்கு வேண்டுமானால் போக்குவரத்து வச திகளை கணம் மந்திரி அவர்கள் செய்திருப்பதாகச் சொன்னார்கள். அதைப் போலவே சொந்த கார் உள்ள அவர்களும் கூட இரவு 11-மணிக்கு மேல் சலப்பமாக வீட்டிற்குப் போய்விடலாம். ஆனால் போக்குவரத்து வசதிகள் எதுவும் இல்லாமல் கஷ்டப்பட வேண்டுமென்பதை உணர்ந்தும் பொது மக்கள் இங்கே இவ்வளவு பெரிய அளவில் வந்திருக்கிறார்கள் என்றால் அவர்கள் எப்படி இங்கே நடக்கும் விவாதத்தில் அக்கரை கொண்டிருக்கி றார்கள் என்பது விளங்கும். ஆகவே ஏதோ ஒன்றைச் சொல்லி ஒரு காரியத்தை சாதித்துக்கொண்டு போய்விடலாம், மக்களை ஏமாற்றி விடலா மென்று மாதிரித் தயவு செய்து கணம் அமைச்சர்கள் என்னவேண்டா ிமென்று கேட்டுக்கொள்ளுகிறேன். கணம் சுப்பிரமணியம் போன்றவர்கள் ஜனநாயகத்தைக் காப்பாற்றப் போவதாகவும், ஜனநாயகத்தை இந்த நாட்டில் நிலைநாட்டப் போவதாகவும் வாயளவிலே சொல்லிக்கொண்டு, பேச்சளவிலே சொல்லிக்கொண்டு—இவ்விடத்திலே நான் மனதில் தோன் றும் ஒரு வார்த்தையை சொல்ல விரும்பவில்லை—காரியத்தில் அதைக் காட்ட முயலமாட்டேன் என்கிறார்கள் என்று மட்டும் சொல்லிவிடுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“நீங்கள் என்ன வார்த் தையை வேண்டுமானாலும் உபயோகப்படுத்தலாம். உங்களுக்கு லைசென்சு கொடுக்கப்பட்டிருக்கிறது.”

SRI M. KALYANASUNDRAM :—“ஆகவே, எதிர்க்கட்சிக்காரர்கள் ஜனநாயக விரோதிகள். நாங்கள்தான் ஜனநாயகத்தைக் காக்க வந்திருக் கிறோம். ஜனநாயகத்தைக் காப்பாற்றுவது எங்களுக்கு எகபோக உரிமை’ என்றெல்லாம் மட்டும் பேசவேண்டாமென்று கேட்டுக்கொள்ளுகிறேன். காரணம் இவர்கள்தான் ஜனநாயகத்திற்கு விரோதமான காரியங்களைச் செய்கிறார்கள். தனி நபர் சுதந்திரத்தைப்பற்றி ராஜாஜி அவர்கள் மிக ஜம்பமாக அடிக்கடி பேசியிருக்கிறார்கள். அவர் இங்கு இல்லை. ஆகையால் வேறொரு சமயம் அதைப்பற்றி பேச விரும்புகிறேன். நிதி மந்திரி சுப்பிர மணியம் அவர்கள் ‘மக்கள்’ ‘ஜனநாயகம்’ ஆகிய வார்த்தைகளை

[Sri M. Kalyanasundram] [27th March 1954]

அடிக்கடி உபயோகிக்கிறார்கள். ஜனநாயகத்தைப் பற்றியும், மக்கள் பற்றியும் அவர் கொண்டுள்ள கருத்துக்கள்பற்றி நான் இரண்டொரு வார்த்தைகள் சொல்ல விரும்புகிறேன். இதற்குப் பதில் கனம் சுப்பிரமணியம் அவர்கள் கொடுப்பார்கள் என்றும் நம்புகிறேன். இந்தச் சந்தர்ப்பத்தில் அவர் பதில் சொல்ல முடியாது என்று தெரியும். இன்னொரு சமயத்திலாவது அவர் பதில் சொல்ல வேண்டுமென்று கேட்டுக்கொண்டு நான் இதைச் சொல்லுகிறேன்.”

MR. SPEAKER :—“ இந்தச் சந்தர்ப்பத்திலும் கூட அவர் விரும்பினால் பதில் சொல்லலாம்.”

SRI M. KALYANASUNDRAM :—“ எங்கள் அகராதியில் ஜனங்கள் என்று சொன்னால் சாதாரண தொழிலாளிகள், விவசாயிகள் இன்னும் நடுத்தர மக்கள், இன்னும் ஆபீஸ் வேலை செய்து பிழைக்கக் கூடிய மக்கள், 95 சதம் உள்ள சாதாரண மக்களைத்தான் குறிப்பிடுகின்றோம். ஆனால், கனம் ஸ்ரீ வி. வி. சுப்பிரமணியம், கனம் ராஜாஜி இவர்களுடைய அகராதியில் ‘மக்கள்’ என்றால் செட்டிநாட்டு ராஜா, ராமநாதபுரம் ராஜா, கனம் ஸ்ரீ வி. வி. பழனிசாமிக் கவுண்டர், வடபாதிமங்கலம் ஸ்ரீ தியாகராஜ முதலியார், தருமபுரத்து பண்டார சன்னதிகள் இப்படி இருக்கக்கூடியவர்கள்தான் அவர்கள் கண்ணுக்கு மக்களாக தோன்றுகிறார்கள். ஆனால், எங்களுடைய கண்களுக்கு நேர் விரோதமாகத்தான் தோன்றுகிறது. சர்க்காரின் வேலை செய்யும் கீழ்த்தர சிப்பந்திகள், வயற்காடுகளில் உழைக்கக்கூடியவர்கள், தொழிற்சாலைகளில் வேலைசெய்யக்கூடியவர்கள், காரியாலயங்களில் உத்தியோகம் பார்க்கக்கூடிய சிப்பந்திகள் இவர்களைப் போன்றவர்கள்தான் எங்களுடைய அகராதியில் மக்கள் என்று கருதப்படுகிறார்கள். ஜனநாயகம் என்று அவர்கள் சொல்லும்பொழுது, கஷ்டப்பட்டு உழைக்கும் மக்கள் தங்களுக்கு சம்பளம் ஜாஸ்திவேண்டும் என்று கேட்கும்போது கொடுக்கக்கூடாது என்பதுதான் அவர்களுடைய ஜனநாயகம். நிலத்தில் வீளைந்தாலும், விளையாவிட்டாலும் விவசாயிகள் பெரிய பெரிய மிராசுதாரர்களுக்கு குத்தகையைக் கொடுத்துத் தான் ஆகவேண்டும் என்று சொல்லி நிலப்பிரபுக்களின் உரிமையைப் பாதுகாக்க ஏழை விவசாயிகளாகிய போலீஸை எவ்விருவதுதான் காங்கிரஸ் ஜனநாயகம்.”

THE HON. SRI C. SUBRAMANIAM :—“ I do not object to hon. Members opposing me or levelling criticisms against us. But I would request that as far as possible they should confine their criticisms to the scope of the Bill. I would request them not to go far from it.”

THE HON. SRI V. C. PALANISWAMI GOUNDER :—“ எனது நண்பர்களாகிய எதிர்க் கட்சித் தலைவரும், உப-தலைவரும் பேசும்போழுது பல சந்தர்ப்பங்களில் என்னுடைய பெயரை இழுக்கிறார்கள். நான் அவர்களுக்கு ஒன்றுசொல்ல விரும்புகிறேன். செட்டிநாட்டு ராஜாவைப்போல நான் ஒரு ஜமீன்தாரும் அல்ல, ராமநாதபுரம் ராஜாவைப்போல எனக்கு ஜமீன்களும் இல்லை. நான் ஒரு சாதாரண விவசாயி என்பதைத்தான் சொல்ல விரும்புகிறேன்.”

SRI V. MADANAGOPAL :—“ ஸ்ரீ பழனிசாமிக் கவுண்டர் அவர்கள் சொல்லும்போது, ‘செட்டிநாட்டு ராஜாவைப்போலவோ, ராமநாதபுரம் ராஜாவைப்போலவோ நான் ஜமீன்தார் அல்ல’ என்று அவர்களைப்பற்றிக் குறிப்பிட்டதினால், எதிர்க்கட்சி உப-தலைவர் என்ன அபிப்பிராயத்தைக் கூறினார்களோ அதை கனம் மந்திரி அவர்களும் ஒப்புக் கொள்கிறார்களா என்பது எனக்கு விளங்கவில்லை.”

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, Points of orderகளெல்லாம் தீர்ந்துவிட்டதென்று நினைக்கிறேன்.” (சிரிப்பு.)

27th March 1954]

MR. SPEAKER :—“ நீங்கள் தொடர்ந்து பேசங்கள்.”

SRI M. KALYANASUNDRAM :—“ கனம் மந்திரி ஸ்ரீ வி. வி. பழனிசாமிக் கவுண்டர் அவர்கள் நான் சொன்னதைக் குறித்து ஏன் சங்கடப்படவேண்டும்? அவர் பெரிய மில் முதலாளியாக இருக்கிறார்; நிலமும் ஏராளமாக இருக்கிறது. முதலாளியாக இருப்பதும், நிலச் சொந்தகாரராக இருப்பதும், வெட்கப்படவேண்டிய விஷயமா? தயவு செய்து மறைக்கவேண்டாமென்று கேட்டுக்கொள்கிறேன். நான் எந்தத் தனி நபரையும் குற்றம் சாட்டவில்லை. இன்றைய சமூக அமைப்பை குறை கூறுகிறேன். கனம் ஸ்ரீ வி. வி. பழனிசாமிக் கவுண்டர் அவர்களோ, ராமநாதபுரம் ராஜா அவர்களோ கால்கப்போக்கில் மாறாமல் இருக்க முடியாது. மாற்ற முடியும் என்ற நம்பிக்கை எனக்கு உண்டு. ஏதோ நான் அவர்களைப்பற்றிக் குறிப்பிட்டபொழுது அவர் வெட்கப்பட்டு உடனே பதில் சொல்லியிருக்கவேண்டியதில்லை என்று கூறவிரும்புகிறேன். காலத்திற்கேற்ப மாறத் தயாராக இருந்தால் வெட்கப்படவேண்டியதில்லை. உலகம் மாறினாலும் ‘நான் மாறமாட்டேன்’ என்று உடம்புப் பிடியாக ஒட்டிக் கொண்டிருப்பவர்கள், வெட்கப்பட நேரும். வருத்தப்பட நேரும்.”

“ஜனநாயகம் என்று சொல்லுகின்ற காலத்தில் அவர்கள் எதை ஜனநாயகம் என்று சொல்லுகின்றார்கள் என்றால் தொழிலாளிகள் கஷ்டப்பட்டு வேலைசெய்து, சிறுது போனஸ் கேட்டாலும், ஆட்குறைப்புக் கூடாது என்று அவர்கள் கேட்டால் அதற்காக அவர்களைப்பிடித்து சிறையில் போடவேண்டும் என்பதுதான் அவர்களுடைய ஜனநாயகமாக இருக்கிறது. ‘அதிகாரம் முதலாளிகளிடம் இருக்கவேண்டும்’ என்பதைத்தான் ‘ஜனநாயக உரிமை’ என்று அவர்கள் சொல்லுகிறார்கள். அது ஜனநாயக உரிமை அல்ல. ஜனங்களைக் காப்பதற்காக அரசியல் சட்டத்தை உபயோகப்படுத்துவதுதான் உண்மையான ஜனநாயகம் ஆகும். அதுதான் எதிர்க்கட்சியினுடைய ஜனநாயகம். அத்தகைய ஜனநாயகத்தைதான் நாங்கள் பின்பற்றத் தயாராக இருக்கிறோம். அதற்காக நாங்கள் பெருமை கொள்ளுகிறோமே தவிர, வெட்கப்படவில்லை என்று தெரிவித்துக்கொண்டு கடைசியாக இந்த மசோதாவைப்பற்றி என்னுடைய அபிப்பிராயம் என்னவென்றால் இது முற்றிலும் ஜனநாயகத்திற்கு விரோதமானது என்று தான் கனம் ஸ்ரீ ராஜாராம் நாயுடு அவர்களுக்குத் தெரிவித்துக்கொள்கின்றேன்.”

“அவர் இப்பொழுதாவது ஒரு விஷயத்தைச் செய்துவிட்டோம் : தேர்தல் நடத்துவதென்றால் அதில் பல கஷ்டங்கள் இருக்கின்றன. இருந்தாலும் இன்றைக்கு நாங்கள் இந்த மசோதாவை எதிர்க்கத்தான் போகின்றோம். ஒருவேளை சர்க்கார் கட்சியைச் சேர்ந்தவர்கள் தங்களுடைய மெஜாரிட்டி பலத்தைக்கொண்டு வோட்டெடுத்து, இப்பொழுது ஜெயித்து விடலாம். ஆனால் அவர்கள் ஜனங்களை ஜெயித்துவிட முடியாது. தங்களுடைய மெஜாரிட்டி பலத்தை வைத்துக்கொண்டு, இரண்டு நாள் மட்டுமே இருக்கக்கூடிய நேரத்தில், நிர்ப்பந்தப்படுத்தி துப்பாக்கி முனையில் இந்த மசோதாவை அவர்கள் நிறைவேற்றுவதை நாங்கள் விரும்பவில்லை. இது ஜனநாயகம் அல்ல என்பது எங்களுடைய அபிப்பிராயம்.”

THE HON. SRI C. SUBRAMANIAM :—“ நாங்கள் உண்மையில் துப்பாக்கியை உபயோகப்படுத்துவது கிடையாது.”

SRI M. KALYANASUNDRAM :—“ உங்கள் கையில் துப்பாக்கி இல்லை என்று ஏன் சொல்லுகிறீர்கள்? இரண்டு நாட்களுக்கு முன்பு தானே துப்பாக்கிகள் எல்லாம் வாங்குவதற்காக நான்கு கோடி ரூபாய் வரையில் ‘சாங்ஷன்’ செய்திருக்கிறோம்.”

THE HON. SRI C. SUBRAMANIAM :—“ நீங்கள் கள்ளத்தனமாகத் தான் துப்பாக்கிகளை வைத்திருப்பீர்களே ஒழிய பகிரங்கமாக வைத்திருக்க மாட்டீர்களே.”

[27th March 1954]

SRI S. VADIVELU :—“நாங்கள் கள்ளத்தனமாக துப்பாக்கி வைத்திருப்போம் என்று கணம் மந்திரி அவர்கள் பேசும்பொழுது குறிப்பிட்டார்கள். அதை அவர்கள் நிரூபிக்க முடியுமா?”

SRI M. KALYANASUNDRAM :—“பேச்சு வேகத்திலே மந்திரி களும் நானும் சில வார்த்தைகளை நேரிடையாகப் பரிமாறிக்கொண்டோம், தங்களைக் கவனிக்காமல். அதற்கு நீங்கள் வருத்தப்படக்கூடாது என்று கோட்டுக்கொள்ளுகிறேன். நேரமாகி விட்டது சீக்கிரமாக முடித்துக்கொள்ளுகிறேன். மந்திரி அவர்கள் சொன்ன விஷயத்தில் நான் புக விரும்பவில்லை. கணம் ஸ்ரீ ராஜாராம் நாயுடு அவர்களை நான் கேட்டுக்கொள்வது என்ன வென்றால், ‘இந்தத் தேர்தலானது ஒத்திவைப்பதற்குக் மலையாள, தென் கன்னட, நீலகிரி ஜில்லாக்கள் Monsoon தான் காரணம் என்று சொன்னால், அந்த ஜில்லாக்களில் மே மாதத்திலேயே தேர்தலை நடத்தி முடித்து விடுங்கள்’ என்பதுதான். நீலகிரி ஜில்லாவில் மே மாதத்தில் நல்ல சீதோஷணம் இருக்கக்கூடிய காலம். அதேபோல மலையாள தென் கன்னட ஜில்லாக்களிலும் மே மாதத்திலேயே தேர்தலை நடத்தி முடித்து விடுவது நல்லது.

“தஞ்சாவூர் ஜில்லாவில் விவசாயிகளுக்கும், மிராசதார்களுக்கும் தகராறு ஏற்பட்டு, விவசாயிகள் கூட்டம் போட்டால் ஸ்பெஷல் ஆர்டர் போலீஸ் அனுப்பப்படுகிறது. தந்திமேல் தந்தி பறக்கிறது. அதைப்போல இத் தேர்தல் சம்பந்தமாகக் கொஞ்சம் செலவானாலும் பரவாயில்லை. ‘எப்படியாவது அந்த மூன்று ஜில்லாக்களில் மே மாதத்திற்குள்ளாகவும், தமிழ்நாட்டிலுள்ள மற்ற ஜில்லாக்களில் ஜூன் மாதத்திற்குள்ளாகவும் ஜில்லா போர்டுகளுக்குத் தேர்தலை நடத்தி முடித்துவிடுவோம்’ என்ற இந்த நியாயமான கோரிக்கைக்கு சர்க்கார் இணங்குவதாக இருந்தால், அதற்கான வாக்குறுதியை கொடுக்கவேண்டும். இதற்குத் தகுந்த திருத்தத்தையும் கொண்டுவரவேண்டும். ஜில்லாவிட்டால் நாங்கள் இந்த மசோதாவை கட்டாயமாக ஒப்புக்கொள்ள முடியாது. இந்த மசோதாவை நாங்கள் வன்மையாக எதிர்க்கத்தான் வேண்டியிருக்கும். ஆகவே, இந்த மசோதாவை எதிர்த்து சர்க்கார் கட்சியில் இருக்கக்கூடிய அங்கத்தினர்களும்கூட தயவுசெய்து ஒட்டுப்போட வேண்டும் என்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

THE HON. SRI K. RAJARAM :—“I first of all thank all the hon. Members who have taken part in the discussion for the interest they have shown in the local bodies. Sir, some of the members who spoke from the Opposition attributed some ulterior motives, namely, that the Government are bringing this amending Bill not to conduct elections but to go on postponing the same eternally and so on. Sir, let me submit that such an accusation is not correct. The hon. Member Sri K. T. Raju said that we could have brought this amendment in the last January session itself. I think the hon. Member has forgotten that I gave notice of this amending Bill on 8th of January. It was placed on the table of the House in the second week of January. But hon. Members did not want to continue the session at that time because they wanted to return to their home for Pongal. That is the cause of the delay. That is why this Bill is now brought before the House.”

SRI P. RAMAMURTHI :—“போன பட்ஜட் கூட்டத்திலே ஜனவரி மாதம் 8-ம் தேதி அன்றே நோட்டீஸ் கொடுக்கப்பட்டது வாஸ்தவம்தான். ஆனால் பட்ஜட் செஷன் அப்பொழுதே முடியும் என்று அந்த நோட்டீஸ் கொடுக்கப்பட்டது. இரண்டாவது விஷயம் அப்படி கவர்ன்மெண்டு மசோதாவை நிறைவேற்றி பொங்கலுக்கு பிறகு அசெம்பிளி கூட்டத்தைக் கூட்டியிருக்கலாம்.”

[27th March 1954]

THE HON. SRI K. RAJARAM :—“Equally it is not correct to say that we have brought this amending Bill just two days before the term of the Special Officers expires and as such we have wantonly not given an opportunity to the Opposition to give due consideration to this Bill. The Bill has been before the hon. Members ever since the second week of January when it was laid on the table of the House.

“Some hon. Members said that elections can be conducted in South Kanara, Malabar and the Nilgiris in the month of May itself. It is not possible to do so. There are some practical difficulties. According to the District Boards Act we have to publish the election rules. These rules were published on 25th February. They were ready for publication only then. We must then give six weeks' time to receive objections, if any, to the election rules. That means it will take till 15th of April. In the meanwhile some Special Officers have suggested certain amendments in respect of some constituencies. They are yet to be published. That may be published in the month of April, say, by about the 10th of April. Again we have to give notice to call for objections. After publication of the election notices, we will have to give 45 days' time for conducting the election. So hon. Members should see that at the earliest, if we issue notices on 1st of May, we can complete the elections at the end of June. It was our intention to conduct the elections before the beginning of July. We wanted to finish it before the end of June. It is our intention that before the North-East Monsoon sets in in Tamilnad, we must complete the elections in Tamilnad. That means we want to finish the elections, at any rate, before August. We are extending the date only in case of the West Coast districts and the Nilgiris district. One hon. Member has raised another objection with regard to the conduct of elections in South Kanara. He has said that elections in Malabar district could be conducted in September or October, but it will be neither easy nor convenient to conduct the elections in those months in South Kanara.

“So many difficulties are coming in the way of administrative matters. That is why I think we may be compelled to bring an amendment with regard to West Coast districts. But that does not mean we will prolong the elections for ever. If it is possible we will complete the elections in the month of September or October. But I cannot promise that. We will try our best to complete the elections in West Coast districts before November 1954. If at all we come with an amendment to postpone the elections in West Coast districts, it will be only on administrative grounds and on account of practical difficulties involved. It will not be for any other extraneous reason. We have already appointed Election Officers. They have taken charge and have begun their duties in the District Board offices. Separate rooms have been allotted to them and they have begun their work. Therefore, hon. Members should realize that we have already prepared the ground for conducting the elections as early as possible.

[Sri K. Rajaram] [27th March 1954]

“ One hon. Member remarked that mention of ‘ taluk boards ’ need not have been made here at all. I agree to it. About a month ago, in reply to a question by Sri M. Narayana Kurup, I said that when this Bill seeking extension of term of Special Officers of district boards came up before the House, I could throw some light on the taluk boards, etc. That is why now when this Bill is brought before this House, I had mentioned something about the taluk boards. Let me inform the House that many of our panchayats also are experiencing several difficulties. That is why Government have decided to bring forward a comprehensive legislation. They have decided to appoint a High Level Committee. (An hon. Member : ‘ What is a High Level Committee? ’) High Level Committee means a committee consisting of experienced officers and persons experienced in local bodies. (An hon. Member : ‘ Will their recommendations be binding? ’) No; no recommendation of any committee is binding on us. They are only recommendatory.

“ We will announce the names of the members of the committee very soon. That Committee will be entrusted with the work of going into all aspects of the problems concerning the panchayat, taluk and district boards. One Member raised a point that the taluk boards were abolished in 1934. He asked why we should again bring in taluk boards. Let me inform that hon. Member that at the time, viz., in 1934, both the taluk and district boards were functioning. At that time district boards were having jurisdiction in places where taluk boards were also exercising control. So, there was some overlapping of functions. Therefore it was thought at that time that one of the boards might be abolished. So taluk boards were abolished at that time.

“ We think the powers now concentrated in the hands of the District Boards must be decentralized. Government are now doing so many development works in villages. These works require some intensive supervision. If taluk boards were established they can have effective supervising powers over these works in the villages. That is one reason for the creation of taluk boards. But the Committee will go into this question soon. I think it will take five to six months for the Committee to study all the problems and submit its report to Government. Government will then consider the Committee’s recommendations and bring in necessary legislation.

“ The work of the Cabinet has of late increased very much. Ever since I took up office, that is, from 9th of October 1953, I was trying to bring before the Cabinet the reports of the Kuttikrishna Menon Committee regarding district boards, of which the hon. Member Sri V. K. Palaniswami Gounder was also a member. I was also trying to bring before the Cabinet the report of the Rathnasabapathy Mudaliar Committee. But so many pressing problems were there to be considered by the Cabinet. The pressing problems connected with the separation of Andhra from us were continuously engaging the attention of the Cabinet. That is why the elections to district boards could not be held earlier. Therefore

27th March 1954] [Sri K. Rajaram]

let not any hon. Member attribute any political motive to the Government in bringing in this legislation for extending the term of Special Officers. As I said earlier, the report of the High Level Committee may reach us after six months. We will have to consider the creation of taluk boards only after receiving its recommendations.

“ Some hon. Members complained against the Personal Assistants to Special Officers. So far I have not received even a single complaint against any Special Officer. It has been complained that the Personal Assistants to some Special Officers were not paying proper attention to the district boards’ roads. It has also been complained that the Personal Assistants are anxious to prevent democratic bodies from coming into office earlier. The intention of the hon. Members on the other side, who oppose this Bill, is to prevent elections from being held in the near future. The difficulty that I experience and the Government are experiencing is this. Sir, even complaints regarding a teacher or a compounder are being sent directly to me. I am very anxious to avoid all these things. Because there is no elected democratic body to deal with even small matters, people are sending petitions direct to the Minister. I am forwarding those petitions to the Special Officers concerned. We are taking so much responsibility. I must tell the hon. Members that the Government are sincere when they say that the elections will be held as early as possible. Nobody need have any suspicion in this matter. We will try our best to complete the elections as far as the districts in Tamilnad are concerned before June, July or August 1954. Now, the time-limit is being extended up to 31st October 1954. Sir, after all, this is a very simple Bill and its scope is very limited. It has already been passed by the other House. The amendment of the Hon. the Deputy Leader of the Opposition is that the Bill may be referred to a Select Committee. It is not possible. After all, there is nothing to be gone into by a Select Committee. The Bill consists of only two clauses. I therefore request the hon. Member to withdraw his amendment.”

SRI M. KALYANASUNDRAM :—“ என்னுடைய திருத்தத்தை வாபஸ் வாங்க முடியாததற்கு நான் வருத்தப்படுகிறேன்.”

MR. SPEAKER :—“ I will now put the amendment of the hon. Member Sri M. Kalyanasundaram to the vote of the House. The question is—

‘ That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as passed by the Council, be referred to a Select Committee.’ ”

The amendment was put and lost.

MR. SPEAKER :—“ Is the hon. Member pressing for a division? ”

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SRI M. KALYANASUNDRAM:—"I am not pressing my amendment for a division. But I will press the main motion for a division."

MR. SPEAKER:—"I will now put the main motion to the vote of the House. The question is—

That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), as passed by the Legislative Council and transmitted to the Legislative Assembly, be taken into consideration."

The motion was put and carried.

A poll was demanded and the House divided thus :

Ayes—84.

Sri T. Anantha Pai.
" A. Appu.
" R. S. Arumugam.
" S. Arumugam.
" S. R. Arumugam.
" V. Arumugam.
" V. Balakrishnan.
" B. Bhakthavatsalu Naidu.
" K. H. Bomman.
" Chinnaswami Naidu.
" C. Chinnathambi Thevar.
" T. P. Elumalai.
" T. Ganapathy.
" N. Gopala Menon.
" G. Govindan.
" V. Govindaswamy Naidu.
" K. Ishwara.
" M. Jagannathan.
" S. Jayarama Reddiyar.
" T. M. Kaliannan.
" P. G. Karuthiruman.
" Kempai Gounder.
" P. S. Krishnaswamy Ayyangar.
" V. Krishnaswamy Padayachi.
" R. Krishnaswamy Naidu.
" Kunhi Muhamed Shafee.
" R. Kuppuswamy.
The Hon. Sri K. P. Kuttikrishnan Nair.
Sri S. Lakshmana Gounder.
" N. Mahalingam.
The Hon. Sri M. A. Manickavelu Naicker.
Sri P. G. Manickam.
" Manjaya Shetty.
" Mahamed Salih Maraikayar.
" N. Mounaguruswamy Naidu.
" M. Muni Reddy.
" M. S. Muniswamy Pillay.
" C. Muthiah Pillay.
" V. Muthu.
" Muthukumaraswamy.
" P. S. Nalla Gounder.
" B. K. Nallasamy.

Sri R. M. Palaniyappan.
The Hon. Sri V. C. Palaniswami Gounder.
Sri V. K. Palanisami Gounder.
" S. Panchaksharam.
" B. Parameswaran.
" K. Parthasarathy.
" M. P. Periasami.
" N. Rajagopal.
" C. Rajam Ramasami.
The Hon. Sri K. Rajaram.
Sri T. K. Rama.
" M. R. Ramachandran.
" A. Ramachandra Reddiar.
" N. Ramakrishna Ayyar.
" N. C. Ramaswamy Kander.
" V. K. Ramaswamy Mudaliar.
" S. Ramaswamy Naidu.
" P. S. Rangaswamy Naidu.
" J. L. P. Roche Victoria.
" A. M. Sambandan.
" A. Sambasivam.
" E. K. Sankara Varma Raja.
" T. V. Sannasi.
" P. Selvaraj.
" M. G. Shanker.
The Hon. Raja Sri (Raja of Ramnad) Shunmuga Rajeswara Sethupathi.
Sri V. S. Sivaprakasam.
" S. Somayajulu.
" A. S. Subbaraj.
The Hon. Sri C. Subramaniam.
Sri R. V. Swaminathan.
" Thiagaraja Pillai.
" Thinakarasami Thevar.
" P. K. Thirumurthi.
" P. Urkavalan.
" B. Vaikunta Baliga.
" A. Vaikuntam.
" T. R. Varadan.
" O. Venkatasubba Reddi.
" Venkatramana Gowda.
The Hon. Sri K. Venkataswamy Naidu.
Sri Virupakshayya.

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Noes—43.

Sri S. T. Adityan.
" K. Aranganathan.
" T. S. Arthanari.
" A. Ayyaru.
" P. K. Gopalakrishnan.
" K. P. Gopalan.
" K. C. Gopalan Unni.
" M. Kalyanasundaram.
" C. Kandasami.
" P. Kandasami Gounder.
" C. H. Kanaran.
" S. S. Kolkebail.
" D. Krishnamurthi Gounder.
" R. Krishnan.
" E. T. Kunhan.
" C. Kunhirama Kurup.
" V. Madanagopal.
" K. Madhavan Nambiar.
" K. Moidu.
" Mookiah Thevar.
" A. Muthuswami.

Sri M. Narayana Kurup.
" M. Narayana Nambiar.
" T. C. Narayanan Nambiar.
" S. Packirisami Pillai.
" N. K. Palanisami.
" S. Radhakrishnan.
" P. B. K. Rajachidambaram.
" K. T. Raju.
" S. Ramalingam.
" P. Ramamurthi.
" K. V. Ramasamy.
" R. Rangasamy Gounder.
" P. Rangasamy Reddiar.
" P. Rathinaswami Pillai.
" A. Senapathy Gounder.
" N. Sivaraj.
" K. T. Sridharan.
" A. K. Subbiah.
" M. P. Subramaniam.
" P. S. Thangavelu.
" Vadivelu.
" P. Venkatosha Sholagar.

Neutral—Nil.

Ayes—84; Noes—43; Neutral—Nil.

The motion was carried.

MR. SPEAKER:—"Before we proceed to the next stage in the Bill, I wish to explain to the House certain important matters regarding amendments. An amendment to a Bill should be within the scope of the Bill. We judge the scope of the Bill from its title, its preamble and the statement of objects and reasons appended to the Bill. Any amendment, which is beyond the scope of the Bill, which seeks to embody in the Bill principles which are foreign to the Bill and which are not cognate to it or are outside its declared intentions is out of order. The Bill before us is a simple one. The object of the Bill is to extend the life of the Special Officers of the district boards from 31st March 1954 to 31st October 1954."

SRI P. RAMAMURTHI:—"The life of the Special Officers may go up to 60 or 70 years!" (Laughter.)

MR. SPEAKER:—"I must tell the House that any amendment which seeks to alter the date is perfectly in order. But certain other amendments which some hon. Members have given notice of are all out of order. For instance, the hon. Member Sri S. Ramalingam has given notice of several amendments the object of which is to abolish all the district boards. We are not now concerned with the abolition of the district boards. It is not the intention of the Bill to abolish the district boards. The object of another amendment is the introduction of taluk boards. In the statement of objects and reasons it is casually mentioned that the Government will take steps to introduce legislation for the establishment of the

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taluk boards. The Government may bring a Bill to that effect either to-morrow or some time later. When they bring that Bill, the hon. Member can move his amendments. Most of the hon. Members are new and they must know what amendments they can suggest."

The discussion of the Bill, clause by clause, was then taken up.

Clause 2.

MR. SPEAKER :—" Motion moved—
' That Clause 2 do stand part of the Bill.'

" All the amendments to this clause given notice of by Sri S. Ramalingam, except one, are out of order. But I keep an open mind. If the hon. Member convinces me that they are in order, I have no objection to admit them."

SRI M. KALYANASUNDRAM :—" கனம் ஸ்ரீ ராமலிங்கம் கொடுத்த திருத்தங்களெல்லாம் Out of order இல்லை. அதில் சில திருத்தங்கள் மந்திரி அவர்களின் பிரச்சங்கத்தில் எவ்வாறு சுற்றி வளைந்து பேசுகிறாரோ அவ்வாறு இருக்கலாம், அதனால் Out of order என்று சொல்லிவிட முடியாது."

MR. SPEAKER :—" All the amendments, except one, are clearly out of order.

" Sri N. K. Palanisami has given notice of an amendment proposing to omit item (2). If item (2) is omitted, then the whole Bill goes and there is no point in keeping the Bill. So that amendment also is out of order."

SRI C. KANDASAMY :—" Sir, I move—

' In item (2), for the figures, letters and word " 31st October 1954," substitute the figures, letters and word " 30th April 1954 " . ' "

SRI M. KALYANASUNDRAM :—" I second the amendment."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—

' In item (2), for the figures, letters and word " 31st October 1954," substitute the figures, letters and word " 31st May 1954 " . ' "

SRI P. RAMAMURTHI :—" I second the amendment."

SRI S. RAMALINGAM :—" Sir, I move—

' In item (2), for the figures, letters and word " 31st October 1954," substitute the figures, letters and word " 30th June 1954 " . ' "

SRI K. P. GOPALAN :—" I second the amendment."

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SRI S. S. KOLKEBAIL :—" Sir, I move—

' In item (2), for the figures, letters and word " 31st October 1954," substitute the figures, letters and word " 31st January 1955 " . ' "

SRI K. T. SREEDHARAN :—" I second the amendment."

MR. SPEAKER :—" Clause 2 and all the four amendments to it are before the House for discussion."

SRI C. KANDASAMY :—" சபாநாயகர் அவர்களே, என்னுடைய திருத்தத்தின் நோக்கம் என்னவென்றால் ஜில்லா போர்டு தேர்தலை நடத்துவதற்கு ஒரு மாத காலம் அவகாசம் சர்க்காருக்குக் கொடுக்க வேண்டுமென்பதுதான். அதாவது எப்ரல் மாதம் 30-ம் தேதிக்குள் தேர்தலை நடத்த வேண்டும். இந்த மசோதாபற்றி கனம் ஸ்தல ஸ்தாபன மந்திரி பேசும்போது வேறே வழியில்லாமல் இந்த மசோதாவைக் கொண்டுவந்து அடுத்த அக்டோபர் மாதத்திற்குள் தேர்தலை நீடித்து இருப்பதாகச் சொன்னார். உண்மையாகவே அவர்கள் அவ்வாறு நினைத்து இருந்தால் இந்த மசோதாவை இம்மாதம் 27-ம் தேதியன்று ஏன் கொண்டு வந்தார்? இதற்கு முன்னமேயே இந்த மசோதாவைக் கொண்டுவந்திருக்கவேண்டும். என்னுடைய திருத்தத்திலும் பிச்சை கொடுக்கின்ற முறையில் ஒரு மாத அவகாசம் கொடுக்கப்பட்டது. இம்மாதிரி அரசாங்கம் ஒவ்வொரு தடவையும் கடைசி காலத்தில் இந்த மசோதாவைக் கொண்டுவருவது எந்த அளவுக்கு ஜனநாயகம் முன்னேறிக்கொண்டு இருக்கிறது, அரசாங்கமும் இதற்கு எந்த அளவு மதிப்பு கொடுக்கிறது என்பதைக் காட்டுகிறது."

" உண்மையில் கனம் ஸ்தல ஸ்தாபன மந்திரி மறுபடியும் இம்மாதிரி தேர்தலை ஒத்திவைப்பதற்கு ஒரு மசோதாவைக் கொண்டுவர மாட்டார் என்று நிச்சயமில்லை. கனம் மந்திரி அவர்கள் தங்களுடைய பிரச்சங்கத்தில் seasonal condition ஜனவரி-பிப்ரவரி மாதங்களில் சரியானபடி இல்லாததால் அம்மாதங்களில் தேர்தலை நடத்த முடியவில்லை என்று சொல்லியிருக்கிறார். ஆனால் மக்கள் மழைக்காலமாக இருந்தாலும் சரி, பனிக்காலமாக இருந்தாலும் சரி தேர்தலை நடத்தியே தீரவேண்டும் என்ற உறுதியுடன் சவால் கொடுக்கக்கூடிய நிலையில்தான் இருக்கிறார்கள். இனிமேல் சர்க்கார் பஞ்சாங்கம் பார்க்க வேண்டும். இம்மாதிரி மசோதாவைக் கொண்டு வந்து இருப்பது இதுதான் முதல் தடவை அல்ல. மூன்றாவது தடவையாக இம்மாதிரி கொண்டுவந்து இருக்கிறார்கள். இவ்வாறு செய்வதனால் இந்த சபைக்கு என்ன மதிப்பு இருக்கிறது? ஏற்கெனவே pass செய்த மசோதாவை இதுவரையில் நிறைவேற்றாமல், அதை நீடிப்பதற்கு வேறொரு மசோதா இன்று கொண்டுவந்திருக்கிறார்கள். அவர்களுக்கு மெஜாரிட்டி இருக்கிறது என்று இம்மாதிரி இன்னும் ஆறு மாத காலம் அவகாசம் கொடுக்க வேண்டுமென்று கேட்பது இந்த சட்டசபைக்கு மதிப்பு கொடுக்கவில்லை. இந்தப் போக்கு ரொம்ப ஆபத்தானது. அவர்கள் சதாகாலமும் பேசிக் கொண்டிருக்கிற ஜனநாயகத்தின்மீது ஏதாவது கொஞ்சம் நம்பிக்கை மிச்சமிருந்தால் அது இந்த மசோதாவினால் சிதறடிக்கப்படும் என்று தெரிவித்துக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்."

SRI K. T. RAJU :—" கனம் சபாநாயகர் அவர்களே, இன்னும் எவ்வளவு நேரம் சட்டசபைக்கூட்டம் நடைபெறும் என்று தெரிவிக்குமாறு கேட்கக்கொள்கிறேன்."

MR. SPEAKER :—" சட்ட சபைக்கூட்டம் எவ்வளவு நேரம் நடைபெறும் எப்பொழுது கலையும் என்பது எனக்குத்தெரியாது. இன்னும்

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சில நிமிஷம் நடைபெறலாம் அல்லது உடனே முடியலாம். ஆதலால் இனி நடக்கப்போவதை சொல்வதற்கு நான் ஜோசியனல்ல; எனக்கு ஜோசியம் தெரியாது!" (சிரிப்பு.)

SRI T. C. NARAYANAN NAMBIAR:—"The argument put forward by the Hon. Minister that in Malabar there would be monsoon rains in June and that therefore elections should be postponed is incorrect. In October, when *navarai* harvest usually takes place, there used to be rains. Therefore in no circumstances should the election be postponed to October or September."

THE HON. SRI C. SUBRAMANIAM:—"Then the hon. Member can support Sri Kolkebil's amendment."

SRI T. C. NARAYANAN NAMBIAR:—"It is not a question of supporting Sri Kolkebil's amendment. My amendment proposes the other alternative of advancing the elections to May 1954."

"Elections to district boards were held in September 1949 and we know the consequences. The elections were held deliberately during that month by the Congress Government knowing full well that the masses would not go to the polling booth and that therefore the Communist Party could be defeated. It is with the same intention that the Government now want to conduct the elections in September or October. The month of May will be very convenient for holding elections and I hope the Hon. Minister will see his way to accept my amendment."

SRI P. K. GOPALAKRISHNAN:—"Sir, I, along with Sri N. K. Palanisami and Sri C. H. Kanaran, had given notice of an amendment. But you have ruled it out of order. Therefore I am supporting the amendment of Sri T. C. Narayanan Nambiar. Elections to district boards should be held as early as possible, and the earliest time by which they could be held is 31st May 1954, because there are two months ahead, and Sri T. C. Narayanan Nambiar's amendment is to that effect. In reply to the debate in the first reading stage of the Bill, the Hon. Minister said that no complaint had been received by him against the Special Officers. I have several complaints to make, but I do not want to mention them at this late hour."

THE HON. SRI K. RAJARAM:—"The hon. Member may put them in writing and send them to me."

THE HON. SRI C. SUBRAMANIAM:—"They will not be relevant also."

SRI P. K. GOPALAKRISHNAN:—"They will be relevant because they support the case for restricting the extension of the term of office of the Special Officers to as short a period as possible."

"If the Bill is accepted, the term of the Special Officers will be extended till 31st October 1954. I want that their term of

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office should be extended only till 31st May and the elections conducted before that date. Monsoon sets in Malabar by 1st of June and not by 15th of May."

SRI S. S. KOLKEBAIL:—"Sir, we have already lost the main amendment. So, there is no use of our waxing eloquent on this Bill itself. But, if the term of the Special Officers is to be extended at all and if the elections to the district boards are to be held before 31st October 1954, it will be very inconvenient especially for South Kanara, because that is the month in which there will be rain in our parts. But, anyway, the month of May is not at all convenient on account of extreme heat and also on account of certain legal difficulties as pointed out by the Hon. Minister for Local Administration. So, the other alternative is to go to either November or December. Therefore, I have suggested in my amendment for the extension of time till 31st January 1955. There is no use of my saying now that the term of the Special Officers should not be extended, because on that issue, we have already lost. The point is, if we are going to extend the term, let it be extended up to 31st January 1955. Sir, with these few words, I request that my amendment may be accepted."

SRI P. RAMAMURTHI:—"கனம் சபாநாயகர் அவர்களே, பேசி ஒன்றும் பிரயோசனமிருப்பதாகத் தெரியவில்லை. ஆதலால் நான் பேச வில்லை."

THE HON. SRI K. RAJARAM:—"Sir, none of these amendments is acceptable to the Government. I have already stated the reasons in my speech. It is not practicable to conduct the elections either in April or in May. At the earliest, we can start the elections in May. But the polling dates can be fixed only after the 20th of June. We cannot hold elections before that. Therefore, I submit, Sir, that none of these amendments is acceptable."

MR. SPEAKER:—"I shall put the amendment of Sri C. Kandasamy to the vote of the House. The question is—

'In item (2), for the figures, letters and word "31st October 1954", substitute the figures, letters and word "30th April 1954".'

The amendment was put and lost.

MR. SPEAKER:—"I shall now put the amendment of Sri T. C. Narayanan Nambiar to the vote of the House. The question is—

'In item (2), for the figures, letters and word "31st October 1954", substitute the figures, letters and word "31st May 1954".'

The amendment was put and lost.

[27th March 1954]

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

'In item (2), for the figures, letters and word "31st October 1954", substitute the figures, letters and word "30th June 1954".'

The amendment was put and lost.

The following amendment of Sri S. S. Kulkebal was by leave withdrawn:—

'In item (2), for the figures, letters and words "31st October 1954", substitute the figures, letters and word "31st January 1955".'

MR. SPEAKER:—"The following amendment of Sri S. Ramalingam are out of order:—

'After item (1), insert the following as item (2) and re-number the subsequent items:—

"(2) After the first paragraph of the Preamble, the following new paragraph shall be inserted, namely:

'Whereas a scheme for the decentralization of the function of the district boards has been under consideration and to introduce legislation for the establishment of taluk boards to replace district boards';"

'Re-number the existing item (3) as item (3) (ii) and insert the following as item (3) (i):—

"(3) (i). Sections 2 (1) (i) and 2 (1) (ii) shall be omitted and the figure '(iii)' at the beginning of section 2 (1) (iii) shall be omitted."

'Insert the following as clause 2 (3) (iii):—

'In section 2 (1) (iii), after the words "Newly elected members", the words "of the taluk boards", shall be inserted.'

'For the existing Preamble, substitute the following:—

"Whereas it is expedient to amend the Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953):

Whereas a scheme for the decentralization of the function of the district boards has been under consideration and to introduce legislation for the establishment of taluk boards to replace district boards; and

Whereas it is considered necessary to extend the term of office of the Special Officers for the District Boards till the newly elected members of the taluk boards will come into office; it is hereby enacted as follows:—"

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

MR. SPEAKER:—"The Hon. Minister will now move that the Bill be passed into law."

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

'That the Bill be passed into law.'

MR. SPEAKER:—"Motion moved—

'That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), be passed into law.'

27th March 1954]

SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, அக்டோபர் மாதம் 31-ம் தேதிவரை ஜில்லா போர்டு ஸ்பெஷல் ஆபீசரின் ஆயுளை நீடித்து சட்டம் இயற்றியிருக்கிறோம். இதே மாதிரி இதற்கு முன்பு ஸ்பெஷல் ஆபீசர்களை நியமிக்க சட்டம் இயற்றப்பட்ட போது கனம் மந்திரி அவர்கள் குறித்த காலத்திற்குள் ஜில்லா போர்டு தேர்தலை நடத்திவிடுவதாக சொன்னார். இப்பொழுது ஜில்லா போர்டு தேர்தல் நடத்துவதற்கு 7 மாத அவகாசம் கொடுக்கப்பட்டிருக்கிறது. அதற்குள் நேரடியாக தாலுகா போர்டு தேர்தலையே நடத்துவதற்கு முயற்சி செய்து அதற்கான சட்டத்தை சபை முன்பு கொண்டுவரவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இந்த மசோதா பிப்ரவரி மாதம் 15-ம் தேதி பிரசுரிக்கப்பட்டிருக்கிறது. இப்பொழுது கனம் மந்திரி அவர்கள் ஜூன் 22-ம் தேதிக்குள் தேர்தலை நடத்தமுடியாது என்று கூறுகிறார். இந்த மசோதா பிரசுரிக்கப்பட்டபொழுது தேர்தல் நடத்தவேண்டுமென்ற எண்ணம் சர்க்காருக்கு இருந்திருப்பதாகத் தோன்றவில்லை. (Interruption.) எப்படியிருந்தபோதிலும், நேரடியாக தாலுகா போர்டு தேர்தலையே நடத்துவதற்கு வேண்டிய நடவடிக்கைகள் எடுக்குமாறு கனம் மந்திரி அவர்களை நான் கேட்டுக்கொள்கிறேன்."

SRI P. B. K. RAJACHIDAMBARAM:—"தலைவர் அவர்களே, இந்த மசோதாவை சட்டமாக நிறைவேற்றியதற்காக கனம் அமைச்சர் அவர்களை பாராட்டுவதா, அல்லது அவர்களுக்காக பரிதாபப்படுவதா என்பதை தெரியவில்லை. ஏனென்றால், நீண்டகாலமாக ஸ்தல ஸ்தாபன ஆட்சியில் அனுபவம்பெற்று, அமைச்சராக வந்தபிறகு காங்கிரஸின் அடிப்படை கொள்கையும் நாட்டின் தந்தையென்று எல்லோராலும் ஒப்புக்கொள்ளப்படும் காந்தி அடிகளின் தத்துவத்தையும் கொண்டு, ஜில்லா போர்டு நிர்வாகத்தை decentralize செய்து தாலுகா போர்டுகள் அமைக்கவேண்டுமென்ற எண்ணத்தை இந்தச் சபையிலும் வெளியிலும் கனம் மந்திரி அவர்கள் வெளியிட்டார். அதற்கு அவகாசம் வேண்டுமென்று, இந்த நள்ளிரவில் இந்த மசோதாவை சட்டமாக இயற்றியதற்கு கனம் மந்திரி அவர்களுக்கு என் பாராட்டுதலை தெரிவித்துக் கொள்கிறேன். இந்தப் பக்கத்திலிருக்கும் கனம் மெம்பர் சொல்லியது போல் அவர் தன்னுடைய எண்ணத்தை இந்த 7 மாத அவகாசத்துக்குள் நிறைவேற்ற வேண்டிய முயற்சிகள் எடுத்துக்கொள்ளவேண்டும். இப்பொழுதிருக்கும் அமைச்சர்களே பதவியில் நீடித்திருப்பார்களா என்ற சந்தேகம் பத்திரிகை வாயிலாகத் தோன்றுகிறது. கனம் மந்திரி அவர்கள் பதவியில் நீடித்து இந்தச் சபையில் அவருக்கு தொடர்ந்து பணியாற்ற வாய்ப்புக் கிடைத்தால் அவரே இந்த 7 மாத அவகாசத்துக்குள் தாலுகா போர்டு தேர்தலையே நடத்தவேண்டிய ஏற்பாடுகள் செய்ய வேண்டும். ஏற்கனவே ஸ்தல ஸ்தாபனங்கள் பணமுடையால் கஷ்டப்படுகின்றன. ஆகையால் தாலுகா போர்டு தேர்தலையே நேரடியாக நடத்தினால் அனுவசியமான செலவைத் தவிர்க்கலாம். ஒரு சமயம் கனம் மந்திரி அவர்கள் தொடர்ந்து பதவியில் நீடிக்க முடியாவிட்டால், அவருக்குப் பின்னால் வரும் மந்திரியிடமாவது இந்த நல்லகாரியத்தை தொடர்ந்து செய்வதற்கு வேண்டிய நடவடிக்கைகள் எடுக்குமாறு புத்திமதி கூறிவிட்டுச் செல்லவேண்டும். எனவே, கனம் மந்திரி அவர்களுக்கு என்னுடைய பாராட்டுதலையும் அனுதாபத்தையும் சேர்ந்து ஒருமுகமாக தெரிவித்துக்கொண்டு என் பேச்சை முடித்துக்கொள்கிறேன்." (சிரிப்பு.)

SRI P. RAMAMURTHI:—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதா இப்பொழுது சட்டமாகப்போகிறது. எதிர்ப்புகள் இருந்த போதிலும் அவைகளை சமாளித்து இந்த மசோதா இப்பொழுது சட்டமாகப்போகிறது. இந்த சந்தர்ப்பத்தில் இரண்டொரு விஷயங்களை மட்டும் நான் ஞாபகப்படுத்த விரும்புகிறேன். இப்பொழுது கொடுக்கப்பட்ட வாக்குறுதி அதாவது "ஜூன் மாத முடிவிற்குள் தமிழ் நாடு சம்பந்தப்பட்ட மட்டில் தேர்தலை நடத்தி விட முடியும்," என்று கொடுத்த வாக்குறுதியை

[Sri P. Ramamurthi] [27th March 1954]

சர்க்கார் நிறைவேற்றியாக வேண்டும். ஜூன் இறுதிக்குள் முடிப்பது சாத்தியம் என்றும் கூறப்பட்டது. சாத்தியமானதைச் செய்வதில் தயக்கம் ஏற்படுவதற்குக் காரணம் இல்லை. அதற்குள்ளாகவே அதை முடித்து விடவேண்டும் என்று வேண்டிக்கொள்ளுகிறேன்.

“இரண்டாவதாக, தாலுகா போர்டு சம்பந்தமாக பேசப்பட்டிருக்கிறது. தாலுகா போர்டு அமைப்பதற்கான மசோதாவைக் கொண்டுவரப்போகிறார்கள் என்பது முக்கியமல்ல. தாலுகா போர்டுக்கும் ஸ்தல ஸ்தாபனங்களுக்கும் என்ன உரிமைகளை வழங்கப் போகிறார்கள் என்பதுதான் முக்கியமான கேள்வி. அவைகளுக்கு உரிமை இல்லாமல், அதிகாரம் இல்லாமல் இருக்கக்கூடாது. தாலுகா போர்டு ஏற்பட்டாலும், ஸ்தல ஸ்தாபனங்கள் ஏற்பட்டாலும் ஸ்பெஷல் ஆபீசருக்கு அதிகாரம் இல்லாமல் எல்லா விதமான அதிகாரங்களையும் அந்தந்த போர்டுகளுக்கே வழங்கப்படவேண்டும். எக்கியூடிவ் ஆபீசருக்கும் சர்க்காருக்கும் நேரடியான தொடர்பு வைத்துக்கொள்ளாமல் உண்மையாகவே போர்டுகளுக்கு அதிகாரம் வழங்கப்படவேண்டும். அதற்கு ஆதரவு கொடுக்கவேண்டும். இதைத்தான் நாங்கள் எதிர்பார்க்கிறோம். இதை மந்திரி அவர்கள் செய்யவேண்டும் என்று கேட்டுக் கொள்ளுகிறேன்.”

THE HON. SRI K. RAJARAM :—“ Sir, I have nothing more to add to what I have already stated on this Bill. I thank all the hon. Members and you, Sir, for being present till midnight in order to pass this Bill. We have to pass this Bill before the 31st of March and hence we have had to sit till midnight to-day. I once again thank all the hon. Members and you, Sir.”

MR. SPEAKER :—“ The question is—

‘ That the Madras District Boards (Amendment) Bill, 1954 (L.C. Bill No. 4 of 1954), be passed into law.’ ”

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

THE MADRAS APPROPRIATION BILL, 1954

27th March 1954]

MR. SPEAKER :—" Motion moved—

'That the Madras Appropriation Bill, 1954, be taken into consideration at once.'

SRI M. KALYANASUNDRAM :—" Sir,"

MR. SPEAKER :—" Simply because the Hon. Minister has moved a motion it does not mean that the motion is before the House. Before the Speaker says that that motion has been moved and is before the House, hon. Members need not think that the motion as moved by the Hon. Minister is before the House.

"Let me complete what I have got to say. Then Mr. Kalyanasundram may speak. Motion moved—

'That the Madras Appropriation Bill, 1954, be taken into consideration at once.'

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, 'அப்ரோப்ரியேஷன் பில்லானது' சபை அங்கத்தினர்களுக்கு இன்று காலை யில் தான் கிடைத்தது. இந்த மசோதாவை சபையில் பிரேரிக்க வேண்டுமென்றால் மற்ற மசோதாக்களை இந்த சபையில் பிரேரிப்பதற்கு என்னென்ன விதிகளை அனுசரிப்போமோ அதே விதிகளை அனுசரிப்பது தான் சரியானது என்பது எனது அபிப்பிராயம். ஆனால் நடைமுறையில் இருக்கக்கூடிய சில கஷ்டங்களை நான் உணராமலில்லை. அதுவும் 94 கோடி ரூபாய் சொச்சம் செலவழிப்பதற்கு நிதி மந்திரி அவர்களுக்கு அனுமதி அளிக்கும் மசோதாவை சபையில் இன்றையதினம் காலை யில் பிரேரித்துவிட்டு உடனே பாஸ் செய்யவேண்டுமென்று அங்கத்தினர்களை கேட்டுக்கொள்வது சரியல்ல என்று தான் நான் கருதுகிறேன். 'தொன்னு'த்தி நான்கு கோடி ரூபாய் சொச்சம் செலவழிக்க கனம் நிதி மந்திரி அவர்களுக்கு சபை அனுமதி கொடுத்துவிட்டால் அவர் தன்னிஷ்டப்படி செலவழித்து விடுவார் என்ற கவலை எங்களுக்கு இல்லை. ஆனால் எதற்காக இந்தப் பணத்தை கொடுக்கிறோம் என்பதை சபை அங்கத்தினர்கள் எல்லோரும் நன்கு உணர்ந்து, இந்த மசோதாவை அங்கீகரிக்கவேண்டுமென்றால், அவர்களுக்கு இதைப்படித்து ஆராய் கொஞ்சம் அவகாசம் கொடுத்தாகவேண்டும். குறிப்பாக எங்களுக்கு ஒரு நாளாவது வேண்டும். திடீரென்று காலை யில் மசோதாவைப் பிரேரித்துவிட்டு உடனேயே நாங்கள் அதைப்பற்றி விவாதிக்கவேண்டுமென்று சொன்னால் எப்படி விவாதிக்க முடியும் என்று தான் எனக்குத் தெரியவில்லை."

MR. SPEAKER :—" இருபத்தைந்து நாட்களுக்கு மேலே இதைப் பற்றியெல்லாம் நாம் விவாதித்திருக்கிறோம். அப்படியிருக்கும்போது திடீரென்று கொண்டுவந்திருப்பதாக சொல்லலாமா ?"

SRI M. KALYANASUNDRAM :—" குறிப்பாக ஒரு விஷயத்தைப் பற்றி சொல்ல விரும்புகிறேன். நம் அரசாங்கத்திற்கு வரக்கூடிய வருமானம், எல்லாவற்றையும் மொத்தமாக எடுத்துக்கொண்டு பார்த்தாலும் 45 கோடி ரூபாய். நமது பட்ஜெட்டில் மொத்தம் 45 கோடி ரூபாய் ரெவென்யூ காட்டப்படுகிறது. ஆனால் இந்த மசோதாப்படி 94 கோடி ரூபாய் சொச்சம் செலவழிப்பதற்கு அனுமதி கோரப்படுகிறது. இது எப்படி என்று பல அங்கத்தினர்களுக்குப் புரிந்தால் தான் மேற்கொண்டு இதைப்பற்றி விவாதிக்க வசதி ஏற்படும். ஆகவே காலை யில் இந்த மசோதாவை சமர்ப்பித்துவிட்டு உடனே அனுமதி கொடுக்கவேண்டுமென்று கேட்பது சரியல்ல என்பதே எனது அபிப்பிராயம்."

MR. SPEAKER :—" I wish to inform the House that Article 204 of the Constitution says—

'As soon as may be after the grants under Article 203 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys, etc., etc.'

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 27th March 1954.

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

THE MADRAS APPROPRIATION BILL, 1954.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I beg to introduce the Madras Appropriation Bill^a, 1954, and move—

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

^a Published in the Fort St. George Gazette extraordinary, dated 26th March 1954.

[Mr. Speaker] [27th March 1954]

"I want hon. Members to note the word 'as soon as' occurring in the beginning of Article 204."

SRI M. KALYANASUNDRAM :—"As soon as" என்று அரசியல் சட்டத்தில் சொல்லியிருக்கலாம். ஆனால் அதற்காக மெம்பர்களுக்கு அதைப் படித்துப்பார்த்து புரிந்து கொண்டு விவாதம் நடத்துவதற்கு ஒரு நாள் கூட அவகாசம் கொடுக்கக்கூடாது என்று சொல்லியிருப்பதாக அதனை அர்த்தம் கொள்ள முடியாது. குறிப்பாக ஒரு விஷயத்தைச் சொல்லுகிறேன். சென்ற இருபத்தைந்து நாட்களாக நாம் வரவுசெலவுத் திட்டத்தில் ஒவ்வொரு மானியமாக எடுத்துக்கொண்டு இந்தச் சபையில் விவாதம் நடத்தி ஒவ்வொரு மானியத்திற்கும் அனுமதி அளித்து வந்திருந்தாலும்கூட பல அங்கத்தினர்களுக்கு, அவர்கள் இந்தப் பக்கத்தில் இருப்பவர்களாக இருந்தாலும் சரி, அந்தப் பக்கத்தில் இருப்பவர்களாக இருந்தாலும் சரி. பட்ஜெட்டில் கூறியிருக்கக்கூடிய புள்ளி விவரங்களை சரியான முறையில் படித்துக்கொண்டு விவாதம் நடத்த முடியவில்லை, என்பதை நாம் அறிவோம்."

MR. SPEAKER :—"It is an insult to the House. The hon. Member should not use such observations as amount to an insult to the House."

SRI M. KALYANASUNDRAM :—"நான் அங்கத்தினர்கள் சரியாகப் புரிந்து கொண்டு விவாதம் நடத்தவில்லை யென்பதாக சபையின் கௌரவத்தைப் பாதிக்கக்கூடிய வகையில் சொல்லவரவில்லை. பட்ஜெட் சம்பந்தமான புத்தகங்களில் கொடுக்கப்பட்டிருக்கும் விவரங்களை அங்கத்தினர்களால் சலபமாகப் புரிந்து கொள்ளக்கூடிய முறையில் அமைக்கவில்லை யென்று சர்க்காரைத்தான் குற்றம் சாட்ட விரும்புகிறேன். நான் இப்பொழுது கூறுவது என்னவென்றால் : இந்த அப்போர்பிரியேஷன் 'பில்லை' திங்களிழைமையன்று விவாதத்திற்கு எடுத்துக்கொள்ளலாம். அதற்குள் இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பினால் அங்கே அங்கத்தினர்கள் வருவார்கள். சர்க்கார் நிதி இலாக்கா காரியதரிசியும் அங்கே வந்து எதற்காக எப்படி எப்படி பணம் ஒதுக்கப்பட்டிருக்கிறது என்பதை விளக்கினால் எல்லா அங்கத்தினர்களும் அதைச் சலபமாகப் புரிந்து கொள்ளமுடியும். அதன் பின் இந்தச் சபையில் அது விவாதத்திற்கு வந்தால் எல்லா அங்கத்தினர்களும் நன்றாகப் புரிந்துகொண்டு விவாதம் செய்ய முடியும் என்பதுதான் என் யோசனை. இதை சர்க்கார் பரிசீலிக்க வேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்."

DR. K. B. MENON :—"Sir, I rise to completely support the demand made by the hon. Member Sri Kalyanasundram. Hon. Members might have read in the papers about the delegation of powers by the Executive and the risks that are involved in it with regard to the British Parliament."

MR. SPEAKER :—"What has that to do here? I think the hon. Member has confused himself thoroughly. We have not delegated any power to anybody. We have not delegated even a single point. We have passed item by item all the demands that came before the House for discussion."

DR. K. B. MENON :—"I am mentioning it only to emphasise the point that the Opposition Members here have always been groping in the dark and that we have no information on hand when we pass Bills or when we have to pass appropriations of money out of the Consolidated Fund of the State. It is absolutely essential that

[27th March 1954] [Dr. K. B. Menon]

Government should educate and make available to us all information possible because we must know beforehand what is it that we have to support when such things are placed before us."

MR. SPEAKER :—"The hon. Member has not properly understood the meaning of the term 'delegated legislation'. We have not delegated any power to Government. If this House gives powers to the Court to make rules then, we delegate certain powers to Government. The hon. Member should know that we have proposed certain amendments to our rules of procedure by which we will have a committee which will have power to go into the delegated legislations. The hon. Member is a member of the Rules Committee. I am sorry he has not understood the matter clearly. I can inform the House that we have passed each demand item by item and we have not delegated even a single point."

"Coming to the Appropriation Bill, I wish to inform the House, as I have mentioned already, that Article 204 begins thus—

'As soon as may be after the grants under article 203 have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation, etc.

"Therefore, according to Article 204, as soon as the demands have been granted by the House, the Appropriation Bill must come before the House."

SRI M. KALYANASUNDRAM :—"ஸார், Delegated legislation ஐவிட இது மிகவும் முக்கியமானது. அதில் சர்க்காருக்கு விதி செய்யக் கூடிய அதிகாரத்தைக் கொடுக்கிறோம். ஆனால், Appropriation Bill-ல் 94. கோடி ரூபாய் பணத்தைச் செலவழிக்கக்கூடிய அதிகாரத்தைக் கொடுக்கிறோம்."

MR. SPEAKER :—"This is an important point. Hon. Members should listen to what I say carefully. ஒரு மான்யத்திற்காக ஒதுக்கப்பட்ட பணமானது இன்னொரு மான்யத்திற்குப் போனாலும், அதிகமாகப் பணம் வேண்டியிருந்தாலும் Supplementary Grant-ல் வரவேண்டும். ஆகையால், சட்டசபையானது எந்தெந்த மான்யத்திற்கு எவ்வளவு பணத்தை ஒதுக்குகிறதோ, பட்ஜெட்டில் எதை ஒதுக்குகிறதோ, அதைத்தான் சர்க்கார் செலவு செய்யவேண்டும். அதற்குமேல் ஒரு பைசா கூட செலவு செய்யக்கூடாது. ஒதுக்கிய பணத்திற்குமேல் ஒரு dust கூட அவர்கள் அதிகமாக செலவு செய்ய முடியாது—dust என்று நான் சொல்லும்போது கணம் அங்கத்தினர்கள் தப்பிதமாக அர்த்தம் செய்துகொள்ளமாட்டார்கள் என்று நம்புகிறேன். The Hon. Minister for Finance will now reply."

SRI S. RAMALINGAM :—"Before the Hon. Minister replies, I shall make one submission, Sir. அதாவது, கணம் அங்கத்தினர் ஸ்ரீ கல்யாணசுந்தரம் எழுப்பிய பிரச்சனையல்லாத வேறு சில விஷயங்களை இப்பொழுது தங்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகின்றேன். குறிப்பாக நம்முடைய வரவு செலவுக் கணக்கிலே ரூ. 48 கோடி சொச்சம் ரூபாய்."

MR. SPEAKER :—"மந்திரி அவர்களை explain பண்ணச் சொல்லுகின்றேன்."

SRI S. RAMALINGAM :—"பட்ஜெட் பிரச்சங்கத்திலே மற்ற கணக்குகளும் காணப்பட்டிருக்கின்றன. ஆனால், மொத்த மான்யம் கோரியிருப்பது ரெவினியூ இன்ச் செலவுக்காக ரூ. 48 கோடி, 93. லட்சம் ரூபாயாகும். இம்மாதிரி அதிகமான ரூபாய் மீண்டும் நம்மிடம் கேரப்படுகிறது."

[Sri S. Ramalingam] [27th March 1954]

இது விஷயத்தைப்பற்றி மந்திரி அவர்கள் சில விளக்கங்கள் கொடுத்திருக்கிறார்கள். இருந்தாலும், போதிய விளக்கம் தேவையென்றால், ஒவ்வொரு பட்ஜெட்டிலும் என்ன இனம் அதிகமாக வருகிறது. எப்படி செலவு செய்யப்படுகிறது என்ற முழு விவரமும் அறிவதற்கு எங்களுக்கு சந்தர்ப்பம் கொடுத்தால்தான் திருப்தியடைந்து நாங்கள் இதற்கு வோட்டு அளிப்பதற்கு சந்தர்ப்பப்படும். மந்திரி அவர்கள் பட்ஜெட் பிரசங்கத்தில் கொடுத்திருக்கும் விளக்கங்கள் எங்களுக்கு திருப்தி அளிக்கவில்லை. அதற்கு விளக்கம் தெரிவிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.”

MR. SPEAKER :—“ I will ask the Hon. the Minister for Finance to explain it.”

DR. K. B. MENON :—“ I never for a minute intended to suggest that there had been a delegation of powers. I only cited that as an example to show that the co-operation of the Opposition is not sought, that the Opposition has no control over what the Government are doing and that, therefore, we should be kept informed. My point is that our co-operation should always be made possible by the Government.”

MR. SPEAKER :—“ I would tell the hon. Members that this Appropriation Bill is only an innovation introduced by the Constitution. Before the introduction of the Constitution, we did not adopt all procedure. We have copied it from other countries. This is a mere formality which we are going through.”

SRI K. VINAYAKAM :—“ Sir, on a point of information. The Government were good enough to supply enough literature on the Budget. Along with that literature, they gave a small pamphlet entitled ‘ An Introduction to the Budget ’. It contains all the relevant information that the hon. Members from the Opposition require. I commend that book to be read by everybody. If hon. Members had gone through that book, there would not have been any need for discussion, because the Appropriation Bill is a legislative process which should be automatically gone through without much discussion.”

(The hon. Member Dr. K. B. Menon stood up in his place.)

MR. SPEAKER :—“ The hon. Member seems to think that this is a debate. This is not at all a debate.”

SRI K. PARTHASARATHY :—“ I understood the Deputy Leader of the Opposition to have made two demands, namely, that time should be allowed for consideration of the Bill and that opportunity should be given to suggest amendments to the Bill, if necessary by sending it to a Select Committee. But I want to submit that according to the rules, if I understand them aright, no amendments can be proposed.”

MR. SPEAKER :—“ No amendments shall be proposed to any such Bill. The Constitution is clear in this respect.”

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SRI K. PARTHASARATHY :—“ Since no amendments can be proposed, no useful purpose will be served by sending the Bill to a Select Committee. There is no case made out for sending it to a Select Committee. We would not be in order in postponing the discussion since the Governor has fixed to-day for discussion.”

MR. SPEAKER :—“ I will read Article 204 (2) of the Constitution for the information of the hon. Members. It says: ‘ No amendment shall be proposed to any such Bill in the House or either House of the Legislature of the State which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under this clause shall be final.’ The Hon. the Finance Minister will now explain.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, with regard to the increased amount shown in the Appropriation Bill as compared to the various demands voted upon by the Legislature, I request the hon. Member's attention to the Appropriation Bill itself. Column (3) shows the amount voted by the Legislative Assembly under the various Demands. There can be no difference between the amount mentioned in column (3) and the amount voted by the Assembly. If there has been any cut which has been accepted by the House, perhaps there will be a variation. If no amount is charged on the Consolidated Fund of the State, then the total will be the same. The hon. Member will find that under the last item ‘ Public Debt—Repayment ’ a sum of Rs. 12 crores and odd is shown. This represents the various advances which we are making and getting back. To cover all the transactions we have provided Rs. 12 crores and odd. It is not an expenditure. That is the gross amount we will be taking and putting back. If all the items are added, the total comes to Rs. 94 crores and odd. This matter has been already explained by me during the first Budget Debate when I introduced the Appropriation Bill. When we discussed the second Budget also, this matter was raised. Now this is the third time that clarification is sought for. I think hon. Members have not been quite attentive to this aspect of the matter. Therefore, it is the total gross withdrawal from the Consolidated Fund that we have shown. Once the amount goes into the Consolidated Fund, if we want to withdraw it, we have to get the sanction of the Legislature. For example, suppose some amount is put into the Treasury being the receipts from the sale of rice. If the Government want to purchase rice again, they cannot take this amount saying that it is only towards the purchase of rice, that it has been put into the Treasury and that it is required only for the purpose of State Trading Schemes. For that purpose also, sanction of the Legislature should be obtained in the form of an Appropriation Bill. The sum of Rs. 12 crores and odd represents the various advances for which we have made provision. It is not a net expenditure. To that

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extent, we will be putting money into the Exchequer. Therefore, this sum of Rs. 94 crores and odd represents the estimate of the gross drawing which we will be making from the Consolidated Fund."

MR. SPEAKER :—" I wish to inform the hon. Members that we must finish this Appropriation Bill before Lunch. In the afternoon, there will be the general discussion on the Supplementary Statement of Expenditure for the second six months of 1953-54."

SRI M. KALYANASUNDRAM :—" Sir, this Bill should have been circulated at least yesterday evening."

MR. SPEAKER :—" In future it will be done so."

SRI N. K. PALANISAMI :—" கனம் சபா நாயகர் அவர்களே, இதுவரை பல மான்யங்கள் நிறை வேற்றப்பட்டுவிட்டன, மந்திரிகள் ஒவ்வொருவரும் அவரவர்களுடைய இலாக்காக்களில் எவ்வளவு அபிவிருத்தி செய்யப்பட்டுள்ளன என்றும், 1952-ம் வருஷத்திலிருந்து இது வரைக்கும் எந்தந்த திட்டங்கள் அபிவிருத்தியடைந்துள்ளன என்றும் சொன்னார்கள். உண்மையாகவே நாட்டில் நல்ல நிலைமை ஏற்பட்டிருக்கிறதா என்று கேட்டால், இல்லையென்றுதான் நாம் சொல்ல வேண்டிய நிலைமையில் இருக்கிறோம். வியாபாரமந்தம் ஏற்பட்டிருப்பதன் காரணமாக லட்சக்கணக்கான பேர்களுக்கு வேலைகிடைக்காமல் இருக்கிறது."

" உதாரணமாக, இன்று இருக்கக்கூடிய நிலைமையில், ஸ்டீன்னியில் நடந்த நிதி மந்திரிகள் மகா நாட்டை எடுத்துக் கொண்டாலும் சரி, பிப்ரவரி 8-ந்தேதியிலிருந்து 18-ந்தேதி வரை கண்டியில் நடந்த ஆசிய தூரக் கிழக்கு பொருளாதார மகா நாட்டினுடைய ரிபோர்ட்டை எடுத்துக்கொண்டாலும் சரி, பெரிய பொருளாதார நெருக்கடி உலகம் பூராவும் பரவி வருகின்றது. குறிப்பாக ஆசியாவிலும், தூரக் கிழக்கு நாடுகளிலும் பெரும் அளவுக்கு நெருக்கடி ஏற்படப்போகிறது என்பது நமக்கு நன்றாகத் தெரியும், உதாரணமாக உலகம் பூராவும் நெருக்கடி ஏற்பட்டுக் கொண்டிருக்கக் கூடிய காலத்திலே, அமெரிக்காவிலே என்ன செய்கின்றார்கள்? ஹுசுன்ஹோவர் பல கோடிக்கணக்கான டாலர் பெறுமான விவசாயப் பொருள்களை வாங்கி, அதை ஜனங்களுக்கு உள் நாட்டில் விநியோகிக்காமலும்; வெளி நாட்டில் விநியோகிக்காமலும் அப்படியே வைத்துக்கொண்டு இருக்க ஒரு திட்டம் போட்டிருக்கிறார். அது மட்டுமல்ல. விவசாயத்திற்கு லாயக்குள்ள நான்கில் ஒரு பங்கு நிலங்களைத் தரிசாக விட்டு வைக்கவும் யோசிக்கிறார். பிரிட்டனிலும் இம்மாதிரி நெருக்கடியான நிலைமை ஏற்பட்டிருக்கிறதுதென்று தெரிகிறது. அமெரிக்கா ஒரு தடை போட்டிருந்தால் கூட சோவியத் நாட்டினும், கிழக்கு ஐரோப்பிய நாடுகளினும் தடை போட்டிருந்த போதிலும் இன்று அவர்கள் அந்தத் தடையை மீறி ஒரே நாளில் ஐந்து தேசங்களுடன் வியாபார ஒப்பந்தம் செய்து கொண்டிருக்கிறார்கள். இம்மாதிரி பல தேசங்கள் நெருக்கடியிலிருந்து தப்புவதற்கு நடவடிக்கை எடுக்கும்போது, ஏன் நம்முடைய சர்க்காரும் மத்திய சர்க்காரும் கும்பகர்ண தூக்கம் போட வேண்டும், இந்த நெருக்கடியான நிலைமையை சமாளிப்பதற்கு ராஜ்ய சர்க்காரிடத்திலும் சரி, மத்திய சர்க்காரிடத்திலும் சரி, ஒரு திட்டமும் கிடையாது, ஜனங்களுக்கு நிவாரணம் கிடைப்பதற்கு எந்த விதமான உத்தரவாதமும் கிடையாது என்பதைத் தான் பார்க்கிறோம்."

" இந்த சர்க்காருடைய சட்டம் போடும் கொள்கையை எடுத்துக் கொண்டாலும் சரி, வரி போடும் கொள்கையை எடுத்துக் கொண்டாலும் சரி, ஜனங்களுடைய பிரச்சனைகளைக் கணக்கில் எடுப்பது கிடையாது. விவசாயிகள் கடன் ஒத்தி வைப்பு சட்டமானது உண்மையிலேயே ஜனங்களுடைய

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பிரச்சனையைத் தீர்ப்பதற்கு போடப்பட்டதா? கிடையாது. உண்மையாகவே விவசாயிகளுக்கு கடன் தொல்லையிலிருந்து விடுதலை அளிக்க வேண்டுமென்ற எண்ணம் சர்க்காருக்கு இருக்குமானால், கடன் ஒத்தி வைப்புச் சட்டத்தை ஐந்து வருஷங்கள் வரையில் அமுலிலிருக்கும்படிச் செய்திருக்க வேண்டும், அல்லது உடனடியாகவே குறைந்த வட்டியில் கடன் கிடைக்க வசதி செய்திருக்கவேண்டும். அந்தமாதிரி சர்க்கார் செய்யவில்லை."

" 1937-வது வருஷத்தில் காங்கிரஸ் காரியக் கமிட்டி புதிதாகத் தேர்ந்தெடுக்கப்பட்ட காங்கிரஸ் M.L.A.க்களுக்கு என்ன உத்தரவிட்டது? சர்க்கார், உடனடியாக ஒரு கமிட்டியை ஏற்படுத்தி, அநியாயக் கடன்களை ரத்து செய்யவும், கடன்களைப் படிப்படியாகக் குறைப்பதற்கு சட்டம் கொண்டு வரவேண்டுமென்று உத்தரவிட்டது என்பதை சர்க்காருக்கு ஞாபகப்படுத்த விரும்புகிறேன்."

" மேலும், பவநகர், செளராஷ்டிராவுடன் சேருவதற்கு முன்பு, குறைந்த அளவிலும், கொஞ்சம் கொஞ்சமாகக் கடனை அடைப்பதற்காகவும் கடன் குறைப்புச் சட்டம் (Debt Reduction Act) என்று பவநகரில் ஒரு சட்டம் அமுலிலிருந்து வந்தது. இம்மாதிரி பல சட்டங்கள் அமுலில் இருந்து வந்தன."

" இதே மாதிரி கிரேக்க சரித்திரத்தில் அட்டிக்காவிலுள்ள விவசாயிகள் கடனால் பாதிக்கப்பட்டு அடிமைகளாக இருந்த காலத்தில், Solon, with a stroke of the pen, cancelled all the debts. கிரேக்க சரித்திரத்தில் ஸோலன் செய்த மாதிரி சில இருக்கக்கூடிய மந்திரிகள் செய்ய வேண்டுமென்று நான் கேட்க வில்லை. உண்மையாகவே விவசாயிகளுடைய பிரச்சனைகளைத் தீர்க்க வேண்டும், உண்மையாகவே விவசாயிகளைக் கடன் தொல்லையிலிருந்து நீக்கவேண்டுமென்ற விருப்பம் சர்க்காருக்கு இருந்திருந்தால், கடன் ஒத்திவைப்புச் சட்டத்தை ஐந்து வருஷங்களுக்கு காவது கண்டிப்பாக நீடித்திருக்க வேண்டும்."

" சர்க்காருடைய வரி விதிப்புக் கொள்கையை எடுத்துக் கொண்டாலும் எங்கோ கொஞ்சம் வரி போடுவதன் மூலமாக 40 லட்சம் ரூபாய் வரையில் வசூல் செய்ய உத்தேசித்திருக்கிறார்கள். இது மானக்கேடான விஷயமாகும். உண்மையாகவே Plantation கள் எத்தனை ஏக்கர்கள் இருக்கின்றன? ஒவ்வொரு ஏக்கரிலிருந்தும் எவ்வளவு வரும்படி வருகிறது? Plantation முதலாளிகள் அடிக்கக்கூடிய கொள்ளை லாபத்தில், வரி வசூலிக்க உத்தேசித்திருக்கின்ற 40 லட்சம் ரூபாய் மிகவும் குறைவான தொகையாகும். இந்த மாதிரி வரிதான் போடப் படுகிறதே தவிர, உண்மையாகவே எவ்வளவு வரி போட வேண்டுமென்ற முறையிலே போடுவதில்லை. ஆகவே இந்த வரி போடும் கொள்கையிலும், சட்டம் போடும் முறையிலும் ஜனங்களுடைய பிரச்சனைகள் என்னவென்பதையே கவனிப்பதில்லை. It is like treating the symptom and not the disease. அதாவது உண்மையான வியாதியைத் தீர்ப்பதற்குப் பதிலாக, symptom-கள் தீர்க்க உத்தேசிக்கப்படுகின்றன இதுதான் சர்க்காருடைய கொள்கையாக இருந்து வருகிறது."

" அடுத்தபடியாக ஐந்து வருஷத் திட்டத்தில் முக்கியமாக மத்திய சர்க்கார் ஒதுக்கியுள்ள 318 கோடி ரூபாய் செலவில் 85 லட்சம் ஏக்கராக் களுக்குத்தான் தண்ணீர் பாய்ச்சுகின்றார்கள். ஆனால், அதே சமயம் மைனர் இரிகேஷனுக்கு ஒதுக்கியிருக்கும் பணம் 72 கோடி ரூபாய்தான். அதில் 1 கோடி 20 லட்சம் ஏக்கர்களுக்கு தண்ணீர் பாய்ச்சும் திட்டம் போட்டிருக்கிறார்கள். சாதாரணமாக, பெரிய பெரிய திட்டங்களைவிட சிறிய திட்டங்களினால்தான் ஜனங்கள் அதிக பலனை அடையமுடியும். ஆகவே, இந்த ராஜ்யத்தில் சிறிய சிறிய குளங்களைக் கட்டுவதற்குப் பல திட்டங்களைப் போடவேண்டும். உணவு உற்பத்தித் திட்டங்கள், தேசிய விதைரிப்புத் திட்டங்கள், கிராமாபிவிருத்தித் திட்டங்கள் போன்ற பல திட்டங்கள் இருந்தாலும் அனேகமாக அவைகளெல்லாம் ஒரே வேலையைத் தான் செய்துவருகின்றன. உணவு அபிவிருத்தித் திட்டங்களுக்காக

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ஒதுக்கப்படும் பணத்தில் சர்க்காருக்கு ஏற்படும் Establishment charges மட்டும் 31 சதவீதம் ஆகிறது. சமூக அபிவிருத்தித் திட்டங்களை எடுத்துக் கொண்டால் கிட்டத்தட்ட 60 சதவீதம் வரை Establishment charges க்குப் போய்விடுகிறது. பல டிபார்ட்மெண்டுகளை எடுத்துக்கொள்ளும் போது அந்தந்த திட்டங்களுக்கு செலவழிப்பதில் பாதிப்பணம் அதிகாரிகள் சம்பளத்திற்காக செலவிடப்படுவதால் எந்தவிதமான பிரயோஜனமும் கிடை யாது. மேலும், இந்தத் திட்டங்களை ஜனங்கள் மத்தியில் பிரசாரம் செய்து, ஜனங்களுக்குத் திட்டங்களில் நம்பிக்கை உண்டாகும்படி செய்வதும் இந்த சர்க்காருக்குத் தெரியாது. உதாரணமாக, ஈரோட்டில் இந்தத் திட்டம் சம்பந்தமாக ஒரு லட்சம் ரூபாய் அதிகாரிகளுக்காகவே செலவிடப் பட்டிருக்கிறது. அதாவது மூன்றிலொரு பங்கு செலவிடப்பட்டிருக்கிறது. இன்னும் அந்த வேலை நடக்கவில்லை. போட்ட திட்டப் பிரகாரம் வேலை நடக்கவில்லை.

“இந்த மாதிரி நிலைமை இருக்கும்போது உண்மையாகவே சிறு நீர்ப்பாசனத் திட்டங்களில் சர்க்கார் கவனம் செலுத்தாமல் அமராவதி, வைகைத் திட்டங்களை மட்டும் நிறைவேற்றுவதால் ராஜ்யத்திலுள்ள விவசாய மக்களின் வயிறு நிரம்பிவிடாது. அவர்களுடைய வாழ்க்கைத் தரத்தை உயர்த்தவேண்டுமென்ற எண்ணம் சர்க்காருக்கு உண்மையாக இருக்குமானால் ஒவ்வொரு பிரிக்காவிலும் எந்தெந்த திட்டங்கள் அங்கு இருக்கக் கூடிய ஜனங்களுடைய நிலைமையை உயர்த்தமுடியும் என்று கவனிக்க வேண்டும். சர்க்கார் திட்டமிட்டிருக்கும் சிறு நீர்ப்பாசனத் திட்டங்களைச் செய்யவேண்டுமென்று சொல்லும்போது, குட்டைகளை மட்டும் ஏற்படுத்தி விட்டால் போதாது. சிறிய குளங்கள் ஏற்படுத்தலாம், வெள்ளையர்கள் இருந்த காலத்தில் தூர்ந்து போன குளங்களைப் பட்டா செய்து கொடுத்தால் குளங்கள் மராமத்து செய்யமுடியவில்லை. சர்க்கார் அங்கிருக்கக் கூடிய ஜனங்களைக் கேட்டால் ஏகர் இரண்டாயிரம் மூவாயிரம் ரூபாய் விலை ஆகிறது. வாங்கிக் கொடுத்தால் குளம் கட்டுவோம் என்று சொல்லுகிறார்கள். உதாரணமாக, கோயமுத்தூர் ஜில்லாவில் 87 குளங்கள் இருக்கின்றன. சித்தூர் ஜில்லாவில் 2,700 குளங்கள் இருக்கின்றன. கோயமுத்தூர் ஜில்லா எப்பொழுதும் இந்த மாதிரி வறண்டிருக்கக்கூடிய காரணத்தினால், நூற்றுக்கணக்கான, ஆயிரக்கணக்கான குளங்கள் தூர்ந்துவிட்டன. 87 குளங்கள் என்பது நமக்குத் தெரியும். இதைப் பற்றி சதேசமித்திரன், இந்து பத்திரிகைகள் ஒரு மாதத்திற்குமுன் எடுத்துக் காட்டி இருக்கின்றன. இன்னும் பல குளங்களையும் கிராமாதிகாரிகள் இன்னும் பட்டா செய்து கொடுப்பதால் அங்கு இருக்கக்கூடிய குளங்கள் ஆர்ஜிதச் சட்டத்தைத் திருத்துவதற்கு நாம் கண்டிப்பாக நடவடிக்கை எடுக்கவேண்டும்.

“வாங்கும் சக்தியைப்பற்றி பிரமாதமாகப் பேசப்பட்டது. வாங்கும் சக்தியைப்பற்றி பேசுவதில் மட்டும் பிரயோஜனமில்லை. விலை, வாங்கும் சக்தி இரண்டையும் கணக்கில் எடுத்துக்கொள்ளவேண்டும். உதாரணமாக, ஒரு பொருளின் விலை கொஞ்சங் கொஞ்சமாக ஏறிக் கொண்டே போகும்போது, வாங்கும் சக்தி கொஞ்சங் கொஞ்சமாக ஏறிக்கொண்டு போகவேண்டும். பொருளின் விலை கொஞ்சம் இறங்கியவுடன் வாங்கும் சக்தி பாதாளத்தில் விழுகிறது. உதாரணமாக, கெஜட் பதிவில்லாத உத்தியோகஸ்தர்கள் ஒரு அணு கொடுத்து இட்டிலி சாப்பிட வேண்டுமானால் ஒன்றிரண்டு சாப்பிடுவார்கள். இட்டிலியின் விலை அரை அணுவக்கு வந்து, ஒன்றிரண்டு இட்டிலிகள் அதிகமாகச் சாப்பிடலாம் என்று அவர்கள் போகும்போது, வேலை போகக்கூடிய நிலைமை வந்துவிடுகிறது. உணவு விலை குறைந்துவிட்டது என்று கனம் நிதி அமைச்சர் அவர்கள் பிரமாதமாக சந்தோஷப்படுவது உண்டு. உணவு விலை உண்மையாக குறைந்துவிட்டது என்று சொன்னால், ஏற்கெனவே ஏராளமான அரிசி வெளிநாடுகளிலிருந்து வந்திருக்கிறது; ஏராளமான மழை பெய்து, வெள்ளாமையும் அதிகரித்திருக்கிறது. இருந்தபோதிலும் அன்று இருந்ததைவிட விலை அதிகமாக இருந்த காலத்தைவிட குறைந்துவிட்டாலும் இன்றைக்கு இரண்டு மடங்கு ஜனங்கள் பட்டினி இருக்கிறார்கள். அவர்கள்

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சொல்வதுபோல் ஜனங்களுக்கு அதிக செளகரியம் ஏற்பட்டிருக்கிறதென்றால் தகாது. ஆனால், அதிகமான அரிசியை வைத்துக்கொண்டு சமையல் செய்து சாப்பிடுவதற்கு சோம்பேறித்தனமாகவா பட்டினியாய் சுற்றுகிறார்கள். ஆகவே, உண்மையாக விலை குறையக் குறைய வாங்கும் சக்தி இன்னும் மோசமான அளவுக்கு போய்விட்டதைத்தான் குறிப்பிடுகிறேன்.

“வேலையில்லாத திண்டாட்டத்தைப்பற்றி பிரமாதமாகப் பேசப்பட்டது. மத்திய சர்க்காரை எடுத்துக்கொண்டாலும் சரி ராஜ்ய சர்க்காரை எடுத்துக்கொண்டாலும் சரி வேலையில்லாத திண்டாட்டப் பிரச்னை பெரும் பிரச்னையாக இருக்கிறது. இதைத் தீர்ப்பதற்கு மாகாண சர்க்காரால் முடியவில்லை; இந்த சர்க்கார் கடைபிடிக்கும் கொள்கையினால் வேலையில்லாத திண்டாட்டத்தைப் போக்கமுடியாது. ஆனால், அந்த பிரச்சனையைத் தீர்க்க முடியும் என்ற நம்பிக்கை இருக்கிறது என்று நாங்கள் சொல்லுகிறோம். இவ்வளவு கஷ்டங்கள் இருக்கும்போது ஏன் இவர்கள் அதிகாரத்தில் இருந்துகொண்டிருக்கவேண்டும் ஜனங்களுடைய கஷ்டத்தைத் தீர்க்கமுடியாத சர்க்கார் ஏன் அதிகாரத்தில் உட்கார்ந்து கொண்டிருக்கவேண்டும்? அன்றையதினம் பாராளுமன்றத்தில் (Parliament) இந்திய பிரதம மந்திரி நேரு அவர்கள் பேசும்போது வேலையில்லாத திண்டாட்டத்தைத் தீர்ப்பதற்கு நாங்கள் கைத்தொழிலை அபிவிருத்தி செய்யப் போகின்றோம், அதற்குவேண்டிய ஏற்பாடுகளை செய்யப்போகின்றோம் என்று சொல்லுகின்றார். ஆனால், அதே சமயத்தில் டி. டி. கிருஷ்ணமாச்சாரி அவர்கள் பேசும்போது, ‘கைத்தொழிலுக்கு மான்யம் கொடுக்கவேண்டுமா? ஏன் மான்யம் கொடுக்கவேண்டும்? பணத்திற்கு எங்கே போவது என்று சொல்லுகிறார், முதலீடு அபிவிருத்தி செய்வதைத்தவிர, 200 கோடி ரூபாய் ஒதுக்கியிருக்கிறார்கள். வேலையில்லாத திண்டாட்டத்தைப் போக்கவேண்டுமானால் . . .”

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THE MADRAS APPROPRIATION BILL, 1954.—cont.

* SRI K. VENKATRAMANA GOWDA :—“ Sir, while supporting the Appropriation Bill, I wish to make a few observations. The Government have tackled in a manner deserving appreciation a number of problems that confronted the people. The primary food need of the State is one of them. Several irrigation projects and electricity schemes have been undertaken. These schemes when completed will greatly help food production. But on this question the needs of South Kanara have not been adequately considered. South Kanara is deficit in food. But there is large scope for more production at less expense in view of the availability of a large extent of uncultivated cultivable land in the Malnad area. According to official figures, there are in South Kanara 24,000 acres of wet land included in the ryots' pattas, for which the ryots pay assessment. There is about an equal extent of cultivable lands included in Government waste or Government reserves in the Malnad area and there is plenty of water there. If these 50,000 acres of land are brought under cultivation immediately, they will produce 25,000 tons of rice without the need for any large outlay on irrigation projects or electricity schemes. Because of assured rainfall and other favourable conditions and with the additional facility of quick transport, the district is likely to produce the most substantial results in the matter of food production within the shortest time possible. The 'Grow More Food' campaign of the Government will be meaningless in this district unless it is co-ordinated with the 'Build All-Weather Roads.' The opening of interior villages for habitation and the taking by the landless people to intensive cultivation

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could transform fallow lands into fruitful fields. I therefore urge the Government to take up the question of improving communications in this district, which is admittedly backward, as a Part II Scheme to step up food production. It is said that there is not much scope for major irrigation works in South Kanara. But that is no reason for neglecting agriculture and agricultural production in the district, especially when the scope is immense. While improvement of communications is important, tank improvement schemes and improvement of minor irrigation sources should also be taken up. Even in this respect, there is very little encouragement from Government. There are innumerable neglected tanks and other water sources. Investigation is proceeding slowly. When proposals are sent up to Government for approval, they are dropped as being unremunerative. I wish that the Government are more liberal in this respect.

“ The present land assignment policy of Government is very unhelpful to agriculturists and it is an impediment to agricultural production in South Kanara. Whatever may be the reason for formulating the present policy of non-assignment of land, it is not justifiable in the case of the Malnad area of the district. Many ryots have been occupying Government cultivable waste lands for the past several years and brought them under cultivation at considerable cost. It was the usual practice to assign such occupied lands to the occupiers when an application was made for assignment. Three thousand applications from the Puttur taluk alone are pending with the Government. These ryots are now being evicted from their holdings. It is needless for me to state the extent of hardship caused to the ryots by this curious policy of land assignment. I wish that the Government take a more realistic view and modify their policy suitably.

“ Hitherto it has been the practice to grant on lease suitable lands within Government reserves for areca cultivation. Recently this was stopped. In view of the food deficit, people in Malnad area have been repeatedly asking for the release of suitable lands within Government reserves for food crop cultivation. The Government have not given any attention to this request of the agriculturists. I appeal to the Minister to examine the request and, bearing in mind the best interests of agriculture, release lands for food crop cultivation and also continue grant of lands on lease for areca cultivation.

“ Possession of arms is very indispensable for the agriculturists, especially in the Malnad area of the district. If a ryot wants to reap the fruits of his hard labour, he should possess weapons for safeguarding his property from being devastated by wild animals. To protect one's own person also, one has to be properly armed with weapon. But, recently, the district authorities have been systematically cancelling arms licences and the issue of fresh licences is being restricted contrary to the assurance given by the Hon. the Chief Minister in this House while answering Legislative

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Assembly Question No. 616. I therefore submit that the life of the agriculturists will become miserable unless these and other matters relating to agriculturists are attended to with care and sympathy.

"One other matter, Sir, I want to state is that the medical aid provided in the rural areas is not at all adequate. While hospitals are developed by increasing bed strength and by providing latest amenities, the countryside is left uncared for. Not even minimum comforts have been provided. I submit that equal interest should be given to all. However, I take this opportunity to thank the Government for the intensive Anti-malarial operations which are now being carried on by the Anti-Malarial Unit in the Malnad area. These operations have practically driven out malaria, a disease which used to take a heavy toll of lives year after year. I hope the operations will be continued more intensively until malaria is wiped out completely. I thank you, Sir."

SRI M. NARAYANA KURUP:—"Mr. Speaker, Sir, we have accorded sanction to seven Budgets after independence. Seven hard winters have come and gone without a glow of spring. In these seven years . . ."

MR. SPEAKER:—"Why seven years? Is it so from the date of the commencement of the Constitution?"

SRI M. NARAYANA KURUP:—"I mean from 1947—attainment of independence. The hopes and aspirations that were raised at that time in the minds of the people have been buried hundred fathoms deep. The Opposition has been making suggestions not so much with a view that they could by that means, effect revolutionary changes in the Budget that was presented but to serve as some guidance for the future. But, it is an unfortunate feature of the working of democracy in our land that whatever that comes from the Opposition is felt as actuated by political motives and is brushed aside accordingly. This is a tendency which we find in no other advanced country. In politics, this is a dangerous thing, which will not pay either the party in power or the party in opposition. Sir, we know that Congressmen are too proud to listen to—I do not say 'advice'—even the statements of others because they think that they have got the monopoly of wisdom. It is in that light that an idea is being sedulously propagated that India needs only one political party and that too, the Congress Party. This is a dangerous idea and the inevitable outcome of such propaganda would mean the end of our democracy. The greatest charge that can be levelled against the Congress Government that has been in office ever since the attainment of independence, is that all over the country, there is frustration. We cannot blame the people for this. They find that the Congress with its boar traditions and longstanding leadership, has betrayed the trust that was reposed in them. These people have lost faith not only in the Congress but also in the

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other political parties. Because, they feel that whichever party might come into office, their fate would remain the same. I submit that it is a symptom which cannot be allowed to develop in our country in the interests of all parties, who believe in democracy and happiness of our people.

"Then, Sir, the Hon. the Finance Minister and all the Ministers, who spoke on their Demands, made cogent pleas that they could not do anything better under these circumstances. They may be right or they may be wrong. But, we must recognize facts. We must see that life is not logic. It may be that the enlightened people who are assembled in this House may be convinced by the arguments of the Hon. Ministers. But, we have to recognize facts. A man with a starving stomach is not satisfied by adducing reasons why he is starving. Food must be found for the stomach. He is concerned only with hard actual realities of life and no arguments, however logical it might be, would satisfy him. This is a matter which we have to consider when we think of our financial resources and things that can be done under the existing circumstances.

"Sir, this Budget is only a hand-to-mouth existence Budget. It has no policy behind it and, if at all it has a policy, it is the policy of 'Enough unto the day, the evil thereof'. That may be a good motto for those in power in a theocratic State. But, I submit that the Government which has to look to the needs and the prosperity of the people of a secular State, cannot be content with that. We are now in the age of planning and we have gone three years into the period of the planning. If at least by the end of the first year of the plan period or even the second year of plan period, we cannot achieve anything it shows that either the State Government or the Central Government have no policy behind them. You may be able to convince the legislators who are assembled here about your sincerity but not the people outside. What would be the result of all these? If coming events cast their shadow the lessons of the other States speak for themselves.

"Sir, before I conclude, I would mention only one more point. The air is thick with rumours that we are on the eve of a change of leadership in the ruling party. We are not here concerned with personalities but with the people. If any change brings a morsel of food more to the pinching stomach or helps to bring down the misery of the people to a degree less, then the people will welcome such a change. If it means only a change of the boot from one leg to the other, the ordinary man and the people are not at all interested in the domestic quarrels for power or in the palace revolutions of the ruling junta."

SRI P. G. KARUTHIRUMAN:—"சபாநாயகர் அவர்களே, இந்தச் சபையின் முன்னிருக்கும்படியான இந்த Appropriation Bill மிகவும் சிறந்த முறையில் நேர்மையான முறையில் தயாரிக்கப்பட்டிருக்கிறது. இதை நான் மனப்பூர்வமாக ஆதரிக்கிறேன். எந்த சட்டத்தையேனும் மானாலும் இயற்றலாம். இந்த பட்ஜெட் வரவு செலவுத் திட்டத்தை

[Sri P. G. Karuthiruman] [27th March 1954]

வெற்றிகரமாக இந்தச் சபையிலே நிறைவேற்றிவிடலாம். ஆனால் அந்தத் திட்டங்களெல்லாம் பொதுமக்களுக்கு நல்ல முறையில் பயன்படுகிறதா, திட்டங்களில் பயன்தரக்கூடிய விஷயங்கள் அடங்கியிருக்கின்றனவா என்பதையெல்லாம் நாம் கவனிக்கவேண்டும். ஒரு மான்யத்தின்பேரில் பல கோடி ரூபாய் செலவிடப்படுகிறது. சிக்கனமாக, குறைந்த பணத்தில் அதிகமான வேலை நடைபெறுவது மிகவும் அவசியம். உதாரணமாக, மராமத்து இலாகா ஒரு கட்டிடம் கட்ட ஒரு திட்டம் போட்டால் ஒரு சதுர அடிக்கு 12 ரூபாய் அல்லது 15 ரூபாய் பிடிக்கும். ஆனால் உண்மையிலேயே அங்கிருக்கக்கூடிய விவசாய பொதுமக்கள் அதே காலத்தில் மராமத்து இலாகா திட்டம்போட்ட கட்டிடத்தைவிட வலுவான, பலமான திறமான கட்டிடம் கட்ட ஒரு சதுர அடிக்கு 5 ரூபாய்தான் செலவழியும். சர்க்கார் பணமென்றால் ரூபாய்க்கு 12 அணா மதிப்புத்தான் வெளியிலே கொடுக்கப்படுகிறது. ஆனால் அதே சமயத்தில் தனிப்பட்டவர்களின் பணமாயிருந்தால் ரூபாய்க்கு 17 அணா மதிப்பில் சிக்கனமாக செலவு நடைபெறுகின்றது. பட்ஜட் மான்யத்தின்கீழ் ஒதுக்கப்படும் பணங்கள் கிராம மக்களுக்கு பயனடையும் முறையில் பிரயோஜனப்படும்படி செலவிடப்பட வேண்டும்.

“கீழ்பவானி அணைக்கட்டுக்கு 10 கோடி ரூபாய் செலவிடப்பட்டிருக்கிறது. அதனால் 217,000 ஏக்கர் நிலங்களுக்கு பாசன வசதி கிட்டுகிறது. கீழ்பவானி அணைக்கட்டிலிருந்து எப்படி எந்த இடத்தில் எவ்வளவு தண்ணீர் எடுத்துக்கொள்ளவேண்டுமென்பது ஒரு பெரிய பிரச்சனை. கிராமத்திலிருக்கும் விவசாயிகளுக்கு அந்தத் தண்ணீரை எப்படி உபயோகித்து அபிவிருத்தி செய்யவேண்டுமென்பது தெரியாமலிருக்கிறது. பொதுமக்கள் ஏதாவது செய்யவேண்டுமென்றால் அதிகாரிகள் செய்யக்கூடாதென்று சொல்லுகிறார்கள். பவானி தண்ணீரில் தஞ்சாவூருக்கு பூரண உரிமை உண்டு என்று சொல்லப்படுகிறது. வாஸ்தவந்தான். இருந்தாலும், புதுப்புது திட்டங்களின்கீழ் அபிவிருத்தி செய்யப்படும் எல்லா நிலங்களுக்கும் ஓரளவு பாசன வசதி செய்து கொடுக்கப்படவேண்டும். ஏற்கனவே பாசன வசதியுள்ள நிலங்களும் கவனிக்கப்படவேண்டும். இதற்குத்தகுந்த பிரகாரம் விவசாயிகளுக்குத் தண்ணீர் கொடுக்கவேண்டும். அப்படிச் செய்தால்தான் விவசாயிகளின் நலன் நன்றாக கவனிக்கப்பட்டு தேசமும் அபிவிருத்தி அடையும். கொடிவேலி அணைக்கட்டில் தட்ப பள்ளி வாய்க்கால், அரக்கன்கோட்டை வாய்க்கால் என்ற இரண்டு வாய்க்கால்கள் இருக்கின்றன. ஈரோடில் கலிங்கராயன் வாய்க்கால் என்று ஒரு வாய்க்கால் இருக்கிறது. இவைகளுடன் 40,000 ஏக்கர் நஞ்சை நிலங்கள் சாகுபடி செய்யப்படுகின்றன. இந்த வாய்க்கால்களில் வருஷம் பூராவும் தண்ணீர் விடப்படவேண்டும். நூறு வருஷங்களுக்கு முன்னால் ஏற்பட்ட ஒரு சட்டத்தை வைத்துக்கொண்டு, ‘இவர்களுக்கு உரிமை உண்டு, அவர்களுக்கு உரிமை இல்லை’ என்று அதிகாரிகள் சொல்லுகிறார்கள். சட்டத்தில் அவசியமான மாறுதல்களைச் செய்யவேண்டும். விவசாயிகள் கீழ்பவானி வாய்க்கால்கீழ் நிலக்கடலை சாகுபடி செய்யக்கூடாது என்று சட்டம் இருப்பதாக அதிகாரிகள் சொல்லுகிறார்கள். அந்த மாதிரி சட்டம் இல்லை என்பது எனக்குத் தெரியும். பருத்தி, கருந்தான்யம் இவைகள்தான் பயிரிடலாம் என்று சொல்லுகிறார்கள். வேர்க்கடலை சாகுபடி செய்வது பூமிக்கு நல்லது. அது உணவுச் சத்தை அளிக்கும். பூமியின் வளப்பம் அதிகமாகும். அதற்குப் பின்னால், வேளாண்மை சிறந்த முறையில் கிடைக்கும். ஆகையால் ஏழை கிராம விவசாயிகளுக்கு நாம் செய்யும்படியான சட்டங்கள், விரைவிலே, எளிதிலே அர்த்தம் செய்யும்படியாகவும், அவர்களுக்கு அனுசூலமான முறையிலே இருக்கும்படியாகவும் அமையவேண்டும். தண்ணீர் பாசன வசதி சட்டத்தை திருத்தி அமைக்கவேண்டும். Riparian rights என்று சொல்லும்படியான முன்னால் இருப்பவர்களுக்கு உரிமை உண்டு என்று கூறக்கூடாது. முன்பைவிட இப்பொழுது ஜனத்தொகை அதிகம். முன்பு இருக்கும்படியான விவசாயிகளின் நிலைமை என்ன? இப்பொழுது இருக்கும்படியான விவசாயிகளின் நிலைமை என்ன? இரண்டுக்கும் வித்தியாசம் இருக்கிறது. உணவு உற்பத்தி செய்வதற்கு டிபார்ட்மென்ட் அதிகாரிகள் அதிகப்படியான உதவி செய்யவேண்டும். P.W.D.

[27th March 1954] [Sri P. G. Karuthiruman]

Electricity Department-கள் தனித்தனியாக வேலை செய்கின்றன. கீழ்பவானி அணைதிட்டத்தின் கீழ் Electricity Department-ஐ மின்சாரம் வேண்டுமென்று கேட்டால் மராமத்து இலாகாவை கேட்டுத்தான் சொல்ல வேண்டுமென்று கூறுகிறார்கள். அவர்கள் அவ்வாறு சொல்வதற்குக் காரணம் தெரியவில்லை. சமுதாய அபிவிருத்தி ஏற்படவேண்டுமென்று நாம் சொல்லுகிறோம். ஆதலால் விவசாயிகளுக்குக் குறைந்த செலவில் அதிக உற்பத்தி செய்யுமாறு ஏற்பாடு செய்யவேண்டும். மின்சாரம் கொடுத்தால் அணைக்கட்டிலிருக்கும் தண்ணீரை உறிஞ்சி விடுவார்கள் என்று Electricity Department-ல் சொல்லுகிறார்கள். விவசாயிகள் குறைந்த அளவுக்கு தண்ணீரை செலவு செய்வதாக உத்தரவாதம் கொடுத்தால்கூட அவர்களுக்குத் தண்ணீர் கிடைப்பதில்லை. ஆகையால் உடனடியாக விவசாயிகளின் நலனை கவனிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். பாசன வசதிக்குத் தண்ணீர் ஜூன் மாதம் வேண்டுமென்றால் ஜூலை, ஆகஸ்டு மாதத்தில்தான் கொடுக்கலாமா கொடுக்க வேண்டாமா என்று யோசிக்கிறார்கள். உதாரணமாக என் தொகுதியில் நஞ்சை பூமியிலே அதிக உணவு உற்பத்தி திட்டத்தின்கீழ் ஆறு வருஷங்களாக இருபேக சாகுபடி செய்து வருகிறோம். ஒரு சந்தர்ப்பத்தில் ஜூன் மாதம் 15-தேதி இருபேக சாகுபடி செய்யலாமென்று கிராம முழுவதும் தண்டோரா மூலம் பறை சாற்றப்பட்டது. 18-ந் தேதி செய்யக்கூடாது என்று ஒரு உத்தரவு வந்துவிட்டது. இது பழைய காலத்தில் பேய் பிசாசு செய்கிற வேலையாகத்தானிருக்கிறது. விவசாயிகள் உரம்போட்டு பூமியை தயார் செய்துவைப்பது சாதாரண வேலையல்ல. ஒரு தீர்மானத்திற்கு வந்த பிறகு திடீரென்று இப்படி அதிகாரிகள் பொறுப்பற்ற முறையில் நடந்துகொள்ளக்கூடாது.

“பழைய காலத்தில் ஜந்து மாத விதைகள்தான் போடப்பட்டன. இப்பொழுது அதிக உணவு உற்பத்தி திட்டத்தின்கீழ் ஆறு மாத விதைகள் போடவேண்டுமென்று சொல்லப்படுவதால், அதற்குத் தண்ணீர் அதிகமாக வேண்டும். பதினைந்து நாட்களுக்குமேல் தண்ணீர் எடுத்துவிட்டால் தண்டத் தீர்வை போடுகிறார்கள். வாணிப்புத்தூர் கிளைவாய்க்கால் நீண்ட காலப் பயிருக்காக ஜூன் 15-ல் முதல் டிசம்பர் 1-ல் வரையில் தான் தண்ணீர் விடப்படுகிறது. அதனால் ரொம்பவும் கஷ்டமாக இருக்கிறது. ஆதலால் அங்கு வருஷம் பூராவும் தண்ணீர் விடவேண்டும். அதிகாரிகள் பழைய சட்டத்தையே சொல்லிக்கொண்டிருக்கிறார்கள். District Collector சம்பந்தப்பட்ட ஜில்லா Executive Engineer இவர்களுக்கு உடனடியாக அந்தச் சட்டத்தை மாற்றுவதற்கு அதிகாரம் அளிக்கப்படவேண்டும். ஒரு திட்டத்தைப் போட்டால் அந்தத் திட்டத்தை நிறைவேற்றுவதற்கு சௌகரியங்கள் அளிக்கப்படவேண்டும். இந்த Appropriation Bill-ஐ நாம் அங்கீகரிக்கிறோம். இங்கே எவ்வளவு தூரம் தீர்மானம் செய்தாலும் கூட, அதனுடைய முழுப்பலனையும் கிராமவாசிகள் அனுபவிப்பதற்கு வேண்டிய நடவடிக்கைகள் எடுப்பது மிக அவசியம். இந்த சட்டசபையிலே நாம் திட்டங்களைப்பற்றி பேசுகிறோம். அதன்பேரில் சர்க்கார் என்ன நடவடிக்கைகள் எடுக்கவேண்டுமென்று தீர்மானிக்கவேண்டுமென்பது என்னுடைய அடிப்படையான கருத்து. இந்த Appropriation Bill சிறந்த முறையில் விவாதிக்கப்பட்டது. பட்ஜெட் விவாதத்தில் பல அபிப்பிராயங்களை எடுத்துக்கூறியிருக்கிறோம். அவைகளையெல்லாம் வெற்றிகரமாக அடுத்த வருஷம் சர்க்கார் அமுல் நடத்துவார்கள் என்று நாம் நிச்சயமாக நம்ப முடியும். ஆந்திர ராஜ்யம் பிரிந்த பிறகு கொண்டுவரப்பட்ட முதல் Appropriation Bill சிறந்த முறையிலே நாணயமான முறையிலே, நேர்மையான முறையிலே கொண்டுவந்ததற்காக சர்க்காருக்கு என் பூரண பாராட்டு தலை தெரிவித்துக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

SRI C. KANDASAMY :—“கனம் சபாநாயகர் அவர்களே, பணத்தைப் பெறுவதற்கு அதிகாரம் கோறும் இந்த மசோதாவை எதிர்த்து சில விஷயங்களைச் சொல்ல விரும்புகிறேன். பட்ஜெட் விவாதத்தின்போது எல்லா மானியங்களின் மீதும் கனம் மந்திரிகள் கொடுத்த பதில்களை வைத்துக்கொண்டு பார்க்கும்போது இந்த அரசாங்கம்

[Sri C. Kandasamy] [27th March 1954]

தங்களுடைய கொள்கைகளில் எந்த விதமான மாறுதலையும் செய்வதற்கு தயாராக இல்லை என்பதைத்தான் இந்த பட்ஜெட் பூராவும் நடந்த விவாதத்தில் பேசியதிலிருந்து எடுத்துக் காட்டுகிறது. குறிப்பாக இந்த பட்ஜெட்டின்மீது எல்லா தரப்பு அங்கத்தினர்களும் பேசியபோது சில நன்மைகளைச் செய்யவேண்டுமென்ற நோக்கத்துடன் பேசப்பட்டிருக்கிறது. இதையே பல கட்சிகளும் வற்புறுத்தி இருக்கின்றன. அதைப்பற்றி திட்ட வட்டமான என்ன நடவடிக்கையும் எடுத்துக்கொள்ளப்போவதாக இது வரையிலும் தெரியவில்லை. எந்த விதமான கொள்கைகளையும் பற்றியும் நமக்கு இதுவரையிலும் விவரங்கள் கொடுக்கப்படவில்லை. அதைப்பற்றிக் கேட்கும்போது சென்ற இரண்டு வருஷங்களாக எந்த பதிலைச் சொல்லிவந்தார்கள் அந்தப் பதிலைத்தான் இப்பொழுதும் சொல்லிக்கொண்டிருக்கிறார்கள். நாட்டிலுள்ள மக்களில் என்பது சத விதமுள்ள விவசாய மக்கள் இன்றைய தினம் சீரழிந்து வருகிறார்கள். விலைவாசியின் வீழ்ச்சியினால் அவர்களுடைய வாழ்க்கை நிலைமை வீழ்ந்துகொண்டு வருகிறது. கிராமங்களில் விவசாயிகளை நிலத்திலிருந்து வெளியேற்றிக்கொண்டு வருகிறார்கள். அதனால் அமைதிக்கு ஏற்பட்டுக்கொண்டிருக்கிறது. இதைப் போலவே பல விஷயங்கள் நடந்துகொண்டிருக்கின்றன. இவைகளைப்பற்றி அரசாங்கம் கணக்கு எடுத்துக்கொண்டதாக தெரியவில்லை. அவர்களுக்காக ஏற்படுத்தப்பட்டிருக்கும் சட்டம் அவர்களுக்கு பயன்படும்படியாக அமுல் நடத்தப்படுகிறதா என்று பார்த்தாலும் அதுவும் நடத்தப்படுவதாகவே தெரியவில்லை. இந்த நிலைமையில் இப்பொழுது மத்திய அரசாங்கத்தின் ப்ளானிங் கமிஷன் நிலசீர்திருத்தம்பற்றி சிபார்சு செய்திருக்கிறது. இங்கு அது எவ்விதம் அமுல் நடத்தப்படுகிறது என்பதைப் பார்க்கவேண்டும். இதைப் போலவே சப்ரமணியம் கமிட்டி சிபார்சு செய்திருக்கிறது. அது சென்ற வருஷமே அமுலுக்கு வரப்போகிறது என்று சொல்லியும் அது தூங்கிக் கொண்டிருக்கிறது. இதன் காரணமாக விவசாயிகளுக்கு எந்த விதமான உத்சாகமும் ஏற்படவில்லை. அங்கத்தினர்கள் சொல்லும் யோசனைகளை எடுத்துக்கொண்டு அவைகளை அமுல் நடத்த முன் வந்தால் தான் நாட்டிற்கு விமோசனம் ஏற்படுமே யொழிய இல்லாவிட்டால் விமோசனம் கிடையாது. விவசாயிகளைப் பற்றி எவ்வளவோ சொல்லியும் அவர்கள் இன்னும் சீரழிந்த நிலையில்தான் இருக்கிறார்கள். இதைப்பற்றி அரசாங்கம் கவனிக்காததால் அவர்களுக்கு விவசாயத்தில் உத்சாகம் இல்லை. இந்த நிலைமையில் என்ன நடக்கிறது? இப்பொழுது சுதந்தரம் வந்திருக்கிறது என்று கூறிக்கொண்டிருக்கிறார்கள். ஆனால் அங்கங்கே மனிதன் மனிதனாக வாழக்கூடிய நிலை ஏற்படவில்லை. இப்பொழுது ஐந்து வருஷ திட்டம் வந்திருக்கிறது என்று சொல்லுகிறார்கள். அப்படிப்பட்ட ஒரு திட்டம் வந்திருப்பதாகவே விவசாயிகளுக்கு இன்னும் தெரியவில்லை. இந்த திட்டம் இருக்கிறது என்று பல மக்களுக்கு தெரியவே தெரியாது. இந்த நிலைமையில் இருந்தால் இந்த திட்டம் வெற்றி பெறவே முடியாது. இதற்கு 2,069 கோடி ரூபாய் ஒதுக்கி இருப்பதாகச் சொல்லப்படுகிறது. மக்கள் இதைப்பற்றி தெரிந்துகொள்ள வேண்டியதாக இருந்தாலும், இதைப்பற்றி தெரிந்து கொள்வதற்கு அவர்களுக்கு என்ன வாய்ப்பு இருக்கிறது. அதன் பலனை அனுபவிக்கப் போகிறவர்கள் அவர்கள்தான் என்ற உணர்ச்சி வேண்டும். இதைத் தட்டி கழிப்பது என்பது முடியாது. இன்றைய தினம் நாட்டின் வருங்கால திட்டம் என்ன? அதற்கு என்ன திட்டம் போட்டாலும் மக்களுடைய பூர்வமான ஒத்துழைப்பு வேண்டும். இதற்கு விவசாய சீர்திருத்தம் மிகவும் அவசியம். இந்த விவசாய சீர்திருத்தத்தை அரசாங்கம் கவனத்தில் எடுத்துக்கொண்டு அடுத்தக் கூட்டத்திலாவது மாகாணம் பூராவிற்கும் ஒரு மசோதாவைக் கொண்டு வந்து அதை இந்த சட்டசபையில் பிரேரேயிப்பார்கள் என்று எதிர்பார்க்கிறேன்.

“அடுத்தபடியாக நீர்பாசனத்தை எடுத்துக்கொண்டால் ஏற்கனவே இதைப்பற்றி கூறி இருக்கிறேன். மாகாணம் பூராவிலும் இந்த நீர்பாசன விஷயமாக அதிகமாக கவனிக்கப்படவில்லை. இந்த நீர்ப்பாசனத்திலுள்ள பலசிக்கல்கள் இன்னும் தீர்க்கப்படவில்லை. உதாரணமாக இராமநாதபுரம் ராஜா இப்பொழுது மந்திரியாக இருக்கிறார். அவருடைய பிர

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தேசத்தில் இருக்கக்கூடிய சகல விதமான ஏரிகளும் தூர்ந்துபோய்விட்டன. பெரும்பாலான கண்மாய்கள் அங்கு மேடிட்டிருக்கின்றன. அவைகளில் தண்ணீர் தங்குவது என்பது முடியாத காரியம். இவ்விதம் அவருடைய ராஜ்யத்தில் மட்டும் அல்ல எல்லா ஜமீன் பிரதேசங்களிலும் அப்படித்தான் இருக்கின்றன. அங்கு ராமநாதபுரம் ஜில்லாவில் இருக்கக்கூடிய விவசாயிகள் தங்களுக்கு நிலம் வேண்டும் என்று கேட்பது இல்லை. இருக்கும் நிலத்தை வைத்துக்கொண்டு என்ன செய்வது என்றுதான் கேட்கிறார்கள். இந்த நிலைமையிலேயே இருந்தால் தமிழ் நாட்டின் நீர்ப்பாசனம் இன்னும் சீர்கேடான நிலைமைக்குப் போய்விடும். இதையேதான் பட்ஜெட் பிரசங்கத்திலும் குறிப்பிடப்பட்டிருக்கிறது. ஆகையால் அங்குள்ள எல்லா குளங்களையும் கண்மாய்களையும் சரியான நிலைமைக்குக் கொண்டுவந்தால் அதன் மூலம் பஞ்சம் தீரும் என்பதை இந்த சந்தர்ப்பத்தில் சொல்லிக்கொள்ளுகிறேன்.

“தஞ்சை ஜில்லா கடைசியில் அதாவது சமுத்திரத்திற்கு அருகில் ஆயிரக்கணக்கான ஏக்கர் தரிசு நிலங்கள் சாகுபடிக்கு லாயக்குள்ளவைகளாக இருக்கின்றன. ஆனால் அங்கு தண்ணீர் கிடையாது. எல்லா ஆற்றின் தண்ணீரும் வீணாக சமுத்திரத்தில் போய்விடுகிறது. அங்கு சைபல் வைத்துக் கொடுத்தால் பாசனத்திற்கு வசதியாக இருக்கும். அதனால் அந்த இடங்களில் பம்பு செட்டுகளை அமைத்துக் கொடுத்தால் ஆயிரக்கணக்கான ஏக்கர் நிலங்களை சாகுபடிக்குக் கொண்டுவரலாம். இதைப் பற்றி பல மகஜர்கள் அனுப்பப்பட்டிருக்கின்றன. இதை கவனத்தில் எடுத்துக்கொண்டு உணவு உற்பத்திக்கு வேண்டிய ஏற்பாடுகளை சீக்கிரம் எடுத்துக்கொள்ளவேண்டும் என்று தெரிவித்துக்கொள்ளுகிறேன்.

“அடுத்தபடியாக கண்மாய்களுக்கு மராமத்து செய்யும் சம்பந்தமாக குறிப்பிடும்போது ஒன்றை சொல்லிக்கொள்ள விரும்புகிறேன். ஜமீந்தார்களுடைய நிலங்களை எடுத்துக்கொள்ளும்போது அவர்களுக்கு நஷ்ட ஈடு கொடுக்க வேண்டும் என்ற கொள்கை இப்பொழுது சர்க்காரிடம் இருக்கிறது. அவ்விதமே அவர்களுக்கு சர்க்கார் வாக்குறுதி கொடுத்திருப்பதாகவும் சொல்லுகிறார்கள். ஆனால் இந்த ஜமீந்தாரர்கள் நீண்டகாலமாக வரி வசூல் செய்துகொண்டு வந்தார்களே தவிர, தங்கள் கடமையைச் செய்யவில்லை. கண்மாய்களைப் பழுது பார்க்காது தூர்ந்துபோக விட்டனர். அப்படி கடமை தவறியவர்களுக்கு அவர்கள் நஷ்ட ஈட்டிலிருந்தே பணம் ஒதுக்கி இந்த கண்மாய்களை சீர் செய்வதுதான் நியாயம். இதை ஏன் அரசாங்கம் செய்யக்கூடாது.

“அடுத்தபடியாக கூட்டுறவு சம்பந்தமாக விவாதம் நடந்தபோது இந்த சபையில் பலத்த வாதப் பிரதிவாதங்கள் நடந்தன. அவைகளுக்கு மந்திரி சரியான பதிலும் சொல்லவில்லை. நாங்கள் சொல்வதை எடுத்துக்கொண்டால் அங்கு நடந்துவரும் பல ஊழல்களையும் லஞ்சத்தையும் ஒழித்துவிட முடியும். நாங்கள் சொல்வதின்மேல் நடவடிக்கைகள் எடுத்துக்கொண்டால் கூட்டுறவு இயக்கத்தை இன்னும் எவ்வளவோ நல்ல நிலைமைக்குக் கொண்டுவரலாம். இன்னும் அஜாக்ரதை காட்டினால் அதிக துன்பங்களும் கெடுதல்களும் தான் விளையும். கூட்டுறவு இயக்கத்தினால் என்ன நன்மைகள் ஏற்படவேண்டுமோ அதற்கு மாறாகத்தான் காரியங்கள் நடந்து வருகின்றன. அந்த டிபார்ட்மென்டை சரியானபடி அமுல் நடத்த சட்டங்கள் இருக்கின்றன. அதை சரிவர அமுல் நடத்தினால் அந்த டிபார்ட்மென்டை சரியானபடி காப்பாற்ற முடியும். அந்த டிபார்ட்மென்டு நிர்வாக உத்தியோகஸ்தர்களை கணக்கு பரிசீலனை செய்யும் உத்தியோகஸ்தர்களாகவும் இருக்கிறார்கள். ரிஜிஸ்டிராரும், டிப்டி ரிஜிஸ்டிராரும் தான் இரண்டுக்கும் சர்வாதிகாரிகள். ஆகவேதான் ஊழல்கள் மலிந்திருக்கின்றன. ஆடிட்டின்கையும் நிர்வாகத்தையும் பிரிக்கவேண்டும். டி.யு.சி. சொசைட்டி நிர்வாக அறிக்கையில் அங்குள்ள டைரெக்டர் வெங்கடாசாரியர் ஒன்று குறிப்பிட்டிருக்கிறார். ப்ரைவேட் ஆடிட்டர் கணக்குகளை பரிசீலனை செய்தால் ரூ. 500 அல்லது 700 தான் செலவாகும், ஆனால் கூட்டுறவு டிபார்ட்மென்ட் ஆடிட் செய்தால் ரூ. 20 ஆயிரம் செலவாகிறது என்று எடுத்துக் காட்டி இருக்கிறார். அதற்கு ரிஜிஸ்டிரார் எந்த விதமான

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சரியான பதிலும் சொல்லவில்லை. அதே டிபார்ட்மெண்டு உத்தியோகஸ்தர் களையே வைத்துக்கொண்டு ஆடிட் செய்வதும் கூட அங்குள்ள பிசுக்களை ருசுப்பண்ண முடியவில்லை. ஆனால் மந்திரி என்ன சொல்லுகிறார் என்றால் நாங்கள் ஏதாவது எழுதிக் கொடுத்தால் அதை வைத்துக்கொண்டு நடவடிக்கை எடுத்துக்கொள்ளுகிறோம் என்று சொல்லுகிறார். நாங்கள் இந்த சட்டசபையில் வந்து சொல்வது போதாதா என்று கேட்கிறேன். நாங்கள் இங்கு வந்து பொறுப்போடுதான் சொல்லுகிறோம். நாங்கள் இங்கு பேசுவதையே அடிப்படையாக வைத்துக்கொண்டு அங்குள்ள ஊழல் களைப்பற்றி விசாரணை செய்யலாம். அதன்மேல் நடவடிக்கைகளும் எடுத்துக் கொள்ளலாம். இந்த விதமாக கூட்டுறவு இயக்கத்தை நல்ல முறையில் நடத்துவதற்கு வசதி இருக்கிறது. அதன் மூலம் எவ்வளவோ நன்மை களைச் செய்யலாம்.

“ஜெயில் மானியத்தின்போது அரசியல் கைதிகள் என்ற பேச்சுக்கே இடம் கிடையாது என்று சொன்னார் மந்திரி. இது சரியல்ல. சாதாரண மாகக் குற்றம் செய்வது ஒன்று. அரசியல் காரணங்களுக்காகக் குற்றம் செய்வது வேறு. அரசியல் காரணங்களுக்காக சில குற்றங்களைச் செய்ய அவசியம் ஏற்பட்டிருக்கலாம். அப்படி குற்றம் செய்திருந்தால் எந்த நோக்கத்தில் அந்தக் குற்றங்களை செய்திருக்கலாம் என்பதையும் கவனிக்க வேண்டும். இப்பொழுது நாம் சுதந்தரம் அடைந்திருக்கிறோம். அரசியல் காரணங்களால் பல குற்றங்களைச் செய்திருந்தால் அவர்களை சாதாரணக் கைதிகளைப்போல் நடத்துவது சரியல்ல. இந்தக் கொள்கை நியாயமானது இல்லை. இதனால் வரப்போகிற காலங்களில் பிரதிபலன்கள் ஏற்படலாம். இது வெகுதூரம் நாட்டின் நிர்வாகத்தை பாதிக்கலாம். பல அரசியல் கட்சிகள் நாட்டில் இருக்க வேண்டியது அவசியம். பல அரசியல் காரணங் களுக்காக குற்றங்கள் செய்திருந்து அதனால் தண்டனைப்பட்டாலும்கூட அவர்களுடைய நோக்கத்தை அடிப்படையாகக் கொண்டு அவர்களுக்கு உரிமைகளை வழங்கப்படவேண்டும். அவர்களையும் சாதாரணக் கைதிகளைப் போல் நடத்தப்படுவது சரியல்ல என்பதை தெரிவித்துக்கொள்ளுகிறேன்.

“கடைசியாக கல்வி சம்பந்தமாகப் பேசும்போது எல்லோரும் ஒப்புக் கொள்ளக்கூடிய அளவில் ஒரு உறுதிமொழியையும் அரசாங்கம் கொடுக்க வில்லை. இந்த புதிய கல்வி திட்டத்தினால் இன்றைக்கு பல ஆசிரியர்கள் தங்களுடைய வேலையை விட்டுப்போக வேண்டிய நிலைமை ஏற்பட்டிருக்கிறது. அரசாங்கம், தாங்கள் இந்த மாதிரி செய்யமாட்டோம் என்று சொல்வதில் பிரயோசனம் இல்லை. இந்த திட்டத்தைக் கைவிடாவிட்டால் அது எங்கே கொண்டுவரப்படும் என்பதை கவனிக்கவேண்டும். இந்த திட்டத்தின்படி பதினாயிரக் கணக்கான ஆசிரியர்களை வேலையிலிருந்து நீக்குவதற்கு வசதி இருக்கிறது. இந்த திட்டத்தைக் கையாண்டால் இந்நாடு முன் நோக்கிச் செல்லாமல் பின் நோக்கிச் செல்லும் என்று நான் சொல்லிக் கொள்ளுகிறேன். இதை இந்த அரசாங்கம் கவனிக்காமல் இருக்கிறார்கள் என்பதை சொல்லிக்கொண்டு இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

MR. SPEAKER:—“Still, a large number of Members want to take part in the debate. So, I reduce the time-limit to five minutes.”

SRI T. ANANTA PAI:—“Mr. Speaker, Sir, I do not know how it was relevant for the hon. Gentleman Sri Narayana Kurup to indulge in the criticism of Congressmen in general. I suppose he was doing a bit of propaganda for his Party. He said, ‘The Congressmen, as a whole, seem to feel that wisdom is their monopoly.’ I am not sure whether they feel so because it would be the height of folly on their part to appropriate all the wisdom to themselves. But it looks as though, when a few people left the Congress, they took away all the wisdom with themselves. Then,

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the hon. Gentleman said, ‘The Congress Party has not been able to do much while it has been in power.’ It is only a case, perhaps, of the vice expecting virtue not to come from its high pedestal and expecting it to achieve great things. Of course, the Congress has been in power for so many years. It has done its best and, whatever its failings might be, its achievements are not small or mean. However, the hon. Gentleman has given a caution or threat that the Party in power must take lessons from what has fallen to its lot in the other States and that if it does not behave well, the same fate might overtake it here also. I have emphasized in my last speech itself that the great tragedy of India is not that the Congress should continue to be in power but that there is not one single Opposition Party which can replace it. The recent elections in Travancore-Cochin alone should show that unless a splinter Party is supported by the Congress, it would not continue to be in power. I would not like to say anything more about it.

“Now, I would like to revert to the discussion on the Budget. Considerable literature has been placed in our hands giving us information as to what the Government propose to do. But I agree with the hon. Gentleman Dr. Menon that some more information should have been given to us just to see and judge to what extent the various departments of the Government have fulfilled the targets that have been placed before them. The reports that are published by each department are placed in our hands after two or three years when it becomes useless for us to make any comments on them. Along with a number of Budget Memoranda or Budget proposals or a number of books that are placed in our hands, I wish the Government also placed in our hands a resume of all the works that had been completed in the previous year, the amount that had been spent and the various schemes that had been completed, so that we might be able to sit in judgment over the qualitative progress that the State has made under various heads.

“Then, when block grants are asked for and when even items of expenditure up to Rs. 5,000 or Rs. 10,000 are brought before the House, particularly in the matter of irrigation and electricity, I do wish that at least the number and the names of the schemes that are likely to be taken up might be placed before the House so that we, the Members of the Assembly, might see whether there is a chance of any scheme relating to our own constituencies being executed and, if not, we might place before the Government what exactly we think about it and try to get priority for it if it deserves it. From that point of view, I would request the Hon. the Finance Minister to consider the question of constituting an Estimates Committee so that the Legislature may know the various items of expenditure beforehand rather than those estimates being presented as a *fait accompli*. I hope this suggestion will be considered for what it is worth.

“Then, the Hon. the Finance Minister has drawn our attention to the fact that we are short of the target by nearly Rs. 2½ crores so far as the Five-Year Plan is concerned. He has stated

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that we have fallen short of the targets, particularly, in regard to nation-building activities like public health, irrigation, public works and education. I am not worried as to whether we have fallen short of, or exceeded, the target, so far as expenditure is concerned. What we are really concerned with is this. What was the number of schools that we wanted to have within a particular time? What was the number of wells that we wanted to dig during the specified period? What were the irrigation schemes that we wanted to have and what was the number of children that we wanted to bring into the schools? What was the number of hospitals that we wanted to have and how many doctors and nurses did we want to train during that period? To what extent have we been able to fulfil these targets? This question is more important than what amount of money we have spent because ultimately, it is not the quantity or amount of money spent that counts but the qualitative achievements that we have been able to make, even under the Five-Year Plan that count. So, I would request that greater emphasis may be laid on reaching the targets placed before us than trying to see that we incur the expenditure that has been fixed.

“I won't take any more time except to say that even in the matter of taxation measures, it would have been better for the Hon. the Finance Minister to give us an indication of how much revenue each measure is going to bring in rather than an omnibus estimate that these measures of taxation are likely to bring in so much money, because it is legitimate on the part of the public to ask, 'Why do you want to impose a number of taxation measures if one of them can get you all the revenue that you want?' In the light of these remarks, I would request the Hon. the Finance Minister to give, in future, all the details that we ask for in this House.”

SRI A. VELOO :—“கனம் சபாநாயகர் அவர்களே, கனம் நிதி மந்திரி அவர்கள் பிரேரித்திருக்கும் நிதி ஒதுக்கல் மசோதாவைப்பற்றி சில வார்த்தைகள் பேச விரும்புகிறேன். நமக்கு சுதந்திரம் வந்த பிறகு, ‘எல்லா மக்களும் சமம்’ என்று சொல்லியும் எல்லா மக்களையும் சமமாகவே நடத்துவோமென்றும் சர்க்கார் உத்தரவு இட்டிருக்கிறார்கள். இருந்தாலும் போலீஸ்காரர்கள் தாழ்த்தப்பட்ட மக்களை மிகவும் கொடுமையாக நடத்துவதை இந்தச் சபையின் கவனத்துக்குக் கொண்டுவராமலிருக்க முடியவில்லை. நாம் போலீஸ் இலாக்காவிற்காக சுமார் 4 கோடி ரூபாய் ஒதுக்கியிருக்கிறோம். அமைதியையும் நீதியையும் நிலைநாட்டவேண்டிய அவர்கள் எல்லா மக்களையும் சரிசமனாகப்பாவிக்காமலும் தாழ்த்தப்பட்ட மக்களை மிகக் கேவலமாகவும் நடத்துகிறார்கள். ‘மரியாதை வாரங்கள்’ நடத்துகிறோம் என்று சொல்லிக்கொண்டு இதுமாதிரியாக தாழ்த்தப்பட்ட மக்கள் வசிக்கும் சேரிக்குள் புகுந்து துன்பப் படுத்துவதும், திருட்டுக் குற்றம் ஏதாவது எங்கேயோ நடந்துவிட்டால் அதற்காக தாழ்த்தப்பட்ட மக்களை சந்தேகித்து போலீஸ் ஸ்டேஷனுக்கு இழுத்துச் சென்று அடிப்பதும், அவமானப்படுத்துவதும் போன்ற காரியங்கள் இனிமேலும் நடக்காமல் இருக்கும்படி சர்க்கார் தக்க நடவடிக்கையை எடுத்துக் கொள்ள வேண்டுமென்றும் தாழ்த்தப்பட்ட மக்களிடத்திலே மனிதத்தன்மையுடன் நடந்துகொள்ளவேண்டும் என்றும் சர்க்கார் உத்தரவிடவேனுமாய் நான் கேட்டுக்கொள்கிறேன்.

[Sri A. Veloo] 27th March 1954]

“விவசாயிகளுக்குக் கடன் கொடுப்பது சம்பந்தமாக பல சமயங்களில் பேசப்பட்டது. கடன் கொடுப்பதற்கு வேண்டிய பல வசதிகளைச் செய்து கொடுத்திருப்பதாக கனம் மந்திரி அவர்கள் பதில் சொன்னார்களே தவிர பெருவாரியான இடங்களில் கடன் கொடுக்கப்படவில்லை. குறிப்பாக மாயூரத்தில் விவசாயக் கடன் கோரி ஒருவர் விண்ணப்பம்போட்டு இரண்டு ஆண்டுகளுக்குமேல் ஆகிறது. இன்னமும் பணம் அவருக்குக் கொடுக்கப்படவில்லை. கேட்டால் அதற்கு நாங்கள் அந்த மனுவைப் பரிசீலனை செய்து கொண்டிருக்கிறோம் என்பதாக இன்னும் பலவித சாக்குகள் கூறி பதில் அளித்திருக்கிறார்கள். ஐந்தாண்டு திட்டத்தின் மூலம்மாக விவசாயிகளுக்கு பலவிதமான வசதிகள் செய்து கொடுக்கப்படுவதாகச் சொல்லப்படுகிறது. ஆனால் அத்திட்டத்தின்படி சேரி அபிவிருத்திக்கு என்று ஒரு பகுதியை ஒதுக்கிக் கொடுத்தால் நலமாக இருக்கும். குறிப்பாக குடிதண்ணீர் வசதி ஒவ்வொரு கிராமத்திற்கும் செய்து கொடுப்பது மிகவும் முக்கியமும் அவசியமானதாய் இருக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். மேலும் சுகாதார அதிகாரிகள் கிராமப்புறங்களுக்குப் போவதில்லை. அவர்கள் அவ்விதம் போகாமல் இருப்பதற்குக் காரணம் சரியான ரோடு வசதிகள் தங்களுக்குக் கிடையாது என்று சொல்லுகிறார்கள். இது உண்மையே. ஆகவே கிராமப்புறங்களில், அதிலும் தாழ்த்தப்பட்ட மக்கள் வாழும் பிரதேசங்களில், குடி தண்ணீர் வசதி, நல்ல போக்குவரத்து வசதி இவைகளை எல்லாம் செய்து கொடுக்கவேண்டுமென்று நான் கேட்டுக் கொள்ளுகிறேன்.

“மாயூரம் நகர சபையார், முனிசிபல் வெப்ஸ்டர் காய்கறி மார்க்கெட் கட்டிடம் வைத்திருந்தார்கள். அதில் சமீபத்தில் நடந்த ஒரு தீ விபத்தின் காரணமாக, மார்க்கெட்டில் நெருப்புப்பற்றிக்கொண்டு சுமார் 16 கடைகளுக்குமேல் எரிந்துவிட்டன. அவைகளைத் திரும்பவும் கட்ட 50 ஆயிரம் ரூபாயில் எஸ்டிமேட் போட்டு அதை பள்ளாணிங் கமிஷனும் ஒப்புக்கொண்டிருக்கிறது. நகர சபையார் சர்க்காரைக் கடன் கேட்டிருக்கிறார்கள். ஷே மார்க்கெட் புதுப்பிக்கவேண்டியதற்காக சர்க்கார் மயூரம் நகர சபைக்கு கடன்கொடுத்து உதவவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.

“தாழ்த்தப்பட்ட மக்களுக்கு குடியிருப்பு வசதிகளைச் செய்து கொடுப்பதற்காக சர்க்கார் கூட்டுறவு ஸ்தாபனங்கள் மூலம் கடன் கொடுத்து, நல்ல முறையிலே, குறைந்த செலவிலே வீடுகள் கட்டிக்கொடுத்து உதவவேண்டுமென்று நான் சர்க்காரை வற்புறுத்திக்கேட்டுக்கொள்ளுகிறேன்.

“தாழ்த்தப்பட்ட மக்கள் வசிக்கும் இடங்களில் உள்ள பள்ளிக்கூடக் கட்டிடம் சம்பந்தமாக நான் சில வார்த்தைகளைச் சொல்ல ஆசைப்படுகிறேன். குறிப்பாக சேரிகளில் இருக்கும் பள்ளிக்கூடங்கள் எல்லாம் வாடகை இடங்களிலேயே வாடகைக் கட்டிடங்களாகவே இருக்கின்றன. மேலும் சுகாதார வசதியற்ற இடங்களில்தான் அவைகள் அமைக்கப்பட்டிருக்கின்றன. தற்போது நகரங்களில் கார்ப்பரேஷன் குறைந்த செலவில் சுகாதார முறைப்படி பள்ளிக்கூடக் கட்டடங்களைக் கட்டுவதைப் போலவே சர்க்காரும் தாழ்த்தப்பட்ட மக்கள் வாழும் பிரதேசங்களில் பள்ளிக்கூடங்களைக் கட்டித் தரவேண்டுமென்று நான் கேட்டுக் கொள்ளுகிறேன்.

“கடைசியாக கிராம மக்கள் வைத்திய வசதியின்றி மிகவும் கஷ்டப்படுகிறார்கள். குறிப்பாக இன்றையதினம் பல கிராமங்களில் வசிக்கும் மக்கள் ஆஸ்பத்திரிகளுக்குச் செல்லவேண்டுமென்றால் குறைந்தது பத்துப் பதினைந்து மைல்களுக்கு அப்பாலுள்ள நகரங்களுக்குப் போகவேண்டியிருக்கிறது. ஆகவே சர்க்கார் இதை கவனித்து கிராமங்களிலுள்ள தாழ்த்தப்பட்ட மக்களின் நலனுக்காகவும் பெரும் பகுதியான பிற்போக்கு வகுப்பு மக்கள் நலனுக்காகவும் மூன்று நான்கு மைல் சுற்றளவுக்குள் ஒரு ஆஸ்பத்திரி அமைத்துக்கொடுக்கவேண்டியது ரொம்பவும் அவசியமாகும். அதோடு ஆனாரி டாக்டர்களில் பலரை நடமாடும் ஆஸ்பத்திரிகள் (moving hospitals) மூலமாக கிராமங்களுக்குச் சென்று வைத்தியம் செய்ய ஏற்பாடுகள் செய்வது மிகவும் நன்றாக இருக்கும். ஆரம்பத்தில் குறிப்பாக மாதத்திற்கு ஒரு முறை இவர்கள் சென்றாகூட போதும்.

[Sri K. R. Viswanathan] [27th March 1954]

நடைமுறையில் கொடுக்கப்படவில்லையென்று ஒரு கேள்வி போட்டிருக்கிறேன். அதற்கு இன்னும் பதிலளிக்கப்படவில்லை. சர்க்கார் காரியதரிசியிடம் சென்றும் இதைப்பற்றி விசாரித்தேன். இதுபற்றித்தான் சர்க்கார் தீவிரமாக ஆலோசனை நடத்திவருவதாகச் அவர் சொன்னார். அதன் பேரில் இக்கூட்ட முடிவிற்குள் சர்க்கார் ஒரு பதில் எனக்கும் கொடுப்பார்கள் என்று நினைத்தேன். இதுவரையிலும் அதற்கு பதில் கொடுக்கப்படவில்லை. நிதி அமைச்சரும், கல்வி அமைச்சருமாகிய கனம் ஸ்ரீ சி. சுப்பிரமணியம் அவர்கள் இது சம்பந்தமாக விஷயத்தை சீக்கிரம் கவனித்து ஒரு தக்க ஏற்பாட்டைச் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். குறிப்பாக பள்ளிக்கூடத்திற்குச் சென்று கொண்டிருக்கும் இந்தப் பிற்பட்ட மாணவர்கள் பலர் சம்பளப்பணம் கட்ட வழியின்றி படிப்பை நிறுத்திக் கொண்டு வருகிறார்கள். அதேபோல காலேஜில் படித்துக்கொண்டிருக்கும் மாணவர்கள் பலர் படிப்பை நிறுத்திக் கொண்டிருக்கிறார்கள். அவர்களுக்கு உடனே முழுச்சம்பளச் சலுகை கொடுக்கவேண்டுமென்று நான் கேட்டுக்கொள்கிறேன். குறிப்பாக திருச்சிராப்பள்ளி, தஞ்சாவூர், சேலம் போன்ற இடங்களிலிருக்கும் பட்டையாச்சிகளுக்கு இந்தச் சலுகை உண்டென்றாலும், அது ஏன் கொடுக்கப்படவில்லையென்று பள்ளி அதிகாரிகளைக் கேட்டதற்கு, அவர்கள் தங்களை வன்னியகுல க்ஷத்திரியர்களாக அழைத்துக்கொள்வதால்தான் இந்தச் சலுகை அளிக்கப்படவில்லையென்றும் இதைப்பற்றி கல்வி அதிகாரிக்கும், அரசாங்கத்திற்கும் கடிதம் எழுதியிருப்பதாகவும் பதில் வந்தவுடன் சம்பளச் சலுகை அளிப்பதாகவும் சொல்லுகிறார்கள். ஆனால் இதுவரையிலும் கல்வி அதிகாரியிடமிருந்தோ, அல்லது அரசாங்கத்திடமிருந்தோ எந்த விதமான பதிலும் வரவில்லை. இதை சர்க்கார் சீக்கிரம் கவனித்து அந்த ஏழை பிற்பட்ட சமூகத்தைச் சேர்ந்த மாணவர்களின் பால் அக்கரை கொண்டு கருணையோடு சம்பளச் சலுகை இவர்களுக்கும் கொடுக்கவேண்டுமென்று உத்தரவிடவேண்டுமென்றுதான் கேட்டுக்கொள்கிறேன்.

“அடுத்தப்படியாக பொதுவாக ஒரு குற்றச்சாட்டைச் சொல்ல விரும்புகிறேன். அதாவது இந்தச் சர்க்கார் பல சட்டங்களைப் போட்டு விடுகிறார்களே தவிர சட்டத்தை அமூல் நடத்தவேண்டுமென்ற கொஞ்சம்கூட முயற்சி எடுத்துக்கொள்வதில்லை. இதற்குப் பல உதாரணங்களைக் கொடுக்க முடியும். முன்பு ஒரு உதாரணம் சொன்னேன். மறுபடியும் இன்னொரு உதாரணத்தைக் கொடுக்க விரும்புகிறேன்.

“கோயில்களில் மிருகபலி கொடுக்கக்கூடாது என்று இந்தச் சர்க்கார் சென்ற மந்திரி சபையின் காலத்தில் ஒரு சட்டத்தை இயற்றியிருக்கிறார்கள். ஆனால் அந்தச் சட்டம் அமூலில் இருக்கிறதாயென்று பார்த்தால் அம் மாதிரி அமூலில் இல்லாமல்தான் இருந்து கொண்டிருக்கிறது. என்னென்றால் பல இடங்களில் இன்னும் பல கோயில்களில் மிருகபலிகள் இடப்பட்டுக்கொண்டு வருகின்றன. உதாரணமாக 1954-ம் வருஷம் மார்ச்சு மாதம், 19ந்தேதி அன்று மாயவரம்-தாலுகாவில் செம்பங்குடி என்ற ஊர் தேவதையின் கோயிலில் மிருக பலிகள் கொடுக்கப்பட்டிருக்கின்றன. இதை அனேக மக்கள் பார்த்திருக்கிறார்கள். சர்க்கார் சார்பில் போலீஸ் சப்-இன்ஸ்பெக்டர், போலீஸ் கான்ஸ்டபிள்கள் போன்ற எல்லோரும் பார்த்திருக்கிறார்கள். ஆனால் அவர்கள் யாரும் இம்மாதிரி மிருக பலி இடுவதைத் தடுக்க முன்வரவும் இல்லை. மிருக பலி கொடுத்தவர்களின் மீது மேற்கொண்டும் நடவடிக்கை எடுக்கவும் முன்வரவில்லை. இதைப் பற்றி சர்க்காருக்கும் தெரிவிக்கப்பட்டிருக்கிறது. இதைப்போல சட்டங்களைக் கொண்டு வந்துவிடுகிறார்களே தவிர சட்டங்களை அமூல் நடத்தவேண்டும் என்று இந்தச் சர்க்கார் நினைப்பது கிடையாது. இது ரொம்பவும் வருந்த வேண்டிய விஷயம். இனி எந்தச் சட்டம் போட்டாலும் அந்தச் சட்டத்தை அமூல் நடத்துவதற்குவேண்டிய நடவடிக்கையை சர்க்கார் எடுக்கவேண்டுமென்று சொல்லிக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்.”

‘SRI K. R. SAMBANDAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதா சம்பந்தமாக ஒரு சில விஷயங்களை சர்க்காருடைய கவனத்திற்குக் கொண்டுவர ஆசைப்படுகிறேன். குறிப்பாக, இந்த கூட்டுறவு இயக்கத்தில்

[27th March 1954] [Sri K. R. Sambandam]

விருக்கிறவர்களிலே பெரும்பாலானவர்களை பொதுமக்களால் நடத்தப்படுகிற சொஸைடிகளுக்கு அனுப்புவதால் இந்த இயக்கமானது வெகுவாக பாதிக்கப்படுகிறது. அதுமட்டுமல்ல. கூட்டுறவு சங்கங்கள் கடைகளோ, சொஸைடிகளோ எங்கெங்கு ஏற்பட்டிருக்கிறதோ அந்தக் கணக்குகளை யெல்லாம் தணிக்கை செய்வதற்கு கூட்டுறவு சங்க டெபுடி ரிஜிஸ்திரர்களே அனுப்பப்படுகிறார்கள். அந்த மாதிரி செய்வதிலே கூட்டுறவு இயக்கத்திலே ஏற்படும் ஊழல்களை தாங்களே மறைப்பதற்கு ஒரு சந்தர்ப்பம் ஏற்பட்டு இருக்கிறது. அந்த மாதிரி இல்லாமல் இன்றைக்கு சர்க்காராலே ஜில்லா போர்டு, முனிசிபாலிட்டி முதலிய இடங்களெல்லாம் கணக்குகளைத் தணிக்கை செய்வதற்கு சர்க்காராலே செய்திருக்கும் ஏற்பாட்டின்படியே இதையும் பரிசீலனை செய்தால் அந்த மாதிரியான ஊழல்கள் நடவாத நிலைமை ஏற்படும்.

“கூட்டுறவு இயக்கத்திற்கு ஒதுக்கப்படும் பணமெல்லாம் புதிது புதிதாக டிராப்ட்மென்டை விரிவு படுத்துவதற்காக செலவிடப்படுகிறதே தவிர, கூட்டுறவு இயக்கத்தின் எண்ணங்கள், கூட்டுறவு இயக்கத்தினால் மக்களுக்கு ஏற்படக்கூடிய நன்மையைப்பற்றியும், பயன்படக்கூடிய நிலைமையில் இன்றைக்கு இல்லை. அந்த மாதிரி அதற்கு ஒதுக்கப்பட்ட பணங்கள் வீணாக அதிகாரிகளை அதிகப்படுத்துவதற்காக செலவழிக்கப்படுகிறது. பத்து ஆண்டுகளாக கூட்டுறவு இயக்கங்கள் எந்த நிலைமையில் இருக்கிறதென்றால் அதிலும் எந்த இயக்கத்தை எடுத்துக்கொண்டாலும் ஏற்கனவே கண்டி ரோல் இருந்தபோதுதான் ஓரளவு லாபம் வந்ததே தவிர, இப்பொழுதெல்லாம் நஷ்டத்திலே நடத்தப்படுகிறது. வியாபார முறையிலே அங்கிருக்கக்கூடிய பொதுமக்கள் அதை நடத்தி வந்தால், அதனுடைய லாபநஷ்டங்களைத் தெரிந்துகொள்ளலாம். கூட்டுறவு இயக்கத்திலே இருக்கிற அதிகாரிகளை அந்த சொஸைடிகளை நடத்தும்படியான நிலைமை ஏற்படும்போது, லாப நஷ்டத்தைப் பார்க்காமல் அது இன்றைக்கு சொஸைடி என்ற முறையில் இருக்கிறதே தவிர மற்ற வியாபாரிகள் நடத்தும்படியான கடைகளைப்போல் இல்லை. ஆகையால், அதை முக்கியமாக கவனிக்கவேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்.

“நம்முடைய திட்டத்திலே பிரசவ வார்டுகள் (Maternity Ward) ஒவ்வொரு இடத்திலே அமைக்கப்படுகிறது. அந்தப் பிரசவ விடுதிகளில் பெண்கள் பிரசவத்திற்கும் அனுமதிக்கிறார்கள். அனுமதிக்கும்போது சுகப் பிரசவ கேஸ்களை அதில் வைத்துக்கொள்ளுகிறார்களே தவிர, கஷ்டமான ஆபுத பிரசவங்கள் வரும்போது ‘பிரசவ ஆஸ்பத்திரிகளுக்கு எடுத்துக் கொண்டுபோங்கள்,’ என்று டாக்டர்கள் சொல்லுகிறார்கள். இந்த நிலைமை ஏற்படும்போது பிரசவத்திற்குக் கஷ்டப்படும் பெண்கள் ஆஸ்பத்திரிகளுக்குக் கொண்டுபோகும்போது இறக்கிறார்கள். அங்கு போய் சுகல விதமான கஷ்ட நஷ்டங்களுக்கும் ஆளாகிறார்கள். அந்த நிலைமை இல்லாமல் Maternity Ward என்று சொல்லும்போது பெண்களுக்கு ஏற்படும் எல்லாவிதமான சிக்கல்களுக்கும் சிகிச்சை செய்யக்கூடிய முறையில் இருக்கவேண்டுமென்று நான் சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

“உதாரணமாக, மாயூரத்தில் Maternity Ward ஏற்படுத்தப்பட்டிருக்கிறது. அது தருமபுர ஆதீனத்தாரால் கட்டப்பட்டு அதற்குவேண்டிய படுக்கைகளை அமைத்திருக்கிறார்கள். அதை சர்க்கார் எடுத்துக்கொண்டு நடத்தவேண்டுமென்று சொன்னபோது, முடியாதென்று சொல்லிவிட்டார்கள். இப்பொழுது முனிசிபாலிட்டியார் நடத்திக்கொண்டு வருகிறார்கள். அவர்களும் பணம் இல்லாத காரணத்தால் தருமபுர ஆதீனத்தாரை எடுத்துக்கொண்டு நடத்தவேண்டுமென்றும், முனிசிபாலிட்டியாரால் நடத்த முடியாதென்றும் சொல்லுகிறார்கள். அங்கு பிரசவத்திற்கு போகும் பெண்களை சலப்பமான பிரசவமாக இருந்தால்தான் அங்கு வைத்துக் கொள்ளுகிறார்களே தவிர, அப்படியில்லாமல் கஷ்டமான பிரசவ கேஸ்களை ஆஸ்பத்திரிக்கு எடுத்துச் சொல்லும்படியாகச் சொல்லுகிறார்கள். வே, மாயூரம் சர்க்கார் ஆஸ்பத்திரியிலுள்ள பெண் டாக்டரை இந்த மெட்ரீனிட் வார்டையும் சேர்த்துப்பார்ப்பதற்கு ஏற்பாடுசெய்துவிட்டால்,

[Sri K. R. Sambandam] [27th March 1954]

அது செளகரியமான முறையில் இருக்கும். ஆகையால், இந்த விஷயத்தை சர்க்கார் உடனடியாகச் செய்யவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்கிறேன்.”

* SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Speaker, I wonder whether the Hon. Ministers are taking note of the various demands and criticisms made on the floor of the House. I say this, because in the last three or four budget discussions, so many demands and criticisms have been made. But I am sorry to observe that most of them, 99 per cent of them, as far as the various constituencies are concerned were not at all taken note of. I should think that only on this practice, the Hon. the Chief Minister on the last occasion said that the needs and demands of the particular constituencies should not be taken note of, but the interests of the State as a whole should be taken into consideration. I am forced to refer to this matter, because even during this budget session, various points have been raised and various demands have been made and various criticisms have been levelled against the administration. I hope at least this time, the Government will take note of all these things and see that they are properly and expeditiously attended to.

“ I now pass on to another matter, and that is about questions. As soon as the General Elections were over in 1951, some important questions were sent. I know, Mr. Speaker, that you have admitted them and sent them to the various departments. Let me quote an instance in support of my argument. In 1948, certain houses of peasants were taken over by the Police and village munsifs, and they were not returned to the respective parties even long after the crises were over. With regard to this matter, we sent our question. I was asked to give some facts and figures which I readily supplied. For the last three years, that question is pending with the Government.”

THE HON. SRI C. SUBRAMANIAM :—“ It cannot be three years. We have been here in the last two years only.”

* SRI T. C. NARAYANAN NAMBIAR :—“ Whatever it is, we sent our question in early January, just before the formation of the Ministry. That can be verified from the records.

“ With regard to education, of course, we dealt with that subject yesterday. However, I wish to refer to one aspect, and that is with reference to the cancellation and suspension of teachers' certificates and our request to the Government to restore them. The Hon. Leader of the Opposition also referred to this point in his speech. But, it is unfortunate that the Hon. the Minister for Finance and Education did not take note of it. I do not know why the Hon. the Education Minister was telling the other day that as long as he was the Education Minister, he will not allow the teachers to participate in politics as that would mean deterioration in the standard of the schools and as that would create difficulties in the conduct of schools. I deprecate this attitude, Sir. I know the certificates of many of the teachers have been cancelled.

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As a matter of fact my own certificate was also cancelled. I am a declared communist and so I am not referring to that now. I am only referring to the cancellation of certificates belonging to a number of teachers who did not have anything to do with party politics. In many cases, the certificates of the teachers have either been cancelled or suspended, without any enquiry. On the floor of this Assembly, this is the fourth time that I am speaking about this matter. I have even challenged the Government in my first speech when I said that the certificates of those who were not teachers at that time were also cancelled. In their hurry to victimise certain people in the list submitted by some Congressmen, the names of innocent people, sometimes non-teachers were included. One Ambukutty of Cherukunnu village in Chirakkal taluk has also been included. In the villages, literate and educated people are used to be respectfully called by the peasants as 'master, master'. In this manner, this Ambukutty was also called 'Ambukutti master'. For the simple reason that this word 'master' was added to his name, his name was also included in the list, though in actual fact he was not a master, and he had no certificate to be cancelled. I am quoting this incident only to point out how things are being carried on without any enquiry and without following the democratic principles and how such injustice is being meted out to innocent people. I am really sorry to note that even now the Government are not paying any attention to this matter. I want to refer to another most important matter.”

MR. SPEAKER :—“ Which is unimportant matter? The hon. Member has only one more minute.”

SRI T. C. NARAYANAN NAMBIAR :—“ With regard to the jaggery manufacturing societies, I wish to state that it is a traditional cottage industry in Malabar. Without infringing the Prohibition rules, the Government must come forward to help this industry in Malabar. About 30,000 ex-tappers will be greatly helped if this industry is given some encouragement. It is a traditional cottage industry. To-day we import 'vellam' and 'sugar' from outside to Malabar much to the detriment of this cottage industry. I request the Hon. Minister concerned with this subject to look into this matter and see that justice is rendered to a large number of people who will be greatly helped if this cottage industry is encouraged.”

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Speaker, Sir, I am sorry the debate has not given me any inspiration (laughter) to make any reply in any detailed manner. I have been listening very closely and I may tell hon. Members that the debate has been following the same pattern as in a general debate on the Budget. This complaint I made even during last year and suggested to the Leaders of the Opposition Parties to arrive at a convention as to the matters which should be discussed during the various stages of the Budget discussion. Now we are at the closing function of

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the 1954-55 Budget proposals and with the passing of this Appropriation Bill, we would have finalized the Budget for the coming year.

"Sir, I have been in charge of this portfolio of Finance for the last two years. Whatever else I may claim or may not claim, I may assure the Members of the House that we have been able to manage the financial affairs of this State at a very critical period. If hon. Members would go through the Budget proposals for the previous two years and also the revised estimate and the actuals with reference to the revenue and with reference to the expenditure, I am sure, they would agree with me that we have tided over a very very difficult period in the financial history of our State, even if it had become necessary to get the Central assistance to the tune of nearly Rs. 40 crores on the whole. But hon. Members have been criticising that we have not been able to meet their demands in respect of their constituencies and also other general demands. I wish it were possible to do so, but as I already stated on another occasion, the things we have got to achieve are so many and so great—and they would involve an expenditure of crores of rupees—that it will not ordinarily be possible, humanly possible, to meet all those demands within a measurable period of time. I should think that because we all want, in respect of our own constituencies and in respect of our own areas, the fulfilment of the wants and needs which have been accumulating for centuries together, they could be achieved within a few years. That is why we have formulated a plan with reference to the resources available and the achievements which we could aim at with reference to those resources. Therefore, if the hon. Gentleman, Mr. Nambiar, has made a specific charge on the floor of this House that in spite of the fact that for the last two years hon. Members have been making demands in respect of their constituencies, they have not been met properly, I plead guilty to that charge. Because, it would have meant spending further crores of rupees, not only this 30 or 35 crores of rupees which we have received from the Central Government, but another 100 crores. But if we had been able to get that also, perhaps we would have been able to meet a major portion of the demands made on the floor of this House. Therefore in spite of the difficult periods and strained circumstances due to droughts prevailing here, the unemployment situation prevailing here and due to production not only on the agricultural sector but on the industrial sector also having gone down, in spite of all these difficulties, we were able to keep ourselves floating all these years. Let me assure hon. Members that we have tided over the crisis and, I hope I am not wrong in my estimate, that we are entering a period of normalcy. I am hoping and it is my prayer that in 1954-55, we will have a normal year and our expectations will be fulfilled and in 1955-56, whoever is called upon to present the Budget, I am sure, he will have a more comfortable time and then, those coming to take charge of it will realize what a great difficult period we have tided over. The present sacrifices and the present difficulties which we have undergone, I am sure, will pave the way for the future generations and

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that is my only hope and with that satisfaction I can tell this Hon. House and you, Sir, that I have carried on as Finance Minister to the best of my ability. My only prayer is that hereafter these droughts, these unnatural happenings like floods, cyclone, etc., may not occur—we cannot prevent these things occurring and they will occur—and even if they should occur, they may not occur on the same scale. I am sure that our people are brave enough, courageous enough to face all those difficulties. While we are prepared for the worst, I am hoping for the best. I have absolutely no doubt that hon. Members will share my hope and those who believe in God will share in my prayer also, that the future of our State should become brighter and that it should be possible for our people to get at least their essential needs met. That is what we are fighting for now, that is what we are working for; still we have not been able to supply to our people, especially in the rural areas, the bare necessities of their life. That is the tragedy of our country, that is the tragedy of the poverty to which we have been reduced. Still, we are trying our best to work our way through all these difficulties to prosperity and it has often been said that this working towards prosperity cannot be achieved in a moment or within a year. We have to toil hard and toil hard not for a short period, but for a long period, so that all our poverty and all our shortcomings in the various sectors will be overcome and we will be able to tell our people that we have been able to give them the bare necessities of life at least. In that hope, I would request hon. Members to co-operate with the Government, not only co-operate with the Government but create a proper atmosphere within the country, so that it may be possible for the Government and the people to work together, to pull together, so that it may be possible within a measurable time to say that we have achieved what we had aimed at, what we had targeted for. Unless we pull together and work together and co-operate in a spirit of friendliness, in spite of our targets fixed under the plan, in spite of our schemes, we will not be able to achieve anything particular. I appeal, through you, Sir, to hon. Members of this House and to the people in our State to develop that atmosphere of friendliness and co-operation and work for the prosperity of our State.

"I hope, Sir, when we pass this Appropriation Bill, it is but proper that I should thank all the hon. Members for having participated in this Budget discussion in a very friendly way—even though there might have been heat produced here and there, still generally it has been friendly—and for having made constructive suggestions to the Government and more than that for encouraging me in fulfilling my task as Finance Minister and making that task easier.

"Thank you, Sir, and thanks to hon. Members once more."

MR. SPEAKER :—"The question is—

'That the Madras Appropriation Bill, 1954, be taken into consideration at once.'"

[27th March 1954]

The motion was put and carried.

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

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

' That the Madras Appropriation Bill, 1954, be passed into law. '

MR. SPEAKER :—" The question is—

' That the Madras Appropriation Bill, 1954, be passed into law. '

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

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 30th March 1954.

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

THE MADRAS APPROPRIATION BILL^a, 1954 (L.A. BILL NO. 9 OF 1954).

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I beg to move—

' That the Madras Appropriation Bill, 1954 (L.A. Bill No. 9 of 1954), as passed by the Legislative Assembly be taken into consideration. '

I do not propose to make any speech at this stage. Whatever I have to say, I shall do so in my reply."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Appropriation Bill, 1954 (L.A. Bill No. 9 of 1954), as passed by the Legislative Assembly be taken into consideration. '

SRI T. PURUSHOTHAM :—" Mr. Chairman, I did not intend to intervene in the discussion at this stage but, as you know, Sir, I have given notice of three recommendations to be moved by me in connection with the Madras Appropriation Bill, 1954. As those recommendations have not been included in the agenda, I thought I could mention them now and I thank you, for having called me to speak now.

" The recommendations that I wanted to move in connection with this Bill are of a general nature. First, I propose that a Standing Committee of Experts be appointed to scrutinize the estimates for various works coming up for the sanction of Government from the various departments at Government level. I propose this kind of a Standing Committee of Estimates . . . "

AN HON. MEMBER :—" For moneys now spent! "

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SRI T. PURUSHOTHAM :—“ I propose it generally for the future because estimates for works costing over a lakh of rupees are to be sanctioned by the Government and there is no technical expert at Government level to scrutinize such estimates. Provision is made in the Appropriation Bill for several projects and they are sanctioned by the Legislature. Sir, I feel that there should be an expert committee to advise the Government on such schemes apart from the departmental heads who send such proposals. A Board of three eminent engineers consisting, perhaps of two retired Chief Engineers to Government and one private Consulting Engineer should be appointed so that the Government may have the benefit of their expert advice. The Legislature will then accord with greater confidence sanction for such schemes and projects when they have been scrutinised by such an expert Board as proposed by me.

“ Secondly, Sir, I propose as one of my recommendations that an Advisory Committee of Lawyers be appointed by the Government to scrutinise all Bills before they are introduced in the State Legislature. I need not dilate on the reasons for this proposal because hon. Members are aware that several Acts of this State Legislature have been set aside in recent years either by the High Court or by the Supreme Court. To refer to a few of them, the Electricity Undertakings Act, the Hindu Religious and Charitable Endowments Act, the Sales Tax Act [rule 16 (5) relating to assessment on turnover], Motor Vehicles Act, proviso to section 2, are some of the more important Acts which have been passed by this Legislature are set aside by the High Court or by the Supreme Court. I feel that it is not in keeping with the dignity of this Legislature that Acts passed by us should be set aside by the Civil Courts. There are eminent lawyers here and in the other House and that is why I have proposed the above. Hasty legislation should be avoided and a Standing Committee of both Houses consisting of lawyers—perhaps we may include a few eminent lawyers from outside also—may be appointed so that important Bills may be placed before this body and may be brought before the Legislature after scrutiny by it. Formerly, I know important Bills before they were introduced in the Legislature used to be referred to the High Court for their opinion. I do not know whether such a procedure is being now followed under the present set-up. I would therefore propose that an Advisory Committee as suggested by me, consisting of legal experts drawn from both Houses and including even one or two from outside should be constituted to scrutinize important Bills before they are introduced in the Legislature.

“ The third recommendation that I want to commend for the consideration of the Government is that a committee of both Houses of the Legislature should be constituted to examine and report on the excess establishment left over in the Madras State after the formation of the Andhra State. We are all aware that after the Andhra separation the establishment that is left over here

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is more than the number that ought to be here. I therefore, request that the establishment lists should be scrutinised and the existing staff should be cut down in proportion to the reduction of work in this State. Sir, before I resume my seat, I congratulate the Hon. the Minister for Finance on the ability and tact with which he has been able to pilot the Budget this year.”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, at the outset I should like to pay my humble and respectful prayer to the Almighty for the speedy restoration to normal health of our revered Chief Minister Sri Rajaji whom I find, by surprise, in his seat. The State has grown richer during his regime. Even after the separation of Andhra we are having a revenue of over Rs. 45 crores. Now, the Government's target for expenditure on education seems to be 20 per cent of the total revenue of the State. According to this calculation more than Rs. 9 crores should be spent on education. We find in the Budget that only a sum of Rs. 8.5 crores has been provided for Education. Half a crore of rupees in addition to the allotment already made for education in the Budget can even now be made for expenditure on education.

“ I find that an announcement has been made on the floor of the other House that each aided elementary school teacher will be paid”

MR. CHAIRMAN :—“ The hon. Member will please not refer to the proceedings of the other House.”

SRI G. KRISHNAMURTHI :—“ The Government have proposed to grant an extra three rupees to each aided elementary school teacher. We welcome this move. But we are afraid, whether the benefit would indirectly go to the managements without going to the teachers as in the case of the two rupees extra given some years before. The provision of Rs. 19 lakhs for this purpose goes to show that each individual teacher will get an extra three rupees over and above what he gets now. I hope the Government while passing orders on the subject will make it clear in their orders that each aided elementary school teacher should get an extra three rupees on and from the 1st of April 1954, irrespective of the fact whether he has been drawing already Rs. 30 or over Rs. 30 by virtue of the increments already earned by him.

“ I am very glad that our revered Chief Minister has put in certain ideas at the time of the presentation of the Budget, namely, that hon. Members should just point out to the Government instances where priorities have not been adhered to. He also welcomed the suggestion on the part of hon. Members to give constructive criticisms.

“ In the light of these two suggestions, I wish to make a few remarks. In the case of teachers, it has been their lot to suffer simply for the sake of the argument that there is paucity of funds. When we congratulate the Government and thank the Government for having been kind enough to sanction this extra three rupees, we

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wish to point out that the sufferings of teachers do not stop there. We, the teachers of all grades, have been drawing a pittance as pay. I quite realize the difficulties of the Government. I also realize the sincerity on the part of the Government to give something to the teachers. I understand their position in not being able to meet the demands of the teachers immediately. I submitted a suggestion as early as last year that a separate education fund could be created named 'Teachers' Maintenance Fund'. We really find that the Government are not able to alter things overnight. We also find that certain administrative changes cannot be made by any person however great he may be and whatever extraordinary abilities and other qualifications he may possess. In view of the fact that the Government invited constructive suggestions, I submitted a suggestion last year that a levy could be made on the pupils who were being sent to school by their parents. The Hon. the Minister for Finance was kind enough to refer at the conclusion of the reply to the discussion on the Budget that the teachers' representatives as well as other people must be ready to put forth to the public that they would have to bear additional taxation to pay the teachers more. Now my suggestion was just to tax these parents, i.e., the members of the public who sent their children to schools instead of taxing the general public. We realize that it is very hard to get anything for the teacher if our case is considered with reference to the general revenues derived by the State. We find that in the Budget a sum of Rs. 80 lakhs is to be taken from the Revenue Account for spending towards two hundred and odd new schemes under Part II Schemes of the Budget. I do not know what need is there to take Rs. 80 lakhs from general revenues towards meeting expenditure on the two hundred and odd new schemes. Out of these eighty lakhs of rupees, some amount might have been set apart for spending on teachers. The expenditure on these two hundred and odd schemes might well have been met from the Capital account so that the general revenues can be at an improved level. We had good rains under our revered Chief Minister's rule. We have in him really a Rishiasringar of *Kali Yuga* who was able to bring rains after six years of famine and drought. The State is now full of peace and plenty and if teachers cannot get anything now, if teachers cannot be paid at the time when the Government of India have put the Five-Year Plan into operation and are spending over Rs. 2,000 crores on that plan, and if teachers cannot be paid at the time when the Community Projects are being worked in full swing, I do not know when the Government will be able to attend to the sufferings of teachers. I just request the Hon. the Minister for Finance to tell me how the scheme propounded by me is unworkable. There is no harm in taxing the people, who send their children to school, to pay one rupee extra per child, and even in the case of children attending elementary schools it will be enough if we levy three rupees per annum. This will fetch a sum of one crore of rupees to the Exchequer. It has been the experience of parents and I think it must be the experience of Members of the Legislature also that it is more difficult to find

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admission for boys in First Form than even in the B A. or B.A. (Hons.) class. There is a great rush on the part of parents to send their children to schools, and when there is this willingness on the part of parents to send their children to schools, there is no harm in saying that they must pay one rupee extra, and that too for the amelioration of the conditions of teachers. I think the Government would do well to ponder over this question and find out how this scheme is unworkable and give me an answer. I just conclude by again offering my humble prayers to the Almighty that our revered Chief Minister should be restored to better health and more robust health very soon."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I did not intend to intervene at this stage of consideration of the Appropriation Bill because in a debate on the Appropriation Bill we will be considering the same points and the same matter which had been touched upon in the general discussion on the Budget. For two reasons I am intervening to-day in the debate on the Appropriation Bill. First, along with other Members in this House, I also join in praying for the speedy recovery—he has recovered now—and the complete recovery of the Hon. the Chief Minister. I may tell him that I wish to see him out of office. I want to see Sri Rajaji—a veteran and an elderly statesman—not trammelled by office and not tied down to any party but as an elderly statesman guiding the destinies of this nation. I am glad that he is quitting office and I wish him good health and a very long life to be useful to this nation and to future generations.

" Another matter which has compelled me to intervene in this debate is the unfortunate incident that took place very near Kozhikode on the 28th of this month. I shall be very careful in the choice of my words when I speak on this subject. I know it is a matter which is a very serious and a very delicate one. I do not want to be hasty in my expressions. My sympathies, and I am sure the sympathies of this House, will go to the relations of the two citizens of my district who died in the incident. I am told that another person's life is in danger. My hon. Friend Sri Mohamed Raza Khan asked me whether I could give facts. First of all, I was not in the district when the incident took place. I had left the district. Whatever information I was able to gather was only from the newspapers and from what was stated by the Government in this House and in the other House. My sympathies are also with the two eminent officers which Malabar has, namely, the District Magistrate and the District Superintendent of Police. They had to face a very serious situation. I am sure they would have spent anxious thoughts over the incident. Our sympathies must go to these eminent officers who had to handle a very serious situation in the district.

" Now, coming to the facts, Mr. Chairman, I am not so much worried about the incident as the spirit behind the incident. Hon. Members might have seen from the papers and from the Press Note issued by the District Magistrate that a big riotous mob of

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1,000 persons gathered near a place of worship. In spite of the very sympathetic attitude and persuasions of two district heads, this crowd did not disperse. Now, let me explain the psychology behind this incident—I am not commenting upon the incident. I am not concerned with the question of music before mosque. They are all old things. But there is a psychology developed in the minds of the people which makes them arm themselves in open daylight and defy—I would even say, disobey—the orders of the authorities and not yield to the very sympathetic persuasions of two responsible and excellent officers of the district. I am the last person to criticise the Hon. the Chief Minister. Whatever differences I may have with him, personally I have got very high regard and reverence for him. But with great respect to him, I would like to say that his attitude during the last two years had led to this situation. An impression has been created that a particular communal organization is held in high esteem in high quarters, especially with this Government. I am not favouring any communal political organization. I would like to see that in our secular State no communal political organization or association is allowed to exist—I do not mind whether it is Hindu or Muslim. Organizations (which have never been heard of in Malabar before) like the R.S.S. and the Hindu Maha Sabha have begun to be active there, all due to the attitude of this Government. Sir, to learn a lesson we have burnt our fingers. For getting a few votes here or for getting some support there, are we to sacrifice the interests of the nation? Is it right on the part of the party-in-power to align itself with rank communal political organizations just for the sake of getting some paltry results in the Municipal elections, thereby doing an injustice to the country? Sir, an organization which has practically ruined our country, an organization which has been responsible for the partition of the land, an organization which has been responsible for innumerable deaths in our country, an organization which has now become discredited even in East Pakistan and an organization which is not wanted in the West Pakistan, is being propped up and helped by the party-in-power for some temporary purposes and for paltry gains. It is this attitude which is responsible for the present situation in Malabar. I hope the Government and the party-in-power will reconsider their attitude. We must always have, first and foremost, the interests of the nation at heart. Temporary success or temporary failure is a small thing. I hope that when the Hon. the Chief Minister quits his office, he would advise the future Government not to encourage any communal organization, to whatever religion it may belong. Sir, ours is a secular State and there should be no place for any communal political organization, whether it be the Hindu Maha Sabha, the R.S.S., or the Muslim League. I do not want to say anything more lest I should be misunderstood.

“Sir, with regard to the Appropriation Bill, my complaint always remains there. We are having a top-heavy administration which does not reflect the poor condition of millions of people of

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our country. Do we really represent the poor people? Do this Government really represent the poor people? I think we are moving in the wrong direction and so long as we do that, I am afraid that the Appropriation Bill would be only a ‘Misappropriation’ Bill.

“Lastly, one word about the change of leadership. Sir, it is a domestic matter in which I have no right to interfere. But I hope that whatever Government may come, it will be a stable Government. So long as I am not in power, I would like to see that the other Party forms a stable Government. Whatever may be the result, I hope the Hon. the Chief Minister, even after his retirement, will guide the nation as before and I pray to God to give him a long and healthy life.”

SRI MOHAMED RAZA KHAN :—“Sir, we are really very happy to have the Hon. the Chief Minister in our midst after his recent illness. I do not wish to dilate much upon that, but I was really wondering whether after hearing the speech of the hon. Member Sri M. P. Govinda Menon, his (the Chief Minister's) temperature has not gone up by at least quarter to half a degree. That is how I feel. Sir, before trying to reply to the points raised by Sri M. P. Govinda Menon, I should like to say that we—particularly most of us—cannot approve of the proposals made by my hon. Friend Sri T. Purushotham. One of his suggestions relates to the appointment of a Legal Experts Committee. After all, situated as we are, we may have lapses. It may be that we have not considered a particular point. But when a Bill is before the Assembly or the Council, attempt is being made by everyone, by the Government, by the Law Department, by all the hon. Members and particularly by hon. Members who have knowledge of the law and who are lawyers, to see that the legislation is perfect and that it is not held *ultra vires* by the High Court. But even with the best of efforts, some occasional lapses are possible, and therefore it is that the High Court decides that way. It need not be a sad reflection on us. Anyhow, we are wiser. Therefore, the very object of appointing a Legal Experts Committee consisting of outsiders is nothing but mere abdication of our power and I do not think the House will approve of the proposal. It is for the Hon. the Finance Minister to reply, but let me not arrogate to myself his powers.

“Then, with regard to his suggestion for having an Estimates Committee, I do not know how it will work. It would not be possible for the Government at every stage to place their proposals before that Committee and say ‘We want to spend so much on this and that’, and leave it to the Committee to increase or decrease the amount. I think this is being done in the Corporation at the Municipal level and the Government should not work in that way. I was a little surprised that another proposal should emanate from him—particularly when he had served in the Secretariat—that the Government should effect retrenchment. It would be

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very difficult for people who are thrown out of employment to get a job in these difficult days. The Ministry is also of the same view and it is also the view of the Hon. the Chief Minister who always has an eye on economy. It would not be wise to effect any retrenchment, unless the Government feel that a particular officer's post can be dispensed with or that he can be transferred. Personally speaking, I will not approve of these things.

"Sir, I would like to refer to one more point, which was the subject matter of a question in this House the other day. I do not know whether, as a layman, my views will be of any value. It is for eminent persons in the line, like the hon. the Leader of the Opposition, to have their say. But I do feel and I do maintain that honorary service as existing in our hospitals will be useful only if it is at the higher level, that is, if it is a question of appointing specialists and experts. It would be a welcome thing if very eminent persons with 20 or 30 years' experience, who do not want to be tacked on to Government service, are appointed in an honorary capacity in the hospitals and institutions. But I cannot understand the Government appointing students, who are fresh from the colleges, as honorary surgeons or as honorary physicians. After having spent six or seven years in the Medical College and after having spent half of their wealth or whatever they possessed, if you ask them to work in honorary capacities, naturally they look upon the hospitals as places where they could earn the money already spent by them. Naturally efficiency goes down even though Government may spend lakhs and lakhs of rupees on these hospitals. Government should not grudge appointing more and more of paid men. I have my own doubts whether this system of appointing honorary medical men is good for the people. Many complaints are made about these honorary doctors. It appears these honorary doctors tell patients: 'We are after all only honorary doctors. How can you expect us to attend on you all the time in the hospital'. Therefore I feel this system is not working well. The Hon. Minister Sri A. B. Shetty with his experience may be able to understand my point of view. I am not against the appointment as such of honorary doctors. Let the Government have this honorary system at the top level consisting of eminent men. I will have no objection to that. But to appoint honorary doctors to all the other posts, I consider, will reduce the efficiency of the hospitals.

"I believe there is scope, when talking on the Appropriation Bill, to refer to the taxation proposals of the Government. I would appeal to the Government, whatever be the personnel composing the Cabinet, to think twice before launching on the taxation measures. I do not want to talk elaborately on this point. The other day we heard the Hon. the Minister for Finance replying to the debate, and most of his arguments were very good. They were convincing. Nevertheless when he came to the last part of his speech dealing with the taxation proposals he himself felt he had no good case and therefore he was trying to make out as

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though he had a good case for imposing fresh taxation. That is what I could make out from his speech. Therefore I feel that the Government of Madras, whoever may compose the Cabinet, will do well to think many times before they launch upon any fresh taxation proposals. The proposal of the Government to impose fresh tax on cloth and the arguments of the Hon. the Minister for Finance in support of the same are not convincing. His only argument was not so much to get additional money for the Exchequer or for the State as to popularize the use of handloom cloth. As I have said on many occasions, I wish to say now also that I have not seen anything achieved by compulsion. Compulsion is not going to serve the purpose. The propaganda done by the Handloom Committee in Madras, the dramas and the speeches made on that occasion and the other things alone can go a long way to popularize the use of the handloom cloth. Anything done or attempted to be done by compulsion cannot succeed. The previous Government tried their very best to popularize the use of *kadhar* by compulsion. Unfortunately they failed. I say all those who are wearing *kadhar* in our country are wearing it not because of compulsion but because of their belief in the cause of *kadhar*. That is why they are wearing *kadhar*. I should like to say with all the emphasis at my command that the Government of Madras will do well to see that at least this tax is kept in abeyance till conditions improve. For all I know, the cloth trade in this State is passing through a very, very difficult phase. Practically merchants have no sales. The business that we do in the City of Madras is just distribution of the cloth to other States such as Travancore-Cochin, Andhra, and Mysore. Half of this business will shift and the law of diminishing returns will usher in a period of depression in the trade and the Government instead of making money by this taxation measure will lose. The idea of Government to popularize the use of handloom cloth will not also materialise. I do not wish to speak more elaborately on this point. I shall leave it at that for the Government to consider before they come forward with the measure to tax mill made cloth.

"Sir, in regard to the matter referred to by the hon. Member Sri Govinda Menon, it is really unfortunate that the incident should have happened in Malabar. I am more careful than my hon. Friend Sri Govinda Menon when I speak on this subject. The hon. Member said that the Government were supporting a communal organization. He said it here not for the first time. He has said it a hundred times. If there should be another opportunity for him to talk, he will repeat it. So much so I have begun to feel whether I should attach any value to it. But one thing I want to tell him. There are people who may not belong to a communal organization, but they are more communal-minded and they try to foster communalism. There may also be people in a communal organization, but their affairs are an open book for all and they may not behave in a communal way. Knowing a little bit of Malabar and its people—I do not claim I know Malabar and its people to the

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extent that my hon. Friend knows—I wish my hon. Friend Sri Govinda Menon stops this oft-repeated argument of Government helping the Muslim League in Malabar. I have asked him a number of times to prove it. Can he prove by quoting a single instance wherein the Government have helped the Muslim League in Malabar? No help was given by Government to that organization. If at all it exists particularly in Malabar, it is not because of the help rendered by the Government or because of the help rendered by Rajaji but because it has the sanction of the Muslims of that District behind it. The hon. Member may not like it but it is a fact. Therefore let him not make the oft-repeated charge that Rajaji is helping that organization or that Government are helping that organization. By doing so he is not bringing credit to the Government or to himself. Everyone has to condemn the present incident which resulted in the loss of some lives. But the Muslims of Malabar have kept themselves aloof from other organizations. They never came under the influence of the Communists, the Praja-Socialist Party, or even the Congress Party. These are facts. Perhaps in the Assembly, the Members of the Muslim League might have supported the Congress Ministry. It was on the merits of the case and not because they wanted anything from the Government. They did not demand anything from the Government because they supported them. It was because they wanted a stable Government in the State, they might have supported the Government. On that score it is unfortunate that the hon. Member Sri Govinda Menon should take every opportunity of attacking the Muslim League in Malabar in that way. There is a limit to this kind of attack. I wish he puts a stop to such kind of attacks. Another thing I want to impress in this connexion is this. When we talk here as Members of this House, we should not talk in terms of Hindus and Muslims. To-day conditions have changed. I do not want to refer to the unfortunate incident that occurred near Kozhikode. Of course there have been attempts for a long time in Malabar to take out processions with music before mosques. That has been the complaint. And no doubt the authorities there are interested neither in the Hindus nor in the Muslims. They are interested only in the maintenance of law and order. In this connexion I may say I learned from an important Congress Member of the Malabar district that he himself appreciated the way in which the Muslims of Malabar have adjusted themselves. But unfortunately this incident has happened and there was Police firing on the Muslims because they thought that they were aggressive. But now I would plead, 'let us not try to exploit the situation and try to talk much about these things.' The interest and aim of the Government is to see that law and order is maintained. If there is a threat to peace from any angle, from any community, or from any section of the people, the Government are sufficiently strong enough to deal with the situation. Therefore I am obliged to say that such speeches instead of helping Government to maintain peace and order would simply add fuel to the fire. Therefore I believe that what the hon. Member

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Sri Govinda Menon has said to-day will be his last attack on the Muslim League and that he will not go on repeating things of this sort. I do not want to say anything more on this subject.

"Then, Sir, the hon. Member Sri Govinda Menon referred to the retirement of the Hon. the Chief Minister who is also the Leader of the House. I do not like to indulge in that matter in a like fashion. We cannot talk about matters which are not within our control. Yet he referred to the retirement of the Hon. the Chief Minister and said that he could take rest after his retirement. The hon. Member Mr. Govinda Menon's dictum seems to be that every man who can serve the country usefully should always take rest and that he alone should carry on things in this State as he pleases. I am afraid I cannot subscribe to this theory. If that is accepted then to everyone, on the pretence he is eminent, he will say: 'You are eminent, why are you a Minister, take rest.' This is said of the Hon. the Chief Minister to-day. To-morrow it will be said of the Hon. the Finance Minister 'Mr. Subramaniam, why are you a Minister, you can take rest'. The next day the Hon. Sri Bhaktavatsalam will be asked to take rest. A time will come when it might be said 'Why are you the Leader of the Opposition Mr. Lakshmanaswami Mudaliyar, you also can take rest'. Then the hon. the Deputy Leader will be asked to take rest and ultimately everybody will be asked to take rest. That will be a bad day for the State and I hope that day will not come."

SRI M. P. GOVINDA MENON :—"Sir, I did not classify the Hon. Sri C. Rajagopalachari, the Hon. Subramaniam and the Hon. Sri Bhaktavatsalam on the same level."

SRI MOHAMED RAZA KHAN :—"I do not like to indulge in arguments. After all people are wise and they know their job and know their work. Let us not wish for things. What they feel best will be done. These things do not happen simply because we wish them to happen. That is my contention."

SRI V. CHAKKARAI CHETTY :—"Mr. Chairman, Sir, I wish to say only one or two words. My hon. Friend Sri Purushotham pleaded for the appointment of two expert committees. I believe an eminent Judge classified experts into three classes, experts, damned experts and liars. I do not know what kind of experts my hon. friend wants to be included in the Committees. So far as lawyers are concerned they will always differ and the courts of law will be the ultimate authority to decide whether a legislation passed by the legislature is within the limits of the Constitution or not. A legislation cannot be fool-proof."

THE HON. SRI C. RAJAGOPALACHARI :—"The classification humorously referred to is: liars, damned liars and expert witnesses."

SRI V. CHAKKARAI CHETTY :—"I forgot the classification. It is interesting that the Hon. the Chief Minister reminded me. An eminent teacher in the Law College once told me in those days

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that an eminent jurist who was also a Judge in England executed a will but after his death the will was set aside by the Court. Therefore we cannot assert that expert opinion or the lawyers' opinion will always be upheld in courts.

"I remember a case, in which an eminent Hindu Judge who was an eminent Hindu lawyer gave an opinion about certain matters relating to a cousin of mine about his marriage that was filed before the Judges in England. The Judges said: 'We here are not bound by any opinion of the lawyers expressed in the High Court. We are bound to hear the arguments of both sides and then come to a decision. We are not bound by any opinion given by the Hindu lawyer in Madras.' So, it seems to me that in matters of this kind, the Government have plenty of lawyers and experts to advise them. I do not think an Expert Committee is necessary so far as legislation is concerned. They have got their Advocate-General and State Counsel who will certainly go into all matters before any legislation is brought before the legislature. If the Constitution Bench of the Supreme Court or the High Court here sets aside any legislation, it is because it is inevitable in the nature of things that human beings differ in matters of this kind and, therefore, I do not think that the setting up of committees will solve the problem. It will only multiply the work of the Government and the Government will certainly be in a very awkward predicament, whether to accept the recommendations of this Committee or not. I know, as a matter of fact, in the case of industrial disputes, certain committees have recommended certain things which the Government did not propose to accept because, in their opinion, those recommendations were not good. It may be, Sir, that the recommendations made by the committee as suggested by the hon. Member, Mr. Purushotham, may not be acceptable to the Government and the Government will have to refer the matter to another committee. Therefore, the opinion of such a committee is of no value even if representatives of this House or the other House or experts outside are represented in that committee.

"Then, I wish to refer to another matter of very great importance to our country. At all times, there will be some matter of great importance or other, and now it is the question of communal organizations. Sir, it seems to me that it is impossible to do away with communal organizations so long as the communal feeling is implanted in the minds of our people. This communal feeling is prevailing among the people, whether they be Hindus or Muslims or Christians or for that matter whoever they may be. I am not in a position to say whether it is within the Constitution or not to shut out or ban any communal organization. Unless they indulge in violence, I do not think the State Government have a right to ban a communal organization as they might ban a political organization. Two years ago, the Government of Madras banned certain Trade Union organizations. What happened was that when the issue was taken up before the Supreme Court, they set aside the decision of the Government of Madras and declared it *ultra vires*

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of the Constitution. Even if the Government of Madras ban a communal organization, that organization may come forward and say that this Government are acting beyond their powers by banning their organization. After all, in this country the communal feeling, as it were, is inborn on account of various reasons. In this country, we call ourselves Hindus, Christians, Muslims, and so on and so forth. So long as that feeling is there, the communal organization, whether outwardly formed or not, will begin to operate and if people are foolish enough to indulge in acts of violence because of communal partiality, then it is a very lamentable feature in the body politic of this country. Therefore, I feel that, for the same reasons, the Muslim League Party or any other party which has something or nothing to do with it, should not be dragged into this controversy. I remember that this controversy has been going on ever since the time when the Muslim League in India under the leadership of the late Mohamed Ali Jinnah wanted the partition of India on communal lines, saying that the Muslims formed a separate Nation. Sir, it seems to me that it is too late in the day to talk about these things. What hon. Members should do is to go about the country and preach to the people that they should not indulge in communal activities or propagate communal feeling but should regard themselves as Indians. Sir, in England and other European countries, people do not regard themselves as Christians or non-Christians as the case may be. So, the classification of our people according to communal relationship and according to religion ought to be discouraged. I do not know whether the Central Government will discourage it. Sir, we are called upon to state to which community we belong when we file documents, affidavits, etc. Even in the case of title deeds relating to house property we are asked to give details about the community to which we belong, the place where we are living in and whether we want to dispose of the house in such and such a place. Even the Government demand that a man should call himself a Hindu or a Muslim as the case may be. The Government should discourage all these things and ask the people not to indulge in these communal denominations. This will go a long way towards making the people realise that they are Indians and do not belong to any particular community. If that is done, I am sure, it will go a long way towards eradicating the evil. Sir, it is not the speeches like the one we just listened to from the hon. Member, Sri Govinda Menon, which will solve the problem. With great respect to Mr. Govinda Menon, I must say that I do not like his speech because it is likely to antagonise the feelings of the Muslims wherever they might be. I do not think that we should indulge in these recriminations. Apart from the reports that appeared in newspapers, I do not know anything about the facts of the case. Sir, it is for the Government to say, later on, which party is to be blamed for the riot that took place in Malabar. Anyhow, the psychology behind it is clear—the psychology of communal feeling. We must try our level best to see that we get over this communal feeling. I myself have been doing it although of late there have been some antagonistic forces at work in the so-called community to which I belong. I say so because we have kept aloof

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from all these communal organizations and there is very little feeling of communalism in the so-called community to which I am supposed to belong. Therefore, the Government should discourage communal feeling in all spheres of activities.

"Once again, I congratulate the Hon. the Finance Minister on the able way in which he has piloted the Budget in this House as well as in the other House.

"I should like to take this opportunity of congratulating the Hon. the Chief Minister and convey my good wishes to him. After all, it would be impertinent on my part if I were to indulge in any prognostication as to his future. The future lies in his own hands and in the hands of his own Party. May it be given to the people of this country and of our State to have the best men at the helm of affairs! We have had very great men and it may be a calamity and it is bad to change horses in midstream. We are faced with very great problems and difficulties and we want to have men of mature experience and sober judgment who will have to be respected and trusted. I hope that whatever might happen, the Party to which the Hon. the Chief Minister belongs will think a hundred times before they change horses while they are crossing the stream. Sir, with these words I shall commend the Appropriation Bill to the acceptance of this House."

DR. A. LAKSHMANASWAMI MUDALIYAR :-- 'Mr. Chairman, Sir, I wish to crave your indulgence and that of the hon. Members of this House for taking a little time in discussing the Appropriation Bill that has been presented by the Hon. the Finance Minister. My apology is that I was unfortunately, owing to circumstances beyond my control, not in a position to participate in the Budget debate, and to that extent therefore I was handicapped in presenting some of the views that I felt that I had of necessity to present for the consideration of the Treasury Bench. But, I find, Sir, that the Appropriation Bill is nothing more than the Budget itself with the i's dotted and the t's dashed. There has been no change whatsoever in the original Budget that has been presented by the Hon. the Finance Minister to the Lower House. It appears to be the *sine qua non* of the present methods of democratic forms of Government is most of the countries that the Budget as presented by the Government of the day should not be whittled down in any manner or even changed in the smallest detail except it be to oppose the prestige of the Government. True democracy. I venture to submit, does not run on these lines. Unfortunately, with present trends of democracy all these conventions which are not really healthy for the functioning of democracy have adventitiously crept in.

"However, Sir, I find that the Hon. the Finance Minister in presenting his Budget has followed the traditional pattern. Every Finance Minister since the days when this Government was reconstituted in 1946 has presented a Budget and at the conclusion of it has given us a taste of what is to come by way of taxation

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proposals. These taxation proposals have always been a part and parcel of the Budget that are presented. On this occasion, at any rate, I had hoped to the contrary but I find that I had hoped in vain that the Hon. the Finance Minister would not be put to the necessity of presenting us any new taxation proposals in view of the changed circumstances, in view of the fact that we have now a different State to administer and also in view of the fact that by the grace of Providence we have been favoured with a very good monsoon after six long years of drought which has changed the entire face of the country and there are fertile crops standing in our fields. What I do find is that although the deficit in the Budget is only Rs. 58 lakhs, the Hon. the Finance Minister has brought in taxation proposals to the extent of Rs. 40 lakhs which is just one per cent of the total anticipated revenue. Now, I ask in all seriousness, is it suggested that a deficit of one per cent of the total revenue is such a huge one that taxation proposals should necessarily be brought forward? Are we so sure that the anticipated revenue has been so mathematically and accurately calculated that we cannot afford to take this small risk once in a year in which the monsoon has been favourable and try and see what would be the course of events if the Budget proposals did not take into consideration fresh taxation proposals? This is the thought that entered my mind after reading the Hon. the Finance Minister's proposals and the speech of the Hon. the Leader of the House.

"Let me take up these taxation proposals. In course of time they will all go through this House but I have to submit that even in regard to these taxation proposals there has been an incidence of taxation which must make us feel a little nervous about what the future will be. Taxation, though to a small extent, has been proposed as a surcharge on land revenue, a levy of agricultural income-tax, a betterment levy on the holders of certain lands, a revision of the Court Fees Act, a wider use of the provisions of the General Sales Tax and an extra levy of sales tax on certain goods. I agree that the Court Fees Act had to be revised because it had been already on the anvil for some time and owing to fortuitous circumstances could not be put into operation. I agree that holders of certain lands for whose benefit great irrigation projects had been started should, in fact, pay the betterment tax, although in this respect I would have preferred a progressive increase in the betterment tax rather than a uniform sort of betterment tax to be levied over a number of years. It is only as the land begins to yield and it takes a little time for the capacity to yield, to be intensified, that the holder of the land will be in a position to pay cheerfully the betterment tax. It would have been better in regard to this betterment tax if a progressively increasing scale depending upon the yield of the land had been thought of. I do not know whether that is the position. If that is the case, I shall stand corrected but, in regard to the surcharge on land revenue and the levy of agricultural income-tax, I must confess to a feeling that we are certainly more or less contradicting in terms. Sir, only recently the Moratorium Bill was passed to help the agriculturists to see that the debts that were due

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from them were not paid for a period of one year. To levy a surcharge on the agriculturists after showing them this consideration seems to me a contradiction in terms. It may perhaps be said that this surcharge is applicable only to certain pattadars who derive a big income from their lands and that therefore they can well afford to pay this extra amount. I feel, Sir, that the crushing incidence of taxation is gradually increasing and these very few people, whether they are called rich or poor, have to bear this additional incidence of taxation which is about 15 per cent extra. It is not a small sum even for these pattadars.

"Let me take another instance of these taxation proposals. The General Sales Tax has been there and I shall come to it. But, a growing tax has been levied on different kinds of mill cloth. On the cloth that is used by poorer middle classes—I do not say the very poor classes—the tax according to the figures given is about 166 per cent of the tax that is now levied on the medium category of cloth. I can tell the House, Sir, that the proportion of medium variety to the total production is about 60 per cent. Now, it is not the incidence of taxation on this particular variety of cloth that I feel is a matter for serious consideration. The only industry in this State which has lifted its head as it were and to a certain extent can be called an industry, is the textile industry."

THE HON. SRI C. SUBRAMANIAM:—"We have got only spinning mills in South India."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"There are certain mills which produce textiles also. The result of this taxation will be that even the few textile mills that are producing this kind of cloth will suffer in comparison with textile mills in the neighbouring area and to that extent trade will be diverted from this State to other States. Within a measurable distance from our State there are textile mills in another State which at present will certainly be benefited by this levy on the textile mills here and to that extent I am afraid our mills will suffer in comparison if we take the proportionate value of the cloth in the different parts of the country. But, let me pass on to the General Sales Tax.

"I do not want to touch on the tax on gold and silverware. It has been argued that it affects only the very rich people. To the extent to which it affects the very rich people, I entirely agree to the proposal but, are we so sure that it will affect only the very rich people? A large majority of the people in this country, as in some of the countries of the East, have not yet got into the habit of going to banks and investing their capital in them. If we go to any particular place, we will find that all the savings are in the form of gold and silver jewellery even almost to the extent of tearing the lobes of the poor ladies of the house. It is a fact and anybody can see that it is so by looking at the variety of people walking into a jeweller's show room, for instance. The only source by which they can save their money and protect it is by investing it at all times on gold and silverware. It is therefore no use in talking of

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the rich people only in this connection. I do not know whether it will be possible as a taxation measure, if it is suggested that a limit should be put on the taxation of gold and silverware. If people who purchase small quantities of gold and silver articles are exempted, it will be something for the better. Ninety-five per cent of the people who intend to save money, try to save it in the shape of ornaments—silver and gold ornaments—though a few may perhaps be so very foolish as to invest their money on house property which to-day is not a sound proposition for obvious reasons, and I shall not dilate on them. I should like these to be taken into consideration because they require a further amount of careful thinking. Sir, I was referring to sales tax. (Interruption.) I am told that the money already invested on jewellery has appreciated in value. Appreciation and depreciation are phenomena in the economic world of which we can never be too sure. Now I think there is more of depreciation than appreciation.

"Much has been said about sales tax which we have been levying. The Hon. the Leader of the House has been responsible for the levy of this tax which has been called 'Kamadenu'. He has denied that it is 'Kamadenu' and I accept that statement. But let us face facts. The revenue derived from sales tax which was about ten per cent of the total revenue of the State in the first year when it was levied is almost thirty-three per cent of the total revenue in the year under reference. In the previous year there had been a very heavy fall under this head of revenue. The Finance Minister has stated that, as against an estimated yield of Rs. 1,071 lakhs from this source, the present Budget is based on actuals anticipated of only Rs. 950 lakhs which means a reduction of Rs. 121 lakhs under this single head of revenue. He, therefore, bemoans the fact that Rs. 121 lakhs of revenue has been lost to him. I am always ready to sympathise with the Hon. the Minister for Finance whenever he has suffered a loss; but I think he has not sympathised with those whose interests have suffered. I want to tell him that this Rs. 121 lakhs of diminution in the sales tax represents twenty to thirty times the diminution in the total output of industry and trade. In other words this poor State has suffered loss in regard to trade and commerce to something between Rs. 1,500 lakhs and Rs. 2,000 lakhs. In my opinion, it is not an underestimate because if we take the gradation of the sales tax it cannot be denied that the flow of industry and trade has suffered so much. What is the result? The result is, under-employment, unemployment and poverty of an acute nature. I, therefore, venture to suggest that the Government should study the whole phenomenon of sales tax and see whether in their attempt to get revenue they are not really killing the goose that lays the golden egg.

"Times are perhaps changing. What is the phenomenon of diminishing returns in sales tax due to? I cannot anticipate a reply, but I do feel that the subject is one that deserves a great deal of study. The Madras State, as I have stressed, is the most heavily taxed State in the whole of India. This is the State wherein the

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per capita income is lower than in all the big States of India. I do not mind—perhaps it is good to be poor. But I am reminded of a couplet which says :

‘ Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.’

Let us not have wealth. But are we so sure that men are not changing on account of extreme poverty? Unless something is done to redeem the extreme poverty, and unless steps are taken to regulate trade and commerce in a particular manner so that the general level of the people does not suffer beyond a particular low limit, there will always be trouble. Whenever I go round the whole of India I see the prosperous conditions of so many people and I come back. But I come back with the satisfaction that I would rather be poor and be in this condition than imitate some of those who have made rich money and quick money in other places. That does not mean that we should not also take note of the fact that there are compensations which as a Government and as the public we have a duty to give to those who cannot afford them.

“ Now, Sir, let me take a few of the items covered by the Budget. There have been many schemes of a far-reaching nature which have been taken on hand. I am glad that within the last few years a revolution has taken place in regard to many of the great national projects. Far-reaching irrigation schemes have been launched. Hydro-electric schemes have been launched. Minor irrigation schemes have also been taken up. When I look upon these schemes and reflect upon the unfortunate state of affairs when the State was under the foreign regime when little or nothing was done and much could have been done, I have a feeling of exaltation. At the same time, let it be remembered, that these great schemes are for the benefit of posterity even more than for the present generation. The burden of constructing these schemes must be shared by posterity and not merely by the present generation. Are we so sure that in undertaking all these schemes we are not denying ourselves to such an extent that the impoverishment of the people is growing apace? It is this thought that troubles me. How far, Sir, loans have been utilized for this purpose? How far have all these projects been taken up with a view to seeing that the burden on the tax-payer is not so great as to crush him? I need hardly remind the Hon. the Leader of the House that the people of this State have been exceedingly generous in their attitude to loans floated by the Government. The Hon. the Leader of the House floated a loan recently and the response to that loan had been a staggering proposition to other States and to other countries. The loan had not only been oversubscribed but subscribed more than twice over and the amount subscribed had been taken by the Government. I am glad it has been taken because I believe that in all these irrigation schemes of national importance which are meant for posterity as well as for the present generation, the distribution of the burden is spread in such a manner that it is equally shared by the present generation and by posterity as well, and that is the proper thing to do.

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“ Sir, speaking the other day, I ventured to speak about lawlessness and my apprehension of a growing sense of lawlessness in the country. The Hon. the Leader of the House suggested that it was Prohibition lawlessness, and I ventured to submit that it was not only Prohibition lawlessness but also other forms of lawlessness, which had greatly increased.

“ Last night, curiously enough, I got the report of the Police Department for the year 1952. May I in passing respectfully once more draw the attention of the Treasury Bench to the need for publishing these administration reports sufficiently early and certainly not after one year and three months after the close of the year. I am not very anxious to see the reviews of the Government on these administration reports. Generally most people do not look into these reviews of the Government. By saying so, I do not mean it as a sort of adverse criticism. These reviews are generally framed in two or three sentences like ‘ Recorded. The Government are glad that the work of the Department has been more or less fairly satisfactory.’ Adjectives and adverbs in suitable terms can always be found in English language just not to show either high appreciation or a great denunciation of the work done by a department. But I believe that so far as the departmental report is concerned, it loses much of its value if it is presented long after and in some cases even long after changes in Ministries have taken place.

“ This Police Administration Report of 1952 presents a state of affairs which I am afraid we have to take cognizance of. The total cognizable crime has reached the peak figure in 1952, increasing from 55,000 in 1945, the last year that I shall take note of, to 91,000 in 1952. I have taken the year 1945 because it was in that year the first popular Government was established in our State. If we analyse some of the crimes, murder, for instance, was the lowest in 1945, the number of cases being 1,092 and is the highest in 1952, the number of cases being 1655. Rioting and unlawful assembly has again shown a similar peak in 1952. So have house-breaking, ordinary thefts, cattle thefts, and in fact it may be stated that all aspects of grave crime have been on the ascendancy. I will only show one of the graphs which can be repeated for every one of the crimes that I have enumerated. But that is not the only factor that has given me considerable apprehension. With regret I have to note that there is a progressive decline in regard to the detection of grave crimes such as murder, dacoity, robbery, house-breaking and thefts of ordinary kind. I cannot believe, and, from what I know, I cannot positively say that the Police of the State, noted for their efficiency, have suddenly become less efficient and I certainly feel very much less at ease how far in future with their task increased with the duties involved in Prohibition, they will be in a position to render the necessary protection to life and property in the altered circumstances. I am not offering it as a criticism of the Police Department. I know that their task has become very difficult under the altered circumstances. I know also that crime has advanced in our country, copying some of the methods adopted

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in the more advanced countries and for that reason I suggested previously to the Treasury Bench that it will be well for them to send several of their high grade police officers to find out in what manner crime is detected in foreign countries and in what manner several of the new detective forces are brought to bear. I am not speaking of the lie detector at present. (Interruption.) Sir, dogs are being used for the detection of crimes and I am glad that they are used because they are certainly more watchful than some of our own police (laughter). But I can tell you that there are many ways by which modern crime is being traced and detected and it would be good for us to send some of our officers to learn police methods in other countries. It is no use of blaming the police if they have not detected all the crimes."

THE HON. SRI C. RAJAGOPALACHARI:—"But what about taxation?"

DR. A. LAKSHMANASWAMI MUDALIYAR:—"The Hon. the Leader of the House asks 'What about taxation?' I entirely agree that the taxation that he will derive will be more when the crimes are prevented and the law Courts do not spend all the money and the people are saved from the horror of losing their hard-earned money which they have accumulated and other methods of dissipating their wealth. To be serious, I do feel that there are ways and means. Where expenditure has to be incurred, there can be no question about it. I am not one of those who will come to the House and plead that there should be no taxation at all. On the other hand, I will go further and say that taxation is a legitimate method of ensuring the welfare of the people of a State, which is to be a Welfare State. But all that I say is that we must be convinced that every pie is properly spent, that there are adequate safeguards in all departments and that wherever it is possible, it is also possible to make a rupee go the way that two or three rupees can go. From our own family Budgets most of us are convinced, and particularly the ladies in this House will, I think, generally agree with me, with some regret or hesitation, that they are forced to make one rupee go the way of two or three rupees occasionally."

"Sir, let me next refer to one other subject. I must thank the Hon. the Education Minister for the logical remarks that he has made about education. I was very pleased indeed to hear him take such a very proportionate and such a very logical view of matters pertaining to education. I said the other day that I felt that in matters of education there should be a national policy. The Hon. the Leader of the House asked me 'Why only education?' May I venture to answer, Sir, that education is a thing that concerns the future of a whole generation? If we once start with an educational experiment, a whole generation comes into grip with that particular project. We cannot change it easily. It cannot be a matter of just having a policy or correcting it two or three years afterwards. The thing has taken its course and must run through its course and therefore I say that in matters of education let us follow the principle of *festina lente*, which means 'proceed

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slowly'. I am particularly grateful to the Hon. the Minister for Education because he is an exception to the generality of Education Ministers who are now going about waving their big stick and trying to demolish everybody who stands in their way. It is not democracy that we are having. It is a totalitarian regime, in the guise of democracy, by a majority party in utter control of, and obedience to, the dictates of the Treasury Bench. I hope that it will never take place in our State.

"Let me refer to one other policy. I do so with some hesitation, but I want to make it very clear at this stage what my views are. I am one of those who believe that it would be good for the country if everybody can learn and speak Hindi. I have said so, and in the Secondary Education Commission Report hon. Members will find that I have advocated that Hindi may be treated as one of the languages which may be taught for three years at the beginning of secondary education. Having said that, let me make it very clear that at present too much of laxity of expression is prevalent among politicians of a certain State. I do not refer to the very interesting debate that took place in the House of the People and the very forcible and frank reply that was given by the Union Education Minister—all credit to him. But I want to make this very clear that the expression used by some people that Hindi is a national language according to the Constitution is wholly incorrect. Hindi is a State language, a language that should be adopted by the Centre and, if possible, by as many States as possible. If we speak of the national languages of India, there are fourteen languages mentioned in the Eighth Schedule to the Constitution and no discrimination has been made. I therefore cannot understand anybody trying to make out that under the Constitution we are bound to establish this as a common language in all grades or as a medium of instruction. Nothing is said about the medium of instruction. English was the State language in the Centre and the States. Nobody said for that reason that English should be the national language. Certainly not, Sir. But I do say this. Let us not get into jitters over the language controversy. We have a capacity in the eastern countries, if I may say so, to fight for nothing, to imagine great obstacles which may have to be destroyed. I repeat that it applies to other linguistic exponents who do not realize all the circumstances of the case. Sometimes we have to harbour them and tame them. (Laughter.) But having said that, let me make it very clear that in matters of education we cannot afford to make any rapid experiments on this line. The need of India to-day is to produce men and women who can take their place in the international world in literature, in science, in ethics, in philosophy or history and in every variety of professional studies and anybody, be he a Minister or a Chief Minister, who interferes with the rapid development of this process is doing a disservice to this country. I state that in unequivocal terms and I state that with the experience, limited though it may be."

THE HON. SRI C. RAJAGOPALACHARI:—"Please make it clear that the present company is not included." (Laughter.)

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DR. A. LAKSHMANASWAMI MUDALIYAR :—“ I began with offering my thanks to the Hon. the Education Minister and certainly those thanks would not have been due if I did not so thoroughly appreciate his attitude in these matters and realize that so far as this State is concerned, so far as the Treasury Bench of the present Government and, I hope, of the future Government are concerned, that policy will never be interfered with. We shall not be zealous in our zeal for any language, whether it be a regional language or whether it be a language of the State or the Centre. The only way in which languages can be favoured and developed is by a progressive policy of mutual tolerance, understanding and a gift for realizing what the other man thinks of. I am not very much worried. I do not know how to read, but I know sufficient Hindi and Hindustani to make myself understood anywhere in India. My hon. Friend Sri Raza Khan cannot twit me on that particular point.

“ Let me now come to my hon. Friend Mr. A. B. Shetty or as we familiarly call him Dr. A. B. Shetty of the medical profession. I am very glad to find that some amount has been set apart for rural medical service in the form of a mobile van. There has been a great deal of criticism against the medical administration. If there is one person more than another, with the exception of you Mr. Chairman, who knows more about the working of the medical profession, I claim that privilege of myself in spite of what my hon. Friend, Mr. Raza Khan has stated. From the year 1909 till the year 1952, I was actively associated with hospitals—not merely with one hospital but many hospitals. The year 1952 is not far back and my interest and knowledge of affairs of the hospitals still continue. With that experience and knowledge let me say this without fear of contradiction. I have also gone round many other countries. I have seen the medical institutions. I have inspected the medical colleges. I have looked into the working of the hospitals in those countries. In this connexion let me mention that I am most grateful to His Excellency the Governor of this State, Shri Sri Prakasa for the compliment that he paid to the medical profession that it was the most efficient, the least gluttonous in regard to fees and consisted of persons who had a greater amount of conscience than anybody else. That is a fact in this State. My hon. Friend Mr. Raza Khan stated that he was not convinced that the honorary medical service were playing their role properly. I ask him : ‘ Will he come with me on any day without previous notice to any hospital, to the General Hospital for instance, and see the working of the hospitals. Will he pick out the honorary men from the paid men when he goes there. Can he do it.’ I know, Sir, what they are doing. I know that they are more zealous than some of the paid medical men. If there are exceptions it is due to individuals and not because they are honorary or paid doctors. I know honorary surgeons who go to the hospital night after night to see their operated cases. I know people who have remained in the hospital till 4 o'clock in the evening without food and go home much to the regret and the disgust of their families. What do the

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Government pay them? Does not the Hon. Minister in charge realize that but for this medical service—the honorary medical service—his whole medical administration would have simply shattered to pieces. We owe this system of honorary medical service to the far-sighted statesmanship of the Raja of Panagal. It was introduced in the year 1922 against the teeth of an opposition the like of which this Government or any other Government is not likely to meet with. The whole battalion of the Indian Medical Service were arrayed against him. It was a historical battle which was waged in the Cabinet room of Fort St. George. When Lord Willingdon was the Governor that battle was fought and when the Surgeon-General said that he had to resign under these circumstances, the Raja of Panagal said : ‘ Well, I have a substitute already in view.’ With that the opposition collapsed and there after the honorary medical system was introduced. I am glad that that system was introduced although I feel there are certain ways in which these honorary men should be encouraged. My hon. Friend Mr. Raza Khan said that young men were coming in and spoiling the dignity of the posts of honorary surgeons. Let me tell you, Sir, that more juvenile persons are coming to the House to be legislators than to be honorary medical men. I can quote examples. You know perfectly well, Sir, that no person can be an honorary surgeon unless he has been a House Surgeon and an Assistant Surgeon for a number of years, unless he has had the prescribed qualification of M.D.M.S. or F.R.C.S., and unless he has worked after obtaining these decrees for four years in that capacity, he will not be recognized by the University as an honorary surgeon. Sir, let us not try to belittle the work of honorary officers. Let us on the other hand show considerable sympathy. I know there are directions in which they should be improved. It is now an accepted fact that the honorary surgeons are not treated in any different manner from the paid doctors. I saw a report in the papers attributed to the Hon. the Minister for Health that the honorary doctor was bound to work for at least three hours a day. That is all in theory. He is bound to work for the same number of hours as a paid man works. And the honorary man is paid nothing. He is not paid even the conveyance allowance to attend to emergency cases. He is paid nothing by way of tuition fees for the teaching he has to give. By this I do not suggest that the paid man should be paid less. I am only saying they are paid disproportionately small salaries. Sir, if I continue at this rate, I think the House may take it that I am trying to feather the nest of my own profession. I shall resist that temptation. (Interruption.)

“ Sir, it is perfectly true that the doctors of this State love their work. They are enamoured of the opportunities they have to serve the people and they have made no discrimination between the rich and the poor.

“ Sir, I was very much pained to note that the Hon. the Minister for Health had closed down certain training centres for nurses because there were a large number of unemployed nurses.

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May I respectfully venture to suggest that that is one of the noblest professions for women not necessarily for employment. It is a profession that is good for them. (Interruption.) They rise in value in the matrimonial market. My hon. friend may not realize it. But apart from that it takes four years to produce a nurse and if you want more nurses at any particular stage, if for any emergency you want them, you cannot produce nurses all of a sudden. You cannot get them. I beg of the Government, I beg of the Hon. the Minister for Health to reconsider the matter particularly in respect of Kozhikode and other places where there is so much of eagerness on the part of young girls to learn. If the Government cannot open more schools for training nurses in those places, why close the existing ones? I do not see any reason why these centres should be closed at all. After all are the Government providing employment for all those who are trained in our institutions? I plead for the retention of the school because I feel when once the Government close the institution, they will never get a suitable opportunity to draw in these people in such large numbers. I may tell the Government these trained nurses and doctors are finding employment all over India. My one great satisfaction is when I go round the country, when I go to other States, I am recognized by some nurse or some doctor who has been trained in Madras and they always show a certain amount of affability towards me. Let us not give up that great advantage.

"Now, Sir, reference was made to the reforms that are going to be effected in the field of local self-government. I think, the Hon. Minister who is not at present here, suggested that he was likely to appoint a committee to go through the administration of these local self-governing institutions—the representative bodies—from the panchayats right up to the district boards. Fortunately he did not include the Legislative Assembly and the Upper House as representative institutions. I do want to say this once again. Let us not be carried away by these demands. Democracy sometimes means submission to democracy of some people. Let us not be carried away by this idea of necessarily having this voting system for every single post of responsibility. Let us realize, and painfully realize that in the present circumstances there are limitations to democratic forms of Government. I would only request the Hon. the Minister for Local Administration and the Hon. the Minister for Co-operation also to realize this fact. I foresee the immense possibilities of co-operation. All the handloom products, the agricultural products, and products of much of the cottage industries that I hope may be started in the near future—I believe there are not cottage industries worth mentioning to-day—depend for their marketing on the good working of the Co-operative department. Unless the Government strengthen, stabilize and purify that department, the whole fabric will not stand the strain of the effort.

"Sir, in the concluding paragraph of his speech the Hon. the Leader of the House has made reference to the condition of affairs

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developing in the world around us. Every time I have had an opportunity of going out and seeing other parts of the world—fortunately or unfortunately to me it has been too frequent, not of my own choice, discretion or willingness—I have come back with a feeling of depression almost amounting to despair. Few of us, in discussing our local affairs, whether it is of the State or even of more local nature, seem to realize that we are fortunately or unfortunately mixed up in a world which is moving fast and which is moving along lines, the future of which none of us can anticipate. The greatest bulwark of any nation is not the assistance that it may receive from here or there, whether it be in the form of economic aid or military aid, but it is in the nation itself, in that feeling of solidarity, that feeling of oneness and brotherhood, that love of country and of its citizens fostered strong and in a measure that can be in sympathy with the ideals of citizenship. It is in this aspect of things that we have to promote to a greater extent internal unity, discipline and a well-ordered state of public affairs and of public life. I venture to think that nowhere can this task be better done than in this part of the country, if its citizens are wise and well-ordered citizens.

"Let me refer to two factors which may affect us to a very large extent. It is not my purpose to speak about events which are more legitimately the concern of the House of the People and of the Central Government but inasmuch as we are affected and we will be greatly affected, I feel it is my duty to refer to these events now. Events are taking place within a very short distance of us which are creating a certain amount of anxiety to the people and to the Governments concerned. It is my hope and prayer that finally a satisfactory settlement will be arrived at and, I have no doubt, that this can be left entirely to the wisdom of our Government, particularly of our Prime Minister, but I wish to state this, knowing something of the people concerned in that particular area, something of their habits and something of the part that they themselves play. Let us not forget the fact that they have an economic and social life of their own which they have cultivated for more than two hundred years under a foreign domination of another nature. Let us not, therefore, be overanxious to try to force any of our pet ideologies on them, realizing that in diversity, there is a virtue that cannot altogether be ignored. I hope and trust that whoever may be ultimately responsible for this particular part of the country, so far as we are concerned, we shall give them help in every possible way and make them realise that they can be what they have been, fully satisfied that they have their own ends to shape, rough-hew them how we will.

"May I also refer with some hesitation to another aspect of the world situation nearer our own home? We, in this State and in Southern India, are very deeply interested in this particular question—the relations between India and our neighbouring country of Ceylon which dates back not to hundreds but a couple of thousands of years. We are glad and happy that a settlement

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has been arrived at between the Prime Ministers of these two great countries. I venture to express the hope that whatever the settlement may be, the spirit of the settlement will spread more and more and people from our neighbouring island will feel that we have no intention to exploit their resources, much less to utilise them for any particular gain of ourselves. I am now very happy that in the University with which I am connected, over a thousand Ceylonese students are now reading in the colleges. I consider it the happiest augury that the youths of the two countries should be brought together in such close contact and by that contact they will realize, as perhaps the elder statesmen and others may not realize to the same extent, in what manner the interests of the Asian countries are bound together irrevocably. Let me hope and pray that those great tenets that have been adumbrated in our religions will be copied by all of us and we shall continue in eternal friendship.

“ Mr. Chairman, I am very grateful to you as well as to this House for giving me this indulgence and now I have to conclude with a personal note of regret. As soon as I arrived at Bombay at eight of the clock in the night, the reporters of some of the dailies there crowded round me and asked me whether I had read the news about Madras. I replied that I knew no news about Madras. They produced a paper and showed me a little report wherein it was stated that our Hon. the Chief Minister and the Hon. the Leader of the House was likely to lay down his high office. I am not indulging in any conventional phraseologies when I state that I received that news with sadness. I have been here for two years. As the Leader of the Opposition, I have been facing him all the time and I can say with no degree of exaggeration that no one has greater parliamentary gifts than he has. No one has maintained the traditions of high parliamentary life to the extent to which he has done and no one has given to the whole House the dignity and the status that he has given. (Hear, hear.) We may agree with him in some respects and we may be unfortunate enough not to agree with him in certain other respects. But of the work that he has done for our country and of the great and noble part that he has played throughout these long years spread over many, many decades, it is not for me to say. There were occasions when perhaps some people might not have agreed even in the olden days. There were also occasions when he himself did not agree with his own compatriots in those days. But at all times whether he agrees or differs, he never hesitates to call a spade a spade and state the blunt truth. Sir, as the Leader of the Opposition, it is my duty to refer to the great contribution made by the Hon. the Chief Minister to our State, to the country and to this House and to express our real sorrow that he has made up his mind not to continue with the responsibilities which he has been saddled with. I say ‘saddled’ deliberately for I know that it was not his choice. We shall miss him very much in the particular place where he is sitting but I express the hope and the bon prayer that he will

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continue to be with us for many, many more years and he will still occupy a honoured seat in this particular House and that we shall have the benefit of his ripe wisdom and advice. I express again, on behalf of the Opposition, our grateful appreciation of all that he has done as the Hon. the Leader of the House and as the Hon. the Chief Minister. May the Almighty, in whose hands we all are, shower His choicest blessings on him and give him a long life of happiness, of good health, of cheer and of encouragement in his old days to see that things do not go wrong after he lays down his office!” (Cheers.)

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I had no idea when coming here this afternoon that I would have to be so overwhelmed listening to such kindness—so much kindness—and such grateful expression about the work that I have done or any good that I might have done. Member after Member referred to me apart from the Appropriation Bill, and the climax has been reached just now by my old, eminent, and most illustrious friend, the Leader of the Opposition. In the few words in which he couched his feelings in respect of me, he succeeded in completely overwhelming me. I can only say ‘Thank you all for all that has been said’. I am going to lay down my office as was said, because there is a time—a point of time—when the physical frame must be allowed its rest, and that is the reason why I am going. I am going with as much sorrow in my mind on account of the parting with friends in this particular field of active work for the State as they have said they feel in respect of my going.

“ Thank you very much, Sir, for giving me this opportunity. I do not wish to take more of your time.”

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman. Sir, it might have been more appropriate if my leader has replied to the entire debate. To-day we are considering the Appropriation Bill, which is rather a formal matter. But it was raised to the level of a full-dress budget debate by the intervention of the Hon. the Leader of the Opposition. Many Members expressed their joy that the Chief Minister was back in his seat, even though temporarily. But we are all assured by his presence here that he has recovered from his illness, and he will be physically fit within a short time. But in spite of that, he has announced his intention to retire, and that has given the occasion for the Hon. the Leader of the Opposition to give expression to his feelings with reference to my leader. Let me also express my joy, Sir, that the Hon. the Leader of the Opposition has been able to come back after his tour and participate in this budget debate at least on the last day. I am grateful to him for the kind reference he made about me. I have not taken it that I deserve them. But I take them as an encouragement by an elder statesman to a young man who is trying to do his duty to the best of his ability. As long as I am called upon to continue to render my services, I may assure him that I will try to do my best, and his appreciation will stand in good stead as far as I am concerned.

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"The Hon. the Leader of the Opposition referred to very many things which have already been dealt with during the budget debate. I do not think he would have had the time to go through my reply to the Budget debates for, after all, it was a very insignificant thing considering the mission in which he was engaged in those days. I have in my reply tried to answer many of the points, and how far my reply would have appealed to him especially with reference to fresh taxation proposals, if he had happened to hear those points, I do not know. It is not with any sense of pleasure that I have come forward with taxation proposals. He said that it was a routine affair. I had said in my reply that it was as a matter of duty, and after full consideration that I took that unpopular step of proposing fresh taxation measures, especially at a time when, after partition, everybody was hoping that there would not only be a balanced budget, but to a certain extent a surplus budget, and that there would not be any need for fresh taxation on the people. But unfortunately events have turned out to be otherwise. The Hon. the Leader of the Opposition himself referred to the fall in sales tax receipts to the extent of Rs. 121 lakhs. From that he calculated that trade and business should have diminished very much, and therefore that was not a good sign. But may I also point out to the hon. the Leader of the Opposition that it is not only the turnover in terms of goods, it is not only the fall in production that has caused this fall in sales tax receipts, but it is the fall in prices also to a certain extent which contributed to this fall in sales tax receipts. In my view this is a hopeful sign. As far as production is concerned, the House would agree that in the agricultural sector, 1953 had a better and a more prosperous time than the past six or seven years. Therefore, as far as that sector is concerned, it cannot be said that production has gone down or that unemployment has increased. So also if we take the industrial sector, the production index shows that there has been an appreciable increase in many of the sectors. But we were hit in the beginning of 1953 by a power-cut which almost paralysed many of our industries. Fortunately for us we have passed that period, and it would not be necessary now even during this summer to impose any cut in power supply. This, I am sure, will give a favourable trend as far as the industrial production is concerned. Therefore, we need not feel unduly pessimistic that our production is going down or even that unemployment is increasing. My own view is that even though there is a certain amount of unemployment and under-employment, it is not as if our position is deteriorating. My view is that we have turned the corner, and that we are marching towards progress. I am hoping that next year, if it happens to be a normal year as far as rains are concerned, it will be possible for us to say confidently that the difficult days are over, and better days are in sight. If only we are able to manage our affairs properly, it will not be necessary to take any abnormal steps with reference to anything happening in our State. I hope the Hon. the Leader of the Opposition will pardon me if I say that in

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spite of what he has said about the various taxation proposals I stand convinced that in the interests of our own State, and in the interests of the various schemes which we have to undertake, it is absolutely necessary for the Finance Minister to take the unpopular step of bringing forward all these taxation proposals and getting them through, and take the entire unpopularity on himself so that the future Finance Ministers who take over from him will be able to have a better and easier time when they are called upon to frame their budget proposals. That is the only excuse that I can give with reference to the taxation proposals.

"I think I should make some specific reference to the proposed sales tax on mill cloth. We have been pressing for the protection of the handloom industry the reservation of certain categories of cloth. After all, when we speak about the textile industry, we cannot forget the large number of people—millions of people—who are engaged in the very same textile industry, the handloom industry, and it is not correct to allow these millions to perish. If conditions have got to be created wherein these people will be able to carry on their avocation, and will be able to maintain their families properly without starving them everyday and at every stage, it is necessary for us to give a sheltered market to them, so that it would be possible for them to dispose of their goods at an economic rate which would give them an economic wage, and enable them to give at least a morsel of food to all the members of their families. It is only from that point of view that this taxation proposal has been brought forward. If only the Government of India would agree to the reservation of certain categories for the handloom industry, I do agree that a stage will come when we will have to reconsider our proposals with reference to the increase in sales tax. I have absolutely no doubt that if such a thing happens, we will reconsider the whole question and do whatever is necessary. Therefore, this is the justification for our imposing an increased sales tax on mill cloth. But, the Hon. the Leader of the Opposition said that even in respect of the few weaving mills which are established in our State they would be at a disadvantage with reference to the weaving mills in the other States. I may with all humility point out to him that so far as inter-State transactions are concerned, our sales tax will not affect these transactions. Therefore if our weaving mills sell their goods for purposes of consumption in other States, our sales tax will not apply to such sales but the sales tax applicable to the consuming State alone will apply. Therefore our rate of taxation will not in any way reduce the competitive strength behind the weaving mills here. I am therefore right in my assessment, that as far as export of mill-woven goods from our State is concerned, it is not going to be affected by this extra incidence of taxation. But, all the mill goods whether they are produced here or in another State, when they are sold for consumption here in the course of business, will be subject to the same rate of taxation. So, there is no question of unnecessary advantage which the goods from other States will

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have over the goods produced in our State. That is not going to be our problem. I am therefore hoping that this taxation apart from being a revenue measure as far as the Government are concerned, will give incidentally a sheltered market to the handloom industry also. I think it is absolutely necessary because of the great unemployment which would come into existence of these millions of handloom weavers are thrown out of employment. It will be a colossal, social and economic problem which in its turn will lead to further deterioration in the various economic fields and social strata. Apart from the human aspect, even from the economic aspect and from the aspect of employment also, it is necessary to give protection to the handloom industry. This is the justification, Sir, why after a great deal of consideration we thought we shall increase the Sales tax on mill-made goods even with reference to the medium variety because, after all, it is in this category that there is greater competition between the handloom cloth and mill-made cloth. If we want to give effective protection to the handloom industry, we have to take into account this sector also. Of course, it is subject to the Central Government giving their consent. But, I am hoping that considering the problem in its wider aspect, it would be possible for us to get the consent of the Centre.

"Then, Sir, the Hon. the Leader of the Opposition referred to the various irrigation and power schemes which we have taken up and rightly pointed out that the burden of executing these schemes should not fall wholly on the present generation, that they should not be called upon to bear the burden entirely and it should be possible to see that the future generation also is made to pay for it."

MR. CHAIRMAN :—"I would like to know, how many more minutes the Hon. the Finance Minister would require?"

THE HON. SRI C. SUBRAMANIAM :—"Sir, I shall try to finish it in another ten minutes."

MR. CHAIRMAN :—"If so, I would like to make a few remarks. May I say, I like to endorse the feelings expressed by the Hon. the Leader of the Opposition and other hon. Members about the Hon. the Chief Minister who is retiring from his office. I only want to say that I deem it a great fortune in having him in this House because he has been of extreme help whenever any difficulty arose—practically no great difficulty arose—in solving it and the Chair always got great help from him. I do not want to make a long speech but only say I shall miss him here as the Leader of the House."

THE HON. SRI C. SUBRAMANIAM :—"Sir, I was referring to the expenditure which we were incurring on these large irrigation and power schemes. As a matter of fact, the cost of most of these schemes is met only from borrowings. It is true we used

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our revenue reserves also for this purpose and it was intended only for it. Therefore, we need not regret that, as far as future commitments in regard to such schemes are concerned, they are being met by borrowings either from the public or from the Central Government because it is only posterity which will have mostly to repay them even though we may be called upon to bear the interest and other debt charges in the near future.

"As regards the betterment tax, it is our intention that it should come into effect, not immediately a project is executed, but only after water is supplied to the agriculturists and it begins to bear fruit. It is only after two or three years that it will come into effect and it is also proposed to collect the betterment tax in easy instalments spread over 20 or 30 years. I may therefore say it is not going to be a heavy burden on those who will be called upon to bear this tax.

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

"Let me refer briefly to the various points made by other hon. Members. The Estimates Committee, the hon. Member Sri T. Purushotham said, should be in the form of an Expert Committee consisting of an Expert Engineer and two other senior Engineers. I am afraid, his proposal may not be practicable because, after all, we know how these experts differ in their views and whenever we ask a body to make suggestions it should be a body which is responsible to the Government. If we have a body of honorary men, to whom will they be responsible? It may be that they are supereminent men but still there is no question of their sharing any responsibility. That is why it is always found necessary that the head of the department or the person who happens to be the head of the Engineering Department is asked to share this responsibility. I do not think that any useful purpose will be served by this expert committee except for differing from one another and perhaps differing from the Chief Engineer also and ultimately problems will arise as to whose views should prevail, the Expert Committee's views or the views of the Chief Engineer. It is just something like what somebody said about the Second Chamber, namely, that if it agrees with the First Chamber it is superfluous and, if unfortunately, it does not agree with the First Chamber, it is irksome. We will therefore be placed in that dilemma. I do not think it will be possible to accept it but I am prepared to have his proposal examined though I am inclined to believe that it will not work well.

"His proposal to appoint a Committee of Lawyers is also similar. After all, before any legislation is passed it goes through eminent lawyers who are available to us. The Advocate-General is supposed to be the leading advocate and these legislative measures are scrutinized by him. The hon. Member Sri T. Purushotham referred to the Electricity Undertaking Acquisition Act, which was held *ultra vires* of the Constitution by the Supreme

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Court. In this connexion, not only did the Madras Advocate-General but the Law Officers of the Government of India also gave us their advice that it was *intra vires*. The High Court of Madras also held that it was *intra vires*. It was only the Supreme Court, on a point which was considered and rejected by the Madras High Court, held that it was not a valid legislation. It is therefore not possible to contemplate what will be the views of judges who will be sitting in judgment at a later date under different circumstances altogether. The Supreme Court has taken the view that it is *ultra vires* and we are bound by it. We have to rectify this mistake and we are trying to do so. However eminent the Committee of Lawyers may be they will not be able to foresee and rectify all these mistakes. Even if we send such legislation to a Bench of Judges for the purpose of scrutinizing them, unless they come before the same Bench we cannot be very sure that the same view will be taken by another Bench of Judges. Even if it comes before the same Bench, they may change their view if new arguments are advanced by other eminent lawyers. I am therefore afraid, Sir, that we will have to think twice before launching upon these Committees. They will be merely another spoke in the wheel.

"With reference to the point raised by the hon. Member Sri G. Krishnamurthi about the three rupees increase recently sanctioned by the Government, the point will be made clear when we issue orders on the subject.

"The hon. Member Sri M. P. Govinda Menon referred to the incident near Kozhikode. We all regret that such an incident should have happened. I read out in the other House the moving appeal made by our Hon. the Chief Minister that such incidents should not recur. Let us not hasten to say that either the Muslim League is responsible for this incident or that any other political body is responsible. Let us not prejudice the issue. I hope this is only a passing phase and a temporary aberration of mind because of certain excitement prevailing at that moment. Let us not pursue it further to give it a permanent colour. We are all sure that this is only a temporary phase and it is not going to be permanent. Let us all hope and let us all so work that this tension of feelings between the two communities or between two religious communities does not become a permanent feature. In making our speeches or in reporting about these incidents we have to be guarded. Therefore let us create an atmosphere in the Legislature and outside the Legislature which will not be conducive to these communal bickerings. (Hear, hear.)

"As far as the point relating to honorary Medical Officers referred to by the hon. Member Sri Raza Khan is concerned, it has been effectively answered by his own leader. Therefore my task has become lighter and my Hon. Colleague also, after hearing the speech of the Hon. Leader of the Opposition, has left the House thinking that there is nothing further to say.

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"Sir, I do not wish to take up any more of the time of the House. I have only referred to in my reply the salient points mentioned by hon. Members in the debate. I am sure I have not touched all the points. But that does not mean that they are unimportant. As I said at the beginning, this is only a formal motion for the consideration of the Appropriation Bill. I thought it would not be necessary to make a lengthy speech but still I had to meet certain points. I hope this Appropriation Bill will have the unanimous approval of this House especially when it has been commended to the House by the hon. Member Sri V. Chakkarai Chetty."

SRI MOHAMED RAZA KHAN :—"May I just say a few words with the permission of the Deputy Chairman, by way of personal explanation? I am not against the system of appointing Honorary Medical Officers. I really admire them and I am on a par with my leader in appreciating the services of these Honorary Medical Officers. What I submitted was that it would be much better to pay these people, at least at the lower level, so that they may get something in return for the services which they are rendering. After all they have to eke out their livelihood. It is not as if I am against appointing Honorary Medical Officers. That has not been my contention at all. Unfortunately I have been misunderstood. I only stated what I felt in this matter."

DEPUTY CHAIRMAN :—"The question is—

'That the Madras Appropriation Bill, 1954 (L.A. Bill No. 9 of 1954), as passed by the Legislative Assembly be taken into consideration.'

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

Clause 2, the Schedule, Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM :—"I move—

'That the Madras Appropriation Bill, 1954 (L.A. Bill No. 9 of 1954), as passed by the Legislative Assembly be passed.'

DEPUTY CHAIRMAN :—"The question is—

'That the Madras Appropriation Bill, 1954 (L.A. Bill No. 9 of 1954), as passed by the Legislative Assembly be passed.'

The motion was carried and the Bill was passed.

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(b) the expenditure charged on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

THE SCHEDULE.

Demand number.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
I	Land Revenue Department ..	76,42,100	..	76,42,100
II	Excise Department ..	41,09,000	..	41,09,000
III	Stamps Administration ..	13,83,700	..	13,83,700
IV	Forest Department ..	68,72,400	..	68,72,400
V	Registration Department ..	39,52,900	..	39,52,900
VI	Motor Vehicles Acts Administration ..	8,82,900	65,68,500	74,51,400
VII	General Sales Tax and Other Taxes and Duties—Administration ..	1,03,98,700	..	1,03,98,700
VIII	Irrigation ..	1,25,08,600	1,54,37,000	2,79,45,600
	Debt charges ..	..	2,97,00,000	2,97,00,000
IX	Head of States, Ministers and Headquarters Staff ..	74,72,900	9,49,700	84,22,600
X	State Legislature.	34,33,100	52,200	34,85,300
XI	District Administration and Miscellaneous ..	3,98,05,600	2,000	3,98,07,600
XII	Administration of Justice ..	1,08,38,000	19,89,700	1,28,25,700
XIII	Jails ..	1,03,67,700	..	1,03,67,700
XIV	Police ..	4,88,74,600	..	4,88,74,600
XV	Education ..	8,77,75,300	..	8,77,75,300
XVI	Medical ..	2,94,74,700	..	2,94,74,700
XVII	Public Health ..	1,04,92,900	..	1,04,92,900
XVIII	Agriculture and Fisheries ..	2,23,33,400	..	2,23,33,400
XIX	Veterinary ..	36,28,200	..	36,28,200
XX	Co-operation ..	62,49,300	..	62,49,300
XXI	Industries and Cinchona ..	1,69,46,600	8,98,000	1,78,44,600
XXII	Harijan Uplift ..	90,47,400	..	90,47,400
XXIII	Labour including Factories ..	14,67,400	..	14,67,400
XXIV	Civil Works—Works ..	3,20,93,500	3,26,900	3,24,20,400

APPENDIX II.

[Vide item V (1) on page 659 supra.]

L. A. BILL No. 9 OF 1954.

(As passed by the Assembly.)

A Bill to provide for the appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st April 1954.

WHEREAS it is necessary to provide for the appropriation of moneys out of the Consolidated Fund of the State for the service of the financial year commencing on the 1st April 1954; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras Appropriation Act, 1954.

2. *Appropriation out of the Consolidated Fund for the financial year commencing on the 1st April 1954.*—The State Government may appropriate out of the Consolidated Fund of the State, for the financial year commencing on the 1st April 1954, a sum not exceeding ninety-four crores thirty-three lakhs seventy thousand and three hundred rupees, being moneys required to meet—

(a) the grants made by the Madras Legislative Assembly for that year, as set forth in column (3) of the Schedule; and

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(1) Demand number.	(2) Services and purposes.	Sums not exceeding.		(5) Total. RS.
		(3) Voted by the Legislative Assembly. RS.	(4) Charged on the Consolidated Fund of the State. RS.	
XXV	Civil Works— Establishments and Tools and Plant	1,19,54,500	..	1,19,54,500
XXVI	Civil Works— Grants-in-aid ..	30,26,000	..	30,26,000
XXVII	Electricity ..	3,87,10,600	1,34,32,800	5,21,43,400
XXVIII	Famine	1,00,000	5,00,000	6,00,000
XXIX	Pensions	1,48,60,900	2,54,900	1,51,15,800
XXX	Stationery and Printing	88,63,000	5,41,000	94,04,000
XXXI	Miscellaneous ..	43,87,900	..	43,87,900
XXXII	Community Deve- lopment Pro- jects	66,87,800	..	66,87,800
XXXIII	Road Transport Schemes	1,27,52,800	1,83,000	1,29,35,800
XXXIV	Compensation to Zamindars	35,00,000	..	35,00,000
XXXV	Capital Outlay on Irrigation	6,70,90,200	..	6,70,90,200
XXXVI	Capital Outlay on Industrial Development ..	11,42,900	..	11,42,900
XXXVII	Capital Outlay on Civil Works	78,54,400	..	78,54,400
XXXVIII	Capital Outlay on Electricity Schemes	6,24,70,200	..	6,24,70,200
XXXIX	Capital Outlay on Road Transport Schemes	29,38,300	..	29,38,300
XL	Commuted Value of Pensions	13,65,000	6,500	13,71,500
XLI	Capital Outlay on Schemes of State Trading.	6,51,30,600	..	6,51,30,600
XLII	Loans and Ad- vances by the State Govern- ment	4,49,39,000	..	4,49,39,000
	Public Debt—Re- payment	..	12,17,00,100	12,17,00,100
	Grand total ..	74,58,23,000	19,75,47,300	94,33,70,300

27th March 1954.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

I certify that this is a Money Bill.

27th March 1954.

J. SIVASHANMUGAM PILLAI,
Speaker, Madras Legislative Assembly.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 30th March 1954.

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

THE MADRAS APPROPRIATION (NO. 2) BILL, 1954.

MR. SPEAKER:—"The next item is the Madras Appropriation (No. 2) Bill, 1954. I wish to know till what time the House would like to sit to-day."

SRI M. KALYANASUNDRAM:—"Till 1 o'clock, Sir."

MR. SPEAKER:—"Till 12-30 or 1 o'clock?"

THE HON. SRI C. SUBRAMANIAM:—"If the business is over before 1 o'clock, we can rise up."

MR. SPEAKER:—"The Hon. Finance Minister will now move the Madras Appropriation (No. 2) Bill, 1954."

THE HON. SRI C. SUBRAMANIAM:—"Sir, I beg to introduce the Madras Appropriation (No. 2) Bill*, 1954, and move—
'That the Bill be taken into consideration at once.'"

* Published in the Fort St. George Gazette Extraordinary, dated 29th March 1954.

[30th March 1954]

MR. SPEAKER :—“ Motion moved—

‘ That the Madras Appropriation (No. 2) Bill, 1954, be taken into consideration at once.’ ”

SRI K. VINAYAKAM :—“ Mr. Speaker, Sir, the Appropriation Bill moved by the Hon. Minister for Finance is before this House for consideration. Sir, I rise here to oppose this Bill and in support of this opposition, I shall adduce some arguments which may be considered by the Government for rectification of some of the defects found in the various departments.

“ Sir, I would like to consider first the first head, namely, the Excise Department for which an appropriation of Rs. 2,16,700 is needed by the Government. Sir, my views on the Prohibition policy are very clearly known both to this House and to the Government. I have been repeatedly bringing to the notice of the Government that this Prohibition Act is being misused in our State. There is a clamour that this short-sighted policy of prohibition has not only deprived the Government of its legitimate revenue, but also thrown most of the ex-toddy tappers into unemployment and this policy simply goads them to eke out their livelihood by nefarious methods. There is a practice now by which licences are granted to the toddy tappers to tap neera and then manufacture jaggery out of it. Sir, this is being misused with the result the officials of the Prohibition Department are niggardly enough not to consider the legitimate claims of the ex-toddy tappers. The ex-toddy tappers wish to manufacture jaggery and approach the Prohibition Department officials for the grant of licences. But the officials instead of going into the pros and cons of the requests, are summarily and totally refusing to grant them permits for fear that they have shortage of personnel to check whether these licences are misused or not. For instance, if a petition comes from a distant village farther off from the officer's headquarters, which the officials could not easily reach, they simply refuse to grant licences on the pretext that it is not necessary. Instead of taking proper steps to examine whether the toddy tappers are properly using the licences and instead of taking stringent steps and such measures by which they can prevent illicit distillation, the officials simply refuse to entertain the applications. In the result what happens is this. The ex-toddy tappers genuinely want to live a good, honest life by taking out a licence, by tapping neera and then by manufacturing jaggery. But when they are refused licence, naturally they take to wrong methods. That is the tendency in man. Thus, the action of the officials instead of checking illicit distillation, is encouraging it. It is not the people who consume toddy that take to illicit distillation by themselves, it is the Government officials, the officials of the Prohibition Department who are indirectly encouraging illicit distillation by this kind of action. If the applications are considered and then refused for valid reasons, we can understand the logic of it. But this kind of refusal for fear that they have no proper personnel, that they could not go and examine and see

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whether the licences are properly utilized, is unfair. I have known cases where there are plenty of misuse of this grant of licences. So I wish the Hon. Minister in charge of Prohibition to issue instructions to her departmental officials that the applications from ex-toddy tappers should be liberally considered.

(The Deputy Speaker occupied the Chair at this stage.)

“ Sir, I have been reading in the papers that in one meeting, the Hon. Minister for Prohibition had openly declared that applications for licences for tapping neera would be considered, if the local M.L.As. gave a guarantee to the effect that such licences would not be misused. Taking the cue from the Hon. Minister, Members from Chingleput District, irrespective of our political affiliations, jointly submitted a memorandum to the Hon. Minister in charge of Prohibition, requesting her to consider the issue of licences for tapping neera in our district. But the Hon. Minister has told us that she has sent the memorandum for departmental enquiry and that she is awaiting instructions from her department. If that could be the attitude of the departmental officials involving a lot of delay, the season for tapping neera will be over in twenty days from now. Afterwards there will not be any neera available to be tapped. There will be no use if licences are given after the expiry of one month from to-day when the neera season would have come to an end. I would request the Hon. Minister for Prohibition to liberally consider the memorandum I have given and take suitable action.

“ In this context I wish to draw the attention of the Hon. Minister for Prohibition to an awful incident that took place in a village called ‘ Vembadu ’ in my constituency. Of course there was some misuse by some people who were carrying on illicit distillation. A raid was conducted by the Prohibition Department officials with guns and revolvers. Some villagers were prosecuted. Innocent men were involved. There was shooting in the village. Two people were shot and one died on the spot. I have been asking the department about the details of what happened. Still I have not received authentic information. The matter is not *sub judice*. No case has been filed in the Court. This incident happened in the village Vembadu in Tiruppurur firka. I have been asking the department to institute an enquiry. People should be allowed to go to court to get the mercy of law in the matter. I repeatedly raised this issue in the District Prohibition Advisory Committee but it was of no avail. This incident happened six months before. The people as such have lost confidence in the prohibition policy; much more, they have lost confidence in the present Government. I still urge here constitutionally, for an enquiry, I mean, public enquiry into the shooting incident to which I have referred above. The Prohibition Police took the law into their own hands. They have sho’

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There was no police. There was nothing. There was no Government at that time. Innocent men were shot. I have brought this to the notice of Government. I again raise this issue here and request the Hon. Minister for Prohibition to institute an enquiry into the matter.

"I now come to the subject of irrigation dealt with under the eighth item. Irrigation facilities are sadly lacking in Chingleput district. I have been asking the Hon. Minister in charge of Irrigation as well as the Hon. Minister in charge of Revenue to inspect my place and rectify the defects. The Hon. Minister in charge of Revenue was good enough to follow me—to put it otherwise I can say I was good enough to follow the Hon. the Revenue Minister—when he visited Mahabalipuram two days before. There, along with other hon. Members like Sri K. Aranganathan and Sri V. Balakrishnan, I made a very good suggestion to the Minister. I told him how irrigation facilities could be improved in Chingleput district by utilising the sub-soil water along the sea shore. There are places known as 'wanch' (that is what they call it in Tamil, or 'kasam' (another Tamil equivalent) (Sri V. Balakrishnan: 'Say "springs"') from which plenty of water could be obtained. From these springs, if only the Government concentrate upon them, we could feed an ayacut of 4,000 acres in Chingleput district. Ever since I entered this House, I have been urging upon the Government to do this. But they are most unimaginative and unpractical. They do not see beyond their nose. That is the whole trouble with this Government. They have not done anything in the matter. I would request them to pay attention to what I have said and do the needful.

"There is the Buckingham canal which runs along the sea shore. Rice and firewood are being taken by boats in this canal. The bund is not raised all along the route. What happens is the sub-soil along the shore of the canal which is saltish gets silted up in course of time. Due to the Government not having raised proper bunds all along the route, the saltish earth gradually spreads up and extends to the adjoining arable lands with the result the latter become unfit for cultivation. The ryots are put to a lot of difficulty due to this. The saltish earth spoils the crops. Where can the poor ryots go if their crops are spoiled and that too for no fault of theirs? When there are floods, the water in the canal which is usually saltish flows into the adjoining arable lands and the saltish water spoils the crops. I represented this matter to the previous Hon. Minister for Public Works, Mr. Ranga Reddi. But he was little interested in what I said. I again make the request to the present Minister for Agriculture. Even though he has got good intentions and wants that these things should be attended to quickly, unfortunately he is not in a position to do so. On enquiry from the departmental officials, I find that raising of the bund along the route will not cost more than Rs. 5,000. For the past two years, I have been urging upon the Government to do this. But nothing has been done so far. If only the Government were to execute this work by spending Rs. 5,000, that would raise the prestige of the Cabinet.

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"As I said previously I once again request Government to tap the water from the 'wanch' or 'springs' in Chingleput district. There are 28 such springs from Tirupporur to Madurantakam. If these 28 springs are properly tapped, a lot of good water, at least drinkable water, could be obtained and that water if used for irrigation would contribute to some extent to increasing the agricultural wealth of Chingleput district.

"I want to stress one more point. The Hon. Minister for Education has announced very graciously that there would be an increase of Rs. 3 in the salaries of aided elementary school teachers. To that extent I am grateful to the Hon. Minister for Education. But what do the Madras Educational Rules say? It is said that the management must contribute Rs. 3 out of their pockets and the Government will give Rs. 27 by way of teaching grant. The manager has got to pay Rs. 3 from out of his pocket and this added to the teaching grant of Rs. 27 totals Rs. 30 which is to be paid to the teacher as his salary for a month. But what happens in most of the schools under private management is only the Rs. 27 from the teaching grant is paid as the salary for the teacher. The Rs. 3 which they have got to pay is not paid by the managements in most of the schools. That is what is happening in the aided schools to-day. The Hon. Minister said that the salary of the aided elementary school teachers would be raised by Rs. 3. Does this mean that the salary will be Rs. 30 and that the managements need not pay their contribution of Rs. 3? If that is so, the Government are only aiding the managements who have been teasing the teachers, who have not been kind to the teachers and who have been bypassing the Madras Educational Rules. Whether the pay of the teachers will be Rs. 30 made up of the teaching grant of Rs. 27 and the proposed addition of Rs. 3 or whether it will be Rs. 33 made up of the teaching grant of Rs. 27, the proposed addition of Rs. 3 and the management's contribution of Rs. 3 is a point which I would like the Hon. Minister for Education to clarify on the floor of this House.

"Then I come to the subject of Harijan Uplift which includes the uplift of Backward Communities also. We have been repeatedly saying that the amount set apart for educational concessions for Backward Community boys is meagre. I understand the difficulties of the Government; they are hard put to find the necessary finance for carrying on the administration. But any addition to the provision made for the uplift of Harijans and Backward Communities is a feather in the cap of the Government. I wish that the Government spend a little more money on this and come forward with a Supplementary Demand next year. The point I am reiterating is this. No student belonging to a Backward Community or to the eligible communities like the Harijan Community should be prevented from prosecuting his studies for want of money for paying school fees. It is a tragedy and a confession of abysmal insolvency of efficiency on the part of our Government to deny the opportunity for any such student for prosecuting his studies. I have known poor families who have spent all their fortune on educating the

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boys—my family is one such family—in the fond hope that young men coming from the University will occupy a very decent position in life. When the students come out of the portals of the University, they find that the problem of unemployment looms large everywhere. When the Backward Community families spend all their fortune on educating their boys and when those boys do not get employment, they are utterly disappointed. Of course, the unemployment problem has got to be tackled on an All-India basis; it is a problem which is beyond the capacity of the State Government. We do not clamour for scholarships for studying in foreign countries. We only want that the education that is available in our country should be made as cheap as possible so far as Backward Community and Harijan boys are concerned. At present, Harijan students are enjoying more facilities than the Backward Community students. We do not grudge giving those facilities to the Harijan students; they deserve them and let them have them. We want that the Backward Community students also should be treated on a par with Harijan students in the matter of education. We would be thankful to the Government if they entertain all the applications from Backward Community students for scholarships for prosecuting their studies. We do not want the Government to provide us with jobs; we will manage to secure jobs.

“ Then I come to Road Transport Schemes. I do not find the Minister in charge of that portfolio here. I wish to tell him that I am in a position to give him some practical suggestions by which the finances of the Government could be augmented to a very appreciable extent. When I suggested some points here, the Chief Minister jocularly remarked that I could be drafted as a member of the Transport Advisory Committee, implying thereby that thereafter complaints will cease to be made on the floor of this House. That was not my intention. I do not want to become a member of the Committee just because the Government want to shut me out from putting questions. I am trying to help the Government to augment their finances and increase the efficiency of the system. I have pointed out on a former occasion that labour in Government undertakings is not treated properly. When the labourers join a union, the Government immediately dub it as a Communist-sponsored or Socialist-sponsored union. Labourers in the Government Transport form themselves into a union to put forward their hardships before the Government. Bad motives should not be attributed to them. They should be taken into the confidence of the Government and their suggestions must be considered. They should not be made to work for more than eight hours a day. If I, as a private employer, employ some workers, the Shops and Establishments Act stares me in my face. It says that I should not extract work from the employees for more than eight hours a day. The Labour Inspectors are very strict in implementing this provision of the Act, and for any violation they take the offenders to a court of law and the court imposes a fine. The same law applies to Government factories. But the workers in the Madras Government Transport are made to work for more than eight hours a day. There cannot be one law for the Government and another law for the public.

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Sometimes the workers in the Government Transport are made to work for as much as ten or eleven hours. I have known drivers and conductors complaining that, as they have to take the buses by five o'clock in the morning, they have got to be in the office by about 3 o'clock, as then only they get to know the bus which a driver has got to take and the conductor allotted to it. Sometimes they are also not treated well by the employers. Because they are not treated well by their employers and they do not get a kind word from the Government, they turn their entire anger on the innocent public who have to depend upon their services. If a teacher has some domestic quarrel, when he goes to the school he pounces upon the innocent children. Because the teacher is not well-placed economically, he turns his anger upon the innocent pupils who could not rebut it. That is what is happening in our schools. Similarly, the Government Bus Transport labourers, conductors and drivers are very unkind to the passengers. They do not stop the buses at the stopping places and when they stop, they do not stop sufficiently long to enable the aged and the infirm people to board the bus and get themselves seated. They start and get off quickly. They are very uncivil or unkind to passengers. It is not their fault. They are as much human beings as anybody else. I have had some personal contact with the bus drivers and conductors. Taken as a whole, they are good men. But why are they so badly behaving towards the passengers, when they are at their work? Because they have been rubbed on the wrong side by their employers. There are some private operators like the P.T. or the S.R.V.S. competing with the Government Bus Transport on, for instance, the route from China Bazaar to Pallavaram. I wish that one of the Ministers stands incognito at one of the bus stops to find out what the position is. A Government bus driver does not care to stop the bus at the bus stop, even though there is a long queue of passengers waiting at so late an hour as 9 o'clock in the night. The passengers get disappointed. When the driver or conductor misbehaves, the passengers don't blame them. They blame the Government and heap tons of curses on them. This is the awful condition of the Government Bus Transport. If a private operator's bus comes there, the driver or conductor beckons the passengers, requests them to get in and guides the passengers who are in need of guidance. If a passenger wants to go to Poonamallee, the conductor tells him that a bus bound for Poonamallee will be waiting at the Pallavaram bus stand at the time his bus reaches Pallavaram and that he could travel in that bus and reach Poonamallee. That is how the employees of private employers behave towards bus passengers.

“ Sir, that is the reason why nobody is tempted to get into a Government bus. Your conductors are so uncivil and so unkind to the passengers with the result they are not only responsible for preventing the Government from earning sufficient amount of money through these buses but they also earn tons of bad words from the public. So, the Hon. Minister in charge of transport must convene a conference of the bus conductors and drivers, instil into them some hope and confidence and give them

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all reasonable facilities. I do not say that the Government should throw open the entire coffers and run the buses on a 'No loss, no profit' basis. I do not hint at that. The Government may make any profit. But, at the same time, they must also see that the passengers get the maximum comfort. (Interruption.) I do not think that my time has come to an end. I thought there was dearth of speakers and that was why the Hon. Deputy Speaker was allowing me to speak. (Mr. Deputy Speaker then sounded the gong.)

"Sir, lastly, I wish to make this suggestion. It is no use convening a meeting of these people only once just as the Hon. the Chief Minister, Mr. Rajagopalachari, did once on the eve of the Deepavali day. He called all the bus conductors and drivers, gave them hot tea and some tiffin and then said 'You will all be treated well'. These people were all thinking that they will be getting some bonus. The announcement of the Hon. the Chief Minister made them all very much disappointed. That should not be the attitude. The Government must collect them, give them a kind word and tell them 'If you get more income to the Government, you will be given a bonus'. Suppose every bus conductor must collect at least Rs. 160 per day, than for a certain amount that he brings over and above that limit, he should be paid a bonus of say, eight annas that day. If the Government can give them such an incentive, they will not only get more income but they will also have a contented staff. Why should I talk only about these bus conductors or drivers? Take any low paid staff—the village munsif, the Revenue Inspector, the policeman or any such officer. These are the men who are the real enemies of the Government. They do not want to help the Government because the Government do not treat them properly. So, I want that the Government should treat the labour properly. I have got umpteen complaints against these persons. But, for want of time, I have to cut short my remarks. I wish the Government rectify these defects before they expect this House to vote for this Appropriation Bill."

SRI N. K. PALANISAMI :—"கனம் உதவி சபாநாயகர் அவர்களே, அரசியல் சட்டப் பிரகாரம் குறிப்பாக ஐந்து வருடத் திட்டத்தின் படியும் ஒவ்வொரு ராஜ்ய சர்க்காரும் கல்விக்காக ஏற்கெனவே செலவு செய்த பணத்தைக்காட்டிலும் அதிகமாக செலவு செய்யவேண்டுமென்று இருந்தபோதிலும் நம் சர்க்கார் அதில் முன்னில் ஒரு பகுதி கூட செலவு செய்யவில்லை. உதாரணமாக பிரிட்டிஷ் ஆட்சி காலத்தில் இருந்ததைப் போலவே தற்போதும் செலவுசெய்து வருகிறார்களே தவிர அதில் யாதொரு புதுவிதமான மாறுதலும் இல்லை. ஆசிரியர்களை சர்க்கார் ஆசிரியர்கள், ஜில்லா போர்டு ஆசிரியர்கள், தனிப்பட்ட மாணாக்கர்களிடம் வேலை செய்யும் ஆசிரியர்கள் என்று பிரித்து ஒவ்வொருவருக்கும் ஒவ்வொரு விதமான சம்பளம் கொடுக்கப்படுகிறது. ஜில்லா போர்டு வாத்தியாருக்கு ஒரு சம்பளம், லோகல் போர்டில் இருக்கும் வாத்தியார்களுக்கு ஒரு சம்பளம் என்பது பிரித்து ஒருவரைவிட ஒருவருக்கு மிகக் குறைவாகக் கொடுப்பது வருந்தத்தக்கது. அரசியல் சட்டத்தில் ஒவ்வொருவருக்கும் வேலைக்குத் தக்க ஊதியம் கொடுக்கவேண்டுமென சொல்லப்பட்டிருக்கிறது. அதேசரி 1946-ம் ஆண்டில் நியமிக்கப்பட்ட செகண்டரி கல்வித் திட்ட கமிஷனின் யோசனைபடி உபாத்தியாயர்களுக்கு அடிப்படை சம்பளம்கூட கொடுக்கப்படவில்லை. அவர்கள் ஒவ்வொருவருக்கும் குறைந்தபட்சம் 55 ரூபா

[Sri N. K. Palanisami] [30th March 1954]

யாவது மாதம் கொடுக்கவேண்டும். சர்க்கார் இதை எல்லாப் பள்ளிக் கூடங்களுக்கும் அமுல் செய்யவேண்டும். இதுவரையிலும் எந்த இடத்திலாவது அமுல் செய்திருக்கிறார்களா என்பது நமக்குத் தெரியாது.

"மேலும் பதினான்கு வயதிற்குட்பட்ட எல்லாப் பையன்களுக்கும் பத்து வருட காலத்தில் படிப்புச் சொல்லித் தரவேண்டுமென்று இருக்கிறது. நான்கு வருடங்கள் ஆகிவிட்டன. இன்னும் ஆறு வருடங்கள் தான் பாக்கியிருக்கின்றன. சிறிய காஷ்டீர் ராஜ்யத்தில் எல்லோருக்கும் கல்வி இலவசமாக அளிக்கப்படும் என்று இருக்கும்போது, நம் நாட்டிலும் நாம் ஏன் அதைச் செய்யக்கூடாது.

"முன்பு ஒரு தடவை சொல்லும்போது நாற்பது லட்சம் பேர் பள்ளிக் கூடம் வருவதில்லையென்று சொன்னார்கள். ஏனென்றால் பெற்றோர்கள் அவர்களை அனுப்ப மறுக்கிறார்கள். பெற்றோர்களோடு பையன்களும் வேலை செய்கிறார்கள். உதாரணமாக சாப்பாட்டிற்கே வழியில்லாமல் இருக்கும்போது, கஞ்சித்தண்ணீருக்குக்கூட வழி இல்லாதிருக்கும்போது அவர்கள் எப்படிப் பள்ளிக்கூடம் வரமுடியும்? புஸ்தகம் முதலியவைகள் எப்படி வாங்கமுடியும்? ஆகவே சம்பளச் சலுகை, புஸ்தகச் சலுகை முதலிய எல்லாம் கொடுப்பதுடன், மத்தியானம் ஒரு வேளை சாப்பாடு கொடுத்தால் கண்டிப்பாக எல்லோரும் வருவார்கள். கோயமுத்தூர் ஜில்லா உபாத்தியாயர்கள் சங்கம் இம்மாதிரி கொடுக்கவேண்டுமென்று சிபார்சு செய்திருக்கிறது. 1944-ம் ஆண்டில் அட்வைசரி ஆட்சி இருந்த காலத்தில்கூட ஒரு வேளை உணவு கொடுத்து வந்தார்கள். ஆனால் காங்கிரஸ் ஆட்சி ஏற்பட்ட பிறகு அதை அடியோடு நிறுத்திவிட்டார்கள்.

"கோயம்புத்தூர் ஜில்லாவில் புதியதாக ஒரு உத்தரவு போட்டிருக்கிறார்கள் என்று அறிகிறேன். அதன்படி மாதம் ஒன்றுக்கு ஐந்து பின்னை களையாவது ஒவ்வொரு உபாத்தியாயரும் இப்பொழுது இருப்பதைவிட அதிகப்படி பள்ளியில் சேரும்படி செய்யவேண்டும். அப்படி எந்த உபாத்தியாயராவது சேர்க்காவிட்டால் அவர்களுக்கு வேலை கிடையாது என்பதாக குறிப்பிட்டிருக்கிறார்கள். இந்த உத்தரவு சரியல்ல. இதை மாற்ற தக்க நடவடிக்கை எடுக்கவேண்டும். அது மட்டுமல்ல. இதுமாதிரியாக புதிய பையன்களை சேர்க்காத வாத்தியார்களின்பேரில் நடவடிக்கை எடுப்பது மிகவும் வருந்தத்தக்கது.

"இந்த ராஜ்யத்தின் பிரதம மந்திரியாக வரப்போகின்ற கனம் சுப்பிரமணியத்திற்கு குறிப்பாக ஒன்று நான் சொல்ல ஆசைப்படுகிறேன். 1953-ம் ஆண்டில் தென்காசியில் அவர் பேசும்போது, 'உபாத்தியாயர்கள் எல்லாம் பியூன் வேலைக்குக்கூட லாயக்கு இல்லை. மேல் நாடுகளில் ஆரம்ப ஆசிரியர்கள் ரொம்பவும் படித்தவர்களாக இருக்கிறார்கள். ஆதலால் அங்கு பையன்கள் நல்ல மனிதர்களாக ஆகிறார்கள். ஆனால் நம் நாட்டில்தான் குறைந்த படிப்புள்ளவர்கள் ஆரம்ப ஆசிரியர்களாக இருக்கிறார்கள். இவர்கள் பியூன் வேலைக்குக்கூட லாயக்கு இல்லை' என்று குறிப்பிட்டிருக்கிறார்கள். இது வாத்தியாயர்களை அவமதிப்பதாகும். இது மிகவும் ஆபத்தாக முடியுமென்பதை சொல்லிக்கொள்ள ஆசைப்படுகிறேன்.

"மேலும் அன்றையதினம் பேசும்போது 'வாத்தியாயர்கள் அரசியலில் கலக்கக்கூடாது' என்று சொன்னார்கள். அது தவறு. அவர்கள் தங்கள் வாழ்க்கைத்தரத்தை உயர்த்திக்கொள்ள முயற்சிகளைச் செய்வார்கள். எவ்வகை கட்சிகளும் அவர்களுக்கு உதவி செய்யத்தான் செய்யும். வரவைப்பது சர்க்காரின் வழக்கம். நியாயமாக கேட்பவர்களுக்கு கம்யூனிஸ்டு முந்தி நிற்பார்கள். ஜனங்கள் வாத்தியாயர்களை ஆதரித்துத்தான் நிற்பார்கள். காங்கிரஸ் கட்சி ஜனநாயக முறைப்படி நடக்குமானால் எதற்காக ஆசிரியர்களின் உரிமையை நசுக்கவேண்டுமென்று கேட்க விரும்புகிறேன்.

"மேலும் பள்ளிக்கூட புஸ்தகங்கள் எல்லாம் காலாகாலத்தில் வெளியிடுவது கிடையாது. மேலும் புஸ்தகங்களின் விலையும் மிக அதிகமாக இருக்கிறது. ஆகவே காலாகாலத்தில் குறைந்த விலையில் புஸ்தகங்களை வெளியிட சர்க்கார் முயற்சி எடுத்துக் கொள்ளவேண்டும்.

[Sri N. K. Palanisami] [30th March 1954]

“மேலும் வருடாவருடம் மிகக் கடுமையான முறையில் மாணவர்கள் பரீட்சை செய்யப்பட்டு **Fail** செய்யப்படுகிறார்கள். அதற்குக் காரணம் பையன்கள் சரியாகப் படிப்பதில்லையென்றும், கட்டுப்பாடு இல்லையென்றும் சொல்லப்படுகிறது. அதிகப்படியான பையன்கள் பாஸ் செய்வதால் நாட்டில் வேலையில்லாத திண்டாட்டம் அதிகரித்து வருகிறதென்றும் சொல்லுகிறார்கள். மேலும் ஆசிரியர்களுக்குச் சரியான சம்பளம் கொடுக்காததால் அதிருப்தி மனோபாவத்தோடு வேலை செய்கிறார்கள். மேலும் நான் முன்பே சொன்னேன். காஷ்மீர் போன்ற ஒரு சிறிய தேசத்தில் இருக்கக்கூடிய எல்லா மாணவர்களுக்கும், கல்லூரி முதல் சாதாரணப் படிப்பு வரை இனாமாகக் கல்வி போதிக்கப்படுகிறதென்றால் நம் நாட்டில் ஏன் வயது வந்தவர்களுக்கு எல்லாம் இனாமாகப் பாடம் போதிக்கக் கூடாதென்று நான் கேட்கிறேன். முடியாதென்று சொல்வது ரொம்பவும் மானக்கேடாக இருக்கிறது என்று சொல்ல விரும்புகிறேன். கல்லூரிக் கல்விக் கமிஷனின் சிபாரிசுப்படி அரசாங்கக் கல்லூரியில் வேலை செய்துகொண்டிருக்கிற பேராசிரியர்களின் சம்பளத்தை உயர்த்த உத்தேசித்திருப்பதாகத் தெரிகிறது. அவர்களது சம்பளத்தை உயர்த்துவது போலவே **Affiliated** காலேஜில் வேலை செய்யக்கூடிய பேராசிரியர்கள் சம்பளத்தையும் உயர்த்தவேண்டும்.

“அடுத்தபடியாக ஒவ்வொரு பள்ளி மாணவர்களையும் வருஷா வருஷம் மெடிகல் பரீட்சை செய்யவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. ஆனால் எந்தப் பள்ளிக்கூடங்களிலும் அப்படிச் செய்வது கிடையாது. இனிமேலாவது அம்மாதிரியாகச் செய்யவேண்டுமென்று வற்புறுத்தவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். ஐந்து வருஷத் திட்டப்படி அதிகப் பள்ளிக்கூடங்களைக் கட்டவேண்டும். இருக்கக்கூடிய பள்ளிக்கூடங்களுக்கும் நல்ல கட்டிடம் கட்டிக் கொடுக்கவேண்டும். அடுத்தபடியாக என்.ஜி.ஓ.க்களுக்கு பர்சனல் பைல் வைத்துக் கொள்ளப்படுகிறது. சுதந்திரம் வந்துவிட்டது என்கிறோம்.

“நாட்டில் ஜனநாயக ஆட்சி இருக்கிறதென்று சொல்லுகிறோம். அப்படி யிருக்கும்போது இதுமாதிரியாக எதற்கு பர்சனல் பைல் வைத்துக் கொள்ள வேண்டுமென்று நான் கேட்கிறேன். அவர்களுடைய சம்பளத்தை உயர்த்தவேண்டும். அவர்களுக்குக் குறைவான சம்பளம் கொடுப்பதால் அவர்கள் ஊக்கத்தோடு வேலை செய்வது கிடையாது. ஆகவே அவர்களது சம்பளத்தையும் உயர்த்தவேண்டும். பர்சனல் பைல் முறையையும் நீக்க வேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

Sri S. R. ARUMUGAM :—“கனம் உதவி சபாநாயகர் அவர்களே, கனம் நிதி மந்திரி அவர்களால் கொண்டுவரப்பட்டிருக்கிற இந்த **Appropriation Bill**-ஐ ஆதரித்துச் சில வார்த்தைகள் பேச விரும்புகிறேன். சென்ற 5, 6 மாதங்களில் மழை பெய்திருப்பது விவசாயிகளுக்கு ஓரளவு உதவியாக இருக்கிறது. ஆனால் கோயம்புத்தூரை எடுத்துக்கொண்டால் பல்லடம், உடுமலைப்பேட்டை, தாராபுரம் முதலிய இடங்களில் மழை பெய்தாலும், போதிய அளவு மழை பெய்யவில்லை. பெய்த மழையை நம்பி விவசாயிகள் தங்களிடம் இருக்கக்கூடிய தானியங்களை யெல்லாம் காட்டில் போட்டுவிட்டார்கள். பின்னால் மழையில்லாததால் மிகவும் கஷ்டப்படுகிறார்கள். மேலும் பருத்தி, புகையிலை போன்ற **Cash Crop**-கள் பெரும்பாலும் பூச்சிகளால் பாதிக்கப்பட்டிருப்பதால் அங்கு இருக்கக்கூடிய விவசாயிகள் தாங்கள் போட்ட பணத்தைத் திருப்பி எடுக்கமுடியாமல் ரொம்பவும் கஷ்டப்படுகிறார்கள். சர்க்கார் அவர்களுக்கு ஏற்கெனவே பலவிதமான கடன்களை கொடுத்திருக்கிறார்கள். ஆனால் இப்பொழுது மழை பெய்திருப்பதால் அவைகளை வருடம் செய்ய சர்க்கார் ஏற்பாடு செய்து கொண்டிருக்கிறார்கள். விவசாயிகள் ஏற்கெனவே கஷ்டப்பட்டுக்கொண்டிருப்பதால் அவர்கள் இப்பொழுது கடன்களைத் திருப்பிக் கொடுக்கும் நிலையில் இல்லை. ஆகையால் சர்க்கார் விவசாயிகளுக்குக் கொடுத்த கடன்களை வசூலிப்பதை விவசாயிகள் நல்ல நிலைமையை அடையும் காலம் வரையிலாவது ஒத்திவைக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

30th March 1954] [Sri S. R. Arumugam]

“**C.O. 4** காட்டன் என்ற ஒருவித பருத்தியை என்னுடைய தாலூகாவில் இப்பொழுது அதிகமாக உற்பத்தி செய்வதற்குச் சர்க்கார் ஏற்பாடு செய்திருக்கிறார்கள். சாதாரணமாக, விவசாயிகள் வழக்கமாக தனிப்பட்ட வியாபாரிகளிடம் சென்று முன் பணம் வாங்கி களை எடுப்பது, தண்ணீர் பாய்ச்சுவது போன்ற காரியங்களுக்கு செலவிடுவார்கள். கடைசியில் பருத்தி விளைந்த பிறகு வியாபாரிகளிடம் அதைக் கொடுத்து முன்பு வாங்கிய பணம் போக மீதி பணத்தை வாங்கிக் கொள்வார்கள். சர்க்கார் **Demonstrator** ஆபீசில் விவசாயிகளுக்கு **C.O. 4 Cotton**-ஐப்பற்றி சொல்லும்போது, ‘நீங்கள் **C.O. 4 Cotton**-ஐ விதையுங்கள். நாங்கள் சொல்லும்போது, ‘நீங்கள் **C.O. 4 Cotton**-ஐ விதைக்கும் வேண்டிய பணம் தருகிறோம்’ என்று சொன்னார்கள். விவசாயிகள் அதை நம்பி **C.O. 4 Cotton**-ஐக் காடுகளில் போட்டார்கள். ஆனால் களை எடுப்பதற்கும், தண்ணீர் பாய்ச்சுவதற்கும் விவசாய **Demonstrator** ஆபீசில் பணம் கேட்டால் ‘எங்களிடம் பணம் இல்லை, வழக்கமாக பருத்தி உற்பத்தி செய்பவர்களுக்குத் தான் பணம் கொடுக்க முடியும், எல்லோருக்கும் கொடுக்க முடியாது’ என்று சொல்லிவிட்டார்கள். இம்மாதிரி செய்வதால் விவசாயிகளுக்கு **Demonstrator** ஆபீசின் பேரில் இருக்கும் நம்பிக்கை போய்விட்டது. காரணம் என்னவென்றால் விவசாயிகளுக்குச் சொல்லியபடி பண உதவி செய்யவில்லை. இம்மாதிரி சிக்கலான பிரச்சனைகளை சர்க்கார் கவனித்து விவசாயிகளுக்கு தங்கள் உற்பத்தியை அதிகரிப்பதற்கு வேண்டிய உதவி செய்வது அவசியம் என்பதைத் தெரிவித்துக்கொள்ளுகிறேன்.

“அடுத்தபடியாக கிராமங்களில் பெரும்பாலும் வைத்திய வசதிக்கு குறைவு. திருப்பூர் டவுன் 50,000 பேர்கள் ஜனத்தொகை கொண்ட ஒரு பெரிய டவுன். அங்கு 3 மில்களும், 40 ஜின்னிங் பாக்டரிகளும், 200 வேறு பாக்டரிகளும் இருக்கின்றன. ஐந்து மைல் சுற்று வட்டாரத்திலுள்ள 40 கிராமங்களிலிருந்து மக்கள் திருப்பூருக்கு வேலை செய்வதற்காக வருகிறார்கள். திருப்பூரிலுள்ள ஆஸ்பத்திரியில் போதுமான மருந்து வசதியும், படுக்கை வசதியுமில்லை. திருப்பூர் முனிசிபாலிட்டியிலிருந்து அங்குள்ள ஆஸ்பத்திரிக்கு அதிகமான மருந்து வசதியும், டாக்டர் வசதியும், படுக்கை வசதியும் ஏற்படுத்த வேண்டுமென்று சர்க்காருக்கு ஒரு மகஜர் அனுப்பப்பட்டிருக்கிறது. ஆனால் சர்க்காரிடமிருந்து அதற்கு இதுவரை ஒன்றும் பதில் வரவில்லை. ஆகவே திருப்பூர் டவுனிலுள்ள ஆஸ்பத்திரியை உடனடியாக விஸ்தரிக்க வேண்டிய முயற்சிகள் செய்யவேண்டுமென்று சர்க்காரைக் கேட்டுக்கொள்ளுகிறேன்.

“கிராமங்களிலுள்ள ஜில்லா போர்டு ஆஸ்பத்திரிகளில் (**Rural Dispensaries**) நல்ல மருந்துகள் கிடையாது. புண்ணுக்குப் போடக்கூடிய **Tincture**-ம், தலை வலி மருந்தும் தான் அந்த ஆஸ்பத்திரிகளில் இருக்கிறது. அங்குள்ள ஆஸ்பத்திரிகளில் நல்ல மருந்துகளை கொடுத்து அங்கு இருக்கக்கூடிய ஜனங்களுக்குப் பயன்படக்கூடிய வகையில் அந்த ஆஸ்பத்திரிகள் நடப்பதற்கு சர்க்கார் ஏற்பாடு செய்வது மிகவும் நல்லது. ஒவ்வொரு பிரிக்காவிலும் கூடியவரையில் சகல வசதிகளும் பொருந்திய ஒரு ஆஸ்பத்திரி ஏற்படுத்தி அங்குள்ள கிராம மக்கள் அந்த ஆஸ்பத்திரியை நல்ல முறையில் உபயோகப்படுத்தும்படி செய்யவேண்டும்.

“தேசிய விஸ்தரிப்புத் திட்டம் ஒரு நல்ல திட்டமாகும். காரணம், இந்தத் திட்டத்தின் மூலம் கிராமங்களுக்கு வைத்திய வசதி, ரோடு வசதி, கால்நடைகளுக்கு வசதி, இம்மாதிரி பல வசதிகள் கிட்டுகின்றன. ஆனால் அங்கு இருக்கக்கூடிய **Rural Welfare Department**-ன் **Minor Irrigation** வேலை திருப்தி அளிக்கக்கூடிய நிலையில் இல்லை. ஏனென்றால் குட்டைகள் இருக்கின்ற இடங்களில் எந்த இடத்தில் ஜனங்கள் பாதிப்பணம் கொடுக்கிறார்களோ அந்த இடத்திலிருக்கும் குட்டையை அதிகாரிகள் மராமத்து செய்கிறார்கள். அந்தக் குட்டையினால் ஜனங்களுக்கு பிரயோஜனமிருக்கிறதா என்பதை முதலில் கவனிக்கவேண்டும். ஜனங்கள் **Contribution** கொடுத்திருக்கும் சில இடங்களில் குட்டைகள் பிரயோஜனப்படாமல் போய்விட்டது. ஆகையால், நல்ல குட்டைகள் எந்த இடங்களில் இருக்கின்றனவோ, அவைகளை சர்க்கார் மராமத்து செய்து விவசாயிகளுக்கு பிரயோஜனப்படும்படி செய்வது நல்லது.

[Sri S. R. Arumugam] [30th March 1954]

“தேசிய விஸ்தரிப்புத் திட்டம் ஒரு பிரிக்காவில் தொடர்ந்து அமுல் செய்யப்படாமலிருப்பதால் பக்கத்திலுள்ள கிராமங்களுக்கு வசதி கிட்டுவ தில்லை. இம்மாதிரி இல்லாமல், ஒரு Block-ஆக எடுத்துக்கொண்டு நடுவில் Gap இல்லாமல் எல்லா இடங்களுக்கும் சேர்ந்து நல்ல முறையில் அபிவிருத்தி அடைவதற்கு ஒரு சந்தர்ப்பம் ஏற்படுத்தவேண்டும்.

“ஹரிஜனங்களைப்பற்றி ஏற்கெனவே பலமுறை பேசி ஆகிவிட்டது. ஹரிஜனங்களுக்கு ஒன்று மட்டும் செய்தால் ரொம்ப அனுசூலமாயிருக்கும். இனிமேல் பள்ளிக்கூடங்கள் திறக்கும்பொழுது, எல்லா ஹரிஜன மாணவர் களுக்கும், அதாவது Elementary school, High school, College இவைகளில் படிக்கும் எல்லா மாணவர்களுக்கும் புல்தகங்கள் வாங்கு வதற்கும், சம்பளம் கொடுப்பதற்கும் வேண்டிய பணத்தை முன்னாலேயே Advance-ஆகக் கொடுத்து உதவிசெய்தால் மிகவும் நலனாயிருக்கும். இப்பொழுது Public examination-க்கு முதலில் ஹரிஜனங்கள் பணம் கட்ட வேண்டியிருந்தாலும், பின்பு சர்க்கார் அவர்களுக்கு அந்த பணத்தை திருப்பிக் கொடுத்துவிடுகிறார்கள். என்னுடைய அபிப்பிராயம் என்ன வென்றால்: அவர்கள் முன்னால் பணம் கட்டாமலேயே Public exami- nation-ல் உட்காருவதற்கு அனுமதிக்கப்பட்டால் மிகவும் பிரயோசனமா யிருக்கும் என்பதுதான். காரணம் என்னவென்றால், பின்னால் சர்க்கார் பணத்தைத் திருப்பிக் கொடுத்தாலும், முதலில் பணம் கட்டுவதற்கு ஹரிஜனங்கள் மிகவும் சிரமப்படுகிறார்கள். தங்கள் கோழிக் குஞ்சுகளையும், பாத்திரங்களையும் விற்று பணத்தைக் கட்டி Public examination-க்கு உட்காரவேண்டிய நிலைமையிலிருக்கிறார்கள். ஆகையால் சர்க்கார் இந்த வருஷத்திலிருந்தாவது ஹரிஜனங்களிடமிருந்து முன் பணம் வசூல் செய் யாமலே, அவர்களை பரீட்சைக்கு உட்கார அனுமதிப்பார்கள் என்று நான் மனப்பூர்வமாக நம்புகிறேன்.

“புறம்போக்கு நிலங்கள் சம்பந்தமாக எத்தனையோ அங்கத்தினர்கள் பேசியிருக்கிறார்கள். ஒரு விஷயம் எனக்குத் தெரியும். என்னுடைய சூலூர் பிரிக்காவில் ஹரிஜன் ஒரு பூமியை 4, 5 வருஷங்களாக உழுதுகொண்டிருந் தான். ஆனால் அங்கிருந்த கணக்குப்பிள்ளையும், மணியக்காரரும் அந்த நிலத்தை அவனிடமிருந்து பிடுங்கி வேறு ஒருவருக்குக் கொடுத்துவிட்டார் கள். நான் அதைப்பற்றி ‘ஒரு ஹரிஜன் இந்த பூமியை பல வருஷங் களாக உழுது சாகுபடி செய்து கொண்டு வருகிறான். அவன் அந்த பூமியில் சொந்த பணத்தைப் போட்டு அபிவிருத்தி செய்திருக்கிறான். அப்படி இருக்கும்பொழுது அந்த நிலத்தைப் பிடுங்கி மற்றொருவனுக்குக் கொடுப்பது சரியல்ல. ஆகையால் அந்த பூமியை திரும்பவும் அந்த ஹரிஜனுக்கே திருப்பிக் கொடுக்கவேண்டும்.’ என்று கலெக்டர் அவர் களுக்கு எழுதியிருந்தேன். இன்று வரையில் அதற்குப் பதில் வரவில்லை. இதை சர்க்கார் கவனிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

“கிராமங்களிலுள்ள வெட்டியான்கள் பெரும்பாலும் ஹரிஜனங்களாக இருக்கிறார்கள். அவர்களுக்கு 11 ரூபாய் முதல் 18 ரூபாய் வரையில் தான் சம்பளம் கிடைக்கிறது. அவர்கள் இந்தப் பணத்தைக்கொண்டு எந்த முறையில் வாழ்க்கை நடத்துவார்கள் என்பதைப்பற்றி யோசிக்க வேண்டும். கிராமங்களிலுள்ள கணக்குப்பிள்ளை, மணியக்காரர்களுக்கு சம் பளம் குறைவாக இருந்தாலும்கூட அவர்கள் பலவிதமான சூழ்நிலையில் ஒருவாறு நல்ல வாழ்க்கையை நடத்துகிறார்கள். ஆனால் கிராம வெட்டி யான்கள் குறைந்த சம்பளம் பெருவதால் மிகவும் கஷ்டப்படுகிறார்கள், அவர்களுடைய சம்பளத்தை கூடுமானவரையில் ஓரளவாவது உயர்த்த வேண்டுமென்று சர்க்காரைக் கேட்டுக்கொள்ளுகிறேன்.”

SRI M. P. SUBRAMANYAM:—“கனம் உதவி சபாநாயகர் அவர்களே, இரண்டு மூன்று மாதங்களுக்கு முன்பு ஒவ்வொரு ஜில்லா விற்கும் லோகல் டெவலப்மென்ட் வொர்க்ஸ்காக மத்திய சர்க்கார் நிதியிலிருந்து ராஜ்ய சர்க்காருக்கு மானியம் அளித்து இருக்கிறார்கள். அதன்படி ஒவ்வொரு ஜில்லாவிலும் திட்ட வேலைகளை எடுத்துக்கொண்டு நடத்தவேண்டும் என்றும், அவைகளில் பொதுமக்களும், பஞ்சாயத்து போர்டும் அல்லது ஜில்லா போர்டும் 50 சத விதம் கொடுத்தால் அந்த

[Sri M. P. Subramanyam] [30th March 1954]

திட்டத்தை எடுத்துக் கொள்ளலாம் என்று சொல்லப்படுகிறது. அந்த முறையில் சேலம் ஜில்லாவிற்கு இரண்டு லட்சத்து முப்பதாயிரம் ரூபாய் சாங்ஷனாக இருக்கிறது. அதை வைத்துக்கொண்டு வேலையை ஆரம்பிக்க அனுமதித்திருக்கிறார்கள். தற்போது ஐந்தாறு வருஷங்களாக கிராமங் களில் மழை இல்லாமல் மக்கள் சிரமித்து இருக்கும் நிலைமையில் அவர் களுக்குக் கடன் பளு அதிகரித்திருப்பதால் அவர்களுக்கு உதவி அளிக்கும் பொருட்டு கடன் வாய்தாச் சட்டத்தைக் கொண்டு அதை நிறைவேற்றி வைத்து இருக்கும்போது பொதுமக்களிடமிருந்து இப்பொழுது ஐம்பது சத விதம் எதிர்பார்ப்பது என்பது சிறந்தது அல்ல என்பதை தெரி வித்துக் கொள்ளுகிறேன். அதன் காரணமாக அநேகமாக எல்லா ஜில்லாக் களிலும் கொடுத்த நிதியை பூராவாகவும் உபயோகித்துக் கொள்ள முடியாத நிலைமையில் பொது மக்கள் இருக்கிறார்கள். சேலம் ஜில்லாவை எடுத்துக்கொண்டால் அவர்கள் ஆரம்பத்தில் உத்காகமாக இருந்தார்கள். ஆனால் கலெக்டர் ஒரு உத்தரவை அனுப்பி இருக்கிறார். அதன் பிரகாரம் மார்ச் மாதம் 31-ம் தேதிக்குள் எந்தத் திட்டத்தையும் எடுத்து முடிக்க முடியாமல் அது நின்று போய்விட்டால் அந்த அளவிற்கு அடுத்த ஆண்டில் அந்த ஜில்லாவிற்கு கொடுக்கப்படும் மான்யம் பாதிக்கப்படும் என்று குறிப்பிட்டுருக்கிறார். ஒரு திட்டம்கூட குறிப்பிடப்பட மார்ச் 31-க்குள் முடிக்க முடியாது. சில திட்டங்களை எடுத்துக்கொள்ள முடியாத நிலைமையில் இருக்கிறது.

“மற்றும் திட்டங்களுக்கு பொது மக்கள் ஐம்பது சத விதம் கொடுக்க வேண்டும் என்று சொல்லுகிறார்கள். அப்படிச் சொல்லுவது நியாயம் அற்றது. அநேகம் பஞ்சாயத்து போர்டுகள் ஆயிரம் ரூபாய்கூட கொடுக்க முடியாத நிலைமையில் இருக்கிறார்கள். இந்த சந்தர்ப்பத்தில் ஜில்லா போர்டுகளும் அவர்களுக்குக் கொடுக்க முன் வருவதும் இல்லை. அதனால் அவர்களிடமிருந்து ஐம்பது சத விதம் எதிர்பார்ப்பது என்பது முடியாது. அதை இருபத்தைந்து சத விதம் குறைக்க வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன். அவ்விதம் பஞ்சாயத்து போர்டும் ஜில்லா போர்டும் பொது மக்களும் இருபத்தைந்து சத விதம் கொடுத்தால் பொதும என்று இந்த சர்க்கார் மத்திய சர்க்காருக்கு சிபார்சு செய்யவேண்டும்.

“மற்றும் மார்ச் மாதம் 31-ம் தேதிக்குள் திட்டத்தை எடுத்து முடித்து விடவேண்டும் என்று சொல்லுகிறார்கள். அவ்விதம் எடுத்து நடத்தினால் தான் அடுத்த ஆண்டிற்கும் அது நீடிக்கப்படும் என்றும், இல்லா விட்டால் நீடிக்கப்பாது என்றும் சொல்லுகிறார்கள். சட்டத்தில் டிசம்பர் மாதம் பத்து அல்லது இருபது ஆயிரம் ரூபாயில் வேலைகளை எடுத்து நடத்தி அவைகளை முடிக்க வேண்டும் என்றால் அது முடியாத காரியம். அவ் விதம் சொன்னால் உண்மையில் அது சரியான நன்மை அல்ல. சாதாரண மாக ஒரு ஆஸ்பத்திரிக்கு ஒரு கட்டம் சட்ட வேண்டும் என்றால் சுமார் மூன்று மாதத்திற்குள் நிதியைத் திட்டி அந்தக் கட்டத்தைக் கட்ட முடியுமா என்பதைப் பார்க்க வேண்டும். அவ்விதம் ஒரு கட்டத்தைக் கட்டிக் கொடுப்பதாக இருந்தாலும் குறைந்தது ஆறு மாதங்களாகும். அப்படி ஆறு மாதங்களில் கட்டினாலும் அது கீழே விழுந்துவிடும் என்று எஞ்சினியர்கள் சொல்லுகிறார்கள். அதனால் மார்ச் மாதம் 31-ம் தேதிக்குள் திட்டத்தை முடித்தால்தான் கிராண்டு கொடுக்கப்படும் என்ற எண் ணத்தை அரசாங்கம் விட்டுவிட வேண்டும். இவைகளை கணக்கில் எடுத்துக் கொள்ளாமல் ஒவ்வொரு ஜில்லாவிற்கும் அதிகப்படியான கிராண்ட் கொடுக்க வேண்டும் என்று அரசாங்கத்தைக் கேட்டுக் கொள்ளுகிறேன்.

“அடுத்தபடியாக தேசிய விஸ்தரிப்பு திட்டம் என்றும் கம்யூனிட்டி ப்ராஜெக்ட் திட்டம் என்றும் எடுத்துக்கொண்டிருக்கிறார்கள். அதன்படி எந்த இடங்களில் அதிகப்படியான உணவு உற்பத்தி செய்யலாமோ அந்த இடங்களில் அதை விஸ்தரிக்கப் போவதாக சொல்லிக்கொண்டிருக்கிறார்கள். அப்படி இருந்தால் அது ஒரு பிரச்சாரத்திற்காகத்தான் என்று தோன்று கிறது. எந்த இடங்களில் மக்கள் பிர்ஸாகாக இருக்கிறார்களோ அந்த இடங்களை எடுத்துக்கொண்டால் நல்ல பலன் ஏற்படும் என்பது என்னுடைய அபிப்பிராயம். உண்மையாகவே இந்தத் திட்டத்தில் நீதி வழங்க வேண்டும் என்றால் எந்தெந்த இடங்கள் பிற்போக்காக இருக்கின்றனவோ அந்த

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இடங்கனையேதான் எடுத்துக்கொள்ளவேண்டும். எந்த இடத்தில் அதிகப் பலனை எதிர்பார்க்கலாமோ அந்த இடத்தை எடுத்துக்கொள்வது என்று சொல்வது எப்படி இருக்கிறது என்றால் சாதாரணமாக ஒருவனுக்கு கொஞ்சம் பொருள் இருந்தால் அவனுக்கே இன்னும் பொருள் கொடுத்தால் அதை அவன் நல்லபடியாக வைத்துக்கொண்டு இருப்பான் என்றும் அதை அவன் உற்பத்தி பண்ணிக் கொள்வதற்கு செலவுசெய்து இருக்கும் என்றும் எவன் ஏழையாக இருக்கிறானோ அவனுக்கு மறுபடியும் பொருள் கொடுப்பதில் பிரயோசனம் இல்லை என்றும், ஏனென்றால் அவனிடம் ஏற்கனவே ஒன்றுமில்லை என்றும் சொல்லுவது போல் இருக்கிறது. அதனால் தேசிய விஸ்தரிப்புத் திட்டத்தின்கீழ் பிற்போக்கான இடங்களை எடுத்துக்கொள்வதுதான் அவசியமே தவிர மற்ற முற்போக்கான இடங்களை எடுத்துக்கொள்வது அவசியம் இல்லை.

“ஆத்தூர் தாலுகாவை எடுத்துக் கொண்டால் ஏற்கனவே அங்கு ஒரு விவசாய டிமான்ஸ்டிரேட்டர் இருக்கிறார். தேசிய விஸ்தரிப்புத் திட்டத்தின்கீழ் ஒரு அதிகாரியும் டிபுடி இன்ஸ்பெக்டரும் இருக்கிறார். இன்னும் மற்றொரு கல்வி அதிகாரியும், அங்கு இருக்கிறார். இது இரட்டிப்புச் சிலவு என்பதை கூறவிரும்புகிறேன். அந்தப்பக்கங்களில் சுற்றி வரும்போது கிராம சேவக்களைப்பற்றி மிக மோசமான அபிப்பிராயம் சொல்லுகிறார்கள். அவர்கள் கிராமங்களிலுள்ள பெண்களை சுற்றிக்கொண்டு திரிகிறார்கள் என்றும் அவர்கள் வேறு எந்த வகையிலும் நல்லது செய்வது இல்லை என்றும் சொல்லப்படுகிறது. இப்படிப்பட்ட புகார்கள் ஏராளமாக வந்து கொண்டிருக்கின்றன. அந்த இடங்களில் உண்மையாக உழைக்கக் கூடியவர்கள்தான் நியமிக்க வேண்டும். இப்படிப்பட்ட பலவித உத்தியோகஸ்தர்களை நியமிக்கும்போது வேண்டியவர்களுக்கு ஏதாவது உத்தியோகம் கொடுக்க வேண்டும் என்று கொடுக்கப்படுவதாகத் தோன்றுகிறது. இதைப் போலவே பலவித நியமனங்கள் சரியில்லை என்று நினைக்கிறேன். ஏற்கனவே இருக்கும் டிமான்ஸ்டிரேட்டர்களை வைத்துக் கொண்டு வேலைகளை நடத்தினால் போதும் என்று நினைக்கிறேன். புதிதாக ஏற்படுத்த வேண்டியது அவசியம் இல்லை என்பதை சர்க்காருக்கு எடுத்துக்காட்ட விரும்புகிறேன்.

“இன்னும் பல விஷயங்களில் சர்க்கார் செலவு செய்வது அர்த்தமற்றதாகவும் அனாவசியமாகவும் இருக்கிறது. தேசிய விஸ்தரிப்புத் திட்டத்தின்கீழ் வாலிபால் கோர்ட் ஏற்படுத்த ஆத்தூர் வட்டாரத்திற்காக மட்டும் ரூபாய் இரண்டாயிரம் சாங்ஷன் செய்யப்பட்டிருப்பதாகவும் சொல்லப்பட்டிருக்கிறது. விவசாயிகளுக்கு பந்தாட்டமா அவசியம்? இந்த மாதிரியான அனாவசியச் செலவுகளைக் குறைத்துக் கொள்ள சர்க்கார் முயற்சி எடுத்துக்கொள்ள வேண்டும்.

“கனம் நிதி மந்திரி அவர்கள் தன்னுடைய பட்ஜெட் பிரசங்கத்தில் இந்த ஆண்டு சுமார் 1,300 ஆரம்பப் பள்ளிக்கூடங்களை திறக்கப் போவதாக குறிப்பிட்டார். எந்த அளவிற்கு பள்ளிக்கூடங்களை அவர்கள் திறக்கிறார்களோ அந்த அளவில் நான் சர்க்காரைப் பாராட்டுகிறேன். இருந்தாலும் புதிய பள்ளிக்கூடங்களை திறக்கும்போது பிற்போக்கான நிலைமையில் எந்த இடங்கள் இருக்கின்றனவோ அந்த இடங்களில் அதிகப்படியான பள்ளிக்கூடங்களை திறந்து வைக்க வேண்டும். குறிப்பாக எடுத்துக்கொண்டால் சேலம் ஜில்லாவில் அதிகமான பள்ளிக்கூடங்கள் கிடையாது. மற்ற இடங்களில் 15 சத விதிகம் படித்தவர்கள் இருந்தால் சேலம் ஜில்லாவில் பத்து சத விதிகம் தான் படித்தவர்கள் இருக்கிறார்கள். மற்ற ஜில்லாக்களைவிட சேலம் ஜில்லா மிகவும் பிற்போக்கான நிலைமையில் இருப்பதால் அதிகப்படியான புதிய பள்ளிக்கூடங்களை அங்கு திறக்க வேண்டியது அவசியமாக இருக்கிறது. இதில் சர்க்கார் முக்கியமாக கவனம் செலுத்த வேண்டும் என்று நான் கேட்டுக்கொள்ளுகிறேன்.

“இப்பொழுது ஆயிரம் ஜனத்தொகை இருக்கும் இடங்களில் ஒரு பள்ளிக் கூடம் அமைப்பதாகச் சொல்லுகிறார்கள். சேலம் ஜில்லாவில் 400க்கு மேற்பட்ட இடங்கள் 1,000க்கு மேல்பட்ட ஜனத்தொகை உள்ளதாக இருந்தாலும் பள்ளிக்கூடங்கள் இல்லாதவைகளாக இருக்கின்றன. இப்பொழுது 1,300 பள்ளிக்

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கூடங்கள் திறக்கப் போவதால் அங்கு குறைந்தது 400 பள்ளிக்கூடங்களாவது திறந்து வைக்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். அதற்கு வேண்டிய ஏற்பாட்டையும் செய்ய வேண்டும் என்று நான் சர்க்காரைக் கேட்டுக் கொள்ளுகிறேன்.

“இப்பொழுது ஸ்கூல்லெஸ் செண்டர்கள் என்று ஒரு லிஸ்டை தயாரித்து வைத்துக்கொண்டிருக்கிறார்கள். அந்த லிஸ்ட் சுமார் 15 வருஷங்களுக்கு முன்னதாக தயாரிக்கப்பட்டது. அதன்படி ஸ்கூல்களை திறக்க வேண்டும் என்று ஒரு கொள்கை வைத்துக் கொண்டிருக்கிறார்கள். பள்ளிக்கூடம் அமைக்க வேண்டும் என்று ஜில்லா ஆபீசருக்கு விண்ணப்பம் செய்து கொண்டால் அந்த லிஸ்டைப் பார்த்து அந்த இடம் அந்த லிஸ்டில் இருந்தால் தான் அங்கு பள்ளிக்கூடத்தை திறக்கிறார்கள். அந்த லிஸ்டில் இல்லாவிட்டால் பள்ளிக்கூடத்தை திறப்பது இல்லை. அந்த லிஸ்டு சுமார் பதினைந்து வருஷங்களுக்கு முன்பாக தயாரிக்கப்பட்டது. அப்பொழுது இருந்த ஜனத்தொகை வேறு, இப்பொழுது இருக்கும் ஜனத்தொகை வேறு. அதனால் அந்த லிஸ்டை வைத்துக்கொண்டு பள்ளிக்கூடங்கள் திறக்கப்படும் என்று சொல்லுவது சரியல்ல. அது மட்டும் அல்ல. ஆயிரம் ஜனத்தொகையுள்ள இடங்களில் தான் பள்ளிக்கூடங்களை திறக்கப்படும் என்று சொல்லுவதும் சரியல்ல. அப்படி ஒரு கொள்கை வைத்திருந்தால் பல இடங்களில், பள்ளிக்கூடங்களே திறக்கப்படாமல் இருக்கலாம். அப்படி இருப்பது தவறு. அந்த நிபந்தனையை எடுத்து விட்டு 500 ஜனத்தொகை இருந்தாலும் அந்த இடங்களில் பள்ளிக்கூடங்களை திறக்கலாம் என்று வைத்துக்கொள்ள வேண்டும். இப்பொழுது இருக்கும் நிபந்தனைப்படி பிள்ளைகள் 3, அல்லது 4, அல்லது 5 மைல்களுக்கு மேல் நடந்து பள்ளிக்கூடம் சென்று வரவேண்டியதாக இருக்கிறது. அப்படி இருப்பதால் அநேகம் பிள்ளைகள் படிக்க முடியாமல் இருக்கின்றனர். அதனால் 500 ஜனங்கள் இருந்தால் அங்கு ஒரு பள்ளிக்கூடத்தை அமைக்கலாம் என்ற யோசனையைச் சொல்ல வருகிறேன்.

“அடுத்தபடியாக ஆரம்பப் பள்ளிக்கூடத்திலுள்ள ஆசிரியர்களைப்பற்றி கொஞ்சம் தெரிவிக்க ஆசைப்படுகிறேன். அநேகமாக ஆரம்பப் பள்ளி ஆசிரியர்கள் இளைஞர்களாக இருப்பதனால் அங்கு நல்ல முறையில் நிர்வாகம் நடைபெறவில்லை. பள்ளிக்கூடங்களில் நல்ல முறையில் பாடங்கள் போதிக்கப்பட வேண்டும். இப்பொழுது திறமை குறைந்து கொண்டு வருகிறது. அதற்குக் காரணம் அங்குள்ள ஆசிரியர்களுக்குப் போதிய சம்பளம் கொடுக்கப்படவில்லை. மற்றும் மேல் அதிகாரிகளுடைய தணிக்கை அங்கு வெகு குறைவாக இருக்கிறது. மேலதிகாரிகள் அந்தப் பள்ளிக் கூடங்களை அடிக்கடி போய் பார்ப்பது என்பது இல்லை. ஏனென்றால் அவர்களால் அப்படி அடிக்கடி போய் பார்த்துக் கொள்ள முடியவில்லை. குறிப்பாக சேலம் ஜில்லாவை எடுத்துக் கொண்டால் அங்கு ஆத்தூர் தாலுகா சேலம் தாலுக்கா பூராவிலும் டிபுடி இன்ஸ்பெக்டர் பார்த்துக் கொள்ள வேண்டியதாக இருக்கிறது. அதன் வீஸ்திரணம் அதிகமாக இருக்கிறது. ஒரு ஆண்டில் ஒரு பள்ளிக்கு ஒரு முறையாவது போக முடியவில்லை. இந்த நிலைமையில் ஆரம்பப்பள்ளிக்கூடத்தின் நிர்வாகம் எந்த நிலைமையில் இருக்கும் என்பதை சர்க்கார் யோசித்துப் பார்க்க வேண்டும். ஆரம்பப் பள்ளிக்கூடங்களுக்கு செலவழிக்கப்படும் பணம் உண்மையிலேயே அவர்களுக்கு அது பயன்பட வேண்டும் என்றால் சர்க்கார் அதிகப்படியான டிபுடி இன்ஸ்பெக்டர்களை நியமிக்க வேண்டும். ஒரு டிபுடி இன்ஸ்பெக்டர் 50 அல்லது 60 பள்ளிக்கூடங்களை தணிக்கை செய்தல்போதும் என்ற நிபந்தனை வேண்டும். இதை சர்க்கார் மிகமிக கவனித்து நடவடிக்கை போதிய டிபுடி இன்ஸ்பெக்டர்களை அங்குள்ள வட்டாரங்களுக்கு நியமிக்க வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன். ஒரு பிரக்காவிற்கு ஒரு டிபுடி டைரெக்டரை நியமித்தாலும் நல்லது என்பது என்னுடைய அபிப்பிராயம். இதனால் சர்க்காருக்கு நஷ்டம் ஏற்பட்டு விடாது. ஆசிரியர்களுக்கு சம்பளம் கொடுப்பதோடு இவர்களுக்கும் ரூ. 100 சம்பளம் கொடுத்து தணிக்கை செய்யச் சொன்னால் நல்ல பலன் கிடைக்கும். அதிக நஷ்டமும் ஏற்படாது என்பதை சர்க்காருக்குத் தெரிவித்துக் கொள்கிறேன்.

[Sri M. P. Subramanyam] [30th March 1954]

“கல்லூரிகளை அமைக்கும் கொள்கையைப் பற்றி குறிப்பிடும்போது நகரங்களில் தான் அதிகப்படியான கல்லூரிகளை சர்க்கார் ஏற்படுத்துகிறார்கள். முனிசிபாலிட்டிகளில் கல்லூரிகளை திறக்க முன்வருவதில்லை. ஜில்லா போர்டு கல்லூரிகளை திறக்க முன் வந்தாலும் சர்க்கார் அவர்களுக்கு அனுமதி கொடுக்க முன் வருவது இல்லை. கல்லூரிகள் இல்லாத இடங்களிலும் கல்லூரிகளை திறக்க சர்க்கார் முன் வரவேண்டும். சென்னையை எடுத்துக் கொண்டால் இங்குதான் மேலும் மேலும் கல்லூரிகளைத் திறந்து கொண்டிருக்கிறார்கள். இதனால் ஜனங்களுக்கு அதிகமாக நஷ்டம் ஏற்படுகிறது. கிராமத்திலிருந்து வந்து நகரங்களில் படிக்கவேண்டும் என்றால் அவர்களுக்கு அதிகப்படியாக செலவு ஏற்படுகிறது. இங்கு வந்து பிள்ளைகள் படிப்பதற்கு வசதி ஏற்படுவதும் கிடையாது. ஆகவே கல்லூரிகள் இல்லாத இடங்களில் அவைகளைத் திறந்து வைத்தால் நன்மையாக இருக்கும். சேலத்தை எடுத்துக் கொண்டால் அங்கு ஒன்றுக்கு மேற்பட்ட கல்லூரிகள் கிடையாது. அங்கு அதிகப்படியாக கல்லூரிகளை அமைக்க வேண்டியது அவசியமாக இருக்கிறது. அந்த ஒரு கல்லூரியிலும் டிஸ்ட்ரிக்ட் போர்டுகள் ஹைஸ்கூல்களில் படித்த மாணவர்களுக்குச் சலுகை, இடம் கொடுப்பது இல்லை. திருச்சி, சென்னை போன்ற இடங்களுக்கு பிள்ளைகள் வந்து படிக்க வேண்டியதாக இருக்கிறது. அதனால் ஜில்லா போர்டு ஒரு கல்லூரியை திறக்க முயற்சி எடுத்துக்கொண்ட பொழுது, லோகல் போர்டுகள் ஆரம்பப் படிப்புக்கு பொறுப்பே ஓழிய கல்லூரிப்படிப்புக்கு பொறுப்பு அல்ல என்று சொல்லி அரசாங்கம் அதை அனுமதிக்கவில்லை. ஆகவே கல்லூரி இல்லாத இடங்களில் கல்லூரிகளை திறப்பதற்கு சர்க்காராவது முன் வரவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். கல்லூரி இருக்கும் இடங்களிலேயே மறுபடியும் கல்லூரிகளை திறப்பதற்கு அனுமதி கொடுக்கக் கூடாது என்று சர்க்காரை நான் கேட்டுக்கொள்ளுகிறேன்.

“தற்போது எஞ்சினீயரிங் கல்லூரியிலும் மெடிகல் கல்லூரியிலும் பிற்பட்ட சமூகத்தினருக்கும் ஹரிஜன சமூகத்தினருக்கும் போதிய பிரதிநிதித்துவம் அளிக்கப்படவில்லை. பல ஆர்ட் கல்லூரிகளில் இவர்களுக்கு 25 சத விதிகம் கொடுக்கப்பட வேண்டும் என்று சர்க்கார் எதிர் பார்த்தாலும் கூட உண்மையில் அப்படி நடப்பது இல்லை. அதைப்பற்றி கேட்டால் கட்டாயமாக அந்த சத விதிகத்தின்படி அவர்களுக்கு பிரதிநிதித்துவம் கொடுக்க வேண்டிய அவசியம் இல்லை என்று சொல்லி விடுகிறார்கள். ஆகையால் கட்டாயமாக அவர்களுக்கு பிரதிநிதித்துவம் வழங்கப்பட வேண்டும் என்று சர்க்கார் ஒரு சர்க்குலர் அனுப்ப வேண்டும். குறைந்தது 25 சத விதிகம் பிற்போக்கு சமூகத்தினருக்கும், 15 சத விதிகம் ஷெட்யூல் வகுப்பினருக்கும் இடம் ஒதுக்கித் தரவேண்டும் என்று கேட்டுக் கொள்ளுகிறேன்.

“சர்க்கார் விவசாயிகளுக்கு தக்காவி கடனாகவோ அல்லது நில அடமான பாங்கி கடனாகவோ கொடுக்கும் விஷயத்தில் மிகவும் பத்தாம்பசவிக் கொள்கையைக் கடைப்பிடித்துக் கொண்டிருக்கிறார்கள். 1939-வது வருஷத்திற்கு முன்பு ஒருவர் வைத்திருக்கும் பூமி என்ன விலக்குப் போனதோ, அந்த விலக்குப்பாதி தான் சர்க்கார் கடனாகக் கொடுக்கிறார்கள். இதன் காரணமாக நான்கு ஏக்கர வரையில் நிலம் வைத்திருக்கக்கூடிய ஒருவன் ஆயிரம் அல்லது ஐந்தாறு ரூபாய்கூட கடன் பெற முடியாத நிலைமையில் இருக்கிறான்.

“நான்கு ஏக்கர நிலமானது ரூ. 8,000 முதல் ரூ. 10,000 வரையில் இப்பொழுது பெறுமானதாக இருக்கலாம். நியாயமாகப் பார்த்தால் அந்த நிலத்தின் மீது ஐயாயிரம் ரூபாய் கூட கடன் கொடுக்கலாம். ஆனால், இப்பொழுதுள்ள முறையில் “1939-ம் வருஷத்தில் அந்த நான்கு ஏக்கர்களை சுமார் ரூ. 1,500 வீதம் தான் வாங்கியிருக்கக்கூடும்” என்ற ஒரு உத்தேசத்தை வைத்துக்கொண்டு, ‘ரூ. 750 வரையில்தான் கடன் தர முடியும்’ என்று சொல்லுவது அர்த்தமற்றத் தன்மை என்றுதான் நான் சொல்லவேண்டியிருக்கிறது.

“கிராமத்திலுள்ள சிறிய விவசாயிகள் நன்மை பெறவேண்டுமானால், 1939-ம் வருஷ மதிப்பின் அடிப்படையிலே கடன் கொடுப்பது என்பதை

[Sri M. P. Subramanyam] [30th March 1954]

நிறுத்திவிட்டு, யுத்தத்திற்குப் பிறகு 1946-47-ம் வருஷத்திலே என்ன விலை பெறுமோ, அதில் 50 சத விதிகம் கடன் கொடுக்கவேண்டுமென்று கேட்டுக்கொண்டு, என்னுடைய பேச்சை முடித்துக் கொள்ளுகின்றேன்.”

SRI A. RATNAM :—“கனம் துணைத் தலைவர் அவர்களே ! இன்று சபையில் பிரேரிக்கப்பட்டிருக்கும் மசோதாவை அனுசரித்தும், தோழர் ஸ்ரீ வினாயகம் சொல்லியதை ஆமோதித்தும் ஒரு சில வார்த்தைகள் சொல்ல விரும்புகிறேன்.

“சென்ற ஆண்டிலே வரவு செலவுத் திட்டத்திற்கு அதிகமாகச் செலவு செய்தது சம்பந்தமாக நேற்றையதினம் நாம் பரிசீலனை செய்திருக்கிறோம். லட்சக்கணக்கான ரூபாய் அனுமதித்ததைவிட இப்பொழுது அதிகமாக செலவு செய்யப்பட்டிருக்கிறது. ஆனால், அதே நேரத்தில், நம்முடைய சொல்லுகிறார்களையொழிய, நடைமுறையில் நாட்டிலே என்ன நடந்து கொண்டிருக்கிறதென்று பார்த்தால், அது பொதுமக்களுக்கோ, அமைச்சர்கள் தங்கள் சபையிலுள்ள அங்கத்தினர்களுக்கோ விளங்கவில்லை. அமைச்சர்கள் தங்கள் இலாகாக்களின் அறிக்கைகளில், தாங்கள் எவ்வளவோ திட்டங்களை நிறைவேற்றியிருக்கிறோம் என்றும், அவைகளினால் மக்களுக்கு நல்ல பலன் ஏற்பட்டிருக்கிறது என்றும் கூறிக்கொண்டேயிருக்கிறார்கள். பத்திரிகைகளிலும் விளம்பரம் செய்துகொண்டேயிருக்கிறார்கள். ரேடியோக்களிலும், மற்ற இடங்களிலும் பறை சாற்றப்பட்டுக்கொண்டு வருகின்றது. சட்டசபைகளிலும் சொல்லப் பட்டுவருகிறது. ஆனால், ஐந்தாண்டுத்திட்டம், தேசிய விஸ்தரிப்புத் திட்டம், சமூக நலத் திட்டம் இவைகளினால் மக்களுக்கு என்ன நன்மைகள் ஏற்பட்டிருக்கின்றன என்று பார்த்தால், சாதாரண வேலைகளை விட அதிகமாக ஒன்றும் செய்வது கிடையாது. கணக்குகளைக் கூர்ந்து நோக்கும்போது, ஆங்கிலேய சர்க்கார் இருந்த காலத்தில் என்ன காரியங்களைச் செய்தார்களோ, அந்தக் கணக்குகளையும் இவர்களுடைய புள்ளி விவரங்களோடு சேர்த்து, ஐந்தாண்டுத்திட்டத்திலே இவ்வளவு பலன் அதிகமாகச் செய்திருக்கிறோம் என்று புள்ளிவிவரங்களில் குறிப்பிடுகிறார்கள்.

“குறிப்பாக, ஹரிஜன மான்யத்திலே ஒதுக்கப்பட்ட பலன் அடுத்த படியாக ஐந்து வருஷத்திட்டத்திலே செலவு செய்யப்படுவதாக காண்பிக்க புகிறது. ஹரிஜனங்களுக்கும் பிற்பட்ட மக்களுக்கும் சர்க்கார் என்னப் வேலை செய்துகொண்டிருக்கிறார்கள், என்ன வேலை செய்தார்கள், ஐந்து வருஷத்திட்டத்தினால், மக்கள் என்ன நன்மைகளை அடைந்திருக்கிறார்கள் என்றால், ஹரிஜன மான்யத்தில் ஒதுக்கப்பட்ட பணத்திலிருந்து ஏதோ ஆங்கிலேய அரசாங்க காலத்திலிருந்து சில வசதிகளைச் செய்கிறார்கள். சம்பள உதவிகள் அளிக்கிறார்கள். ஒரு சில இடங்களில் சுகாதா கட்டியிருக்கிறார்கள். கிணறுகள் தோண்டியிருக்கிறார்கள். இதையே திருப்பித் திருப்பி ஐந்தாண்டுத் திட்டத்திலே நாங்கள், இதைச் செய்து விடுகிறோம், அதைச் செய்துவிடுகிறோம் என்று சொல்லிக்கொண்டிருக்கிறார்களேதவிர, ஹரிஜனங்களுக்கும் பிற்பட்ட மக்களுக்கும் நன்மை ஒன்றும் அதிகமாக ஏற்பட்டதாகத் தெரியவில்லை. இந்த அளவிலே ஐந்தாண்டுத் திட்டமும், அரசியல் திட்டமும் இருந்துகொண்டிருக்கிறது. ஆனால், மக்களுக்கு நேடியாக செலவாகிறதா என்றால் இல்லை. இதை அதிகமாக விளக்கவேண்டுமென்றால் நேரம் கிடையாது. லட்சக்கணக்கான ரூபாய்கள் செலவுசெய்யப் படுகிறதெயொழிய, மக்களுடைய அத்தியாவசிய வசதிகளுக்கோ, கல்வி வசதிக்கோ, செலவுசெய்யப்படுவதாகத் தெரியவில்லை. குறிப்பாக, தாழ்ந்தப்பட்ட மக்களுக்கு கல்விச் சலுகை கிடையாது. உயர்தரப் பாடசாலைகளில் வாசிக்கும் மாணவர்களுக்கு ஸ்காலர்ஷிப் கிடையாது. போர்டிங் கிராண்டு கிடையாது. ஸ்பெஷல் பீஸ் என்பதற்காக ஒரு லட்ச ரூபாய், இரண்டு லட்ச ரூபாய் பிச்சை கொடுங்கள் என்று 33 சட்டசபை ஹரிஜன மெம்பர்கள் அரசாங்கத்திற்கு எடுத்துக்கொள்வதற்காக தூது சென்றால், அவர்களைப் பார்க்காமல் அவர்களை அசட்டை செய்திருக்கிறது இந்த அரசாங்கம்; அமைச்சர் பீடம்; ராஜாஜி சர்க்கார்.

[Sri A. Ratnam] [30th March 1954]

“சென்னை நகரத்தில் பக்கிங்காம் வாய்க்கால் இருக்கிறது. காக்கேயின் ரோடுக்கு அருகிலே நான் வசிக்கிறேன். அந்த இடத்திற்கு அருகாமையில் ரோடு போட்டார்கள். சென்ற வருஷத்திலே ஆயிரக்கணக்கான ரூபாய் செலவு செய்திருக்கிறார்கள். பக்கிங்காம் வாய்க்காலிலிருந்து சேற்றை எடுத்து, அந்த ரோடின் மீது போட்டார்கள். ஆயிரக்கணக்கான ரூபாய்களைச் செலவுசெய்தும் பயன்படவில்லை. கண்டிராக்டர்களும் அதிகாரிகளும் பங்கு போட்டுக்கொண்டார்கள். அது சரியானபடி செலவு செய்யப்படவில்லை. அந்த ரோடின் மீது போட்டிருந்த சேற்றினால் சங்கீகமுடியாத நாற்றம் ஏற்பட்டு மக்களுடைய சுகத்தைக் கெடுக்கக்கூடிய முறையில் இருந்தது. ஆறுமாத காலமாகியும் அதை அப்புறப்படுத்தவில்லை. அதன் மீது உள்ள ஈர மண்ணை அப்புறப்படுத்தவேண்டும். எப்ரல் மாதத்தில் என்ன செய் திருக்கிறார்களென்றால், ஆயிரக்கணக்கான ரூபாய்கள் செலவு செய்து, பக்கிங்காம் கால்வாயிலுள்ள சேற்றை அப்புறப்படுத்துகிறோம் என்று சொல் வார்கள். மறுபடியும் அந்த ரோட்டைப் புதுப்பிக்கவேண்டுமென்று பல ஆயிரக்கணக்கான ரூபாய்களை சாங்ஷன் செய்து செலவிலே காண்பிக்கிறார்கள். இந்த மாதிரியான தில்லுமுல்லுகளை அதிகாரிகளைக்கொண்டும், இலாகாக்களைக் கொண்டும் விரயமாக்கப்படுகிறதே தவிர, பொதுமக்களுக்கு நன்மைகள் செய்யப்படவில்லை. மக்களிடமிருந்து வாரிப்பணத்தை வாங்கி, அவர்களுக்கு நன்மை செய்கிறோம் என்று சொல்கிறார்களேதவிர, உண்மையாகவே அவர்களுக்கு நன்மை செய்வதில்லை. மேலும் மேலும் அவர்களுக்கு வரியை அதிகமாகப் போடுகிறார்கள். பப்ளிக் ஒர்க்ஸ் டிபார்ட்மென்ட் போன்ற இலாகாக்களின் கொடுக்கப்படும் கண்டிராக்டர்களின் மூலம் பொதுமக்களிடமிருந்து வாங்கும் பணமானது கரியாக்கப்படுகிறது என்று குறிப்பாக எடுத்துச்சொல்ல விரும்புகிறேன்.

“புதிய ஆரம்பக் கல்வித்திட்டத்தைப்பற்றி கவனிப்போமானால், கனம் ஆச்சாரியார் அவர்கள், இந்த ராஜ்யத்தின் முதல் அமைச்சர் அவர்கள், அவர்களுடைய சொந்த உழைப்பால்தான் கொண்டுவந்தார். பொதுமக்களும், சட்டசபை மெம்பர்களும் எதிர்த்தும்கூட பலனளிக்கவில்லை. ஆனால் இன்றோ கனம் ஆச்சாரியாருடைய ஆட்சி, அவர்களுடைய ஆட்சிக்காலம் இன்றையதினம் சூர்யாஸ்தமனம் ஆகப்போகிறது. அதேநேரத்தில், அவரால் கொண்டுவரப்பட்ட புதிய கல்வித்திட்டமானது சென்னையிலும், முனிசிபல் நகரங்களிலும் உள்ள எல்லாப் பாடசாலைகளிலும் விஸ்தரிக்கப்பட்டுப்போவதாக அவர்கள் திட்டம் அனுப்பியிருக்கிறார்கள். ஆனால், பொதுமக்கள், சட்டசபையிலுள்ள மெம்பர்கள் எதிர்த்தும் எவ்வளவோ பேசினோம். அந்த திட்டம் அமுலுக்குக் கொண்டுவரக்கூடாது என்றெல்லாம் தீர்மானம் செய்தும் பலனளிக்கவில்லை. வெளியிலே நாட்டு மக்கள் என்ன கருதுகிறார்கள். இது மக்களுக்குப் பலன் அளிக்காத திட்டமென்றும், குறிப்பாக ஆதித் திராவிட மக்களையும், பிற்பட்ட மக்களையும் அழிக்கும் திட்டம் என்று சொல்லிக்கொண்டிருக்கிறார்கள். இது ஆரிய வம்சத்திற்கு ஆதரவு அளிக்கும் திட்டம் என்றெல்லாம் சொல்லி பல மகாநாடுகளைக்கூட்டி, இந்தத் திட்டம் கைவிடப்படவேண்டுமென்று தீர்மானங்கள் அனுப்பியிருக்கிறார்கள். அண்மையிலே நாகப்பட்டினத்தில் பெரியார் அவர்களுடைய தலைமையின் கீழே நடந்த ஒரு மகாநாட்டிலே சுமார் 15 ஆயிரம் மக்கள் கூடியிருந்தார்கள். ஆனால், இந்தப் புது கல்வித்திட்டம் திராவிட மக்களை அழிக்கும் திட்டம் என்றும், ஆரிய மக்களை உயர்த்தும் திட்டம் என்பதற்காகத்தான் பெரியார் அவர்கள் திராவிட மக்களைக் காக்கவேண்டுமென்றும், ஆரியர்களை அழிக்கவேண்டுமென்றும், சட்டத்தை மீறவேண்டியிருந்தாலும், ஒரு திட்டத்தைத் தீட்டியிருக்கிறார்கள். ஆவணி அவிட்டத்தினன்று ஒரே நாளில் 348 பிராமணர்களுடைய புநாலே அறுத்த டேவிஸ் என்பவருடைய தலைமையின் கீழ் நாகப்பட்டினத்தில் சென்னை நகருக்கு ஒரு படை திரண்டுவருகிறது, இந்தப் புதிய கல்வித்திட்டத்தை எதிர்த்து. எனவே ஆச்சாரியாருடைய ஆட்சிக்காலம் அஸ்தமிக்கிறது. நாளைவிலிருந்து வரும் எதிர்கால அமைச்சர் குழுவாவது இதற்கு நல்லது செய்யுமென்று நம்புகிறேன். இல்லையென்றால் நாட்டிலே ஒரு பெரும் குழப்பம் ஏற்படும், நாட்டிலே அமைதியின்மை ஏற்படும், நாட்டிலே ஒரு பெரிய புரட்சியை ஏற்படுத்தக்கூடிய அளவுக்கு அமைச்சர் குழுவே காரணமென்பதை இந்தச்

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சட்டசபையிலே எடுத்துக்காட்ட விரும்புகிறேன். இதுபற்றிய விவரங்கள் அதிகமாக சொல்வதற்கு நேரம் இல்லாததால் இத்துடன் இந்த விஷயத்தை நிறுத்திக் கொள்கிறேன்.

“தாழ்த்தப்பட்ட மக்களுக்கு ஒதுக்கப்பட்டிருக்கும் பணம் ரூ. 25 லட்சம் 1953-54 வருஷத்திற்கு அனுமதித்திருக்கிறார்கள். ஆனால், அதே நேரத்தில் தாழ்த்தப்பட்ட மக்கள் எந்த அளவுக்கு உயர்த்தப்பட்டிருக்கிறார்கள்? எந்த அளவு அவர்களுக்கு மான்யம் கொடுக்கப்பட்டிருக்கிறது என்று பார்த்தால், ஏதோ கல்லூரிகளில் படிக்கும் ஹரிஜன மாணவர்களுக்கு ஸ்காலர்ஷிப் வழங்க அனுமதித்திருக்கிறார்கள். பணம் போதாது என்ற காரணத்தால் உயர்தர பாடசாலைகளில் வசிக்கும் மாணவர்களுக்கும் ஆரம்பப் பாடசாலைகளில் வசிக்கும் மாணவர்களுக்கும் அது அக்கிரமத்தை விளைவிக்கிறது. ஸ்காலர்ஷிப் பணம் ஒருவருக்குக்கூட கொடுக்கப்படவில்லை. லட்சக்கணக்கான ஸ்காலர்ஷிப் நழுவுங்கள் அச்சிடப்பட்டு, அவைகள் விநியோகிக்கப்பட்டு, அதற்கு அச்சடித்ததற்கும், தபால் பில்லைகளுக்கும் ஆயிரக்கணக்காக செலவு செய்யப்பட்டிருக்கிறது. அதே நேரத்தில் உயர்தரப் பாடசாலைகளில் வாசிக்கும் ஹரிஜன மாணவர்களுக்கும் பிற்பட்ட மாணவர்களுக்கும் ஒருவருக்காவது ஸ்காலர்ஷிப் வழங்கப்படவில்லை யென்றால், இது என்ன அக்கிரமம்? ஹரிஜன சட்டசபை மெம்பர்களுடைய கடிதங்கள் உதாசீனப்படுத்தப்படுகிறது. இது அதனைவிட மிக அக்கிரமம் என்பதைக் கூறிக்கொள்ள விரும்புகிறேன்.

“ஹரிஜன இலாக்கா டைரக்டராக திரு. மலையப்பன் அவர்கள் இருப்பதைப்பற்றியும், ஹரிஜன இலாக்கா மந்திரியாக கனம் திரு. பழனிசாமி கவுண்டர் அவர்கள் இருப்பதையும் கண்டு நாங்கள் பெருமைப்படுகிறோம். அவர்கள் ஏதோ நன்மை செய்யவேண்டுமென்று நினைத்தாலும், அவர்களிடத்தில் பணம் ஒதுக்கித்தரப்படவில்லை. ஒரு குறிப்பிட்ட திட்டத்திற்குப் பணம் இல்லையென்று முதலமைச்சரைக் கேட்டால், அமைச்சர் குழு கொடுக்கமாட்டேன் என்று சொல்லக்கூடிய காலத்தில் டைரக்டர் மீதோ, குறிப்பிட்ட அமைச்சர் மீதோ குறை கூறுவதற்கில்லை. ஆனால், குற்றத்தை அமைச்சர் குழுவின்மீதுதான் போடவேண்டிய நிலைமை ஏற்படுகிறது. தீண்டாமை இந்த நாட்டிலே அதிகமாகியிருக்கிறது. சேரியில் வாழும் மக்கள் செத்துப் போனாலும் கூட அவர்களைப் புதைப்பதற்கு இடம் கிடையாது. செத்துப் போன பிறகு அந்தப்பிணத்தை குறிப்பிட்ட தெருக்கள் மூலமாக போக முடியாமல், வயல்களின் வழியாகச் சுற்றிவளைத்துக்கொண்டு சுடுகாட்டிற்கு போகவேண்டியதாயிருக்கிறது. ஒரு சில குறிப்பிட்ட இரண்டு மூன்று செண்டு நிலத்திலே இவர்களுடைய பிணத்தைச் சுடவேண்டும் அல்லது புதைக்கவேண்டும். அதற்குக்கூட போதுமான இடம் கிடையாது. அந்தச் சுடுகாடு சரியானபடி அதிகாரிகளால் கண்காணிப்பது கிடையாது. அதற்காக இரண்டு லட்ச ரூபாய் ஒதுக்கியிருக்கிறார்கள். அதைக்கூட இந்த அரசாங்கம் செலவு செய்வது கிடையாது. அதே நேரத்தில் தீண்டாமை ஒழிப்புச் சட்டத்தை அமுல் நடத்துவதற்காக மத்திய சர்க்கார் 4 லட்ச ரூபாய் சென்னைச்சர்க்காருக்கு மான்யமாக கொடுத்திருக்கிறார்கள். ஆனால் மான்யமாக கொடுத்த பணத்தை என்னசெய்கிறார்கள்? ஆதிதிராவிடர்களுக்கு நன்மைச்செய்வதற்காக ஒதுக்கப்பட்ட பணத்தை யாரிடம் ஒப்படைத்திருக்கிறார்கள்? அந்தப்பணத்தை ஆரியவர்க்கத்தினரிடத்தில்தான், பிராமணர்களிடத்தில் தான் ஒப்படைத்திருக்கிறார்கள். ஹரிஜனங்களுக்கு நன்மை செய்யவேண்டும் என்பதற்காக இருக்கும் ஸ்தாபனங்களிலே ஹரிஜன இனத்தைச் சேர்ந்தவரோ அல்லது பிற்பட்ட வகுப்பைச்சேர்ந்தவரோ இல்லாமல் வேறொரு இனத்தைச் சேர்ந்தவருக்கு இடம் அளிக்கப்பட்டிருக்கிறது. இந்த இடங்களிலே பிராமணர்கள் ஆக்கம் கொண்ட காரணத்தினால்தான் ஆதித்திராவிட மக்களுக்கு ஒருவிதச் சலுகையும் அளிக்கப்படவில்லை. இந்த இலாகாவை வைதீகத்திற்கும்தைச்சேர்ந்த ஸ்ரீ வி. பாஷ்யம் அய்யங்காரிடம், ஒப்படைத்திருந்தால் ஹரிஜனங்கள் எவ்விதம் நன்மையை எதிர்பாரக்க முடியும்? ஆதித்திராவிடர்கள் தொட்ட தண்ணீரைக்கூட இந்த அய்யங்கார் குடிப்பதில்லை. இவ்விதமாக இருக்கும் ஒருவரை ஹரிஜன இலாகாவிற்கும் ஹரிஜனங்களின் நன்மைக்காகவும் போட்டால் எவ்விதம் இவர் களுக்குப் பலன் ஏற்படும். இவ்விதமாக மத்திய சர்க்கார் மாகாண சர்க்கார்

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ருக்குக் கொடுத்திருக்கும் பணத்தை வீணாகக் கரியாக்குகிறார்கள். ஆதலால் அந்தப் பணத்தை ஆதித்திராவிட மக்களுக்கு நல்ல முறையில் செலவு செய்யும் படி அரசாங்கத்தைக் கேட்டுக்கொள்ளுகிறேன்.”

SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Deputy Speaker, Sir, this morning during question-time, the Hon. the Minister for Food, Finance and Education was saying which is a fact, of course, that the largest consumer of the imported rice in this State was Malabar. Last time, one of the ex-Ministers of this State also was saying on a public platform that Malabar was a liability as far as food consumption was concerned. But, in this connection, I would ask the Hon. Minister as well as all the hon. Members of this House, ‘Is it because the tenants, the peasantry, the tillers of the soil of Malabar are not willing to till the land and produce more?’ Not in the least. They are prepared to till the land and produce more. Moreover, in spite of the fact that the peasantry, their organizations and others, political and democratic organizations, have approached the Government and requested them to see that cultivable lands are leased to the peasantry for cultivation, the Government have not taken any step whatsoever. Now, a serious situation has arisen in Nilambur and Karuvarakundu in Vandoor firka of Ernad taluk, in Malabar. Some tens of peasants have been arrested. Some are in detention and some are released. The situation in that part of the land is so serious that Police people and organized servants of the Janmis are threatening the peasants. The position is this. Generally, the tenants, the fugitive cultivators, the punam cultivators cultivate the hilly tracts of land. The custom is once in two or three years, or once in five or six years, and in some areas once in eight or nine years, peasants enter the hilly tracts and begin the cultivation. Then when the crops are produced, the village karnam and also the kariasthan, the servants of the landlord, go there and measure the area under paddy cultivation and the revenue assessment and rent are fixed and collected. That is the tradition, convention and custom. That was practised for so long. Now a new situation has arisen in 1954. What is that situation? In this connection, I would draw the attention of the Hon. the Minister for Finance and the Hon. the Minister for Law who hails from Malabar to the discussions that we had on the floor of this Assembly on the Malabar Tenancy (Amendment) Bill, 1953. There is a provision in the Malabar Tenancy Act—Section 52 (b) under which the State Government shall authorize any officer to lease lands to those cultivators who are willing to cultivate them if the landlords are not willing to lease them. In that connection, we pointed out that no step had been taken hitherto though such a provision was there in that Act to prevent the adoption of a dog-in-the-manger policy and that, therefore, the Act should be suitably amended. Hence, an amendment was also proposed. But intervening in the debate both in the Joint Select Committee and here, the Hon. the Chief Minister and the Law Minister said, ‘As there is a provision, the matter will be looked into’. With reference to that, I have to say that the criminal negligence on the part of the Government to take suitable steps has brought about a state of affairs where large

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extents of cultivable land where from about 500 lakhs of paras of paddy can be produced are to-day lying waste. According to tradition, the peasants have entered the land. The Zamorin and other big landlords have objected to it. Now, they say that it is trespass. I say it is not a case of trespass. It is a tradition and I have explained what the tradition is. According to me, as I conceive general justice; it is the landlord class who has trespassed over the right of traditional cultivation by tillers. The kisans of Kariwarakunda . . .”

SRI K. KUNHI MOHAMAD SHAFEE :—“ On a point of order, Sir, the incident in Karuvarakundu to which the hon. Gentleman is referring is *sub judice*. It is before the Court of the Divisional Magistrate of Malappuram.”

DEPUTY SPEAKER :—“ Is it before the Court? ”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, with due respect to the hon. Member, I would submit that I am not dealing with a case which is before the Court and which is *suo judice*. I am dealing with a part of a land which is in Nilambur and Karuvarakunda and also a land belonging to the Raja of Zamorin in Calicut. On 25th January 1954 the representatives of the peasantry approached the Collector and requested that he should take immediate action under the Malabar Tenancy Act and see that the peasantry were allowed to cultivate the land. He promised that this would be sympathetically considered. Then also it was not looked into. On 9th February 1954, the peasants held a public meeting. A deputation of 7 or 8 of them was also selected. These people approached the Collector who said that instructions had already been issued. But I am sorry to observe that up to this time, the poor peasants are not allowed to cultivate the land. My request to the Hon. Minister concerned is that Government should immediately intervene in this matter and see that the poor peasants are allowed to cultivate the lands. If they have, however, any doubt regarding the *bona fides* of this, they can appoint some officers or the Collector to enquire into the matter, or the concerned Minister may himself visit the place and verify the truth of my statement. If only they do this, I am sure they will be convinced of the urgency of the matter and the need to come to the help of the poor peasants. My only prayer is that the Government must immediately take suitable steps to see that peasants are able to cultivate the lands. If this is done, I am sure will be a great help to the people of that famine-stricken area. Incidentally, it will be a boon to the Government also inasmuch as they have been claiming that they have to shoulder the responsibility of feeding the people of Malabar, which can be lessened to a certain extent. I hope the Government will rise to the occasion and see that the peasants are freed from prosecution if any and also take urgent and suitable steps to enable them to cultivate even this year.

“ There is another very important matter to which I should like to draw the attention of the Hon. the Minister for Education

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and it is this. Last time the Hon. the Minister for Education was telling that the average attendance at schools had been stipulated on the ground that unless and until such a condition was placed, there would not be any impetus on the part of the teachers to get more children into the schools. I quite agree. If the Hon. Minister thinks that the system of average attendance of pupils is so welcome and so desirable, why can't he prescribe the same system in respect of other services also? For example, why should not the Education Minister see that orders are passed that the Director of Public Instruction, Madras, who is getting a pay many times higher than that drawn by an ordinary L.T. teacher, is also paid on the basis of average attendance? Why is it that such a good system is not made applicable to the Hon. Minister for Education being the highest authority in the Education Structure when he draws his salary? It is not on the basis of the average attendance of pupils in this State that he gets his pay. It cannot be done. So, what I wish to say is that the teachers should not be paid on the basis of the attendance of pupils.

"Sir, very often, the Government have claimed that they were trying to keep up the prestige of the teachers. I know the ruling party, that is, the Indian National Congress, through its General Secretary, Sri Agarwal, has issued a general circular requesting the State Congress Committees and the State Governments concerned to see that the prestige of the teachers is saved as the States cannot reach the goal of a Welfare State unless and until the prestige of the teachers is saved. In this connection, I would like to invite the attention of the Hon. Minister for Education to certain news items that recently appeared in the Press of the Madras State. உபாத்தியாயரைத் தாக்கியதாக காங்கிரஸ்காரர் மீது புகார். This was the headline that appeared in the *Dinathanthi*, dated 28th January. In *Viduthalai* and *Janasakthi* papers this matter has appeared under this headline 'காங்கிரஸ் கௌரவசிலர் உமாபதியின் குமர்.' In the *Hindu* also, this news item has appeared. All these refer to the case of one Suryanarayana Naidu, a Corporation school teacher living in Karuppanan street. He is aged 57 years and has put in 27 years service. Sir, he was molested, beaten and mishandled by a Corporation Councillor, Sri Umapathi."

SRI C. RAJAM RAMASAMI :—"May I know how a reference to this case, is relevant to the subject under discussion now?"

SRI T. C. NARAYANAN NAMBIAR :—"I shall presently explain the relevancy, Sir. Here is a case, where a teacher was assaulted during school hours, when he was on duty. Now, is it not the duty of the Government to see that the rights of teachers are respected and upheld? When representations were made to the Director of Public Instruction and to the Hon. the Chief Minister, I am told that the teacher was asked to go and represent his case before a Court of Law. How can the Government expect a poor teacher, who was assaulted while he was on duty, to go

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before a Court of Law? If a police constable, or even a peon or even a fourth grade public servant had been assaulted in this manner, while he was on public duty, will not the Government take immediate action against the person, whoever it may be, who might have assaulted the public servant? I plead this ought to be done. Should not the Government, in the same manner, take action against the person who has assaulted the poor teacher. They have failed to do this. When they have failed to do this, there is no use of their tall talks. There is no use of their saying that the teachers belong to a great and noble profession and they also belong to the great tradition of rishies like Kanwa and others. Such tall talks on the part of those who are in power, if I am not using an unparliamentary expression, is all a humbug. I want the Government to do something tangible. There is no use of exaggerating things.

"It is not my intention to criticise the Government for criticism's sake. So far as our District of Malabar is concerned, a large extent of land is in the hands of Janmis, unlike in other parts of Tamilnad. Under the 1929 Act, there was a provision by which the Government could authorise an officer to lease out the lands to the poor tenants and cultivators. But nothing in this regard is hitherto done. I request the Government and the Hon. Minister concerned to immediately look into the matter and appoint a competent officer giving him instructions to visit the place and see that the detained persons are released and the lands are given to the tenants under lease. Of course, the tenants are prepared to take out the lands under lease after paying the reasonable lease amount. I once again request the Government to take very early action in this matter, as it is the call of the hour, so far as Malabar is concerned. Thank you, Sir."

SRI M. KALYANASUNDRAM :—"உதவி சபாநாயகர் அவர்களே! இப்பொழுது நடந்துவருகூடிய இந்த வருஷத்திற்கு சர்க்காருக்கு வேண்டிய தொகையை கனம் நிதி மந்திரி அவர்கள் கையில் ஒப்படைத்தாகி விட்டது. பின்னால் ஏற்படக்கூடிய தொகையை நிதி மந்திரி கையில் வைப்பதற்கு விவாதம் நடந்து வருகிறது, முடிவடையவும் போகிறது.

"இந்த வருஷத்தின் பட்ஜட் கோரிக்கையிலும் சரி, இப்பொழுது எடுத்துக் கொண்டுள்ள விவாதத்திலும் சரி, கட்சிமனப்பான்மை யில்லாமல் கனம் நிதி மந்திரி அவர்களும் மற்ற மந்திரிகளும் எதிர்க்கட்சிக் காரர்கள் கொண்டுவரும் எந்தப் பிரச்சினையும் பாராட்டினார்கள். அவர்கள் எதிர்க்கட்சியினரை கட்சி நோக்கத்தோடு வெறும் தொந்தரவு கொடுத்ததாகவே நினைக்கக்கூடாது. ஜனங்களுடைய நன்மைக்காகக் கொண்டுவரும் எந்தப் பிரச்சினையும் எதிர்க்கட்சியினர் கொண்டுவந்தார்களே என்பதற்காக ஆதரிக்கத் தயங்க வேண்டாம். கொண்டுவருவதை தடுக்க வேண்டாம் என்றுதான் அவர்களை மிகவும் பணிவுடன் கேட்டுக் கொள்கிறேன். அப்படிப்பட்ட பிரச்சனை வருவதற்குக் காரணம் என்னவென்று ஆற அமர யோசிக்கவேண்டும். மக்களுடைய கஷ்டங்களைப் போக்குவதற்கு எதிர்க்கட்சியினரும் முன் வருகிறார்கள் என்பதை அவர்களுடைய கவனத்திற்குக் கொண்டுவருகிறேன்.

"சில முக்கியமான யோசனைகளை இச் சந்தர்ப்பத்தில் சொல்வதற்காகத் தான் எழுந்து பேசுவது. நாம் இங்கு கூடிப் பேசுவதற்கும், இவ்வளவு நிதி ஒதுக்குவதற்கும் காரணம் நம் நாட்டில் சுபிட்சம் ஏற்படுவதற்குத்

[Sri M. Kalyanasundram] [30th March 1954]

தான். உணவு பற்றாக்குறையைத் தீர்க்க தீவிரமான நடவடிக்கை எடுக்க வேண்டும். நாடு நலமுற வேண்டுமென்றால் வேலையில்லாத திண்டாட்டத்தைப் போக்குவதற்கும், வறுமையை ஒழிப்பதற்கும் உடனடி நடவடிக்கை எடுக்கவேண்டும்.

“கனம் நிதி மந்திரி அவர்கள் இப்போது நிதி நிலைமைக்கு ஏற்ப வழக்கமான பிரச்சினைகளைச் செய்ய வேண்டியிருக்கிறது. விவசாயத்திலே மாறுதல் ஏற்படவேண்டுமானால் உடனே நிலச்சீர்திருத்தம் செய்வதற்கு நடவடிக்கை எடுக்கவேண்டும். இதைப்பற்றி கனம் ரெவின்யூ மந்திரி தீவிரமாக ஆலோசனை செய்து வருவதாகச் சொன்னார்கள். இந்த பட்ஜெட் உஷ்ணம் தீர்ந்த பிறகு நிலகிரிக்குப்போய்க் கொஞ்சம் ஓய்வெடுத்த பிறகு எவ்வளவு சீக்கிரம் இந்த நிலச் சீர்திருத்தத்தைக் கொண்டுவர முடியுமோ அவ்வளவு சீக்கிரம் அவசியம் கொண்டுவர வேண்டும் என்பதுதான் என் அவா. அவ்விதம் செய்தால் இந்த மாகாணத்தில் இருக்கக்கூடிய விவசாய மக்களனைவருக்கும் நன்மையளிக்கும் என்று சொல்வது மிகையாகாது. அதற்கு அடிப்படையாக புறம்போக்கு நிலங்களில் குடியிருக்கும் விவசாயிகளை வெளியேற்ற வேண்டாமென்று கேட்டுக்கொள்கிறேன். இதைத்தான் கனம் நாராயண நம்பியாரும் குறிப்பிட்டார்கள். எந்த விதத் தகராறும் செய்யாமல் உழுது பயிரிடத் தயாராயிருக்கும் விவசாயிகளுக்குப் புறம்போக்கு நிலங்களைக் கொடுக்க வேண்டுமென்று கனம் ரெவின்யூ மந்திரி அவர்களைக் கேட்டுக்கொள்ளுகிறேன்.

(At this stage Mr. Speaker occupied the Chair.)

“இன்னும் ஒரு முக்கியமான விஷயம் சொல்ல விரும்புகிறேன். போலீஸ் அதிகாரத்தை அதிகரித்துக்கொண்டே போவதினால் பிரயோஜனமில்லை. சாதாரண சின்ன விஷயங்களுக்குக்கூட போலீஸ் விதிகளைக் கண்மூடித்தனமாக அமுல் நடத்துவது ஜனநாயகத்தின் அடிப்படை உரிமைகளைப் பறிப்பதாகும். அமைதிக்கும் கட்டுப்பாட்டிற்கும் ஒழுங்கிற்கும் பங்கம் ஏற்படுவிடுமே என்று கற்பனை செய்துக்கொண்டு போலீஸ் அதிகாரிகள் தொழிலாளர்கள், விவசாயிகள் நடத்தும் மாநாட்டிற்கும், கூட்டங்களுக்கும், ஊர்வலங்களுக்கும் தடைபோடுவது, மைக் வைப்பதற்கு அனுமதி கேட்டால் அதைப் பிரமாதிப்படுத்தி பல தொல்லைகளுக்குள்ளாக்குகிறார்கள். ஜனங்களுக்கு இருக்கக்கூடிய இச்சிறு உரிமையைக் கூடப் பறிப்பதன் மூலம், எதிர் கட்சியினரை அடக்கி விடமுடியாது. தொழிலாளர் ஊர்வலங்கள் நடக்காத அளவிற்கு அவ்வளவு ஒழுங்கீனமாக போலீஸ் அதிகாரிகள் நடந்து வருகிறார்கள். அதிகாரிகள் கூட்டங்கள் நடத்துவதற்கும் ஊர்வலங்கள் நடத்துவதற்கும் இடையூறு செய்வதனால் ஒரு விதமான நன்மையும் ஏற்படப்போவதில்லை. அதேசமயத்தில் முதலாளிமார்களுக்கும் நிலச்சுவான்தார்களுக்கும் போதிய பக்கபலமாக இருந்து வருகிறார்கள். இவ்விதமாக கூட்டங்களுக்கும் ஊர்வலங்களுக்கும் போலீஸ் அதிகாரிகள் இடையூறு ஒன்றும் இழைக்காமல் அப்போதைக்கப்போது தொழிலாளர்கள் அனுமதி பெற உதவ வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“இப்போது இருக்கக்கூடிய சில முக்கியமான பிரச்சினை சர்க்கார் கவனிக்க வேண்டும். குறைந்த பட்சம் எதிர்க்கட்சியினர் செய்யவேண்டிய தெல்லாம் ஒரு மாநாடு போட்டு எல்லாவற்றையும் யோசிப்பார்கள் என்று நினைக்கிறேன். அதே சமயத்தில் சர்க்கார் முக்கியமாகக் கவனிக்கவேண்டிய தெல்லாம் தொழில் உற்பத்தி பெருக்குவதற்கும் அமைதி நிலவுவதற்கும் நடவடிக்கை எடுக்கவேண்டும். எதிர்க்கட்சியினர் சொல்வதையெல்லாம் எதையும் கட்சி நோக்கோடு கவனிக்கலாகாது. நாங்கள் சர்க்காரின் பலனீனத்தை உணர்ந்து, அந்தச் சந்தர்ப்பத்தை உபயோகப்படுத்தி சர்க்காருக்கு இடையூறு செய்வது எங்கள் நோக்கம் அல்லவென்று தெளிவுபடுத்த விரும்புகிறேன். சர்க்கார் மக்களபால் செய்யும் எந்த நன்முயற்சிக்கும் எதிர்க்கட்சியினர் ஒத்துழைக்கத் தயாராயிருக்கின்றனர். அதே சமயத்தில் தொழிலாளர்களையும் அவர்களின் சங்கத்தையும் பலனீனப்படுத்த அனுமதிக்க முடியாது.

[Sri M. Kalyanasundram] [30th March 1954]

“இன்னொரு விஷயம்—புதிய கல்வித்திட்டம். கட்சி கௌரவத்தைப் பார்க்காமல், தோல்வியை தோல்வி என்று ஒப்புக் கொள்ள வேண்டும். இதைப் பகிரங்கமாக ஒப்புக்கொள்வதுதான் பெருந்தன்மை. தோல்வியை ஒப்புக்கொள்வது தவறல்ல. பெரியவர்களாக இருந்தாலும் அவர்களுக்கும் தவறு ஏற்படுவது சகஜம்தான். ஆதலால் அந்தத் தவறை ஒப்புக்கொள்வதுதான் கௌரவத்திற்கு அழகு—பெருந்தன்மைக்குகந்தது. தவறுகளை மறைப்பது சரியல்ல. அதனால் நாட்டிலே குழப்பம் ஏற்படும். அவ்விதம் குழப்பம் ஏற்படாமல் நடந்துகொள்வதுதான் முறை. ஆதலால் இத்திட்டத்தை வாபஸ் பெற வேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்கிறேன். வணக்கம்.”

THE HON. SRI C. SUBRAMANIAM :—“Mr. Speaker, Sir, I regret to say, without any disrespect to any of the hon. Members, that the discussion was quite off the mark. We are considering the Appropriation Bill with reference to the Supplementary Grants. I was hoping at least one hon. Member would refer at least to one item in the Supplementary Grant and the provisions made under that and make some concrete suggestions. But unfortunately, I was disappointed. I would request hon. Members always to bear in mind that we have to observe the rules of procedure, rules of debate at least to some extent, because when hon. Members make out points it is expected that the Minister concerned should meet all those points. But it is not as if the Minister is an encyclopædia and he can rise at any moment and answer any point. Therefore, when we come prepared for certain debate, we come prepared with reference to the subject-matter which has to be discussed. Therefore hon. Members should not feel aggrieved, if I am unable to reply to the various points raised on the floor of this House. And another thing also. Supposing we reply to all those matters which I respectfully and humbly submit were not quite relevant, I would be following the foot-steps of hon. Members in referring to those matters which were not quite relevant. I cannot also say, 'No relevant points have been raised and therefore let me sit down.' I am therefore in a dilemma. However, I hope to adopt a via media attitude and try to meet the various points raised by some round-about way, saying, 'It is connected with this and it is connected with that.'

“I am really grateful to the hon. Deputy Leader of the Opposition for having made a very constructive and conciliatory speech and I heartily reciprocate the feelings he has expressed. After all, all of us are interested in the welfare of the people and all of us are eager that our country should prosper. We want that the various needs of the people should be met and the short-comings overcome. That is our aim. In the approach and in the method there might be certain difference of opinion in regard to certain aims. But that need not stand in the way of our co-operating in matters where we agree. But unfortunately when we disagree in certain matters that disagreement is carried into other fields also, so much so, it becomes impossible to co-operate even in fields where there is a certain amount of agreement. That is the tragedy of politics, that too party politics. I wish we were able to cast aside those feelings of party prejudices and rise above narrow

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party politics. Unfortunately we are also human beings and members belonging to certain political parties. I do agree that we try to justify ourselves even when we are in the wrong. That applies both to the Opposition and the Government"

SRI M. KALYANASUNDRAM :—" More to the Government than to the Opposition."

THE HON. SRI C. SUBRAMANIAM :—" I do not know. Let people judge about that. But since the Hon. the Deputy Leader of the Opposition has chosen to interrupt, I may tell him that we do not have a fanatical faith in any doctrine. Therefore we are liable to change and conversion than the hon. Member who is always actuated only by certain doctrines. Anybody else who thinks against that doctrine or who acts against that doctrine is, according to him, not progressive and is not working for the people. Therefore, he made the accusation that only the hon. Deputy Leader of the Opposition and those belonging to his party are interested in sticking to principles rather than persons on his side. But that is quite apart from our discussion. Because the hon. Deputy Leader of the Opposition chose to interrupt me, I had to make the position clear."

"The hon. Member Sri Vinayakam started the debate. He made reference to two or three matters to which he had referred already. While the time allotted for an hon. Member was only ten minutes, he had taken nearly half an hour. He spoke at length on the need for improving the irrigation facilities in Chingleput district. Of course he used some complimentary terms against us. He has said that the Government are unimaginative, impractical or impractical whatever the term might be. He went on in that vein. Let me inform Mr. Vinayakam that we are anxious to increase production of foodgrains. Government would do their best to increase food production. If, as a matter of fact, food production in Chingleput district could be increased by a simple scheme as Mr. Vinayakam had suggested, certainly we would look into the matter. We will not fail to look into it simply because Mr. Vinayakam has suggested it. Let me give that assurance to Mr. Vinayakam."

"Mr. Vinayakam also made so many references to the bus transport and referred in particular to the impoliteness of the conductors towards passengers. I do not know how far his charge could be substantiated. I do agree that there are certain people not only in transport but in other walks of life also who try to be unpleasant to their companions or other persons. But what I was able to gather from the speech of the hon. Member Mr. Vinayakam is that certain of the people employed in the Government Transport in the City have not behaved properly to the passengers. If there are miscreants, certainly they should be booked. Instead of levelling the general charge that there is corruption and this and that, I think, Mr. Vinayakam would have done well if he had brought to the notice of Government specific instances wherein the employees of Government Transport have behaved in

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an impolite manner so that we could have booked the culprits suitably. But Mr. Vinayakam had preferred to make only a general charge."

SRI K. VINAYAKAM :—" Unfortunately the colleague of the Hon. the Finance Minister, viz., the Hon. Minister for Transport holds a different view. There seems to be difference of opinion among Ministers."

THE HON. SRI C. SUBRAMANIAM :—" I may say that there is absolutely no truth in what the hon. Member says. There is no different of opinion amongst us."

THE HON. DR. U. KRISHNA RAO :—" On a point of personal explanation, Sir. I really want to know how Mr. Vinayakam had found that I differ from the Hon. the Finance Minister on the question of behaviour of the Transport employees towards the passengers, while the same is not a fact. On the other hand, we are unanimous in arriving at a decision. The hon. Member is wrong when he says that the opinions of the Hon. the Minister for Transport are different from those of the Hon. the Finance Minister."

THE HON. SRI C. SUBRAMANIAM :—" I am glad the Hon. the Minister for Transport has answered immediately. There is no truth in what Mr. Vinayakam has said. We want to give the maximum comfort to the travelling public. As I said previously there may be individual cases of impolite behaviour towards the passengers. If Mr. Vinayakam brings to my notice specific instances, we will take suitable action against the culprits."

"Incidentally Mr. Vinayakam has made a plea for private owners. He was all praise for private operators. He was waxing eloquent on the comforts provided by private operators in their buses. Thereby perhaps Mr. Vinayakam has implied that if the Government Transport in the City were given to private enterprise, the public could expect better conveniences. I think probably that was what was in his mind. That was what I was able to gauge."

SRI K. VINAYAKAM :—" I must correct a misapprehension created by the Hon. the Finance Minister regarding my views about private bus transport. I hold no brief for anyone. Let the Government nationalize transport in the whole country itself. But what I want is that when they nationalize, let them work it effectively. It is no use nationalizing an industry and not working it effectively."

THE HON. SRI C. SUBRAMANIAM :—" I have had sufficient experience of travelling in private buses when the transport was not nationalized in the City. I am sure that the present Government Transport system is much better than what it was before when it was run by private operators. I take the assurance of the hon. Member Mr. Vinayakam that he is not interested in any private bus operator."

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"The hon. Member Mr. Palaniswami wanted collective bargaining by teachers. Even in regard to trade unions, is it not laid down that politicians should not enter into their fold and exploit this collective bargaining? How can we then allow collective bargaining by teachers by politicians and politics interfering in it? When even in the advanced trade unions such a thing is not allowed? That is a proposal to which we can never agree. That is my view. Of course people are entitled to have their own opinions. As far as the education system is concerned, it is my firm view that it should be above party politics.

"The hon. Member Mr. Rathinam who spoke about the Harijan thinks that he is the only champion of the Depressed Classes and Harijans. He talked in that light and having made that speech, he was satisfied. He has gone without waiting for the reply that he would get for his speech. It is because he is not interested in the reply. After he had spoken, he does not care about the reply. He thinks he is the only champion and no others are there to champion the cause of Harijans and the Depressed Classes. He claims to be the leader of the Depressed Classes. That is why he is interested in getting a seat in the front benches and not in representing the cause of Harijans. What all he has said, let me submit to you, Mr. Speaker, is absolutely nonsense. Because I think 'nonsense' is a parliamentary term, I have used that expression. It is only for bettering the lot of Harijans that we have this year provided Rs. 25 lakhs outside the Budget proposals—which has come up in the Supplementary Demands. We have taken several other beneficial measures for the upliftment of that community. Instead of mentioning something about the beneficial measures we have taken so far for the uplift of Harijans, Mr. Rathinam went on accusing us and he even went to the extent of saying that during the British Raj Harijans were better cared for. I think he would even go to the extent of inviting some foreign Government because he thinks that Harijans would get a better deal only then. Of course he is entitled to have his own opinions in the matter. He is entitled to ventilate his grievances. But he should do so in a proper manner. I know, Sir, that there are many hon. Members in this House belonging to the Harijan community and also members belonging to the general public who are grateful for what all we have done for the uplift of the Harijan community. There is no basis for what the hon. Member Mr. Rathinam has observed. If the hon. Member had complained that we have done only something, I can understand it. May be, we have not done what all is necessary for the uplift of Harijans. But to say that we have not done anything at all for Harijans, is, I submit a baseless charge. I am sure his own party will not support his stand.

"The hon. Mr. T. C. Narayanan Nambiar wanted land reforms. I am afraid it will not be proper for me to refer to the question of land reforms when the Appropriation Bill is discussed.

"I shall refer to the licences that are issued for holding public meetings. It has been said that we have issued licences for only

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one party in particular, I mean, the Congress Party. From the number of licenses issued so far for holding public meetings, it would be clear that we have issued the largest number of licences only for the other parties for holding public meetings. So we cannot be accused of having issued a large number of licences only to the Congress Party for holding their meetings. We cannot be blamed for not having exercised our powers properly.

"I now come to the subject of loudspeakers. Presumably when one meeting is addressed by one party and the other meeting which is held just nearby is addressed by another party, if loudspeakers are installed nearby, it will only result in shouting and pandemonium. It is our intention in permitting the use of loudspeakers that they should cause the least inconvenience to others. It is only with this object in view that the use of loudspeakers is regulated. For peaceful organizations and for addressing meetings in a peaceful manner, Government will not stand in the way. But, if meetings are held to incite people to violence, Government have got to step in and prevent such misuse of the licence granted to hold the meeting. Government will not tolerate meetings addressed by parties or individuals inciting people to violence. If any party should take to violence or violent methods, the Government cannot keep quiet. Subject to this condition, we give full freedom to speak, to write anything in any newspaper including falsehoods and to give any headline including even misleading headlines. We do not object to any of these things. Reference was made to the headline given in the 'Dinathanthi'. It was a misleading headline. Let not any Member go under the impression that we want to suppress any opinion however much it may differ from our point of view. I assure hon. Members that full freedom of speech and association has been given. If, in spite of that, there have been pin-pricks here and there, it is inevitable. Certain restrictions are necessary to maintain law and order and to see that there is no breach of the peace. It is only from that point of view that certain restrictions are imposed, and it is to the advantage of everybody. After all, the restriction on one is the freedom of the other. When we impose certain restrictions on one, to that extent somebody else gets freedom. If the people are allowed the use of loudspeaker equipment without any restriction and if it is installed in a crowded residential locality and the speakers go on shouting till 12 o'clock in the midnight every day—that was what happened in certain instances—it will be a great nuisance to the people residing in the locality. That consideration also has to be borne in mind. I may assure the Deputy Leader of the Opposition that these restrictions are not intended to curb the freedom of speech or meeting. They are imposed in the interests of the community as a whole. If any relaxation is possible, I shall gladly do it. We do not stand in the way of peaceful propaganda and the propagation of opinion by peaceful methods. We have given the fullest freedom and freedom is guaranteed by our Constitution.

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"I have replied to many points that were raised but were not strictly relevant to the subject-matter of the Bill under discussion because I do not want the Members to feel that I have ignored any point.

"This is the last of the ceremonies connected with the passing of the Budget. Once again I thank the hon. Members for having co-operated with me and the Government and for having made very useful suggestions during the debate. Let me also express my thanks to you, Sir, for guiding this House properly and for seeing that we do not stray far away from the rules of procedure. We can take pride in the fact that that our debate has been at a high level, and I am sure that any stranger who has come here and watched our proceedings will give a certificate to that effect."

MR. SPEAKER:—"The question is—

'That the Madras Appropriation (No. 2) Bill, 1954, be taken into consideration at once.'"

The motion was put and carried.

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

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

'That the Bill be passed into law.'"

MR. SPEAKER:—"The question is—

'That the Madras Appropriation (No. 2) Bill, 1954, be passed into law.'"

The motion was put and carried.

MR. SPEAKER:—"The House will now adjourn and meet again at 9 a.m. on Thursday, 1st April 1954."

The House then adjourned.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 30th March 1954.

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

THE MADRAS APPROPRIATION (NO. 2) BILL ^a 1954
(L.A. BILL NO. 10 OF 1954)

[30th March 1954]

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

‘ That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954), as passed by the Legislative Assembly be taken into consideration.’

This Bill only embodies the Supplementary Grants for the second half of the financial year 1953–54. I hope, Sir, there is no necessity for any discussion on this Bill and it will be passed without any discussion unless of course the Deputy Leader of the Opposition has something spicy to say about it.”

DEPUTY CHAIRMAN :—“ Motion moved—

‘ That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954), as passed by the Legislative Assembly be taken into consideration.’ ”

DR. V. K. JOHN :—“ Mr. Deputy Chairman, speaking on this Appropriation Bill, you will give me the indulgence to make one or two observations which are not absolutely pertinent to this Bill.

“ First, may I express the very high appreciation of every hon. Member of this House and of the public on the Government having renominated Sri Mahomed Usman, Srimathi S. Manjubhashini and Srimathi Mary Clubwala Jadhav as Members of this House.

“ Let me also associate myself with all that the Hon. the Leader of the Opposition has said about Sri Rajaji when he spoke on the previous Appropriation Bill. It is a very sad news which many of us read in the newspapers that Sri Rajaji was relinquishing his office. I realize that I have earned, perhaps, a bad reputation of being the strongest critic of this Government in this House, and perhaps in the previous Council also. I use strong language and sometimes harsh language too in criticizing the Government. But, Sir, I had always a feeling in my mind that this Government headed by Sri Rajaji is incomparably superior to the previous Congress Governments which I knew well because I was the Leader of the Opposition in the previous Council. In one sense the present Members of the Cabinet are incorruptible. In fact only Rajaji would have taken up the position of Chief Minister when everything appeared to go wrong after the last elections, and when the Congress Party was not in a majority. Rajaji took up that burden and in spite of the various difficulties caused by the Communists' opposition, famine, etc., he had done wonderfully well in toning up the administration. Whatever criticism one might have offered when the Cabinet was formed, it is quite clear that for the last two years, we have a Cabinet which from

^a Printed as Appendix on page 703—704[infra.

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every point of view is an excellent Cabinet. When I say that this Cabinet has done wonderfully well, I express the feelings of not only the Members of the Congress Party and of the Opposition Parties but also of the general public. It is a great misfortune if Governments should change very often. It is a wrong thing for Governments to change frequently. One defect in the Congress Administration is that there were too many changes since 1946.

(At this stage Mr. Chairman resumed the Chair.)

“ I am still hoping against hope that in the next few hours Rajaji will change his mind and will continue in office and carry on the Government in the interests of the State because change of Government is very bad for the State and for the country. If I were a Doctor of Medicine and were to prescribe a medicine for Rajaji, I would say that he would keep his health better when he is active and when he is in office than when he is inactive and when he is not in office. But unfortunately, I am not a Doctor of Medicine but I am a Doctor of Laws. Nevertheless, I feel that it would be better for the good health of Rajaji, whom surely Providence will preserve for us for another 75 years, to be actively associated with the Government of this State. Rajaji had done wonderfully well in toning up the administration, and the reputation of this Government has gone up very high in the last two years. Whenever I criticised this Government and used strong language, I did realize that this Government was incomparably better than the previous Governments. I am sure we may not get another Government as good as this. It is my earnest request and it is my hope that Rajaji will continue in office so long as there is life in him. I do not think that he is so unhealthy that he should retire immediately. I am sure that no Government would have done better than the present team during the past one or two years. Rajaji has trained the present team well that it can carry on the administration much better than anybody else.

“ Sir, now let me pay a meed of tribute to the Hon. the Finance Minister whom I criticize most in this House. I think he is an ornament to any Cabinet and I am quite sure that his services will always be availed of by any future Cabinet that may come into being. He is young and is one of the most intelligent men I have ever met. He is quick in grasping things. Perhaps in answering my criticisms, he might have used harsh words, but I know there was no ill-will or malice behind them. Recent events have very much upset the public and me also. I hope that somehow or other Rajaji and his present team will continue.

“ I hope that the several criticisms that have been offered against the Budget which Rajaji's Government have presented will be taken note of and that new ground will be broken. It may be that in this House Rajaji and the Hon. the Finance Minister will support the taxation proposals, but I am sure that when they go to

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their offices, they will see that expenditure is reduced. I request the Government not to resort the regressive methods of taxation. I do not think that any other person would break new ground as the present Finance Minister has broken, and it is my hope that even if Rajaji resigns, the Finance Minister will continue to serve the public and this State in some capacity or other, probably as Finance Minister or in some higher capacity. It is a wrong thing that Ministers who have been trained up, who have gathered good experience, who know their subjects fully well and who are well on their saddle and can carry on the administration, should ever be changed at all. If there are frequent changes, there will not be a stable administration. Once again new Ministers will have to start learning and unlearning things. All this will affect the administration adversely and I do not know how the future administration will be for one or two years to start with. There were many difficulties when Rajaji took the reins of the administration—notably the political difficulties created by the Communists, drought and famine conditions, the agitation for a separate linguistic State and very recently the partition of the State. Just now things have been put in order and this is the time when attention could be paid to various matters connected with administration. It is really unfortunate that at a time when the Ministry is able to give its attention to the various administrative problems there should be a change in the administration. The present team is an excellent one. I am not personally fond of any particular individual but I am expressing the point of view of the public. I would once again make an appeal to Rajaji both in my personal capacity and on behalf of the public to think hundred times before he retires, because, if I may say so, he would be doing a disservice to this State if he retires now. I know that he is not keeping his health as before, but it is for his colleagues, whom he has trained, to take over some of his portfolios exclusively and not to give him the same amount of trouble which he perhaps had during the last two years. Every hon. Member in this House is anxious and has expressed that Rajaji should recover very soon. As far as I can gather, public opinion also is that Rajaji's administration should continue and that his team of Ministers should also continue. Whatever criticisms I might have made about the Finance Minister, I have always felt that he is second to none, and that he is the one person who can break new ground and set the finances of this State in order. If I criticize certain policies of the Government, that does not mean that I have not got any appreciation for them. I have got every appreciation for this Government. Rajaji did a great service to this State and to the country when he accepted responsibility as the Chief Minister. Even then he was not keeping very good health, but still, in the interests of the State, he took upon himself the burden. He improved his health in a few days. I therefore request him not to give up his office and create a difficult situation in this State and thus retard the progress that he has made in the administration of the State. I am a great optimist. I still hope that he will continue to serve the State. He need

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not spend so much time as he was spending all along. He may work less. I hope that he will keep better health if he is active. He has got a team which can carry on the administration much better than any team that we had during the past so many years.

“ Now, coming to the Appropriation Bill, I have to say one or two words. I hope that this Government—I am not sure what is going to happen to this Government but I hope that the best will come out—will consider the question of regressive and progressive taxation and avoid regressive measures of taxation. It is my view that the Government must take lessons from the tailors. They must cut the coat according to the cloth. We should not increase our revenues by resorting to regressive methods of taxation. Income-tax is a progressive taxation. The first Rs. 3,600 is free of income-tax. In Britain there are other allowances and the men, who can bear the burnt of the taxation, are asked to bear it. A man earning Rs. 100 should not be made to part with Rs. 25 or Rs. 50 by way of taxes alone. We must collect only such taxes as we can by adopting progressive methods of taxation. We can spend only as much money as we can consistent with our income. We should not in our anxiety to introduce many welfare schemes sap the blood of every man, every woman and child in this State. I am quite sure if only the present Government continue they will break new ground. This Budget they have presented is only a hereditary Budget with much of regressive taxation. I hope all this regressive taxation will be repealed and we would have progressive taxation in future. People would not be impoverished. They will spend only as much as they can and nothing more. That is my considered view. The news that I have heard these last few days has much upset me. These Ministers have gathered some experience and made some progress in these two difficult years and they have just settled down after partition. They would have made greater progress during the next three years' time when the next Assembly would come in. But the news that Rajaji is laying down his office has come in now. I think the whole State, even the whole country, would be upset by this news. I do not know whether Rajaji himself has realised what the public opinion will be on the step he has himself chosen to adopt. I am a great optimist. Therefore I would request him again either to continue in his present position or to see that at least the present team of Ministers who have been trained by him in administration and who are now carrying on with their work so well continue in office so that progress may be made in the administration of this State.

“ Sir, there is nothing much that I can say on this Appropriation Bill. Still I would repeat my criticism that there should not be any regressive taxation. Regressive taxation should be repealed. There must be only progressive taxation. Government must spend only as much as they can collect without impoverishing the people of the country. Let me hope that the Hon. the Finance Minister who can easily understand the words I use in

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criticising him will certainly pay his kind attention to the criticism which I have advanced not on this particular Budget but on the policy the Congress has been following ever since that party took up office and which he could not break. This he cannot do because he had just now settled down. And it is a pity when we just close the discussion on the Budget, the news of the retirement of the Leader of the House should have been announced. I feel so sad over the news and I must express my deep regret that the progress we have made up to this time, and the difficulties we have overcome up till now might not be taken advantage of—I do not say will not be taken advantage of—and further progress would be retarded. If I use any strong language against Rajaji in regard to this matter I hope he will excuse me. It is inexcusable on his part to set the hands of the clock back and resign his post. I believe he will keep better health when he is in office and keeps himself active as he has been before. Let me make an earnest appeal to him not only on my behalf but on behalf of the thousands of people who have told me that this Government is incomparably superior to the previous Governments and that this Government should carry on. I think this is the desire of the large majority of people in this State as well as in the country. Therefore I make my earnest appeal to Rajaji to continue as the Chief Minister of this State and not to resign.

“ Thank you very much, Sir.”

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, this proceedings have taken the character of a farewell function. I do not know whether coming events are casting their shadows before. Whatever might happen the words of appreciation that have fallen from the various hon. Members will encourage us to serve this State and serve our country to the best of our ability in whatever field we may be called upon to serve. Sir, these two years we have tried our best to serve the country and to serve the State to the best of our ability, to the best of our conscience, true to our people and true to God. The appreciation of our work by this House will greatly encourage us in our future endeavours in whatever field it might be. Let me thank hon. Members, as this has been converted into a farewell function, and also you, Mr. Chairman, for the very great courtesy and kindness you have shown me always.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954) ’ as passed by the Legislative Assembly be taken into consideration.”

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

Clause 2, the Schedule, Clause 1 and the Preamble were put and carried.

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THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, I beg to move—

‘ That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954), as passed by the Legislative Assembly be passed.’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954), as passed by the Legislative Assembly be passed.’ ”

SRI MOHAMED RAZA KHAN :—“ Mr. Chairman, Sir, I do not like to take up the time of the House to make an elaborate speech at this stage. I really admire the sentiments expressed by the Hon. the Minister for Finance in his earlier speech about the unfortunate incident which occurred in Malabar. Sir, the Government, ourselves and everyone is proud of the fact that this State of all the States in India is noted for the way in which it has maintained communal unity throughout the ages. It has been the tradition of this State and it will be our effort and endeavour to see that that tradition is maintained. On many occasions in the past Madras gave a lead in matters relating to communal unity. But unfortunately an incident in Malabar has occurred. It is not politics as was appropriately referred to by the Hon. the Minister for Finance. I intervene at this stage only to assure him that the leadership in our State more particularly in Malabar will strive its best to maintain communal unity. I hope the incident that occurred recently will be the end of it all, and there will be no repetition of it in the future. We will go to the uttermost limit to see that perfect communal harmony, particularly in places like Malabar, is maintained, and that the tradition of which this State is proud is also kept up.

“ Sir, I do not wish to say anything about that great man, our Hon. the Chief Minister. But this debate has been converted into a sort of farewell function. Really every one of us felt sad when we heard the announcement made by Rajaji that he was going to lay down his office of Chief Minister and Leader of the Party. Sir, the Hon. the Leader of the Opposition has already expressed our feelings in this matter in the language befitting this House. Therefore I do not wish to add anything to what he has already said. It is not an occasion when we should talk about the man in his very presence and thus put him in an embarrassing position. He himself does not talk in that way. He himself is affected more by these expressions than anybody else. Whatever was said from this side of the House was said in all earnestness and reality. Young men like me whenever Rajaji makes a speech either in this House or outside, hear his speech very carefully and observe how he analyses the thing, tries to make out the case, and always puts his opponents in the wrong and himself and the Government in the right. We hear him so that we may take a lesson from him

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and try to follow him. Even though we may not come up to his level, at least we may learn something from him. It is in that spirit that young men have been hearing him and following him. Therefore it is indeed sad that the time has come when he has to lay down his office."

SRI M. P. GOVINDA MENON:—"Mr. Chairman, Sir, I associate myself with the sentiments expressed by the hon. Member Sri Raza Khan. I hope my unfortunate district will not have any more trouble and I appeal to both communities from this place to patch up their differences. I also hope that the efforts of the people of Malabar will be supplemented by the leaders from the whole State and let us hope that good days will dawn on Malabar without any more communal trouble."

MR. CHAIRMAN:—"The question is—

'That the Madras Appropriation (No. 2) Bill, 1954 (L.A. Bill No. 10 of 1954), as passed by the Legislative Assembly be passed.'"

The motion was carried and the Bill was passed.

MR. CHAIRMAN:—"Before we adjourn, I would like to congratulate hon. Members Srimathi Manjubhashini, Srimathi Clubwala Jadhav and Sri Mahomed Usman on their nomination to this House.

"The House will now adjourn and meet again at 11 a.m. on Wednesday, the 7th April 1954."

The House then adjourned to meet again at 11 a.m. on Wednesday, the 7th April 1954.

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APPENDIX III.

[Vide item V (2) on page 692 supra.]

L.A. BILL NO. 10 OF 1954.

(As passed by the Assembly.)

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the period of six months which commenced on the 1st October 1953.

WHEREAS it is necessary to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the service of the period of six months which commenced on the 1st October 1953; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Madras Appropriation (No. 2) Act, 1954.

2. *Supplementary appropriation out of the Consolidated Fund for the period of six months which commenced on the 1st October 1953.*—The State Government may appropriate out of the Consolidated Fund of the State, for the period of six months which commenced on the 1st October 1953, a further sum not exceeding three crores fifty-two lakhs forty-four thousand and five hundred rupees, being moneys required to meet—

(a) the supplementary grants made by the Madras Legislative Assembly for that period, as set forth in column (3) of the Schedule; and

(b) the supplementary expenditure charged on the Consolidated Fund of the State for that period, as set forth in column (4) of the Schedule.

THE SCHEDULE.

Demand number.	Services and purposes.	Sums not exceeding.		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
II	Excise Department	2,16,700	..	2,16,700
III	Stamps Administration	36,000	..	36,000
IV	Forest Department	6,61,400	5,000	6,66,400
V	Registration Department	2,69,000	..	2,69,000
VI	Motor Vehicles Acts Administration	63,700	78,000	1,41,700
VII	General Sales Tax and Other Taxes and Duties Administration.	6,70,700	..	6,70,700

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Demand number. (1)	Services and purposes. (2)	Sums not exceeding.		
		Voted by the Legislative Assembly. (3)	Charged on the Consolidated Fund of the State. (4)	Total. (5)
		RS.	RS.	RS.
VIII	Irrigation ..	14,02,800	..	14,02,800
X	State Legislature.	82,200	..	82,200
XI	District Administration and Miscellaneous ..	..	100	100
XII	Administration of Justice ..	4,30,900	..	4,30,900
XIII	Jails ..	2,38,400	..	2,38,400
XIV	Police ..	1,95,500	..	1,95,500
XV	Education ..	56,66,400	..	56,66,400
XVI	Medical ..	30,02,800	..	30,02,800
XVII	Public Health ..	5,53,600	..	5,53,600
XVIII	Agriculture and Fisheries ..	15,54,200	..	15,54,200
XIX	Veterinary ..	93,000	..	93,000
XX	Co-operation ..	1,69,100	..	1,69,100
XXI	Industries and Cinchona ..	2,29,200	23,600	2,52,800
XXII	Harijan Uplift ..	25,19,400	..	25,19,400
XXIII	Labour Including Factories ..	29,000	..	29,000
XXV	Civil Works—Establishment and Tools and Plant ..	7,60,700	..	7,60,700
XXVI	Civil Works—Grants-in-aid ..	13,38,300	..	13,38,300
XXVII	Electricity ..	47,89,000	..	47,89,000
XXIX	Pensions ..	8,71,000	53,800	9,24,800
XXX	Stationery and Printing ..	9,19,700	..	9,19,700
XXXI	Miscellaneous ..	78,44,800	200	78,45,000
XXXIII	Road Transport Schemes ..	91,800	6,300	98,100
XXXV	Capital Outlay on Irrigation ..	100	..	100
XXXVI	Capital Outlay on Industrial Development ..	2,69,500	1,100	2,70,600
XXXVIII	Capital Outlay on Electricity Schemes ..	100	..	100
XXXIX	Capital Outlay on Road Transport Schemes ..	1,07,400	..	1,07,400
	Total ..	3,50,76,400	1,68,100	3,52,44,500

30th March 1954.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.

I certify that this is a Money Bill.

J. SIVASHANMUGAM PILLAI,
30th March 1954. Speaker, Madras Legislative Assembly.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, 2nd April 1953.

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

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THE MALABAR TENANCY (AMENDMENT) BILL, 1953.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—" Mr. Speaker Sir, . . . "

SRI T. C. NARAYANA NAMBIAR:—" Sir, on a point of order, Rule 70 (1) of the Madras Legislative Assembly Rules says—

"79. (1) At any time after the expiry of six days from the publication of a Bill in the Gazette, the member-in-charge of the Bill may make one of the following motions in regard to his Bill, namely:—

"(a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified; or . . . "

I am also aware of rule 115 under which the Hon. Speaker can waive the period of notice. But this is not mandatory. It is left to the discretion of the Hon. Speaker. My submission is that in view of the fact that we had no time to study the Bill and in

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view of the fact that the Bill is not satisfactory, I request you to use your discretion and not allow the Government to move this Bill to-day."

MR. SPEAKER :—" The motion is only for setting up a Joint Select Committee."

SRI T. C. NARAYANA NAMBIAR :—" Even then the principles of the Bill will have to be discussed."

MR. SPEAKER :—" The hon. Member will have ample time to discuss it in the Joint Select Committee. The Hon. Minister will now move his motion."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I beg to introduce the Malabar Tenancy (Amendment) Bill, 1953 and move—

That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953, and that the following Members of the Assembly be nominated as Members of the Joint Select Committee :—

The Hon. Sri K. P. Kuttikrishnan Nair.

„ *C. Subramaniam.*

„ *M. A. Manickavelu Naicker.*

Sri N. Gopala Menon.

„ *A. Appu.*

„ *E. K. Sankaravarma Raja.*

„ *Y. Manjaya Shetty.*

„ *K. Rajaram.*

„ *T. N. Venkatasubba Reddi.*

„ *V. R. Nagarajan.*

„ *V. Balakrishnan.*

„ *C. H. Kanaran.*

„ *T. C. Narayanan Nambiar.*

„ *V. R. Krishna Ayyar.*

„ *P. Ramamurthi.*

„ *K. M. Seethi.*

In moving this Bill I would like to give a brief outline of some of the important land-marks in the history of Tenancy Legislation in Malabar.

" A measure to protect the interests of the tenants of Malabar was first passed in 1887. The provisions of that Act with considerable amendments were subsequently embodied in the Malabar Compensation for Tenants Improvements Act, 1889, which

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continues to be in force even now, and assures to the tenants compensation for their improvements in the event of eviction.

" The above enactment however did not impose any check on evictions and agitation for a more comprehensive piece of legislation continued. The Malabar Tenancy Act, 1929, was the outcome of this agitation. It provided for the fixation of fair rent in the case of cultivating verumpattamdars and cultivating kuzhikanamdars. It restricted the grounds for eviction and fixed the rate of renewal fees. It also nullified the effects of 'melcharth' by which the landlord could transfer a part of his interest in any land held by his tenant which entitled the transferee to evict such tenant, one of the condemned practices in Malabar.

" As certain defects were noticed in the working of the Act, the Government appointed the Malabar Tenancy Committee in 1939 to study matters on the spot and make suggestions. Meantime, the Government felt that certain amount of relief was necessary in the case of evictions and so Act XXIV of 1945 was passed by which eviction was restricted further. Prior to this a minor amendment to section 51 was also enacted in the same year.

" The agrarian unrest continued in Malabar and as a result the report of the Malabar Tenancy Committee referred to above was taken up by Government for examination, and after consideration of it, an extensive legislation on land tenure in Malabar was undertaken. A Joint Select Committee of both the Houses went into the question in detail and toured extensively the whole of Malabar and portions of South Kanara to study the problems. After a careful consideration of all the facts the amending Act of 1951 was passed.

" The main features of the Amending Act of 1951 were that it provided for the fixation of fair rent in respect of all wet and garden holdings including kudiyruppus, ulkudis, and kudikidappus. It also contemplated the preparation of a record of rights in respect of all the holdings in Malabar for which fair rent was fixed. This was an undertaking which involved much labour, time and money. It required the co-operation and support of both landlords and tenants in its work. A Rent Settlement staff was employed as soon as the Act came into force, viz., 15-3-1952, but there was dissatisfaction as to the working of this machinery because people were afraid that undue delay and unnecessary expenses would result in implementing this scheme.

" After an assessment of all the factors involved, the Government came to the conclusion that even though the fixation of fair rents of all the holdings was scientific, considering the other aspects, it was better that a less complicated and speedy machinery was devised. As a result of that, the Rent Settlement staff was disbanded in August 1952. There is still dissatisfaction among the people regarding the other provisions of the Act. The

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Government have received memoranda from various interests in land from Malabar and after a careful consideration, they have now decided to bring this Bill.

"The Government consider that, in view of the fact that the Amending Act of 1951 came into force only from 15th March 1952 and without giving a fair trial to the Act, it would be premature to revise all the important sections.

"Under this Bill, the fair rents will be fixed by Rent Courts presided over by Revenue Divisional Officers. The fair rent determined can be revised after 12 years as the Government consider that the existing period of 20 years is too long. Fair rent will be fixed only in cases where there is dispute and either the landlord or the tenant can apply. The landlord can apply only after the expiry of three years from the date of passing of the Bill. The tenant is also given right to get the rent revised within that 12-year period for sufficient cause.

"As a result of the above modifications, this Bill amends section 28 so as to indicate what the rent payable will be if the fair rent is not determined.

"The Bill also provides that if a cultivating tenant is to be evicted for *bona fide* cultivation by the landlord, the tenant should be given one year's net income which he secures from the land, over and above the amount he is entitled to get under the existing law.

"Fort Cochin is a small town with a large population and a good portion of the people are living in what are called kudikidappus. The Amending Act of 1951 gave certain concessions to the holders of kudikidappus in Fort Cochin. Representations have been received that similar concessions should be granted in other places also. The situation in Fort Cochin is different from that prevailing in other areas. The Government have, however, provided in the present Bill that *ulkudi*-holders outside Fort Cochin should not be evicted unless alternative sites are offered in the same village or without the giving of three full years' notice.

"As regards fair rent for dry lands on which pepper is cultivated as the principal crop, provision has been made in this Bill for giving as tenant's share one more year's produce. Provision is also made in the Bill for the landlord and the tenant to agree by a registered deed to pay as rent not more than 1/6th of the pepper produce every year.

"The operation of sections 54 and 55 of the Amending Act of 1951 and the Madras Tenants and Ryots Protection Act has held up the trial of about 20,000 suits as they have been stayed by the provisions of the above two Acts. This Bill further seeks to repeal the sections and the Act referred to above for a speedy disposal of all the stayed suits.

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"The other provisions in the Act which are explained in the Statement of Objects and Reasons do not call for any special comments. The Bill will, no doubt, be examined by the Joint Select Committee in all its aspects and any suggestions which the hon. Members may have to offer, will, I am sure, be of great use to the Committee in its deliberations.

"Sir, I am sorry to state that the hon. Member Dr. K. B. Menon and other hon. Members of his Party are not willing to serve on the Joint Select Committee. But I can assure the House that all the representations that they may have to make will be heard by the Joint Select Committee and that the Government will try their level best to adapt the provisions of the Bill according to the wishes of the majority of the people of Malabar.

"I request the House, Sir, to accept my motion."

MR. SPEAKER :—"Motion moved—

'That the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953, and that the following Members of the Assembly be nominated as Members of the Joint Select Committee :—

The Hon. Sri K. P. Kuttikrishnan Nair,
 ,, C. Subramaniam,
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 ,, C. H. Kanaran,
 ,, T. C. Narayanan Nambiar,
 ,, V. R. Krishna Ayyar,
 ,, P. Ramamurthi, and
 ,, K. M. Seethi.' "

SRI P. K. GOPALAKRISHNAN :—"Sir, I move—

'That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion.' "

The amendment was duly seconded.

DR. K. B. MENON :—"Sir, I wish to make a very small statement about the Praja Socialist Party not serving on the Select

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Committee. I believe that very little purpose will be served by referring this Bill to a Joint Select Committee. The Government are aware of the grave situation created in Malabar not only by the deep resentment against the Bill but because of the flood of evictions and the stay orders that came in its wake. The Government received memoranda protesting against the Act from all the political parties including the Congress and subsequently, realising perhaps the gravity of the situation, the Hon. Minister called an informal group meeting of the Members from Malabar and we had a heart-to-heart talk over a cup of tea. We were very hopeful after that discussion that the Bill introduced by the Government would be acceptable. On the other hand, we find that it is very reactionary and that it is kind to the landlord but very cruel to the tenant. If we had been convinced that it was innocence or ignorance that induced the Government to introduce this Bill, we would have had no objection in co-operating with the Joint Select Committee. But we feel that by serving on the Joint Select Committee we will not be able to do very much. So, when the Bill comes up for general discussion, we shall avail of the opportunity and say whatever we wish to say then. Thank you, Sir."

SRI K. P. GOPALAN :—" Sir, I move the following amendment which stands in my name :—

' Add at the end the following :—

" and that representations from various representatives of tenants and other organisations, oral and written, be received and the report be submitted before 31st May 1953." "

SRI V. R. KRISHNA AYYAR :—" I second the amendment, Sir."

SRI R. KRISHNAN :—" Sir, I move the following amendment :—

' Add, at the end of the motion the words " including all Malabar M.L.As. and M.L.Cs." "

The amendment was duly seconded.

SRI T. C. NARAYANA NAMBIAR :—" Sir, I move the following amendment which stands in my name :—

' That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion especially from the people of Malabar and from those of the parts of the Kasargode and Gudalur taluks of South Kanara and Nilgiris districts where the Malabar Tenancy Act is in operation.' "

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, I have given notice of an amendment which I personally delivered yesterday to the Assistant Secretary to the Assembly. It reads as follows :—

' Add at the end the words " It shall have power to scrutinise all the sections of the principal Act " "

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MR. SPEAKER :—" It is an amendment not to this Bill but to the original Act."

SRI M. NARAYANA KURUP :—" It is an amendment to the Government motion, Sir. The Government motion is that the Bill be referred to a Joint Select Committee of both the Houses. My amendment is that the Committee shall have power to scrutinise all sections of the principal Act."

MR. SPEAKER :—" That means the hon. Member wants the Committee to go through all the provisions of the Act."

SRI M. NARAYANA KURUP :—" Sir, here is an amendment to the principal Act. No doubt, if the Bill, as it is before the House, is referred to the Joint Select Committee, it will have power only to look into the sections which are before the House, that is, the subject-matter of the amendment. But, as was done in the case of the Preventive Detention Bill in the Parliament, if the House is pleased to empower the Joint Select Committee to go into all the sections of the principal Act, certainly it can do so. Therefore there is no question of its being ruled out of order."

MR. SPEAKER :—" So, the hon. Member wants permission of the House to go into the original Act. If so, he can move his amendment."

SRI M. NARAYANA KURUP :—" Yes, Sir, I move—

' That the following be added at the end :—

" It shall have power to scrutinise all the sections of the Principal Act." "

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, the Malabar Tenancy Amendment Bill, which was promised for long, as the House will certainly be aware, has at long last been presented to the House. When one looks at the Bill, one is astonished that after all the Governmental mountain in labour has brought forth this legislative mouse. People will certainly be distressed to know that all their expectations have been dashed to the ground and their fears have been fulfilled if they just see or read or scan the present Bill. It is absolutely necessary, even as the Hon. the Law Minister has done, to understand the background in which the agitation for land reform in Malabar has grown and against which the present Bill has got to be understood or analysed. The primary demands of the agrarian population in Malabar for right over a century now have been running along very clear and well-defined lines. As early as 1850 or even earlier than that, there had been considerable agrarian unrest in Malabar when the demands put forward by the agrarian population were protection against rackrenting, protection against insecurity of tenure, protection against feudal levies like *manusham*, that is, renewal fee and protection against the demand that waste lands owned by landlords called *jenmis* should be made available

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for cultivation in spite of being occupied by the tenants as monopoly. These were the primary demands then put forth. Then as early as 1851—and I go a little earlier than even the Hon. the Law Minister has gone, for he has started with the year 1880—we had one Mr. Strange, who was appointed by the Government to go into the question of the agrarian unrest in Malabar and make a report. He submitted his report which, just like the reports which are submitted now, hybernated for long. Then, as late as 1880, one Mr. Logan was asked to make a report on the same subject because the agrarian unrest became more profound and deep and discontent among the agricultural population was rising. He knocked at the bottom of the theory of the divine right of the jenmi to the land. It may be interesting for friends from other districts to know about the landlord having absolute right in Malabar to the land. According to this particular local theory, if I may euphemistically put it, the jenmi is almost the divine owner of the land, he is the absolute proprietor, the State is not the proprietor of the land, he can exact all that he can from the tenants by virtue of the sacrosanct right he has and all that. Mr. Logan went into the whole matter from a historical point of view and held that it was an untenable right and that the real proprietor was the occupant of the land or the cultivator. But, notwithstanding his view, it did not commend itself to local authorities and the Government did not implement his recommendations. I must also point out that we are still in the days of Mr. Logan's report which pointed out that rackrenting was extant and should be prevented by adequate legislation. He also said that occupancy rights were not conferred upon the tenants and everywhere tenants were harassed and oppressed by eviction suits and urged that protection should be given against oppressive measures. He further contended that waste lands belonging to jenmis and even private lands should be given on lease. These recommendations, although they were scintillating, were really ameliorative of the conditions of the agricultural population. At that time they were not paid heed to and the report also hybernated for long.

[At this stage Mr. Deputy Speaker occupied the Chair.]

"Then came the Madhava Rao Commission and his report in 1913. Coming to modern history, Sir Charles Innes, who later became a Judge, was the Collector of Malabar and he also supported the theory of security of tenure for tenants and confirmed the view that the landlords of Malabar were of an oppressive type. Then the War came and nothing happened so that we can now go into what is called the Malabar Compensation for Tenants Improvements Act which came into force later. It was a very mild measure and just assured some kind of compensation to the tenant when he was being elbowed or bundled out. It gave some sort of an illusory protection to the tenants with the result the agrarian unrest again continued. When the new Legislative Council was formed in the year 1920, Sir M. Krishnan Nair introduced a Bill and got it passed by the Council. But the Governor withheld his consent. There were reactionaries living then and

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unfortunately we have not got rid of that reactionarism even now under the new Republican Constitution. And now the new measure suggested is hardly progressive since it does not cut at the root of centuries—old reactionary practices. It does not meet the demands and aspirations of the Malabar people and it is most primitive in its scope. Sir, as I said, the Governor withheld his consent. Then, in the year 1929, came the Raghavayya Committee which went into the matter. There was a report prepared on the occasion and an enactment was passed in 1929. Unquestionably, this measure marked a milestone in the march of the ryots of Malabar towards better living conditions. However, at the same time, it should be said, the actual cultivator did not obtain any relief by the Act of 1929. I shall explain how. The measure no doubt sought to give to the tenants such benefits as fair rent, for instance, and this was the first time that the idea of fixing fair rent was mooted. But the formula adopted in the 1929 Act for arriving at the fair rent was hardly satisfactory because it was very much against the tenant. There was another idea which germinated from it and that was the fixity of tenure. The concept of security of tenure or occupancy right for the tenant meant relief from the oppressive and harassing landlords—jenmis—who resorted to eviction suits. Here also what was done was a series of conditions governed the conferment of such a right just as in the Constitution the Articles relating to Fundamental Rights are hedged in by so many clauses which sometimes take away or whittle down the effect of the Fundamental Right. Similarly, a kind of right was given to the tenants by way of security of tenure but a number of conditions were laid down under which only a suit for eviction could lie. These took away the effect of the provision conferring the right. Under the 1929 Act, a landlord could go to the Court and tell the Court that he required the whole land for his own cultivation. In that way he could evict a tenant. This was an easy device. The landlord came, filed a suit, entered the box and said: 'I require the land for my own cultivation.' Who could say he is dishonest? And the Court said: 'I see no reason why I should disbelieve the man. I pass a decree for eviction.' This menace grew in such a large proportion that thousands of suits were filed when the War came and the price of agricultural land went up. During the War we did not have any democratic Government, no Assembly functioned and the people's voice could not be heard directly by the Government. However, a District Judge at the time—that is, during the Advisory regime under Section 93 of the Government of India Act—drew the attention of the High Court to the menace of the ever-increasing evictions and the High Court in its turn drew the attention of the Government. It is really worthwhile to remember that this Advisory regime under Section 93 did pay heed to the advice of the High Court and brought in the amending legislation of 1945. Under this Act, mere requirement for the land by the landlord was not sufficient and he was required to establish the need for the same. However, even this did not really protect the tenant against eviction. Eviction suits continued to increase in number.

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The rents levied by the landlords were exacting and exorbitant and people were oppressed by the feudal levies like *manusham* or renewal fees. This was persisted in under the law. Many of the actual cultivators and practising lawyers know the difficulties that followed this Act so far as tenants were concerned. The word 'tenant' might mean anything—the cultivator, an intermediary or anyone else. But the actual tiller of the soil, the man who actually cultivated the land and the man who had his feet on the land and who tilled and raised crops on the land hardly got any protection under the 1929 Act. The position was the same even under the Amendment Act of 1945.

"Although it must be stated that there was some kind of concession granted to the tenants after the Amendment Act of 1945, agitation continued because the ryots felt that the lion's share of the produce went to the landlords. As a result of this agitation political parties in 1946, during the election campaign promised all kinds of things. It might be that promises are made freely during election times. But the Kerala Provincial Congress Committee appointed a committee in 1946 or 1947 to go into the question of land reform in Malabar. That Committee submitted a report. A leading Member of that Sub-Committee happens to be a District Judge now. That Committee cannot be said to be a revolutionary Committee. That committee submitted a very conservative and reasonable report. The Committee recommended short term and long term reforms. But I am afraid the amendment contained in the Bill before the House or the Malabar Tenancy Amendment Act, 1951, did not grapple with the problems or bring into force any of the recommendations or even major recommendations of the Kerala Provincial Congress Committee. It is still slumbering in the files of the Congress Committee. The report did not satisfy the aspirations of the tenantry. But at the same time it was a progressive step that was recommended therein and it is therefore a progressive document. I drafted a Bill based on the recommendations of the report, called the Agrarian Relations Bill and gave notice of it to the Hon. Speaker. I believe in due course after the technical hurdles are overcome that Bill may come up before the House. It may be possible to understand this Bill in the light of the other Bill. It may also be possible to see how even elementary reforms have not yet been brought into force. Vast strides are being made in the matter of land reform in other countries and we are going in the reverse direction. The report made by the Kerala Provincial Congress Committee went unheeded. The Government then was certainly a Congress Government. It did not do anything at all to implement the recommendations made in the report.

"Then, Sir, the Kuttikrishna Menon's Committee which went into the question of agrarian reforms in 1938 submitted a report which also was shelved by the Madras Government. No action was taken on that report also. Then a special officer was appointed. The Government have a supreme faith in these special officers and committees in these days. A special officer was

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appointed to go into the report. The special officer also submitted a report in 1947 or 1948. Then came the agitation for agrarian reforms. It became impossible for the Government to resist the demand of the ryots of Malabar and the then Law Minister, a Malayalee, felt the impact of the agitation in Malabar and said he would bring a Bill with substantial changes in the Law of 1929. The Bill as originally published seemed to contain good features, but what actually happened was, in the Select Committee the various attractive provisions that had been there in the Bill were removed and ultimately when it emerged from the Select Committee, was passed into law and placed on the Statute Book, it became very reactionary and people hardly liked it. There was again opposition to the Act and discontent among the ryots in the district. During the recent elections political parties gave definite pledges that substantial changes would be effected in the land tenure Acts. The United Democratic Front published even a booklet in which they said they would oppose the present Act and never permit it to become law and something ameliorative would be substituted in its place. I hope the present Law Minister would still be remembering the reverberation caused in the minds of Malabar ryots regarding the Malabar Tenancy Amendment Act. The objection was not merely in regard to the 'ulkudis.' I am sorry to call these reforms puny, unsatisfactory, trifling and altogether insignificant. The real objections were to the vexatious features of the Act which are sought to be amended by the present Bill. What are they? Let us understand what the ryots of Malabar have been clamouring for. In that light only we have to see what the present Bill promises to them. The main objection to the Act of 1951 or as amended by the Amendment Act was that the rents were still high and the people wanted that this exorbitant rent should be reduced. The Malabar Tenancy Act did not satisfy the demand of the ryots. What happened was that two-thirds of the produce was to be given to the landlord. Hon. Members of the House should remember that lands in Malabar are not as fertile as lands in other districts such as Tanjore and others. The lands there are very poor and there is no water-supply at all in Malabar. Through the hard labour of the tenants alone that something worthwhile could be produced from the lands in Malabar. They have also nothing to invest on agriculture. According to the Act of 1929 two-thirds of the share of the produce went to the landlord, a lion's share, an unjust share. People objected to it. The Malabar Tenancy Act seemed to promise some kind of relief by reducing the share of the landlord to half the produce. But as the Bill finally emerged from the Select Committee it was stated that the landlord would get half the share of the produce from the wet lands but the tenants should pay half the land revenue. Ultimately when calculated it was found that the original two-thirds of the produce for the landlord was arrived at by a different method. Therefore there was no benefit at all for the tenants. People expected much. They asked for substantial reduction of the rent. But the amendment Act did not give them that relief. Regarding garden lands, originally the Act gave one-fifth and two-fifths.

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Garden lands were mainly planted with coconut and arecanut trees. The amending Act simply reduced it a little by one-third and one-sixth. This was not much. Not only this. There was an atrocious feature in the 1951 Act which made it repugnant to the ryots of Malabar. What happened was the high prices of the commodities that prevailed after the War were taken into account in fixing fair rents with the result that a man who was paying Rs. 50 before had to pay even Rs. 250 or Rs. 500. The rent was thus not reduced but actually enhanced. That was the effect of the 1951 Act. This was therefore not an ameliorative provision. There was considerable objection to this fair rent provision of the 1951 Act.

“Then, Sir, there is the question of eviction. In this direction the Malabar Tenancy Act of 1951 did not give much to the tenants. Even the 1945 amendment enacted during the Advisers regime gave something. Nothing more than that was given in the later Act except that certain restrictions were put upon Sthanis. When certain charitable institutions evicted tenants from their holdings they were prevented from doing it. That did not very much affect the problem, although it did give some relief. The demand of the tenants was that they must be given absolute immunity from eviction. We can understand that no tenant, no agriculturist would be interested in producing more, even though we might cry hoarse, ‘Grow More Food’, ‘key up production potential’—very fine phrases indeed given out always when there is some opening ceremony or festive occasions. No cultivator would be willing to sink his labour and money on the land unless he is certain that for what he gives by way of labour and money he will get a substantial proportion by way of his share in the produce and continue to get that for ever and ever for his children and for his grandchildren. But what happened was a lion’s share was taken by the landlord. There was no security of tenure for the tenant. If the tenant happened to grow coconut, only ten years hence the area becomes a fine garden. Then the landlord takes a fancy for the land and requires it for his own cultivation and files a suit for the eviction of the tenant. Would any tenant be inclined to improve the land or to grow more coconut trees or manure the soil, or improve the production if he is not to share the produce and the land is not to continue under his possession? It is almost fundamental that he should have security of tenure. This must be conferred upon him. This was not done under the 1951 Act. Except in a small measure, we continued the provisions of the Act of 1945 which was passed by the Advisers regime. One of the objectionable features of the 1951 Act was that the people’s demand for security of tenure, for occupancy rights and absolute immunity from eviction was not conceded.

“The other thing was that the people really wanted that waste lands in Malabar must be distributed to landless poor labourers and other agriculturists who did not have lands to cultivate. In Malabar unlike in other districts, waste lands are substantially owned by private landlords and not by Government. Thousands and

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thousands of acres of waste lands belong to jenmis. They are arable waste lands. Sir, some months ago the Hon. the Revenue Minister answered an interpellation of mine and said that there are about 18 lakhs of acres of waste lands in Malabar. Out of this a substantial portion really belongs to the jenmis. They are not allowed to be cultivated and therefore there is any amount of fugitive cultivation. One of the main agitations since 1931 was that the waste lands belonging to the landlords, which were arable should be put to cultivation and leases granted by a Governmental agency to tenants. This was not completely implemented in the 1951 Act. It was only taken note of in the 1951 Act, in that it was stated that the Government would notify the implementation of section 52-B of the Malabar Tenancy Act which provides for the improvement of waste lands. Although this Government came into power about a year ago, still no steps have been taken to give one cent of waste land to a cultivator yet. And this is proof of their bona fides, if I may be pardoned to say so, in implementing the provision. Waste lands have got to be given to the poor landless labourers. That has not been done. People have been clamouring for it and they have been clamouring for the implementation of the provisions of the 1951 Act.

“It is better if some kind of machinery is created to end the diarchy in land in Malabar. It has always been stated by the tenants, as I said even as early as 1880 also, that they are the real cultivating owners of the land, that the kanamdars or jenmis are super-imposed and are non-existing and that the Government are expropriating the land by giving absolute proprietorship to the kanamdars or jenmis. In 1938 this matter came up for examination by the Kuttikrishna Menon Committee and the questionnaire covered this particular point whether the jenmi system or landlord system should not be abolished and whether it had not outlived its utility in Malabar and whether the right of a jenmi was so sacrosanct as not to be abolished. I do not know the general opinion. But certainly certain dissenting minutes to the Kuttikrishna Menon Committee Report said that the landlord or jenmi system must be abolished in Malabar. It is a longstanding struggle between the landlord and the tenant, the landlord saying that the tenant is not giving the rent and the tenant saying that the landlord is trying to take more rent. Therefore, this system of diarchy in land in Malabar should be ended.

“In Malabar, there is another peculiarity. There is a pyramid or chain of intermediaries, each one of them just taking some more rent from the lower man and passing it on to the top pyramid. There are four or five intermediaries between the actual cultivator and the topmost jenmi who is like a coping-stone, if I may say so. The actual cultivator is overburdened by persons who really have nothing to do with agriculture. Almost all the political parties have been agitating for the abolition of this system of intermediaries. Yet there is really no provision in the 1951 Amending Act for the abolition of the system of landlords or jenmis. The jenmi system must be abolished. Sir, these are the primary

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demands that have been put forward by the ryots of Malabar all through : (1) that the system of landlords or jenmis must be abolished, (2) that there should be fixity of tenure and absolute security from eviction, (3) that waste lands should be given over to the landless labourers, and (4) that there must be some machinery for giving compensation according to the Constitution. Compensation should be paid if we take away the rights. Therefore, let us start peasant proprietorship first in Malabar which is the sign-post of this State. Let it be known that Madras State is the first in the country to introduce peasant proprietorship. Sir, these are the primary demands. But I may describe the present measure as a legislative mouse of the Government mountain in labour. The Bill that has been brought forward is altogether jejune, and retrograde. In fact the amending Bill was opposed tooth and nail by all the political parties except perhaps the Congress which was rather silent because it was diffident in the last elections. To-day we find, after 1½ years, after so much promise that they were considering the matter and after so much agitation, the Government have at long last produced a piece of legislation which is hardly a credit to the author and I must be pardoned for saying so. It contains provisions which are positively retrograde in certain respects and hardly progressive in others.

“ In regard to fixing of fair rent also, nothing has been done. What has been done is to correct a verbal mistake, that too in respect of pepper cultivation. There was a demand that it should not be one-fifth of the pepper produce, but it should be one-sixth. Everywhere it was only one-sixth. But in the 1951 Act, it was stated as one-fifth instead of one-sixth. The demand of the people is far high. As against one-tenth, one-fifth has been corrected into one-sixth. This is only a correction and not an amendment. It is not ameliorative. It is only a correction of a verbal mistake. Fixation of fair rent has been one of the main demands all along. There has been so much of promise, but nothing has been done. Even in regard to fixity of tenure, I am sorry to say, the Malabar Tenancy Legislation has been altogether ignored. Sections 14 and 20 deal with evictions and nothing has been done. Lest it should be stated that nothing has been done, the Hon. Law Minister stated that one year's net produce, i.e., fair rent minus the revenue, will be paid to the tenant when he is bundled out of the land. That is not what the people wanted. What they wanted is security of tenure so that the gross produce in the land may be increased. Therefore, what I want to say is that sections 14 and 20 dealing with evictions have been left untouched. Therefore I say it is really by-passing the fundamental demand of the agriculturists. In the 1951 Act there is a provision that those who want to file eviction suits in respect of fixity of tenure, must file suits within one year from the date when the Act comes into force. The Act came into force on the 15th March 1952 and so all the eviction suits must be filed before the 15th March 1953. A very curious and tragic spectacle is that all the lawyers' offices in Malabar are overcrowded. One lawyer was telling me that he

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had already received 70 suits on the 14th March 1953. Another lawyer told me that he had been filing 50 suits a day for the previous ten days. In all about 4,000 suits had been filed in about three weeks' time in one district of Malabar. If the Government's policy is 'let sleeping dogs lie', it is a different matter. It is really a great injustice to the tenants. Is it the feeling of the Government that no protection is required for the tenants? Is it their idea that many of the 4,000 suits will be dismissed under the present law? It is hardly a solution of the problem, because if a tenant is disturbed from his normal life, if he is dragged to the munsif's court and to the sub-court and to the other higher courts, that is undoing his security, especially because the tenant is the weaker party and he can hardly afford the luxury of litigation. This is a case where the primary demand of the people of Malabar for a fixed tenure has been ignored by the Hon. Law Minister and that too in spite of the tremendous amount of litigation that has been instituted for the eviction of tenants.

“ Coming to the third important provision, viz., the machinery for the distribution of waste lands, I submit there is no machinery actually at all.”

SRI A. RAMASWAMI THEVAR :—“ On a point of order, Sir. The hon. Member Mr. Ramaswami is reading a newspaper in the House. Can he read a newspaper when a debate is going on? ”

SRI V. R. KRISHNA AYYAR :—“ Sir, Mr. Ramaswami must have found so very little in this Bill that he has thought it fit to be looking into the newspaper. But to continue my point where I left it.

“ My point is : there are thousands and thousands of acres of waste lands, lakhs of acres, which remain to be cultivated in Malabar. Malabar is a deficit district, and what is mainly wanted is more and more production of foodgrains; and if in this time of crisis, of stress and of pressure of events, the Government do not create a good and strong machinery for the distribution of waste lands to the poor people, to the agriculturists and to others who are willing to bring them under cultivation, I should submit it is a pity. This Bill which does not take note of all these longstanding demands is most unsatisfactory also in this, one of its fundamental features.

“ Lastly, in regard to the diarchy of the landlord and tenant on land, nothing has been done. What all is provided here is a few provisions here and there which are against the interests of the tenants as a whole. Take, for instance, the *ulkudi*. *Ulkudi* means a place where a Harijan agricultural labourer puts up a small humble hut in a site given by the landlord and belonging to the landlord, for his living, because he is employed by the landlord on serfdom terms to work on his land. Under the 1951 Act, what was done was to make a provision that these people who could be evicted in a period of three years, would have permanency of occupancy

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if the Government notified that area, and the ulkudidar could continue on the land. As I said, most of the ulkudidars are Harijans and I suppose most of the Harijan Members of the House will join me in protesting against the eviction of these poor people. What is done is generally to send a registered notice to the ulkudidar. Now, a Harijan may not know what a registered post is; he may throw away the notice, and the landlord may therefore bring up a suit against him after some time and drive him out of the ulkudi. One of the major provisions in this Bill, if I may be pardoned for saying so, is the cheap and attractive provision that rent settlement officers would be abolished and there would be rent courts in their place. Sir, this is a seeming attraction, because I know formerly there was considerable objection from various political parties to the existence of these rent settlement officers and it was stated that they were doing quite a lot of harm to the people of Malabar. It was of course partly true and partly wrong. The first real objection was that these officers were fixing fair rent after a very elaborate procedure of arithmetical calculation and after taking into account all kinds of considerations, relevant and irrelevant, with the result that ultimately the rent fixed was almost always higher than the fair rent. But the second and more real complaint against them was that most of them were drawn from places outside Malabar. Even the Hon. Minister agreed that it is a sort of Chinese puzzle, that we have in Malabar to-day many Deputy Collectors who are dealing with cases on the magisterial side, drawn from districts like Tirunelveli and Madurai or from the Telugu area who cannot speak or understand Malayalam and who when asked to say what is a 'verumpattam' or a 'kuzhikanam' always say something wrong and unsatisfactory. People naturally were not satisfied with such a state of things and because they were not enamoured of the personnel, they became dissatisfied and did not want such officers. There are several cases where the feudal landlords are so big and so powerful and so oppressive that even a tenant who has come ready to apply to the law court will be afraid of doing so. For instance, there is the House Rent Control Act; I know most people in Malabar are paying to-day double and treble the amount of fair rent that may be fixed under the Act. They do not want to negotiate with the landlord; persons who are the weaker party to the contract and who feel the possibility of oppression naturally are under the apprehension that the landlord if antagonized and enraged, may do harm and drag them to the courts in a long-drawn-out litigation. In such cases, as in the case of the factory laws where compulsory benefit is given to the weaker party, we must provide for compulsory benefits to the poor tenants. Again, it is not as if there must always be compulsory fixation of rent. In the working of the 1951 Act, when fair rents were fixed, it was found they were far higher than the contract rent. What I submit is, wherever the contract rent is lower than the fair rent, it is but elementary justice that we should give the benefit of the contract to the tenant, and so, either the contract rent or the fair rent, whichever is less, should be adopted. Somehow or other, this does not seem to be acceptable to the Hon. Minister. He says, 'we

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must have rent courts'. We have in Malabar about twenty munsifs' courts and one almost every ten miles and there are a very large number of lawyers attached to them. It may be easy there; but in North Malabar the position is quite different. If a man has got to go to Tellicherry from a place in the interior, he will have to travel ten or fifteen miles and so he charges more with the result that the tenant finds himself unable to cope up with such kind of litigation and after all, the rent court which might have a superficial appeal in principle, may not be helpful in undoing the high rent. That is why I suggest that contract rent or fair rent, whichever is less, should be made payable. If courts are at all to be given powers, I suggest it is better that civil courts and not Revenue Divisional Officers are given such powers, because these officers have very little experience of civil law, and more especially of a very complicated law as the Malabar Tenancy Act.

"As regards the jenmi system, nothing has been done in this Bill. The proposed Bill therefore is something which I consider as very obnoxious, every inch of it. It is hardly satisfactory in any one respect even; it defeats the aspirations of the people of Malabar and it is my duty and privilege, if I may say so, to oppose it. But I must not stop with saying that. Dr. K. B. Menon has explained already that he opposed it and his party also opposed it, perhaps more vehemently than anybody else or any other party. I wish however to make it clear that while I and certain members of my ilk have consented to serve on the Select Committee, our position should be definitely understood. I shall oppose this Bill inside the Select Committee as I do now, and after gathering necessary evidence I shall try to expose the hollowness of the provisions which are sought to be adopted and imposed on the people of Malabar. I do not accept this Bill or the principle of this Bill or the adequacy of this Bill. When I say that I consent to be a Member of the Select Committee, I do not commit myself to the principles of this Bill right through. All the same, at every stage, I shall draw the people into the Select Committee, examine them, collect evidence and show up the Bill as altogether unsatisfactory. With these remarks, Sir, I oppose this Bill and hold that it is far, far less than what the Malabar people expect this Ministry to do, after all that has happened."

SRI T. C. NARAYANA NAMBIAR :—"Mr. Deputy Speaker, I feel it my privilege to inform the Hon. Minister who has moved the motion, as well as my colleagues in the Assembly, that my party, the Communist Party, does not accept this Bill. We are against this Bill. At the same time, from the very beginning I have to make it clear that though we consented to be members of the Select Committee, it does not mean that we are committed to this Bill or that we will accept it. I wish to say at the outset that the provisions in the Bill are so restricted that the people of Malabar will never accept the Bill. That is why the Committee should be authorized specially to go into all the provisions of the Bill and

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make necessary changes to make it acceptable and unless and until that is done, it will be nothing but a betrayal of the verdict of the people and their aspirations.

“ Another point that I have to emphasise on this occasion is this. After all, what is it that the people of Malabar have been fighting for? My friend Mr. Krishna Ayyar has quoted the history of the trials and struggles of the people from the reports of special officers and various documents about which the Government themselves are aware. But it is unfortunate that the Government have not paid any heed to the recommendations of the various committees and commissions that they themselves have constituted. It is surprising that they did not pay heed to the cries and the verdict of the people of Malabar, especially in regard to the amendment of the Act of 1951, at any rate the main issue that was placed before the electorate of Malabar during the last elections. I may say that it was on this issue, and on this issue alone that the Hon. Minister from Malabar was routed—was defeated—in the elections last time.

“ Mr. Deputy Speaker, I wish to say that our peasants, the historic peasantry of Malabar have been fighting—even according to the reports of the Committees set up by the Government of Madras—from 1836 onwards for security of tenure, ulkudi rights, rent reduction, etc. I want to ask whether the Government have granted these things in this Bill? Are the Government contemplating to make suitable amendments so that the peasants will be given a guarantee of security of tenure and that they will be relieved of rack-renting? I do not say that nothing has been given in the Bill. But, what is it that has been given? The Hon. Mr. Madhava Menon, the ex-Minister, wanted the landlords to evict tenants without any reason. Of course, he has also given something to the tenants, but what he wanted to give by one hand has been taken away by the other. In one place in the Act, it is stated, ‘ no suit for eviction of the customary verumpattamdar, kuzhikanamdar or kanamdar shall lie at the instance of the landlord.’ We thought that according to this, the tenant is given security of tenure. But, Sir, the next sentence in it says, ‘ except on the following grounds.’ That means, if you go through these provisions it will be seen clearly that no tenant has got security of tenure and any tenant can be evicted. In fact, it is enough if the landlord on the day of filing the suit, or even the previous day, is convinced that the particular tenant does not recognize his landlordship; he can file a suit against the tenant for eviction. I find that this provision has not been touched in this Bill. As I said in the beginning, something is given. But, what is that something? According to section 5 which seeks to amend the Act of 1951, the tenant will not be given anything. Now, it is claimed that one year’s compensation is being given to the tenant. What is that one year’s compensation? I have worked it out last night. After all it will come to Rs. 50. That is what I infer. The hon. Mr. Madhava Menon, wanted the tenants to be turned out of their holdings and thrown into the streets. But now the Hon. Mr. Kuttikrishnan Nair wants these evicted tenants to go to Benares for which he would give them the railway fare

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of Rs. 50 and the Cabinet of the Hon. Sri Rajagopalachari, who is god-fearing, want the tenants to go to Benares, the famous Kasi. That only means the tenant is not allowed to eke out his living; he has no security of tenure. Kasi is supposed to be a very holy place and a place of pilgrimage. Sir, my humble submission is, as I have already stated, by consenting to serve on the Select Committee of this Bill, I do not commit myself to the principles of this Bill. I want to make that clear even now.

“ Sir, another point that I have to say is with regard to the constitution of the committee itself. In connexion with the original Bill the Select Committee was formed consisting of all the members from Malabar. So, Mr. Deputy Speaker, I want to draw the attention of the Hon. Law Minister and the Chief Minister to this fact. Why is it that only four members from the Ministerial party have been selected? Of course, I do not say that they should not be there. They should also be there, because they are also Malayalees and I am sure the glorious tenants of Malabar, the peasantry of Malabar, the united peasantry of Malabar, the democratic peasantry of Malabar would like to see that all the 30 members from Malabar including the Hon. Mr. Kuttikrishnan Nair will put up a united stand and say that this Bill does not satisfy the aspirations, the wishes and the desires of the peasantry of Malabar. So, Sir, my submission is that all the Malabar M.L.As. will have to be on the Select Committee.

(At this stage Mr. Speaker resumed the Chair.)

“ Mr. Speaker, Sir, I am, of course, aware that the constitutional issue will be raised, because according to the rules only 25 members could be the maximum. I say, Sir, that if necessary the rule can be amended. But, what I say is that in addition to the four members from Malabar on the Congress benches, all the members of the Praja Party, Socialist Party and the Communist Party, the members of the Muslim League and all members from Malabar can be constituted into a committee, so that we may all discuss the whole matter and see that the long cherished goal of the peasantry is achieved. We do not want anything to be done here and now against the constitution. But, even according to the constitution, we can do a lot if the Ministry want to do it. There is no use of mere words and lip-sympathy and if they want to do anything it has to be done here and now. I therefore request the Government to consider this aspect very seriously.”

MR. SPEAKER :—“ Before I call other hon. Members to speak, I want to inform the House that there will be no afternoon session to-day. The Government will provide some other day for non-official business.”

THE HON. SRI C. RAJAGOPALACHARI :—“ At the end of this sitting.”

SRI P. K. GOPALAKRISHNAN :—“ Mr. Speaker, Sir, I consider this Bill a retrograde piece of legislation. It had been the long-cherished demand of the people of Malabar that there should be security of tenure for the tenants. Another demand of

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the tenants of Malabar is the reduction of rent. Both these demands of the tenants are not met by this amending Bill. The provision for the eviction of tenants in the principal Act, namely, sections 14 and 20, is not amended by the amending Bill. Sections 14 and 20 in the principal Act have been the main targets of attack by the kisans of Malabar. The tenants have been demanding that these two sections should be thoroughly revised so that every tenant would have security of tenure and peace of mind to cultivate the land that he had been cultivating for long, and that he would have an abode for himself. This amending Bill does not in any way affect the old provisions, which are placing the tenants at the mercy of the landlords. There are one hundred and one ways by which the landlords can evict their tenants. If we go through sections 14 and 20 of the principal Act, we will find that no tenant in Malabar will fall outside the scope of eviction under these two sections. This amending Bill does not seek to amend those sections in favour of the tenants.

"In regard to rent reduction also, it had been the longstanding cry of the tenants of Malabar that rack-renting is one of the obstacles standing in the way of the enjoyment of the fruits of their labour. This amending Bill does not in any way reduce rent. Only in regard to pepper vines, the rent is reduced from one-fifth to one-sixth. Whereas the demand of the tenants cultivating pepper is to reduce it to one-tenth, this Bill seeks to reduce it to only one-sixth. This hardly meets the demand of the tenants. In regard to garden lands, wet lands, dry lands, and other lands, there is no reduction in rent. In regard to coconut gardens, I have to say that if this Bill is accepted, the rent will go up to 10 or 20 or even 30 times, because the landlords will be free to go to court and get their rent fixed, namely, fair rent. The fair rent so fixed can be higher than the contract rent. The people of Malabar had been demanding that even if fair rent is fixed, it should not in any case go higher than the contract rent. This Bill provides that the landlord can go to court and get the fair rent fixed. This so-called fair rent will be always higher than the contract rent in the case of coconut gardens. Coconuts are grown mainly in Ponnani and Kurumbranad taluks of Malabar, and in these taluks, I am sure, the fair rent of these coconut gardens will go up, because the contract rent here is fixed on the basis of giving some remuneration to the tenants who cultivate, and also on the basis of the labour they have put in. Under the Act, fair rent will be fixed on the basis of one-third of the gross produce where the coconut trees are planted by the landlord and one-sixth where the coconut trees are planted by the tenants without any reference to the labour put in. This will hardly suffice to meet the cost of labour that the tenants have put in. If this provision is left untouched, the contract rent will be raised by 10 or 20 times. I can definitely say that the rent for coconut gardens in my constituency will definitely go up to 20 or 25 times. There is no doubt about that. After three years, every landlord is free to go to court and get the fair rent fixed. It is only the interest of the landlords that is safeguarded in the Bill.

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"The ulkudi problem mainly concerns Ponnani taluk. About 25 per cent of the population of Ponnani taluk are tenants of ulkudis. 99.9 per cent of Harijans of Ponnani taluk are tenants of ulkudis. These ulkudi tenants will be at the mercy of landlords. Every landlord will be free to evict his tenant after giving him three years' notice. After three years, any ulkudi tenant will have no abode, and he will be driven out into the streets like beggars. As the hon. Member Mr. T. C. Narayanan Nambiar said, they will be sent away to Benares! The landlords will be greatly satisfied with this provision for eviction. And there is no wonder in that. Hon. Members like Gopala Menon welcome this Bill. I saw his statement in the 'Indian Express' welcoming this Bill. It is only people representing landlords' interest who will welcome this Bill. The tenants on the other hand will be driven out of Malabar, and they will have no abode in Malabar. The ulkudi provision is amended a bit, and that has very great significance. The definition of ulkudi in the amending Bill is given as follows:—

" 'Ulkuḍi' means a hut in any portion of a dry land or garden land in the occupation of a person who has been permitted by the person entitled to possession of such dry land or garden land to occupy the hut and who otherwise has no interest in such dry land or garden land."

In the old Act, ulkudi was defined as 'any portion of garden land wherein a hut is put up'. There is much difference between the two definitions. This difference in definition is made so that no tenant of ulkudi will have any right to the lands surrounding his hut. He will not be free to raise any vegetables around his hut. He will be deprived of even that right. So, this Bill is a retrograde piece of legislation. This is a reactionary piece of legislation. Twenty-five per cent of the population of Ponnani taluk will be thrown out into the streets, after three years if this Bill becomes law.

"I want to point out two more amendments that have been brought forward. One is the repeal of section 52-A. Sir, I am not here going into the details. This repeal of the entire section 52-A means the eviction of tenants from my constituency. In the whole of Malabar there are tenants of such a kind. Those tenants are there as if they are mortgagees. Section 52-A reads—

"52-A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, any person interested in any land may apply to the rent settlement authority for a declaration 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-kuzhikanam, kuzhikanam, verumpattam, or other lease, and the decision of the rent settlement authority as to the nature of the transaction shall be subject to the provisions of sub-section (2) be final, and the provisions of this Act shall apply accordingly:

Provided that in cases where the amount secured by the mortgage is, in South Malabar less than 60 per cent of the value of the Jenmi's rights in the holding, and in other places less than 40 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 amending Bill does not confine itself to deleting the words 'the rent settlement authority'. Its main purpose is to see that the tenants are termed as mortgagees, and thereby the landlords are enabled to redeem their mortgages and see that every tenant is

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ousted. This provision against eviction was brought forward as a result of long years of struggle. The tenants and kisans of Malabar have been struggling to bring in such a provision. In the last amending Bill this provision was brought in. Now the Government want to take away even that salutary provision.

“A new section—section 44-B—making a special provision in respect of redemption of mortgages is proposed to be inserted. It reads—

‘Where a mortgage is redeemed and the mortgagee has been actually in possession of the land for a period of not less than twenty years immediately preceding the date of redemption, he shall, except where the person redeeming the mortgage wishes to cultivate the land himself, be entitled to continue on the land as a tenant in preference to any other person.’

This means that a poor and an aged widow who wants to get her land cultivated by her son will not be able to get possession of the land even after paying the entire amount due under the mortgage deed. The big moneylender who has been in possession of the land for twenty or more years may say that he wants to continue on the land. A mortgagor who wants to sell his land and redeem the mortgage may not get possession of his land from the mortgagee. Then he cannot give possession to the purchaser, and consequently the seller may not get the current market value of the land. The money-lender has been in possession of the land for the last twenty years or more, and this amendment gives sanctity to the possession by one who has been fleecing the poor peasant who owns the land! This obnoxious amendment cannot be accepted.

“The entire people are dissatisfied with this Bill. Mr. V. R. Krishna Ayyar narrated the history of the struggle of the people of Malabar from 1851 onwards. The struggle has been there for more than a century. Malabar land tenure is a complicated and complex system and it is entirely different from any system of land tenure obtaining in the rest of this State or anywhere else in India. It is almost a unique system. There are many intermediaries between the janmi and the actual cultivator. The tiller of the soil has been suffering from the overlordship of a pyramid of intermediaries. This amending Bill does not in any way relieve the suffering of the actual cultivator from the overlordship of the several intermediaries. I am sure that the heroic people of Malabar will reject this Bill *in toto*. If members of the Communist Party are there in the Joint Select Committee, they are there without committing themselves to the principle of the Bill and they want to go into the details of the original Act.”

SRI N. GOPALA MENON :—“Sir, I do not know if any occupant of the Treasury Bench had more difficulty in piloting a Bill than the Hon. Minister for Law has to-day. In this Bill, there are difficulties of politics, difficulties of principles, difficulties of details and so on. I am glad that the Law Minister has given a very lucid exposition of the history of the tenancy legislation for Malabar and the substance of the proposed Bill. It was not the intention to have a completely new legislation overhauling all the fundamental principles of land tenure prevailing in Malabar.

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The only idea in introducing this legislation was to weed out from the old legislation those provisions which are obnoxious to the majority of the people of Malabar. I know personally that the people unanimously did not like two things. One is the visitation of the Rent Settlement Authorities throughout Malabar. The Government unhappily took Malabar for purposes of land reform experiments. They said that Rent Settlement Authorities shall be constituted whose duty will be to rove throughout the Malabar district and fix the fair rent in respect of all holdings, even where there was no dispute between the landlord and the tenant. The Government also provided for the maintenance of a record of rights which will contain all the rights of the landlord, the intermediaries and the tenants. These two things stirred up the feelings of the people, stirred up disputes where none existed, and naturally people resented this. The need for amending the 1951 Act in these respects was brought to the notice of the Ministry by many people by deputations and by Members representing various constituencies in Malabar. It was in pursuance of that persistent desire of the people of Malabar and their representatives that action was taken for amending the 1951 Act. If there is any difference in ideology, that is a matter on which neither the Government nor anybody else can do anything at present. I know that there is a strong feeling not only in Malabar but throughout India for abolishing the system of landlordism altogether and for making the tenants owners of the land they cultivate. That is a large policy which the Government of India should undertake and not the State Government. I know that in the recent elections in Malabar promises were held out by certain political parties to their constituents that there might be a change of Government and that there was every likelihood of the lands in Malabar being parcelled out and distributed among the tillers of the soil. That is a principle on which I do not feel that I am competent to speak. That is a very big problem. There are many hon. Members in this House who feel that this legislation does not correspond to their ideas, and any legislation of this kind will be opposed by them. Barring those ideologies, I think this legislation meets the needs of the people to a very large extent. After all, what does a tenant require? He requires three things—three F's—if I may so call them—fixity of tenure, fair rent and freedom for the sale of his right in the land. These are not new theories; these have been there for ages. Fixity of tenure is the paramount thing which any tenant requires.

“Some hon. Members have stated that no fixity of tenure has been given to the tenant. I shall read to them section 10 of the Malabar Tenancy Act which says in unmistakable terms that fixity of tenure is given to the tenant. The section reads as follows :—

‘Notwithstanding any contract to the contrary entered into whether before or after the commencement of this Act, every cultivating verumpattamdar, every customary verumpattamdar, every kanamdar, every kanom-kuzhikanamdar, every kuzhikanamdar, and every tenant of a kudiyruppu shall have fixity of tenure in respect of his holding, and shall not be evicted therefrom except as provided in this Act.’

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That section gives fixity of tenure to all tenants. There are details of cases where tenants could be evicted. For example, where the tenant does not pay the rent due, or if the landlord himself wants accommodation or wants to construct a building, he can evict the tenant. These are matters of detail into which the Joint Select Committee can go and change, if necessary. But to say that the tenants of Malabar have not been given fixity of tenure is not to say what is correct.

"Then, the other thing which a tenant would ordinarily require is that there should be fair rent fixed for the holding that he cultivates. That has been provided in the new enactment as well as in the 1951 enactment. Even in the 1930 enactment, there was provision for fixation of fair rent. Under section 9 (b), a machinery is constituted for the purpose of fixing fair rent. In respect of small holdings, in the place of the old Rent Settlement Authorities, Rent courts are established. This machinery will be speedier in disposing of cases and cheaper for persons who want fair rent to be fixed for their holdings.

"Then, Sir, the next thing is the freedom of disposal of the tenant's right. That is also allowed under section 39 of the Act which says that the tenant can dispose of his right whenever he likes. Therefore, the fundamental rights which a tenant has been agitating for not only in our country, but all over the world, have all been provided in this enactment.

"Sir, I have listened with very great care to the speeches of the hon. Members who have spoken against this Bill. They have said that this Bill is not acceptable to them that it is oppressive and that it is not conducive to the welfare of the tenants. Some hon. Members have opposed the Bill in strong terms. But, beyond these expressions, strong and violent expressions sometimes, I have not seen them point out to any provisions in the enactment which are detrimental to the interests of the tenants. I do not want to go very much into details because an opportunity will be given to all of us in the Joint Select Committee to put forward our views. I do not share the pessimism of the last speaker that this Bill will not be properly received in Malabar. Sir, I have still left in me some optimism and I believe that it is the duty not merely of those who represent the various constituencies in Malabar but of all of us here to see that contentment prevails in Malabar regarding these land tenures.

"I am very sorry, Sir, that the Leader of the Socialist Party, instead of coming forward to help all of us put our shoulders to the wheel, has decided to non-co-operate with, and not to be a member of, the Joint Select Committee. I submit that ought not to be the attitude that he should adopt. After all, the land we live in is the same and the prosperity of the people of that land is dear to us. All of us who come from Malabar and others should extend our co-operation and see what is wrong with this legislation. From the speeches that I have heard, I have not been able to see any hon. Member lay his hand on any particular provision and say that it is detrimental to the interests of the people.

[Sri N. Gopala Menon] [2nd April 1953]

"Then, Sir, it was stated that waste lands had to be distributed in Malabar. There is already a provision in section 52-B of the Act which empowers the Government to take over waste lands belonging to jenmis and to give them to the cultivators for the purpose of cultivation. The fact that the Government, within the space of one year, did not implement that provision does not mean that the enactment is wrong. As I said, I do not see that there is anything fundamentally wrong in the new enactment.

"The hon. Member Sri Krishna Ayyar was talking about the fixation of fair rent. Sir, it may be that in some cases the provisions relating to fixation of fair rent are not acceptable to him. Whether one-fifth or two-fifths, or one-third or one-half of the produce should be given to the janmi is a matter of detail which ought to be gone into by the members of the Joint Select Committee. On principle, the Bill gives all that is good to the tenant and also safeguards the interests of the landlord.

"Reference has been made to sections 14 and 20 of the Act. Sections 14 and 20 state the grounds on which a landlord can evict a tenant. If a tenant does not pay the rent due, or if the landlord requires the holding for the purpose of putting up a building for his own occupation, or if the landlord himself is so poor that without cultivating the land he is unable to maintain his family, he has a right to evict the tenant in occupation of the holding. These are the main provisions of sections 14 and 20. I do not find any legislation in India laying down that the landlord who is himself so poor as to depend on the land he has to cultivate for his own subsistence should be deprived of his holding. The only recent legislation of the kind in Bombay prescribes a minimum acreage for the landlord. That is, I submit, a matter of principle on which this House or the Union Government may decide. On other matters, I do not find that any constructive help has been given by the criticisms on this Bill. I, therefore, think that this Bill should go to a Joint Select Committee and I would, if I can, appeal to the Leader of the Socialist Party to co-operate with us all in evolving a new Bill which may be satisfactory to the landlords as well as to the tenants."

MR. SPEAKER :—"The Hon. Minister will reply at 1-15 p.m. Then I will put the amendments to the vote of the House. The hon. Member Sri K. P. Gopalan will now speak."

SRI K. P. GOPALAN :—"Mr. Speaker, Sir, മലബാർ കടിയോട്ട നിയമ ഭേദഗതി ബില്ലിനെക്കുറിച്ച് സംസാരിക്കുക എന്നുള്ളതു ഒരു അനുസംഘ്വി മെമ്പറുടെ നിലയിൽ ഏറ്റവും പ്രധാനപ്പെട്ട ഒരു കാര്യമായിട്ടാണ് ഞാൻ കരുതുന്നത്. ഈ ബില്ലു് ആകെമാത്തായി പരിശോധിച്ചതിന്നുശേഷം ഇത്രയും മോശമായിരിക്കുന്ന ഒരു ബില്ലു്, ഇത്രയും കടിയോടാകും ഭേദം ചെയ്യുവാൻ സാധിക്കുന്ന ഒരു ബില്ലു്, ഈ മന്ത്രിസഭ കൊണ്ടുവന്നതിൽ എനിക്ക് യാതൊരു അനീതിയോക്കിയും തോന്നിയില്ല. കാരണം കോൺഗ്രസ്സ് ഗവൺമെന്റിന്റെ നയത്തെ കടിയോടാക്കി സഹായിച്ചല്ല, നേരെമറിച്ചു ജന്മിമാരെ സഹായിച്ചുവെന്ന്. എനിക്ക് ബഹുമാനപ്പെട്ട മന്ത്രി ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായരോടും ബഹുമാനപ്പെട്ട ശ്രീമാൻ ഗോപാല മേനോനോടും ചോദിക്കാൻ ഇതു് നിങ്ങൾ കോൺഗ്രസ്സിന്റെ പ്രമേയങ്ങൾ രാഷ്ട്രസഭയ്ക്കു എന്നാണ്. കോൺഗ്രസ്സ് ഫോയിൽപ്പുരിയും കറാച്ചിയിലും വെച്ചു പാസ്സാക്കിയ പ്രമേയങ്ങൾ നിങ്ങൾ

[2nd April 1953

[Sri K. P. Gopalan]

“ ഈ കുടിയായു ബിൽ പാസ്സാക്കുകയാണെങ്കിൽ ജനാധിപത്യവാദികളായ കോൺഗ്രസ്സുകാർ കൂടി ഈ ബില്ലിനെ എത്രക്കാൽ തയ്യാറായിരിക്കും എന്ന് എനിക്ക് ഉറപ്പുണ്ട്. അതുകൊണ്ട് ഈ ബില്ലിനെപ്പറ്റി എനിക്ക് പറയുവാനുള്ളത് ഈ ബില്ല് ഏറെയും അനുകൂലമായ ഒരു ബില്ലാണ്, സക്ഷതപദ്ധതിയും എതിരായ ബില്ലാണ്, കുടിയന്മാരെ പാപ്പരാക്കുന്ന ഒരു ബില്ലാണ് എന്ന്. ഈ ബില്ലിന്റെ നന്നാ വശങ്ങളെയുംപറ്റി ബഹുമാന്യനായ എന്റെ സ്റ്റേഫിത്ത് വി. ആർ. കൃഷ്ണയ്യർ വിവരിച്ച കഥിക്കുന്നു. അതുകൊണ്ട് ഞാൻ അധികം സംസാരിക്കുവാൻ വീചാരിക്കുന്നില്ല. മാത്രമല്ല സഭാക്കുറുപ്പി. കെ. ഗോപാലകൃഷ്ണൻ കി. സി. നാരായണൻ നമ്പ്യാരും ഇതിനെക്കുറിച്ചു ശക്തിമത്തായ ഭാഷയിൽ സംസാരിക്കുകയുണ്ടായി. പെരുമാണികകാലങ്ങളിൽ

[Sri K. P. Gopalan]

[2nd April 1953]

മുതലാളിത്തസമ്പ്രദായം വന്നു കാണുന്ന അവസരത്തിൽ ജന്മിമാർ അവരുടെ കടിയുന്മാരെ അടിമകളാക്കി വെക്കുന്ന കഥ നാം വായിച്ചിട്ടുണ്ട്. അതുപോലെയാണ് ഈ ഉൾക്കടിയന്മാരെ മൂന്നു കൊല്ലത്തെ നോട്ടീസ് കൊടുത്താൽ കഴിപ്പിക്കാം എന്നു പറയുന്നത്. ഇതു മൂന്നു കൊല്ലം അവരെ അടിമകളാക്കിവെക്കാനുള്ള ഒരു സമ്പ്രദായത്തിന്റെ പ്രതിഫലനം മാത്രമാണ്. അതുകൊണ്ടാണ് ഞാൻ പറയുന്നത് നാടുവാഴിപ്രഭുത്വത്തിന്നു കൃഷിക്കാരെ അടിമകളാക്കിവെക്കാനുള്ള ഒരു ദേശഗതിയാണ് ഈ ഉൾക്കടിയെ സംബന്ധിച്ച ഈ ബില്ലിൽ വന്നിട്ടുള്ളത്. ആകട്ടാൽ നോക്കുകയാണെങ്കിൽ ഈ ബില്ലിനെ നീട്ടിയായും മലബാറിലെ ജനങ്ങൾ അവരുടെ ജീവനരണ സമരമായി കരുതും എന്നുള്ളതിന്നു യാതൊരു സംശയവുമില്ല. ശ്രീമാൻ ഗോപാല മേനോൻ പറയുകയുണ്ടായി, മലബാറിലെ ജനങ്ങൾ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യും എന്ന്. ഇതിന്റെ സെലക്ട് കമ്മിറ്റി യോഗങ്ങൾ മലബാറിൽ വെക്കണം, കോഴിക്കോട്ട് വെക്കണം, കൃഷിക്കാരുടെയും കടിയന്മാരുടെയും അടുത്തു പോയി വെക്കണം എന്നാണ് എനിക്കു പറയുവാനുള്ളത്. എന്നാൽ കൃഷിക്കാർ മാത്രമല്ല ഇടത്തരക്കാർ കൂടി ഈ ബില്ലിനെ എതിരും എന്നു നിങ്ങൾ മനസ്സിലാക്കണം. മലബാറിൽ വരുന്ന അവസരത്തിൽ ലക്ഷക്കണക്കായ കൃഷിക്കാർ, അതുപോലെ ഇടത്തരക്കാർ, ജനാധിപത്യവാദികളായ കോൺഗ്രസ്സ് കാർ, കമ്മ്യൂണിസ്റ്റ് കാർ എന്നും, സോഷ്യലിസ്റ്റ് കാർ എന്നും, പ്രജാപാട്ടികാർ എന്നും, മുസ്ലീംലീഗ് എന്നും പട്ടാസം ഇല്ലാതെക്കൂടു പുരോഗമനപരമായ ഒരു ബില്ലിനുവേണ്ടി നീട്ടിയായും മലബാറിലെ ജനങ്ങൾ അണിനിരക്കും എന്നു നിങ്ങൾക്കു കാണുവാൻ സാധിക്കും. അത്രയും കടിയന്മാർക്കും കൃഷിക്കാർക്കും ദോഷകരമായിട്ടുള്ള ഒരു ബില്ലാണ് കോൺഗ്രസ്സ് ഗവണ്മെന്റ് കൊടുവന്നിട്ടുള്ളത്. ഭൂമിയിൽ സ്ഥിരവകാശം കൊടുക്കണം എന്നു പറഞ്ഞ കോൺഗ്രസ്സ് ഗവണ്മെന്റ്, ജന്മിസമ്പ്രദായം അവസാനിപ്പിക്കണം എന്നു പറഞ്ഞ കോൺഗ്രസ്സ് ഗവണ്മെന്റ് ഇങ്ങിനെ ഒരു ബില്ല് കൊടുവുന്നതിൽ ഞാൻ വളരെ വ്യസനിക്കുന്നു. ശ്രീമാൻ ഗോപാല മേനോൻ ചോദിക്കുന്നു ഇന്ത്യയിൽ മറ്റൊരാൾ ഒരു കായികപരിഷ്കരണം വന്നിട്ടുള്ളതു എന്ന്. ചൈനയേയും റഷ്യയേയും എടുക്കേണ്ട ആവശ്യമില്ല, ഇന്ത്യയിൽത്തന്നെ കാഷ്മീരിൽ എന്തു ഉണ്ടായി എന്നു നിങ്ങൾ ചയവുചെയ്യ ആലോചിക്കണം എന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു. അവിടെ ചെയ്തികട്ടെ അബ്ദുള്ളയുടെ നേതൃത്വത്തിലുള്ള കോൺഗ്രസ്സ് ഭരണം കൃഷിക്കാർക്കു അനവധികൊടുത്തതായ ആനുകൂല്യങ്ങൾ കൊടുക്കുവാൻ ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റ് തയ്യാറുണ്ടോ എന്നുള്ളതു മാത്രമാണ് എനിക്കു ചോദിക്കുവാനുള്ളത്. ഇത്രയും പറഞ്ഞുകൊണ്ടു ഏതെങ്കിലും പ്രസംഗം ഞാൻ തൽക്കാലം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

SRI M. NARAYANA KURUP :—“ Mr. Speaker, Sir, it is with a heavy heart that I rise to speak on this occasion. We are here now considering an amending Bill to a legislation which was passed scarcely a year ago. Therefore, we expected that when a new legislation is brought in, things of the past would be taken into consideration and the Government would take a lesson from the past while such an amendment becomes necessary. I agree with Mr. Gopala Menon that the present Bill is brought forward due to persistent popular demand. But our demand was not to make the Bill more reactionary. Let me remind the hon. Member that the Congress rout in the recent elections in Malabar was not due to any fantastic promises that were held out by their opponents but due to the past betrayals of plighted words by Congressmen themselves. Sir, I would request him to read the two editorials written by ‘Mathrubhoomi’ immediately after the Congress defeat at the elections. ‘Mathrubhoomi’ is a nationalist paper which reflects Congress views and if I am permitted, I may call it the ‘Malabar Hindu.’ Such a paper wrote that the result of the general election in Malabar was a verdict on the 1950 Malabar Tenancy legislation. Therefore, instead of throwing the blame on the promises made by their opponents, let them indulge in a sort of self-introspection and let Mr. Gopala Menon give his helpful advice in making the measure agreeable to the majority of the people in Malabar.

2nd April 1953]

[Sri M. Narayana Kurup]

“ Sir, we were crying for bread but what is thrown before us are literally stones. Before I speak on the main motion, I would place a few facts before the House regarding my amendments. I wish to assure the Government that my amendments are not intended to complicate matters or throw difficulties in the way of the Government. I move them with an honest intention. Some of them are formal amendments and if they are accepted, many a complicated problem can be solved. I would point out one or two instances. In the definition of ‘cultivating verumpattamdar’, it is stated ‘cultivating verumpattamdar in respect of a holding means any verumpattamdar, who not being a janmi, intermediary or customary verumpattamdar of that holding, has expressly or impliedly, contracted cultivable lands in that holding and actually cultivates the same.’ Sir, I lay emphasis on the words ‘the same.’ It has been held by courts that though the holding may comprise ten acres of land, if an inch of property is in the possession of a third person, he is not a cultivating verumpattamdar because he is not in possession of the entire land. Now, we know that holdings cannot be split up and in Malabar many of the holdings contain ‘kudiyiruppus’. So if the tenant is in possession of ten acres of land and actually cultivating 9.99 acres and the other portion is in possession of the ‘kudiyiruppu’ holder he cannot get the benefit of the cultivating verumpattam. That this has not been the intention is evident from section 21. Then sections 14 and 20 allow the landlord the right to recover possession of property for his personal cultivation. Section 21 says ‘that if he has not cultivated—or a substantial portion thereof’ the tenant has the right to get back the land. Therefore when we say that the tenant should be in possession of the holding, it means the entire holding or a substantial portion thereof as is evident from the various other provisions. That is the one amendment that I have in my mind.

“ Then again, Sir, there is another provision, provision 6 (a) which gives special treatment to hilly tracts in respect of fair rent. It is stated it would be applicable to Wynaad, Gudalur and Nilgiris. We know it is intended to give some relief to persons who cultivate mountain areas, facing malaria and other dangers. We know that in Ernad and Walluvanad there are extensive areas which can be brought under cultivation and which the people are bringing under cultivation. If this provision is extended to those areas that would be a great help to them. So this section also needs some amendment.

“ Then, Sir, this morning a question was answered about remission of rents. Section 29 (a) says that the tenant will be entitled for remission of rent only in the proportion of remission of revenue. We all know the bitter experience of this year. The whole second crop in Palghat and Walluvanad and a major portion in other taluks had failed. There has been no remission of the revenue because of the fact that double-crop lands are not included under the existing orders for grant of remission. In these cases if one crop is raised successfully, they are not entitled for any remission of revenue. There may be reason for that because the revenue

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is small when compared to the entire income from the land. But what about the poor tenant? One whole crop is lost to him. But he must pay the entire rent. Therefore section 29 (a) requires amendment, which will entitle him for remission of rent when the entire crop fails due to natural calamities beyond his control. Sir, in this connection I may mention that if the Select Committee is empowered by this House it can go into the other sections also and suggest amendments. There need not be another agitation or further amendments to the Act to give effect to the demands of the tenants. As I said before, it is far from my mind to complicate matters.

"Then, Sir, coming to the Bill itself I want to dispel the impression if it lurks in any part of the House that any probable legislation with regard to Malabar tenancy will have repercussions in other parts of the State as a whole. It is well known that the tenancy problem of Malabar is peculiar. I shall not here state my impressions or opinions. I will cite only what the experts and the landlords of Malabar themselves have said about this. In the memorandum submitted to the Select Committee on the Revenue Surcharge Bill, the Malabar Land Holders' Association observed: 'The peculiarities of different kinds of tenures by which lands are held in Malabar make it abundantly clear that the assessment is no basis by which the pattadar may be considered as big or small holder or as a poor or rich one'. Then the landholders of North Malabar say: 'In many cases between the actual cultivator and the janmi there are several intermediaries, sometimes to the extent of six or seven who share the income in varying proportions! Then Poonulli Nambudripad, a big janmi and a learned janmi observes: 'The system of land tenure prevalent in Malabar from time immemorial is peculiar to that district only. It is totally different from the land tenures in other parts of the Madras State.' Then, Sir, I shall quote the opinion of the Special Officer Mr. Ragavendra Rao who was deputed to enquire into the matter in 1948. He said: 'One of the peculiar features in the land tenure of Malabar is the existence of a large number of intermediaries with rights in land. There are as many as 28 tenures of land in Malabar. Most of these tenure holders are not actually cultivating the land'. Sir, you will be surprised to know that the definition of the tenant in the Malabar Tenancy Act includes an intermediary of any description. We had also the opportunity to discuss the Tanjore Tenants' Act but nowhere you will find in that Act the description of a tenant as including the intermediary. Sir, even the United Nations experts have observed that the Malabar land tenure problem is the most complicated in the South East Asia. Therefore let not this House be carried away by the impression that what is given to Malabar will be sought for or agitated for by the rest of the people. Ours is a peculiar problem which will come more and more in evidence as we proceed hereafter.

"Then, Sir, the Hon. Minister recounted the history of the Malabar land legislation which I wish also the House should remember. I shall here give the authoritative version given by the

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former Law Minister who introduced the Bill, because my subsequent argument has important bearing on his statement. He said: 'The Malabar Tenancy Act of 1929 however proved to be defective in certain respect. In 1938 therefore, the Government gave notice of a Bill to amend that Act but the Bill was not actually proceeded with. In July 1939 the Government appointed a Committee with Sri Kuttikrishna Menon, the present Advocate-General as Chairman, to study the nature and effects of the land tenures prevailing in Malabar and special areas where the same tenures are prevalent . . ."

MR. SPEAKER:—"The hon. Member need not read the whole thing. It is available in the Library for reference. It is enough if he just refers to it."

SRI M. NARAYANA KURUP:—"What I want to impress upon the House is that in his statement the former Minister made it definitely clear that the draft Bill published by him in 1950 was the result of mature consideration and consistent with public opinion. That evoked a certain amount of response though it did not completely satisfy the people. The Bill went into Select Committee but as it emerged from there, it was a complete negation of all the amendments that were suggested in the original Bill that was published.

"Sir, introducing the Bill as amended by the Select Committee, Mr. Madhava Menon observed: 'Considerable changes have been made by the Joint Select Committee in the Bill which was originally introduced. I must say with some personal regret that the changes that have been made are against the tenant and in favour of the landlord.' Therefore, Sir, let us ask ourselves, why in the Select Committee changes were made in favour of the landlord and detrimental to the interests of the tenants. The answer is not far to seek. Mr. M. P. Govinda Menon who was an active member of the Select Committee said that the majority of the members from Malabar in the Select Committee represented kanamdars' interests. There was the interest of Janab Upipi Sahib who admitted that although he belonged to the class of landlords, he supported the Bill of 1929. Therefore, the 1950 Bill that was sent to the Joint Select Committee was completely transformed because the representatives of Malabar who were in the Select Committee were really not the representatives of the toiling people or the real cultivators, but of the kanamdars and janmis. I would request this House nothing more and nothing less than follow the procedure adopted by the previous Government. That Government, as the then Minister put it with some regret, made changes in the Bill because the majority of Malabar representatives were in favour of such changes. Now we do not want to incorporate any single change in this Bill as against the majority view now. If the Government are prepared to accept the advice, we want nothing more and we would request them to show as much concession and consideration as they were prepared to extend to the Members of the former Legislative Assembly in respect of the 1950 Bill.

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"My friend Mr. Gopala Menon was saying that no specific points were made out. If I am given two or three hours' time, I will point out hundreds of instances to him."

MR. SPEAKER:—"The hon. Member has got one minute more."

SRI M. NARAYANA KURUP:—"Sir, I want half an hour."

MR. SPEAKER:—"I will allow five minutes more."

SRI M. NARAYANA KURUP:—"Sir, I do not claim any special knowledge. But while the other Members are not lawyers, I know something of law."

MR. SPEAKER:—"I will allow ten minutes."

SRI M. NARAYANA KURUP:—"Sir, I have to hurry up though I may not be able to cover all my points."

"In the 1950 Bill as it was originally published, of course I too concede there are three important points. Two are most important, viz., fixity of tenure and fair rent and the latter without the former, I would say, is a mere mockery. In regard to fixity of tenure, the 1950 draft Bill promised the cultivating tenant that if he had been in continuous possession of land for 12 years, he would be given 5 acres of land and would be evicted by the landlord only from the rest. Indeed that was a great consolation and a great change made in the amending Bill. It also provided that no tenant could be evicted from the lands belonging to trustees or devaswoms. In regard to fair rent, it accepted the well known principle all over the world in any tenancy legislation, that the fair rent fixed by any legislation is the maximum rent payable by a tenant and in between he is entitled to contract for any less rent. In other words, the liability of the tenant is to pay a fair rent or contract rent whichever is less. This salutary principle was accepted in the draft Bill."

"Now, what were the changes made by the Select Committee? They took away completely that provision which gave the tenant the right to enjoy five acres of land had he been in occupation of it for 12 years. Then there is the invidious distinction that instead of saying that tenants in lands belonging to trustees and devaswoms cannot be evicted, they stated that trustees and devaswoms cannot evict. I shall show the anomaly and injustice done to the cultivating tenant. Suppose there is a plot of land 'X' belong to a devaswom 'A' and there are 2 or 3 tenants. 'A' gives the land to 'B' a kanamdar and 'B' gives it to 'C' who is the cultivating tenant. Devasswom 'A' cannot evict the kanamdar 'B', but 'B' can evict the cultivating tenant 'C'. Can there be a more discriminating legislation than this against the interests of a cultivating tenant? These were the important fundamental changes made by the Select Committee and it is no wonder that the people threw the Bill on the face of the Minister who stood for election. When we were agitating for restricted permanency when this amendment

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was brought forward, what we find is that the provisions regarding fixity of tenure and fair rent are much worse. Mr. Gopala Menon remarked that the one universally hated clause in the Bill was in regard to the compulsory fixation of rent. I would challenge him on that point. Sir, the proposed legislation at least has this merit. I am afraid I have no time to quote. Mr. Raghavendra Rao, Special Officer, has observed in many places that giving the right for the tenant to apply for fixation of rent when he is not given the fixity of tenure is a complete moonshine. Therefore if there was compulsory fixation of rent at least, the tenant would be liable to pay only fair rent. So long as the right to resume the land in favour of the landlord remains no other provision to fix fair rent will be of any avail. At this stage, I have to say something about the right of the landlord to resume land for personal cultivation. It is often times argued with some gusto and seeming justification, 'why should we not allow the landowner to resume the land?' I would request Mr. Gopala Menon to define the word 'landowner.' Sir, we are now in a state where we have no quarrel with words and phrases. But when once we attempt to analyse their content and define them, we part. We know, Sir, the meaning of 'aggression.' But lawyers of international repute have not been able to define 'aggression.' Ownership has been described as a bundle of rights and if we untie the bundle and hand over the sticks to different persons, can anyone of them be called the owner? I shall put it in another way. Suppose the notional value of ownership is one rupee or sixteen annas and we change it into four four-anna pieces and distribute them to four persons, can we say that all these persons are given one rupee each.

"Sir, here I want to explain the position between the tenant and the intermediaries. Suppose there is a plot of land belonging to a janmi 'A': 'A' leases the land to 'B' for Rs. 200; 'B' gives it to 'C' for Rs. 300; 'C' gives it to 'D' for Rs. 400 and 'D' in turn gives it to 'E' for Rs. 600. It has been observed that on an average there are four intermediaries on any land in Malabar. When my friend says 'resumption for personal cultivation' I want to know whom he means by the word 'landowner'. Can he say all these four persons are landowners and subject the security of the tenant to all these people? If all of them are to be granted 5 acres each for personal cultivation, and if the tenant is to be evicted, he will be deprived of every inch of his land. That is why my friend Mr. Gopalakrishnan was so very vehement that these tenants who have been on the property for twenty, thirty and forty years, will be driven into the streets as wage-earners if we are to apply the principle of land being resumed by the landowner, giving definition for 'landowner' as I have given just now. It is really a very dangerous proposition. Any amount of benefit that you confer on the tenant will fail unless he is given the right to cultivate his land so long as he pays the rent. Sir, my friend read section 10; I want him to read sections 14 and 20, the sections by which the tenant's security can be defeated. We do not quarrel with any of the other rights of the landlord; we only say that the tenant's security should not be interpreted in any

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limited sense. It is a very important point in favour of the tenant, and without a proper provision in that regard, his position will become completely insecure.

"At the time of the discussion of the previous Bill, it was stated that such a provision would offend Article 19 of the Constitution. A good reply to that argument was no doubt given; I may add that we are not asking the Government to give him complete security and not to evict him in any way whatsoever. For instance, if he does not pay the rent, if he is in collusion with another person, or if he denies the right of the landlord, and for a hundred of other such reasons, he is liable to be evicted. Therefore I submit that no question of expropriation of rights can come in the way of bringing forward a provision conferring security of tenure on the tenant.

"Then, Sir, with respect to the machinery that is contemplated for fixing the fair rent, I submit it is certainly obligatory on the part of the State to compulsorily fix the fair rent. It has been stated by Mr. Raghavendra Rao throughout his report that it is the function of the State to fix such fair rent. Somebody stated that this process of fixing the fair rent would take a very long time. Even for that, a remedy is suggested in the report itself. Rack-renting to a very high degree is prevalent in the Walluvanad and Palghat taluks of Malabar. This House and the Minister, I am sure, will attach sufficient importance to the opinion of experts on this question of rackrenting. A recent American expert visited Walluvanad and Palghat and also Tanjore, and he has observed that in all these three places, the existing rent is 75 per cent of the gross produce. I would request the House to remember that this observation was made in the year 1952. According to the 1930 Bill itself, the share of the landlord was fixed at two-thirds of the net produce and in the 1950 Bill, it was fixed at half. It shows that in spite of the provision made in the 1930 and 1950 Bills, no tenant availed himself of the provision regarding fair rent. Of course no tenant can afford to displease his landlord, as Mr. Raghavendra Rao said; otherwise, he would be turned away from his holding. For the matter of that, even if you provide to-day that a tenant need not pay any rent at all, the landlord would somehow extract a good amount if only he is given the right to evict the tenant.

"One surprising thing here is that though the tenant is given the right to apply for fixation of fair rent, if an agreement is come to between him and the landlord, he must abide by it. For instance, if a landlord tells a tenant 'I would sue you for eviction unless you put your signature to this contract fixing the fair rent at Rs. 300' no tenant can dare refuse him; and that is the vicious provision we find incorporated here.

"Then again, I find that section 52-A is now being repealed. (At this stage Mr. Speaker sounded the gong.) I shall finish in a minute or two, Sir. The provision in that section was conceded only as a result of long years of struggle. When for the first time the first serious agitation for tenancy reform was started, all the

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janmis converted their lease deeds into mortgages. They were so converted in hundreds and thousands. That section empowered the court to . . ."

MR. SPEAKER:—"I have already allowed the hon. Member more than half an hour. Mr. Krishnan will now speak."

SRI R. KRISHNAN:—"Mr. Speaker, Sir, മലബാറിലെ കൃഷിക്കാരുടെ നിരന്തരമായ പ്രക്ഷോഭത്തെയും ആവശ്യത്തെയും മാനിക്കാതെ ജന്മിമാരുടെ ഭരണശക്തിയെ കൊണ്ടുവന്നിട്ടുള്ള ഒരു ബില്ലാണിതെന്ന് ഒരാൾ നോട്ടത്തിൽ മനസ്സിലാക്കുവാൻ സാധിക്കും. കഴിഞ്ഞ പൊതുതിരഞ്ഞെടുപ്പിനെ തുടർന്നാണ് കഴിഞ്ഞ മന്ത്രി സഭ പാസ്സാക്കിയ ബില്ല് നിർത്തിവെച്ചത്. പക്ഷെ ഒരു കൊല്ലക്കാലത്തിലധികം നീണ്ടു നിന്നതിനുശേഷം, വളരെ ഗൗരവമേറിയ ആലോചനകൾക്കുശേഷം കൊണ്ടു വന്നിട്ടുള്ള ഈ ബിൽ കഴിഞ്ഞ ബില്ലിന്റേതിന് ഒരു ഇഞ്ച് പോലും മുന്നോട്ട് പോയിട്ടില്ല എന്നുള്ളത് വളരെ അധികം പരിതാപകരമാണ്. മലബാറിലെ ജനങ്ങൾ വളരെ അധികം പ്രതിഷേധത്തോടുകൂടി കാത്തിരുന്നിരുന്ന ഒരു ബില്ലാണിത്. ബഹുമാനപ്പെട്ട നിയമ മന്ത്രി ശ്രീമാൻ കട്ടിക്യൂസ് നായരുടെ നേതൃത്വത്തിൽ മലബാറിൽനിന്ന് എല്ലാ പാട്ടികളിലും പെട്ടെന്നു എം.എൽ.എ.മാർ ഒന്നായിച്ചേർന്ന് നിർദ്ദേശിച്ച സംഗതികളിൽ കാർഷ്വമായവ ഒന്നുതന്നെ ഈ ബില്ലിൽ കൊണ്ടുവന്നിട്ടില്ല എന്നുള്ളത് ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റിന്റെ ജനാധിപത്യ വിരോധസ്വഭാവത്തെയാണ് ഒരിക്കൽ കൂടി പൊക്കിക്കാണിക്കുന്നത്. മലബാറിലെ ബഹുജനങ്ങളായ എത്രയോ ഹരാജികളും മെമ്മോറാണ്ടങ്ങളും ഈ പുതിയ കടിയായ ബില്ലിലെ വ്യവസ്ഥകൾ ഇന്നിന്നതായിരിക്കുന്നു എന്ന് ചൂണ്ടിക്കാണിച്ച് കൊണ്ടുള്ള ഗവണ്മെന്റിനെ കിട്ടിട്ടുണ്ടെന്നാണ് ആങ്ങൾ അറിയുന്നത്. എല്ലാ താലൂക്കുകളിൽനിന്നും കർഷക സംഘടനകൾ ഇത്തരത്തിലുള്ള നിർദ്ദേശങ്ങൾ അയച്ചിട്ടുണ്ട്. മലബാറിൽ എല്ലാ കക്ഷികളിലും പെട്ട എം.എൽ.എ.മാർ ഇതിനെ പററി നിർദ്ദേശങ്ങൾ സമർപ്പിച്ചിട്ടുണ്ട്. ശ്രീമാൻ ഗോപാല മേനോൻ കഴികെ മറ്റു എല്ലാ കോൺഗ്രസ്സ് എം. എൽ. എ. മാർക്കും ഈ ബില്ലിൽ പ്രതിഷേധം ഉണ്ടെന്നാണ് എനിക്ക് മനസ്സിലാക്കുവാൻ സാധിച്ചത്. യഥാർത്ഥത്തിൽ ഇത് മലബാറിലെ ജനങ്ങൾക്കുവേണ്ടിയുള്ള ഒരു ബില്ലല്ല, കൃഷിക്കാർക്കുവേണ്ടിയുള്ള ഒരു ബില്ലല്ല, ജന്മിത്വത്തെ അന്തരീക്ഷം നിർമ്മൂലമാക്കുന്ന ഒരു ബില്ലാണ് എന്നു പറയേണ്ടിയിരിക്കുന്നു. മലബാറിലെ കൃഷിക്കാർ ന്യായമായ ആവശ്യങ്ങൾക്ക് പ്രക്ഷോഭം സംഘടിപ്പിക്കുന്ന സമയത്ത് ഇതാ പുതിയ ബില്ല് വരുന്നുണ്ട് കറുപ്പുകൂടി കാത്തുനിൽക്കണം എന്ന് പറഞ്ഞ് പ്രക്ഷോഭത്തെ തണുപ്പിക്കുകയാണ് ഗവണ്മെന്റിന്റെ പരിവായ നയം. അങ്ങനെ ഒരു രണ്ടു കൊല്ലം നീട്ടിക്കൊണ്ടു പോയതിനുശേഷം ഇപ്പോൾ ബില്ല് ഒരു സിലക്റ്റ് കമ്മിറ്റിക്ക് വെക്കുകയാണ്. ഇനിയും ബില്ല് വാദപ്രതിവാദത്തിന് വരാൻ ഒരു രണ്ടു മാസം വീടിക്കും. ഇതിനുശേഷം അധികരിച്ച പാട്ടവും ഒഴിപ്പിക്കാനുള്ള വ്യവസ്ഥകളും അടങ്ങുന്ന ഒരു ബില്ല് കടിയന്മാരുടെ തലയിൽവെച്ച് കെട്ടുകയാണ് ചെയ്യുക. ഇതാണ് കോൺഗ്രസ്സ് ഗവണ്മെന്റിന്റെ നയം എന്ന് വളരെ അധികം വ്യക്തമായിക്കഴിഞ്ഞു. മലബാറിൽ ഇന്ന് നാലായിരത്തിലധികം ഒഴിപ്പിക്കൽ കേസുകൾ കോടതികളിൽ നിലവിലുണ്ട്. 'മാതൃഭൂമി' പത്രം ടിവറേണ ചൂണ്ടിക്കാണിക്കുന്നു എത്രയോ അധികം ഒഴിപ്പിക്കൽ കേസുകൾ കോടതികളിൽ നിലവിലുണ്ടെന്ന്. ഇതൊന്നുതന്നെ വകവെക്കാതെ കൃഷിക്കാർ ഒഴിപ്പിക്കാം എന്ന വ്യവസ്ഥയോടുകൂടി മലബാറിലെ കൃഷിക്കാർ അപകടപ്പെട്ട അന്തർ കൊണ്ടുവന്നിട്ടുള്ള ബില്ലിനെ സ്വീകരിക്കുവാൻ ആങ്ങൾക്ക് നിവൃത്തിയില്ല. പക്ഷെ ഇന്ന് പി.എസ്.പി. എം.എൽ.എ. മാർപൊലെ ആങ്ങൾ ഈ സിലക്റ്റ് കമ്മിറ്റിയിൽ സമരകരിക്കാതെ ഇരിക്കുന്നില്ല. സംഗതി എന്താണെന്നുവെച്ചാൽ ഈ ബില്ലിന്റെ നാനാഭാഗങ്ങളെയും നാട്ടുകാർ വിവിരിച്ചു കൊടുത്തശേഷം അവരുടെ അഭിപ്രായങ്ങൾ അറിഞ്ഞ് അതു സിലക്റ്റ് കമ്മിറ്റി മെമ്പർമാർക്ക് അറിയിക്കുവാൻ ഈ അവസരം ഉപയോഗിക്കാമല്ലോ? എന്നിട്ടും ഈ ബില്ല് ഇത്തരവിൽ നിയമമായി വരികയാണെങ്കിൽ തീർച്ചയായും ആങ്ങൾക്ക് സർവ്വശക്തിയും ഉപയോഗിച്ച് എത്രയോ രായി വരും. ഈ ബില്ല് മലബാറിലെ കൃഷിക്കാരുടെ കണ്ണുനീർക്കുടർക്കും ഒരു നീവാണെന്നു വരുത്തുവാൻ പര്യാപ്തമല്ല. കൃഷിക്കാരുടെ പ്രധാന ആവശ്യങ്ങൾ എന്താണ്? ഒന്നാമതായി അവർ ഭൂമിയിൽ സ്ഥിരവകാശം കിട്ടണം. അതാണിതിലില്ലാത്തത്. രണ്ടാമത്തേത് പാട്ടം മട്ടാടപാട്ടാക്കണം. ഇന്ന് ജന്മിമാരുടെ പിടിച്ചുപറിക്കൊണ്ടു

[Sri R. Krishnan] [2nd April 1953]

കൃഷിക്കാർ പാപ്പരാണ്, കടക്കാരാണ്. അദ്ധ്വാനിച്ചുണ്ടാക്കുന്ന മുഴുവൻ നെല്ലും പാട്ടു ഭായിട്ടും, പറവാശിയായിട്ടും, കാഴ്ചയെപ്പറ്റിട്ടും പട്ടിണിയായി കഴിഞ്ഞുകൂടുന്ന മലബാറിലെ പാവപ്പെട്ട കൃഷിക്കാർ അവരുടെ പാട്ടും ഇളവും ചെയ്തു കിട്ടണം എന്നു പറയാൻ തുടങ്ങിയിട്ട് കാലം കുറച്ചായി. 1951 ലെ ബില്ലിൽ ഒരു ഏക സ്ഥലത്തിന് 32 പറ നെല്ലാണ് കൃഷിക്കൾക്ക് നിശ്ചയിച്ചത്. നാലുതരിശു പറ നെല്ലെങ്കിലും കൃഷിക്കൾക്ക് കിട്ടണം എന്നാണ് കൃഷിക്കാരുടെ ആവശ്യം. മലബാർ കിസാൻ സഭയുടെ അഭിപ്രായം 30 പറയെങ്കിലും വകയിരുത്തണമെന്നാണ്. കഴിഞ്ഞ 1951 ലെ ബില്ലിലെ മറ്റൊരുപാട്ടും വാസ്തവത്തിൽ മറ്റൊരുപാട്ടല്ല. ജന്മിമാർക്ക് പഴയപടി കടിയന്മാരിൽ നിന്ന് പിടിച്ചുപറിക്കുവാൻ ഉള്ള സൗകര്യങ്ങളും ഭൂമിയിടവാരങ്ങളും സൗകര്യങ്ങളും നിലനിൽക്കുകയാണ് അത് ചെയ്യുന്നത്. ജന്മിക്ക് സ്വന്തം കൃഷിനടത്താൻ ഉത്തമ വിശ്വാസത്തിന്മേൽ ഭൂമിയിടിക്കാം. അങ്ങനെ ഉത്തമ വിശ്വാസത്തിന്മേൽ ഭൂമിയിടിക്കാനുള്ള ആയിരക്കണക്കിൽ കേസ്സുകൾ ജന്മിമാർ ഫയൽ ചെയ്യുകൊണ്ടിരിക്കുന്നുണ്ട്. പാട്ടുബാക്കി യുടെ കാര്യത്തിൽ അഞ്ചോളം കൊല്ലത്തെ പാട്ടുബാക്കി കൊടുക്കണം എന്നു പറയുന്നു. ജന്മിമാർ കൊടുത്ത പാട്ടുബാക്കിയിൽ രശീദി കൊടുക്കാതെ വീണ്ടും പാട്ടുബാക്കിയുടെ പേരിൽ കേസ്സ് കൊടുത്തുകൊണ്ടിരിക്കുകയാണ്. കഴിഞ്ഞ മകരവിള രീതി ഉണ്ടായി പോയതിനുള്ള പാട്ടുബാക്കി കൂടി കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുന്നു. കഴിഞ്ഞ കന്നിയുടെ വീരിപ്പ് വിള നശിച്ചുപോയിട്ടുണ്ടെന്ന് കേസുകൾ കമ്മിറ്റിയിൽ ഗവണ്മെന്റിന്മേൽ റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്. ആ പാട്ടും കൊടുക്കാൻ കഴിയാത്ത കടിയന്മാരുടെ പേരിലും കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുന്നു. അങ്ങനെ മലബാറിൽ എവിടെ നോക്കിയാലും പാട്ടുബാക്കിയാണ്. ഈ പാട്ടുബാക്കി കൊടുക്കണം എന്ന് വ്യവസ്ഥ ചെയ്യുകയാണെങ്കിൽ ഭൂമിയിൽ സ്ഥിരവകാശം കൊടുക്കുകയാണെങ്കിൽ കൂടി മലബാറിൽ കരോറ കൃഷിക്കാരനും ഈ ബില്ലിന് നിയമമാകുന്ന തീയതി മുതൽ അവിടെ നില്ക്കുവാൻ സാധ്യമല്ല. തീർച്ചയായും മുഴുവൻ ഭൂമിയും പാട്ടുബാക്കിയുടെ പേരിൽ കൃഷിക്കാരുടെ കൈയിൽ നിന്ന് ജന്മിമാരുടെ കൈയ്യിലേക്കു നീങ്ങുവാൻ പോകയാണ്. അങ്ങനെ മലബാറിലെ കൃഷിസമ്പ്രദായം തന്നെ പാടെ തകരുവാൻ പോകുകയാണ്. ഇതിന് എതിരായി ശക്തിമത്തായ ഒരു ബഹുജനപ്രസ്ഥാനം മലബാറിൽ ഇളകിവരുവാൻ പോകുന്നുണ്ടെന്ന സൂചന അതിന്റെ ബീജം ഈ ബില്ലിൽ ഉണ്ട്. ബഹുമാനപ്പെട്ട മന്ത്രി ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായരും ഇവിടെയുള്ള കോൺഗ്രസ്സ് എം.എൽ.എ. മാടം പ്രധാന മന്ത്രിയും ഈ കാര്യത്തിൽ ശ്രദ്ധവെച്ച് അടിയന്തരമായി, ഈ ബില്ലിൽ കൃഷിക്കാർക്ക് അനുക്രമമായ മറ്റൊരു വരുത്തിക്കൊടുത്ത് സ്വീകരിക്കണം എന്നാണ് എനിക്ക് അവസാനമായി പറയുവാനുള്ളത്."

SRI A. APPU :—" Mr. Speaker, Sir, we are only four members from the Congress benches from Malabar; one is the Hon. Mr. Kuttikrishnan Nair and the others are Sri Gopala Menon, Sri Sankaravarma Raja and the other is myself. Sankaravarma Raja is a big landholder and Sri Gopala Menon too is a landholder. So far as I know, the Hon. Minister, Kuttikrishnan Nair, is also a landholder. But, I am a poor tenant. I belong to a very poor family and my family holds lands under Nambudiri janmis. I am not a tenant of the famous E. N. Sankaran Nambudiripad, but we own lands belonging to his brother. They have been very good to the tenants and there is no rackrenting and we are treated very kindly. But I am sorry that middle-class janmis are troubling their tenants very much."

SRI M. NARAYANA NAMBIAR :—" On a point of order. Sir, the hon. Member, Mr. Appu is saying that he is a tenant of Sankaran Nambudiripad. He is not a landholder and he has no inch of property."

MR. SPEAKER :—" That is not a point of order."

SRI A. APPU :—" I did not say I am the tenant of Sankaran Nambudiripad, but of his elder brother. He is a very good janmi

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If all the janmis are like him there is no necessity for any such tenancy legislation. But there are other janmis who treat their tenants very cruelly.

" Sir, this is not the occasion to deal with the Bill on its merits. The Hon. Law Minister has moved a motion referring the Bill to a Select Committee. On the Select Committee we can examine the pros and cons of the question. I am only sorry that my Friend, Mr. Narayana Kurup, has refused to be a member of the Committee. He is a gentleman who has studied the question very thoroughly. The Hon. Law Minister has mentioned the names of the members of the Select Committee, but I am sorry that his name is not there because his leader and the other members of his party refused to co-operate in regard to this Bill. If Mr. Narayana Kurup agrees to serve on the Committee I am prepared to request the Hon. Minister to delete my name, because as I said already he has made a special study of the subject.

" Sir, I do not wish to make a long speech but I wish only to make a few observations. The Bill in its present form will not do any good to the tenants and it requires amendment. What I wish to submit is, the tenants should be given fixity of tenure; at the same time, we should give fair rent to the janmis. This is my humble view.

" Another question is in regard to ulkudidars. I am sorry to submit that the provision in the Bill is not at all sufficient. Mr. Gopala Menon comes from an area where there are a large number of ulkudidars. I understand that he himself has a number of ulkudidars. Last August when we had an opportunity to discuss about this Bill with the Hon. Chief Minister I represented that they should be given relief. Mr. Gopala Menon said that ulkudidars should not be given any right at all. I told the Hon. Chief Minister that the ulkudidars there are treated as watchdogs. But, Mr. Gopala Menon and others interested said that I do not know anything about the conditions of ulkudi in Ponnani taluk. I went to Guruvayur a place which is full of ulkudis and I consulted several ulkudidars. The cases of hardship they gave me were very many. In fact, one old gentleman said 'we can suffer anything but the poor girls in our houses are not safe.' I am ashamed to say all that the landlords do. I would therefore say that the ulkudidars also should be given some rights. It was on the suggestion of the Hon. Chief Minister that the provision relating to three years notice to be given to the ulkudidars has been embodied in the Bill and I am very grateful to the Hon. Minister for it. I represented to the Hon. Chief Minister, 'So long as you are the Chief Minister we will get an enactment which will be acceptable to both the janmis and the tenants' and for that little provision regarding ulkudidars alone the whole of Malabar should be grateful to the Hon. Chief Minister.

" Sir, we are also grateful to the Hon. Chief Minister for another thing. A big staff was appointed for determining fair rent. They asked the poor tenants to produce this document and

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that document. We made representations about it to the Hon. Chief Minister and he heard us patiently. As a result of the discussion he immediately said, 'we will recall that staff.' For that also we, Malayalees, are very grateful to him.

"Sir, I was not prepared for a speech because I never thought that I will be given an opportunity to make a speech now. I thought we would get an opportunity in the Select Committee and then when the Bill finally comes to the Assembly for consideration we will be given opportunities to speak on the provisions of the Bill. But when I found other members were speaking I thought I should also speak; otherwise I would be misunderstood. I only want to make this submission to the House. I hope the Hon. Chief Minister, the Hon. Law Minister and the other members who are on the Select Committee will consider the grievances of the tenants of Malabar and revise the Bill accordingly. Thank you, Sir."

SRI E. K. SANKARA VARMA RAJA :—"Mr. Speaker, Sir, my Friend Mr. Appu remarked that I was a big landlord. I was born in a royal family, but I do not pose that I am a big landlord. If I want to become a big landlord, I am afraid that ten more people will have to die in my family. I am one of those who work hard and labour for their livelihood. So let not people misunderstand that I am a big man."

"Coming to the Bill, I am of opinion that fixity of tenure must be given to the actual cultivating tenant. As Mr. Narayana Kurup said, there are ever so many intermediaries in Malabar, who are collecting a high rent from the actual cultivator. The janmi leases his land to a tenant, the tenant leases to a sub-tenant and thus the chain goes on. But the janmi gets only very little. For instance, for a coconut garden which yields between 5,000 and 10,000 coconuts a year, the janmi gets only Rs. 2 or 3 per year excluding the revenue. The intermediaries are enjoying a greater portion of the benefit. Very little is left to the actual cultivating tenant after he pays to the intermediaries. I am of opinion that the actual cultivating tenant must be given permanency, and the Government must give him some protection in this regard."

"I am against eviction. We are all citizens of the Indian Union, and if one is asked to go away from a house in which he has been living for three years, it is unpardonable. Where is he to go? He must have some house provided by the Government, the landlord, the intermediary or whoever it is."

"To study the Bill thoroughly, it will take some time. I will have my say on the Bill after studying it thoroughly."

SRI KUNHI MOHAMED SHAFEE :—"Mr. Speaker, Sir, ഈ ബില്ലിനെ സംബന്ധിച്ച് എന്റെ കക്ഷിയുടെ അഭിപ്രായം ഏറെയും നിരാശാജനകവും വളരെ അത്രപ്രകാരവും ആണെന്നുള്ളത് ഞാൻ ചൂണ്ടിക്കാണിക്കാമല്ലോ. വാസുവത്തിൽ മലബാറിൽ വളരെക്കാലമായി നടന്ന പ്രക്ഷോഭം കൊണ്ട് കടിയായ് സ്ഥിരവാകാശം നൽകുന്നതും ജന്മിക്ക് ഒഴിപ്പിക്കാൻ ഉള്ള അവകാശം നിയന്ത്രിക്കുന്നതുമായ ഒരു ബില്ല്—ആ നാട്ടിൽ അസാധാര്യം കൂടാതെ കഴിക്കാൻ തക്കവിധത്തിലുള്ള ഒരു ബില്ല്—സംഭവത്തി

[2nd April 1953] [Sri Kunhi Mohamed Shafee]

കുറച്ചും എന്നായിരുന്നു ഞങ്ങൾ പ്രതിഷ്ഠിച്ചിരുന്നത്. ഈ ബില്ല് കടന്നുപോകാൻ ഉൾപ്പെടെയുള്ള മലബാറിലെ എം.എൽ.എ.മാരായ ആളുകൾ നടത്തിയ ഒരു ഇൻ്റർവ്യൂവിൽ കൂടിയാലോചനകൊണ്ടു ഞങ്ങൾ ധരിച്ചതും അതിനെപ്പറ്റിയായിരുന്നു. ആ കൂടിയാലോചനയിൽ നിലവിലുള്ള നിയമത്തിലെ 14-ാം 20-ാം വകുപ്പുകളെ സംബന്ധിച്ച് ഉള്ള ആലോചനകളാണ് അധികസമയം എടുക്കപ്പെട്ടതായത്. അതിനെ സംബന്ധിച്ച് വിവിധങ്ങളായ അഭിപ്രായങ്ങൾ ഉന്നയിക്കപ്പെട്ടതും ഉണ്ടായി. ഈ വകുപ്പുകളെ ഉള്ളും ആലോചിച്ച് തൃപ്തികരമായ ചില വ്യവസ്ഥകൾ പുതിയ ബില്ലിൽ കൊണ്ടു വരാൻ തീരുമാനിച്ചതായി ഞങ്ങൾ ധരിക്കുകയു ചെയ്തു. നികുൾവാശാൽ ഈ രണ്ടു വകുപ്പുകളെ സംബന്ധിച്ചും യാതൊരു മാറ്റങ്ങളും ഈ പുതിയ ബില്ലിൽ വരുത്തിയിട്ടില്ല എന്ന് വ്യസനത്തോടെ പറയേണ്ടിയിരിക്കുന്നു. ശ്രീമാൻ കോർപ്പറേഷൻ കമ്മിറ്റി സമീപ വകാശം ലഭിക്കുന്നതിനുള്ള വ്യവസ്ഥ നിയമത്തിലെ 10-ാം വകുപ്പിലുണ്ടെന്നു ചൂണ്ടിക്കാണിക്കുന്നു. ഇത് കോർപ്പറേഷൻ മലബാറിലെ സംഭവങ്ങൾ അറിയുന്ന ഞങ്ങൾക്ക് വളരെ അത്ഭുതവും വ്യസനകരമാണെന്നുള്ളത്. ഇന്ന് മലബാറിൽ നാലായിരം ഒഴിപ്പിക്കൽ വ്യവഹാരങ്ങൾ പുതുതായി കോടതികളിൽ ഫയലാക്കിയിട്ടുണ്ടെന്നുള്ള സംഗതി വിസ്മയിപ്പിക്കാൻ പാടുള്ളതല്ല. ഈ ഒഴിപ്പിക്കൽ വ്യവഹാരങ്ങളിൽനിന്നു രക്ഷ നേടാൻ 10-ാം വകുപ്പ് കടിയായെ എത്രത്തോളം സഹായിക്കുന്നുണ്ടെന്നു ഞാൻ ചോദിച്ചു കൊള്ളട്ടെ. 52-A എന്ന വകുപ്പ് വേണ്ടെന്നുവെക്കുന്നത് കടിയായാൻ ഗുണത്തിനാണോ? ഈ പുതിയ ബില്ലിൽ കടിയായാൻ ചോദിക്കാൻ കാര്യങ്ങൾ എന്തെല്ലാമാണെന്ന് ഞരും ചൂണ്ടിക്കാണിച്ചിട്ടില്ല എന്ന് ശ്രീമാൻ ഗോപാല മേനോൻ പറയുമ്പോൾ എന്തെല്ലാം ഗുണകരമായ കാര്യങ്ങളാണ് ഈ ബില്ലിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതെന്ന് ഒരു ചോദ്യംമുഖേന അദ്ദേഹത്തോടു ചോദിക്കാൻ തോന്നുന്നു. യഥാർത്ഥത്തിൽ എന്റെ കക്ഷിയുടെ അഭിപ്രായം മലബാറിൽ അസാധാര്യങ്ങളും കച്ചപ്പങ്ങളും കൂടാതെ സമാധാനത്തോടും ഐശ്വര്യത്തോടുംകൂടി പുരോഗതിയിലേക്ക് പോകുന്നതിന് ഉതകുന്ന ഒരു അന്തരീക്ഷം സൃഷ്ടിക്കുവാൻ പര്യാപ്തമായ ഒരു നിയമം കൊണ്ടുവരണം എന്നാണ്. ഈ ബില്ല് അതിന് പര്യാപ്തമല്ല എന്നുള്ളത് വളരെ വേദനാജനകമായ ഒരു സംഗതിയാണ്. ജന്മികളെ തീരെ അവഗണിച്ച് കടിയായാൻ മാത്രം ഗുണം ചെയ്യണം എന്ന് എന്റെ കക്ഷിക്ക് അഭിപ്രായമില്ല; ഇരുകൂട്ടർക്കും സുഖമായി ജീവിക്കുവാൻ ഉള്ള ഒരു അന്തരീക്ഷം സൃഷ്ടിക്കുവാനുതകുന്ന ചില വ്യവസ്ഥകൾ ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിക്കണം എന്നുമത്രമാണ് ഞങ്ങൾ ആവശ്യപ്പെടുന്നത്. ജന്മികൾ കൂടാതെ കഴികയില്ലെന്നും കടിയായ കൂടാതെ കഴിയുമെന്നും ഉള്ള ഭൂമികളെ മാത്രം ഒഴിപ്പിക്കാൻ അവകാശം നൽകുന്നതരത്തിൽ ഒഴിപ്പിക്കലിനെ നിയന്ത്രിക്കുന്ന വ്യവസ്ഥകൾ ബില്ലിൽ ഉൾക്കൊള്ളിക്കണം. മലബാറിലെ ഇന്നത്തെ കലാശിമിത്ത കാക്കിക്കാ സാമ്പന്മാരെ കൂടുതൽ കച്ചപ്പത്തിലേക്ക് വലിച്ചിടുകയാണെന്ന് ആ ലില്ലയെ സമാധാനവും ഐശ്വര്യവും ഉള്ള സ്ഥിതിഗതിയിലേക്ക് നയിക്കുവാൻ ഇടയാക്കത്തക്ക മാറ്റങ്ങൾ ഈ ബില്ലിൽ സെലക്ട് കമ്മിറ്റി വരുത്തണം എന്ന് എനിക്ക് അപേക്ഷയുണ്ട്. മലബാറിലെ എല്ലാ നിയമസഭാ മെമ്പർമാരും ഉൾക്കൊള്ളുന്നവിധത്തിൽ ഈ സെലക്ട് കമ്മിറ്റി വിപുലമാക്കുന്നതിനുള്ള ഏർപ്പാടുകൾ ചെയ്യണമെന്ന് വളരെ വിനീതമായി അഭിപ്രായപ്പെട്ടു കൊള്ളട്ടെ. വാസുവത്തിൽ വിവിധവിഭാഗങ്ങളെ പ്രതിനിധീകരിക്കുന്ന ജനപ്രതിനിധികൾ ഈ നിയമ സഭയിൽ ഉള്ളതുകൊണ്ട് അവരുടെ അഭിപ്രായങ്ങൾ മൂന്നു പദങ്ങളിൽ ഈ ബില്ലിൽ വേണ്ടപ്പെട്ട മാറ്റങ്ങൾ വരുത്തിത്തീർക്കുവാൻ സെലക്ട് കമ്മിറ്റിയിൽ അവരുടെ സാന്നിദ്ധ്യം അത്യാവശ്യമാണെന്നു ഞാൻ കരുതുന്നു."

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

SRI O. KORAN :—"Mr. Speaker, Sir, ഇപ്പോൾ ഈ യോഗത്തിന്റെ മുമ്പാകെ വന്നിട്ടുള്ള മലബാർ കടിയായ ബില്ലിനെ സംബന്ധിച്ചു മലബാറിലെ എല്ലാ അംഗങ്ങൾക്കും ശക്തിമത്തായ പ്രതിഷേധം ആണ് ഉള്ളതെന്നു ഇവിടെ പ്രകടിപ്പിച്ചു കഴിഞ്ഞു. എനിക്ക് ഇതിൽ പ്രധാനമായി ഒരു കാര്യം മാത്രമാണ് പറയാനുള്ളത്. മലബാറിൽ ഈ പുതിയ നിയമം വരുന്നതോടുകൂടി ഏതാണ്ട് മൂന്നു നാലു ലക്ഷം വരുന്ന ഹരിജനങ്ങളെ വെറും തെരുവുതെങ്ങികളാക്കുന്ന വ്യവസ്ഥ ഈ നിയമത്തിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ടെന്നുള്ളത് വേദനയോടുകൂടിയും വ്യസനത്തോടുകൂടിയും പറഞ്ഞുകൊള്ളട്ടെ. കാരണം, ജന്മിമാർ മൂന്നു കൊല്ലത്തെ നോട്ടീസ്സുണ്ടെങ്കിൽ പാവങ്ങളായ ഹരിജനങ്ങളെ കടി ഒഴിപ്പിക്കുവാൻ നിയമം അനുവദിച്ചുകൊടുക്കുന്ന ഒരു വ്യവസ്ഥ ഈ പുതിയ നിയമ

[Sri O. Koran]

[2nd April 1953]

ത്തിൽ ഉൾപ്പെടുത്തിട്ടുണ്ടെന്നുള്ളതു് അർക്കുവുമായ ഒരു അപരാധമാണു്. ഈ രാജ്യത്തിൽ രാധു പകലും അദ്ധ്വാനിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു ജനവിഭാഗത്തെ നിട്ടാക്കിപ്പോയ ഇങ്ങിനെ ആട്ടി കാടിക്കുന്ന ഒരു വ്യവസ്ഥ നിയമത്തിൽ ഉൾപ്പെടുത്തിയതു അന്യായമാണു്. മഹാകവി ഭാരതി പറഞ്ഞുപോലെ 'ഉഴവുക്കും തൊഴിലിന്നും വരുന്ന ചെല്ലോം വീണിലുണ്ടു് ഇരിപ്പോക്കു നിരുന്ന ചെല്ലോം.' പരിഷ്കൃതമായ ഒരു കാലഘട്ടത്തിൽ ആദ്ധ്വാനിക്കുന്ന ജനങ്ങളെ അവഗണിക്കുന്നതു് ന്യായീകരിക്കുവാൻ നിവ്വാഹമില്ല. പണ്ഡിറ്റ് നെഹറുതന്നെ പഞ്ചവത്സര പദ്ധതിയിൽ പറയുന്ന അദ്ധ്വാനമാണു് രാജ്യത്തിന്റെ സമ്പത്ത് എന്ന്. ഹരിജനങ്ങൾ ഈ രാജ്യത്തിൽ അദ്ധ്വാനിച്ചു സമ്പത്തുണ്ടാക്കുന്നു. അങ്ങിനെയുള്ള ഒരു ജനവിഭാഗത്തെയാണു് ഈ പരിഷ്കൃത രാജ്യത്തിൽ ആട്ടി കാടിക്കാനുള്ള ഒരു വ്യവസ്ഥ ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതു്. ഇന്നും ഹരിജനങ്ങൾ ദുരിതങ്ങൾ അനുഭവിക്കുന്ന അടിമകളാണു്. അവരുടെ യുവതികൾക്കു ഇന്നു രക്ഷയില്ല. ജന്മിയുടെ താല്പര്യത്തിന്നു വഴിപ്പെടാതെ ഇരുന്നാൽ കള്ളകേസ്സുകൾ ഉണ്ടാക്കുന്നു. അതുകൊണ്ടു് മൂന്നു കൊല്ലത്തെ നോട്ടീസ്സ് കൊടുത്തു ഹരിജനങ്ങളെ ആട്ടി കാടിക്കാം എന്നുള്ള വ്യവസ്ഥ ഉൾപ്പെടുത്തിയതു അന്യായമായിപ്പോയി. ശ്രീമാൻ ഗോപാല മേനോന്റെ താല്പര്യത്തെ മുൻനിർത്തി മലബാറിലെ മൂന്നു നാലു ലക്ഷം വരുന്ന ഹരിജനങ്ങളെ ആട്ടി കാടിക്കാൻവേണ്ടി ഇങ്ങിനെ നിര്യവും നിഷ്പ്രഭവമായ ഒരു നിയമ വ്യവസ്ഥ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തിയതു് എത്ര പ്രതിഷേധിച്ചാലും അധികമായിപ്പോവുകയില്ല എന്നു ഒന്നുകൂടി പറഞ്ഞുകൊണ്ടു്, എന്നിങ്ങു ഇതിനെപ്പറ്റി അഭിപ്രായം രേഖപ്പെടുത്തുവാൻ അവസരം തന്നതിന്നു നന്ദി പറഞ്ഞുകൊണ്ടു് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

SRI VAVILALA GOPALAKRISHNAIAH:—"Sir, after hearing the discussion on this Malabar Tenancy Bill I feel everybody is convinced of the need to have a Province for Kerala, because of its problems . . ."

MR. SPEAKER:—"But they are not for it."

SOME HON. MEMBERS:—"We are for it, Sir."

SRI VAVILALA GOPALAKRISHNAIAH:—"Sir, they are for it. Their agrarian problems are quite different from those of other areas. As we want to have a basic understanding for the whole country regarding agrarian problems, I think the whole Act must be revised. It should be taken up afresh and discussed, and no amending legislation will do. It must be on the lines of the Kumarappa Committee proposals. Otherwise the problems cannot be solved. If anybody should say that under the Five-Year Plan he proposes to do something and thereby produce more, I say there will be no production and no more production, because the lands are all in the hands of landholders. As Mr. Kurup said there are 26 intermediaries in Malabar Tenancy. There are very many absentee landlords. How can the poor peasant bear as many as 26 persons sitting over his head? It is quite impossible. He cannot plough the land nor get the yield. Therefore, let this Bill be circulated for eliciting public opinion. We can take up the comprehensive Bill later. I support the amendment to circulate the Bill for eliciting public opinion."

SRI M. NARAYANA NAMBIAR:—"Mr. Speaker, Sir, ഇന്നിവിടെ അവതരിപ്പിച്ച ബില്ലിനെക്കുറിച്ചു മലബാറിലെ എല്ലാ വിഭാഗത്തിൽപ്പെട്ട ആളുകളും സംസാരിച്ചുകഴിഞ്ഞു. ഞാൻ കേട്ട പ്രസംഗത്തിൽ, ശ്രീമാൻ ഗോപാല മേനോൻ നൊഴികെ മറ്റൊരാൾ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുകയായി കണ്ടിട്ടില്ല. അതിലെ മിക്ക വ്യവസ്ഥകളെയും എല്ലാ കക്ഷികളും കമ്യൂണിസ്റ്റ് അംഗങ്ങളും കോൺഗ്രസ്സ് അംഗങ്ങളും പ്രജാ സോഷ്യലിസ്റ്റ് അംഗങ്ങളും സ്വതന്ത്രന്മാരും എല്ലാവരുംതന്നെ എതിർക്കുന്നു."

[2nd April 1953]

[Sri M. Narayana Nambiar]

കയാണുണ്ടായിട്ടുള്ളതു്. പിന്നെ ആക്ഷേപങ്ങളാണു് ഈ ബില്ല് അവതരിപ്പിച്ചിട്ടുള്ളതു എന്നു മനസ്സിലാക്കുവാൻ പ്രയാസമായിരിക്കുന്നു. എന്നാൽ മലബാറിലെ ജന്മിമാർക്കു നൽകുന്നതോടൊപ്പംതന്നെ കാസർഗോഡ് താലൂക്കിലെ ജന്മിമാരെയും ഈ ബില്ല് കൊണ്ടുവന്നതുകൊണ്ടു് ബഹുമാനപ്പെട്ട മന്ത്രി സഹായിച്ചിട്ടുണ്ടെന്നു വേണം പറയുവാൻ. എന്നിങ്ങു കാസർഗോഡ് താലൂക്കിനെപ്പറ്റിയാണ് പറയുവാനുള്ളതു്. കാസർഗോഡിലെ ജനങ്ങൾ കുറെ കാലമായി ഒരു കടിയായ നിയമത്തിന്നുവേണ്ടി പ്രക്ഷോഭം കൂട്ടിക്കൊണ്ടിരുന്നു. കാസർഗോഡിലെ ഭൂവ്യവസ്ഥയും മലബാറിലെ ഭൂവ്യവസ്ഥയും തമ്മിൽ വലിയ വ്യത്യാസം ഇല്ല എന്നു ആക്ഷേപംതന്നെ അറിയാവുന്ന ഒരു പരമാർത്ഥമാണു്. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നപ്പോൾ ഇന്നത്തെ മുഖ്യമന്ത്രി അന്നത്തെ പ്രധാന മന്ത്രിയായിരുന്നപ്പോൾ മലബാർ കടിയായ നിയമത്തിന്നു ഭേദഗതികൾ ചെയ്യുവാൻ വേണ്ടി ശ്രീമാൻ കട്ടിക്യൂട്ടി മേനോന്റെ നിയമിക്കുകയും ആ കമ്മിറ്റിയുടെ അനേകങ്ങളിൽ അനേകങ്ങളായി താലൂക്കിലെ 46 ഗ്രാമങ്ങളിൽ മലബാറിലെ ഭൂവ്യവസ്ഥയാണുള്ളതെന്നും വ്യക്തമാക്കിട്ടുണ്ടു്. മാത്രമല്ല തെക്കൻ കണ്ണാടക ജില്ലയിലെ റവന്യൂ അധികാരികൾ ഏതാണ്ടു് 52 ഗ്രാമങ്ങളിൽ ഇതേ വ്യവസ്ഥയാണുള്ളതെന്നു റിപ്പോർട്ട് ചെയ്തു. ശ്രീമാൻ മധവ മേനോൻ കഴിഞ്ഞ മന്ത്രിസഭയിൽ ഈ ഭേദഗതി നിയമം അവതരിപ്പിച്ചുകൊണ്ടു് ചെയ്യു പ്രസംഗത്തിൽ ഇതു വ്യക്തമായി പറഞ്ഞിട്ടുണ്ടു്. എന്നാൽ പിന്നെ അവിടുത്തെ ചില സ്ഥാപിത താല്പര്യക്കാരെ ആവശ്യത്തിന്നു വഴങ്ങി 19 ഗ്രാമങ്ങൾ അതിൽനിന്നു എടുത്തുകയറുകയാണുണ്ടായതു്. ഈ ബില്ല് കൊണ്ടുവന്നപ്പോഴും ഈ 52 ഗ്രാമങ്ങളെ ബാധിക്കും എന്നു ആ നാട്ടിലെ തൃക്കിക്കാർ പ്രതിഷേധിച്ചിരുന്നു. എന്നാൽ, അവർ നിരാശയോടുകൂടിയാണ് ഈ ബില്ലിനെ നോക്കുന്നതു്. നിരീകരിക്കാൻ സാധിക്കാത്ത ഒന്നായിട്ടാണു് ഞാൻ ഇതിനെ കണക്കാക്കുന്നതു്. ഇങ്ങിനെ ചെയ്യതു് അവിടുത്തെ തൃക്കിക്കാരോടു് ചെയ്യു ഏറ്റവും വലിയ അനീതിയാണെന്നു പറയേണ്ടിയിരിക്കുന്നു. തൃക്കിക്കാർ സ്ഥിരവകാശം, ഒഴിപ്പിക്കുന്നതു് തടയുവാനുള്ള വ്യവസ്ഥ എന്നു തുടങ്ങി പലവിധ ആനുകൂല്യങ്ങളും നൽകുവാനുണ്ടായിട്ടും ഈ ബില്ല് അവയൊന്നുംതന്നെ ചെയ്യാത്തതു കഷ്ടമായിപ്പോയി എന്നു പറഞ്ഞുകൊള്ളട്ടെ. കഴിഞ്ഞ പ്രാവശ്യം സെക്രട്ടറി കമ്മിറ്റി കാസർഗോഡ് സന്ദർശിച്ചിരുന്നപ്പോൾ കാസർഗോഡ് താലൂക്കിലെ മേൽ പ്രസ്താവിച്ച 19 ഗ്രാമങ്ങളിലുള്ള അതായിരത്തിൽപരം തൃക്കിക്കാർ ഒരു നിവേദനം സമർപ്പിച്ചു എന്നു മാത്രമല്ല അവിടെ ചേർന്ന ഒരു പൊതുയോഗത്തിൽവെച്ചു ഈ നിയമം കാസർഗോഡ് താലൂക്കിലേക്കു ബാധകമാക്കേണ്ടതു ആവശ്യമാണെന്നു മന്ത്രി മധവ മേനോൻ പ്രഖ്യാപിക്കുകയും ചെയ്തു. അദ്ദേഹം പിന്നെ ഇതു മറക്കുകയാണുണ്ടായതു്. ഇന്നത്തെ നിയമമന്ത്രി ശ്രീമാൻ കട്ടിക്യൂട്ടി നായർ അവിടുത്തെ തൃക്കിക്കാരുടേയും ജനങ്ങളുടേയും അഭിപ്രായങ്ങൾ ആരായുകയും ആ ഗ്രാമങ്ങൾക്കു് ഈ നിയമത്തിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തുകയും ചെയ്യേണ്ടതാണു്. എല്ലാ റിപ്പോർട്ടുകളും ഇതിന്നു അനുകൂലമായിരിക്കെ ഈ ഗ്രാമങ്ങൾക്കു് ഉൾപ്പെടുത്തും എന്ന് ഞാൻ വിചാരിക്കുന്നു."

SRI T. NAGI REDDI:—"Sir, this is the second tenancy Bill that has come before this House for discussion. There seems to be a different approach by the Members to this Bill. When the Tanjore Tenancy Bill was discussed, there was an amount of satisfaction that a great step forward has been taken, and there was also the criticism which came out of that satisfaction. In the case of this Bill I see the difference in approach. Every hon. Member has spoken not with any satisfaction that a Bill has been brought forward for the protection of the tenants. That itself is an indication to the Government that there is something wrong with the Bill. A Bill which has been brought forward and which is said to be for the protection of tenants has not given satisfaction to those Members who are present here from Malabar, and who have spoken on the Bill. Not one of them has commented that this Bill is a step forward towards solving the tenancy problems of Malabar. That itself is an indication that this Bill will not

[Sri T. Nagi Reddi] [2nd April 1953]

satisfy any section of public opinion in Malabar. We must remember that tenancy reform has become the most necessary and immediate reform in all parts of this State. We must not tinker with the tenancy reform. We must take steps to decide the major and immediate task, namely, to stop evictions and reduce the rent that has so far been paid to the landlords. These are the two important factors that should be taken note of, and I find from the speeches of hon. Members from Malabar that these two conditions probably are not quite satisfactorily dealt with in this Bill. We all know the very big struggle in Malabar as in other areas to have a definite improvement in the tenants' condition. The present struggles are not of recent origin. They have been there for a long time—from the time of the national struggle for freedom. The tenants of Malabar were also part and parcel of the national movement for achieving freedom. The tenants of Malabar have laid down their lives for achieving national freedom. They expected that the national struggle which would give them freedom would also bring with it relief for the tenants of Malabar. We also remember that there was the huge Moplah rebellion. The rebellion was mainly to get rid of some of these slavish conditions under which they were working and suffering. Later we all know that the struggle developed into a bigger one and more than eight thousand odd Malabar compatriots laid down their lives to achieve a certain amount of tenancy reform and to better their conditions. Even to this day, I hear from my comrades that there are quite a number of persons behind the prison bars who have fought for the improvement of the conditions of tenants. These struggles must be taken note of when we think of the tenants' problems and try to bring forward a Bill to improve their conditions. I am afraid that none of these historical factors has been taken into consideration in preparing this Bill, which has not satisfied any section of opinion in this House, and naturally cannot satisfy any section of opinion outside this House. When we prepare a Bill for tenancy reform, I am sure that we cannot prepare a Bill which would be satisfactory both to the jenmis and also the tenants. It cannot be and it should not be. If it were to be so, I am sure that a tenants' Bill will not be the tenants' Bill. The tenants' Bill is to become law only to get more rights to the tenants than what they have now, which naturally means that the jenmis' rights will have to be curtailed. It does not matter whether it is the jenmis' rights or the rights of the middlemen. The hon. Member Mr. Raja from the other side was saying that even the jenmis were so much exploited to-day, and that to-day they were not to be condemned for all that had happened. Whether they are the jenmis or the middlemen, the jenmi system should go, because that is the system that has been responsible for so much poverty and revolt by the Malabar tenants. Hence we should take steps to abolish the jenmi system itself to give greater rights to the tenants. Let the Government take a better stand, and see that better protection is given to the tenants.

"A suggestion has been made by hon. Members from Malabar that it is better that all the Members of the Assembly from Malabar

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and the ministry sit and discuss together all aspects of the question and arrive at a certain working arrangement to improve the conditions of the tenants. After all, the number of Members from Malabar is about thirty, and it is certainly a good suggestion that they should all sit together and discuss the Bill. They may improve the Bill; if not scrap it, and produce a new Bill. I think that kind of working arrangement between the ministry and the Members of Malabar would help to bring forward a better Bill than the one under discussion. Sir, I hope the ministry would take into consideration all the suggestions that have been made in this House and give due weight to them to improve this Bill, and if that is not possible, I hope the Government would scrap this Bill and bring another in due course and very shortly."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Mr. Speaker, Sir, I need not reply regarding the points raised in respect of the sections not covered by the amending Bill. The first thing we have to consider is whether it is absolutely necessary to circulate this Bill for eliciting public opinion. It is not necessary, because, while moving the Bill, I submitted that on 15th March 1952 the old Act (Act of 1951) was put into effect. The matter has been engaging the attention of Government and the public of Malabar. Innumerable representations have been made to us. We have considered all the aspects of the question, and this Bill is the outcome of the consideration of all those things.

"Regarding the consideration of other sections, I may be permitted to state that the sections that we have now taken up are the most important sections. The sections which are not touched by this amending Bill are sections which require a more scientific examination, and considerations of principles or expediency cannot be applied here. Calculation of fair rent cannot be resorted to until we actually know the rent that is got in almost all the important places in Malabar. So, it is not possible to consider those things now. That is why the Government have not taken up those things. If hon. Members bring to the notice of the Government that it is necessary to examine them, and if the Members are prepared to give us sufficient time, we will examine each and every section of the Act, and try to see how much we can help the actual tiller. The bringing in of the amendment so early was necessitated, because there was a clamour—there was a real agitation and most of the Members here had even made representations—that the machinery for fixing fair rent must be scrapped. The Government implemented it, because it was a scientific method. Provision was made to meet the expense of this machinery from out of the budget allotment. But in spite of that, the people were afraid that it may take a long time, and the implementation of the scheme will take such a long time that it will not be of use either to the tenant or the landlord. It was also thought that maintaining records regarding the right to the properties contemplated by the Act was not necessary. We considered all these aspects, and it is because there was real agitation for cancelling that machinery that we resorted to cancel that machinery. Now we have given power

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to the Revenue Divisional Officers who are easily accessible. To give this power to the District Munsif's Court to assess the market value of all these items will prove very costly to the tenants and it has been the agitation on the part of the tenants that it should not be entrusted to the Munsif's Courts because they will not be able to bear the cost. This agitation on the part of the tenants has been there for a long time. It is a matter connected more with Revenue. That is why this power is given to the Revenue Divisional Officer.

"I have also to make another submission. We have considered all the burning questions regarding Malabar tenancy with a view to revise the relevant provisions, if possible, by this new Bill. The two important things were the bona fide eviction and displacement of tenants from ulkudis. According to the previous Act, a tenant could be evicted by a landlord who was perhaps poorer than the former. We have now made a provision for the payment of one year's gross income to the tenant if he is to be evicted in these circumstances. We have made this provision so that it may be more impossible or difficult to displace the actual tiller and he may also in the meantime find out some other land for cultivation. Sir, when both are poor, merely because a man is branded as a landlord, we cannot refuse to show consideration to him. With regard to eviction, hon. Members will find that two conditions have to be satisfied by the landlord. One is the bona fides and the other is that he wants the property for his maintenance. Between two poor people, we cannot prefer one to the other. It is a moot question. If one is selected, the other will criticise and if the other is selected, the person excluded will criticise. Therefore, it is a very difficult problem.

"Regarding ulkudis, as the law stands at present, anybody could be turned out. We have, by this Bill, made it absolutely necessary to give three years' notice, if the landlord wants to evict the tenant. In the alternative, he has to give a similar site to him in the same village.

"Sir, there are innumerable things which we have done for the tenant in this Bill. I have made mention of them in my speech while introducing the Bill and I do not want to cover them over again. The Bill has gone further. It may be that it does not come up to the expectations of some of the hon. Members, but it is a real step forward. That is all I can say. We are open to conviction. Hon. Members can represent matters. They can convert us and at the Select Committee we can come to any compromise, any workable scheme, consistent with the Constitution and our responsibility to all sections of society.

"Sir, an attempt was made to point out that Harijans would be ejected on a large scale and that about 10,000 of them would be displaced from their holdings. It is an exaggeration. That is all I can say."

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SRI V. R. KRISHNA AYYAR :—"On a point of order, Sir. May I know whether manuscript eloquence through and through is permitted?"

MR. SPEAKER :—"The Hon. Minister can refer to his notes."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"It is only a piece of paper on which I have noted down the points made by the hon. Members."

THE HON. SRI C. SUBRAMANIAM :—"Sir, written speeches are allowed. But, still he is not reading a written speech."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Sir, I am a lawyer like the hon. Gentleman who made that representation. We are in the habit of looking at the records and arguing. It does not mean that we are reading out our speeches. Most of the hon. Members here remarked that the hon. Gentleman who raised this point was also reading out his speeches. (Laughter.) It would appear to a non-lawyer that the gentleman was reading from the paper. I suppose also that there is no harm in my reading out my speech. The speech I delivered while introducing the Bill was a written one. We are entitled to make written speeches.

"I was submitting that it was made to appear that the Harijans would be ousted from ulkudis on a large scale. It is not so. As the law stands at present, they have no fixity of tenure. If there is no document or lease deed, the tenant can be asked to quit. He might be living there only on sufferance. He can be turned out at any moment. Now, we have made a provision that three years' notice is absolutely necessary and no Harijan will be turned out within that period.

"Regarding waste lands, it was argued by many hon. Members that there were plenty of them in Malabar and that they could be taken and used for distribution among the landless poor. I have to submit that we have already made a provision for that purpose in the previous Act. Now, we are trying to evolve a machinery through which speedy distribution could be made. The population of Malabar is too much but the lands are limited. So, these limited lands will not be sufficient to satisfy the needs of most of the landless peasants.

"I have nothing more to say except that I oppose all the amendments because we are having a detailed consideration of all the contents of the present Bill by a Joint Select Committee. All the representations made by the hon. Members and the points made by them in their speeches here have been noted and we shall try our level best to modify the provisions consistent with the needs of the people. I can only appeal to the House to give us full co-operation. It is absolutely necessary that we should extend our full co-operation to whomsoever it might be who is running the administration.

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"Certain allegations were made about the failure of the Congress in the General Elections. I can answer them, but I think it is out of place for me and it does not become of me to answer them. I can only say that it was not the tenancy question that caused the failure of the Congress. It was due to other extraneous circumstances. If I may be permitted to say so, it was only the organisational disruption that caused the failure of the Congress in Malabar. The recent elections to municipalities have demonstrated that the Congress has a hold there."

SRI M. NARAYANA KURUP:—"What about Panchayat Elections?"

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Simply because in one place, the Socialists have won, the hon. Member thinks that in all the other places also the Socialists have won. It is not like that. I am not concerned with that and I do not want to say anything more. I may ask the hon. Member who made a reference to the failure or defeat of Sri Madhava Menon, 'What is the meaning of winning in elections?' So, I am not concerned with the result of elections. As a politician, I would ask the hon. Member not to consider this Bill in terms of elections. If he thinks of opposing the amendments to the Act in terms of elections, he will be frustrated and he will also fail in the next elections. I am not concerned with the future elections. Sir, I request that the amendments to my motion may be rejected by the House."

SRI T. C. NARAYANA NAMBIAR:—"The Hon. Minister referred to an hon. Member who said that the failure of the Congress in the election was due to the Malabar Tenancy Act. I am the fortunate Member who had said that. Even now I stand by it and I would challenge—if 'challenge' is a parliamentary word—or I would invite the Minister to contest in my constituency on this issue. It has been proved that it was due to the Malabar Tenancy Act that the Congress was defeated."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"I may be permitted to state that I have defeated Mr. E. M. Sankaran Nambudripad, the greatest leader of the Communist Party on this issue." (Ministerial cheers.)

MR. SPEAKER:—"I shall now put the amendments to the vote of the House one by one in the following order:—

- (1) Sri K. P. Gopalan's amendment,
- (2) „ R. Krishnan's amendment,
- (3) „ P. K. Gopalakrishnan's amendment,
- (4) „ T. C. Narayana Nambiar's amendment, and
- „ M. Narayana Kurup's amendment.

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[Mr. Speaker]

"The question is—

'Add at the end the following:—

"and that representations from various representatives of tenants and other organizations, oral and written, be received and the report be submitted before 31st May 1953." "

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'Add at the end of the motion the words "including all Malabar M.L.A.'s and M.L.C.s".' "

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion.' "

The amendment was put and lost.

MR. SPEAKER:—"The question is—

'That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion especially from the people of Malabar and from those of the parts of the Kasargode and Guda-lur taluk of South Kanara and Nilgiris districts where the Malabar Tenancy Act is in operation.' "

The amendment was declared lost.

A poll was demanded and the House divided thus.

Ayes—61.

Dr. K. B. Menon.
Sri K. Moidoo.
" M. Lakshmanaswamy.
" B. Sankarayya.
" G. Bapanayya.
" P. K. Gopalakrishnan.
" K. C. Gopalan Unni.
" K. T. Raju.
" K. P. Gopalan.
" S. Vadivelu.
" V. Madanagopal.
" S. Ramalingam.
" N. Sivaraj.
" A. K. Subbiah.
" K. V. Ramaswamy.
" T. S. Ardhani.
" P. Venkatesha Sholagar.
" D. Seetharamiah.
" C. H. Kanaran.
" K. Madhavan Nambiar.
" R. Krishnan.
" E. T. Kunhan.
" M. Hanumantha Rao.
" C. V. K. Rao.
" K. Rajagopala Rao.
" P. Rama Rao.
" V. Rama Rao.
" M. Narayanaswamy.
" G. Anjaneyulu.
" V. Sri Krishna.

Sri D. Lakshmayya.
" G. Nageswara Rao.
" K. Ranga Rao.
" K. Subba Reddi.
" Chandra Ramalingayya.
" G. Rama Rao.
" M. Veerabhadran.
" K. Vinayakam.
" A. Senapathi Gounder.
" V. R. Krishna Ayyar.
" K. Krishna Rao.
" A. Veloo.
" Vavilala Gopalakrishnaiah.
" Lakshminarayana Reddi.
" P. Kandaswamy Gounder.
" K. R. Sambandam.
" Saka Venkata Rao.
" T. Nagi Reddi.
" Bojja Appalasamy.
" D. Dasarathan.
" S. Vemiah.
" K. Gajapathi Reddi.
" S. S. Kolkebail.
" P. Kunhirama Kidav.
" T. O. Narayana Nambiar.
" V. Sankaranarayana Menon.
" K. T. Sridharan.
" M. Narayana Kurup.
" M. Narayana Nambiar.
" O. Koran.
" C. Kunhirama Kurup.

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Noes—89.

The Hon. Sri C. Subramaniam.	Sri V. S. Sivaprakasam.
„ A. B. Shetty.	„ A. Ayyanar.
„ M.A. Manickavelu Naicker.	„ V. Muthu.
Sri K. Rajaram.	„ A. S. Subbaraj.
„ B. Bakthavatsalu Naidu.	„ G. Govindan.
„ C. Rajam Ramaswami.	„ P. S. Krishnaswamy Ayyangar.
„ P. G. Karuthiruman.	„ Ar. A. Rm. Chokkalingam Chettiar.
„ B. K. Nallaswamy.	„ P. Chellathurai.
„ S. C. Virupakshiah	„ N. Rajagopal.
„ P. G. Manickam.	„ C. Muthiah Pillay.
„ N. Mahalingam.	„ I. K. Subramania Pillai.
„ R. Kuppuswami.	„ K. T. Kosalarani.
„ P. K. Thirumurthi.	„ S. Somayajulu.
„ S. R. Arumugham.	„ P. Selvaraj.
„ K. H. Bomman.	„ R. S. Arumugham.
„ M. K. Kempai Gounder.	„ N. Chenchurama Naidu.
„ M. P. Periasami.	„ P. Gopalakrishna Reddi.
„ Ardhanareswara Gounder.	„ K. Shunmugam.
The Hon. Sri K. P. Kuttikrishnan Nair.	„ P. Venkataswami Reddi.
„ Dr. R. Nagan Gouda.	„ R. B. Sudarsana Varma.
Sri N. Ramakrishna Ayyar.	„ P. Gunnayya.
„ T. N. Venkata Subba Reddi.	„ K. Suryanarayana.
„ K. Koti Reddi.	„ P. Ranga Reddi.
„ M. R. Ramachandran.	„ N. Gopala Menon.
„ O. Venkatasubba Reddi.	„ A. Appu.
„ T. P. Elumalai.	„ V. C. Chudamani Deo.
„ S. Panchaksharam.	„ A. Balarama Reddi.
„ H. M. Jagannatham.	„ K. Adikesavalu Naidu.
„ A. Ramachandra Reddiar.	„ M. Doraikannu.
„ R. Thangavelu.	„ G. Nagabhushnam.
„ M. Kandasami Padayachi.	„ Ijari Sirasappa.
„ L. Anandan.	„ K. Kotra Basavana Goud.
„ V. Krishnaswami Padayachi.	„ N. N. Suvarna.
„ G. Vagheesam Pillay.	„ E. K. Sankara Varma Raja.
„ A. S. Sahajanandam.	„ T. Anantha Pai.
„ O. A. Nanjappa.	„ M. Jagannathan.
„ M. Marimuthu.	„ G. Latchanna.
The Hon. Sri K. Venkataswami Naidu.	„ K. Appala Naidu.
„ N. Sankara Reddi.	„ B. Gangayya Naidu.
„ D. Sanjivayya.	„ K. V. Ramesam.
„ S. B. P. Pattabhi Rama	„ K. Venkatanarayana Dora.
Rao.	„ M. Gangappa.
Srimathi Dr. T. S. Soundaram Rama-	„ V. K. Kannan.
Chandran.	„ Kunhi Mohamed Shaffee.
Sri M. S. Muniswamy Pillay.	„ G. Samia Koorayar.
„ V. S. Chinnaswami Naidu.	

Neutral—1.

Sri K. R. Viswanathan.

Ayes: 61; Noes: 89; Neutral: 1.

The amendment was lost.

MR. SPEAKER:—“The question is—

‘That the following be added at the end:—

“It shall have power to scrutinize all the sections of the principal Act.”’

The amendment was put and lost.

MR. SPEAKER:—“I shall put the original motion to vote. The question is—

‘That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses

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[Mr. Speaker]

consisting of 24 Members (16 Members from the Assembly and 8 from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953 and that the following Members of the Assembly be nominated as Members of the Joint Select Committee:—

The Hon. Sri K. P. Kuttikrishnan Nair,

„ C. Subramaniam,

„ M. A. Manickavelu Naicker,

Sri N. Gopala Menon,

„ A. Appu,

„ E. K. Sankaravarma Raja,

„ Y. Manjaya Shetty,

„ K. Rajaram,

„ T. N. Venkatasubba Reddi,

„ V. R. Nagarajan,

„ V. Balakrishnan,

„ C. H. Kanaran,

„ T. C. Narayana Nambiar,

„ V. R. Krishna Ayyar,

„ P. Ramamurthi,

„ K. M. Seethi.’ ”

The motion was put and carried.

MR. SPEAKER:—“The House will now adjourn and meet again at 8-30 a.m. on Saturday, 4th April 1953.”

The House then adjourned.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953
(L.A. BILL No. 12 of 1953).

THE MADRAS LEGISLATIVE COUNCIL

Saturday, 4th April 1953.

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

(2) THE MALABAR TENANCY (AMENDMENT) BILL, 1953
(L.A. BILL NO. 12 OF 1953).

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr. Chairman, Sir, I move—

'That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 24 Members to consider the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) (16 Members from the Assembly and 8 Members from the Council) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri C. Rajagopalachari,
- 2 Sri S. Narasapaya,
- 3 „ T. T. P. Kunhipocker,
- 4 „ E. H. Parameswaran,
- 5 „ K. Bhashyam,
- 6 „ S. Ramakrishnaiah,
- 7 „ K. Balasubramanya Ayyar, and
- 8 „ V. Bhashyam Ayyangar.'

" In moving, Sir, I may be permitted to point out that the tenancy problem in Malabar is quite different from those prevalent in the other parts of the State. We find there a large number of intermediaries having interests in the same holding between the actual cultivator and the ultimate land-owner. Hence the agitation for land reform started from very early days. As a result, even in 1887, an enactment had to be passed. The provisions of that enactment were afterwards considerably modified by the Malabar Compensation for Tenants Improvements Act, 1889. It continues to be in force and assures to the tenants compensation in the event of eviction. The agitation regarding large-scale eviction of tenants, rack-renting, etc., continued and as a result of which the Malabar Tenancy Act, 1929 was passed. The main features of the 1929 Act were that fair rent was fixed in the case of cultivating kuzhikanamdars and cultivating verumpattamdars. Restrictions on evictions were made in the case of cultivating verumpattamdars, customary verumpattamdars, kuzhikanamdars and kanamdars, the four main types of tenants in Malabar. Up to this, after the period of lease was over, renewal fees were demanded

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to allow the tenants to continue possession, which generally were out of all proportion to the rent of the holding. The Act fixed the renewal fees in the case of customary verumpattamdars, kanamdars and cultivating kuzhikanamdars. The scale was fixed according to the income of the property. The kudiyruppu tenant was also given the right to purchase it in case suit for eviction was filed by the landlord.

" It was also provided that in the case of uneconomic holdings, the tenant had a right to surrender to the landlord the holding in question. The tenant's right to get receipt for payment of rent was recognized and it was made obligatory on the landlord. Provision was made for the fixation of the price of commodities payable in kind. The place of delivery of rent payable in kind was also fixed. Melcharths, one of the main practices by which the landlord assigned rights in properties to third parties with power to evict tenants caused much havoc. The bad effect of this was nullified. The Act gave substantial relief and worked well for some time.

" Certain defects were noticed in the working of the Act and the Government appointed the Malabar Tenancy Committee in 1939 to go into the question in detail. Meanwhile, evictions under sections 14 and 20 of the Act, under the pretext that the landlord required the holding *bona fide* for his use, created agitation and greater restriction was called for. By Act XXIV of 1945, it was made more strict by introducing an amendment that the landlord could evict his tenant only if he wanted the land for his own maintenance or that of any member of his family or tharwad.

" The agrarian unrest continued in Malabar and the Government thoroughly examined the report of the Malabar Tenancy Committee and a Bill was introduced. A Joint Select Committee of both the Houses toured extensively the whole of Malabar and portions of South Kanara and studied the problem minutely. After careful consideration, the Amending Act of 1951 was passed. The main features of the Act are the fixation of fair rent in all cases of tenancy including *kudiyruppus* and *kudikidappus*. Fair rent was reduced by reducing the proportion to be given to the landlord. Fixity of tenure to *kudiyruppus* and *kudikidappus* was given. Remission of rent was also provided in case of remission of assessments. The old feudal practice of personal service and payment of perquisites made payable under the lease were all abolished. A provision was also made giving rights to the tenants to purchase the rights of intermediaries in case the intermediary defaulted payment of rent to his immediate landlord. Before that if the intermediary defaulted and his immediate landlord filed a suit for possession, the improvements of the sub-tenants were set off. That great hardship was remedied. It was also provided that *Ulkudi* or *Kudikidappu* in Fort Cochin cannot be evicted unless the landlord gave an equal area of land in the same *amsam* and paid the expenses for shifting the structure. Provision was also made to compel the landlords to lease compulsorily waste lands to

[Sri K. P. Kuttikrishnan Nair] [4th April 1953]

landless poor. Great relief was given to tenants by wiping off arrears of rents prior to 1944-45. Renewal and renewal fees were completely abolished.

"The Act was made applicable from 15th March 1952. It contemplated setting up of a machinery to fix fair rents in respect of all the holdings in Malabar. This undertaking involved much labour, time and money. It also required the co-operation and support of both the landlords and tenants in its working. The Rent Settlement staff was employed immediately the Act came into force.

"Meantime, there was an agitation in Malabar that the delay caused by this machinery was not going to profit either the tenant or the landlord. It was also thought that the whole staff to be efficient, must be well equipped with the laws and customs of the land and it was not possible to have such a huge staff for that purpose. Hence there was demand for the abolition of this machinery. The Government even though they were aware of the fact that it was a most scientific method, were convinced that there was some force in the agitation and so the Rent Settlement staff was disbanded in August 1952.

"The Government have received memoranda from various interests in lands in Malabar and after a careful consideration of all the issues involved, this Bill has been brought forward.

"The Government considered that in view of the fact that the Amending Act of 1951 came into force only from 15th March 1952, it was premature to revise all the sections of the Act without giving a fair trial to the working of the Act.

"Under this Bill, the Government seek to establish a more speedy machinery by constituting rent courts. Fair rent is to be revised every 12 years instead of 20 years as provided in the previous Act. But tenants are given special relief by making it possible for them to apply earlier for sufficient causes. Fair rent also is to be fixed only in the case of disputes. The Government feel that compulsory fixation of fair rent even in undisputed cases will not help to strengthen the friendly feelings between the landlord and the tenants. In the case of tenants, application to fix fair rent can be made as soon as this Act is passed; but the landlord is given the right to apply only after three years of the passing of this Act. Eviction, in the case of *bona fide* claim for maintenance, is further restricted by making it obligatory to pay compensation equivalent to one year's net income which the tenant secures from the land. There is also provision in the matter of possessory mortgages which were redeemed by the mortgagor. It is intended to allow the person who was enjoying it continuously for the last 20 years to continue on the property as tenant if the mortgagor does not want to keep it in his possession.

"In the case of *ulkudis* outside Fort Cochin, provision is made that the *ulkudi* holder is not to be evicted unless the landlord gives him land of equal size and meets the expenses to shift the structure. If not, the landlord has to give 3 years' clear notice.

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"The rent of pepper gardens payable by the tenant to the landlord is modified by allowing the tenant to enjoy one more year's yield. Extension of the provisions of the Act is also made to cantonment areas. Lands used for communal purposes, are exempted from fixation of fair rents. Provision is also made to make surrender deeds executed after 28th July 1950 voidable and the tenant is entitled to get possession if no other tenant is put into possession during the period. Relief is also given by wiping off arrears of rent for two more years.

"The other provisions in the Bill are explained in the Statement of Objects and Reasons and do not call for any special comment. We have to bear in mind that tenancy and other legislations have to be resorted to only according to the demands of the people in the locality. Rights have to be conferred according to the change in the conditions of the people. We have to bear these in mind while we scrutinize the provisions of the Bill.

"I am sorry to say, Sir, that the Praja-Socialist Party have not consented to be in the Select Committee. I can assure them that this is a tentative proposal of the Government and if the Government are convinced of the reasonableness of the suggestions of the hon. Members, they will be only willing to accept them.

"The Bill will, no doubt, be examined by the Joint Select Committee in all its aspects and any suggestions by the hon. Members will, I am sure, be of great benefit to the Committee in its deliberations. I request the House, Sir, to accept the motion."

MR. CHAIRMAN :—"The motion is—

"That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 24 members to consider the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), (16 members from the Assembly and 8 members from the Council) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri C. Rajagopalachari.
- 2 Sri S. Narasapaya.
- 3 „ T. T. P. Kunhipocker.
- 4 „ E. H. Parameswaran.
- 5 „ K. Bhashyam.
- 6 „ S. Ramakrishnaiah.
- 7 „ K. Balasubramanya Ayyar.
- 8 „ V. Bhashyam Ayyangar."

SRI K. BHASHYAM :—"Mr. Chairman, Sir, is it open to discuss the Bill on its merits as it is now only a motion for getting the concurrence of this House for referring it to a Select Committee because, if it is a question of discussion on the floor of this House, the time given for the purpose of studying the Bill and making

[Sri K. Bhashyam]

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observations in respect of its provisions is very short? If discussion is allowed, Sir, I suggest that it may be taken up on some other day so that we may have a little more time to study the Bill."

SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, on a point of order, I wish to know whether an hon. Member can just say that discussion can be avoided in view of the Bill having to go before a Joint Select Committee. I think, Sir, every Member has got the right of speech and I can go on. Sir, this Bill has evidently come before us, probably on account of the fact that there is unrest and discontent among the Malabar tenants. Their grievances seem to centre round two points, namely, fixity of tenure and fixation of fair rent. The present Bill now under consideration seems to be an improvement on the existing Act, but I do not think it goes far to meet the demands of the Malabar tenants. In the proposed Bill it has been mentioned that the owner of the land has to give one year's income as a penalty in case he wants to evict a tenant. I do not know how far it will go towards stopping eviction of tenants. I do not see any reason why the Government cannot prescribe that so long as a tenant has been paying the fair rent he should not be evicted. In any department and in any service, agriculture or education, it is the fixity of tenure that works like force to the wheel of service. The greater the fixity of tenure, the greater will be the production and the greater will be the interest taken by the tenant. What is the difficulty in the Government or the Select Committee just framing a rule that a tenant should not be evicted so long as he has been paying the fair rent fixed?

" I find that the fair rent settlement staff has been disbanded. I heard that there was a complaint that instead of fixing fair rents they had a formula by which the rents were increased instead of being decreased. I do not know how the Rent Courts that are contemplated in the Bill under consideration will act speedily and will also be cheaper. I should like to get enlightenment on this point.

" Regarding fair rents, in my opinion, there should be a formula so far as the district of Malabar as a whole is concerned. Now, there is a sort of non-interference in the proposed measure. It is stated that in so far as a tenant does not appeal matters may go on as usual and there will be smooth sailing between landlord and tenant. Of course, this looks well on paper but when it is a question of the tenant having to appeal and bring forth his grievances, I do not know how far this smooth sailing will be possible. A tenant is naturally afraid of the landlord. He will be allowed to continue in possession only till he takes it into his head to appeal to the Government. He may not therefore be in a position to take full advantage of this provision. Instead of this, I would like the Select Committee to consider whether it would not be possible to lay down a broad formula with regard to the different sorts of cultivation, whether it be paddy or coconuts and so on, and state that this will be the minimum requirement. If it is so stated, those

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[Sri G. Krishnamurthi]

who are contented and want to have smooth sailing with their landlords may be satisfied and those who aspire for more can go to a Court of law. These are the suggestions which I would like the Select Committee to take into consideration."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, in the proposed Bill itself there is a section which prescribes the formula for fixing the fair rent. This formula was already in the old Act. There is no difficulty in fixing up the rate between the tenant and the landlord. I can assure the hon. Member that of all tenancy legislations the Malabar Tenancy Legislation has been more scientific and it has been more progressive because there has been agitation from the very beginning.

" The point was raised as to how one year's income will adequately compensate an evicted tenant. I have to explain that under the present Bill only in cases where the landlord is poor and cannot maintain himself except by cultivating the property owned by him, he gets back possession. He has to prove his *bona fides* before a Court, namely, that he has to maintain himself and his family out of the income derived by cultivating the property, and only under these conditions he is entitled to redeem his property. The Government had either to prefer the landlord, a poor man himself, or the tenant who was equally poor. The Government have therefore made it possible to pay one year's income to the tenant so that he can find out some other job or land. If the Government preferred the tenant, the allegation will be levelled against the Government that they have deserted the poor peasant merely because he was branded a landlord. The Government have therefore made this provision and eviction will be ordered only in exceptional circumstances. Practically it will be 'nil'. This is only a Bill that has been brought forward and I am sure most of the Members will not be conversant with the facts and it is better that we discuss more about it after the Joint Select Committee Report is finalized. I submit that we have taken persons who are conversant with the legal aspects of the question and I hope we will be able to finalize the question. Any representation either by the hon. Members or by any interested persons will be welcome and we are prepared to review all these things. Allegations will be made that the Government have not gone as far as they ought to have, but, on a comparison with all the agrarian legislations in other States, the Government can assure the House that this piece of legislation is very progressive and the present Bill also goes a step further than the existing Act. Merely because the old Act of 1951 came into effect only on March 15, 1952, there are no radical changes in regard to all the sections in the present Bill. The time that has elapsed is only a few months and as such we cannot expect more changes. Even then the Government have made substantial changes restricting eviction. I submit, Sir, that this House can rest assured that proper examination of the various aspects will be made and considered by the Select Committee and that the Select Committee will do full justice."

[4th April 1953]

MR. CHAIRMAN :—" The question is—

' That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 24 members to consider the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), (16 Members from the Assembly and 8 Members from the Council) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri C. Rajagopalachari.
- 2 Sri S. Narasapaya.
- 3 ,, T. T. P. Kunhipocker.
- 4 ,, E. H. Parameswaran.
- 5 ,, K. Bhashyam.
- 6 ,, S. Ramakrishnaiah.
- 7 ,, K. Balasubramanya Ayyar.
- 8 ,, V. Bhashyam Ayyangar.' "

The motion was put and carried.

MR. CHAIRMAN :—" The House will now adjourn and meet again at 4-30 p.m. on Tuesday, the 7th April 1953."

The House then adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 5th May 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.

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[5th May 1954]

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT)
BILL, 1954 (L.C. BILL NO. 6^a OF 1954).

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

'That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954 (L.C. Bill No. 6 of 1954), as passed by the Council, be taken into consideration.'

"In doing so, I may tell this House that the Madras Suppression of Immoral Traffic Act, 1930, deals with the suppression of brothels and of traffic in women and girls. As certain defects were noticed in the working of this Act, the Government appointed in 1950 a Committee consisting of the Commissioner of Police, Madras, the Chief Inspector of Certified Schools and Vigilance Service, Madras, the Vigilance Officer, Sri T. Viswanatham, Sri R. R. Dalavai, Srimathi A. V. Kuttimalu Amma and Srimathi Mary Clubwala Jadhav, to examine the existing provisions of the Madras Suppression of Immoral Traffic Act with a view to remove any defects found in its working and to suggest suitable amendments, to examine whether the Act needs amendment on the lines of the Bombay Suppression of Prostitution (Amendment) Act, 1948, or otherwise and to make recommendations germane to the above. The Committee submitted in all 30 amendments to the Madras Suppression of Immoral Traffic Act, 1930. These amendments were examined with reference to the existing provisions of the Act. Since the proposed amendments constitute vital changes, they were given the most careful consideration by the Government and the amendment to this important Act which is designed against a social vice has been, if I may so submit, drafted with great care. The Government have finally decided to introduce the Bill for amending the Act in certain respects.

"Clause 2 of the Bill amends section 6 so as to make the manner in which the inquiry under that section should be conducted clear, comprehensive and self-contained.

"Clause 3 amplifies section 9 so as to penalize any person who aids any woman or girl in the business of prostitution. A new sub-section has also been added to section 9 specifying the places where an offence under the section can be inquired into or tried.

"Clause 4 adds a new sub-section to section 11 so as to specify the place where an offence under the section can be inquired into or tried.

"Clause 5 seeks to bring within the scope of clause (1) of section 12 other forms of solicitation for the purposes of prostitution.

^a Printed as Appendix III on pages 86 infra.
Passed by the Council on 25th March 1954.

5th May 1954] [Sri C. Subramaniam]

"I am sure hon. Members will support this Bill and in making this appeal, I may inform the hon. Members that a comprehensive Bill with reference to this subject is now pending before the Central Government and, I think, before the Parliament also. Therefore, whatever changes we are making now are with reference to the proper working of the existing Act. So, I do not claim that by this amendment we are tackling the entire problem. We are only trying to make the working of the existing Act a little easier. If this measure is approached from that point of view, I am sure many of the amendments of which notice has been given will become unnecessary. I shall deal with those amendments when they are moved. Now, I request that the Bill may be taken into consideration."

ANNOUNCEMENT *re* HOURS OF SITTING OF THE HOUSE.

MR. SPEAKER :—"Before we proceed with the debate on the Bill, I wish to announce to the House that from to-morrow onwards the House will sit from 8 a.m. to 12-30 p.m."

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT)
BILL, 1954 (L.C. BILL NO. 6 OF 1954)—*cont.*

MR. SPEAKER :—"Motion moved—

'That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954 (L.C. Bill No. 6 of 1954), as passed by the Council, be taken into consideration.'"

SRI S. RAMALINGAM :—"Sir, I move—

'That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954 (L.C. Bill No. 6 of 1954), as passed by the Council, be referred to a Select Committee.'"

SRI M. KALYANASUNDARAM :—"I second the amendment, Sir."

MR. SPEAKER :—"Motion moved—

'That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954 (L.C. Bill No. 6 of 1954), as passed by the Council, be referred to a Select Committee.'

The motion as well as the amendment are before the House for discussion."

SRI M. KALYANASUNDRAM :—"ஸ்ரீ ராமலிங்கம் கொண்டு வந்திருக்கும் இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்ற திருத்தத்தை . . ."

MR. SPEAKER :—"விவாதத்திற்கு பிறகு தான் ஓட்டுக்கு விடப்படும்."

"Only after the debate, I can put the motion to the vote of the House."

[5th May 1954]

* SRI P. JEEVANANDAM :—“கனம் தலைவர் அவர்களே, இந்த அவை முன்னால் கனம் ஸ்ரீ சுப்ரமணியம் அவர்களால் பிரேரிக்கப் பட்டு, சபை முன் வைக்கப் பட்டிருக்கிற இந்த மசோதாவைப் பற்றி சிறிது சிந்தித்துப் பார்க்க வேண்டுமென்று கேட்டுக் கொள்ளுகின்றேன்.

“ஏற்கெனவே, 1930-ம் வருஷத்தில் சென்னை விபசாரத்தடைச் சட்டம் நிறைவேற்றப்பட்டு, இந்த வருஷம் வரையில் அந்தச் சட்டம் அமுலில் இருந்துவருகிறது. 1930-ம் வருஷத்தில் நிறைவேற்றப்பட்ட இந்தச் சட்டம் அன்னிய ஏகாதிபத்தியம் இந்த நாட்டில் ஆட்சி செலுத்திய காலத்திலும் அமுலில் இருந்து வந்திருக்கிறது. அதற்குப் பின்னால், காங்கிரஸ் ஆட்சி வந்த பிறகும் இந்தச் சட்டம் அமுல் நடத்தப்பட்டு வந்திருக்கிறது. இந்தச் சட்டம் நிறைவேற்றப்பட்டு, இருபது ஆண்டுகளுக்குப் பின்னால், அதாவது 1950-வது வருஷத்தில் ஒரு கமிட்டியை நியமித்து, இந்தச் சட்டமானது எப்படி அமுலில் நடந்துவந்திருக்கிறது என்பதைப் பரிசீலனை செய்து, மேற்கொண்டு இந்தச் சட்டத்தைத் திறமையாக நடத்துவதற்கு யோசனை என்ன என்பதற்கு ரிபோர்ட் சமர்ப்பிக்கும்படி சொன்னார்கள். அந்த ரிபோர்ட்டும் வந்திருக்கிறது. அதையும் வைத்துக்கொண்டு, இப்பொழுது அந்தச் சட்டத்திற்குச் சில மாறுதல்களைச் செய்ய திருத்த மசோதா ஒன்றை இந்தச் சபை முன் வைத்திருக்கிறார்கள்.

“1930-ம் வருஷத்திய சட்டத்தை இப்பொழுது கொண்டுவரப்பட்டிருக்கும் திருத்தங்களுடன் நாம் பரிசீலனை பண்ணுகிறபோது, ஜனநாயக சகாப்தத்தில் நாம் இருக்கிறோம். நம்முடைய நாட்டில் ஜனநாயகம் நிலவியிருக்கிறது; ஜனநாயகக் குடியரசுச் சட்டம் இருக்கிறது. இதை நாம் கவனத்தில் வைத்துக்கொண்டு, நாம் இந்தத் திருத்த மசோதாவைப் பார்க்கவேண்டுமென்று முதன் முதலில் கேட்டுக்கொள்ளுகின்றேன்.

“இந்த மசோதாவை நாம் ஜனநாயகப் பார்வையோடு பார்க்கவேண்டும். ஏனென்றால், இந்த மசோதாவானது விபசாரத்தைத் தடை செய்வது சம்பந்தமாக இருக்கிறது. இது நம்முடைய நாட்டில் மட்டுமல்ல; உலக முழுவதும் விபசாரமானது சமுதாயக் கேடுகளில் பெரிய கேடாக இருந்துவருகிறது; இந்த விஷயமானது பஞ்ச மகா பாதகத்தில் ஒன்றாகக் கருதப்படுகிறதென்பதும் எல்லோருக்கும் தெரியும். அப்படிப்பட்ட விபசாரத்தைத் தடை செய்வதற்கு இப்பொழுது சர்க்கார் இந்தத் திருத்த மசோதாவைக் கொண்டுவந்து திறமையாகத் தடைசெய்ய உத்தேசித்திருக்கிறார்கள். விபசாரத்தை சமுதாயப் பிரச்னை என்று நாம் பார்க்க வேண்டும். நம் நாட்டைப்பற்றியவரை விபசாரம் ஒழியவேண்டும் என்பதிலும் விபசாரம் என்பது வெறுப்பை உண்டாக்கக்கூடியது என்பதிலும் ஆட்சேபணை கிடையாது. பெண்களுடைய புனிதமான தன்மைக்கு, பெண்களுடைய ஒழுக்கத்தின் உயர்வுக்கு நம் நாடு சிறந்து விளங்குகிறது. கண்ணகி தன்னுடைய மாசற்ற தன்மையினால், மாசற்ற கற்புடைமையால் கொடுங்கோல் ஆட்சியை எரித்தாள், மதுரைமா நகரையே எரித்தாள் என்பதைப் படித்திருக்கிறோம். கண்ணகியைத் தமிழ்த் தெய்வம் என்று தொழுகிறார்கள் என்பதும் கவனிக்கத்தக்கது. இது தமிழனுடைய பண்பாடு. இந்தியா தேசத்தின் பண்பாட்டை, பாரதப் பண்பாட்டை எடுத்துக் கொண்டால்கூட, அங்கே தெய்வமாக வணங்கப்பட்டு, பெண்களுக்கெல்லாம் எடுத்துக்காட்டாக சீதை விளங்கினாள் என்பதையும் படித்திருக்கிறோம். தன்னுடைய கற்புத் தன்மையை எரி நெருப்பிலிருந்து எழுந்து வந்ததினமூலம் சீதை நிரூபித்திருக்கிறாள். அந்தக் காலத்தில் அவ்வளவு புனிதத்தன்மை வாய்ந்தவர்களுக்கு எடுத்துக்காட்டாக சீதை விளங்கியதாக அறிகிறோம். ஆணும், பெண்ணும் குடும்ப வாழ்க்கையில் உறுதியாக, புனிதத் தன்மையுடன் இருந்துவருவது பாராட்டப்பட்டு வந்திருக்கிறது. குக்கிராமங்களிலும், பட்டினங்களில் பாராட்டப்பட்டு வந்திருக்கிறது. எனவே, உணர்ச்சி ரீதியாக ஆயிரக்கணக்கான ஆண்டுகளாக புனிதமான வாழ்க்கை வாழவேண்டும் என்று கருதப்பட்டு வந்திருக்கிறது. விபசாரம் இல்லாத வாழ்க்கை வாழவேண்டும் என்கிற எண்ணம் நம்முடைய நாட்டில் இருந்துவந்திருக்கிறது.

[5th May 1954]

[Sri P. Jeevanandam]

“கற்புடைய மங்கையர்கள் பெய்யெனச் சொல்லின் மழை பெய்யும் என்று திருவள்ளுவர் கூறியிருக்கிறார். பிறனில்லிழையாமை, பெண் வழிச்சேறல், வரைவின்மகளிர் என்ற மூன்று அதிகாரங்களில் திருவள்ளுவர் கூறியிருக்கும் விஷயங்களையெல்லாம் நாம் இந்தச் சந்தர்ப்பத்தில் பார்க்கக் கடமைப்பட்டிருக்கிறோம் என்று எடுத்துக்காட்ட விரும்புகிறேன். வரைவின்மகளிர் என்ற அதிகாரத்தில் ‘அன்பின் விழையார் பெண்டிர், மாயப் பெண்டிர், அன்பின் மகளிர், இருமனப் பெண்டிர்’ என்று கூறுகிறார். ‘பொருட் பொருள் விழையும் ஆய் தொடியர்’ என்று கூறுகிறார். ‘பெண்டிர், மாயப் பெண்டிர், அன்பின் மகளிர், இருமனப் பெண்டிர்’ என்று இப்படியாகப் பல பாட்டுகளில் கூறியிருக்கிறார். ஆகவே, திருவள்ளுவர் காலத்திலும்கூட இந்த ஒழுக்கக்கேடு சமுதாயத்தைப் பாதிக்காத வகையில் பல உயர்ந்த கருத்துக்கள் வற்புறுத்தப்பட்டு வந்திருக்கின்றன என்பதைப் பார்க்கிறோம்.

“பிறனில்லிழையாமை என்ற அதிகாரத்திலும் பிறன்மனை நோக்காத பேராண்மை ஆண்களுக்கு வேண்டும் என்பதை வலியுறுத்தியிருக்கிறார். அடுத்தவன் மனைவியைப் பார்க்கக்கூடாது என்று எவ்வளவு சொல்ல வேண்டுமோ அவ்வளவும் சொல்லியிருக்கிறார், என்பதையும் இங்கே நாம் எடுத்துக்கொள்ளவேண்டும்.

“இருமனப் பெண்டிரும், கள்ளு, கவறும் திரு நீக்கப்பட்டார் தொடர்பு’ என்று திருவள்ளுவர் ஒரு குறளில் குறிப்பிடும்போது, கள் குடித்தலையும், சூதாடுதலையும் போன்ற மகா பாதகங்களில் ஒன்றாக விபசாரத்தையும் சேர்த்திருக்கிறார். இந்தத் தீர்ச்சியை அடிப்படையிலேயே தீர்க்க முற்படவேண்டும். ஆகவே, இந்தப் பிரச்னையை நாம் சமுதாயப் பிரச்னையாகவே பார்க்கவேண்டும். அடிப்படையான மாற்றம் வந்தால்தான் இந்தப் பிரச்னையைத் தீர்க்கமுடியும் என்பதையும் நாம் பார்க்கவேண்டும்.

“தசரதர் ஆட்சியில் ‘வேசையர் உள்ளம் ஒரு வழி ஓட’ செங்கோல் செலுத்தப்பட்டது என்று கம்பர் கூறியிருக்கிறார். திருவள்ளுவர், ‘இருமனப்பெண்டிர்’ என்று கூறும்போது கம்பர் ‘வேசையர் உள்ளம் ஒரு வழி ஓட’ என்று கூறுகிறார். அப்படிச் கூறுகிறபோது, சமுதாய நிலைமை எப்படி இருந்தது என்பதைக் கற்பனை செய்துபார்க்கவேண்டும்.

‘பெருந்தடங்கள் பிறை நூதலார்க்கெல்லாம்
பொருந்து கல்வியும் செல்வமும் பூத்தலால்
வருந்தி வந்தவர்க்கு ஈதலும் வைகலும்
விரிந்து மன்றி விளைவனயாவையே’

என்று கம்பர் கூறுகிறார். பெண்களுக்கெல்லாம் கல்வியும், செல்வமும், வாழ்வில் பூத்து இருந்தால்தான் வாழ்க்கையிலே ஆண்களுக்கும் பெண்களுக்கும் சரி சமமான வாழ்க்கை வசதிகள் செய்து கொடுத்தால் தான், வாழ்க்கை வசதிகள் கிடைக்கும் என்ற உத்தரவாதம் கொடுத்தால் தான் வேசையர் உள்ளத்தை ஒரு வழி நிறுத்தி விபசாரத்தைத் தடுக்க முடியும் என்று பார்க்கமுடிகிறது.

‘காணுகின்ற காட்சியெலா மறைத்து வைத்துக்
கற்புக் கற்பென்றுலகோர் கதைக்கின்றோ?’

என்று மகாகவி பாரதியார் நம்மைப் பார்த்து கேலி செய்வதுபோல் கூறியிருப்பதையும் நாம் கவனிக்கவேண்டும்.

“இவைகளையெல்லாம் கவனத்தில் வைத்து, இந்தத் திருத்தங்களுக்கெல்லாம் அடிப்படையாக உள்ள 1930-வது வருஷத்தில் சட்டத்தைச் செய்ததாகத் தெரியவில்லை. அப்பொழுது இவைகளையெல்லாம் கணக் கொடுத்ததாகத் தெரியவில்லை. தரித்திரம்தான் விபசாரத்திற்குக் காரணம்; பொருந்தா மணந்தான் விபசாரத்திற்குக் காரணம்; இளமை மணம் விபசாரத்திற்குக் காரணம்; விரும்பாதவரை விரும்பும்படி நிர்ப்பந்தப் படுத்துவது விபசாரத்திற்குக் காரணம்; கருத்தொருமித்த காதலர் இருவரைச் சேர்ந்து வாழத் தடைசெய்வது விபசாரத்திற்குக் காரணம்;

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[5th May 1954]

சொத்தில் பெண்களுக்குப் பங்கு இல்லாதது விபசாரத்திற்குக் காரணம்; கல்யாணம் கார்த்திகளுக்கு அதிகப்படியாகச் செலவு செய்யக்கூடிய சென்ற கால பழக்க வழக்கங்கள் விபசாரத்திற்குக் காரணம்; ஆண்களுக்கு மாத்திரம் சொத்து உரிமை உண்டு என்றும், பெண்களுக்கு சொத்தில் பங்கு இல்லையென்றும் இருப்பதால், ஆண்களுக்குப் பெண்கள் சரிநிகர் சமானமாக இல்லை என்ற எண்ணம் ஏற்படுகிறது. ஆகவே, அத்தகைய பழைய அமைப்பிலிருந்து விபசாரத்தன்மை ஏற்படுகின்றது என்பதை ஆட்சியாளர் கருத்தில் வைத்துக்கொண்டால் சரித்திர பூர்வமாக விபசாரம் எவ்வளவு பயங்கரமான முறையில் வளர்ந்துவருகிறது என்பதைப் பார்க்க முடியும்.

“1950-வது வருஷத்தில் அதாவது சட்டம் இயற்றிய இருபது ஆண்டு களுக்குப் பின்னால் ஒரு கமிட்டியை அமைத்து இருக்கிறார்கள். அந்தக் கமிட்டியானது என்ன சொல்லியிருக்கிறதென்றால், விபசாரம் குறையவில்லை என்று கூறியிருக்கிறது. 1930-ம் வருஷ சட்டத்திற்குப் பின்னால் 1950-ம் வருஷத்தில் நியமிக்கப்பட்ட கமிட்டி அதைப் பரிசீலனை செய்து பார்த்ததில், விபசாரம் குறையவில்லை என்று கூறுகிறது.

“அமெரிக்கா போன்ற நாடுகளில் கூட, விபசாரத்தால் லிபிலிஸ், கொனோரியா போன்ற பயங்கரமான வியாதிகள் பெருகி வருகிறது என்று சர்ஜன்-ஜெனரல் சொல்லுகிறார். விபசாரமானது அங்கு கல்யாணமான வர்களைவிட, கல்யாணமாகாத இளம் பெண்களிடையே அதிகமாகப் பார்க்க முடிகிறது. அமெரிக்காவில் மட்டுமல்ல, இங்கிலாந்து, பிரான்ஸ் ஆகிய நாடுகளில் இது பரவிக்கொண்டு வருகிறது. ஆகவே, சட்டத்தைப் போட்ட பிறகும், இம்மாதிரி நோய்கள் வளர்ந்துகொண்டு வருகின்றன; நோய்களைத் தீர்க்க முடியவில்லை என்பதைப் பார்க்கும்போது, அவைகளுக்கு அடிப்படையான காரணங்களைக் கண்டுபிடிக்கவேண்டும். ‘நோய் நாடி நோய் முதல் நாடி அது தணிக்கும் வாய் நாடி வாய்ப்புச் செயல்’ என்று திரு வள்ளுவர் கூறியபடி, நோய்களுக்கு மூலகாரணங்களைக் கண்டுபிடித்து, அவைகளைப் போக்க முயற்சிக்க வேண்டும். அப்படி செய்யாவிட்டால் நம்மை நாமே ஏமாற்றிக்கொள்பவர்களாக ஆவோமே யொழிய, இந்தப் பிரச்சினையைத் தீர்த்தவர்களாகச் சொல்லமுடியாது. ஏதோ விபசாரத்தைத் தடுக்க சட்டத்தை இயற்றியிருக்கிறோம் என்று பிரமாதமாகச் சொல்லிக் கொள்ளலாமே தவிர, அந்தச் சட்டமானது உண்மையாகவே மக்களுக்கு நன்மை செய்ததாகச் சொல்லமுடியாது. இந்தச் சட்டமானது மேல் பூச்சுச் சட்டமாகத்தான் இருக்கும். ‘தலைவலியைப் போக்குவதற்காக ஒரு தைலத்தை ஒரு வைத்தியர் கொடுத்தார், வயிற்று வலி ஏற்பட்டது. பிறகு வயிற்று வலிக்கு பஸ்பம் கொடுத்தார். பிறகு கண் நோய் ஏற்பட்டது, அதற்கு வேறு மருந்து கொடுக்க வேண்டி ஏற்பட்டு விட்டது என்று ஒரு கதை. நோய்க்கு அடிப்படைக் காரணமாக உள்ளவைகளைப் போக்காமல், இந்தப் பிரச்சினையை அணுகினால் கண் துடைப்பு வேலையாகத்தான் இருக்கும். அந்த முறையில்தான் 1930-வது வருஷத்தில் இயற்றப்பட்ட சட்டமானது இருபது வருஷ காலத்திற்கும் மேலாக அமுலில் இருந்தும், இந்தப் பிரச்சினை சரியான முறையில் தீர்க்கப்பட்டதாகக் கூறமுடியாத நிலையில் இருக்கிறோம். அந்தக் கமிட்டியின் ரிபோர்ட் கையில் இருக்கிறது. அந்தக் கமிட்டியானது பல இடங்களுக்குச்சென்று விசாரணை செய்திருக்கிறது. கோயமுத்தூர், திருச்சி, விஜயவாடா, கோழிக்கோடு போன்ற முக்கியமான இடங்களுக்குச் சென்று விசாரணை செய்திருக்கிறது. பிரதம மாகாண மாஜிஸ்த்ரேட், உஷார் கமிட்டி பிரதிநிதி, மாதர் நல இலாகாவைச் சேர்ந்தவர், மாதர்களில் மிகச்சிறந்த சமூக சேவை செய்யக்கூடிய டாக்டர் முத்துலக்ஷ்மி ரெட்டி, டாக்டர் ஆர். வி. ராஜன் இவர்களிடம் விசாரித்திருக்கிறார்கள். பல இடங்களுக்கு நேரில் சென்று, உத்தியோகஸ்தர்களையும், உத்தியோகப் பற்றற்றவர்களையும், இன்னும் மற்றவர்களையும் விசாரணை செய்து, அவர்கள் முடிவான சில அபிப்பிராயங்களைத் தெரிவித்திருக்கிறார்கள். அவர்கள் கூறுவது என்ன? ‘இந்தச் சட்டம் 1930-வது வருஷத்தில் இயற்றப் பட்டபோதே இதில் பல ஓட்டைகள் இருந்திருக்கின்றன’ என்பதுதான். அதைத் தீர்ப்பதற்காகத்தான் இப்போழுது திருத்தங்கள் கொண்டு வரப்பட்டிருக்கின்றன.

[Sri P. Jeevanandam]

5th May 1954] கின்றன. இதை சமூகப்பிரச்சினையாகப் பார்க்கவில்லை; நிர்வாகப் பிரச்சினையாகத்தான் பார்த்திருக்கிறார்கள். அந்தக் கமிட்டியினுடைய சிபாரிசுகளின் பேரில்தான் இப்போழுது சர்க்கார் திருத்தங்களைக் கொண்டுவந்து இருக்கிறார்கள் என்பது ஒட்டுப்பிளாஸ்திரி போடுவதுபோலவும், டிங்சர் தடவுவது போலவும் இருக்கிறது. அந்தச்சட்டத்தில் ஏழு முக்கியமான குறைபாடுகள் இருப்பதாகக் கமிட்டியார் எடுத்துக்காட்டியிருக்கிறார்கள்: அவைகளாவன,

(1) பெண்களைக் கொண்டு விபசாரம் நடத்துகிறவர்களை அப்புறப் படுத்துவதற்கு ஏற்கெனவேயுள்ள சட்டத்தில் இடமில்லை;

(2) ‘Habitual, promiscuous’ என்ற சொற்கள் இருப்பதால், வழக்கமானது என்றும், ஆராதாரத்தனமாக முறையில் ஈடுபடுவது என்று இருப்பதால் இது நிர்ணயிக்கக்கூடிய முறையில் இல்லாமல் இருப்பதால் குற்றவாளிகளைச் சரிவர கண்டுபிடிக்கமுடியாத சங்கடங்கள் ஏற்படுகின்றன;

(3) வண்டி, வாகனாதிகளில் விபசாரம் நடப்பதைத் தடுக்க சட்டத்தில் இடமில்லை;

(4) ஒரு தடவை குற்றம் செய்தால் இரண்டு வருஷ சிறை தண்டனை அல்லது ஆயிரம் ரூபாய் அபராதம் விதிக்கப்படலாம் என்று இருக்கிறது. ஒரு தடவை குற்றம் செய்தால் தண்டனை, மேலும் குற்றம் செய்தால் அதிகத் தண்டனை என்று கடுமையாக நடவடிக்கை எடுப்பதற்கு அந்தச் சட்டத்தில் வசதி இல்லை;

(5) விபசாரத்திற்கு பல விதத்தில் தூண்டப்படுவதைத் தடுக்கும்படியான அம்சம் சட்டத்தில் கிடையாது.

(6) மோசமான சாட்சியங்களைத் தடுப்பதற்கு அதில் வழி இல்லை. வேலிக்கு ஓணை சாட்சி என்ற முறையில் குற்றவாளிகள் தப்பித்துக் கொள்ள சட்டத்தில் இடமிருக்கிறது.

(7) இன்றைக்கு இருக்கக்கூடிய போலீஸ் சக்தி பல பல துறைகளில் ஈடுபட்டிருப்பதால், இந்தப் போலீசை வைத்துக்கொண்டு விபசார தடைச் சட்டத்தை வெற்றிகரமாக அமல் நடத்த முடியவில்லை. அப்படி நடத்த வேண்டுமென்றால், அதற்குத் தனியாக தனிப்பட்ட ஒரு இலாகா இருக்க வேண்டும். அதற்கெனத் தனி போலீஸ் Force இருக்கவேண்டும். பெண்களைக் கொண்டதாக அந்தப் போலீஸ் படை இருக்கலாம். திருவாங்கூர், பம்பாய், கல்கத்தா போன்ற இடங்களில் இருப்பதைப்போல, இங்கும் பெண் போலீசை வைத்து, இந்தச் சட்டத்தை வெற்றிகரமாக அமல் நடத்த முயற்சிக்கவேண்டுமென்று அவர்கள் கூறுகிறார்கள்.

“வாக்குமூலம் கொடுப்பது சம்பந்தமாக பழைய சட்டத்தில் சில குறைபாடுகள் இருக்கின்றன என்றும், அதற்கும் சில யோசனைகளை அவர்கள் சொல்லியிருக்கிறார்கள். பெண் போலீசை கட்டாயம் வைத்தே தீரவேண்டுமென்று அவர்கள் முக்கியமாக வலியுறுத்தியிருக்கிறார்கள்.

“கடைசியாக அவர்கள் சொல்லும்போது, விபசாரத்தைத் தடுப்பதற்கு மக்களெல்லாம் ஒத்துழைக்கவேண்டுமென்றும் அவர்கள் கூறுகிறார்கள். அதற்கும் சில யோசனைகளைச் சொல்லியிருக்கிறார்கள். அவர்கள் சொன்ன யோசனைகளென்ன வென்றால்; 18 வயதிற்குப்பட்டவர்கள் விபசார விடுதியில் இருந்தால், போலீஸ்காரர்கள் அவர்களைப் பிடித்துக் கொண்டுவந்து கோர்ட்டில் நிறுத்தவேண்டும். மாஜிஸ்த்ரேட் விசாரித்து 18 வயதிற்கு உட்பட்டவர்கள் என்று இருந்தால் அவர்களை ரெஸ்க்யூ ஹோமுக்கு அனுப்ப வேண்டும். 21 வயதிற்கு மேற்பட்டவர்களை ஒன்றும் செய்யமுடியாது. இஷ்டம்போல் பிரயாணம் நடத்தலாம். சட்டத்திலே ஒன்றும் இல்லை. 21 வயதுக்கு மேற்பட்டவர்களை ஒன்றும் செய்யமுடியாது. சின்னஞ்சிறு திருத்தங்கள் ஒப்புக்கொள்ளப்பட்டிருக்கின்றன என்பதை நாம் மறந்து விடக்கூடாது என்று குறிப்பிட விரும்புகிறேன்.

[Sri P. Jeevanandam]

[5th May 1954]

“இந்தச் சந்தர்ப்பத்தை நாம் பயன்படுத்திக்கொண்டு, இந்தச் சட்டத்தினுள்ள குறைபாடுகளை நாம் எடுத்துச் சொல்ல கடமைப்பட்டிருக்கிறோம். நாம் செய்யவேண்டியதை நாம் செய்யவேண்டும். கனம் மந்திரி அவர்கள் இந்த மசோதாவைப் பிரேரித்து, திருத்தங்கள் அவசியமில்லை; இந்திய சர்க்கார் ஆவன செய்வார்கள் என்று சொன்னார்கள். அவர்கள் செய்யும்போது செய்யட்டும். இந்தச் சபையினுடைய அபிப்பிராயத்தை நாம் அவர்களுக்குத் தெரியப்படுத்திவிடவேண்டும். மக்களுக்குப் பிரதிநிதி என்ற முறையில் நம்முடைய அனுபவத்திலிருந்து நாம் தெரிந்துகொண்டதை நாம் தெரியப்படுத்தவேண்டும். கமிட்டியினுடைய அபிப்பிராயத்தையும், அவர்களுடைய யோசனைகளையும் நம் முன்னால் வைத்துக் கொண்டு, அதன் பேரில் நம்முடைய அபிப்பிராயத்தையும் தெரிவித்து, மத்திய சர்க்காரையும் நிர்ப்பந்தப்படுத்தி, மத்திய சர்க்காரும் இந்தச் சட்டத்தைத் திறம்பட நடத்தி இன்னும் எவ்வளவு ஏற்பாடுகள் செய்ய வேண்டுமோ அவ்வளவையும் செய்து, மக்களுக்கு எவ்வளவு அனுகூலமாக இந்தச் சட்டத்தைச் செய்யமுடியுமோ அவைகளையெல்லாம் செய்து, நம் சகோதரிகள் இம்மாதிரி பாதகமான காரியங்களில் ஈடுபடுவதைத் தடுத்தி, அப்படி ஈடுபடுவர்களை மீட்பதற்கான முறையில் நம்முடைய ராஜ்யத்திலும் சட்ட மூலமாக ஆவன செய்யவேண்டும். நமக்கு அப்பாவிருக்கக்கூடிய மத்திய சர்க்காருக்கு நம்முடைய யோசனைகளை நாம் ஆணித்தரமாக எடுத்துச் சொல்லிவிடவேண்டும். யதார்த்த நிலைமையை அவர்களுக்குத் தெரியப்படுத்திவிடவேண்டும். அப்படிச் கூறும்போது, இன்னொரு உண்மையையும் நாம் பார்க்கவேண்டும்.

“இந்தியா மிகப் பெரிய நாடு. இந்தியாவைப்போல சீனாவும் மிகப் பெரிய நாடு, இந்தியாவும் சிழக்கில் உள்ளது, சீனாவும் சிழக்கில் உள்ளது. இந்தியாவுக்கும் தொன்மையான நாகரீகம் பழக்கவழக்கங்கள் உண்டு சீனாவுக்கும் தொன்மையான பழக்க வழக்கங்கள் உண்டு. சீனாவிலும் விபசாரம் தலைவிரித்து தாண்டவம் ஆடியது. இங்கும் அதே மாதிரியான நிலைமை இருந்து வருகிறது. அங்கு சட்டத்தின் மூலம் மிகத்திறமையாக விபசாரத்தைத் தடுத்திருக்கிறார்கள். அதைப் பார்க்கும்போது நம்முன் வந்திருக்கும் மசோதா யானைப்பசிக்கு சோளப்பொரியிடுவதைப்போல் தான் இருக்கிறது. இந்தச் சட்டம் இன்று 10 ஆயிரக்கணக்கான உத்தமப்பெண்கள் வறுமையின் கொடுமையால் தங்கள் உடம்பை—நினைத்தாலும் வெறுக்கத்தக்கதாகவும், பயங்கரமாகவும் இருக்கிறது—இப்படிப்பட்ட கேடுகெட்ட நிலைக்கு ஈடுபடுத்துகிறார்கள். இவைகளையெல்லாம் இந்தச் சந்தர்ப்பத்தில் நான் சர்க்காரின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். சீனாவில் திருத்தம் செய்திருக்கிறார்கள். இந்த யோசனையை ஏற்றுக்கொண்டு இன்னும் நம்முடைய நாட்டில் எவ்வளவு கவனிக்க முடியும் என்பதற்காக உங்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். இன்றைய நிலப்பிரபுவ சமுதாயத்தில் கொடிய பழக்க வழக்கங்கள் இருந்து வருகின்றன. இது பழைய எதேச்சாதிகாரத் தன்மையில் நடந்துவருகிறது. ஆண்களை உயர்த்துவதாகவும் பெண்களை அடிமைப்படுத்தும் முறையிலும் குழந்தைகளுக்கு பாதுகாப்பு அளிக்கப்படாமல் இருக்கிறது. இதை மாற்றி அமைக்கப்பட வேண்டும்.

• The arbitrary and compulsory feudal marriage system which is based on the superiority of man over woman and which ignores the children's interests shall be abolished.

இதை நாமும் சிபார்சு செய்யலாம். முடிந்தால் அமுலுக்குக் கொண்டு வரலாம்.

• The New Democratic marriage system which is based on free choice of partners on monogamy, on equal rights for both sexes, and on protection of the lawful interests of women and children shall be put into effect.

என்றெல்லாம் சட்டம் செய்யப்பட்டிருக்கிறது. ஆகவே ஒவ்வொரு நகரங்களிலும் அனேகமாக தெருத்தெருவாக இருந்த விபசார வீடுகள் இப்பொழுது மறைந்திருப்பதாக திருமதி விஜயலட்சுமியைப்போன்ற தேசியத் தலை

[5th May 1954]

[Sri P. Jeevanandam]

வர்கள் நேரில் கண்டு வந்து சொல்கிறார்கள். ஆனால் உலகத்தோடு ஒத்திட்டுப் பார்க்கும்போது நம்முடைய பழைய சட்டம் யானைப்பசிக்கு சோளப் பொரிப்போலிருக்கிறது. இந்த மசோதாவோ சோளப்பொரிதானும் இல்லை.”

MR. SPEAKER :—“ The House will rise for lunch at 1 o'clock and not at 1-30 p.m. and will reassemble after lunch at 2-30 p.m. The half-hour debate will be taken up at 4-30 p.m. and not at 5 p.m.”

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—“ கனம் சபாநாயகர் அவர்களே, இந்த மதராஸ் விபசாரத்தை சட்டத்திற்கு சில திருத்தங்கள் கொண்டு வந்திருக்கிறதை ஒரு செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று வந்திருக்கும் பிரேரணையை நான் எதிர்க்கிறேன். இது ஒரு ஆச்சரியமாக இருக்கிறதென்று சொல்லலாம். இது பற்றி என்னுடைய கருத்தைக்கூற விரும்புகிறேன். கடந்த 24 வருஷங்களாக இந்தச் சட்டம் அமுல் செய்யப்பட்டும், அதிலே நாம் எடுத்துக்கொண்ட கஷ்ட நஷ்டங்கள், அது இன்னும் எவ்வளவு தூரம் திருத்தி அமைக்க வேண்டுமென்பதையெல்லாம் தெரிந்துகொள்ளவேண்டும். என்றாலும் இப்பொழுது வந்துள்ள திருத்தம் ஒடிசலுக்கு ஒட்டு போடுவது போலத்தான் என்பதை நானும் ஒப்புக்கொள்ளுகிறேன். ஆனால் இந்திய சட்டசபையில் ஒரு விரிவான சட்டம் வரப்போகிறது என்று அறிவிக்கப்பட்டிருக்கிறதே, அந்தச் சட்டம் உருவாக்கப்பட்டு பில்லாக வரும்போது அதற்கு மேல் நம்முடைய நாட்டுக்கு என்னென்ன சேர்க்கவேண்டும், குறைக்கவேண்டும், எந்தெந்தப் பழக்க வழக்கங்களை ஏற்றுக்கொள்ளவேண்டும், எந்தெந்த முறையில் சீர்திருத்தினால் பூரணமாக விபசாரத்தை விலக்க வழி செய்யலாம் என்பதைப்பற்றி விவாதிக்கலாம். அப்போது கொண்டுவருவதே உசிதமானது என்றும் எனக்குத் தோன்றுகிறது. அப்பொழுதுதான் நாம் முக்கியமாக பெண்களுக்கு நல்ல முறையில் இந்த விஷயத்தில் சீர்திருத்தங்கள் செய்யமுடியும். அதிலும் இளம் பெண்களுக்கு சீர்திருத்தம் செய்வதில் எனக்கு மிகவும் அக்கறை உண்டு. இதற்காக நான் இளம் வயதிலிருந்தே ஓரளவு பாடுபட்டு வருகிறேன். ஆகவே இந்திய சட்ட சபையில் மசோதா வரும்வரை பொறுத்திருந்து, அதற்குப் பின்னர் மசோதா நன்கு ஆலோசித்து நல்ல முடிவுக்கு வரலாம் என்பது என்னுடைய அபிப்பிராயம். ஆகவே இந்த சில திருத்தங்களுக்காக இதை செலக்ட் கமிட்டிக்கு விட வேண்டாமென்று நான் கேட்டுக் கொள்ளுகிறேன்.”

SRI A. RATNAM :—“ கனம் சபாநாயகர் அவர்களே, இந்த விபசாரத் தடை சட்ட மசோதா 1930-ம் ஆண்டிலே அமுல் நடந்தாலும் கூட, 24 ஆண்டுகளுக்குப் பிறகு இந்தத் திருத்தத்தை இன்று அமைச்சர் கொண்டுவருவதன் காரணம், மத்திய அரசாங்கத்தில் இந்தச் சட்டத்தை பற்றி விவாதிக்குமுன், இச்சட்டத்தைத் திருத்தி அடல் நடத்தவேண்டுமென்று சபை அங்கத்தினர்களுக்குச் சொன்னார். காங்கிரஸ் கட்சியில் திருமதி செளந்திரம் அம்மான் அவர்கள் பேசும்போது விளக்கமாக எடுத்துக் கூறியுள்ளார்கள். ஆகையால் நேரமில்லாத காரணத்தால், சுருக்கமாகப் பேசி முடிக்கிறேன். இந்த திருத்த மசோதாவில் என்ன இருக்கிறது? பட்டோடோப பெண்கள், கல்வி வளர்ச்சியுள்ளவர்கள், இன்னும் பொது வேலையில், சமூக சேவையில் ஈடுபடுவோர் விபசாரத்தில் ஈடுபட்டால் அவர்களுக்குத் தடைவிதிக்க இந்த மசோதாவில் திருத்தங்கள் இல்லை. பணக்காரர்கள் அல்லது மிட்டாதாரர்கள், ரெஸ்டாரெண்டுகளில் அல்லது ஓட்டல்களில் நடத்தும் விபசாரத்தைத் தடுக்க இந்த மசோதாவில் திருத்தங்கள் இல்லை. ஆனால் தெருவிலே, சேரிகளிலே, குப்பங்களிலே உள்ள தாழ்த்தப்பட்ட, பிற்பட்ட வகுப்பு மக்களை, குறிப்பாக ஏழைகளை இந்தச் சட்டம் பாதிக்கிறது. இந்தச் சட்டத்தின் மூலம் விபசாரம் தடை செய்யப்படாமல், ஏழை மக்கள் விணைத் தண்டிக்கப்படுகிறார்கள்; சிறைப்படுத்தப்படுகிறார்கள். ஆனால் அதே நேரத்தில் அதிகாரமும், ஆதிக்கமும் செய்து கொண்டிருக்கும், சதா விபசாரத்திலே மூழ்கிக்கொண்டிருப்பதை கலை

[Sri A. Ratnam]

[5th May 1954]

யாக வைத்துக்கொண்டிருக்கும் கல்வி வளர்ச்சி அடைந்தோர், பட்டதாரிகள், பணக்காரர்கள் போன்றோரைத் திருத்துவதற்கோ, தண்டிப்பதற்கோ இந்தச் சட்டத்திலே ஒன்றுமில்லை என்பதைச் சொல்லிக்கொள்ள ஆசைப்படுகிறேன். இந்தக் குறையை எல்லாம் நிவர்த்தி செய்வதற்கும், திருத்துவதற்காகவுமே நான் இதை ஒரு பொறுக்குக் கமிட்டியில் ஆலோசனைக்கு விடவேண்டுமென்று கேட்கிறேன். அதே நேரத்திலே பல தாய்மார்கள், வீணை விபசார குற்றம் சாட்டப்பட்டு, நிரபராதிகளில் பலர் தண்டிக்கப்படுகிறார்கள். அதாவது விபசாரத்தின் பெயரால் குற்றத்தைச் சாட்டி, அதே நேரத்தில் போலீஸ் கான்ஸ்டபிள், போலீஸ் இன்ஸ்பெக்டர்கள், மற்றுமுள்ள போலீஸ் அதிகாரிகள் விபசாரத்தில் ஈடுபடுகிறார்கள். இதையெல்லாம் திருத்துவதற்கு இந்த மசோதாவில் ஒன்றும் சொல்லப்படவில்லை. எனவே தான் இதையெல்லாம் பரிசீலனை செய்து பார்க்கவேண்டுமென்பதற்காக இந்தச் சட்டமானது ஒரு பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமது அவசியமாகிறது. குறிப்பாக ஒரு விஷயத்தை இந்த சபைமுன்பு சொல்லிக்கொள்ள விரும்புகிறேன். அன்மையில் நமது பிரதம மந்திரி ஜவஹர்லால் நேரு அவர்கள் சிதம்பரத்திற்கு வந்திருந்த காலத்திலே, சிதம்பரத்திற்கு அருகாமையிலுள்ள நெய்வேலிக்கு சென்றிருந்தார்கள். அப்போது நானும் அங்கு சென்றிருந்தேன். அச்சமயம் நான் அங்கு ஒரு ஓட்டலில் உங்குமாயுடையான நிலைமை ஏற்பட்டது. கடலூரில் உள்ள ஓட்டலில் தங்கினேன். நான் தங்கியிருந்த ஓட்டலில் போலீஸ் இன்ஸ்பெக்டர்கள் போன்ற பல போலீஸ் அதிகாரிகளும் தங்கியிருந்தார்கள். காலையில் நான் எழுந்திருந்து பார்த்தபோது, ஒவ்வொரு போலீஸ் அதிகாரியின் அறையிலும் ஒரு ஸ்திரீ இருக்கக்கண்டேன்.

எனவே இந்த மாதிரியான விபசாரம் இந்தக் காலத்திலே இன்னும் நடந்துகொண்டுதான் வருகின்றது. இந்தச் சீர்திருத்தத்தை எல்லாம் யார் நடைமுறையில் அமுலுக்கு கொண்டுவரவேண்டுமோ, பொதுமக்களிடத்திலே பரப்ப வேண்டுமோ அவர்களே இந்த மாதிரியான செயல்களைச் செய்தால் அவர்களையெல்லாம் தண்டிக்கவோ, சீர்திருத்தவோ இச்சட்டத்தில் திருத்தங்கள் இல்லை. இவையெல்லாம் ஏன் இந்தச் சட்டத்தில் அமுல் செய்துக் கொள்ளக்கூடாது என்று ஆட்சியிலுள்ள இந்த அரசாங்கத்தை சபையின் முன்பு கேட்டுக்கொள்ள ஆசைப்படுகிறேன். பெண்கள் மட்டும் விபசாரி என்று பெயரிடப்பட்டு அழைக்கப்படுகிறார்கள். அவர்களுக்கு சிறைக் கூண்டுக்கு, போலீஸ் ஸ்டேஷனுக்கு அல்லது கோர்ட்டுக்குப் போகும் நிர்ப்பந்தம் ஏற்படுத்தப்படுகிறது. ஆனால் அதே சமயத்தில் போலீஸ் உத்தியோகஸ்தரோ, மற்றவர்களோ தண்டனை அடைவதற்கு எத்தகைய அத்தியாவசியமும் ஏற்படுத்தப்படவில்லை. ஆகையால்தான் ஓரளவு சீர்திருத்தம் செய்ய பெண் போலீஸ்காரர்கள் அல்லது சமூக சேவை செய்யும் அதற்காகப் பயிற்சி பெற்ற மாதர்களைக் கொண்டு போலீஸ்காரர்களுடன்கூட அழைத்துச் செல்லவேண்டும். குறிப்பாக அப்பயிற்சி பெற்ற பெண்கள் இதர பெண்களுக்கு அவர்கள் கற்பைப்பற்றிய பெருமையை எடுத்துக்கூற வேண்டும். இம்மாதிரி நடைமுறையில் நமக்கு வேண்டுமென்கிற முறையில் இச்சட்டத்தைத் திருத்தி அமைத்து உருவாக்குவதற்காகத் தான் இப்போது இங்கு பல திருத்தங்கள் கொண்டு வரவேண்டிய அவசியம் ஏற்பட்டிருக்கிறது. மத்திய அரசாங்கத்தில் கொண்டுவரப்படுவதற்கு முன்பு, 24 ஆண்டுகளுக்குப் பிறகு ஒரு திருத்தத்தை இந்தச் சட்டத்திலே கொண்டுவர வேண்டுமென்பதற்காகத் தான் இம்மாதிரியான சமாதானம் கூறும் முறை செய்யப்படுகிறது என்றுதான் கருதுகிறேன். மத்திய அரசாங்கத்திலே நிறைவேறும் சட்டத்தை அல்லது திருத்தத்தை நிறைவேற்றப்படவேண்டுமானால், இதை ஒரு பொறுக்குக் கமிட்டியின் பரிசீலனைக்கு விடவேண்டுமென்று கேட்டுக்கொண்டு, தோழர் ராமலிங்கம் கொண்டுவந்த திருத்தத்தை நான் மனமார ஆதரிக்கிறேன் என்பதையும் தெரிவித்துக்கொள்ளுகிறேன்.

MR. SPEAKER :—“The House will now rise for lunch and meet again at 2-30 pm.”

The House then rose for lunch.

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(After lunch—2-30 p.m.)

SRI K. VINAYAKAM :—“Mr. Speaker, I rise to support the amendment moved by hon. Member Sri Ramalingam suggesting that this Bill be referred to a Select Committee. Sir, the original Act was passed by the Legislature of this State in 1930 and it has taken 24 solid years for the Government to wake up and find out some lacunæ in the working of the Act. I am glad that at least now they have come forward with certain amendments.

“I have very little experience in immoral traffic. But from what I have read about the Act, I would like to give certain suggestions to the Hon. Minister in charge of this Bill, if only he considers them as valuable. This immoral traffic has been in existence ever since the world was created by God. Legislators, administrators, and reformers have tried their best to suppress immoral traffic, but their efforts were in vain and ended in failure. The objects of the original Act are really laudable. But, in practice, it is as ineffective as the Prohibition enactment. Sir, Prohibition, though it is a very good moral measure which is expected to confer certain benefits on the people of the State, is not being properly worked either by the executive officers or by the people who are expected to obey the Act.

“Firstly, let us consider under whose care the legislation that is now before us, is going to be left. The executive officers, i.e., the Police Officers, are expected to respect the law and enforce it to its logical consequences if they come across any brothel institutions. But, what strikes us most and what the common man reads out of the entire situation is that the very officers who are expected to enforce the various provisions of the enactment and safeguard the interests of the people are the real law-breakers. It has been my painful experience to have noted that in most cases, they are actually abetting this kind of immoral traffic. I am not afraid of levelling this charge against the executive officers. However, if the Government were to turn round and ask me to prove this charge by quoting concrete instances, then I am afraid I will be at a loss to do so. On a former occasion, when I said that bottles of whisky were easily available in the streets of Madras, officers were coming to my house and pestering me with the request to let them know where exactly bottles of whisky were available in the City of Madras. I immediately turned round and said that I made the statement on the floor of the House in all seriousness in order to make the officers more alert and make them find out where exactly these things were available. With this idea only, I made that statement very frankly on the floor of the House. I am not afraid of the consequences that are involved in making such frank statements on the floor of the House. But I am sure that such kind of evils could be completely eradicated from society if only the executive officers who are put in charge of this legislation and who are expected to work this Act properly take sufficient care and real interest in the matter. The entire Act only touches a fringe of

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the problem. It touches only those who are in the lower strata of society and who are quite uninfluential. This legislation does not touch the influential sections of society, it does not affect the favoured class. It does not affect—if you will pardon me for using the term—‘society vamps’. This legislation does not touch them, at all.

“They are expected to do social work. But under the guise of social work, they encourage this kind of evil and such a thing is not dealt with in this piece of legislation.

“Sir, what is the cause of this kind of evil in our society? The major cause which induces people to take to this kind of immoral traffic is the general poverty in the country. If that could be eradicated effectively, I am sure the Government could give a creditable account of themselves. As long as poverty and general unemployment exist in our country, any amount of legislation, however effective it might be, will not touch even the fringe of this problem.

“Sir, the Bill under contemplation only refers to certain places where immoral traffic is carried on. It has woefully neglected places like big residential hotels, rest houses or what are known as travellers’ bungalows that are situated in the mufassal. These places do not come within the scope of this Bill, as also the cinema theatres which have become cynosures for this kind of immoral traffic. In the City of Madras, this is very virulent and rampant and steps must be taken to check immoral traffic in such places of entertainment as cinema houses, etc.

“Sir, there is one more thing—private cars. What we call private taxis found at street corners and in lanes and other places in the City of Madras are the easy conduit lines between the abetter and the victim. These are the things which have to be brought within the scope of this Bill.

“Sir, I am aware that a private Bill was brought forward by a private Member in the House of the People at Delhi and this was discussed thoroughly by the entire House. Our Home Minister, Mr. Katju, came forward to say that he was contemplating a comprehensive Bill so that it could cover all the points raised by Members of that House. Sir, I know that is the stand that was taken by our Finance Minister when he said this morning that in view of the comprehensive Bill which would be brought in by the Home Minister at Delhi, there was no necessity for a full-dress debate upon the Bill that is before us. With the same argument, I could rebut the Hon. Minister in charge of the Bill and ask if the Hon. Minister in charge of the Bill wants hon. Members of this House to wait till a legislation of that kind is brought forward at Delhi, what is the immediate hurry for this kind of amendment here which touches only two sections of the Act? Sir, the original Act was passed in 1930, we have sufficiently waited for over a period of 24 years and all these years this lacuna

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was not found out, even though courts had pointed out that there were many cases which went against the very legislation, the Government had not thought of an amendment during the past 24 years. Why not this Government wait for some more time since the Central Act would be in operation all over the country in a short time? Or if they want that the defects in the Act should be rectified immediately here and now, I ask why the Government should not see their way to refer this Bill to a Select Committee where most of the points which we raise on the floor of the House could be discussed thoroughly? Nothing will be lost if the Bill is referred to a Select Committee. I know this Bill has been passed by the Upper House of our State. That does not mean that we should not take the opportunity of referring it to a Select Committee and that does not mean that we should rush through and get it passed. I would therefore entreat the Hon. Minister to refer the Bill to a Select Committee and await its decision. Thank you, Sir.”

SRI T. C. NARAYANAN NAMBIAR :—“Mr. Speaker, Sir . . .”

MR. SPEAKER :—“The hon. Member might be brief.”

SRI T. C. NARAYANAN NAMBIAR :—“Yes, Sir. Prostitution, as some of the hon. Members have pointed out, has been a sort of an institution in our country. Of course, I do realise that during a certain period of the British Raj, this institution had the recognition of the Government. But now, it is not recognised and all of us want to see that this social evil is eradicated as soon as possible. Prostitution and all problems associated with it derive their strength from the basic social defects and unless these social defects are removed and unless bold efforts are made to rectify such defects, this evil cannot be eradicated in our country. The Puranas, the Prophets and all our Rishis and teachers have all propagated their teachings against this and in spite of all that, the evil continues. It is because the social factors which give rise to immorality continue and unless we see that such factors—the social defects—are removed, this evil will continue. Sir, there are so many stories in our Puranas and also Maha Kavi Vellathol, has said that in our country even in karlot streets, there are women of chastity and such are taken as examples so that virtue is propagated among women.

അന്യോ മഹിമാവിതാകൂഭവേ തവ
വന്ദോക്തതിലും നിഷ്കാമകാഹളം
വേദകുടിമിലും ബ്രാഹ്മണ്യസമ്പത്തി-
വേദശ്യാന്തരമിലും ചാരിത്രസന്ദേശം.

‘Even in the streets where prostitutes live, there is the fragrance of chastity’: That is the sentiment expressed by the poet. Of course, that is the sentiment we also have here.

“My point is this. I have certain doubts with regard to this Bill. We are amending the Act to save girls below the age of 18.

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and in the case of girls above the age of 18, though we do not want them to carry on this profession—it is a profession, of course—(Interruption by the Hon. Finance Member)—no action is contemplated. I think when these girls are taken to courts and punished or put in the Rescue Homes, they are to be kept there till they attain the age of 21 or for shorter periods. That is what is stated here. In our society, as I have pointed out, prostitution is a very serious social vice. So, I am worried about what the future of these girls who come out of the Rescue Homes will be. Is there any measure under the contemplation of the Government to see that these unfortunate victims in our society are saved? After all you and I and all of us are responsible for not removing the basic defects in our society. I know young men do not come forward to marry them once they are arrested or once they are in Rescue Homes, because they were suspected prostitutes or they were compelled by circumstances to carry on prostitution. Therefore I think the Government and the House should see that something is done to help these unfortunate victims of a social evil. What I mean to say is that by mere legislation or by mere threat of police officials, social defects cannot be rectified.

“There should be social propaganda; there should be welfare leagues and institutions encouraged by the Government to see that this evil is eradicated. In rural parts nowadays—I can speak about Malabar from experience—the unfortunate victims are girls below 18 years of age. I can give very many instances. In Kozhikode, Tellicherry, Cannanore and other big cities, girls below 18 sell their flesh because of the unfortunate social condition. There are Shylocks to see that the feminine flesh is sold. Such sharks who carry on this trade are not dealt with seriously in this amending Bill. Therefore, my submission is that there should be an intensive campaign among women to educate them about this evil, even if it involves some expenditure so that these unfortunate sisters of ours may not fall a victim to prostitution. We must help society to rid itself of this evil. I speak to-day only to invite the attention of the Ministry to these factors. Every day the centres are increasing in number. Unfortunate poor girls from villages are flocking to the towns because of their intolerable social condition. They are driven away to sell their flesh and so, Sir, there should be something drastic done to eradicate this evil.”

SRI N. GOPALA MENON :—“Mr. Speaker, Sir, I think that there is really no need to refer this amending Bill to a Select Committee for the amendments which this Bill contains are very few. One is that the person who aids the commission of this offence is to be booked and the other is about the question of jurisdiction. From the speeches I have listened to this morning and from the amendments that hon. Members have given notice of, I find that there is some misapprehension in the minds of Members regarding the scope and the purpose of the Bill. It is assumed that a person who is immoral has to be punished. I find one of the

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amendments states that if a person (male) is found in a prostitute's house, he should be fined or imprisoned and that his name should be advertised so that he may not thereafter take to immoral ways. Now, Sir, the scope of the Bill is entirely different. It is not for the purpose of removing immorality that this Bill is before us. The conception of immorality changes from community to community, from country to country and from people to people. Here we have to look at things with a great deal of sympathy. In this country, women are generally under a tremendous handicap. According to the Hindu Law, the woman is never free. During childhood, she is under the protection of her father. When she is married, her husband protects her. When she is widowed, the son protects her so that throughout her life, she is not independent. She has no means of earning for herself. Therefore, what happens is this. If she has no father or brother or son to protect her or no patrimony to depend upon, then what is she to do? She falls a victim to the viles of other people who want to trade on her. She has to sell or hire her body for the pleasures of others so that she may eke out her livelihood. I do not think that the hundreds of thousands of prostitutes in the world are there of their own choice. They are poor unfortunate victims of circumstances and people who want to make a living out of their helplessness and trade on them. I want, therefore, hon. Members to look at this Bill with some sympathy and to say that persons who are immoral should be punished. You find in the Bill that the prostitute is not sought to be punished. There is no clause there which says that a woman who carries on this profession, as an hon. Member put it, of prostitution will be punished. It is because, she is a victim of circumstances. She is helpless and has got to be helped. It is the person, who induces her to take to that life, it is the person who gets together a number of young women in order to make money out of them who has to be punished. The scope of the Bill is that the person who commercialises vice is to be punished and not the person who is the unfortunate victim of circumstances.

“As I said, one of the amendments proposed in the Bill is that the person who aids the commission of the offence should be punished. The other is about jurisdiction. Probably, there have been cases where the courts had to acquit accused persons for want of jurisdiction. I am not aware of this but perhaps it is so, because women come from one place and are taken to another place and the courts trying them naturally find they have no jurisdiction. The Amendment Bill seeks to lay down that, whether the woman comes from another place or whether she is taken into custody at another place, the court before whom she is produced will have jurisdiction to try the case. These are simple amendments which I think ought to go through without much of discussion. I think it may not be necessary in this case to have a general legislation. There could never be a general legislation regarding the morality of our people. That must come by propaganda, by

[Sri N. Gopala Menon] [5th May 1954]

education and by our own people improving their character. This Bill, which seeks to punish those persons who try to make a living out of the unfortunate condition of these poor women, should be passed without any more discussion.

“ In some of the amendments proposed, it is found that persons who commit acts of immorality in lodging houses or travellers' bungalows or in any other place of public resort are sought to be punished. That is not the object of the Bill. The object is this. Where a person takes on lease or otherwise a particular place where these women habitually congregate for the purpose of prostitution and abets the offence, he ought to be punished. The Bill provides for it. The reason is this. The person who lets the house is also guilty. If he does not give his house for the purpose, well, to that extent, it may not be possible to carry on the trade. Therefore, to say that taxiwallahs should be punished if taxis are engaged for the purpose and that owners of lodging houses in districts—as my Friend put it—should be punished is outside the purview of this Bill. You will find, Sir, that this Bill confines itself necessarily to cities, municipalities and places where people largely congregate. It is one of the unfortunate things in society—and it cannot be helped—that a very large number of unmarried persons necessarily come to the cities in search of jobs or for their education or for other purposes. Such people we do not find in villages. You will find that prostitution as such exists only in cities and municipalities and other large towns and not in villages where generally people, from the point of view of morality are purer. I would, therefore, request hon. Members to look at the victims of prostitution with sympathy and to see that those who aid or abet this offence are punished severely. Let them not go one step further and say that those persons who are seen anywhere in the place or in automobiles should be booked. If they do it, they will be entangling themselves into difficulties and there will be no proper handling of the problem. Therefore, I say that this Bill is intended for the poor unfortunate women who take to prostitution not of their own choice. I am sure not one woman in a million would like to carry on this profession—a dignified name that an hon. Member gave—out of her own wish. It is circumstances which led these unfortunate women to that plight. As I said before; they are bereft of property, they are bereft of all help and the people who carry on this trade go to them and talk to them in alluring terms and promise them that they would get all the nice things of life, all the nice things in this world, and these unfortunate women succumb to these alluring words. I, therefore, wholeheartedly support the amendments now brought forward by the Government to the original Act and suggest that they may be passed immediately.”

MR. SPEAKER :—“ Even in a small Bill like this there is too much of repetition. Therefore, I wish to fix a time-limit of five minutes to each hon. Member.”

[5th May 1954]

* SRI S. RAMALINGAM :—“ கனம் சபாநாயகர் அவர்களே, இந்த விபசாரத்தடை மசோதாவை சபையில் விவாதத்திற்கு எடுத்துக் கொண்டதுபற்றி ஒருபுறம் சந்தோஷமும், மறுபுறம் வருத்தமும் கொள்ள வேண்டியிருக்கிறது. கனம் ஸ்ரீகாமராஜ் அவர்கள் தலைமையின் கீழ் அரசாங்கம் அமைந்த பிறகு முதன் முதலாக ஒரு சமூக சீர்திருத்த மசோதாவை இந்தச் சபையில் விவாதத்திற்குக் கொண்டு வந்ததுபற்றி சந்தோஷப்படுகிறேன். ஆனால் நமது நாட்டில் இம்மாதிரியான துர்பாக்கிய நிலைமை நீடித்திருப்பதுபற்றி வருத்தப்படவேண்டியிருக்கிறது.

“ 1930-ம் ஆண்டில் இந்த விபசாரத்தடை மசோதா, சட்டமாகவந்து, இப்பொழுது 24 ஆண்டுகளுக்குப்பிறகும் கூட இந்தக் கெட்ட நடவடிக்கை நம் நாட்டிலிருந்து நீக்கப்படவில்லை. அதற்கு மாறாக விபசாரம் இன்னும் அதிகமாகவே வளர்ந்துகொண்டு வருகிறது. அதைத் தடுப்பதற்கு இச்சட்டம் சரிவரத் திருத்தப்படவில்லை என்றுதான் வருத்தப்படுகிறேன். குறிப்பாக, கண்ணகி, சாவித்திரி, அன்னை கஸ்தூரிபாய் போன்ற மாதர்கள் பிறந்து வாழ்ந்த நமது நாட்டில் இம்மாதிரியான ஒரு மசோதா விவாதிக்கப் படுவதுபற்றி துக்கப்படுவேண்டியிருக்கிறது. கனம் அங்கத்தினர் ஸ்ரீமதி செளந்தரம் ராமச்சந்திரன் அவர்கள் பேசியபொழுதுகூட, பார்லிமெண்டில் இந்த மாதிரி ஒரு சட்டம் நிறைவேற்றப்பட இருப்பதன் காரணமாக, இந்த மசோதா உடனடியாக இச்சபையில் நிறைவேற்றப்படவேண்டுமென்றும், அதை ஒரு பொறுக்குக் கமிட்டிக்குவிடவேண்டிய அவசியமில்லையென்றும் கூறினார்கள். ஸ்ரீ கோபால மேனனும் அதே காரணத்தைத்தான் சொன்னார்கள். விபசாரத்தில் ஈடுபட்டிருக்கும் துர்பாக்கிய ஸ்திரீகளை தண்டிப்பது இச்சட்டத்தின் நோக்கமல்ல என்றும், அதற்குப் பதிலாக அந்த ஸ்திரீகளைக் கொண்டு பணம் சம்பாதிக்கும் எண்ணத்துடன் விபசாரவிடுதிகள் நடத்து பவர்களைத் தண்டிப்பதுதான் இச்சட்டத்தின் நோக்கமென்றும், ஆகவே, இதுபற்றி அதிகம் விவாதிக்கத் தேவையில்லாததால் மசோதாவை உடனடியாக நிறைவேற்றுவது அவசியம் என்றும் அவர் கூறினார். விபசாரம் செய்பவர்களை தண்டிக்கவேண்டுமென்ற நோக்கத்துடன் நான் இப்பொழுது பேசவில்லை. ஆனால், இந்தக் கெட்ட நடவடிக்கைகளுக்கு மூலகாரணங்கள் என்ன, அவைகளைத் தடுப்பதற்கு இந்தச் சட்டம் நிறைவேற்றப்பட்டு 20, 25 ஆண்டுகளாகியும் அரசாங்கம் என்ன நடவடிக்கைகள் எடுத்துக் கொண்டிருக்கிறது என்பதை ஆராயவேண்டும். நமது நாட்டில் விபசாரம் இருக்கக்கூடாது என்பதில் யாருக்கும் எந்த விதமான அபிப்பிராய பேதமும் இருக்கமுடியாது. அதை அடியோடு ஒழிக்கவேண்டும். மூல காரணம் என்ன என்பதை ஆராயாமல் நாம் இந்தக் குற்றத்தைத் தடுக்க முடியுமா? விபசாரம் செய்பவர்களைப் பயன்படுத்திக்கொண்டு வியாபார முறையில் விபசார விடுதிகளை நடத்தி அதன் மூலம் பணம் சம்பாதிப்பவர்களைத் தண்டிப்பதால் மட்டும், விபசாரத்தை ஒழித்துவிடமுடியாது.

“ இந்தச் சட்டம் எப்படி நடைபெறுகிறது என்பதை விசாரணை செய்ய 1950-ம் ஆண்டில் ஒரு கமிட்டி நிறுவப்பட்டது. அக்கமிட்டி பல நகரங்களுக்குச் சென்று விசாரணை நடத்தியது. அந்தக் கமிட்டியின் சிபார்சுகளில் இரண்டு அல்லது மூன்றைத் தவிர பாக்கி சிபார்சுகளை சர்க்கார் அங்கீகரிக்கவில்லை. இந்தக் கமிட்டி சர்க்காராலேயே நியமிக்கப்பட்டது. கமிட்டியின் சிபார்சுகள் யாவை, எந்தெந்த சிபார்சுகளை சர்க்கார் அங்கீகரித்திருக்கிறார்கள், இன்னும் எந்த சிபார்சுகளை அங்கீகரித்துக்கொள்ளலாம் என்பதையெல்லாம் ஆராய்வதற்கு ஒரு சந்தர்ப்பத்தை உண்டாக்கவே இந்த மசோதாவை பொறுக்குக்கமிட்டிக்கு அனுப்பவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். இந்த மசோதாவுக்குக் குந்தகம் விளைவிக்கவேண்டுமென்ற எண்ணம் எனக்குக்கிடையாது. மேலும், இந்தச் சட்டத்தை திறம்பட அமுல் நடத்தி இம்மாதிரி குற்றங்களைத் தடுக்கவேண்டுமென்பதே எனது நோக்கம். சர்க்கார் கட்சித்தலைவரும், ஸ்ரீமதி செளந்தரம் ராமச்சந்திரனும், மற்றவர்களும் என்னுடைய திருத்தத்தை எதிர்பித்து ஆதரிப்பார்கள் என்ற நம்பிக்கையுடன்தான் திருத்தத்தைக்கொண்டு வந்திருக்கிறேன். அவர்களும் பூரணமாக விவாதத்தில் பங்கு எடுத்துக் கொண்டு ஒரு சில நாட்களில் பொறுக்குக் கமிட்டியில் முடிவு காண

[Sri S. Ramalingam]

[5th May 1954

முடியும். மேல்சபையில் இந்தச் சட்டம் நிறைவேற்றப்பட்டு ஒரு மாதமாகிறது. சட்டம் அமுலுக்கு வந்து 25 வருடங்கள் ஆகிவிட்டன. விசாரணைக் கமிட்டி ஏற்பட்டு 4 வருடங்கள் ஆயிற்று. இன்னும் ஒரு மாதகாலம் இந்த மசோதாவை ஒத்திப்போடுவதால் என்றும் நேரிடாது. ஆகையால் என்னுடைய திருத்தத்தை ஆதரிக்கும்படி கேட்டுக்கொண்டு என் உரையை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

SRI N. K. PALANISAMY :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவின் அர்த்தம் வேடிக்கையாக இருக்கிறது. காரணம் என்னவென்றால்; இந்தச் சட்டம் ‘Suppression of Immoral Traffic Act’ என்று சொல்லப்படுகிறது, அதாவது, விபசாரத்தை வீழ்த்தி ஒழித்துக்கட்டுவது என்பது தான் இதன் அர்த்தம். இருபத்துநான்கு வருடகாலமாக இச்சட்டம் அமுலில் இருந்தபிறகும், சட்டத்தில் என்னென்ன குறைபாடுகள் இருக்கின்றன, அக்குறைபாடுகளை நிவர்த்தி செய்ய என்னென்ன மாறுதல்களைச் செய்யவேண்டும் என்ற முறையில் சர்க்கார் திருத்தங்கள் கொண்டு வராமலிருப்பது மிகவும் வருந்தத்தக்கது.

“இப்பொழுது விபசாரம் நமது நாட்டில் அதிகரித்திருப்பதற்கு மூன்று காரணங்கள் உள்ளன. முதலாவதாக நாட்டில் ஏற்றுமைய அதிகமாக இருக்கிறது; இரண்டாவதாக விபசாரத்தை ஒரு வியாபார முறையில் நடத்துகிறார்கள்; மூன்றாவதாக, ஆடம்பரத்திற்காக பெரிய மனிதர்கள் பெருமளவில் விபசாரத் தொழிலை நடத்துகிறார்கள். சமீபத்தில் மாம்பலத்தில் ஒரு raid நடந்தபொழுது, பெரிய பணக்காரர்களும், பெரிய அதிகாரிகளும் சாமர்த்தியமாக தப்பித்துக்கொண்டு போய்விட்டார்கள். இப்பொழுது ஹைகோர்ட்டில் இது சம்பந்தமான வழக்கு விசாரணையிலிருந்து வருகிறது. இந்த வழக்கில் technical points இருக்கின்றனவே தவிர, உண்மையில் அது ஒரு பெரிய விபசார விடுதி என்பதை நான் தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ I am sorry that the hon. Member has made a reference to this. It is a matter pending before the Court and it is therefore *sub judice*.”

SRI N. K. PALANISAMY :—“ பொதுவாக விபசாரக் குற்றங் களுக்குப் பெண்களுக்குத்தான் தண்டனை கொடுக்கப்படுகிறது. உண்மையாகவே விபசாரத்திற்குக் காரணமாக இருக்கக்கூடிய ஆண்களை ஏன் தண்டிக்கக்கூடாது? இதற்கு உதாரணமாக, பம்பாயில் ஒரு adultery case-ஓ நடந்தது நமக்குத் தெரியும். இந்த வழக்கில் சென்ற மார்ச் மாதம் 10-ம் தேதி Supreme Court தீர்ப்பு அளிக்கையில் section 497, I.P.C. பிரகாரம் இந்த adultery ஆண் இல்லாமல் நடக்கமுடியாது, ஆண்தான் அதற்குப் பொறுப்பு, பெண் அல்ல என்று சொல்லியிருக்கிறது. ஆண்கள்தான் இதற்குப் பொறுப்பு என்று தெரிந்திருந்தும் கூட அவர்களைத் தண்டிப்பதற்கு சட்டத்தில் ஏன் தீருத்தம் கொண்டுவரவில்லைவென்று கேட்கிறேன்? வாழ்க்கைத்தரத்தை உயர்த்துவதற்குவேண்டிய நடவடிக்கைகளை எடுக்காமல் விபசாரத்தை ஒழிக்கமுடியாது.”

MR. SPEAKER :—“இவைகள் ஏற்கெனவே சொல்லப்பட்ட விஷயங்கள் தான்.”

SRI N. K. PALANISAMY :—“ஆண்களுக்குத் தண்டனை கொடுப்பதற்கும் அவர்களை சீர்திருத்துவதற்கும்தான் நான் ஒரு திருத்தத்தைக் கொண்டுவந்திருக்கிறேன். அதன் அடிப்படையில், ஒருவர் விபசாரம் செய்தால் அவர் வேலை செய்யக்கூடிய இடத்திலும் அவர் பக்கத்து வீட்டு சுவற்றிலும் அவருடைய நடத்தையைப் பற்றி publish செய்வதன் மூலம் விபசாரத்தைத் தடுக்கமுடியும். இந்தத் திருத்தத்தை out of order என்று சொல்லி கனம் சபாநாயகர் அவர்கள் தள்ளி விடுவார்கள்.” (சிரிப்பு.)

5th May 1954]

MR. SPEAKER :—“ கனம் அங்கத்தினர் கொடுத்த இரண்டு திருத்தங்களும் ‘Male Prostitution’ ஐப்பற்றியது. “

SRI N. K. PALANISAMY :—“இம்மாதிரி விபசாரம் செய்யும் பெண்களுக்கு வாழ்க்கை உத்தரவாதம் கொடுக்காமல் அவர்களை **Vigilance Home**-ல் வைத்து கைத்தொழில் சொல்லிக்கொடுப்பதன்மூலம் இக்குற்றத்தைத் தடுத்துவிடமுடியாது. பெண்கள் இம்மாதிரி வாழ்க்கையில் பிரவேசிக்கக்கூடாது என்று சர்க்கார் நினைத்தால், அவர்களின் வாழ்க்கைத் தரம் உயர வசதி செய்து ‘**stability and security**’ இரண்டும் கொடுத்தாகவேண்டும். ஆனால் பெண்ணும் சேர்ந்து செய்யும் காரியத்திற்கு பெண்மீதுதான் குற்றம் சுமத்தப்படுகிறது. இதனால் பெண்களுக்கு அவமானம் ஏற்படுகிறது. ஆகவே, பெண்களைப் பொருளாதார சமூகத்துறைகளிலிருந்து பின்னுக்குத்தள்ளி வைத்திருப்பதால் விபசாரம் அதிகரிக்கிறது. அவர்களுக்குக் கல்வித்துறையிலும் மற்ற துறைகளிலும் அதிகப்படியான முக்கியத்துவம் அளிக்கவேண்டும். ராமாயணம், பாகவதம் படிப்பதில் குற்றம் நீங்கிவிடாது.

“அடுத்தபடியாக இந்தக் குற்றத்தை கண்டுபிடிப்பதற்கு சர்க்கார் போலீஸை ஒரு machinery ஆக வைத்திருக்கிறார்கள், உண்மையில், இந்த machinery விபசாரத்தை அதிகப்படுத்துகிறது. காரணம் என்ன வென்றால், நகரில் எந்தெந்த இடங்களில் விபசாரம் நடக்கிறது என்று போலீஸுக்குத் தெரியும். அவர்கள் ஒவ்வொரு விபசார விநிதியிலிருந்தும் ரூபாய் இரண்டு வீதம் வாங்குகிறார்கள். மாதக்கடையில் போலிஸ்காரர்களுக்கு வறுமை அதிகமாக இருப்பதால், 20-ம் தேதிக்குப்பிறகு, குற்றம் செய்தாலும்கூட, செய்யாவிடாலும்கூட, நூற்றுக்கணக்கான பெண்களை ஸ்டேஷனுக்கு அழைத்துச் செல்லுகிறார்கள். வறுமையின் காரணமாக வாழ்க்கை நடத்த முடியாமல் பணம்பேண்டும் என்ற முறையிலே 20-ம் தேதிக்குப் பிறகு கடைசி பத்து நாட்களில் அவர்கள் இம்மாதிரி நடக்கிறார்கள். இந்த machinery சரியாக வேலை செய்யவேண்டுமென்றால் போலிஸ்காரர்களுக்கு அதிகப்படி சம்பளம் கொடுத்து அவர்கள் சரிவர நடக்குமாறு உத்தரவு பிறப்பிக்கவேண்டும்.”

* **SRI K. MADHAVAN NAMBIAR** :—“ മിസ്റ്റർ സ്പീക്കർ, സർ, ഈ ബില്ലിനെ ഒരു സെലക്ട് കമ്മിറ്റിക്കുയ്യണമെന്ന എന്റെ സ്റ്റേഫ്മിന്റർ ശ്രീ രാമ ലിംഗത്തിന്റെ ഉപേക്ഷപത്തെ പിന്താങ്ങിക്കൊണ്ടു രണ്ടു വാക്കു പറയുവാൻ ഞാനുഗ്രഹിക്കുന്നു. ഒന്നാമതുതന്നെ ഈ ഭേദഗതിബില്ലുകൊണ്ട് ഒറിജിനൽ ആക്റ്റിൽ വലിയ മാറ്റമൊന്നും നില്ക്കുകയില്ല. ചെറിയ ചെറിയ ചില ഭേദഗതികൾ മാത്രമാണ് നില്ക്കുകയിരിക്കുന്നത്. 1930 ൽ പാസ്സാക്കിയ ഒറിജിനൽ ആക്റ്റിനുശേഷം നട്ടിലെ പരിതഃസ്ഥിതികൾക്ക് പല മാറ്റങ്ങളും സംഭവിച്ചിട്ടുണ്ട്. അതുകൊണ്ട് ഒറിജിനൽ ആക്ട് പാടേ മാറ്റണമെന്നാണ് എന്റെ അഭിപ്രായം. ഇപ്പോഴിരിക്കുന്ന മട്ടിൽ ഈ നിയമം ബ്രീക്കിംഗ് മാത്രമേ ബാധിക്കുന്നുള്ളൂ. പുരുഷന്മാരെ ശിക്ഷിക്കാനുള്ള യാതൊരു വ്യവസ്ഥയും ഈ നിയമത്തിലില്ല. പുരുഷന്മാരെയും കൂടി ഉൾപ്പെടുത്തണമെന്നാണ് എന്റെ ഒന്നാമത്തെ നിർദ്ദേശം. അതിനുവേണ്ടി ഈ ബിൽ സെലക്ട് കമ്മിറ്റിക്ക് അയയ്ക്കുന്നത് ആവശ്യമാണ്.”

“ രണ്ടാമത്, ഇങ്ങനെ നിയമങ്ങൾ പാസ്സാക്കിയതുകൊണ്ടോ, നിയമസഭയിൽ ചർച്ച ചെയ്തതുകൊണ്ടോ മറ്റും വ്യക്തിചാരം നില്പാൻ പോകുന്നില്ല. നിയമങ്ങൾ കടലാസിൽ ശേഷിക്കുകയെ ഉള്ള. മദ്യനിരോധനനിയമം തന്നെ ഇതിനുദാഹരണമാണ്. മദ്യനിരോധനം ഇന്ന് കടലാസ്സിൽ മാത്രമേയുള്ളൂ. ഇങ്ങനെ ഒരു നിയമം ഉണ്ടെന്ന് നാട്ടുകാർക്കു മനസ്സിലാക്കിക്കൊടുക്കേണ്ടതാവശ്യമാണ്. രണ്ടാമത് വ്യക്തിചാരത്തിന്റെ പ്രധാന കാരണങ്ങൾ. ഒന്നാമത് ദാരിദ്ര്യം; രണ്ടാമത് സ്വതന്ത്ര്യമുള്ള സ്വഭാവവ്യക്തിത്വം. അതുകൊണ്ട് വ്യക്തിചാരത്തെ തടയണമെങ്കിൽ ആദ്യമായി വേണ്ടതു ദാരിദ്ര്യത്തീർത്ത് പരിഹാരമുണ്ടാക്കുകയാണ്. അതോടുകൂടി അന്നെ ജനങ്ങളുടെ സാമ്പാദ്യികവും സാംസ്കാരികവുമായ നിയമപരം ഉയർന്നു. അതിനുവേണ്ടിയുള്ള ഒരു പ്രസ്ഥാനം ഇതോടൊപ്പം ആരംഭിക്കേണ്ടതുണ്ട്. ഇതും രണ്ടു മാറ്റങ്ങളിലും പുരോഗതി ഉണ്ടാക്കേണ്ടതില്ലാതെ ഇതും നിയമംകൊണ്ട് യാതൊരു പ്രയോജനവും സിദ്ധിക്കുകയില്ല. ഇതിനെ സംബന്ധിച്ച്

[Sri K. Madhavan Nambiar] [5th May 1954]

ചെല്ലാം വ്യക്തമായ അന്വേഷണം നടത്തി വിശദമായ ഒരു നിവൃത്തി സൃഷ്ടിക്കുകയാണു വേണ്ടതു്. അതുകൊണ്ടു് ഈ ബില്ലു് ഒരു സെലക്ടീവ് കമ്മിറ്റിക്കു അയയ്ക്കണമെന്നു ഞാൻ ആവശ്യപ്പെടുന്നു ”

SRI T. SHANMUGAM:—“ “கனம் சபாநாயகர் அவர்களே, விபசாரத்தைச் சட்டத்தை நான் மிகவும் வரவேற்கிறேன். இதற்குக் கொடுக்கப்பட்டுள்ள திருத்தத்தையும் நாம் உண்டியாக ஏற்றுக்கொள்ளத் தான்வேண்டும். ஆனால் இந்த மாதிரியான இழிவு செயலைச் செய்ய பெண்கள் எதற்காக வருகின்றார்கள், எப்படி வருகின்றார்கள் என்பதை நாம் முதலிலே பரக்கவேண்டும். முதலாவதாக இந்த நிலைமைக்கு பெண்கள் எப்படி வருகின்றார்கள் என்பதை யோசித்துப்பார்த்து அதைத் தடுக்க தக்க நடவடிக்கை எடுக்கவேண்டும். இம்மாதிரியான நிலைக்குப் பெண்கள் வருவதற்கு மூன்று காரணங்கள் உண்டு. முதற் காரணம் அறியாமை. இரண்டாவது வறுமை. மூன்றாவது இயற்கையான தாபம். அறியாமை யைப் போக்க முதலில் அவர்களுக்கு நல்ல கல்வி அளிக்கவேண்டும். இதையும் சர்க்கார்தான் செய்யவேண்டும். பிறகு வறுமையை ஒழிப்பதற்கு அவர்களுக்கு எல்லாம் வேலை கொடுக்கவேண்டும். மூன்றாவதாக அவர்களுடைய இயற்கை தாபம் இருக்கிறதே அதை ஒழிக்க என்ன செய்ய வேண்டுமென்பதைச் சற்று நன்கு யோசித்தாகவேண்டும். அதற்கு நான் ஒரு நல்லயோசனை சொல்லுவேன். அனேகமாக இந்தத் தாபத்திற்கு அடிமையாகி இந்த இழிவு நிலைக்கு வருகின்றவர்கள் கைம்பெண்கள்தான். அதாவது கணவனை இழந்த விதவைகள் தான். இந்த விதவைகளை மனவியை இழந்த ஆண்கள் (அவர்களை widower என்று ஆங்கிலத்தில் சொல்வார்கள்) தமிழில் என்ன சொல்வது என்று தெரிய வில்லை, மணக்கவேண்டுமென்று சட்டம் போடவேண்டும். தாரத்தை இழந்த ஆடவன், கணவனை இழந்த பெண்களைத்தான் மணக்கவேண்டுமென்று சட்டம் கொண்டுவந்துவிட்டால் நாட்டில் விதவைகளை இருக்க மாட்டார்கள். பார்லிமெண்டில் இதைப்பற்றி எதோ ஒரு விரிவான சீர்திருத்தம் வரப்போவதாகச் சொல்லுகிறார்கள். அதாவது இருபத்தோறு வயதிற்கு மேல்தான் பெண்கள் மணந்துகொள்ளவேண்டுமென்றும், நான் பய வயதிற்கு மேற்பட்ட ஆடவன் யாரும் 25 வயதுக்குட்பட்ட பெண்களை மணந்து கொள்ளக்கூடாதென்றும் தடைவிதிக்கப்போவதாகச் சொல்லுகிறார்கள். இதெல்லாம் அவ்வளவு பொறுத்தமாக இல்லை. Widower widow க்களைத்தான் மணந்துகொள்ளவேண்டுமென்று சட்டதிட்டங்கள் வகுக்க வேண்டும். அப்பொழுதுதான் பெரும்பாலான பெண்களுடைய இயற்கையான தாபத்தைத் தீர்க்கமுடியும். உங்கள் எல்லோருக்கும் தெரியும், மக்கள் இவ்விஷயத்தில் ஈடுபட Natural demand இருக்கிறது என்று. (சிரிப்பு.)

“அதோடு இன்றோடு விஷயம். நீங்கள் எல்லோரும் படித்திருக்கலாம் வல்லாள மகாராஜா சரித்திரம். திருவண்ணாமலைக்கு ஒரு பண்டார சந்நிதி வந்திருந்தார், அவருக்கு ஒரு பெண் தேவையாக இருந்தது. ஒரு பெண்ணும் கிடைக்கவில்லை. உடனே அந்த மகாராஜா தன் மனைவியைக் கூப்பிட்டு, ‘அம்மா, நீ போய் இன்றிரவு அவரிடம் படுத்திரு’, என்று சொன்னதாகப் புராணம் இருக்கிறது. இதைப் பார்த்துவிட்டுத்தான், ஒரு மகாராஜா தன் மனைவியை ஒரு பண்டார சந்நிதியிடம் கூட்டிவிட்டிருக்கும்போது நாம் ஏன் இதுமாதிரியாக பெண்களை பிறறிடம் கூட்டிவிடக் கூடாது, இதில் தவறு என்ன இருக்கிறது, என்று இந்த விபசார விடுதிகளை நடத்துபவர்கள் எண்ணுகிறார்கள். ஆகவே இம்மாதிரியான ஆபாசப் புராணங்களை முதலில், ban செய்யவேண்டும். அதைவிட்டு விட்டு மக்களிடையே நல்ல நல்ல கருத்துக்களைப் பரப்பும் ஸ்ரீ அண்ணாதுரை ஸ்ரீ இளவழகன் போன்றவர்களின் புத்தகங்களை ban பண்ணுவது ரொம்பவும் தவறாகும்.

“ஆகவே நான் குறிப்பிப்படி பெண்களுடைய அறியாமை, வறுமை இவைகளைப் போக்குவதற்கும், அவர்களுடைய இயற்கைத் தாபத்தைத் தணிக்கும் வகையில் தாரத்தை இமந்தவன், கணவனை இமந்த பெண்

5th May 1954]. [Sri T. Shanmugam]

கனையே மணக்கவேண்டுமென்ற சட்டத்தைக் கொண்டுவரவும் ஆபாசமான கருத்துக்களைப் பரப்பும் புராணங்களை ban பண்ணவும், இந்தச் சர்க்கார் முதலில் நடவடிக்கை எடுத்துக்கொண்டாகவேண்டும். இதற்கான விஷயங்களை யெல்லாம் விசாரிக்க இதைப் பொறுக்குக் கமிட்டிக்கு விடுவது மேல் என்று நினைக்கிறேன்.”

* SRI A. GOVINDASWAMY NAYAGAR :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்ற திருத்தத்தை நான் ஆதரிக்கிறேன். விபசாரமானது எங்கே உற்பத்தியாகிறதென்ற விஷயத்தை ஸ்ரீ ஷண்முகம் அவர்கள் சூசமாகச் சொன்னார்கள். இதற்கு ஆரம்பல்தானாம் ஆலையங்கள் தான். அத்தனையும், ஆண்டவன் பெயரால் நடக்கின்றது. ஆண்டவன் பெயரால் அவர்களுக்கு ஒரு நெருவையே ஒதுக்கி வைத்திருக்கிறார்கள். அத்தோடு அவர்களுக்கு, ‘தேவர்களுடைய அடியார்கள்’, என்றும் பெயர் இட்டிருக்கிறார்கள். இந்த தேவர்களுடைய அடியார்களை யார் உபயோகப்படுத்துகிறார்கள் என்பதையும், சிந்தித்துப்பார்க்கவேண்டும். தேவர்களுக்காக ஒதுக்கப்பட்டவர்களை யார் அனுபவித்து வருகிறார்கள் என்பதை ஆராய்ந்து அதைத் தடுக்க நடவடிக்கை எடுத்தால் இந்த மசோதாவைக் கொண்டு வரவே அவசியம் ஏற்பட்டிருக்காது. இன்றைக்குத் தடை செய்யப்பட வேண்டியவர்கள் யார்? கொளுத்தப்படவேண்டியவைகள் என்னென்ன என்பதை ஆராயவேண்டும். ஆபாசமான புராணங்கள்பல கொளுத்தப்பட வேண்டுமென்று நான் சொன்னால் என்பால் பலருக்குக் கோபம் உண்டாகலாம், ஆவேசம் உண்டாகலாம். பெண்களுடைய சேல்களை எடுத்துக் கொண்டுபோய் மரத்தில் வைத்துக்கொண்டு இரு கைகளையும் தூக்கிக் கேட்டால்தான் சேலையைத் தருவேன் என்று ஒருவர் சொன்னாராம். அவன் செய்கின்ற காம லீலைகளுக்கு எல்லாம் பெயர் கிருஷ்ண லீலா. இந்த மாதிரியான பல ஆபாசமான படங்கள் அச்சிப்பட்டு விற்கப்படுகின்றன. இதை தடைப்பணை வேண்டுமென்று பகுத்தறிவாளர்கள் சொன்னால் அவர்கள் பிரசாரத்தில் தடை விதிக்கின்றது இந்தச் சர்க்கார். எங்கெங்கு பண்டார சந்திரிகள் இருக்கிறார்களோ அங்கெல்லாம் விபசாரம் நடக்கிறதென்பது அரசாங்கத்திற்கு நன்றாகத் தெரியும். ஆனால் இதே சர்க்கார் மந்திரிகள் அங்கெல்லாம் சென்று அவர்கள் கொடுக்கும் பிரசாதங்களை வாங்கிக்கொள்வதும், அவர்கள் போர்த்தும் பொன்னாடைகளை ஆண்டவன் அருளாகக் கருதி ஏற்றுக்கொள்வதையும்தான் நாம் பார்க்கிறோம்.

“அத்தோடு இந்த விபசாரமானது எங்கே அதிகமாக நாட்கிறதென்று பார்க்கிறபோது சென்னைபோன்ற பெரிய நகரங்களில்தான் அதிகமாக நடைபெறுகிறது என்பதை யாரும் மறுக்க முடியாது. ஆண்டவன் பெயரால் ஒரு பக்கத்தில் விபசாரம் நடைபெற்று வருகிறது. மற்றொரு பக்கத்தில் ராஜாக்கள் பெயரால் விபசாரம் நடைபெற்று வருகிறது. குறிப்பாக தசரத மகாராஜாவுக்கு அறுபதாயிரம் மனைவிமார்கள் என்று சொன்னால், ஒரு ராஜாவுக்கு ஒரு முனிஸிபாலிட்டியையே அவரது மனைவியாக ஒதுக்க வேண்டும். (சிரிப்பு.) அதைப்போலவே தான் பணம் படைத்த ஜமின்தார்கள் தாங்கள் பணம் படைத்திருக்கிறோம் என்ற செருக்கில், உடல் கொழுத்திருப்பதால் தங்கள் திமிரை அடக்கிக்கொள்ள பல மனைவிகளை நாடுகிறார்கள். அத்தோடு அவர்கள் பணத்திற்கு மயங்கி அவர்கள் விரும்பிய எந்தப் பெண்ணைவது அவர்களோடு விபரசாம் செய்ய இணங்காவிட்டால் அந்தப் பெண்ணின் உயிருக்கே ஆபத்து வரக்கூடிய நிலைமையும் இன்றைக்கு ஒரு புரத்தில் இருந்து கொண்டிருக்கிறது.

“அத்தோடு ஒரு சில இடங்களில் பெண்கள்கூட தங்களுடைய இயற்கையான தாபத்தைத் தணித்துக்கொள்ள ஆண்களை விபசாரம் செய்கிறார்கள். அமெரிக்காவில் தான் இந்த நிலைமை அதிகமாக இருக்கிறது என்று சொன்னாலும் கூட நம் நாட்டில் இல்லையென்று சொல்லிவிடக்கூடாது. பணம் அதிகம் படைத்த காரணத்தினால் சில பெண்கள் தங்கள் பணத்தை ஆண்களுக்கு கொடுத்து ஆண்களை இந்தத் தீயவழியில் இழுத்து விடுகிறார்கள்.

[Sri A. Govindaswamy Nayagar] [5th May 1954]

“பொதுவாக நகரங்களிலுள்ள ஹோட்டல்களில் தான் இந்த விபசாரம் மிக அதிகமாக நடைபெற்று வருகிறது. நான் நகரங்களில் என்று தான் சொன்னேன். சென்னையில் இல்லையென்று ஒரு நண்பர் சொன்னார். பெரிய நகரங்களிலுள்ள ஹோட்டல்களில் நிறைய நடந்து வருகின்றது என்று நான் சொல்வேன். அதை யாரும் மறுக்க முடியாது. இதைத் தடுக்க நான் ஒரு யோசனையும் சொல்வேன். யாராவது தன் மனைவி என்று சொல்லிக்கொண்டு நகரங்களிலுள்ள ஹோட்டல்களில் ஒரு பெண்ணுடன் வந்து தங்க இடங்கேட்டால் அவர்கள் உண்மையான தம்பதிகளா என்று பார்த்தே அவர்கள் சேர்ந்திருக்க ஹோட்டல் முதலாளிகள் சம்மதிக்கவேண்டும். அதற்காக தாங்கள் தான் தம்பதிகள் என்பதை ஊர்ஜிதப்படுத்தும் சர்ட்டிபிகேட்டை தாசில்தாரிடமிருந்தோ, அல்லது மாஜிஸ்ட்ரேட்டும் இருந்தோ அவர்கள் வாங்கி வந்தால் தான் அவர்களை ஹோட்டல்களில் தங்க அனுமதிக்கலாம் என்று ஒரு சட்டம் போடவேண்டும். அப்பொழுது தான் அனாமதேயங்கள் தங்கமுடியாது. ஹோட்டல்களில் நடக்கும் விபசாரத்தைத் தடுக்க முடியும். விபசாரம் செய்கின்ற ஆண் பெண்களை எந்தந்த முறையில் தண்டிக்க வேண்டுமென்று யோசிக்க வேண்டும். அதைப் பரிசீலிக்க இதை ஒரு பொறுக்குக் கமிட்டிக்கு விடுவதே நல்ல. ஸ்ரீ ஷண்முகம் சொன்னதுபோல அறியாமையைப் போக்கவும், வறுமையைப் போக்கவும் உடனடியாக நடவடிக்கை எடுத்துக் கொண்டாகவேண்டும். மேலும் மக்களின் ஒழுக்கத்தைப் பாதிக்கும் வகையில் இருக்கும் புராணங்களை ஒழிக்கவேண்டும். அவைகளை ஒழிக்க நாம் என்ன நடவடிக்கை எடுத்துக்கொண்டிருக்கிறோம்? இன்றைக்கும் ஆலையங்களிலே வருஷாவருஷம் திருமணம் நடத்தப்பட்டு வருகிறதே அதை ஒழிக்க என்ன நடவடிக்கை எடுத்துக் கொண்டிருக்கிறோம்? இன்றைக்கும் ஆலையங்களிலே சுவாமியையும், அம்மனையும் பள்ளியறையில் விடுவதாகச் சொல்லும் சம்பிரதாயம் இருக்கிறதே அதையெல்லாம் ஒழித்தால் தான் உண்மையாக இந்த நாட்டிலிருந்து விபசாரத்தை ஒழிக்க முடியும். இதைப்பற்றியெல்லாம் பகுத்தறிவாளர்கள் சொன்னால் அதை ஏற்பதில்லை. அவர்கள் சொல்லுவதையெல்லாம் சிந்தித்துப் பார்த்து தக்க ஒரு நடவடிக்கையை எடுத்துக்கொள்ளவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். நல்ல அறிவாளிகளையெல்லாம் இதைப்பற்றிக் கேட்கவேண்டும்.”

THE HON. SRI C. SUBRAMANIAM :—“ We shall seek your co-operation.”

* SRI A. GOVINDASWAMY NAYAGAR :—“ கனம் நிதி மந்திரி அவர்கள் எல்லாம் உணர்ந்தவர்கள். எல்லாம் அறிந்தவர்கள். அவர்களுக்கு எல்லா விஷயமும் தெரியும். என்னுடைய யோசனை அவருக்குத் தேவையாக வேயிருக்காது. நான் அதைச் சொன்னாலும் அதை ஏற்றுக் கொள்ளவும் மாட்டார்கள். பகுத்தறிவாளிகளின் கருத்தை ஒப்புக்கொண்டுவிட்டால் அவரது உண்மையான எண்ணம் ஈடேறாதே. நான் வேண்டுமானால் சொல்லுகின்றேன். முதலில் ஆபாசமான புராணங்களையெல்லாம் கொளுத்துங்கள் என்று. சந்தரமூர்த்தி சுவாமிகளுக்கு பெண்ணாகக் கடவுளே உரு எடுத்துச் சென்றார் என்றால் இந்தப் புராணத்தைப் படிப்பவர்கள் ஏன் விபசாரம் செய்ய அஞ்சுவார்கள்? இவைகளையெல்லாம் கொளுத்துவார்களா? ஆலையங்களிலே ஆண்டுதோறும் பல திருவிழாக்கள் நடக்கிறதே. அங்கே நடப்பது என்ன? ஒருவர் மேல் ஒருவர் முட்டிக்கொள்ளத்தான் அவர்கள் வருகிறார்கள். அதோடு ஆலையங்களில் இருட்டான இடங்களுக்கு விளக்குகள் போடுங்கள் என்று சொல்லுகிறேன். சனியவரன் சந்திதி இருக்கே, இருட்டான மிகக் குறுகிய இடம். அந்த இருளில் ஒருவர் மேல் ஒருவர் உருய்ந்து கொள்ளவசதியாகத்தான் இருக்கிறது. அங்கெல்லாம் விளக்கு போடுவார்களா? இதையெல்லாம் நன்கு உணர்ந்து நல்ல முறையில் என்னென்ன நடவடிக்கைகளை எடுக்க வேண்டுமென்பதைப் பற்றி ஆராய்ச்சி செய்ய இந்த மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று சொல்லிக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்.”

[5th May 1954]

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Speaker, Sir, the scope of the discussion was very much enlarged because there is a considerable amount of misunderstanding with regard to this measure. It is not a measure intended to regulate private morality. This is not a measure to penalise or prevent private immorality. This is a measure to prevent the exploitation of women unfortunately placed, exploitation by men and women who take advantage of the situation and commercialise the vice and try to make money by running brothels and trafficking in women. That is the main and only object of this measure. Therefore, if this measure is viewed from that point of view I have absolutely no doubt, many of the very illuminating points raised during discussion on the floor of this House will be somewhat irrelevant for the purpose of consideration of this Bill.”

SRI V. K. VINAYAKAM :—“ We understand the view point of the Government. But there are so many defects in the amending Bill. Why not bring in a comprehensive amending Bill? ”

* THE HON. SRI C. SUBRAMANIAM :—“ That is why so many hon. Members spoke with so much vehemence as against private immorality. As a matter of fact, the existing Act does not even punish prostitution. It punishes persons who use this institution of prostitution for the purpose of making money, by exploiting the women. Therefore, the various other questions raised during the discussion will have to be considered, it may be, in some other measure if it is necessary. But it cannot be done as far as this measure is concerned.

“ Sir, it is true as far as this problem is concerned, this is only the symptom of the deeper disease, namely the poverty and ignorance which exist in society. We are all trying our very best to remove that poverty and ignorance. But that is quite a different problem altogether. That does not mean, simply because there is a deep rooted disease, the symptoms should never be treated. It is sometimes necessary to treat the symptoms also so that the disease gets cured to a certain extent. It is only from that aspect that this Bill has been brought before the House. In the working of the Act, we found certain difficulties and we are immediately trying to remove these defects and difficulties even though it is rather a little belated.

“ Sir, with reference to various other points raised, I already mentioned that there is a comprehensive Bill under the consideration of the Central Government. Hon. Members are probably aware that this is a concurrent subject and it is not, therefore, necessary to have parallel enactments in all the States. That is why we have left it for the consideration of the Central Government. They will take into consideration the various problems existing in the country and I have absolutely no doubt an acceptable Bill will be brought forward there and if some changes are required with reference to the conditions existing in our state, then

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the necessary amendments could be made at that stage. That is the only reason why Government have not brought in a comprehensive Bill at this stage. Therefore, I would ask hon. Members, this being the object of the amending Bill, is it necessary to refer it to a Select Committee? Considering the restricted scope of the amendments proposed, I respectfully submit that the Select Committee will not be able to discharge any useful function in this case. After all we will be going quite outside the scope of the existing Act and also the amending Bill before the House if we want to bring in other points which were raised during the course of the Debate. Therefore, I say it will be unnecessary at this stage to refer this small amending Bill to a Select Committee. I would request the hon. Member who moved the amendment to refer this to a Select Committee to withdraw his amendment. As far as other points are concerned, I will be able to deal with them when specific amendments are moved for the concerned clauses. I, therefore, request the hon. Member Sri Ramalingam to withdraw his amendment."

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

MR. SPEAKER :—" Now I will put the original motion to the vote of the House. The question is—

'That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954 (L.C. Bill No. 6 of 1954) as passed by the Council be taken into consideration.' "

The motion was carried, and clause by clause consideration of the Bill was taken up.

Clause 2.

MR. SPEAKER :—" The question is—

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

The amendments proposed to this clause are more or less similar. They may be formally moved first and seconded and then they can be discussed together.

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—" I move—

'In the proposed new section 6 (ii) (a), after the words "so removed" insert the following words :—

"by the police assisted by a woman welfare worker specially trained for such work".'

SRI C. RAJAM RAMASAMI :—" I second the amendment, Sir."

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SRI A. RATNAM :—" I move—

'(1) In the proposed new section 6 (ii) (a) in line 1, after the words "so removed" insert the words "by the police assisted by a qualified woman social worker".'

(2) In line 2 of the proposed new section 6 (ii) (a) after the words "brought before a court" insert the words "escorted by a qualified woman social worker".'

(3) In the proposed new section 6 (ii) (b) after the words "disorderly house" in line 4, insert the words "or lodging or rest house".'

SRI D. DASARATHAN :—" I second the amendments, Sir."

SRI N. K. PALANISAMY :—" I move—

'In line 20, after the words "rescue home or", insert the words "under the custody of Probation officers" and the words "or in such other . . . from that of the girl" shall be omitted'."

SRI P. VENKATESA SHOLAGAR :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" I move—

'In the proposed new section 6 (ii) (a), add the following at the end :—

"and provided further that such custody shall be that of a person or a body of females and not a person or a body of males".'

SRI K. P. GOPALAN :—" I second the amendment, Sir."

MR. SPEAKER :—" The motion as well as the amendments are now before the House for discussion."

* SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—"

"கனம் சபாநாயகர் அவர்களே, இந்த விவாதத்தைக்கேட்கும்போது ரூசிகரமாகவும், அதே சமயத்தில் துக்கரமாகவும் இருந்தது. ஆனால் கனம் மந்திரி சுப்ரமணியம் அவர்கள் மசோதாவின் கருத்து என்ன என்பதை மிகத் தெளிவாக விளக்கி விட்டார்கள். இந்தத் திருத்த மசோதாவிற்கு விபசாரத் தடைச்சட்டம் என்பது பொருத்தம் இல்லாததான் என்று எனக்கு முன்பு பேசியவர்கள் சொன்னதிலிருந்து நன்றாக விளங்குகிறது. Traffic என்பதுதான் பொறுத்தமான வார்த்தை என்று புலப்படுகிறது.

"இப்பொழுது நான் கொண்டுவந்திருக்கும் திருத்தத்தைப்பற்றி இரண்டொரு வார்த்தை சொல்ல விரும்புகிறேன். இந்த விபசாரத்தில் பாதிக்கப்படுகிறவர்கள் சாதாரணமாக 13, 15 வயதுக்குட்பட்ட குழந்தைகள்தான். இதற்குக்காரணம் வறுமைதான் என்று சொல்லுகிறார்கள். இந்த விபசாரம் இன்று நேற்று தோன்றியதல்ல, தொன்றுதொட்டு உலகம் தோன்றிய காலம் முதற் கொண்டு இருந்துவருகிறது. கடந்த 30, 35 வருஷங்களாக எவ்வளவுதான் சமூக சீர்திருத்தம் செய்தபோதிலும், எவ்வளவுதான் சமூகம் இதற்காகப் பாடுபட்டபோதிலும் இந்த விஷயத்தில் சொந்த நலத்திற்காக ஆண்களும், பெண்களும் பயங்கரமான வழியில் ஈடுபடுவதால்

[5th May 1954]

[Srimathi Dr. T. S. Soundaram Ramachandran]

இது பரவி வருகிறது. பெரியவர்கள் தங்கள் சொந்த நலத்திற்காகவும் தங்கள் அனுசூலத்திற்காகவும், சிறு சிறு பெண்களை இந்த விபசாரத்தில் ஈடுபடுத்திவிடுகிறார்கள். ஆதலால் இந்தப் பயங்கர விபசாரத்தை ஒழிப்பதற்கு முக்கியமாக அரசாங்கமும் பொதுமக்களும் ஒத்துழைக்கவேண்டும். இதற்கேற்றவாறு அரசாங்கம் சட்டங்கள் செய்யவேண்டும். இது தனிப்பட்ட முறையில் ஆரம்பிக்கப்பட்டு நடந்துவருகிறது. முதன் முதலாக இந்த சட்டம் உருவானது 1930-ம் வருஷம். அதிலிருந்து 1936-ம் 1937-லும், 1938-லும் இச்சட்டம் விஸ்தரிக்கப்பட்டது. இவ்விபசாரத்தை ஒழிப்பதற்காக எவ்வளவோ எதிர்த்துப் போராடி வந்திருக்கிறோம். நாங்கள் இந்த விபசார விடுதிகளை raid செய்யப்போகும்போதெல்லாம் சிறு சிறு குழந்தைகள் தான் பூராவும் இம்மாதிரியான காரியங்களில் ஈடுபடுத்தப்படுகிறார்கள் என்பதைப் பார்க்கிறோம். இதில் 13, 15 வயதுக்குட்பட்ட குழந்தைகள் தான் 100-க்கு 80 பேர் பங்கெடுத்துக்கொள்ளுகிறார்கள் என்பதை எங்கள் சொந்த அனுபவத்தில் பார்க்கிறோம். இதில் அனேக பெண்கள் மிக நல்ல குணமுள்ளவர்களாக இருக்கிறார்கள். இப்படி இதில் ஈடுபடும் பெண்கள் இந்த விஷயத்தில் ஆசைப்படுவதாகவும் தெரியவில்லை. சாதாரணமாக அப்படிக் கொண்டுவந்து பழக்கப்பட்ட பெண்களில் பலர் ரொம்ப உத்தமிகளாகவே இருக்கிறார்கள். இவ்வாறாக பெரியவர்கள் செய்யும் குற்றத்திற்காக சிறிய குழந்தைகளின் வாழ்க்கை பாழாக்கப்படுகிறது.

“கடைசியாக நான் ஒன்று சொல்ல விரும்புகிறேன். இந்தவிபசாரம் பரவாமல் இருப்பதற்காகவும், வழக்கிழுந்தவர்களைச் சீர்த்திருத்துவதற்காகவும் எங்கள் முழுகவன சேவை இருந்துகொண்டே இருக்கிறது. இதற்காகத்தான் இந்தத் திருத்தத்தைக் கொண்டுவந்திருக்கிறேன். இரண்டாவது கிளாசில் ‘so removed’ என்ற வார்த்தைகளுக்குப் பக்கத்தில் ‘by the police assisted by a woman welfare worker specially trained for such purpose’, என்ற வார்த்தைகளைச் சேர்க்கவேண்டும். பெண்களின் குணத்தைப் பெண்கள்தான் அறிய முடியும் என்பதை எல்லோரும் உணரவேண்டும். இந்த மாதிரி விஷயத்தில் எல்லோரும் குறை சொல்லுவார்கள் என்பதில் சந்தேகமில்லை. இவர்களுக்கு சிபார்சாக பேசுவதற்கு நான் தயாராக இல்லை. விபசார விடுதிகளைப் பரிசோதனைச் செய்யும்போது பெரும்பாலும் 13, 14 வயது குழந்தைகளைத்தான் பார்க்கிறேன். இதைப்பற்றிய விஷயங்களை யெல்லாம் சொன்னால் ரொம்ப interesting ஆக இருக்கும். ஆனால் என் அனுபவங்களையெல்லாம் சொன்னால் நன்றாக இருக்காது; சொல்லவும் விரும்பவில்லை. நிற்க இந்தப்பெண்களுக்கு காவலாக போலீஸ் அனுப்பப்படுகிறது. இந்த மாதிரியான சந்தர்ப்பங்களில் அவர்கள் மனுஷத்தன்மையை இழந்து சில அசம்பாவிதங்கள் நேருவது சகஜமாகிறது. இந்தப்பெண்களை லாக்கப்பில் கொண்டுபோய் வைத்து அங்கே அவர்களைப் பாதுகாப்பதற்காக அனுப்பப்படும் போலீஸ் கான்ஸ்டேபிளோ, சப்-இன்ஸ்பெக்டரோ மனுஷத்தன்மையை இழந்து இதில் ஈடுபடுகிறார்கள். இம்மாதிரியாக அழைக்கப்பட்டு செல்கிற வர்களெல்லாம் மைனர் குழந்தைகள். ஆனால் அவர்களின் வயதைக் கேட்டால் 18 என்று சொல்லிவிடுகிறார்கள். நான் 18 வயதிற்குக் கீழுள்ள குழந்தைகளின் மேல் கவனம் செலுத்திவருகிறேன். இந்த விபசாரம் முற்றிலும் வியாபாரத் தோரணியிலேயே நடந்துவருகிறது. இம்மாதிரியாக raid செய்யும் போது அந்த raid செய்யும் பார்டியோடு நிச்சயமாக ஒரு ஸ்திரீயும் உன்செல்லவேண்டுமென்பதை வற்புறுத்திச் சொல்ல விரும்புகிறேன். இம்மாதிரியான raid செய்வதெல்லாம் முக்கியமாக நகரங்களில்தான் நடத்தமுடியும். அதற்காகத்தான் போலீஸ் raid செய்யப்போகும்போது ஒரு specially trained social worker அவர்களுடன் அனுப்பப்படவேண்டும். இதற்குச் சர்க்கார் பணம் அதிகமாகத்தான் செலவழிக்க வேண்டும். இதற்கு trained பெண்களை அனுப்பினால், அவர்கள் மனுஷ உள்ளக் கருத்துக்களை அறிந்து Psychology பிரகாரம் குழந்தைகளின் மனதைத் திருத்தியமைக்க நிச்சயமாக வழி ஏற்படும். இதற்கு பயிற்சி பெற்ற பெண்கள் பலர் தயாராக இருக்கிறார்கள். ஆனால் implement

5th May 1954]

[Srimathi Dr. T. S. Soundaram Ramachandran]

பண்ணுவதுதான் கஷ்டமென்று சொல்லுகிறார்கள். (Disorderly house) என்ற வார்த்தைகளுடன் (or lodging or rest-house) என்று சேர்க்கும் திருத்தத்தையும் நான் வரவேற்கிறேன். அங்கே மைனர் பெண்களையெல்லாம் வைத்துக்கொண்டு என்னென்னவெல்லாம் நடத்துகிறார்கள் என்பதை நேரடியாகக் கண்டிருக்கிறோம். அவைகளை யெல்லாம் நாங்கள் கண்டித்தும் இருக்கிறோம். சில இடங்களில் தண்டனை வாங்கியும் தந்திருக்கிறோம். அப்படிப்பட்ட குழந்தைகளின் பெயர்களைச் சொன்னால் அவர்களின் குடும்பங்களின் பெயர்கள் என்ன ஆவது? பல இடங்களில் 13, 14 வயது பெண்கள் பிடிப்பட்டபோது, அவர்கள் 21 வயது என்று சொல்லி மீட்கப்படுகிறார்கள். அதனாலே இந்தத்திருத்தத்தை ஏற்றுக்கொண்டு உடனே சட்டமாக்கவேண்டும். இதைத் தான் கடந்த 15 வருஷங்களாகக் கேட்டுக் கொண்டு வந்திருக்கிறோம். ஆகவே இதற்கான உறுதிமொழிகொடுத்தாலே, அதைக்கொண்டு பயிற்சிபெற்ற பெண்களின் உதவியால் பூர்வாங்க வேலையை செய்ய முடியுமென்று கேட்டுக்கொள்ளுகிறேன்.”

MR. SPEAKER :—“நீங்கள் கொடுத்திருக்கும் மூன்று திருத்தங்களின் மீதும் பேசலாம்.”

* SRI A. RATNAM :—“கனம் சபாநாயகர் அவர்களே, கனம் அங்கத்தினர் திருமதி டி. எஸ். சௌந்தரம் ராமச்சந்திரன் அவர்கள் விளக்கமாக எடுத்துக்கூறியிருக்கிறார்கள். இந்தச் சட்டத்தின் மீது பேசுவதற்கு பெண்களுக்குத்தான் அதிக உரிமை உண்டு. அவர் சொல்வது தான் உருக்கமாக இருக்கிறது. அவர்களுடைய விருப்பத்திற்கிணங்க சட்டத்தைத் திருத்துவதுதான் ஆட்சியாளருடைய பொறுப்பும், சட்டசபையினுடைய பொறுப்புமாக இருக்க வேண்டியதவசியம். அவர்களுடைய திருத்தத்தைப் பின்பற்றி தான் என்னுடைய திருத்தத்தையும் வேறுவிதமாகக் கொடுத்திருக்கிறேன். என்னுடைய திருத்தமாவது :

“In the proposed new section 6 (ii) (a) in line 1, after the words “so removed” insert the words “by the police assisted by a qualified woman social worker.”

சென்னை ராஜ்யத்திலும், மற்றும் குறிப்பிட்ட இடங்களிலும் சமூக ஊழியர்கள் என்று சொல்லப்பட்டு மாதர்களும் பயிற்சி பெற்று வருகிறார்கள். மத்திய சர்க்கார் கூட, அவர்களுக்கு அதிகமான மான்யங்கள் ஒதுக்கியிருக்கிறார்கள். 18 வயதிற்கு உட்பட்ட பெண்களை போலீஸ்காரர்கள் போலீஸ் ஸ்டேஷனுக்கோ அல்லது விசாரிக்கும் இடத்திற்கோ கொண்டுபோவதற்கு இந்தச் சட்டத்தில் இடமிருக்கிறது. ஒரு பெண்ணின்மீது பொய்யாகவோ மெய்யாகவோ விபசாரக் குற்றத்தைச் சாட்டி, அந்தப் பெண்ணை போலீஸ்காரர்கள் அழைத்துச் செல்லுகிறார்கள். நிரபராதியாக உள்ள பெண்களையும் போலீஸ்காரர்கள் சந்தேகப்பட்டு அழைத்துக்கொண்டுபோகவும் நேரிடலாம். இம்மாதிரியான 18 வயதிற்குட்பட்ட யௌவனப் பெண்களை போலீஸ்காரர்கள் அழைத்துச் செல்லும்போது அவர்களே இந்த விபசாரத்திற்கு ஊன்றுகோலாக இருக்கிறார்கள். திருமதி ராமச்சந்திரன் அவர்கள் கூறியதுபோல போலீஸ்காரர்கள் அனுபவத்திற்கும் அவர்கள் உபயோகப்படுத்தப்படுகிறார்கள். அதை விளக்கிச் சொல்வதற்கு விருப்பமில்லை. காரணம், இது விரிந்துகொண்டே போகும். ஆனால், காரணத்தை உணர்ந்திருக்கிற நாம் அது விஷயத்தை நன்கு கவனித்து ஆவன செய்ய வேண்டும்.

“இது விஷயமாக மூன்று வருஷங்களுக்கு முன்னால் சென்னையிலேயே நிகழ்ந்த ஒரு சிறிய சம்பவத்தை எடுத்துக்காட்ட விரும்புகிறேன். ஆனைக் கவனி என்னும் இடத்தைச் சேர்ந்த போலீஸ்காரர் ருதுவாகாத 11 வயதுள்ள ஒரு ஆதித்திராவிடப் பெண்ணை போலீஸ் ஸ்டேஷனில் வைத்து ‘ரேப்’ பண்ணியிருக்கிறார்கள். அந்தப் பெண்ணைவன் எழும்பூர் பெண்கள் ஆஸ்பத்திரியில் அனுமதிக்கப்பட்டு, ஒன்றரை மாதம் அங்கு சிகிச்சை பெற்று, என் மூலமாக அரசாங்கத்திற்கு ரிபோர்ட் அனுப்பப்பட்டு, அந்தப் போலீஸ்காரருக்கு இரண்டு வருஷக் கடுங்காவல் கிடைத்திருக்கிறது.

[Sri A. Ratnam]

[5th May 1954]

இதிலிருந்து என்ன தெரிகிறதென்றால், போலீஸ்காரர்கள்கூட, இந்த அக்கிரமமான செயலில் ஈடுபடுகிறார்கள். விபசாரத்தைத் தடைசெய்ய வேண்டுமென்று சட்டம் கொண்டுவருகிறோம். ஆனால், விபசாரத்தைத் தடுப்பதற்கு யார் இருக்கிறார்களோ, யார் இந்தச் சட்டத்தை அமுலுக்குக் கொண்டுவரவேண்டுமோ, நடைமுறையில் நாட்டுக்கு நலம்செய்யவேண்டுமோ, மாதர் குலத்திற்கு, தாய்க் குலத்திற்கு யார் உதவி செய்யவேண்டுமோ, அவர்களே பிற்போக்கான முறையில் நடந்துகொள்ளுகிறார்கள். எனவேதான் இரண்டாவது விதிக்கு நான் கொடுத்திருக்கும்படியான திருத்தம் அவசியமாக இருக்கிறது. ஆகவே, சமூக ஊழியத்தில் தேர்ந்த பெண்களை இம்மாதிரி வேலைகளுக்கு வைத்தால், அவர்கள் நல்லமுறையில் நடந்துகொள்வார்கள். குற்றம் செய்தவர்களை எப்படி நடத்தவேண்டுமென்பது அவர்களுக்குத் தெரியும். சமூக ஊழியர் பயிற்சி பெற்றவர்கள் நல்ல முறையில் தொண்டாற்றக்கூடியவர்களாக இருப்பார்கள். ஏனென்றால், அவர்களுக்கு நல்லவிதமாகப் பயிற்சி அளிக்கப்பட்டிருக்கிறது. அண்மையிலே கவர்னர் அவர்களால் சமூக ஊழியர்களுக்குப் பட்டமளிப்புவிழா நடத்தப்பட்டது. அப்படிப்பட்ட நல்ல பயிற்சிபெற்ற ஸ்திரீ சமூக ஊழியர்களைப் போலீஸ்காரர்களுடன் அனுப்பி, அவர்களைக்கொண்டு, குற்றவாளிகளை போலீஸ் ஸ்டேஷனுக்கோ, விசாரணை ஸ்தலங்களுக்கோ, அழைத்துச் செல்லும்படி செய்தால் நலமாக இருக்குமென்று நான் கருதுகின்றேன். 18 வயதுக்குட்பட்ட பெண்ணைத் தனியாக இட்டுச் செல்வதற்கு ஆண் போலீஸ்காரர்கள் இருப்பதைவிட அவர்களுடன் பெண் சமூக ஊழியர்களும் இருப்பதுதான் பொருத்தமாகும். எனவேதான், இந்தச் திருத்தத்தை கனம் அங்கத்தினர் திருமதி அம்மையார் அவர்களும், நானும் கொடுத்திருக்கிறோம். இந்தத் திருத்தம் மிக அத்தியாவசியமும் பொருத்தமும் ஆகும் என்பதைக் கனம் அமைச்சர் அவர்கள் உணர்ந்து, இந்தத் திருத்தத்தை ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“ அடுத்தபடியாக

‘In line 2 of the proposed new section 6 (ii) (a) after the words “brought before a court” insert the words “escorted by a qualified woman social worker”.’

இந்தத் திருத்தமும் நான் ஏற்கெனவே குறிப்பிட்ட கருத்தைத்தான் தெரிவிக்கின்றேன். முதல் திருத்தத்தைவிட இந்தத் திருத்தம் கடுமையாக இருக்கிறது. முதல் திருத்தத்தை அமைச்சர் அவர்கள் ஏற்றுக்கொண்டால் இந்தத் திருத்தம் அவசியமில்லை.

“ மூன்றாவதாக

‘In the proposed new section 6 (ii) (b), after the words “disorderly house” in line 4, insert the words “or lodging or rest-house.”’

சட்டத்தில் ‘disorderly house’ என்ற வார்த்தைகளுக்குப் பின் ‘or lodging or rest-house’ என்பதையும் சேர்க்கவேண்டும் என்பதுதான் என்னுடைய திருத்தத்தின் நோக்கம். தெருக்களிலும், நடைபாதைகளிலும், பொது இடங்களிலும் விபசாரம் நடைபெறக்கூடாது என்று போலீஸ்காரர்கள் அப்படிக் குற்றம் செய்பவர்களைப் பிடித்துக்கொள்ளவும், குற்றம் சாட்டவும் இந்தச் சட்டம் அனுமதிக்கிறது. ஆனால், அதே நேரத்தில் லாட்ஜிங் ஹவுஸ், ரெஸ்ட் ஹவுஸ் போன்ற இடங்களில் விபசாரக் குற்றம் நடந்தால், அவர்களையும் தண்டிப்பதற்கு சட்டத்தில் இடம் இருக்கவேண்டும். முனிசிபாலிடியார் வைத்து நடத்தும் சத்திரங்களையோ, தனிப்பட்டவர்கள் நடத்தும்படியான ஹோட்டல்களையோ நாம் கவனிப்போமானால் அங்கேதான் மாதர்கள் கொண்டுவரப்பட்டு, அவர்கள் அறைகளை வாடகைக்கு எடுத்துக் கொண்டு, உயர்தர வகுப்பினரைச் சேர்ந்தவர்களும், தனவந்தர்களும் விபசாரத்தைத் தொழில்போல், வர்த்தகம்போல் செய்கிறார்கள். வர்த்தகம்போல் செய்யப்படுகின்ற இந்த நாகரீகமான விபசாரத்தைத் தடைசெய்வதற்கு இந்தச் சட்டத்தில் ஒரு குறிப்பையும் காணோம். ஏழை எளியவர்களுக்கும், பிழைக்க வழியில்லாதவர்களுக்கும்தான் இந்தச் சட்டம் இருப்பதாகத் தெரிகிறதேயொழிய, தினம் நாலாறு, எட்டாறு கூட சம்பாதிக்க முடியாத ஏழைகளைத்தான் இந்தச் சட்டம் கட்டுப்படுத்துவதாக இருக்கிறது.

[5th May 1954]

[Sri A. Ratnam]

றதேயொழிய, செல்வாக்கு உள்ளவர்களும், பணக்காரர்களும், விபசாரத்தில் ஈடுபடுவதைக் கட்டுப்படுத்துவதாகத் தெரியவில்லை. சேரிவாழ் மக்கள் போன்ற ஏழைகளைத்தான் இந்தச் சட்டம் பெரிதும் கட்டுப்படுத்துவதாக இருக்கிறது. இப்படிப்பட்டவர்களை அடக்கவேண்டாமென்று நான் கூறவில்லை. ஆனால், விபசாரத்தை வர்த்தகம்போல் நடத்தி, நாகரீகமாக உல்லாச வாசம் செய்யும் பணக்காரர்களைத் தண்டிப்பதற்கோ, உடந்தையாக இருக்கக் கூடிய ஆண்களைத் தண்டிப்பதற்கோ அல்லது விபசாரத்திற்கு ஹாஸ்டல்களையும், லாட்ஜிங் ஹவுஸ்களையும் உபயோகப்படுத்துபவர்களைத் தண்டிப்பதற்கோ இந்தச் சட்டத்தில் ஒரு குறிப்பும் காணப்படவில்லை. எனவேதான் சாதாரணமான ஏழை மக்கள் விபசாரிகள் என்று கூறப்பட்டு தண்டிக்கப்படுகிறார்கள். சிறைத்தண்டனையை அனுபவிக்கவேண்டியும் அபராதத்தொகை செலுத்தவேண்டியும் ஏற்படுகிறது. இந்தச் சட்டமானது பெரிய மனிதர்களையும், பணம் படைத்தவர்களையும், உல்லாச புருஷர்களையும், இதை வர்த்தகமாகச் செய்கிறவர்களையும்கூட கட்டுப்படுத்தவேண்டும். எனவேதான், இந்தக் கிளாசிலே நான் இரண்டு புது வார்த்தைகளையும் சேர்க்கவேண்டுமென்று திருத்தம் கொடுத்திருக்கிறேன். என்னுடைய திருத்தமானது ரொம்பவும் பொருத்தமானது, அவசியமானது, பொதுமக்களெல்லோரும் ஏற்றுக் கொள்ளக்கூடியது. ஆகையால், அமைச்சர் அவர்கள் இந்தத் திருத்தத்தையும் ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“ ஐந்தாவது கிளாசிலே. . .”

MR. SPEAKER :—“ நீங்கள் ஐந்தாவது கிளாசிற்குக் கொடுத்திருக்கும் திருத்தத்தை ஐந்தாவது கிளாஸ் விவாதத்திற்கு வரும்போது நீங்கள் பிரேரித்து, அப்பொழுது பேசலாம்.”

* SRI S. RAMALINGAM :—“ கனம் சபாநாயகர் அவர்களே திருமதி செளந்திரம் ராமச்சந்திரன் அவர்கள் சொன்னார்கள், இம்மாதிரி தவறி விடும் பெண்களை அழைத்துக்கொண்டு செல்லும் போலீஸ் அதிகாரிகளுடன் பயிற்சி பெற்ற ஸ்திரீகளையும் அனுப்ப வேண்டுமென்று அதை முழு மனதுடன் நான் ஏற்றுக் கொள்ளுகிறேன். அதைச் சர்க்கார் ஒத்துக்கொள்ளும் வகையில் தான் நானும் அதே துறையில் திருத்தம் கொடுத்திருக்கிறேன். இம்மாதிரி தவறி விடும் பெண்களை போலீஸ் கொண்டுவிந்த பிறகு, விடுதிக்குக் கொண்டுவரப் விடுகிறார்கள். அந்த விடுதியானது எப்படி, யாரிடம் ஒப்படைக்கப்பட்டுள்ளது என்பதைப் பற்றியெல்லாம் குறிப்பிடப்பட்டிருக்கிறது. அப்படிப்பட்ட பெண் எந்த மதத்தைச் சேர்ந்திருக்கிறாளோ, அம்மதத்தைச் சேர்ந்தவர்களால் நடத்தப்படும் விடுதிக்கு அனுப்பப்பட வேண்டுமென்று குறிப்பிடப்பட்டிருக்கிறது. அந்த விடுதிக்கு எல்லாம் பெண்களால் நடத்தப்பட வேண்டும். அந்த விடுதிகள் எல்லாம் ஆண்களால் நடத்தப்படக் கூடாது என்பது தான் என்னுடைய திருத்தம் சிறிது நேரத்தில் உழைத்துக்கொண்டுபோய் விடுதியில் சேர்ப்பதற்கு போகக் கூட ஸ்திரீகள் துணைசெல்லவேண்டுமென்று சொல்லும்போது, இம்மாதிரியாக தவறிய பெண்கள் ஆண்களுடைய பாதுகாப்பில் சில வருஷக்கணக்கி விட்டுவைக்கப்பட வேண்டுமென்பது தவறு என்பது எல்லோருக்கும் தெரிந்த ஒரு முக்கியமான அம்சம். ஆகவே என்னுடைய திருத்தத்தை அம்மானது அம்மானுடைய கட்சியைச் சார்ந்த சர்க்கார் கட்சியினரும் ஒப்புக்கொள்வார்கள் என்ற நம்பிக்கையோடு கேட்டுக் கொள்ளுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I think hon Member Sri N. K. Palanisamy's amendment introducing a new Clause 2-A will have to be taken up separately.”

MR. SPEAKER :—“ The hon. Member has also given notice of an amendment to Clause 2, namely :

‘In line 2, after the words “rescue home or”, insert the words “under the custody of Probationary Officers” and the words “or in such other . . . from that of the girl” shall be omitted’.

He can speak on this amendment.”

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SRI N. K. PALANISAMY :—“கனம் சபாநாயகர் அவர்களே, புதியதாக நான் இன்னொரு முக்கியமான புதிய கிளாஸ் போட்டு திருத்தத்தை கொடுத்திருக்கிறேன்.”

MR. SPEAKER :—“நீங்கள் 7-வது கிளாவில் பேசக்கூடாது. கிளாஸ் 11-ல் வரும்போது தான் பேச வேண்டும்.”

SRI N. K. PALANISAMY :—“கனம் சபாநாயகர் அவர்களே, இவ்விதமாக தவறி விடும் பெண்கள் அதாவது 18 வயதிற்குக் கீழே இருக்கக்கூடிய பெண்களை ரெஸ்கியூ ஹோமில் வைப்பதைவிட, probation ஆபீசர்கள் வசம் ஒப்பிவித்தால் அவர்கள் அதிகமாக ஒரு சமூகத்திற்கு ஓரளவு வேலை செய்து, எங்கெல்லாம் வேலை கிடைக்கிறதோ அங்கெல்லாம் இவ்விதமாக வழி தவறிய பெண்களுக்கு வேலை கொடுத்து வரும்படி செய்யும் முறையில் திருத்தி அமைத்து, அவர்களை probation ஆபீசர்களுக்குக் கீழாக வைத்திருப்பதே நலம் என்ற முறையில் நான் ஒரு திருத்தத்தைப் பிரேரேபித்திருக்கிறேன்.”

* **THE HON. SRI C. SUBRAMANIAM :—**“Mr. Speaker, Sir, I am sorry I am unable to accept any of the amendments even though I can give certain assurances in regard to some of the matters raised by means of the amendments and especially with reference to the amendment moved by hon. Member Dr. Srimathi T. S. Soundaram Ramachandran and other amendments which are akin to it, namely, that whenever there is a raid by the police, they should be accompanied by a woman welfare worker. On principle, I agree that such a thing should be done but it is rather difficult to implement it immediately. If we include such a provision in the statute it will be almost impossible to conduct any raid under present circumstances because if there is no woman social worker, there cannot be any raid and no action can be taken. In emergent cases, even where women welfare workers are available, they may not be available at very short notice and no action can, therefore, be taken. But, I can, however, assure hon. Members that we shall try our best to recruit honorary women social workers for this purpose and that executive instructions would be issued, if necessary, to the police that whenever they undertake a raid of this sort, they should seek the help of these honorary women social workers and in cases where they are not able to get the assistance of these honorary social workers they should reduce it to writing why it was not possible to get their assistance. If this amendment is to be incorporated in the statute, it will create a great deal of difficulty and the Police will not be able to act in any emergency. In regard to the amendment to the proposed new section (ii) (a) that a girl so removed shall be brought before a court 'escorted by a qualified woman social worker', moved by hon. Member Sri A. Ratnam, the same difficulty will arise if the words 'escorted by a qualified woman social worker' are to be included in the statute. There is the other amendment of the same hon. Member to insert the words 'or lodging or rest-house' after the words 'disorderly house' in the new section 6 (ii) (b). It is not necessary to particularise these things. If any lodging house or rest-house comes within the mischief of this section, whether it is a lodging house or rest-house

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[Sri C. Subramaniam]

or any other sort of dwelling place or house, we will be able to take action. It is, therefore, unnecessary to include the words 'lodging or rest-house' in the statute as if there are the only places where this offence is committed. I am, therefore, not able to accept this amendment. As a matter of fact, if this amendment is accepted, it would appear as if every lodging or rest-house is being misused for this purpose.

“Coming to hon. Member Sri S. Ramalingam's amendment that 'such custody shall be that of a person or a body of females and not a person or a body of males,' I would respectfully submit that if he reads the provisions of this amending Bill he will find that such girls will have to be handed over to rescue homes. These rescue homes are run by certain responsible bodies and there are also women wardens. It is not as if this provision is to keep them in solitary confinement in rescue homes. There are many other women there and they would be in the company of females.”

SRI M. KALYANASUNDRAM :—“Are these rescue homes staffed by women?”

* **THE HON. SRI C. SUBRAMANIAM :—**“Yes, though the administrative body may consist of others. When it is not possible to commit a girl to a rescue home, for specific reasons to be stated in writing, the custody is given to somebody else. These things are dealt with by responsible courts and I am sure they will take sufficient care to see that the girl is not left in charge of anybody who is likely to misbehave or is likely to abuse such trust. Therefore, this amendment is also unnecessary.”

“As regards hon. Members Sri N. K. Palanisamy's amendment, with great difficulty I tried to understand it and I have not been able to do so and to the extent that I have understood it. I think that amendment also is unnecessary. I would therefore request all the hon. Members who have moved amendments to withdraw them in view of the assurance I have given in respect of women social workers being used on such raids and also during escorts.”

* **SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—**“Sir, I wish to say a few before withdrawing my amendment. Voluntary workers will be available in the cities especially where there are Women's Welfare Departments and there are also the Vigilance Association as well as those who are responsible for running the Rescue Homes and Stri Sadhanas. It should not, therefore, be difficult to get them. I know, for instance, that Mrs. V. T. Lakshmi used to go herself for raids in the years 1937, 1938, etc., and in all these years, very good work was done but for some reason or other this was stopped and she was put in charge of some other work. I know also that the quality of work has deteriorated. In the cities, in addition to the Rescue Homes and other workers, Government personnel themselves are available in

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the shape of Women's Welfare Department workers. However, in view of the assurance given by the Hon. Minister, I withdraw my amendment."

The amendment was, by leave, withdrawn.

SRI A. RATNAM :—"As the hon. Member, Srimathi Dr. T. S. Soundaram Ramachandran, has withdrawn her amendment, I am also withdrawing my amendment."

The amendment was, by leave, withdrawn.

SRI S. RAMALINGAM :—"கனம் மந்திரி அவர்கள் வாக்குறுதி கொடுத்ததை முன்னிட்டு நானும் என் திருத்தத்தை வாபஸ் பெறுகிறேன்."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—"There is only the amendment of hon. Member Sri N. K. Palanisamy. The question is—

'That in line 20, after the words "rescue home or" insert the words "under the custody of Probation Officers" and the words "or in such other . . . from that of the girl" shall be omitted.'

The amendment was put and lost.

Clause 2 was put and carried.

New Clause 2-A.

MR. SPEAKER :—"The hon. Member, Sri N. K. Palanisamy, who has given notice of this new Clause, himself doubts whether it is relevant to the Bill under discussion. Apart from this, 'male prostitution' itself has two meanings.

"இதிலே இரண்டு அர்த்தங்கள் இருக்கின்றன. ஆண் விபசாரம் என்றால் உங்களுக்கு என்ன தெரியும். ஆண் விபசாரம் என்பது மேற்கத்திய நாடுகளில் நடப்பதாகும். அதாவது ஆண்கள் ஓர் இடத்தில் இருப்பார்கள். பெண்கள் அந்த இடத்திற்கு வருவார்கள். அது என்ன அர்த்தம் என்பது எனக்கு விளங்கவில்லை.

The hon. Member's amendment seeks to amend the original Act itself and is therefore clearly out of order. I, therefore, request him not to move his amendment."

SRI N. K. PALANISAMY :—"விபசாரத்திற்குப் பொதுவாக குற்றம் செய்தவர்களுக்குத் தண்டனை கொடுக்கப்பட்டு வருகிறது. விபசாரத்தை நடத்துகிறவர்களுக்கோ அல்லது பாக்கி இருக்கக்கூடிய ஆட்களுக்கோ அதில் தண்டனை இருக்கும்படி செய்யவேண்டும். ஆண்களுக்கு மட்டும் இந்த தண்டனை என் இல்லை என்பதை கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—"ஓரிஜினல் ஆர்க்டுக்கு நீங்கள் திருத்தம் கொண்டு வரக்கூடாது."

SRI N. K. PALANISAMY :—"Sir, I am not moving my amendment."

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Clauses 3 and 4.

Clauses 3 and 4 were put and carried.

Clause 5.

MR. SPEAKER :—"The motion is—

'That Clause 5 do stand part of the Bill.'

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—"

Mr. Speaker, Sir, I move—

'In the proposed new clause (1) of section 12, after the words "indecent exposure of her" occurring in line 7, insert the words "or his".'

The new clause reads as follows :—

'In any street or public place or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not, by words, gestures, indecent exposure of her person, or otherwise, attracts or endeavours to attract attention for the purposes of prostitution or solicits or molest any person for such purposes or . . .

I want the words 'or his' to be added after the words 'indecent exposure of her'. I do not remember the exact wording but when a similar Bill was brought in Parliament some years ago by Srimathi Uma Nehru, the words 'indecent exposure of her person or his' were there. I have not got this paper with me now though I wanted to bring it here. Of course, this particular clause seeks to punish the woman because it is she who solicits and could, therefore, be punished. Here again, I am quoting from my own personal experience, it is not only the 'she' but men also are not exempt from this vice of soliciting. I know the Hon. Sri C. Subramaniam, being a lawyer should have good experience of this also. (Laughter.) I only meant that he has good experience of it only as a lawyer. Especially in cities like Coimbatore and Madurai one cannot escape this vice though it is becoming less and less nowadays. Madurai, being a sacred city, I know it used to be said that 'அங்கு நல்ல வடிக்கட்டின பாவம் இருக்கிறது.' I therefore, think that it is very necessary to include the words 'or his' as suggested by me and I need not dilate further on it. I want this amendment to be accepted."

SRI C. RAJAM RAMASAMI :—"Sir, I second the amendment."

* SRI S. RAMALINGAM :—"Delete the word 'her' occurring in line 6 of clause 5.

"கனம் அங்கத்தினர் ஸ்ரீமதி செளந்தரம் ராமச்சந்திரன் அவர்கள் சொன்ன அதே திருத்தத்தைத்தான் நான் வேறுமுறையில் கொண்டுவந்திருக்கிறேன். 'அவன் அவள்' என்ற இரு பதங்களையும் சேர்க்கவேண்டுமென்று அவர்கள் சொல்லுகிறார்கள். நான் சொல்லுகிறபடி அந்த இரண்டு பதங்களையும் எடுத்துவிட்டால் அதே அர்த்தம்தான் வரும். ஆகையால் என்னுடைய திருத்தத்தை பிரேரேபித்து அவர்கள் சொன்னதை நான் ஆமோதிக்கிறேன்."

SRI K. P. GOPALAN :—"I second the amendment."

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SRI A. RATNAM :—" Sir, I move—

' Add the following at the end of clause 5 :—

" and the following words shall be added at the end, namely :—

' Women offenders shall be arrested by women police or by policemen assisted by qualified women social workers ' " "

The amendment was duly seconded.

MR. SPEAKER :—" All the amendments are now before the House for discussion."

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—" I move—

' In the proposed new clause (1) of section 12 after the words " indecent exposure of her " occurring in line 7, insert the words " or his " ' "

SRI A. RATNAM :—" I move—

' Add the following at the end of clause 5 :—

" and the following words shall be added at the end, namely :—

' women offenders shall be arrested by women police or by policemen assisted by qualified women social workers ' " "

SRI S. RAMALINGAM :—" I move—

' Delete the words " her " occurring in line 6. ' "

SRI N. GOPALA MENON :—" Mr. Speaker, Sir, I am afraid that the hon. Mover of this amendment, viz., Dr. Soundaram Ramachandran has not, I am sorry to say, seen the exact scope of the parent Act itself. The Act relates to prostitutes and if one were to look into the English dictionary one could find that a prostitute could only be a woman."

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—" I cannot accept it, Sir." (Laughter.)

* SRI N. GOPALA MENON :—" Although we may in common parlance talk of a male prostitute, one could never find such a sort of thing among human beings. That sort of thing is prevalent only in the animal kingdom. We have heard of stud bulls being kept to serve cows. But no male person is being kept in any part of the world solely for the purpose of entertaining females. I know in the old days polyandry was prevalent in some parts of the world. Several women used to marry one man and several men used to marry one woman. That may be due to different consideration. But never have I heard that in any part of the world there are a species of male human beings kept apart for the purpose of being served."

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DR. K. B. MENON :—" I wish to make a correction as a student of sociology. There are male prostitutes. They are known in Western countries by the name of ' gigolos ' and they frequent the health resorts in European countries."

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—" One word of explanation, Sir. Even though I jokingly said that there are male prostitutes, here in this case, solicitation is made an offence. I say this solicitation could be done not only by women prostitutes but also by men. Men also could solicit. That is why I say men also should be included."

* SRI N. GOPALA MENON :—" The amendment tabled by Dr. Soundaram Ramachandran also does not contain the correct expression. When I looked into the Oxford dictionary, this is the meaning I find for the term ' prostitute ', viz.,

' A prostitute is a woman who subjects her body to indiscriminate sexual intercourse especially for hire.'

Therefore, to say that there are male prostitutes according to common parlance is, let me submit, not correct English. Another thing is also said here, viz., ' If she makes an indecent exposure of her body . . . ' What I say is suppose you add ' men ' also; then it becomes meaningless for the section applies only to prostitutes. If a male person makes an indecent exposure of his body in public, there are other provisions in the Indian Penal Code by which he could be arrested and given the necessary punishment. It is only a woman who could engage herself in prostitution. A man cannot expose any part of his anatomy for the sake of prostitution. Therefore, for the purpose of good reading and for the purpose of good English, I request that Mrs. Soundaram Ramachandran would look into the matter carefully and bring a suitable amendment later for as at present worded her amendment is not correct."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Gopala Menon has explained the position very clearly. It is not the form of solicitation or indecent behaviour on the part of the male that could be brought within the purview of this clause and sought to be penalised. It is only when a prostitute for the purpose of soliciting men makes indecent exposure of her body, she is sought to be punished. Unless we accept that there are male prostitutes, it is not possible to include ' men ' also in this clause. Moreover such an amendment will make matters worse. Suppose a man who is going in the street sees a lady. Suppose he makes some signs to her. Then could he be punished for it merely because he made some signs? It is not for that purpose that this clause 5 is framed. It is for the purpose of punishing a woman prostitute who for the purpose of encouraging prostitution purposely solicits and makes an indecent exposure of her body, that this clause has been framed. Only after very careful consideration, we have decided to use only the word ' her '. Therefore, I request the mover of the amendment to withdraw her amendment."

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SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—
“ Because this is a matter dealing with solicitation and because I thought that solicitation could be done both by the female as well as by the male, I wanted that the word ‘ his ’ also should be included.”

THE HON. SRI C. SUBRAMANIAM :—“ Then another amendment is necessary.”

SRIMATHI DR. T. S. SOUNDARAM RAMACHANDRAN :—
“ I am not a lawyer. In view of what the Hon. Minister has told us, I am withdrawing my amendment. I only want that solicitation by men also should be made a punishable offence.”

“ With the permission of the House, the amendment of Srimathi Dr. Soundaram Ramachandran was withdrawn.”

SRI N. GOPALA MENON :—“ On a point of information, Sir, I find the second paragraph of clause 5 begins like this :

‘ (1) in any street or public place or within sight of and . . . ’

“ I do not know within sight of ‘ what ’ the ‘ indecent exposure ’ should not take place. That is not specified here. The wording is not correct. I think the proper wording would be

‘ (1) in any street or public place or within sight thereof and . . . ’
Perhaps then the meaning may be clear.”

SRI P. S. KRISHNASWAMY AYYANGAR :—“ I think the meaning would be quite clear if we put a comma after the words :

‘ (1) in any street or public place or within sight of, and in such manner as to be seen or heard from, any street . . . ’

If we insert the comma as I have just suggested, the meaning would be quite clear.”

THE HON. SRI C. SUBRAMANIAM :—“ I think the clause as it stands is quite all right. I think Mr. Gopala Menon has read only a portion of it. If he reads the whole clause the meaning would be quite clear.”

MR. SPEAKER :—“ Is the hon. Member Sri S. Ramalingam withdrawing his amendment? ”

SRI S. RAMALINGAM :—“ I am withdrawing my amendment, Sir.”

With the permission of the House the amendment of Sri Ramalingam was withdrawn.

MR. SPEAKER :—“ Is the hon. Member Mr. Ratnam withdrawing his amendment? ”

SRI A. RATNAM :—“ No, Sir. I am pressing it.”

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MR. SPEAKER :—“ The question is—

‘ Add the following at the end of clause 5 :—

“ and the following words shall be added at the end, namely—

‘ women offenders shall be arrested by women police or by policemen assisted by qualified women social workers ’ ”

The amendment was put and lost.

Clause 5 was put and carried.

Clause 1.

Clause 1 was put and carried.

Preamble.

The Preamble was put and carried.

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

‘ That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954, be passed into law.’ ”

MR. SPEAKER :—“ The question is—

‘ That the Madras Suppression of Immoral Traffic (Amendment) Bill, 1954, be passed into law.’ ”

The motion was put and carried.

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APPENDIX III.

[Vide item VI (1) on page 40 supra.]

L.C. BILL No. 6 OF 1954.

(As passed by the Council.)

A Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930.

WHEREAS it is expedient further to amend the Madras Suppression of Immoral Traffic Act, 1930 (Madras Act V of 1930), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras Suppression of Immoral Traffic (Amendment) Act, 1954.

2. *Amendment of section 6, Madras Act V of 1930.*—In section 6 of the Madras Suppression of Immoral Traffic Act, 1930 (Madras Act V of 1930) (hereinafter referred to as the principal Act), for sub-sections (ii) and (iii), the following sub-sections shall be substituted, namely :—

“(ii) (a) A girl who has been so removed shall be brought before a Court established under sub-section (1) of section 36 of the Madras Children Act, 1920 (Madras Act IV of 1920), or, where no such Court has been established, before a Court sitting in the manner specified in sub-section (2) of that section.

(b) The Court shall then make an inquiry in the manner prescribed for summons cases and if satisfied that she is living or is carrying on, or is being made to carry on, prostitution in a brothel, disorderly house or place of assignation or living in a house used for immoral purposes or in any other circumstances calculated to cause, encourage or favour prostitution and that the girl is under 18 years of age may make an order that such girl be placed until she attains the age of 21 years or for any shorter period in a rescue home or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

(iii) Where a Court has arrived at a finding regarding the age of a girl dealt with under sub-section (ii), such age shall, for the purpose of that sub-section, be deemed to be her true age; and no order of the Court shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined.”

3. *Substitution of new section for section 9, Madras Act V of 1930.*—For section 9 of the principal Act, the following section shall be substituted, namely :—

“9. *Importing, inducing or aiding woman or girl for prostitution.*—(1) Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a

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view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, or aids any woman or girl in the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) An offence under this section may be inquired into or tried in any place to which the woman or girl is taken or caused to be taken or in which an attempt to take her is made, or in any place from which she is taken or caused to be taken or in any place in which she is carrying on the business of prostitution.”

4. *Amendment of section 11, Madras Act V of 1930.*—Section 11 of the principal Act shall be renumbered as sub-section (1) of section 11, and to that section, the following sub-section shall be added, namely :—

“(2) An offence under this section shall be inquired into or tried in the place from which the woman or girl was induced to go or in any place to which she may have gone as a result of such inducement.”

5. *Amendment of section 12, Madras Act V of 1930.*—In section 12 of the principal Act, for clause (1), the following clause shall be substituted, namely :—

“(1) in any street or public place or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not, by words, gestures, indecent exposure of her person, or otherwise, attracts or endeavours to attract attention for the purposes of prostitution or solicits or molests any person for such purposes, or ”.

K. P. KUTTIKRISHNAN NAIR,
Minister for Law.

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THE MADRAS CITY MUNICIPAL (AMENDMENT)
BILL, 1954 (L.C. BILL No. 7 OF 1954)

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 7th May 1954.

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

THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1954
(L.C. BILL NO. 7 OF 1954).

THE HON. SRI S. S. RAMASAMY PADAYACHI :—
Mr. Speaker, I move—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be taken into consideration.'

"Under the existing provisions of the Madras City Municipal Act, 1919, the maximum monthly salary of the Water Works Engineer of the Corporation of Madras has been limited to Rs. 800, while the maximum monthly salary of the other heads of departments like the Health Officer, the Engineer, the Electrical Engineer and the Revenue Officer has been fixed at Rs. 1,200. As the duties and responsibilities of the Water Works Engineer are no less important and onerous than those of the other heads of departments, the Corporation Council has recommended that the maximum salary of the Water Works Engineer should be raised to Rs. 1,200 so as to be on a par with the maximum salary of the Engineer or the Electrical Engineer. This is a reasonable recommendation and to give effect to it, it is proposed to amend clauses (b) and (c) of sub-section (1) of section 85 of the Madras City Municipal Act, 1919. Accordingly I have moved the motion."

MR. SPEAKER :—"Motion moved—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be taken into consideration.'

SRI A. RATNAM :—"Sir, I move—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be taken into consideration this day six months.'

SRI A. GOVINDASAMY NAYAGAR :—"I second the amendment."

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MR. SPEAKER :—"Motion moved—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be taken into consideration this day six months.'

"The motion as well as the amendment are before the House for discussion."

SRI S. DEIVASIGAMANY :—"Sir, I wish to support the Bill moved by the Hon. Minister for Local Administration. This is a thing which ought to have been done several years ago. I have been a member of the Corporation of Madras once and I have also been a Deputy Mayor. I have known Mr. Muniswami, the Water Works Engineer, for a number of years and he has been doing very useful work for the City of Madras. Even though he is the seniormost officer in the Corporation, he has not been given any increment in his salary because of certain limitations. This Bill only seeks to overcome the limitations and to give him what is his legitimate due. I, therefore, submit that this Bill may be passed without any discussion whatsoever, especially when other officers who are junior to him are drawing higher salaries. Further, when this proposal has emanated from the Commissioner as well as the Corporation of Madras, it is only meet that we should pass this Bill as requested by the Corporation Council."

SRI K. VINAYAKAM :—"Mr. Speaker, Sir, I have great pleasure in supporting the Bill that has been brought forward by the Government for the approval of this House. I will not indulge in mentioning the personalities or the incumbents who are going to be benefited by this measure. But considering the duties of the Water Works Engineer who does a very useful work in the City of Madras in the matter of water being catered to the residents of Madras, I may assure the House that the incumbent of the post has done yeomen service. It will not be out of place if I mention that there was a continuous period of drought for the past ten years and Madras City was affected most in respect of water-supply. During this period, the Water Works Engineer conceived of new schemes for water-supply and very great strain was put upon him. He investigated into new schemes like the Kutralayar Scheme and he was mainly responsible for augmenting the supply of water from the Poondi Reservoir. I happen to have some experience of working of the City Corporation, representing as I do a division which is not provided with water facilities in the shape of water taps from the Poondi Reservoir. For instance, in Aminjikarai, Kodambakkam, Guindy, portions of Saidapet, and Adyar, there are no water taps through which water could be easily catered to the residents of the areas. The Water Works Engineer conceived of new plans like construction of overhead tanks and then devised a very efficient system of supplying water from the reservoir to the overhead tanks through a fleet of lorries. I have great pleasure in vouching for the efficiency of the incumbent

[Sri K. Vinayakam] [7th May 1954]

of the post and it is nothing but proper and just that this Water Works Engineer should be placed on a par with other Heads of Departments.

"In this connexion, I would like to bring to the notice of the Hon. Minister in charge of this portfolio that this kind of anomaly still exists in the City Corporation. For instance, there are various departments which are manned by efficient people, but they are not treated alike. The City Engineer, the Electrical Engineer and the Health Officer are treated alike. Now, the Water Works Engineer who has been drawing a lesser salary than others though an equally onerous duty has been cast upon him is also given the same status as others. But still there are other officers who have got to be properly treated. I would like to refer to the Head of the Department of Education, the Educational Officer of the Corporation of Madras, to whose care 46,000 children have been left for the purpose of imparting elementary education. The Corporation is running 289 elementary schools, two High schools and 75 Higher Elementary schools. Under the direct supervision of the Educational Officer there are not less than 2,875 teachers, both men and women. Such a wide range of supervision, a big field of work, has been entrusted to the Educational Officer. His responsibility is equally great just like that of the City Engineer, the Health Officer, the Electrical Engineer or the Water Works Engineer. But he is not treated in the same way as others are treated though he happens to be the head of a department. This kind of anomaly must be rectified. The present Bill now tries to rectify a defect by granting the same scale of pay to the Water Works Engineer as is granted to others. Then, there will be only one more officer who will be drawing lesser salary than the other heads of departments and he is the Educational Officer of the City Corporation. I request the Government to bring in another Bill to rectify this defect and I assure the Government that the City Council will be pleased to accept the recommendation of the Government of Madras.

"Sir, it will not be out of place to mention that amongst the various Heads of Departments, it is only the Head of the Education Department that is accorded a step-motherly treatment. Even amongst the Cabinet Ministers, I believe the Education Minister occupies a less influential position. But that defect has been rectified now because two or more portfolios have been dumped on one personality who wields an influence. But the general tendency in our country is to give a place of lesser importance to education. Even amongst the Directors of various departments, the Director of Public Instruction occupies a less important place than others. Amongst the District Officers also, the position is the same."

THE HON. SRI C. SUBRAMANIAM:—"This is a simple Bill dealing with the Water Works Engineer. But the hon. Member is dragging in the Director of Public Instruction and

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the District Educational Officers. Of course, a passing reference is all right, but to stress that point will be a little bit out of place and irrelevant."

SRI K. VINAYAKAM:—"I do not need any lessons in parliamentary procedure as far as this House is concerned."

THE HON. SRI C. SUBRAMANIAM:—"If this is the specimen of the parliamentary procedure he has learnt, . . ."

SRI K. VINAYAKAM:—"Sir, the Bill just before the House relates to the revision of the salary of a Head of a Department in the City Corporation. So, it is nothing but proper and pertinent if I mention about the Educational Officer also. While welcoming the Bill under reference, I would suggest that the Government should come forward with another amendment to the same Act in order to rectify the defects as far as the other Heads of Departments are concerned."

SRI S. C. C. ANTHONY PILLAI:—"Mr. Speaker, Sir, those who have spoken before me have mentioned most of the points that should be mentioned about this very small matter. What I would like to point out is this: The City of Madras is being administered under an antiquated Act. Three years ago, the Council took up the question of revising this entire Act. I believe it is more than a year since the compendious recommendations of the Council for the revision of the whole Act were forwarded to the Government. I am sorry that the Government, instead of taking up the revision of the entire Act, have only come forward with a very small measure for remedying and rectifying an anomaly. To the extent to which it rectifies that anomaly, I welcome this Bill. There is no necessity for us to state anything more on this welcome rectification.

"As the hon. Member Sri Vinayakam has pointed out, there are several other anomalies with regard to the pay and salaries of Heads of Departments. It has been universally held and it has been accepted by the Corporation of Madras that there should be uniform scales of pay for those performing onerous and responsible duties like the Heads of Departments. After all, the main functions of the City Corporation are to supply water to the residents, to look after the health of the people, to look after lighting arrangements, etc. It is, therefore, surprising that one of the chief amenities, water-supply, is looked after by a Head of a Department who is treated in a less favourable way than the other Heads of Departments. I only want to point out one important feature, viz., that the City of Madras is growing as an industrial city. The population of Madras has increased from seven lakhs to something like 14½ lakhs, in the past few years. During the past 2 or 3 years when there was a severe drought, some of the industries in the City would have been closed but for the efforts made by the City Water Works Engineer to keep up the supply of water to some of the textile industries. By

[Sri S. C. C. Anthony Pillai] [7th May 1954]

providing extra mains during peak hours to several industries, it was possible to keep up production and avoid unemployment to some extent. In this connection, I beg to urge that the recommendations made by the Council after very careful consideration for two years should be taken up for early consideration and action by the present Ministry."

SRI C. KANDASAMY :—"கனம் சபாநாயகர் அவர்களே, இப்பொழுது இங்கு கொண்டு வரப்பட்டிருக்கும் மசோதா சர்வ சாதாரணமானது தான். கனம் விநாயகம், ஆதித்தன் முதலியவர்கள் சென்னை நகரத்தில் இருக்கிறவர்கள். கார்ப்பரேஷனைப்பற்றி இவர்களுக்கு என்னைவிட இருக்கிறவர்கள். என்னைப் போன்றவர்களுக்கு சற்று விவரமாக அதிகமாகத் தெரியும். என்னைப் போன்றவர்களுக்கு சற்று விவரமாக விளக்கப்படவேண்டும். இந்த மசோதாவைக் கொண்டு வருவதற்கு இப்பொழுது என்ன அவசியம் ஏற்பட்டது என்று புரியவில்லை. நிற்க, பொழுது என்ன அவசியம் ஏற்பட்டது என்று புரியவில்லை. நிற்க, என் கார்ப்பரேஷனில் இருக்கக்கூடிய Water-works Engineer-க்கு ரூ. 800 லிருந்து ரூ. 1,200 ஆக அதிகப்படியான சம்பளம் கொடுக்கப் படவேண்டும் என்று இந்த மசோதாவில் குறிப்பிடப்பட்டிருக்கிறது. இந்த Water-works Engineer சம்பளத்தை மாத்திரம் உயர்த்துவதற்கு அப்படி என்ன நிர்ப்பந்தம் ஏற்பட்டது. என் இவரைப் போன்ற வேலை செய்யும் கல்வி அதிகாரியினுடைய சம்பளம் மாத்திரம் இன்னும் ரூ. 800 லேயே வைக்கப்பட்டிருக்கிறது? கல்வி அதிகாரியின் சம்பளத்தை ஏன் உயர்த்தக்கூடாது. இந்த Engineer-க்கு மட்டும் சம்பளத்தை உயர்த்துவது அவரது நிர்வாகத் திறமைக்காகவா அல்லது பளத்தை உயர்த்துவது அவரது நிர்வாகத் திறமைக்காகவா அல்லது technical skill-க் காகவா என்பது இந்த மசோதாவில் விளக்கப் படவில்லை. அதைவிட்டு விட்டு தனி உத்தியோகஸ்தர் நல்லவர், கெட்டிக்காரர் என்று பேசுவது சரியல்ல. இவ்வாறு எல்லாம் அதிகப்படியாக சம்பளம் வாங்குவருக்கு இன்னும் மேற்கொண்டு சம்பளத்தை அதிகமாக்குகிறார்களே தவிர குறைந்த சம்பளம் வாங்கும் கெஜட் பதிவு இல்லாத சர்க்கார் ஊழியர்களுக்கு அதிகப்படுத்தினார்களா? இல்லை. என்னைக்கேட்டால் அதிகச்சம்பளம் வாங்கும் உத்தியோகஸ்தர்களின் சம்பளங்களைக் குறைத்து, குறைந்த சம்பளம் வாங்கும் ஊழியர்களுக்குச் சிறிது அதிகமாக்கலாம் என்றுதான் சொல்லுவேன். இதுதான் ஜனநாயக முறை. அப்படியின்றி ஒரு உத்தியோகஸ்தருக்கு மாத்திரம் சம்பளத்தை உயர்த்தி அதே நிலைமையில் இருக்கும் மற்றொரு உத்தியோகஸ்தருக்கு சம்பள உயர்வு அளிக்காமல் இருப்பது முறையல்ல. கார்ப்பரேஷனில் ஒரு தனிப்பட்ட இலாகா தலைவருக்காக சட்டத்தில் சம்பளம் குறிப்பிட்டு இருக்கும் போது, அந்த சம்பளத்தை உயர்த்த வேண்டும் என்று சட்ட சபை போது, அந்த சம்பளத்தை உயர்த்த வந்தால் என்ன அர்த்தம் என்று முன் விவாதத்திற்குக் கொண்டு வந்தால் என்ன அர்த்தம் என்று கேட்கிறேன். இதற்கெல்லாம் காரணம் விளக்கப்படவேண்டும் என்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக் கொள்கிறேன்."

SRI A. RATNAM :—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவின் மீது என்னுடைய திருத்தத்தைக்கொண்டு வருவதைப்பற்றி விளக்கக்கூற விரும்புகிறேன். இந்தக்காலத்தில் ராஜ்ய சர்க்காரும், மத்திய சர்க்காரும், ஸ்தல ஸ்தாபனங்களும் என்ன வேலை செய்கின்றன? மத்திய சர்க்காரிடமிருந்து ராஜ்ய சர்க்கார் பணம் வாங்கி ஸ்தல ஸ்தாபனங்களுக்குக் கொடுக்கிறது. அந்தப்பணம் பொதுமக்களுக்கு விநியோகிக்கப்படுகிறது.

"ஒரு தனிப்பட்ட உத்தியோகஸ்தரின் சம்பளத்தை உயர்த்துவதற்காக இந்த மசோதா இந்த சட்டசபையில் விவாதத்திற்குக் கொண்டுவரப்படுகிறது. ஆனால் அதே நேரத்தில் பொதுமக்களுக்கு ஏதாவது நன்மை பயக்குமா என்று கேட்டால், இதனால் ஒருவித நன்மையும் ஏற்படப்போவதில்லை. ஸ்தல ஸ்தாபனங்கள் மூலமாகத்தான் அவர்கள் நன்மை அடையமுடியும். குறிப்பாக சென்னைக் கார்ப்பரேஷன் மூலமாகப் பொது ஜனங்களுக்கு ஏதாவது நன்மை ஏற்பட்டிருக்கிறது.

7th May 1954]

[Sri A. Ratnam]

றதா என்று கேட்கிறேன். இடவசதி, தண்ணீர்வசதி, காற்று வசதி, சுகாதார வசதி, விளக்கு வசதி ஏதாவதும் அதிகமாக இருக்கிறதா என்றால் ஒன்றும் இல்லையென்று தான் சொல்லவேண்டும். தண்ணீர் வசதியும் அதே நிலைமையில் தான் இருக்கிறது. சென்ற 20, 30 வருஷகாலமாக இந்த Engineer-ன் சம்பளம் உயர்த்தப்படாமல் இப்பொழுது மாத்திரம் எதற்காக உயர்த்தப்பட வேண்டுமென்று கேட்கிறேன். இப்பொழுது திரு. முனுசாமி ஆச்சாரிதான் Engineer-ஆக இருக்கிறார். சென்னை நகரத்தைப்பற்றி எனக்கு நன்றாகத்தெரியும். சுகாதார டிபார்ட்மெண்டில் இதே மாதிரியான உத்தியோகத்தில் சம்பள உயர்வு சட்டசபைக்கு வராமலேயே செய்து விட்டார்கள். ஒரு ஆண்டிற்கு முன் Health Department, Conservancy Department தனித்தனியாக இருந்தன. பிறகு ஒன்று சேர்ந்தன. Health Department தனியாகப் போய் Conservancy Department, Mechanical Engineer-ன் மேற்பார்வையில் வந்தது. இதற்கு முக்கிய காரணம் ஒரு ஐயரின் சம்பளம் தான். இப்போது சென்னை யில் தொத்து நோய் உண்டாகியிருக்கிறது. இதற்குக் காரணம் Conservancy Department, Mechanical Engineer கையில் இருப்பது தான். இந்த மாதிரியான நிலைமையில் தான் சென்னை நகரம் இருக்கிறது. இப்போது இருக்கும் இன்ஜினியர் இன்னும் 1½ ஆண்டுகளுக்குள் retire ஆகப் போகிறார். இப்பொழுது சம்பளத்தை உயர்த்தினால் இதனால் இவருக்கு ஒன்றும் நன்மை ஏற்படப்போவதில்லை. ஆனால் இவருக்குப் பின்னால் வரும் ஒரு மலையாளிக்குத்தான் நன்மை ஏற்படப் போகிறது. இந்த உத்தியோகஸ்தரின் சம்பளத்தை உயர்த்துவது இவர் நன்மை அடைவதற்காகத்தான். ஆனால் அதேசமயத்தில் கார்ப்பரேஷனிலுள்ள கல்வி அதிகாரியின் சம்பளம் மாத்திரம் அதே ரூ. 800 ஆக இருக்கிறது. அவருடைய நலத்தை இந்த சர்க்கார் புறக்கணிக்கிறது.

"மக்கள் சுகமாக வாழவேண்டும் என்று இந்த சர்க்கார் கருதவில்லை. எவ்வளவோ ஏழைகள் சென்னையில் மிகவும் கஷ்டப்பட்டுக் கொண்டிருக்கிறார்கள். உண்ண உணவு இல்லை, உடுக்க உடையில்லை, இருக்கலில்லை, குடிக்கத்தண்ணீர் இல்லை. இவ்விதமாக அல்லல்பட்டு அவதியுறுகிறார்கள். பொதுவாக ஆதித்திராவிட மக்கள் மிகவும் பாதிக்கப்பட்டிருக்கிறார்கள்.

"சென்னையில் தண்ணீர் வசதி மிகமிக முக்கியம். ஆனால் அதைச் அளித்தார்களா? இல்லையே. சேரிகளிலும், குப்பங்களிலும் வாழும் ஏழை ஆதித்திராவிட மக்களுக்குத் தண்ணீர் வசதி செய்துக் கொடுக்கப்பட்டதா? லக்ஷம் லக்ஷமாக ஏழைகள் வாழும் சேரிகளில் ஒரு குழாய் கூட இல்லை. ஆனால் ஒரு பங்களாவில் இரண்டு பேர் வாழும் பணக்காரர்களுக்கு 15, 20 குழாய்கள் வைக்கிறார்கள். இது நியாயமா, முறையா, என்று கேட்கிறேன். இவ்விதமாகக் கஷ்டப்பட்டுக் கொண்டிருக்கும் மக்களுக்கு ஒருவித நன்மையும் செய்யாமலே ஒரு தனிப்பட்டவரின் நன்மைக்காக, சம்பளத்தை உயர்த்தவேண்டுமென்று சட்டசபையில் சட்டம் கொண்டு வருகிறார்கள். எனக்கு உடல் நலம் சரியாக இல்லாததினால் அதிகமாகப் பேச முடியவில்லை.

"கனம் ராமசாமிப் படையாச்சி, பிற்பட்ட இனத்தைச் சேர்ந்தவர். உழைப்பாளிகளுக்காகவும், பிற்பட்ட சமூகத்தினர்களுக்காகவும், ஆதித்திராவிட மக்களுக்காகவும் பாடுபடுகிறவர். அவர்களின் நலனைக் கண்ணும் கருத்துமாய் அவர் கவனிப்பார் என்ற நம்பிக்கையோடு என் பேச்சை முடித்துக் கொள்ளுகிறேன்."

THE HON. SRI S. S. RAMASAMY PADAYACHI :—"Mr. Speaker, I shall bear all the suggestions made by the hon. Members in mind when we take up the question of amending the Act. This is a simple Bill brought forward for upgrading the salary of an officer of the Corporation of Madras. The Corporation Council

24 THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1954
(L.C. BILL NO. 7 OF 1954)

[Sri S. S. Ramasamy Padayachi] [7th May 1954]

has passed a resolution recommending this. To meet the extra cost involved in upgrading the salary of this Officer of the Corporation, this Bill has been brought forward. I commend that the Bill may be passed."

The amendment of the hon. Member Sri A. Ratnam was, by leave of the House, withdrawn.

MR. SPEAKER:—"The question is—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be taken into consideration.'"

The motion was put and carried.

MR. SPEAKER:—"I shall now take up the clauses. I think there are no amendments to the clauses. So I am putting them to the vote of the House."

Clauses 2 and 1 and the Preamble were then separately put to the vote of the House and carried.

THE HON. SRI S. S. RAMASAMY PADAYACHI:—"Sir, I now move—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be passed into law.'"

MR. SPEAKER:—"Motion moved—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be passed into law.'"

SRI K. PARTHASARATHY:—"Mr. Speaker, I wish to congratulate the Hon. the Minister for Local Administration on his piloting his first Bill after assuming charge as Minister of this State.

"Many hon. Members who have intimate connection with the Madras Corporation have given suggestions for carrying out certain amendments in the Act. I wish to submit to the House that the City Municipal Act was passed 30 years ago when there was no responsible Government. Then, it was thought fit to provide restrictions on the powers of local bodies in carrying out their normal duties. I wish to suggest that there is no necessity of imposing so many restrictions on the deliberations and decisions of local bodies. Local bodies must be left free to administer their own affairs."

MR. SPEAKER:—"I must tell the hon. Member that we are in the third reading stage, and not in the first reading stage. If he wants to say anything about the clauses, he may do so instead of talking in general terms."

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SRI K. PARTHASARATHY:—"I only wish to emphasise that some of the restrictions that are placed on local bodies at the present time should be removed. A further comprehensive Bill may be brought forward to remove all these restrictions placed on the exercise of powers by the local bodies. Even in section 85, I wish to suggest that it would have been better if the proviso (a) was retained and the other provisions were repealed. We expect to have in the near future a comprehensive amending Bill removing all the restrictions placed on the exercise of the functions of local bodies. I once again congratulate the Hon. Minister for Local Administration on his having successfully piloted his first Bill."

MR. SPEAKER:—"The question is—

'That the Madras City Municipal (Amendment) Bill, 1954 (L.C. Bill No. 7 of 1954), as passed by the Council be passed into law.'"

The motion was put and carried.

MR. SPEAKER:—"Now, let us take up the next Bill on the agenda, viz., The Hindu Non-conforming Marriages (Registration) Bill, 1954."

[7th May 1954]

APPENDIX.

[Vide item on page 236 supra.]

L.C. BILL No. 7 of 1954.

(As passed by the Council.)

A Bill further to amend the Madras City Municipal Act, 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919 (Madras Act IV of 1919), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras City Municipal (Amendment) Act, 1954.

2. *Amendment of section 85, Madras Act IV of 1919.*—In the proviso to sub-section (1) of section 85 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919)—

(a) in clause (b)—

(i) after the words “ the electrical engineer ” a comma and the words “ the water-works engineer ” shall be inserted; and

(ii) the word “ and ” shall be inserted after the semicolon at the end;

(b) clause (c) and the word “ and ” shall be omitted and clause (d) shall be re-lettered as clause (c).

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 7th May 1954.

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

THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1954.

SRI S. SWAYAMPRAKASAM :—“ On a point of order, Sir. This Bill was circulated to us only yesterday. There was no time for us to study the Bill. The Bill was published only on the 4th of May in the Gazette. Rule 79 of the Madras Assembly Rules says :

“ 79. At any time after the expiry of six days from the publication of a Bill in the Gazette, the member-in-charge of the Bill may make one of the following motions in regard to his Bill, namely :—

(a) that it be taken into consideration by the Assembly either at once or some future day to be then specified ; or

[Sri S. Swayamprakasam] [7th May 1954]

(b) that it be referred to a Select Committee of the House or ;

(c) that it be circulated for the purpose of eliciting opinion thereon. "

Therefore, only after six days from the publication of the Bill in the Gazette, that is only on the 10th of May in this case, can the Hon. the Minister for Land Revenue bring in a motion for the consideration of the Bill by the House. Moreover, the fifteen days' notice to Members had not been given. Therefore, I submit the consideration of this Bill by the House to-day is out of order."

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, கனம் சுயம்பிரகாசம் அவர்கள் எழுப்பியுள்ள ஒழுங்குப் பிரச்சனையை நானும் ஆமோதிக்கிறேன். கெஜட்டில் பிரசுரமாகி 6 தினங்களுக்குப் பிறகே எந்த மசோதாவையும் இந்தச் சபையிலே பிரேரிப்பதற்கு முடியும். இருந்தாலும் கூட இந்த ஷரத்தில் கண்டுள்ள விதிகளையெல்லாம்மீறி எதையும் சபையில் பிரேரிப்பதற்கு அனுமதி அளிக்கக்கூடிய அதிகாரம் தங்களுக்கு இருக்கிற தென்பதும் வாஸ்தவம். அதை நான் ஆட்சேபிக்கவில்லை. போதிய அவகாசம் கொடுக்காமல் திடீரென்று ஒரு மசோதாவைப் பிரேரித்து அதைச் சபை விவாதிக்கவேண்டுமென்று சொன்னால் அடிப்படைக் கொள்கையை ஒத்துக்கொள்ளுகிறவர்களுக்குக்கூட அதிலுள்ள பல சிக்கல்களை நன்கு ஆராய்ந்து நீக்குவதற்கு முடியாமல் போய்விடும் என்பதும் வாஸ்தவம். இருந்தாலும் சர்க்கார் கட்சித் தலைவர் இம் மசோதாவை இன்றைக்கே விவாதத்திற்கு எடுத்துக்கொள்ளவேண்டுமென்பதற்கு ஏதாவது பிரத்யேகக் காரணங்களைச் சொல்லியிருக்கிறார்களா என்று நான் அறிய விரும்புகிறேன்."

MR. SPEAKER :—" As remarked by the Deputy Leader of the Opposition, the Chair has got the power to waive notice. The Deputy Leader of the Opposition has himself admitted it. Apart from that, the other House is meeting on the 10th instant. We must send some Bills for the Council on that date. That is another reason." (Laughter.)

THE HON. SRI C. SUBRAMANIAM :—" Ordinarily, I would not have pressed that this Bill be taken up for discussion to-day. But this Bill had been considered by this House before the separation of Andhra. It was referred to a Select Committee. We again discussed it. But we stopped further discussion because of the intervention of partition. The fact that this Bill would come up for discussion in the House had been indicated during the Budget debate itself. I agree that the Bill could have been published a little earlier. In view of the changes that took place in the Cabinet recently, we had again to circulate it to the Ministers, get their orders and then publish the Bill. These are the circumstances under which we have had to pass through. Therefore, I would request hon. Members, even though the Hon. Speaker has the power to waive the notice period of six days prescribed under rule 79 of the Assembly Rules, to waive the time limit in view of what I have stated. I would request hon. Members not to mind what has been done but proceed with the consideration of the Bill. Whatever difficulties hon. Members may find in the Bill, I think we will be able to solve them during the course of the day when the Bill would be under discussion."

DR. K. B. MENON :—" I wish to submit that in the Bill as presented to the House, there are some alterations and that

[Dr. K. B. Menon]

7th May 1954] it is different from the one originally presented. We have had no time to study the Bill and hand in amendments. If we take the other items that are left over, I think that would occupy the whole day and give us some time to study the Bill."

THE HON. SRI C. SUBRAMANIAM :—" I wish to inform hon. Members that the Council is meeting on the 10th instant. We have to send some Bills on that date for their consideration. They will not have any work if we do not send them this Bill for their consideration on the 10th instant. Therefore, I think hon. Members would co-operate with us and not allow us to incur extra expenditure by not giving any work to the Council on the 10th instant. I do hope that hon. Members would proceed with the consideration of the Bill to-day itself."

SRI S. SWAYAMPRAKASAM :—" I wish to submit that it is wrong in principle that we should hustle through this Bill to give some work for the other House which is meeting on the 10th instant. Even though the Government have got the power to introduce Bills in the Council, that rule should not be used to curtail the powers of this House. Money Bills . . ."

THE HON. SRI C. SUBRAMANIAM :—" No Money Bills have been introduced in the Council, Sir."

MR. SPEAKER :—" Yes. To my knowledge, Government have not introduced any Money Bill in the Council first."

SRI S. SWAYAMPRAKASAM :—" They have introduced several new Bills first in the Council. Again on principle, it is wrong to curtail the powers of this House."

MR. SPEAKER :—" But the rules provide that Government could introduce Bills other than Money Bills in the other House."

SRI S. SWAYAMPRAKASAM :—" Our object is to stop consideration of this Bill to-day. We have had no time to study the Bill. How can we participate usefully in the discussion? Moreover, we do not have the facilities that the Hon. Ministers have. The new Ministry was formed on April 13th. In spite of their having all the facilities, in spite of their having the whole command in their hands, they could not publish the Bill in the Gazette soon. It was published only on the 4th of May. To-day is 7th. The six days time-limit is not yet over. So I request that the Bill be not taken up for discussion to-day."

SRI S. DEIVASIGAMANY :—" Sir, this Bill, when passed, will have far-reaching consequences, especially in view of the recent statement of the Prime Minister of India that a maximum limit should be placed on the extent of land to be held by an individual. It is expected that we should go into the matter very deeply and intelligently and I submit that we cannot do it now especially when the Bill has been published only very recently.

[Sri S. Deivasigamany] [7th May 1954]

I therefore request you to give us some more time, so that we can study the Bill and give our intelligent support to the other side."

MR. SPEAKER:—"The Leader of the House has already explained the circumstances under which the Bill has been placed before the House. In view of that, I do not think the hon. Member will press his suggestion."

SRI K. VINAYAKAM:—"Does the Hon. Leader of the House want this Bill to be hustled through this House? Let us be clear about our position."

THE HON. SRI C. SUBRAMANIAM:—"I do not want to hustle this Bill through this House. Even if I want to hustle through, I do not think the Hon. Speaker will allow me to do it."

SRI V. BALAKRISHNAN:—"As a gesture, will the Hon. Speaker be pleased to accept verbal amendments?"

MR. SPEAKER:—"Amendments will be received during the general discussion and also during the consideration of the Bill clause by clause."

DR. K. B. MENON:—"Some of us are not lawyers and we cannot understand the Bill thoroughly."

SRI S. T. ADITYAN:—"There is another aspect of the question which no Member has put forward. We can, no doubt, go through the Bill to-day. But we are not the only party concerned. The large body of people, who are affected by this Bill, are also concerned. The people should have time to represent their views to the Members and the Press also should have time to express its views."

SRI M. KALYANASUNDRAM:—"கனம் சபாநாயகர் அவர்கள், மற்ற கட்சித் தலைவர்கள் சொல்லிய வாதங்களை நானும் ஒப்புக் கொள்ளுகிறேன்."

MR. SPEAKER:—"நீங்களை முன்பு எந்த மசோதாவையும் பிரேரிக்கும் விஷயத்தில் நோட்டீஸ் நிபந்தனைகளிலிருந்து விலக்களிக்க சபைத் தலைவர் அனுமதி அளிக்க விதிகளில் இடம் இருக்கிறதென்பதை ஒப்புக்கொண்டிருக்கிறீர்கள். இப்போது . . ."

SRI M. KALYANASUNDRAM:—"உங்களுக்கு பிரத்யேக அதிகாரம் இருக்கிறதென்பதை நான் ஒப்புக்கொள்ளுகிறேன். அதேசமயத்தில் மற்ற கட்சித் தலைவர்களும் இந்த மசோதாவைப் படிப்பதற்குக் கொஞ்சம் அவகாசம் கொடுக்கவேண்டுமென்று சொல்வதன் காரணமாக நான் என்னுடைய யோசனை ஒன்றைச் சொல்ல விரும்புகிறேன். அதாவது இன்றைக்கு நாம் இந்த மசோதாவின் பொது விவாதத்தை வைத்துக் கொள்ளலாம். நாளைக்கு ஷரத்துவாரியாக எடுத்துக் கொண்டு விவாதம் நடத்தலாமென்பதே எனது அபிப்பிராயம்."

THE HON. SRI C. SUBRAMANIAM:—"Let us see the trend of discussion and if it is necessary to allow more time, we shall allow. I do not want to curtail discussion."

[7th May 1954]

MR. SPEAKER:—"We shall have general discussion to-day and consideration clause by clause to-morrow."

SRI K. VINAYAKAM:—"Even for general discussion, Members must contribute to the discussion. They must talk some sense."

MR. SPEAKER:—"Yesterday I told the Leader of the House that it was not possible for me to waive notice. But he made a special request to me to waive notice and allow this Bill to be taken up to-day, as some work had to be provided for the Council. Only after his special request, I agreed to waive notice. At the same time, he told me that this Bill had come up before the House a number of times in some form or other. We shall have general discussion to-day and take up consideration clause by clause to-morrow."

SRI S. DEIVASIGAMANY:—"Sir, may I submit the view of some of the Members? If the Bill is taken up to-day, we will be at a very great disadvantage and many of us have decided not to participate in the discussion, and probably we may walk out."

MR. SPEAKER:—"I request the hon. Member not to do that. That is not a proper way of doing things."

SRI K. VINAYAKAM:—"There are other pending Bills. For instance, the Bill for amending the Madras City Municipal Act may be taken up."

MR. SPEAKER:—"In view of the special request of the Leader of the House, I hope the House will comply with it."

SRI S. SWAYAMPRAKASAM:—"We are submitting that we have not studied, and therefore we are not prepared to discuss, the Bill. It is not our intention to waste the time of the House. Instead of wasting time on general discussion to-day, I suggest as a compromise that we could take up and finish the general discussion as well as the discussion clause by clause to-morrow."

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 8th May 1954.

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

THE MADRAS LAND REVENUE (SURCHARGE) BILL ^a, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“Mr. Speaker, Sir, I introduce the Madras Land Revenue (Surcharge) Bill, 1954, and move—

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

“In doing so, I would like to tell the House that the Land Revenue system of this State has been subjected to the criticism that the burden of tax is not distributed equitably among the different classes of landowners. Under the existing system, persons with larger holdings pay the same rate of assessment as persons with smaller holdings. Thus, the richer classes do not bear any additional burden of taxation. In order to remedy this defect and to obtain an addition to the land revenue of the State, it is now being proposed to levy a surcharge on land revenue assessments. This surcharge will be levied on a rising scale, on the bigger holdings only. It is also considered by the Government that the levy of this surcharge on bigger holdings gives an element of progression in the land revenue system; and to some extent is in the nature of alternative to Agricultural Income-tax.

“Hon. Members will remember that in the third year of our Republic, that is, 1952, I moved a motion on the floor of this House that the Land Revenue Surcharge Bill of 1952 be referred to a Select Committee. The Select Committee which met and considered the Bill made some changes and the Bill as amended by it was not proceeded with as the Government then decided to postpone the measure. But it is now sought to take up the question of the levy of surcharge on land revenue by the present Bill with important modifications to provisions of the Bill introduced in 1952.

^a Published in the *Fort St. George Gazette*, dated 4th May 1954.

[Sri M. A. Manickavelu Naicker] [8th May 1954]

"The salient features of the present Bill are as follows:—

1. Clause 3 of the Bill provides for this levy on a graduated scale. The scale of levy will range from two annas to eight annas on the rupee of the assessment. In the 1952 Bill, the range was from two annas to sixteen annas on the rupee of assessment. Landholders with a total assessment of 500 rupees and below in any district need not pay any surcharge and even those with an assessment exceeding 500 rupees need not pay any surcharge on the first 250 rupees. Landholders paying an assessment of less than Rs. 500 in more than one district are not liable to surcharge. But according to the Bill of 1952, holdings bearing an assessment of Rs. 50 and less were only exempt from surcharge.

2. In view of the peculiar land tenure conditions prevailing in Malabar, a special provision has been made in respect of the areas governed by the Malabar Tenancy Act, 1929 (Madras Act XIII of 1930), in the proviso to clause 2 (b) of the Bill. According to this proviso, the kanamdar or customary verumpattamdar will be treated as landholder in respect of lands held by him. The janmi will be liable to surcharge only in respect of lands held by him.

Sir, I humbly submit that this Bill be taken into consideration at once."

MR. SPEAKER:—"The motion is—

'That the Madras Land Revenue (Surcharge) Bill, 1954, be taken into consideration at once.'"

SRI T. ANANTHA PAI:—"Sir, what is the annual revenue that this measure is expected to bring?"

MR. SPEAKER:—"Let all the amendments be moved. Mr. Gopalan."

SRI K. P. GOPALAN:—"Sir, I am not moving the first amendment standing in my name. I move the second amendment, namely—

'That the Madras Land Revenue (Surcharge) Bill, 1954, be referred to a Select Committee.'"

SRI M. KALYANASUNDRAM:—"I second the amendment, Sir."

MR. SPEAKER:—"The motion as well as the amendment is before the House for discussion."

SRI T. ANANTHA PAI:—"Sir, may I know what the expected annual revenue on account of this Surcharge Bill is?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, the estimate is in the order of five to six lakhs of rupees."

SRI M. NARAYANA KURUP:—"Sir, I have also given notice of an amendment. But only the hon. Member, Sri Gopalan, has been allowed to move his amendment."

MR. SPEAKER:—"The same amendment cannot be repeated."

SRI S. S. KOLKEBAIL:—"Sir, I had given notice of an amendment but it has not been circulated."

8th May 1954]

MR. SPEAKER:—"Please read your amendment."

SRI S. S. KOLKEBAIL:—"My amendment is—

'Add after section 2 (b): "provided that the landholder is not liable to pay any surcharge in respect of lands"'

MR. SPEAKER:—"When we take up clause by clause consideration of the Bill, that amendment will be taken up."

SRI M. NARAYANA KURUP:—"The Hon. the Speaker remarked that only one amendment could be moved. Supposing the hon. Member Sri Gopalan withdraws his amendment, what will be the fate of my amendment?"

MR. SPEAKER:—"The hon. Member Sri Kurup had given notice of an amendment and the hon. Member Sri Gopalan had also given notice of a similar amendment, namely, that the Bill be referred to a Select Committee. I have now allowed Sri Gopalan to move his amendment. Before putting the amendment to the vote of the House if Sri Gopalan wants to withdraw his amendment, he can do so only with the leave of the House. And when I put the question whether the House gives permission to Sri Gopalan to withdraw his amendment, Mr. Kurup might object to leave being granted to withdraw the amendment and thereby press his amendment. Leave to withdraw can be given only if there is not even a single dissentient voice."

SRI M. NARAYANA KURUP:—"I want to know definitely whether permission is refused even if one member objects?"

MR. SPEAKER:—"Yes, it is clearly stated in the rules."

SRI C. KANDASAMI:—"கனம் சபாநாயகர் அவர்களே, இப்போது நிலவரிமீது உபரி சார்ஜ் விதிக்க ஒரு மசோதா பிரேரேபிக்கப் பட்டிருக்கிறது. கனம் ரெவின்யூ மந்திரி அவர்கள் தொடர்ச்சியாக இப் பதவியில் இருப்பதற்குப் பாக்கியம் கிடைத்திருக்கிறதும் மகிழ்ச்சியடைகிறேன். இந்த வரி விதிப்பு விவசாய வருமான வரிக்கு ஒரு மாற்றாகப் பிரேரேபிக்கப்படுவதாகக் காரணம் காட்டுகிறார்கள். இந்த அடிப்படையில் இந்த மசோதா இல்லையென்று தெரிவித்துக்கொள்ளுகிறேன்."

"தற்போது இந்த மாகாண பட்ஜட்டில் சுமார் 48 லட்சம் ரூபாய் போதாக்குறை ஏற்பட்டிருக்கிறது. இந்த சர்க்கார் அதிக வருமானத்திற்காக இந்த சர்சார்ஜ் விதிக்கிறார்கள் என்று கூறுகிறார்கள். இந்தமாதிரி வரி விதிப்புக் கொள்கையை இந்தச் சர்க்கார் அமுலுக்குக் கொண்டுவரப் பார்க்கும்போது உண்மையிலேயே நான் ஆதரிக்கிறேன் என்றபோதிலும் கூட விவசாய வருமான வரிக்கு இது ஒரு மாற்றாகக் கொண்டுவரப்பட்டது என்று சொல்வது சரியல்ல என்று முதலில் சுட்டிக்காட்ட விரும்புகிறேன். விவசாய வருமான வரிக்கும் இதற்கும் எகப்பட்ட, வித்தியாசம் இருக்கிறது. ஏனெனில் இன்றையதினம் இந்நாட்டில் இருக்கக்கூடிய வருமானத்தை அடிப்படையாகக்கொண்டு தொழில்கள்மீது வருமானவரி இன்றையதினம் விதிக்கப்பட்டிருக்கிறது. இதற்கும் அதற்கும் எவ்வளவுதரம் வித்தியாசம் இருக்கிறது என்று அவர்கள் புரிந்துகொள்வார்கள் என்று நான் நினைக்கிறேன்."

"காங்கிரஸ் ஸ்தாபனத்தின் விவசாயக் கொள்கையை பொதுவாகப் பார்க்கும்போது ஒவ்வொரு சந்தர்ப்பத்திலும் கூடுமானவரை அவர்கள் நிலப்பிரபுக்களுக்கே, வருமானம் அதிகம் வரக்கூடியவர்களுக்கே, சலுகை"

[Sri C. Kandasami]

[8th May 1954]

காட்டி வருகிறார்கள் என்பது நன்கு விளங்குகிறது. இதற்கெதிராக இம்மாதிரியான கிளர்ச்சிகளெல்லாம் வரும்போது அவ்வப்போது ஒரு சட்டம் கொண்டுவருவதெல்லாம் அரசாங்கத்தின் செப்படி வித்தையாகத் தான் இருக்கிறது. இதற்கெல்லாம் ஒரு முடிவு காணவேண்டுமென்று நான் அவ்வப்போது திட்டவட்டமாக சொல்லிக்கொண்டு வருகிறேன். சுதந்திரம் கிடைத்த பிறகு நாட்டின் பல இடங்களில் எல்லா மாகாணங்களிலுமே இந்த வருமான வரி வேண்டுமென்ற கிளர்ச்சியானது விவசாயிகளிடையே வேகமாக வளர்ந்துகொண்டுவருகிறது.

“ஆகவே இன்றையதினம் இந்த சர்சார்ஜ் வரிக்குப் பதிலாக வருமான வரி விதிக்கவேண்டுமென்று தெரிவித்துக்கொள்ள விரும்புகிறேன். வருமான வரியால் சாதாரண விவசாயிகள் அதிகம் பாதிக்கப்படமாட்டார்கள். இந்த சர்சார்ஜ் வரி கொண்டுவருவதற்காக சிலர் விவசாயிகளுக்காக ‘முதலைக் கண்ணீர்’ வடிப்பது வேடிக்கையாகத்தான் இருக்கிறது.

“இந்த வருஷம் பட்டியல் ஏற்பட்டுள்ள போதாக குறையைப் போக்குவதற்காக இந்த வரியை விதிக்கிறோம் என்று சொல்லுகிறார்கள். இதை வருமான வரிக்கு மாற்றாகக் கொண்டுவருகிறோம் என்பதை நாம் ஒப்புக்கொள்ளமாட்டோம்.

“முன்னாறு ஏகர் நஞ்சை நிலங்களில் ரூ. 40,000 வருமானம் வருகிறது என்று வைத்துக்கொண்டால் வருமான வரிப்படி ரூ. 10,000 வரி கட்டவேண்டும். ஆனால் ஏற்கனவே இந்த நிலவரிப்படி ரூ. 3,000 கட்டப்பட்டு வந்தது. இப்பொழுது கொண்டுவரப்பட்டிருக்கும் surcharge மூலம் மேலும் ஒரு ஆயிரம் ரூபாய் வசூலிக்க இடமிருக்கிறது. அதன் படி ரூ. 4,000 செலுத்தவேண்டும். அப்படி வசூலித்தாலும் வருமான வரியைவிட ரூ. 6,000-க்கு குறைவாகவே இருக்கிறது. ஆகவே மேலுக்குப் பார்ப்பதற்குச் அதிக வரி விதிப்பு இருப்பதைப்போலிருந்தாலும் உண்மையிலே முதலாளிகளுக்கு நன்மை செய்யும் விதத்திலேயே இந்த சட்டம் கொண்டுவரப்பட்டிருக்கிறது. ஆகையால் அவர்களுக்கு வருமான வரி விகிதத்திலே வரி வசூலிக்கப்பட வேண்டுமென்பதைத் தெரிவித்துக் கொள்ள விரும்புகிறேன்.

“அடுத்தபடியாக விளைபொருள்கள் விலையை எடுத்துக்கொண்டால் புஞ்சைக்குக் கட்டப்படும் வரியானது மிகவும் குறைவு. அதாவது தண்ணீருக்கு வரி கிடையாது. கோயம்புத்தூரிலே நஞ்சை நிலம் மிகக் குறைவு. அங்கே புஞ்சை நிலங்களை வைத்திருக்கும் நிலப்பிரபுக்கள் இருக்கிறார்கள். அவர்கள் ஒரு ஏக்கரை ரூ. 200 லிருந்து ரூ. 300 வரை குத்தகைக்கு விடுகிறார்கள். இதிலே அவர்களுக்கு அதிகப்படியான வருமானம் கிடைக்கிறது. அவர்கள் கட்டும் கிஸ்தி வரியைக் கணக்கிட்டால் மிகவும் குறைவு. அதாவது ஏக்கருக்கு 3 ரூபாய், 300 ஏக்கருக்கு சுமார் 1,000 ரூபாய் நிலவரி. சர்சார்ஜையும் சேர்த்தால் சுமார் 200 ரூபாய் அதிகமாகலாம். வருமான வரி என்றால் சுமார் 15,000 ரூபாய் வரும். ஆகவே இந்த வருமான வரியையும் surcharge வரியையும் ஒப்பிட்டுப் பார்த்தால் ஒன்றுக்கொன்று எட்டாது போலத் தெரிகிறது. ஆகவேதான் இந்த வரி விதிப்பு சரியில்லை என்று கூறுகிறேன்.

“அடுத்தபடியாக இந்த வரியை எதிர்க்கக்கூடியவர்கள் சர்க்கார் கட்சி தரப்பிலும் இருக்கிறார்கள்.

“இந்த சர்க்கார் நிலப்பிரபுக்களுக்கு குறைந்த பட்ச வரி விதித்து விட்டு விவசாயிகளிடத்தில்தான் அதிக வரி வசூலிக்கிறார்கள். ஆனால் விவசாயிகளுக்காக முதலைக் கண்ணீர் வடிப்பதைப்போல் வடிக்கிறார்கள். நிலப்பிரபுக்களிடம் வசூலாவது 2% தான். பாக்கி 98% விவசாயிகளிடமிருந்து வருகிறது. இது விவசாயத்தை பாதிக்கும் என்கிறார்கள். இது சரியல்ல. அதிக நிலமுள்ளவர்களுக்குத்தான் இந்த வரி. போன தடவை 50 ரூபாய்க்கு மேல்பட்டவர்களுக்கு சர்சார்ஜ் என்றார்கள். இப்போது ஒரே தாவில் 500 ரூபாய்க்கு வரிலைக்கு அளித்தது ஏன்? இது புரியவில்லை. பெயருக்கு அதிக வரி போடுகிறோம் என்பதுதான்.

[8th May 1954]

[Sri C. Kandasami]

“அடுத்தபடியாக இந்த வரி விதிப்பதற்கு எதிராக இன்னும் பல காரணங்கள் சிலர் கூறிவருகிறார்கள். நிலவரி, கூலி, குத்தகை தான் யங்கள், விலை எல்லாவற்றையும் பார்த்துத்தான் இந்த வரி விதிக்கவேண்டும் என்கிறார்கள். ஆகவே நாங்களும் வருமான வரி போடு என்கிறோம். நிலச் சீர்திருத்தம் மொத்தமாகச் செய்யப்படவேண்டும். மேலே சொன்ன எல்லா விஷயங்களையும் இணைத்துச் செய்யப்படவேண்டும். அதை விட்டு துண்டு துக்காணியாக இம்மாதிரி செய்வது வேண்டா வெறுப்பாகச் செய்வதாகும். ஒன்றுக்கொன்று சம்பந்தமில்லை. ஒட்டு மொத்தமாகப் பார்க்கும்போது இந்த காங்கிரஸ் ஸ்தாபனம் வருமானத்திற்காக புதிய புதிய வரிகளை கஷ்டப்பட்டுக்கொண்டிருக்கும் விவசாயிகளிடது போடுகிறதே தவிர, நிலப் பிரபுக்களுக்கு அதிகம் போடத் தயங்குகிறது. இன்றையதினம் இந்த காங்கிரஸ் ஸ்தாபனம் நாட்டு மக்கள் சுபிட்சத்தைப்பற்றி கவலைப்படுவதாகத் தெரியவில்லை. ஒட்டு மொத்தமாக இந்த தேசத்தில் இருக்கக்கூடிய விவசாயிகள் சுகமாக வாழ்வதற்கு நிலச் சீர்திருத்தம் கொண்டுவரவேண்டும். பல சிக்கலான நிலையில் வருமையால் ஏழை விவசாயிகள் வாடுகிறார்கள். நல்ல ஒரு மொத்தமான நிலச் சீர்திருத்தத்தை உடனடியாகக் கொண்டுவரவேண்டும். விவசாயிகளுக்கும் கூலிகளுக்கும் ஒரு ஸ்திரத் தன்மையை அளிக்கவேண்டும்.

“இன்று நாட்டில் பல மிராஸ்தார்கள் நூற்றுக் கணக்கான ஏக்கர் நிலங்களை வைத்துக்கொண்டு விவசாயிகளுக்குக் குத்தகைக்கு விடுகிறார்கள். பணம் படைத்தோர் இதை ஒரு வியாபாரமாகக் கருதி விடுகிறார்கள். நாட்டிலேயே பொருளாதார நெருக்கடி ஏற்பட்டிருக்கிறது. மிராஸ்தார்கள் இந்த சர்சார்ஜ் வரி காரணமாக குத்தகைக்கு எடுக்கும் விவசாயியை வரியைச் செலுத்த நிர்ப்பந்திப்பார்கள். இதைத் தடுக்கவேண்டும். விவசாயத்தில் வருமானத்தைக் கணக்கிடுவது கஷ்டம் என்று இதை எதிர்ப்பவர்கள் சொல்லுகிறார்கள். அது தப்பு. ஒரு ஏக்கருக்கு ரூ. 500 வீதம் ஒரு மிராஸ்தார் வைத்திருக்கும் மொத்த நிலங்களுக்கும் நிகர லாபமாக குத்தகை வாரம் மூலம் ஆயிரக் கணக்கில் பணம் கிடைத்துவிடுகிறது. அதற்கு எவ்வித வரியும் கிடையாது. ஆகவே இவ்வாறு அவர்களுக்குக் கிடைக்கும் இந்த நிகர லாபத்தின்மீது வருமான வரி விதிக்கவேண்டும். இதில் கணக்குப் பார்க்கும் கஷ்டமிருக்கிறது. இதைப்பற்றி இந்த அரசாங்கம் ஒரு முடிவிற்கு வரவேண்டுமென்று கேட்டுக்கொள்கிறேன். அப்படியே மிராஸ்தார்களே சாகுபடி செய்தபோதிலும் குத்தகை விதிப்படி வருமானத்தை நிர்ணயித்து வருமான வரி போட முடியும். இப்போது சர்சார்ஜ் குறைவாகத்தான் கட்டவேண்டியிருக்கிறது. அப்படியே அதிகப்படியாக சர்சார்ஜ் கட்டவேண்டியதைக்கூட தங்கள் குடும்பத்திலுள்ள பிள்ளைகள், மனைவிகள்போலே 4, 5 பாசங்களாகப் பிரிக்கப் பட்டு, சர்சார்ஜ் கொடுப்பதை எமாற்றிவிடுகிறார்கள் என்பதை எடுத்துக் காட்ட கடைப்பிடிக்கிறேன். முன்பு இந்த சர்சார்ஜ் 50லிருந்து போடப்படவேண்டுமென்று அப்போதைய பிரதமர் கனம் ராஜாஜி அவர்கள் சொன்னார்கள். இப்போது ரூ. 50லிருந்து ரூ. 500-க்கு எப்படி வந்தது என்பதுதான் தெரியவில்லை. எல்லை ரூ. 500 என்பது மிக அதிகம். இன்னும் திருச்சிராப்பள்ளி, தஞ்சாவூர் போன்ற பல இடங்களில் நிலங்களை வைத்துக்கொண்டிருக்கும் நிலப் பிரபுக்கள் இருக்கிறார்கள். அவர்கள் தஞ்சாவூரில் ரூ. 400, திருச்சியில் ரூ. 300, கோயம்புத்தூரில் ரூ. 200 கட்டிவிடுகின்றனர். ஆனால் அவர்களுக்கெல்லாம் சர்சார்ஜ் கிடையாது. அதனால் அவர்களுக்கு அதிகப்படியான நிகர லாபம் கிடைக்கிறது. இவர்களிடமும் சர்சார்ஜ் வசூலிக்கலாம். இன்னும் அரசாங்கத்திற்குப் பணம் இல்லையென்று சொன்னால் இவர்களிடமெல்லாம் விவசாய வருமான வரி விதித்தால் சில கோடி ரூபாய் அரசாங்கத்திற்கு வரும். இதை கனம் நிதி மந்திரி சுப்ரமணியம் கவனிக்கும்படியும் இதற்கு வேண்டிய சிபார்சு செய்யவேண்டும்படியாகவும் கேட்டுக்கொள்ளுகிறேன். கோயம்புத்தூரில் உள்ள பழனிசாமி கவுண்டருக்குக்கூட அதிகமான நிலம் பல ஜில்லாக்களில் இருக்கிறது. இவர்களெல்லாம் அதிகம் வரி கொடுக்க வேண்டும். இதைத்தான் நாங்கள் நெடுங்காலமாகச் சொல்லிக்கொண்டு வருகிறோம். ஆனால் சிலர் இதை ஒப்புக்கொள்ளமாட்டார்கள். இருந்தாலும் இந்த அளவாவது ஒரு மசோதா தயாரிக்கப்பட்டு அரசாங்கத்தார்

[Sri C. Kandasami] [8th May 1954]

இதைக் கொண்டுவந்ததற்காக ஆதரிக்கிறேன். கூடிய சீக்கிரம் ஒரு வருமான வரி மசோதா கொண்டுவரவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய உரையை முடித்துக்கொள்ளுகிறேன்.”

(At this stage, the Deputy Speaker took the Chair.)

SRI T. ANANTHA PAI :—“ Mr. Deputy Speaker, Sir, I welcome this Land Revenue Surcharge Bill not for the revenue that it may bring in but because I have always supported some measure of taxation on agricultural income. The revenue that it may yield may not be much because, contrary to the expectations that it might go a long way in covering the deficit in the Budget, it has been revealed by the Hon. the Finance Minister just now that it will give a poor return of about six lakhs of rupees. Sir, during recent years, agriculture also has passed through a certain amount of prosperity. Purely from the point of view of equity and justice, if a man derives an income of a lakh of rupees from industry or, for that matter, from any other source—he has to-day, under the taxation laws of this country, to pass on a large slice of it to the Central Government. In some cases this amounts to as much as Re. 0-15-6 in the rupee. On the other hand, the same amount of income derived from agricultural land is exempted from this heavy taxation with the result agricultural lands are becoming attractive for investment in preference to industrial shares and other securities. From the national point of view, it is necessary, therefore, to discourage investment on agricultural land by persons who are not interested in the development of agriculture but who look upon agriculture purely as investment so that they may derive income by making others work on it. It has also become necessary to discourage any speculation in agricultural land because it has been found by most of us that those who wanted to avoid income-tax resorted to investment on agricultural property showing on paper a much less value than what they have actually paid for the land for purposes of registration. So it is necessary to see that we do not lose much income this way. Sir, it may be argued that agricultural income is going down now. But that is precisely the argument in favour of a surcharge which may be of a temporary nature. Suppose the land revenue assessment which is by itself very low is doubled or trebled in view of the increase in the prices of agricultural produce. Then that will bring in a higher income to the State. But some argue that this increase in agricultural prices is only a temporary phenomenon and that a time will come when perhaps there will be a demand from people to guarantee minimum prices for agricultural produce. Even from this point of view, the measure should be welcome because instead of increasing the land revenue in a general way, a surcharge is loaded on. The measure may be considered a temporary measure. It may be given up by the State any time.

“ Then, Sir, alternatively, there are people who argue that instead of a land revenue surcharge, we would have agricultural income-tax. The suggestion looks very attractive particularly, when it is said that a large number of people getting a low income would be exempted from paying any tax whatsoever just as persons

[Sri T. Anantha Pai] 8th May 1954]

with low incomes are exempted from the payment of income-tax now. In fact this was one of the suggestions made to the Taxation Enquiry Commission. But, Sir, in this State the bulk of the land revenue comes from people who have small holdings—nearly 70 to 75 per cent of our land revenue is derived from people who are relatively poor. From the point of view that the man in the street must be made to pay a small tax to the State so that he might know that the Government is his, that he could make certain claims on it and that he has got certain rights and privileges as a tax-payer, we should support only the present system and not encourage the imposition of an income-tax. Then there is the question of collection of income-tax. The imposition of income-tax bristles with certain administrative difficulties. Many of the people who have taken to agriculture are not literate. We cannot expect them to maintain accounts as business and industrial firms do. The result will be harassment of the poor ryots by the tax-collection officials. By a process of adjustment over years, land revenue to-day has been accepted as a measure of taxation which has to be paid. Every villager knows how to pay it. The machinery evolved for its collection is so simple. It is not very costly. But if agricultural income-tax takes the place of the present land revenue assessment, the machinery for collection would cost us a lot. When we introduce a new measure of taxation, we must examine how much the collection machinery would cost us as compared with the incidence of taxation itself. If the cost is very heavy, then the tax may not be worth collecting at all. Here we have an established machinery and it would not be very difficult for us to collect the enhanced land revenue.

“ Sir, Mr. Narayana Kurup has given notice of an amendment to the effect that the Government must see that the new tax is not passed over to the tenants. It is justly so. There will be a temptation on the part of assesses, whenever a new tax is imposed, to see that they escape it and that somebody else pays it. But I do not know how far it will be possible to implement Mr. Kurup's suggestion except perhaps in districts where there is some sort of tenancy legislation in force and where enhancement may not be possible. Otherwise, it will be difficult to check the landlords from passing on at least a part of the tax to the tenants. Also when there is scarcity of rice it will be passed on to the consumer also because every tax affecting a commodity is ultimately paid by the consumer and not by the person who is intended to pay it. I would, therefore, request the Government to examine whether it would not be possible by means of some amendment to see that the surcharge is paid by the landlords as far as possible and not by the tenants.

“ Thank you, Sir.”

SRI M. NARAYANA KURUP :—“ Mr. Deputy Speaker, Sir, two simple reasons are given in support of the Bill in the Statement of Objects and Reasons, namely, that the bigger peasants should pay more and the exigencies of the State's finances demand

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it. Of course, they are straight and simple reasons and the Government have not tried to camouflage their intentions. But when the Hon. Minister for Revenue goes further and claims that his measure is in the nature of agricultural income-tax, perhaps we may disagree. He also mentioned that this was a measure which came before the House on a previous occasion. Then there was severe criticism of the measure and opposition to it, not because of its principle but because of two main objections, namely, that the exemption limit provided by that measure was too low and that an agricultural income-tax would have been far more just and equitable. I must say that the first part of the objection that the exemption limit fixed was too low has been removed by this measure. But the second part of the objection still remains.

“ Sir, probably the inspiration for this surcharge came from the Subramaniam Committee report. But at the same time we are surprised to find that the conditions or the principles that ought to underlie such a surcharge Bill and which were recommended by the Subramaniam Committee report, have been ignored. Our objection to this Bill as a taxation measure is that it fails to conform to the acknowledged canons of taxation which are that the incidence of taxation must be equal and equitable; equal in the sense that those who have equal income must contribute equally and equitably in the sense that the incidence should fall according to the capacity of the people who are made to pay this tax. The surcharge Bill can satisfy this principle only if the revenue paid or that is liable to be paid by a particular individual is an indicia of his income and that the man mentioned in the patta is the real owner or the enjoyer of the income. I need not labour this point further. I will only quote a sentence from the Subramaniam Committee report. ‘ The land revenue shown in a patta is no indication of the income from the land and the name shown in the patta is no indication of the earner of that income ’. This means that the burden imposed by this Surcharge Bill on any individual is arbitrary and I will show with reference to facts how the incidence is unequal. First the incidence is unequal even with reference to districts because the burden of taxation has varied—I am not going to elaborate that point—according to the time of settlement on account of the price factor which has been elaborately mentioned in the Subramaniam Committee report. Various districts in the State were settled at various times and there was an increase of revenue in those districts. Therefore, it has been mentioned in the Subramaniam Committee report that the levy of surcharge must be made an occasion for settling the inequality and they recommended that surcharge should be levied on what is called ‘ standardized assessment ’. In our State to-day in districts like South Kanara, Malabar, Tanjore and Madurai the incidence of revenue is the highest. People in those districts pay 19 annas as revenue for every 16 annas paid by other people in some other districts. Therefore, they have recommended that the present revenue in every district must be brought to a standardized level and then only surcharge levied on it. This recommendation of the Committee has been completely ignored in the

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present Bill. The result will be that in some districts the people will be paying surcharge on 16 annas while in other districts they will be paying surcharge on the increased revenue of 19 annas. That is the inequality that is now resulting from the provisions of this Bill.

“ Then, Sir, another inequality which I wish to mention is this: Suppose there is a landowner paying Rs. 500 as assessment and receiving rent directly from the tenant, for instance a janmi in Malabar. Of course he must get say, Rs. 5,000 as income. There is another janmi paying Rs. 500 as assessment. He has demised his land to kanamdars and they are in possession. Of course, the dues payable by the kanamdars vary in different cases. At least they must be paying a quarter of the income to the janmi. I am putting it at a minimum. Now under this Bill the janmis who are big landlords receiving a quarter of the income need not pay anything and the man who receives the three-quarter of the income must be paying the entire surcharge. Of course, I am not placing this fact before the House to claim any exemption for the kanamdars but only for the purpose of showing the inequality of the incidence. In such cases it would have been proper to apportion the liability between the two. But as I said it is an impracticable proposition for the present. This argument is only for the purpose of showing the inequity of the incidence.

“ Then, Sir, the Hon. Minister mentioned certain special concessions shown to Malabar. These could have been avoided if it were an agricultural income-tax. It is our belief still that this would be only a temporary measure which should ultimately be replaced by an agricultural income-tax so that there may not be any inequality or inequity in the incidence of the tax. The exemption given with regard to Malabar, I think, must satisfy the legitimate aspirations of the landowners or the janmis. In fact it concedes all they want because even in the memorandum submitted by the janmis to the previous committee, they only mentioned that the revenue on lands which were outstanding in the possession of the kanamdars must be excluded for the purpose of the surcharge. That has now been conceded.

“ I wish only to mention a small point in this connection, Sir. This was touched upon by the hon. Member Mr. Anantha Pai also. We had elaborate discussion about the difficulties of small peasants, and a provision was inserted in the original Bill to help them. That was accepted by the Select Committee also. Due to some inadvertence, I think, it has been omitted in this Bill. Therefore I have given notice of an amendment to that effect which is very essential if it is the intention of the Government only to tax the bigger peasants and not the petty peasants or even the kudiyruppu-holders.

“ Then another fact which I wanted to mention is this: This Bill does not contain any provision in regard to joint families. Even in the case of income-tax a higher ceiling is fixed for joint families. There are families in Malabar which have 10, 50 or

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even 100 members. To give them an exemption limit of only Rs. 250 is unjust. Of course I have not given notice of any amendment regarding this because I wish to bring the principle only to the notice of the Government and if they are convinced about the justness of raising the exemption limit in such cases, they can themselves act in the matter."

DEPUTY SPEAKER :—"The hon. Member's time is up."

SRI S. VENKATRAMA AYYAR :—"Mr. Deputy Speaker, Sir, as a representative of the delta district of Tanjore, I venture to support this measure, namely, the levy of a surcharge on land revenue, which is decidedly a great improvement on the Bill of 1952 where there was a provision to exempt only those pattadars who paid a land revenue of up to Rs. 50. With great difficulty we argued and tried to raise this limit to Rs. 100. The present Bill is decidedly a great improvement in the sense that the poorer sections, namely, the small pattadars who have to pay up to Rs. 500 as land revenue are exempt and it is only the richer classes, the big landholders, who are sought to be burdened with this taxation.

"As has already been adverted to, one or two strong grounds urged in the Statement of Objects and Reasons for the levy of this surcharge is that there should be a sort of social equality. The present social injuries, as it is, should be removed in the sense that there should be a psychological effect in the minds of the poorer section that the richer people are also sufficiently taxed and that they are not let off easily. Of course, this is the sort of complaint that is made nowadays, namely, that the richer section does not bear the brunt of taxation as much as the poorer section does. The other ground is that in view of the Budget deficit of about Rs. 50 lakhs odd, we should make up the deficit by raising some additional revenue by way of a surcharge on land revenue, the imposition of a betterment levy and so on. This kind of augmentation of revenue is not a great thing because after all, it may not fetch above 6 or 7 lakhs of rupees on the whole.

"But there are objections raised against such a levy by a certain section of the agriculturists. Whether they happen to be big landowners or small pattadars, we have to take into consideration the really honest objections put forward by a section of the people. They seem to think that the tax burden is already heavy and should not be increased any further as it may affect production adversely. This is one ground. They have also put forward another reason, namely, that the cost of cultivation is rather high and the income is not sufficiently commensurate with the cost. As things are to-day, prices have a tendency to fall and there is no steady price level. There is nobody to assure a steady price level in the interests of larger production and to create an incentive in the minds of the agriculturists, whether they be big or small, to increase production. The bigger landholders who own large estates have a tendency to divide their estates which naturally become smaller units and so much so there will be fragmentation of holdings. There will not also be large-scale production.

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These are some of the legitimate fears. Also, there is already a strong and persistent rumour that there is going to be some kind of a land reform with some sort of a ceiling on holdings and also the levy of an Agricultural Income Tax.

"These are the various arguments against the proposed levy of this surcharge on land revenue. But we must also look at the other side of the picture. Though the levy of this surcharge may not bring much revenue to make up the deficit in the Budget as referred to in the Statement of Objects and Reasons and in the Budget Memorandum presented by the Hon. the Minister for Finance, I would say that there will be a sort of psychological effect as I have already mentioned. We are also now having the National Five-Year Plan evolved by the Central Government where they have given top priority to agriculture by providing about 600 or 700 crores of rupees for irrigation and power projects and various other items. As I had occasion to read and as hon. Members also may know, the Union Finance Minister has insisted upon the States to provide sufficient funds by raising additional revenue and so prepare their Budget estimates as to see that the schemes set forth in the National Plan are completed to the benefit of all sections of people in the Indian Union and especially so in our agricultural State of Madras. So far as our State is concerned we are already having a deficit in our Budget. To increase our production we have to keep up to the targets as fixed in the National Plan. To implement the National Plan and to provide sufficient funds, the levy of this surcharge will form a basis on which we can show to the Central Government that we are making *bona fide* attempts to provide sufficient funds as far as it lies in our power.

"As it is, we will not be able to reach the target laid down in the National Plan nor will we be able to fulfil all the measures beneficial to the State as a whole within the estimated amount of about Rs. 22 crores to be spent this year and Rs. 25 crores to be spent during the year 1955-56. We have to provide sufficient funds this year. When we take this aspect of the matter into consideration, it is quite essential that we should have some additional revenue and this surcharge on land revenue is one such. It also does not affect the poorer sections but affects only people who own more than 50 acres of wet land. Taking Tanjore district, for instance, the average revenue per acre of land works out at Rs. 10 per acre. At this rate about 50 acres of land in a man's possession will not be subject to this taxation. Only persons owning more than 50 acres will come under the purview of this measure.

"More than all this, as I have already said, I view this levy of a surcharge from the psychological stand-point. A sort of social inequality is there and the interest of the poorer section has to be safeguarded in a sense by levying this surcharge only on the richer section. Of course, there may be only a very few people who come under this limit.

"While on this question of the levy of a surcharge on land revenue, I wish to invite the kind attention of the Government

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to one other matter. Water-cess should not be taken into consideration in the levy of this surcharge. Land revenue is something entirely different from water-cess. The water-cess is purely a return for services rendered, namely, the provision of an assured supply of water for the dry areas. On the Cauvery-Mettur Project area where water-cess is levied, it comes to about Rs. 10 per acre. Now, I would respectfully submit that in the old delta area of Tanjore, the assessment is about Rs. 10 per acre. Adding this to the average water-cess of Rs. 10 levied in the Cauvery-Mettur Project area the average revenue per acre comes to about Rs. 20. Therefore even persons owning only 25 acres of land will be affected. On a rough basis persons who have got to pay Rs. 10 per acre as land revenue and another Rs. 10 as water cess will be liable to pay this surcharge if they own more than 25 acres of such land. This is unjust and illegal and I only want to show to the Government that this measure will give rise to a number of writ petitions just as the Government have had to face in connexion with assessment of land revenue of the lands taken over under the Estates Abolition Act. We have already had the sad experience of the High Court judgment going against the Government in that there should be no discrimination in the levy of land revenue assessment on private land as compared with ryotwari land in the ryotwari villages. I cited the instance of the Cauvery-Mettur Project area in the Tanjore district. I may mention that I had an occasion to read a paper on this subject which was submitted to the Hon. the Minister for Land Revenue by the ryots of certain villages in the Tirunelveli district. In that district on account of the supply of water from the Tambraparni Project the water-cess appears to be as high as Rs. 18 per acre and along with the land revenue of Rs. 12 per acre the total comes to about Rs. 30 per acre. In any event, water-cess is a separate thing. It should not be included along with land revenue for the purpose of levy of this surcharge under this Bill. In the Bill, 'land revenue' has been defined as 'public revenue due on land and includes water-cess payable to the Government for water supplied or used for the irrigation of land, but does not include any other cess'. To include water-cess along with land revenue will be unjust and it will affect even small pattadars in the Cauvery-Mettur Project area or for the matter of that in any area where water-cess is levied.

"Sir, I only wish to submit that this Bill seems to be the fore-runner of the future land reforms, for which we have been agitating, about ceilings on the holding of land and so on. I am sure that the next step in this direction will be a comprehensive land reform in the regime of the present Hon. the Chief Minister. With these words, I conclude my speech."

SRI P. RANGASWAMI REDDIAR:—"கனம் உறுவிசபாநாயகர் அவர்களே, இந்த நில வருமான (சர்சார்ஜ்) மசோதாவானது ஏதோ சிறிய பரப்பு நிலம் வைத்திருப்பவர்களுக்கும் நிலப்பிரபுக்களுக்கும் வரி விதிநாசாரத்தில் பெரும் வித்தியாசம் இருப்பதாகவும், அந்தக் குறைபாட்டை நீக்குவதற்காகவும் கொண்டுவரப்பட்டிருக்கிறது என்று கனம் அமைச்சர் அவர்கள் சொன்னார்கள். இந்த மசோதாவிலுள்ள

[Sri P. Rangaswami Reddiar] 8th May 1954]

எல்லா செக்ஷன்களையும் படித்துப் பார்த்தால் சர்க்காரானது நிலப் பிரபுக்களுக்கு வரியிலிருந்து விலக்கு தேடுவதற்காக எடுத்திருக்கும் முயற்சியில் பாதி அல்லது கால் அளவு கூட ஏழைகளுக்கு நன்மை செய்வதற்கு முயற்சி எடுத்ததாகத் தெரியவில்லை. இந்த மசோதாவை நன்கு படித்துப் பார்த்தால் ஏதோ 500 ரூபாய் வாய்தா செலுத்துகிறவர்களுக்கும் அதற்குக் கீழ் வாய்தா செலுத்துகிறவர்களுக்கும் மட்டும்தான் விலக்கு அளிக்கப்பட்டிருப்பதாக கனம் மந்திரி அவர்களும் மற்றும் சில அங்கத் தினர்களும் பேசும்போது மற்றவர்கள் அறிந்துகொள்ளும் வகையில் சொன்னார்கள். ஆனால், அது மாதிரி இல்லை என்பது என்னுடைய அபிப்பிராயம்.

"இந்த மசோதாவின் மூன்றாவது ஷரத்தை எடுத்துக்கொண்டு பார்த்தால், ஒரு ஜில்லாவில் நிலம் வைத்திருப்பவர்கள் 500 ரூபாய்க்கு மேல் வரி செலுத்தினால் அவர்களுக்கு மட்டும்தான் சர்சார்ஜ் போடப்படும் என்று இருக்கிறது. ஆனால், அந்த ஜில்லாவிலுள்ள நிலங்கள் மட்டுமல்ல, இந்த ராஜ்யத்தில் இருக்கக்கூடிய எல்லா நிலங்களுக்கும் செலுத்தக்கூடிய நில வரியின்மேல் சர்சார்ஜ் போடப்படும் என்றும் சொல்லப்பட்டிருக்கிறது.

"ஆனால், மூன்றாவது ஷரத்தை இப்பொழுது இருக்கிறபடி வைத்துக் கொண்டு பார்த்தால், ஒரு ஜில்லாவில் ஒருவருக்கு 400 ரூபாய் வரி செலுத்தக்கூடிய நிலங்களும், அதேமாதிரி மற்ற பத்து ஜில்லாக்களில் ஒவ்வொரு ஜில்லாவிலும் 450 ரூபாய் வரி செலுத்தக்கூடிய நிலங்களும் இருந்தால், பத்து ஜில்லாக்களிலுள்ள நிலங்களுக்கு அவர் நாலாயிரம் ரூபாய்க்குமேல் நில வரி செலுத்துவார். ஆனால், சர்சார்ஜ் அவருக்கு விதிக்கப்படமாட்டாது, இந்த மசோதாவின் பிரகாரம்.

"நாலாயிரம் ரூபாய் வாய்தா கட்டக்கூடிய ஒருவருடைய நிலங்களின் பெறுமானம் சாதாரணமாக மதிப்பிட்டுப் பார்த்தாலுங்கூட, கிட்டத்தட்ட எட்டு லட்சம் ரூபாய்க்கு மேல் இருக்கும். அதாவது, நஞ்சை நிலங்களாக இருந்தாலும் சரி, புஞ்சை நிலங்களாக இருந்தாலும் சரி, கிணற்றின் உதவியைக் கொண்டு புஞ்சை நிலங்களாக இருந்தாலும் சரி, கிணற்றின் உதவியைக் கொண்டு சாகுபடி செய்யக்கூடிய நஞ்சை நிலங்களாக இருந்தாலும் சரி, எட்டு லட்ச ரூபாய்க்குக் குறையாமல் மதிப்புள்ள நிலங்களாக இருக்கவேண்டும் நாலாயிரம் ரூபாய் நில வரி செலுத்தினால். அதேமாதிரி இன்னும் சில குறைபாடுகளும் இந்த மசோதாவில் இருக்கின்றன.

"நாலேந்து பேர்களுக்கு கூட்டுப் பட்டா இருந்து—ரூ. 10 அல்லது ரூ. 20, அதற்கு கிஸ்தி செலுத்துவதாக இருந்தால்—அதில் ஒருவர் வேறு இடங்களில் ரூ. 600-க்கு மேல் வாய்தா செலுத்தக்கூடிய நிலங்களை வைத்திருந்தால், கூட்டுப் பட்டாவில் இருக்கிற நான்கு பேர்களுக்கும் இந்த சர்சார்ஜ் உட்படுத்துகிறது. மூன்றாவது ஷரத்தில் முதல் உதாரணத்தில் ஏ, பி, வி, டி ஆகிய நான்கு பேர்கள் கூட்டுப் பட்டாவில் வாய்தா செலுத்தினால், 'ஏ'க்கு ரூ. 600 வாய்தா செலுத்தக்கூடிய வேறு நிலங்கள் இருந்தால், 'ஏ'ம் மற்றவர்களும் இந்த சர்சார்ஜ் கட்டவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. இது ரொம்ப பாதிக்கக்கூடிய விஷயம். இது அவசியம் திருத்தப்படவேண்டும்.

"நாலாவது, ஐந்தாவது உதாரணங்களை எடுத்துக்கொண்டு பார்த்தால், அவைகள் விசித்திரமான முறையில் போடப்பட்டிருக்கின்றன.

"நாலாவது உதாரணத்தின்படி, திருச்சி ஜில்லாவிலுள்ள ஒருவருக்கு ரூ. 504 வரி செலுத்தக்கூடிய நிலங்களும், தஞ்சை ஜில்லாவில் ரூ. 50 வரி செலுத்தக்கூடிய நிலங்களும் இருந்தால், ரூ. 554 வரி செலுத்தக்கூடிய நிலங்களுக்கு சர்சார்ஜ் கட்டவேண்டுமென்று ஏற்படுகிறது.

"ஆனால், ஐந்தாவது, உதாரணம் என்ன சொல்லுகிறதென்றால், திருச்சி ஜில்லாவில் ஒருவருக்கு ரூ. 490 வரி செலுத்தக்கூடிய அளவுக்கு நிலங்களும், தஞ்சை ஜில்லாவில் ரூ. 490 வரி செலுத்தக்கூடிய நிலங்களும் இருந்து, ஆக மொத்தம் ரூ. 980 வரி செலுத்தக்கூடிய நிலங்கள் ஒருவருக்கு இருந்தபோதிலும், அவர் இந்த சர்சார்ஜ் விதிப்புக்கு உட்பட்டவர் அல்ல என்று சொல்லுகிறது.

[Sri P. Rangaswami Reddiar] [8th May 1954]

“இதுமாதிரியான முரண்பாடுகள் anomalies இந்த மசோதாவில் இருக்கக்கூடாது என்று நான் தெரிவித்துக்கொள்ளுகிறேன்.

“இந்த ராஜ்யத்திலிருக்கின்ற பெருவாரியான நிலப்பிரபுக்களுக்கு வரி விதிக்கவேண்டுமென்ற நோக்கம் உண்மையாகவே சர்க்காருக்கு இருக்குமே யானால், ஒவ்வொரு நபருக்கும் ராஜ்யத்தின் பல இடங்களில் இருக்கிற நிலங்களின் மதிப்பு எவ்வளவு என்பதையும், அந்த நிலங்களுக்கு செலுத்தக்கூடிய தீர்வை எவ்வளவு என்பதையும் தெரிந்து, வரி செலுத்துவதற்குச் சக்தியுள்ளவர்களிடமிருந்து பெருவாரியான வரியை வாங்குவதற்கு ஏற்பாடு செய்யவேண்டும். வரி கொடுக்கச் சக்தியில்லாதவர்களிடமிருந்து வரியைக் குறைந்த அளவு வாங்கவேண்டும் அல்லது வரி தள்ளுபடி செய்யப்படவேண்டும். இப்படிப்பட்ட ஒரு கொள்கையின் அடிப்படையில் மசோதா கொண்டுவரப்பட வேண்டுமேயொழிய, ஏதோ சிலருக்கு exemption அளிக்கவேண்டும், குறிப்பிட்ட சிலரை இந்த சர்சார்ஜ் பாதிக்கக்கூடாது என்பதற்குப் பெரு முயற்சி செய்து இந்த மசோதா draft செய்யப்பட்டதாகத் தெரிகிறது.

“எனக்கு முன்பு பேசிய அங்கத்தினர் ஒருவர் பேசும்போது, தண்ணீர்த் தீர்வையையும் நிலவரியோடு சேர்த்து, அதையும் கணக்கில் எடுத்துக் கொண்டு சர்சார்ஜ் நிர்ணயிக்கப்படக்கூடாது என்று சொன்னார்கள். அது சரியல்ல. நிலத்திலிருந்து கிடைக்கக்கூடிய வருமானத்தை அதிகப்படுத்துவதற்கு நீர்ப்பாசன வசதி வேண்டியிருக்கிறது. தண்ணீர் வசதி செய்து கொடுக்கப்பட்டிருப்பதினால் அவர்களுடைய நிலம் நன்கு பயன்படுத்தப்பட்டு, அதிகமான வரும்படி கிடைக்க அனுசூலமாக இருக்கிறது என்பதை மறந்துவிடுவதற்கில்லை. ஆகவே, தண்ணீர்த் தீர்வையையும் நிலவரியோடு சேர்த்து, அதன்படிதான் சர்சார்ஜ் நிர்ணயிக்கப்படவேண்டும். தண்ணீர் வசதியினால் நிலத்திலிருந்து அதிகமான வருமானம் கிடைக்கக்கூடிய செளகரியம் ஏற்படுவதினால், தண்ணீர் தீர்வையையும் நிலவரியோடு சேர்க்காமலிருக்கவேண்டிய அவசியம் இல்லை. அப்படிப்பட்ட விதிவிலக்கு அளிக்க வேண்டிய அவசியமே கிடையாது. தண்ணீர் தீர்வையையும் சேர்த்துத் தான் சர்சார்ஜ் நிர்ணயம் செய்யப்படவேண்டுமென்பது என்னுடைய அபிப்பிராயம்.

“இந்த வரி விதிப்பினால் மக்கள் பிரமாதமாக கஷ்டப்பட்டு விடுவார்கள் என்ற முறையில் சில பத்திரிகைகள் அபிப்பிராயம் தெரிவித்திருக்கின்றன என்று ஒரு அங்கத்தினர் குறிப்பிட்டார். அந்தப் பத்திரிகைகள் சொல்வது பொய்ப் பிரசாரத்தைத் தவிர வேறொன்றுமில்லை.

“திருச்சி ஜில்லாவில் டெல்டாப் பிரதேசங்கள் என்றும், டெல்டா இல்லாத பிரதேசங்கள் என்றும் இரண்டு பகுதிகள் இருக்கின்றன. டெல்டா அல்லாத பிரதேசங்களில் ஒருவருக்கு 35 ஏக்கர் நஞ்சை நிலங்கள் இருந்தால், அவைகள் சுமார் ஒரு லட்ச ரூபாய் பெறுமானமுள்ளதாக இருக்கும். சாதாரணமாக, ஒரு ஏக்கருக்கு சுமார் ரூ. 7 வரையில் நிலத் தீர்வை செலுத்தவதாக இருந்தாலும், சுமார் ரூ. 250 செலுத்த வேண்டியிருக்கும் ஆகவே ரூ. 500 நிலத்தீர்வை ஒரு நபர் செலுத்துகிறார் என்று சொன்னால், இரண்டு லட்ச ரூபாய் பெறுமானமுள்ள நிலங்கள் அவருக்கு இருக்கின்றன என்று அர்த்தம். ஒரு ஏக்கருக்குக் குறைந்த பட்சம் எந்தவிதமான செலவும் இல்லாமல், நிகர வரும்படி சுமார் 14 கலம் நெல் கிடைக்கும். திருச்சி ஜில்லாவில் 48 பட்டணம் படி கொண்ட ஒரு மூட்டை நெல்லின் விலை ரூ. 15 என்று வைத்துக்கொண்டால், ஒரு ஏக்கருக்கு ரூ. 210 வரையில் நிகர வருமானம் கிடைக்கும். ஆகவே, இரண்டு லட்சம் ரூபாய் பெறுமானமுள்ள நிலத்திலிருந்து ரூ. 500 நிலத் தீர்வை செலுத்தக்கூடிய நிலத்திலிருந்து வருஷமொன்றுக்கு 14 ஆயிரம் ரூபாய் வரையில் நிகர வருமானம் கிடைக்கிறது. குறைந்த பட்சம் 13½ ஆயிரம் ரூபாய் நிகர வருமானம் வருகிறதென்று வைத்துக்கொண்டாலும், அப்படிப்பட்ட நிலங்களுக்குக் கட்டவேண்டிய நிலத் தீர்வை ரூ. 500-க்குக் கொஞ்சம் குறைவாக இருந்துவிட்டாலும்கூட இந்த மசோதாவின் பிரகாரம் சர்சார்ஜ் கட்டவேண்டியதில்லை என்று ஏற்படுகிறது.

[Sri P. Rangaswami Reddiar] [8th May 1954]

“ரூ. 500-க்கு மேல் வரி செலுத்தக்கூடிய நிலங்களை வைத்துக் கொண்டிருப்பவர்கள் அதிகப்படியாக சர்சார்ஜ் செலுத்தவேண்டியது ரூ. 32½ தான். பதினான்கு ஆயிரம் ரூபாய் வரும்படி வருகிற ஒருவர் வருஷ மொன்றுக்கு ரூ. 32½ தான் அதிகமாக சர்சார்ஜ் செலுத்தவேண்டுமென்று சொன்னால், இதை ஒரு பெரிய பளு என்று சொல்லமுடியுமா? அதிக நிலம் வைத்திருப்பவர்கள் மீது அதிகமாக வரி போடுகிறோம் என்று சர்க்கார் சொல்லிக்கொண்டிருப்பதெல்லாம் வெறும் கூற்றே தவிர வேறொன்றுமில்லை. ஆகவே, இந்த மசோதாவின் எல்லா ஷரத்துக் களையும் சரியாகப் பரிசீலனை செய்து, இதுமாதிரியான அசம்பாவிதமான அம்சங்களையெல்லாம் நீக்கி, உண்மையாகவே வரி செலுத்தச் சக்தி உடையவர்கள் வரியிலிருந்து தப்பித்துக்கொள்ள முடியாதபடி இந்த மசோதா வானது திருத்தியமைக்கப்படவேண்டுமென்று நான் தெரிவித்துக்கொள்ளுகின்றேன்.

“ஒரு பொதுக் குடும்பத்தில் எட்டு அல்லது பத்து பேர்கள் இருந்து, அவர்களுடைய நிலங்கள் ஒரே பட்டாவாக இருந்து, அவர்கள் ரூ. 600 நிலவரி செலுத்துவதாக வைத்துக்கொள்ளுவோம். அப்படிப்பட்டவர்களுக்கு சர்சார்ஜ் உண்டு என்று சொல்லப்படுகிறது.

“ஆனால், தனிப்பட்ட நபர் ஒருவர் ரூ. 450 நிலவரி செலுத்தினாலும் அவர் சர்சார்ஜ் கொடுக்கவேண்டியதில்லை என்று சொல்லப்படுகிறது.

“பத்துப் பேர்கள் ஒரே குடும்பமாக இருந்து ரூ. 600 நிலவரி செலுத்தும் போது, தனிப்பட்ட நபர் ஒருவருக்கு ரூ. 60 விகிதாசாரம் வருகிறது. அந்த ரூ. 60 க்கு ஒவ்வொருவரும் சர்சார்ஜ் செலுத்த வேண்டும். ஆனால் ரூ. 450 வரையில் நிலவரி செலுத்தக்கூடிய தனிப்பட்ட ஒருவர் சர்சார்ஜ் கட்டவேண்டியதில்லை என்று இந்த மசோதாவில் இருக்கிறது.

“இந்த மாதிரியான முரண்பாடுகள் ஒப்புக்கொள்ளக்கூடிய விஷயம் அல்ல. இவைகளையெல்லாம் நன்றாகப் பரிசீலனை செய்து, வரியைச் சரியானபடி செலுத்தக்கூடியவர்களிடமிருந்து வரி வசூல் செய்வதற்கான ஏற்பாட்டை இந்த மசோதாவில் செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“திருச்சி ஜில்லாவிலுள்ள நிலத்தின் மதிப்பைப்பற்றியும், அதிலிருந்து கிடைக்கக்கூடிய வருமானத்தைப்பற்றியும், அந்த நிலங்களின் மீது செலுத்தக்கூடிய வரி விஷயங்களைப்பற்றியும் நான் குறிப்பிட்டேன். இந்த ராஜ்யத்தின் எல்லாப் பகுதிகளிலுள்ள எல்லா நிலத்திலிருந்தும் ஏறக்குறைய அதே வருமானம் வரும் என்று நினைக்கிறேன். வரி செலுத்தக்கூடிய விஷயமும், நிலத்தின் மதிப்பும் ஏறக்குறைய ஒரே மாதிரியாகத்தான் இருக்கும். யுத்த காலத்திற்குப் பிறகும், யுத்தத்திற்கு முந்தியும் இருந்த புள்ளி விவரத்தை வைத்துப்பார்த்தால் தெரியும். நஷ்டத்திற்கு ஒருவரும் நிலத்தை வைத்துக்கொண்டிருக்கமாட்டார்கள். நிலத்திலிருந்து வரும்படி கிடைக்கவில்லையென்று சொன்னால், நிலத்தை வைத்திருப்பதினால் நஷ்டம் ஏற்படுகிறது என்று சொன்னால், அவர்கள் நிலத்தை relinquish செய்துவிட்டிருப்பார்கள். அதாவது சர்க்காரிடம் நிலத்தை ஒப்படைத்துவிட்டிருப்பார்கள். ஒரு பைசாகூட சர்க்காருக்கு வரி செலுத்த மாட்டார்கள். இந்த விஷயத்தையும் சர்க்கார் கவனத்தில் வைத்துக் கொண்டு, ஷரத்துகளையெல்லாம் நன்றாகப் பரிசீலனை செய்து, இந்த மசோதாவைத் திருத்தியமைக்கவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“ஆகவே, எதிர்க்கட்சியைச் சேர்ந்தவர்கள் இந்த யோசனையைச் சொல்லுகின்றார்கள் என்ற காரணத்திற்காக இந்த யோசனையை ஏற்றுக்கொள்ளக்கூடாது என்ற கொள்கையை சர்க்கார் விடுத்து, ரூ. 500-க்குக் குறைவாக நிலவரி செலுத்தக்கூடியவர்கள் சர்சார்ஜ் செலுத்தவேண்டியதில்லை என்று சொல்வதற்குப் பதிலாக ரூ. 200 நிலவரி செலுத்தக்கூடியவர்களும் சர்சார்ஜ் செலுத்தவேண்டும் என்று இந்த மசோதாவில் திருத்தம் செய்யப்படவேண்டும்.

“ரூ. 50 ஆயிரம், ரூ. 60 ஆயிரம் மதிப்புள்ள நிலங்களிலிருந்து வரும்படி அடைகிறவர்கள் வருஷத்திற்கு ரூ. 30 முதல் ரூ. 50 வரையில்

[Sri P. Rangaswami Reddiar] [8th May 1954]

அதிகப்படியாக சாசார்ஜ் கொடுக்கும்படி சொல்வதானது பளுவாக இருக்க முடியாது. அதனால் அவர்கள் நஷ்டப்பட்டுவிடமாட்டார்கள் என்று தெரிவித்துக்கொண்டு இந்த மசோதாவை மீண்டும் சரியாகப் பரிசீலனை செய்து, திருத்தியமைத்து, சரியானமுறையில் கொண்டுவரவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

SRI V. K. RAMASWAMY MUDALIAR :—“ Mr. Deputy Speaker, Sir, it is not at all desirable at this juncture to think of levying a surcharge on land revenue when we, as Congressmen, have been systematically opposing the periodical resettlements during the time of Britishers. Now we have before us a proposal to levy a surcharge on land revenue. As I have said on a previous occasion, this is but a thin end of the wedge and Government may go on increasing it year after year when once this Bill is passed. If we go on increasing the land tax, I am sure the agriculturists will be hard hit especially at a time when the cultivation costs have gone up without corresponding increase in the income. The production also, I am sure, will go down. Secondly, the Five-Year Plan envisaged by the Government of India also will not be pushed through as expeditiously as we expect. The big pattadars also will not be able to have large scale cultivation and consequently production will go down. My friend Mr. Ananta Pai was telling us that the agriculture industry was better than any other industry. I do not know how he came to that conclusion. I am sure the practical cultivator will say that agriculture has become very unproductive in these days. Take for instance my district of Chingleput. We have been having continuous failure of monsoon all these years and especially this year, when we had some rains and when we thought of pushing through vigorous cultivation, there was the insect pest, with the result that almost all the agriculturists including big pattadars have been put to very heavy losses. ‘The Mail’ in its valuable article, dated the 5th instant has contributed a paragraph on this proposed surcharge on land revenue. It says—

* Taking for example wet and fertile areas, where the land revenue amounts to Rs. 20 or more per acre, a farm of 25 acres will be subject to the new surcharge. Usually such land represents a capital investment of Rs. 6,000 per acre, but the income from the holding, after paying the cost of cultivation, and the land revenue, is usually Rs. 100 or less an acre in the whole year a return of less than two per cent. In such cases the new charge will mean a permanent deficit in the landholder's budget.'

I entirely agree with the above observation. My Friend Mr. Manali Kandasami who comes from Tanjore district, was saying that the big pattadars in Coimbatore district were getting at the rate of Rs. 200 per acre. (An hon. Member : ' Rs. 300 per acre. ') All right I do not entirely agree with that statement. I happened to visit Coimbatore on many occasions. These Mirasdars are getting such rates only from garden lands. But it should be noted, in this connexion, that they have expended Rs. 10,000 to Rs. 15,000 by way of sinking wells and other improvements on their lands. The return they get hardly works out to Rs. 120 per acre. This does not even come up to the moderate interest of even 6 per cent on the capital outlay. That is the position in Coimbatore district.

8th May 1954] [Sri V. K. Ramaswamy Mudaliar]

“ I should like to mention, in this connexion, that this Bill in fact envisages the splitting up of joint family holdings. Let me quote in this connexion what ‘ The Hindu ’ editorial on this subject, dated the 6th instant, says. It says—

'The Bill must act as a powerful incentive to the breaking up of joint family holdings and the consequent multiplication of uneconomic holdings. The Government who are constantly preaching against this, must see how inconsistent, the likely effects of this Bill must be with the drift of their teaching.'

I agree with what 'The Hindu' says.

“ Instead of the surcharge on land revenue, we can safely think of agricultural income tax. When small shopkeepers are in a position to render accounts to the officers of the Commercial Taxes Department and Income-tax Department, why should we think that the cultivator alone would not be in a position to maintain correct accounts. Therefore, I am of opinion that agricultural income tax can very well be thought of instead of this surcharge on land revenue. In fact, the Secretary to the Indian National Congress while submitting a memorandum to the Taxation Enquiry Commission has advocated the levy of agricultural income tax.

“ I think both the Central and the State Governments are seriously contemplating upon introducing far-reaching land reforms. When that is the case, we have now before us this Bill seeking to levy a surcharge on land revenue. I do not know how much revenue this surcharge on land revenue will bring. That is also a point to be seriously considered. Therefore, I submit that the present Bill should be deferred till the whole question of land reform is taken up and seriously considered by a responsible Select Committee. With these words I resume my seat.”

SRI C. H. KANARAN :—“ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, ഈ നിയമം മുമ്പൊരിക്കലും ഈ സഭയിൽ പരിഗണിക്കപ്പെട്ടിട്ടില്ലെന്നതാണ്. അതുകൊണ്ട് സെലക്ട് കമ്മിറ്റി രൂപീകരിക്കുകയും ആ സെലക്ട് കമ്മിറ്റി അതിനെ സംബന്ധിച്ച ഹെൽഡ് മാറ്റി ആലോചന നടത്തുകയും ഉണ്ടായിട്ടുണ്ട്. ഇങ്ങനെയൊരു സർച്ചയ്ക്ക് ചുമക്കുന്ന തിരുപകരം അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സ് ഏപ്പെക്ടത്തുകയാണ് അഭിപ്രായത്തിന്റെയും അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സിനു പകരമായി ഈ സർച്ചയ്ക്കിനെ കണക്കാക്കാൻ പാടില്ലെന്നും ഈ അസംബലിയിൽ എത്രയും പ്രാവശ്യം പല ബില്ലുകളെപ്പറ്റി മെമ്പർമാരും അഭിപ്രായപ്പെട്ടിട്ടുണ്ട്. എന്നിട്ടും ഗവണ്മെന്റ് ഈ സർച്ചയ്ക്ക് തന്നെ ഏപ്പെക്ടങ്ങൾ നീക്കം ചെയ്തതിനെ ആക്ഷേപിക്കാതിരിക്കാൻ നിയമത്തിലൂടെ എന്തുകൊണ്ട് ഗവണ്മെന്റിനെ അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സ് ചുമത്തിക്കൂടാ എന്നൊന്നെങ്കിലും ചോദിക്കുന്നില്ലേ?”

“ഇന്നുള്ള നികുതിസമ്പ്രദായത്തെ പരിശോധിച്ചുനോക്കുകയാണെങ്കിൽ ആഭായകരായ ഭൂമി കറച്ചും ആഭായമില്ലാത്ത ഭൂമി ജാസ്സിയും നികുതി ഈടാക്കിവയ്ക്കുന്നുണ്ടെന്നു കാണാൻ സാധിക്കും. മലബാറിനെ സംബന്ധിച്ച പ്രത്യേകം എടുത്തുപറയുകയാണെങ്കിൽ, ഡ്രൈ ലാൻറിനും യെപ്പം ശരി, വെററ് ലാൻറിനായാലും ശരി, ഗാൾൻ ലാൻറിനായാലും ശരി ആഭായമുള്ളതിന്നു കറച്ചും ആഭായമില്ലാത്തതിന്നു കൂടുതലും ആണ് നികുതി പിരിക്കുന്നതെന്നു നിക് പ്രയാസം കാണാം. ആ വ്യത്യാസത്തെ നിലനിർത്തിക്കൊണ്ടു തന്നെ സർച്ചാജ് ചുമത്തുകയാണെങ്കിൽ ഇന്നുള്ള അസമത്വം ഒന്നുകൂടി വലുതാകുകയാണെന്നു് സൂക്ഷമാണു്.

[Sri C. H. Kanaran] [8th May 1954]

“എന്നുമാത്രമല്ല, ആദായമാണ് നികുതിയുടെ അടിസ്ഥാനമായിരിക്കേണ്ടതെന്ന് തത്വത്തെ ആരും നിഷേധിക്കാൻ സാധ്യമല്ല. ആദായനികുതി ചുമത്തുമ്പോൾ കൃഷി കാർഷികങ്ങളുടെ സാധ്യതകളെ പരിശോധിക്കണം. അതു കടം വകവെച്ചു കൊടുക്കാം. പക്ഷെ കണക്കുവെക്കുന്ന ഒരു ശീലം കൃഷിക്കാരുടെയടുത്തു ആവശ്യമാണ്. കൃഷിചെയ്യുന്നവരിൽനിന്നും ആദായത്തെക്കുറിച്ചും ലാഭനഷ്ടങ്ങളെക്കുറിച്ചും കൃഷിക്കാരുടെ പരിശോധിച്ചു മനസ്സിലാക്കാനുള്ള സൗകര്യം അതുകൊണ്ടുണ്ടാകണം. അതുകൊണ്ട് അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സാണ് ഏതുകൊണ്ടും അഭിലഷണീയമായിട്ടുള്ളത്. അതിന്നു പകരമായിട്ട് ഈ സർച്ചാർജ്ജ് കണക്കാക്കാൻ സാധ്യമല്ല. അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സിനു പകരം സാർവ്വജനികമായ ഒരു നടപടിയായിട്ടും ഇതിനെ കണക്കാക്കാൻ നിവൃത്തിയില്ല. ഈ നികുതിസമ്പ്രദായത്തെ പാടെ ഉപേക്ഷിച്ചു അഗ്രിക്കൾച്ചറൽ ഇൻകം ടാക്സ് ഏർപ്പാടുതന്നതിനുള്ള നടപടികൾ അടിയന്തിരമായി എടുക്കണമെന്നാണ് ഏനിയുടെ ഗവണ്മെന്റിനോടു അഭ്യർത്ഥിക്കാനുള്ളത്.”

“എന്നാൽ ഈ സർച്ചാർജ്ജ് ഏർപ്പാടിനെ പൊതുവിൽ ആങ്ങൾ സ്വാഗതം ചെയ്യുന്നതിനും ഒരു കാരണമുണ്ട്. കൂടുതൽ ധനികന്മാരായ ആളുകൾക്ക് നികുതികെട്ടുന്ന ഒരു ഏർപ്പാടാണിത്. അവർ കൊടുക്കാനുള്ള കഴിവുണ്ട്. അതുകൊണ്ട് ആ തത്വത്തെ സംബന്ധിച്ചിടത്തോളം ആങ്ങൾ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുന്നു.

“ഇതു മലബാറിനെ എങ്ങനെ ബാധിക്കുമെന്ന് സെലക്ട് കമ്മിറ്റിയിൽ തന്നെ പല അഭിപ്രായങ്ങളും വന്നിട്ടുണ്ട്. മലബാറിലെ കടിയാന്മാരും ജന്മിമാരും തമ്മിലുള്ള കരാറുകൾ എടുത്തു പരിശോധിച്ചാൽ വലിയ നികുതി എപ്പോഴും കടിയാന്റെ ചുമലിലാണ് വീഴുന്നതെന്ന് കാണാൻ സാധിക്കും. കരാറുകാരമുള്ള വാരം പാട്ടം മാറി മൂലാധ്വജത്തിനുവേണ്ടിയുള്ള ഒരു വ്യവസ്ഥ സ്വീകരിക്കാത്തതിടത്തോളം കാലം വലിയ പിഴ നികുതി എപ്പോഴും കടിയാന്റെ തലയ്ക്കുതന്നെയാണ് വീഴുന്നത്. ഈ നികുതി കടിയാനെ ബാധിക്കാതിരിക്കാനുള്ള ചില നിർദ്ദേശങ്ങൾ പഴയ സെലക്ട് കമ്മിറ്റി കൊണ്ടുവന്നിരുന്നു. പക്ഷെ ആ ബില്ലിന്റെ പിന്നെ ഈ അസംബ്ലി മുന്പാകെ വന്നിട്ടില്ല. നിലവിൽനിന്നു കരാറുകളനുസരിച്ചു നികുതി വലുതാവുക കടിയാന്റെ തലയ്ക്കു വെച്ചുകൊടുക്കുമുള്ള സാധ്യതകളുമുണ്ട്. അതില്ലാതാകാനുള്ള ഒരു വ്യവസ്ഥ ആവശ്യമാണ്.

“മറ്റൊന്നു പറയാനുള്ളത്. കടിയാരു നിമന്തനെ എടുത്തുനോക്കിയാലും ഡെപ്യൂട്ടി ലാൻഡ് റവന്യൂ കമ്മീഷണറുടെയും നികുതിയെ അടിസ്ഥാനപ്പെടുത്തിയാണ് വാരം പാട്ടം നിയമിക്കുന്നത്. നികുതിയുടെ രണ്ടരത്തിൽ ഒന്നിന്റെ എണ്ണത്തിനാണ് വാരം പാട്ടം നിയമിക്കുന്നത്. ആ സ്ഥിതി നികുതിവലുതാക്കി കടിയാനെ സാരമായി ബാധിക്കുമെന്നുള്ളതു തർക്കമന്തം സംഗതിയാണ്. മറ്റു സ്ഥലങ്ങളിലെ സ്ഥിതി ഇതാണോ എന്ന് എനിക്ക് നിയമമില്ല. പക്ഷെ മലബാറിനെ സംബന്ധിച്ചിടത്തോളം ഇതു തീർച്ചപ്പെട്ട കാര്യമാണ്. ആ നിലയ്ക്കു നോക്കുമ്പോൾ ധനികന്മാർക്ക് നികുതികെട്ടുന്നതിന്നു പകരം സാധ്യതയായ കടിയാന്മാരെ ആരും ഒരു നികുതി ഏർപ്പാടാണിതെന്നു പറയേണ്ടിയിരിക്കുന്നു. അതിനെ തടയുന്നതിനുള്ള വ്യവസ്ഥകളും ഈ ബില്ലിൽ ചേർക്കേണ്ടതായിട്ടുണ്ട്.

“അതുപോലെതന്നെ ജോയിന്റ് പട്ട് നിലവിലുള്ള കുടുംബങ്ങളുടെ കാര്യവും മലബാറിൽ മാത്രമല്ല, മറ്റു സ്ഥലങ്ങളിലും ഈ പ്രശ്നം നിലവിലുണ്ടെന്നാണ് എന്റെ അറിവ്. പട്ട് കൂട്ടായിക്കിട്ടുണ്ടെങ്കിലും വസ്തുക്കളുടെ അനുഭവം ഭാഗിച്ചുപോയിട്ടുള്ള അനേകം തറവാടുകളുണ്ട്. അങ്ങിനെയുള്ള വസ്തുക്കളെ സംബന്ധിച്ചിടത്തോളം ജോയിന്റ് പട്ടയുടെ അടിസ്ഥാനത്തിൽ സർച്ചാർജ്ജ് ചുമത്തുന്നതു ന്യായീകരിക്കേണ്ടതല്ല. ജോയിന്റ് പട്ട് നിലവിലുണ്ടെങ്കിലും ഫലത്തിൽ ഭാഗിച്ചുപോയിട്ടുള്ള കുടുംബങ്ങളിൽ ഓരോ ഭാഗക്കാരും ഉള്ളതു എത്രയാണെന്നു നോക്കി അതിനനുസരണം നികുതി ചുമത്തണമെന്നുള്ളതാണ് എന്റെ അഭിപ്രായം. ഈ അംഗസഭയിൽ കൂടുതലൊന്നും പറയണമെന്നുദ്ദേശിക്കുന്നില്ല.”

SRI E. L. RAGHAVA MUDALIAR:—“Mr. Deputy Speaker, Sir; I oppose this measure as it imposes an additional burden on agriculturists and as its introduction at this moment is inopportune. I say that it imposes an additional burden on agriculturists at this stage because there is a steep fall in the price

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of paddy and there is no reduction in the cost of cultivation commensurate with the fall in the price of agricultural produce. The measure is inopportune now because the Planning Commission is trying to solve the land problem and agrarian reforms, and the fixing of a ceiling on landholdings are being proposed. Further, the Taxation Enquiry Commission is carrying on an investigation into the tax structure and we do not know what taxes they will allot to the States. Levy of agricultural income-tax also is being talked about. For these reasons, I say that the levy of this surcharge at this moment is inopportune. The size of an economic holding has got to be fixed. The levy of this surcharge will result in fragmentation of holdings which again will result in the creation of many uneconomic holdings. At this time we should encourage agriculturists to produce more and more, as we are trying to make the country self-sufficient in food. There is a general depression in the agricultural market. The margin of profit in agriculture at this time is not very much and the landlords will not be able to pay the surcharge easily. Even if they are able to pay, it will be unwise to take anything extra from them. I think it will be better if the Government leave some margin with the cultivator, so that he may plough it back into the land, take to intensive cultivation and produce more food. Further, in judging the capacity of agriculturists to pay more taxes, we should take into account the net income from agriculture and not the gross income. In these uncertain times, it is unwise to levy a surcharge on landholders whose land revenue assessment exceeds 500 rupees. I do not think that the revenue that the Government may derive from the levy of this surcharge will be commensurate with the trouble and expenditure involved in its collection and the worry and annoyance caused to the people.

“The surcharge is proposed to be levied on water rate also. Already the existing water rate in some places is considered to be very high. With the addition of this surcharge, a landholder will have to pay twice the amount of the present land tax or at least fifty per cent more, irrespective of the fact whether he is having a margin of profit or not. In these circumstances, it will be more equitable to levy agricultural income-tax, as under it the assesses will have to pay tax on the actual net income, whether it be 3,000 or 4,000 or even 5,000 rupees.

“I object to this tax, as its levy at this moment is inopportune and I am glad that this view is supported even by the Members on the Government side.”

SRI S. DEIVASIGAMANY:—“Mr. Deputy Speaker, Sir, we on this side of the House oppose this Bill as a matter of policy. As a matter of fact, we are opposed to the levy of any fresh taxation now as we feel that our people have been overburdened with taxes. It is my impression that the Land Revenue (Surcharge) Bill which has been placed before us is ill-conceived, defective, unjust and opposed to public policy. The common man expected from the Congress Government that the large landholdings would be parcelled

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out into small units and that he would be given an opportunity to become a small landholder and also to earn his livelihood. It was said during the election campaign that our land would flow with milk and honey. But what is it that we find? We find that the common man is still without any land in spite of the promise given by the Congress that the landless poor would be given lands free. We find that the condition of the poor man has not yet been improved at all. What we expected was large scale land reform and not a Bill of this kind. What does it matter whether a man pays Rs. 50 or Rs. 500 as land revenue if the extent of the holding remains the same. Our Prime Minister has come out with a statement that in India there must be large-scale land reforms. Sir, large landholdings must be parcelled out into small units and they must be made available to the common man. I can understand the Government coming forward to levy a sort of income-tax on the income from the holding and not a surcharge on land revenue, especially when the income from the land depends on uncertain factors and is likely to fluctuate due to failure of monsoons, premature death of cattle, failure of crops and destruction of crops by pests and insects. In these circumstances, I should think that, even though the Government may come forward with, what is called, a sliding scale of taxation, it is not going to be of any avail.

“ It has been said by the Hon. the Finance Minister that the income that is expected from this surcharge on land revenue is a very negligible sum. But we must look at the reaction that this Bill will produce. It will only perpetuate the old system of rich landlords having large extents of land and the poor tillers of the soil having no lands and always being servile to the rich landlords. I, therefore, submit that in view of the statement made by the Prime Minister of India and also in view of the general feeling among the public, this Bill may be deferred and large-scale agrarian reforms may be introduced by the Government so that they may satisfy all sets of people and the public at large.”

SRI N. GOPALA MENON :—“ Mr. Deputy Speaker, Sir, I am glad that the Government are not having any extravagant hopes regarding the revenue yield out of this legislation. All that they think is that it would fetch a sum of Rs. 6 lakhs a year.”

THE HON. SRI C. SUBRAMANIAM :—“ Rs. 7.7 lakhs per annum.”

SRI N. GOPALA MENON :—“ Even that, I think, is not a very big sum, considering the total revenues of the State, and this is not going to be a temporary measure designed for the purpose of tiding over a financial difficulty during the year. It is going to be, more or less, a permanent measure on the statute-book, with this difference that in the years to come the scale will be sliding, the exemption limit will be going down and the rate of surcharge will be going up. Now, what is the object of this legislation? The object of this legislation is purely socialistic. Hitherto, we have been taxing the land. Now, the Government in the Statement of

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Objects and Reasons attached to the Bill say that rate of assessment is not higher in the case of the richer classes than in the case of the smaller peasants and that, therefore, they want that the richer classes should be paying more. What I submit is that there must be some principle underlying legislation. If the object of this legislation is that the richer classes must be made to contribute more to the coffers of the Government, then this legislation will not achieve that. Moreover, this legislation will be wrong in principle. I shall now illustrate it, Sir. A person may own a land on which he is paying a revenue of, say, a thousand rupees. The land may also be encumbered either by his own act or by the act of his ancestors and he may have to pay a large amount by way of interest. Can we call him a rich man? Though he pays a thousand rupees as land revenue, he has got to pay probably three or four times that amount as interest to his creditors. To ignore his liabilities simply because he owns a land on which he pays taxes is wrong in principle, for when his liabilities are so huge, he ceases to be a rich man.

“ Then, there are lands which are burdened with annuities and so on. A person writes a will, bequeaths a property to another and burdens that land by providing that the successor will have to pay hundreds or thousands of rupees out of the income from that land to his relations. Now, what happens? The man who owns a land, the man in whom the land vests, the man who has got to pay the revenue has got to shoulder the burden, but the benefit of the income from the land goes to the beneficiaries who are entitled to it. The idea underlying the Bill, as expressed in the Statement of Objects and Reasons, is that the richer classes should be made to pay more than the poorer classes. It is a good idea, no doubt. This is a socialistic legislation, as I said. The Government are, through this legislation, trying to march with the times by burdening the richer classes and pushing up the poorer classes. I agree, but when they have been hitherto taxing only the land and now when they want to tax a man who gets the income from the land, the only way in which they can, on principle, do it is to introduce an agricultural income-tax. This is not a new thing. I want here to quote one sentence of the great Gladstone who a hundred years ago, when he introduced his first Budget in Parliament, said—

“ I conceive that it is unsound in principle to levy the revenue of the country in substance by a tax upon its property for I think the income is in the main the proper basis of taxation.”

It is now accepted that the agricultural income must be taxed. Hitherto, the Government have been taxing the land. Now, they want to levy a tax on the person. When they do so, they have to see what his liability and net income are.

“ What is the net income? It is said that the agriculturists are very innocent and are not well-versed in the art of keeping accounts. All these are trifling matters and have no substance. Because, even a poor betel-shopwallah is asked to keep accounts as per the Shop Assistants' Act and the General Sales Tax Act. Such people are also worried by the sales tax officials and are asked to produce this account and that account. As far as the agriculturists are concerned, their income is periodical and the expenses which they incur are

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also periodical. It is easy for them to keep accounts if only the Government adopt a rational system of levying a tax on agricultural income. I am opposed to the principle behind the present measure. If the Government are able to get a good income, say 50 lakhs of rupees, they will be in a position to give some substantial help and assistance to the people and they can be proud of this. Even then, I would say that they should have it as a temporary measure and not as a permanent measure on the statute-book. It is wrong in principle to do it. There are many difficulties which the people of this State are experiencing. Especially in the West Coast we do not have good roads and good bridges. If the Government spend the money that they get from the levy from each district in that district itself, it will be something. The people will then know that the money that they have paid to the Government is only used for their benefit in the district and they will feel glad about it.

“It would be better for the Government, if they so desire, to appoint a Committee to go into the question of levying an agricultural income-tax. I think even a Committee is not necessary. Because, in so many other States in India and for the matter of that even in the neighbouring State of Travancore-Cochin, they have an agricultural income-tax. It is very easy to introduce such a measure in this State also, instead of introducing the present measure that is before the House. To say that the object of this legislation is to tax the person but in reality to tax the land, as is sought to be done in the present instance is not good in principle. There is no basis for doing this and it is also wrong to do it. If the Government really want to tax the person, they must go the whole hog and introduce agricultural income-tax. It would really be a very good source of income. Let the Government not do things in the manner in which they are doing which cannot be supported on any principle.”

SRI K. VINAYAKAM :—“Mr. Deputy Speaker, I generally agree with the measure that is brought before this House for discussion, but at the same time I am very much disappointed with the provisions contained in this Bill. In my view, this measure only touches the fringe of the problem and not the problem as a whole. We know agriculture is the very culture of our country and it is the stable industry from which the bulk of the population realize their income. If the Government had come forward with measures like the Tanjore Tenants and Pannaiyal Protection Act, the Zamindari Abolition Act and such other measures, what was the basis for bringing forward such measures? The basis was that there was lot of agrarian unrest in the State and the income derived from agriculture was being amassed by a favoured few whereas the people who contributed to the realization of such huge incomes and who have toiled on the land under very great difficulties were denied their due share in the income. While the people who simply owned the lands got a large slice of the income derived from the land, the poor peasants who really worked very hard on the land and who were responsible for the owners' getting this large income were not given their proper share. I am sure this was the reason that compelled our Government to bring forward such good measures. Such being

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the case, why should the Government come forward with a niggardly Bill like this which only makes the people outside believe that the Government are progressive in outlook. As a matter of fact, this Bill cannot solve the real problem; it only touches the problem. On the other hand, the Government must make bold to bring measures that will radically change the agricultural structure of our State. They must fix the maximum holding and must get as much as possible from the agricultural income, and should not be satisfied with levying a surcharge on land revenue as they wish to do under the present measure that is before the House. It is no use bringing in a measure to cover the deficit in budget. I think this State is faced with a deficit of Rs. 40 to 50 lakhs. To make up this deficit the Hon. the Minister in charge of Land Revenue has come forward with a proposal which will bring in only Rs. 7.7 lakhs. This can only be termed as a 'lip-sympathy measure', which neither affects the landlord nor goes to the succour of the poor cultivator. I shall now quote an example to clarify my views much better. Sir, imagine a person suffering from an acute disease like leprosy, and his whole body being contaminated with this deadly disease. To cure such a kind of deadly disease, radical treatment is necessary. Instead of undergoing a radical treatment, if he tries to cure the disease by applying certain palliatives, i.e., applying tincture of iodine or some plaster to certain parts of his body wherefrom blood or pus may ooze out, it will not at all cure his disease completely. A deadly disease requires a radical treatment. Temporary palliatives cannot cure deadly diseases. Similarly, our Government cannot solve the problem without bringing forward a radical measure. But, as they have now come forward with this half-hearted measure, it will only give the casual reader an impression that the Government are very progressive. The Government are not as progressive as they ought to be. They only try to get a very small slice from the huge income which the landlords derive. I can quote a few instances from the experience that I have gained in the Chingleput district. In that district, the zamindari system is supposed to have been abolished. But, I am sorry to observe that the Zamindari Abolition Act is only on the Statute Book. In actual practice, the zamindar continues to have control over his tenants though the lands are now with the Government. He retains control over the tenants in the sense that even now in some parts of Chingleput district, a tenant is asked to give what is known as 'Aminji kooli'. That is, the tenant is asked to do free service and the manure collected at the backyard of the tenant is taken away by the landlords. There are certain other anomalies which are still in existence in that district. There are people who are known as 'Ekabaga mirasdar', i.e., those who have both the *melwaram* and *kudiwaram* rights. No rights are vested with the tenants. I know instances where such mirasdars own lands to the extent of 400 to 500 acres and who get 10 kalams per acre as waram from the tenants. This waram may be 6 or 8 kalams also. It depends on the fertility of the land concerned. Previously one kalam used to be sold at Rs. 35. Now it is selling at Rs. 12. Even if the price is Rs. 10, the mirasdar will get an income of Rs. 100. In Vallipuram, Wazhuvathur and

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other places, I know from personal experience that the tenants are paying these landlords Rs. 100, whereas the landlords in turn pay to the Government as kist only Rs. 10. Even to the protagonists of zamindars in my district, it will be clear that the landlord makes an income of not less than Rs. 100 but pays Rs. 10 only as kist to the Government. It is said that this Bill is intended to cover such kinds of landlords. To what extent these landlords are affected by this Bill is the question that we will have to examine now. I know in many cases such landlords are not paying a large amount to the Government. In the places which I have already mentioned, there are families of such mirasdars. One brother is supposed to be a *strothriamdar* and has got patta in his favour. It is the family as a whole that is considered as landlord. What is the amount of income they get and what is the amount of tax that they pay to the Government?

“It is not more than ten per cent that they pay to the Government. Such people are not touched by this measure. I am staggered at the arguments put forward by the hon. Members Sri Ramaswami Mudaliar and Sri Raghava Mudaliar who are supposed to be progressive-minded people championing the cause of the poor. (Interruption by the hon. Member, Sri V. K. Ramaswami Mudaliar.) Thank you. I can understand the idea behind such arguments if they advocate the abolition of landlordism. But they do not want that it should be disturbed under any circumstances.

“The Surcharge Bill which is now under discussion is supposed to affect only certain classes of people. I can quote one more case, namely, that of lands given for betel leaf cultivation. These landlords let their lands out for betel leaf cultivation. I have known instances—the receipts are in my possession—where landlords get not less than Rs. 500 or Rs. 1,000 per acre of land where betel vines are grown. From time immemorial, the tenants have been paying this rent and they have not raised even the slightest objection. For they know, if they raise any objection, there will be an immediate change in the cultivator and the landlord would give away the land to some other tenant. For fear of this transfer of lands, the tenants have been putting up with this kind of hardship.

“Sir, we have known that these landlords in villages possess pattas to the extent of 500 acres or so, and how do they get these lands in their possession?”

DEPUTY SPEAKER:—“The hon. Member's time is up.”

SRI K. VINAYAKAM:—“One minute, Sir. Coming to the Bill under reference, this Bill contains anomalous provisions in the sense that persons owning lands in different districts and not paying above Rs. 500 as land tax in any one district are exempt from this surcharge. There are so many other anomalies and when the Bill is considered clause by clause, I will express my views on them.”

SRI S. JAYARAMA REDDIAR:—“கனம் உதவி சபாநாயகர் அவர்களே, இந்த மசோதாவின் பேரில் ஒரு சில வார்த்தைகள் கூற விரும்புகிறேன். அதிக சொத்துடையவர்களிடத்திலே வரிவசூல் பண்ணி,

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ஏழை எளியவர்களுக்கு நன்மை செய்யவேண்டுமென்பதை அதாவது பொதுஜன நன்மையே, சர்க்காரின் கொள்கையாக ஒப்புக்கொண்டாலும் எந்த முறையில் வசூலிக்கப்படவேண்டுமென்பதை கவனிக்கவேண்டும். அந்த முறையில் வசூலித்தால் ஏழைகள் பாதிக்கப்படாமல் இருக்க வேண்டும். இந்த பில்லைப் பார்க்கும்போது இந்த பில்லைத் தயாரித்தவர்கள் இதுபற்றி சிந்திக்கவே இல்லை என்பது தெரிகின்றது. நான் இது பற்றி பலமுறை சொல்லியிருக்கிறேன். இந்த பில்லானது சென்ற நான்கு பற்றி பலமுறை சொல்லியிருக்கிறேன். இந்த பில்லானது சென்ற நான்கு வருஷங்களுக்கு முன்பும், போன சட்டசபையிலும் கொண்டு வரப்பட்டது. வருஷங்களுக்கு முன்பும், போன சட்டசபையிலும் கொண்டு வரப்பட்டது. ஆனால் கடைசி காலத்திலே கைவிடப்பட்டது. இப்போது மறுபடியும் இந்த பில் வந்திருக்கிறது. பாஸ் செய்யப்படவேண்டுமென்றும் சொல்லப்படுகிறது. பில் வந்திருக்கிறது. பாஸ் செய்யப்படவேண்டுமென்றும் சொல்லப்படுகிறது. அப்படி பாஸ் செய்வதற்கு முன்பு சில திருத்தங்கள் செய்யவேண்டுமென்று சொல்ல ஆசைப்படுகிறேன். ஏனென்றால் இந்த சர்சார்ஜ் முறையானது மிகவும் தப்பான ஒரு முறை. பணம் வேண்டுமென்பதற்காக நஷ்ட மடைகிறவர்களையும் கட்டாயப்படுத்தி வரி வசூலிக்க இம் மசோதா கொண்டு வரப்படுகிறது என்று நண்பர் கோபால மேனன் அவர்கள் கூறினார்கள். அந்த முறையிலேதான் நானும் இது தப்பான முறை என்று சொல்லிக்கொள்ள விரும்புகிறேன். ஆதலால் கொடுக்கலாம்; கொடுத்தாலும்கூட இந்த முறையை சீக்கிரம் மாற்றி அமைத்து நல்ல முறையில் இன்கம்டாக்ஸ் வரி வசூலிப்பது போல் வசூலிக்கப்படவேண்டுமென்று கூறுகிறேன். வருமானவரியானது லாபம் வரும் காலத்தில் வசூலிக்கப்படுகிறது; நஷ்டமேற்படுகின்ற காலத்தில் விதிவிலக்களிக்கப்படுகிறது. அந்த முறையில் இதுவும் திருத்தியமைக்கப்படவேண்டும். இப்போதுள்ள சட்டப் படி லாபம் அடைகின்ற காலத்திலும் வரி வசூலிக்கப்படும். வருவாயில்லா மல் கஷ்டப்படுகின்ற காலத்திலும் வரி வசூலிக்கப்படவேண்டுமென்ற நிர்ணயம் ஏற்படுகிறது. மாடுகளுக்கு உணவு அதாவது விதை வாங்கவும் முடியாமல், நிலத்திற்கு உரம் வாங்குவதற்கும் முடியாமல் இருக்கின்ற நிலைமையாயிருந்தாலும் அப்படியிருக்கின்ற காலத்திலும் இந்த சர்சார்ஜ் வசூலிக்கப்படுகிறது. இதை நோக்கும்போது இது அனுபவ மில்லாத ஒருவரால்தான் கொண்டு வரப்பட்டிருக்கிறது என்று நினைக்க வேண்டியிருக்கிறது.

“தஞ்சாவூருக்கு மேட்டுரிலிருந்து பாசனத்திற்கு தண்ணீர் வருகிறது. மழை பெய்தாலும், பெய்யாவிட்டாலும் அந்த ஜில்லாவுக்கு மட்டும் தண்ணீர் வசதி அளிக்கமுடிகிறது. மழை பெய்யாத காலத்தில் ஜில்லா மாதக் கடைசியில் அல்லது அதற்கு கொஞ்சம் தள்ளி பாசன வசதி அளிக்கப்படுகிறது. ஆனால் காட்டுப் பிரதேசத்தில் ஒரு ஆயிரம் ஏக்கர் நிலம் வைத்திருப்போருக்கு எந்தவிதமான வசதியும் கிடையாது. மழை பெய்யாத காலங்களில் அந்த நிலங்கள் வறட்சியுடன்தான் காட்சியளிக்கும். தவிர இப்போது பருத்தி விலை ஏறியிருக்கிறது; இன்னும் இதர தானியங்கள் விலையும் குறைந்தபாடினாலும் அவர்கள் எல்லாம் தங்கள் வாழ்க்கையை எப்படி நடத்திக்கொண்டிருக்கிறார்கள் என்றே ஆச்சரியப்படவேண்டும். அவர்களுக்கெல்லாம் எவ்வளவு கஷ்டங்கள் இருக்கின்றன என்பதை யெல்லாம் உணரவேண்டும். அப்படியிருக்கும்போது அவர்களிடத்தில் இந்த சர்சார்ஜ் வசூலிக்கப்படுவது முறையா என்பதை சர்க்காருக்கு ஞாபகப்படுத்த விரும்புகிறேன். இந்த மாதிரி முறையில் இருக்கின்ற இந்த வரியை இப்போது நாம் அவசரத்தில் கொண்டு வந்திருந்த போதிலும், தப்பான முறையில் அமுலாக்காமல், கொஞ்சம் புனராயோசனை செய்து, மற்றவர்கள் சொல்லும் யோசனைகளையும் கொஞ்சம் கவனித்து எல்லோருடைய ஆதரவையும் பெற்று ஒருமுகமாக பாஸ் செய்துவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். அந்த முறையில் நான் இதை ஆதரிக்கிறேன்; இப்பொழுதுள்ள முறையில் சற்று ஆட்சேபிக் கத்தான் வேண்டியிருக்கிறது. திருத்தி அமைக்கவேண்டுமானால், அந்த முறையில் வரிவசூலிக்கவேண்டுமானால் சரியான கணக்கு வைக்கப்படுவதில்லை என்று சிலர் கூறினார்கள். ஐயுறு ரூபாய்க்குமேல் இன்கம்டாக்ஸ் கட்டும் ஒவ்வொருவரும் கட்டாயம் கணக்கு வைத்திருப்பார்கள். ஏன் 200 ரூபாய்க்கு மேற்கொண்டு 500 ரூபாய்வரை செலுத்துபவர்களே நிச்சயமாக ஒழுங்கான கணக்கு வைத்திருப்பார்கள். இதுபற்றிய விஷயம் நண்பர் சுயம்பிரகாசம் அவர்களுக்கு நன்கு தெரியும். ஐம்பது ஏக்கர்

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ராவுக்கு மேல் நிலம் வைத்திருப்பவர்கள் எல்லாம் ரூ. 500 கட்டுகிறார். அவர்கள் தங்களிடத்தில் கட்டாயம் ஒரு கணக்குப்பிள்ளை வைத்து நல்ல முறையில் தான் கணக்கை வைத்திருப்பார்கள். ஆகவே அந்த முறையில் அதாவது இன்கம்பாக்ஸ் முறையில் இந்த வரி வசூலிக்கப்பட வேண்டுமே தவிர, இந்த முறையில் இருப்பது அவ்வளவு சரியானதல்ல என்பதைத் தெரிவித்துக்கொண்டு என்னுடைய ஆதரவையும் தெரிவித்துக் கொள்ளுகிறேன்.”

SRI V. R. KRISHNA AYYAR :—“ Mr. Deputy Speaker, Sir, I rise with mixed feelings in having to speak about this Bill. I strongly feel even at the very outset that the Budget deficit could and should easily have been bridged by right-thinking measures of taxation which for some reason or other, the Government have not launched upon. It has been said oftentimes in this House that Agricultural Income tax is a very rational system of taxation and that it should have been brought up here long ago. In any democratic system where there is progressive taxation of the richer classes, the only sensible and justifiable method is to adopt the slab system which is current in the Income tax administration. There is the usual cheap argument that is adopted that ryots or peasants cannot maintain accounts. That is really fallacious, because we find in Coorg, in Travancore-Cochin, in Bengal, in Bihar and I do not know in what other States there is already the Agricultural Income tax in operation. When the ryots there can maintain accounts, when petty traders can maintain accounts, there is hardly any reason why accounts could not be maintained, if accounts should necessarily be maintained, by even small cultivators. On the other hand, what we find is when this Bill is brought forward, those vested interests want that agricultural income tax should be brought, but when really agricultural income tax measures are brought, I am fairly certain those richer classes would offer a stiff resistance.

“ Sir, I wish to mention that a far more sensible course is to bring in a comprehensive agricultural income tax measure instead of this sort of patchwork solution. Yet, another suggestion I wish to make even during my preliminary observations is that, in view of the fact that there is already on the Statute Book an enactment dealing with Estate duty, its applicability to Madras State in respect of agricultural land can be brought about immediately here and now, provided a resolution, as contemplated in the Constitution, is passed by this Assembly to that effect. But for reasons best known to the Hon. Ministers themselves, they have not sought to make the death duties or estate duties applicable to agricultural lands.

“ We have had, after the Parliament passed this Act, deaths of very rich men, millionaires, which would have brought in more than six lakhs of rupees already to the Government if only the resolution had been passed in time. It was the bounden duty of the Government to bring in a resolution to make the Act applicable to agricultural land. But on account of gross neglect, shall I say the Government failed to bring in such a resolution and thereby lost a heavy income.

“ Thirdly, Sir, I want to make a suggestion. The Supreme Court has decided that in respect of export articles, the Sales Tax Act is *ultra vires*. In Malabar and South Kanara where the

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export trade in regard to coffee, tea, ginger and pepper is controlled by foreign firms, the trade has yielded them 19 lakhs of rupees. I have made enquiries about last year's income. It was 19 lakhs and we have lost this 19 lakhs and now think of a measure which even after State-wide application will fetch only six lakhs of rupees. The income is gone and the Government have not yet woken up to that reality. In fact, by an Ordinance—and it is not new for this Government to get Ordinances passed—if only those export commodities had been included in the list of Purchase Tax instead of Sales Tax, we would have got 19 lakhs of rupees. After all we have a Purchase Tax also already and there are several cases where this tax is levied. Then, Sir, who is it that has to pay this 19 lakhs? It is the foreign firms which export these commodities. There should have been no sympathy for these firms and according to me it is gross neglect on the part of the Government which cannot be tolerated. Instead of taxing the right source, the Government now come forward with a patchwork legislation like this. As a second best only, I welcome this. My friend, Mr. Gopala Menon said that this was a kind of socialistic legislation and it is absolutely for this reason I welcome it. Agricultural income-tax would be much better but in the absence of that I welcome this, although it is culpable neglect on the part of the Government not to have thought about it. Sir, in this connexion I must point out that this legislation will necessarily work some hardship in Malabar on account of the difference in conditions obtaining there. So far as the Malabar land-holders are concerned, the incidence seems to be very heavy because at the time of the Resettlement in Malabar, the assessment was fixed at a much higher level. Some consideration may have to be given to this factor.

“ Sir, I want to bring to the notice of the Government one another important circumstance, and it is this: Under the existing Malabar Tenancy Act, in respect of dry lands, fair rent is computed on the basis of assessment. This provision is rather vague because one does not know whether this surcharge will be included in the assessment for purposes of determination of fair rent. If it is included, say, on the interpretation of some courts, it will put the tenants to great hardship. Suppose a landlord pays an assessment of Rs. 500; this may be recovered from the tenants by way of fair rent. Some provision should be made to see that this does not happen. It is always thought that fair rent is payable even in respect of holdings. In such cases, contracts prevail. If under a contract, the tenant is liable to pay the land revenue, then the jenmi or the landlord may try to recover that from the tenant. There must, therefore, be clear, explicit and unambiguous provisions in the Act to see that under no circumstances tenants pay the surcharge.

“ I wish to make only these suggestions at this stage. I wish the Government had brought in a more useful taxation measure so that in a far more hearty manner the Opposition might co-operate with the Government in seeing that we place on the Statute

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Book a truly socialistic and progressive structure of taxation instead of half-hearted measures which do not achieve any purpose but at the same time produce heart-burning on all sides."

DEPUTY SPEAKER:—"I reduce the time-limit to five minutes."

Sri P. G. KARUTHIRUMAN:—"கனம் உதவி சபாநாயகர் அவர்களே, தயவு செய்து எனக்கு 10 நிமிஷம் பேச நேரம் கொடுக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். ஏனென்றால் நான் இந்த சர்சார்ஜ் மசோதாவினாலே நோடியாக உண்மையில் பாதிக்கப்படுகிறவன். நான் சர்சார்ஜ் கொடுக்க வேண்டியவன் என்ற முறையில், நிலத்தைப் பயிரிடும் விவசாயி என்ற முறையில் அதை வரவேற்கிறேன். ஆகவே பொதுவாக இந்த வரி வசூலிக்கும் விஷயத்தைப்பற்றி குறைந்தது 10 நிமிஷம் பேசவேண்டுமென்று கேட்கிறேன்."

DEPUTY SPEAKER:—"தாங்கள் இது வரைக்கும் இம்மாதிரி பேசிக் கொண்டிருப்பதற்கே ஒரு நிமிஷமாகிவிட்டதே."

Sri P. G. KARUTHIRUMAN:—"கனம் உதவி சபாநாயகர் அவர்களே, இந்த சர்சார்ஜ் மசோதாவை அதாவது இந்த அதிகப்படி வரி சட்டத்தை இப்போது கொண்டுவந்ததற்காக இதை நான் ஆதரிக்க வில்லை. 1952-ம் வருஷம் ஜூலை மாதம் 5-ம் தேதியே பொது பட்ஜெட் விவாதத்தில் இதை நான் வரவேற்றிருக்கிறேன். இதை எதிர் கட்சியினர் பலர் ஆதரித்தாலும்கூட பலவிதத் திருத்தங்களுக்கு காரணங்கள் அவர்களால் சொல்லப்படுகின்றன. இந்தப் பக்கத்திலிருந்தும் கூட சில திருத்தங்கள் சொல்லப்படுகின்றன. இந்த வரியினால்தான் உணவு உற்பத்தி பெருகத் தடையாக இருக்கிறது என்று ஒரு சிலர் சொல்லுகின்றனர். ஆனால் இந்த வரியை போடாவிட்டால் மட்டும் எப்படி அதிக உணவுப் பொருள் உற்பத்தி ஆகுமென்று தான் எனக்குத் தெரிய வில்லை. இதையேன் அவர்கள் உணரவில்லை? நான் இரண்டாயிரம் ரூபாய் கந்தாயம் செலுத்தி, மேலும் உரமும் விதையும் வாங்கி பலவிதத் திலும் கஷ்டப்பட்டு பயிர்த்தொழில் நடத்துபவன். மிகச் சிறந்த பாசன வசதி உள்ள ஜில்லா என்று சொல்லும்படியான தஞ்சாவூர் ஜில்லாவாக இருந்தால் என்னால் இன்னும் நன்றாக நடத்த முடியும். ஒரு விவசாயி அதிகப்படியாக உழைத்துத் தான் பயிரிடும்படியான ஜில்லாவாகிய கோயம்புத்தூர் ஜில்லாவிலிருந்து வருகின்றவன் நான். ஆனால் அது இங்கு சிறப்பாக கொண்டாடப்படுகின்றது. கோயம்புத்தூர் மிகவும் சிறந்த பயிர்த்தொழில் இடமென்றும், சொர்க்கப்பூமி என்றும் எதிர்க்கட்சி நண்பர்கள் சிலர் சொன்னார்கள். அங்கு விவசாய மக்கள் நன்றாக இருக்கிறார்கள் என்றால் அதற்கு அவர்களுடைய உழைப்புதான் முக்கியமான காரணம். அங்கே அதிகப்படியான குத்தகை வசூலிக்கப்படுகிறது என்றால், அதற்குக் காரணம் அங்கு அதிகமான விளைபொருள்கள் விளைகிறதினால் அல்ல, நீர்ப்பாசனத்திற்கும், பூமியைச் சீர்திருத்துவதிலும் ஏராளமான உழைப்பும், பொருளும் செலவிட வேண்டியிருக்கிறது. கோவை ஜில்லாவிலே சுமார் 10 லட்சம் ஏக்கர் நிலங்கள் சாகுபடியாகின்றன. இந்த 10 லட்சம் ஏக்கர்களுக்கும் பாசன வசதி கிடையாது. எல்லாம் மானம் பார்த்த மானுவாரி பூமிகளே. அங்கெல்லாம் மிணற்று பாசனம் தான் பெரும் பாலும் செய்யப்படுகின்றது. யாராவது உண்மையில் அங்கு வந்து நேரில் பார்த்தால்தான் மிணற்றுப் பாசனத்தில் நிலைமையை நன்கு புரிந்து கொள்ள முடியும். புராணங்களிலே சொல்லப்படுகின்ற ஆதிசேஷனுடைய தலையைப் பார்த்தாலும் பார்க்கலாம்; மிணற்றில் ஆயிரம் அடித் தோண்டினாலும் தண்ணீரைப் பார்ப்பது கடினம். இவ்வாறு தோண்டி மிணற்றுப் பாசனம் செய்வதற்கு அதிகப்படியான முதலீடு வேண்டியிருக்கிறது. இந்த மாதிரியான கஷ்டமான சூழ்நிலை எந்த ஜில்லா விவசாயிகளுக்கும் இருக்கமுடியாது. அவர்களும் இந்த சர்சார்ஜினால் பாதிக்கப்படுகிறார்கள். ஆனால் இதற்கெல்லாம் இந்த புள்ளிவிவரங்களை நன்கு பார்க்க வேண்டும். வெறும் பிரசாரத்திற்காக எதிர்க்கட்சியினர் பேசலாமே ஒழிய,

[Sri P. G. Karuthiruman] 3th May 1954]

உண்மை நிலவரத்தைப் பார்க்கவேண்டும். நம் மாகாணத்தில் 500 ரூபாய்க்கு மேல் 1,000 ரூபாய் வரை கந்தாயம் செலுத்துபவர்கள் 2,700 பேர்கள்தான் இருக்கிறார்கள். 1,000 ரூபாய்க்கு மேல் கந்தாயம் செலுத்துபவர்கள் 900 பேர்கள்தான் இருக்கிறார்கள். ஆகவே மொத்தத் திலே இந்த சர்சார்ஜ் மசோதாவினால் பாதிக்கப்படுபவர்கள் 3,600 பேர்கள் தான். நம் மாகாணத்தின் ஜனத்தொகை 360 லட்சம். இதில் வரி கொடுப்பவர்களைப் பார்த்தால் மிகவும் சொல்பம். இதைப் பார்க்கும்போது இந்த ஒரு சின்ன விஷயத்திற்கு விட்டுக்கொடுக்கும் மனப்பான்மை கூடாதா என்றுதான் கேட்கிறேன்? அப்படியே இந்த மசோதாவை நிறைவேற்றினாலுங்கூட அதனால் அரசாங்கத்திற்கு வரும் வரும்படி சுமார் ஏழரை லட்சம்தான். இந்த ஏழரை லட்சத்திற்காக ஏன் வரி போடுகிறீர்கள் என்று கேட்கலாம். எதிர்க்க வேண்டுமென்ற ஒரே மனப்பான்மை யினால்தான் எதிர்க்கிறீர்கள். ஆனால் அதே சமயத்தில் கடமையை மறந்து விடக்கூடாது. அதை ஊர்ந்து நடக்க வேண்டும். அவ்வாறு நடப்பதினால், நாமும் அரசாங்கத்தினிடம் அதற்குப் பதில் இதைச் செய்யுங்கள், அதைச் செய்யுங்கள் என்ற உரிமையைக் கொண்டாடுகின்றோம். அதை மறந்துவிடக்கூடாது. ஆகவே இந்த உரிமையை இப்பொழுது விட்டுக் கொடுப்பதுதான் நியாயம் என்பது என்னுடைய தாழ்மையான அபிப்பிராயம்.

"இப்போது விவசாயச் சீர்திருத்தம், நிலவரிச் சீர்திருத்தம் போன்றவைகளைக் கொண்டு வருவதால் சிலர் பாதிக்கப்படுவார்கள். அதிலே நாம் கவனம் செலுத்தக்கூடாது என்று சொல்லலாம். இப்போது கொண்டு வந்திருக்கும் இந்த நிலவரிச் சீர்திருத்தம் மிகவும் அவசியம். இதை பலர் ஒப்புக்கொண்ட போதிலும், இதிலே சில திருத்தங்களையும் செய்யவேண்டுமென்று சொல்லியுள்ளார்கள். அதன்படி மிராசுதாரர்களை எல்லாம் அதிகமான நிலங்களை வைத்துக்கொள்ளாதபடி தனித்தனியாக பிரித்துவிட வேண்டுமென்று சொன்னார்கள். அப்படியே பட்டாக்களை யெல்லாம் தனித்தனியே பிரித்து ஒவ்வொருவருக்கும் 5 ஏக்கர் பூமியாக பங்கிட்டுக் கொடுத்து விட்டால் மட்டும் உணவைப் பெருக்க முடியுமா? அப்பொழுதும் இருக்கும்படியான விவசாயிகள் லாபகரமாகவும், கவர்ச்சிகரமாகவும் உணவைப் பெருக்க வேண்டுமானால் உழைப்பு என்ற அடிப்படையில்தான் பெருக்க முடியும். ஆகவே இந்த மசோதாவால் நிலம் துண்டு போடப்பட்டு விடுமென்று யாரும் பயப்படத் தேவையில்லை. ஆகவே எந்த முறையில் எடுத்துக் கொண்டாலும் இந்த நிலவரிச் சீர்திருத்தம் மிகவும் முக்கியமானதாகவே காணப்படுகிறது.

"20 வருஷங்களுக்கு முன்பு ஒரு ஏக்கர் நிலத்தில் 100 ரூபாய் வரும்படி வரும். ஆனால் இரண்டாவது உலக மகா யுத்தத்திற்குப் பின்னால் எல்லாப் பொருள்களும் அதிகப்படியான விலை விற்பதால் ஒரு ஏக்கருக்கு 400, 500 ரூபாய் வரும்படி வருகிறது. இருந்தாலும் இப்போது உணவுப் பொருள்கள் விலை மட்டும் குறைந்து விட்டதால், சாகுபடி செய்யும்படியான உணவு உற்பத்திச் செலவுக்கு விற்கும்படியான உணவுப் பொருள்களின் வருமானம் மிகவும் குறைவாகவே இருக்கிறது. இருந்தாலும், இந்த 500 ரூபாய் கட்டணம் கட்டுகிறவர்கள் யார்? எத்தனை பேர்கள் என்று பார்க்க வேண்டும். தஞ்சாவூர் ஜில்லாவிலே சுமார் 20 முதல் 30 ஏக்கர் வரை நிலம் உள்ளவர்கள் பாதிக்கப்படுவார்கள். கோவை ஜில்லாவிலே தாராபுரம், பல்லடம் போன்ற இடங்களில் 500 முதல் 600 ஏக்கர் உள்ளவர்கள் பாதிக்கப்படலாம். ஏற்கனவே இந்த மசோதாவால் 3,600 பேர்கள்தான் பாதிக்கப்படுகிறார்களென்று நான் சொல்லிவிட்டேன். ஆகவே 1 அல்லது ஒன்றரை ஏக்கர் நிலங்களை வைத்திருப்பவர்களை யெல்லாம் இது ஒன்றும் செய்யாது. ஆகவே மற்றொன்று சொல்லலாம். இதற்காக நிலமுடையோர் உடனே அவர் அவர்களுடைய நிலங்களை பல பாகங்களாகப் பிரித்துக்கொள்வார்கள் எனலாம். அதனால் இந்த சர்சார்ஜ் மசோதா செல்லுபடியாகாமல் உடைக்கப்பட்டு விடுமென்றும் கூறலாம். இந்து மத சட்டப்படி இந்து குழந்தைகளுக்கு பாகம் பிரித்துக்கொள்ளும் உரிமை இருக்கிறது. பொது உடமையைப் பற்றி பேசுகின்றவர்கள் இதைப்பற்றி சிந்திக்க வேண்டும்; கவனிக்க வேண்டும்.

[Sri P. G. Karuthiruman] [8th May 1954]

“ஒரு இந்து குடும்பத்தில் ஒரு தகப்பனுருக்கு நான்கு பிள்ளைகள் இருந்தால், அவர்கள் இஷ்டப்படி நான்கு பாகங்களாக பங்கிட்டுக் கொள்ளலாம் என்ற முறை பொது உடமைப் பேச்சின்றி இன்று ஏற்பட்டதல்ல. அந்தக் காலத்திலேயே இந்து மத சாஸ்திரத்தில் சொல்லப்பட்டிருக்கிறது. மற்றும் இந்த கோவை ஜில்லாவில் ஒரு ஏக்கர் நல்ல தோட்ட நிலத்திற்கு 100 ரூபாய் வரைதான் குத்தகை வசூலிக்கப்பட்டு வருகிறது.”

SRI N. RATHINA GOUNDER :—“On a point of information. இப்போது பேசுகின்ற கனம் அங்கத்தினர் அவர்கள் பேச்சிலிருந்து இந்த சட்டம் கொண்டு வருவதற்கு முன்பே தன்னுடைய பங்கு பாகங்களை ஜாக்கிரதையாகப் பிரித்து வைத்துக்கொண்டிருக்கிறார் என்று சொல்லப்படுகிறது. இது உண்மைதானா?”

SRI P. G. KARUTHIRUMAN :—“நண்பர் அவர்கள் என்னை தெரிந்திருந்தும் இவ்வாறு சொல்லக்கூடாது. 15 வருஷங்களுக்கு முன்பே என் குடும்பத்தில் ஞாயமாக பிரித்துக்கொண்டிருக்கவேண்டும். ஆனால் நம் இந்து குடும்பங்களின் கனியத்திற்கும், கவுரவத்திற்கும் காரணமாக பாகம் பிரிக்கவில்லை. இனிமேல் சூழ்நிலைகளின் காரணமாகப் பிரித்துக் கொள்வோம். இப்பொழுது இந்த நிலச்சீர்திருத்த சர்ச்சார்ப் மசோதாவில் நிச்சயமாக குறிக்கப்பட்டுள்ள சில உத்தரவுகளின் சூழ்நிலையை எடுத்துச் சொல்லிக் கொண்டிருக்கிறேன். அதற்குள் நண்பர் தப்பிப் பிராயம் செய்துகொண்டிருக்கிறார். அதற்கு நான் மிகவும் வருத்தப்படுகிறேன்.”

“கோவை ஜில்லாவிலே ஒரு ஏக்கர் பயிரிடுவதற்கு எவ்வளவு முதலீடு போடப்படுகிறது என்பதை கணக்கெடுத்துப் பார்க்கவேண்டும். எதிர்கட்சியினர் எதிர்ப்புக்கூற வேண்டுமென்பதற்காக சொன்னால் போதாது. உரங்களுக்கும், நீர்ப்பாசன வசதிகளுக்கும் அதிகமாக முதலீடு செய்யவேண்டும். கணக்கெடுத்துப் பார்த்தால் மற்ற ஜில்லாக்களைவிட அதிகமாக முதலீடு செய்வது நண்பர்கள் நேரில் பார்த்தால் நன்கு தெரியும். சந்தேகம் இருக்குமானால் தஞ்சாவூரிலே ஒரு ஐந்து ஏக்கர் நிலத்தையும், கோவையிலே ஒரு ஐந்து ஏக்கர் நிலத்தையும் நண்பர் கந்தசாமி அவர்கள் எடுத்துக்கொண்டு லாபத்தைக் கணக்கிட்டு பார்க்க வேண்டுமென்று சொல்லுகிறேன்.”

“இந்த மசோதாவிலே சொல்லியிருக்கின்ற ஒரு வரியை உதாரணத்திற்கு படிக்கின்றேன். இரண்டாவது கிளாஸில், ஒண்ணில் டெபனிஷன் ‘பி’யில், இருக்கும்படியான பூமியை, கந்தாயம் கொடுக்காமல் வைத்திருப்பவர்கள் என்று குறிப்பிடப்பட்டிருக்கிறது. இதன்மீது கந்தாயம் கொடுக்காமல் எமாற்றுவதற்கு இது சௌகரியமளிக்கிறது. காரணம் நிலச் சொந்தக்காரர் மற்றொருவருக்கு பயிர் செய்ய நிலத்தைவிட்டு, வரும் வருவாயை இருவரும் பிரித்துக் கொள்வதே. ஆகவே **Landholders** என்பவர்களிடத்திலேயே நேரிடையாக வசூல் செய்வதற்கு இந்த திருத்தம் செய்யவேண்டுமென்று கேட்டுக்கொண்டு, இந்த சந்தர்ப்பமளித்த கனம் உதவி சபாநாயகர் அவர்களுக்கு என் நன்றியைத் தெரிவித்துக்கொள்கிறேன்.”

SRI K. T. RAJU :—“கனம் உதவி சபாநாயகர் அவர்களே, இந்த நிலவரிமேல் விதிக்கப்படும் உபரிவரியை நாங்கள் வரவேற்கிறோம். அதே சமயத்தில், ஏற்கனவே நாங்கள் எடுத்துக்காட்டியதுபோல், விவசாய வருமான வரி வசூலிப்பதுதான் மிகவும் நல்ல முறையாக இருக்குமென்பதைக் குறிப்பிட விரும்புகிறோம். சபை முன்பு வாதத்திலிருக்கும் இந்த மசோதாவினால் பெரிய அளவுக்கு மிராசுதாரர்கள் பாதிக்கப்படுவார்களென்று சர்க்கார் தரப்பில் இருக்கக்கூடிய ஒரு அங்கத்தினர் சொன்னார். ரூ. 500-க்கு மேல் கிஸ்தி செலுத்துபவரிடமிருந்துதான் இந்த உபரி வரி வசூலிக்கப்படுமென்று சொல்லப்படுகிறது. ஏழை எளியவர்கள் மீதும், நடுத்தர வகுப்பினர் மீதும் போடப்பட்ட வரிகளை ஆதரித்த அவர், இப்பொழுது ரூ. 500-க்கு மேல் வரி செலுத்தும் ஒரு கூட்டத்தாருக்கு

[Sri K. T. Raju] 8th May 1954]

அனுதாபம் தெரிவிப்பதை நாங்கள் புரிந்துகொள்ள முடியவில்லை. மிராசு தார்கள் ஜில்லாவாரியாக செலுத்தும் கிஸ்தியின் மேல்தான் உபரிவரி விதிக்கப்படவேண்டுமென்று இந்த மசோதா கூறுகிறது. ஏற்கனவே கனம் அங்கத்தினர் ஸ்ரீ ரங்கசாமி ரெட்டியார் எடுத்துக்காட்டியதுபோல், பலர் நிலங்களை வாடகைக்குவிட்டு அதை வியாபார முறையில் ஒரு தொழிலாக நடத்திவருகிறார்கள். கனம் அங்கத்தினர் ஸ்ரீ கருத்திருமணப்போல் இருப்பவர்கள் விவசாயிகளல்ல. அவர்கள் பெரும்பாலும் சென்னை, கோவை போன்ற நகரங்களில் இருப்பார்கள்.”

SRI P. G. KARUTHIRUMAN :—“On a point of information, Sir, கனம் அங்கத்தினர் அவர்கள் என்னை விவசாயி அல்ல என்று சொன்னார். அவர் எந்த பூமியில் எவ்வளவு தூரம் விவசாயம் செய்கிறார் என்று தெரிந்துக்கொள்ள விரும்புகிறேன்.”

SRI K. T. RAJU :—“நான் கனம் அங்கத்தினரைப்பற்றி குறிப்பாகச் சொல்லவில்லை. அவர்களைப்போல் உள்ளவர்களைப் பற்றித் தான் சொன்னேன். தன் மனதே தன்னை உறுத்துகிறதுபோலும். அவர் சொல்லுகிற 3,000 பேர்களில் 2,800 பேர் விவசாயிகள் அல்ல. சென்னையில் வீடுகளை வாடகைக்கு விட்டு சம்பாதிப்பதுபோல், அவர்கள் தங்கள் பணத்தைக்கொண்டு நிலங்களை வாங்கி அவைகளை குத்தகைக்கு விட்டு பணம் சம்பாதிக்கிறார்கள். அவர்களெல்லாம் விவசாயிகள் அல்ல. அவர்கள் இந்த மசோதாவினால் பாதிக்கப்படமாட்டார்கள். எங்களுடைய கோரிக்கை இந்த என்னவென்றால், ரூ. 250-க்கு மேல் கிஸ்தி செலுத்துபவர்கள் கூட இந்த உபரி வரியை கொடுக்கவேண்டும் என்பதே. எந்த வரிபோட்டாலும் எதிர்க்கட்சியினர் எதிர்ப்பார்கள் என்று சொல்லப்படுகிறது. ஆனால் இந்த மசோதா, வரி விதிப்பு முறையிலேயே ஒரு புதிய policy-ஐ பின்பற்றி புதிய திசையை நோக்கி காலடி வைத்திருக்கிறது என்றே சொல்லவேண்டும். அந்த அளவுக்கு இந்த மசோதாவை நான் வரவேற்கிறேன். இதுவரையிலும் ‘குண்டுச் சட்டியில் குதிரை ஓட்டுவதுபோல்’, ‘எழை எளிய மக்கள் மீது சர்க்கார் வரிபோட்டு வந்தார்கள். யார் வரிப் பளுவைத் தாங்குவார்களோ யாரால் வரியைக் கொடுக்க முடியுமோ அத்திசையை நோக்கி சர்க்கார் போவதை நாங்கள் வரவேற்கிறோம். இந்தப் பாதையில் இது ஒரு ஆரம்ப முனை. இனிமேல் எழைமக்கள் மீது வரிபோடமுடியாது; அவர்களால் வரிப்பளுவைத் தாங்கவும் முடியாது. ரூ. 250-க்கு மேல் கிஸ்தி செலுத்துபவர்களுக்கும் இந்தவரி போட்டால் அவர்கள் குடும்பம் நசித்துவிடாது, விவசாயமும் அழிந்துவிடாது. இன்றையதினம் அவர்களுக்கு வரக் கூடிய வருமானம் எவ்வளவு என்பது எனக்குத் தெரியும். சர்க்காருக்குக் கிடைக்கக்கூடிய வருமானத்தை எப்படி செலவழிக்கவேண்டுமென்ற விஷயத்தில் எங்களுக்கு அபிப்பிராயபேதம் இருந்தாலும், இம்மாதிரி யான முறையிலே இன்னும் தீவிரமாக, ரூ. 250-க்கு மேல் கிஸ்தி செலுத்தக்கூடியவர்களிடமிருந்தும் இந்த உபரிவரியை வசூலிக்க இந்த மசோதா திருத்தப்படவேண்டுமென்றுதான் சொல்லுகிறோம்.”

“இந்தச் சட்டம் வரப்போகிறது என்று தெரிந்துகொண்டு, கூட்டுப்பட்டா தார்கள் ஒரு ரகசிய மகாநாடு கூட்டி, கூட்டுப்பட்டாக்களை எப்படி தனிப்பட்டாக்கலாக்குவது என்பதற்கான திட்டங்களை வகுத்துக்கொண்டிருப்பார்கள். அவர்கள் மிகவும் கெட்டிக்காரர்கள். இந்த வரியினால் சர்க்காருக்கு ரூ. 6 லட்சம் கிடைக்கும் என்று சொல்லப்படுகிறது. மசோதாவில் இந்த வரியிலிருந்து தப்பித்துக்கொள்வதற்கு இடம்கொடுக்கக்கூடாது. ஜில்லா வாரியாக இல்லாமல், ராஜ்யம் முழுவதிலும் ஒருவருக்கு இருக்கக்கூடிய நிலங்களைக் கணக்கில் எடுத்துக்கொண்டு, அவர் மொத்தம் எவ்வளவு கிஸ்தி செலுத்துகிறாரோ அதன்மேல் உபரிவரி வசூலிக்கப்படவேண்டும். நாங்கள் கொண்டுவந்திருக்கும் திருத்தத்தின்படி ரூ. 250க்குமேல் கிஸ்தி செலுத்துபவர்களிடமிருந்தும் இந்த உபரிவரியை வசூலித்தால் இன்னும் சர்க்காருக்கு பல லட்ச ரூபாய்கள் கிடைக்கும். யாருக்கு வரி போட்டால் தாங்க முடியுமோ, யாருக்கு வரி போட்டால் அவருடைய தொழிலோ, குடும்பமோ, நசித்து விடாதோ அவர்கள் மீது வரிபோட்டு, ஏழை மக்க

[Sri K. T. Raju]

[8th May 1954]

எங்கும் நடுத்தரவகுப்பினருக்கும் வரி விலக்களிக்கவேண்டும். இதுவரையிலும் நமக்குத் தெரிந்தவரையில் இம்மாதிரி புதிய முறையில் வரி போட்டதே கிடையாது. இதைப்பற்றி ஸ்ரீ கருத்திருமன் 1952-ம் வருடம் ஜூன் 5-ம் தேதி சொன்னார். நாங்கள் 1950-லேயே சொல்லியிருக்கிறோம். சர்க்கார் தரப்பிலிருந்துகொண்டு வரப்படும் எந்த வரியையும் நாங்கள் எதிர்ப்பதாகச் சொல்லப்படுகிறது. எங்களைப் பொருத்தமட்டில் நியாயமான வரியை நாங்கள் ஆதரிப்போம். பெரும்பாலான ஏழை மக்களின் மீது போடப்படும் வரியைத்தான் எதிர்ப்போம். இந்த அடிப்படையில்தான் நாங்கள் சென்ற இரண்டு வருடகாலமாக இந்தச் சபையில் பேசி வந்திருக்கிறோம். இன்னும் அதிகமாக வரி போடவேண்டுமென்பதுதான் மசோதாவிலிருக்கும் குறைபாடு என்று நாங்கள் கருதுகிறோம். இந்த அடிப்படையில் இந்த உபரி வரியை விவசாய வருமான வரியாகக்கொண்டு வரவேண்டும். அப்படிக்கொண்டு வந்தால் ஒரு சமயம் மழை பெய்யாமல் வருமானம் குறைந்தால், அதற்கு வரிவிலக்கு கிடைக்கும். ஜில்லா வாரியாகக் கணக்கெடுக்காமல் ராஜ்ய முழுவதையும் ஒன்று சேர்த்து அந்த அடிப்படையில் வரி விதித்தால், ஆயிரக்கணக்கான ஏக்கர்கள் வைத்திருப்பவர்களிடமிருந்து அதிக வருமானத்தை எதிர்பார்க்க முடியும். அவர்கள் இந்த வரி விதிப்பிலிருந்து தப்பித்துக்கொள்ள முடியாமல் வழிவகை செய்ய இந்த மசோதாவை திருத்தவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.”

SRI G. VAGHEESAM PILLAI :—“கனம் உதவி சபாநாயகர் அவர்களே, நான் இந்த உபரிவரி மசோதாவை ஆதரித்துப் பேசுகையில் ஒரே திருத்தங்களை மட்டும் சர்க்காரின் யோசனைக்குக் கொண்டுவர விரும்புகிறேன்.

“1952-ல் ரூ. 100-க்கு மேற்பட்ட கிஸ்தி செலுத்துபவர்களுக்கு surcharge விதிக்கவேண்டுமென்று ஒரு மசோதா கொண்டுவரப்பட்டது. அதனால் அப்பொழுது ரூ. 100-க்கு மேற்பட்டு கிஸ்தி செலுத்தும் சிறிய மிராசதாரர்கள் பாதிக்கப்படும் நிலைமை ஏற்பட்டிருந்தது. ஆனால் இப்பொழுது கொண்டு வரப்பட்டிருக்கும் மசோதாவில் ரூ. 500-க்கு மேல் கிஸ்தி செலுத்துபவர்களுக்குத்தான் surcharge விதிக்கப்படும் என்று சொல்லியிருப்பதால் நான் அதை ஆதரிக்கிறேன். இந்த மசோதாவுக்கு ஒரே திருத்தங்களைச் சொல்ல விரும்புகிறேன். இந்த வருஷம் நெல் விலை ஒரு மணங்கிற்கு ரூ. 8 வீதம் அதாவது 50 படி மூட்டை ரூ. 15, 16 ஆக இருக்கிறது. அடுத்த வருஷத்தில் நெல் விலை இறங்கும். இறங்கத்தான் வேண்டும். புண்ணுக்கு, chemical manures இவைகளின் விலை குறைய வில்லையாதலாலும், மற்ற விவசாயச் செலவும் அதிகமாயிருப்பதாலும், இந்நிலையில் surcharge கொடுப்பது கஷ்டமாக இருக்கும். ஆகையால், நெல் விலை மணங்களுக்கு ரூ. 8-க்கு குறைந்து விட்டால் surcharge வசூலிக்கக்கூடாது என்ற ஒரு clause இந்த மசோதாவில் இருக்க வேண்டும். எங்கள் பகுதியில் நெல்தான் விளைகிறது. ஆகையால் நான் நெல்லைப்பற்றிப் பேசுகிறேன். ஒரு ரூபாய்க்கு பட்டணம் படி 4 படிக்கு மேல் விற்கும் பொழுது surcharge-ஐ எடுத்து விடவேண்டுமென்று நான் சர்க்காரைக் கேட்டுக்கொள்ளுகிறேன்.

“என்னுடைய மற்றொரு திருத்தம் என்னவென்பதை அடுத்தபடியாகச் சொல்லுகிறேன். Land Revenue Remission Rules-படி ஒரு அணுவிற்குக் கீழ் சாவி மகரூலிருந்தால் Land Revenue தள்ளிக்கொடுக்கப்படுகிறது. இந்த மசோதாவின் கீழ், அப்படி தள்ளிக்கொடுக்கப்பட்ட கிஸ்துக்கு surcharge விதிக்கப்படவில்லை. Surcharge செலுத்தக்கூடிய விவசாயிகளுக்கு 4 அணுவிற்குக் கீழ் மகரூல் இருந்தால் surcharge விதிக்கப்படமாட்டாது என்ற ஒரு விதி இந்த மசோதாவில் சேர்க்கப்படவேண்டும்.

“விவசாயிகள் இந்த மசோதாவில் கண்டுள்ளபடி declaration களைச் சரியாக கொடுக்கவில்லையென்றால் அவர்களுக்கு இரண்டு வருட கடுங்காவல் தண்டனை விதிக்கவேண்டுமென்று ஒரு திருத்தத்தை நண்பர் ஒருவர் கொண்டுவந்திருக்கிறார். விவசாயிகள் மாத்திரம் சரியான கணக்கு களைக் கொடுக்கமாட்டார்களென்று அவர் என் நினைக்கவேண்டும்? இந்த மசோதாவில் இருக்கிறபடியே, அப்படி சரியான statement-களைக் கொடுக்காத

[Sri G. Vagheesam Pillai]

8th May 1954] விவசாயிகளுக்கு ரூ. 500 வரை அபராதம் விதித்தால் போதாதா? விற்பனை வரி இல்லாத சமயத்தில் land revenue தான் நமது ராஜ்யத்தின் முக்கியமான வருமானமாக இருந்தது. விவசாயிகளிடமிருந்து கிடைத்து வந்த அந்த வருமானத்தைக்கொண்டுதான் அநேக காரியங்கள் செய்யப்பட்டு வந்தன.

“நான் சொன்ன இரண்டு திருத்தங்களையும் சர்க்கார் கவனிக்கவேண்டுமென்றுகேட்டுக்கொண்டு, இந்த Surcharge Bill-ஐ ஆதரிக்கிறேன்.”

SRI M. KALYANASUNDRAM :—“கனம் உதவி சபாநாயகர் அவர்களே, ஒரு விஷயத்தைத் தெரிவித்துக்கொள்கிறேன். இத்துடன் விவாதம் முடிவடைகிறதா? அல்லது எனக்குப் பிறகும் விவாதம் தொடர்ந்து நடக்குமா?”

DEPUTY SPEAKER :—“உங்களுக்குப் பிறகு கனம் மந்திரி அவர்களை பதில் சொல்லும்படி அழைக்கப்போகிறேன். ஏனென்றால் இன்றைக்கு ஒரு அரைமணி நேர விவாதம் வேறு இருக்கிறது.”

SRI M. KALYANASUNDRAM :—“கனம் உதவி சபாநாயகர் அவர்களே, நான் இதைப்பற்றி கனம் சபாநாயகர் அவர்களிடம் சொன்னேன். இன்று பூராவும் பொது விவாதம் நடக்குமென்றும், திங்கட்கிழமைதான் ஷரத்துவாரியாக இந்த மசோதா பரிசீலனைக்கு எடுத்துக்கொள்ளப் படுமென்றும் ஒரு முடிவுக்கு வந்தேன். அதன்படியானால் இன்னும் அதிக அங்கத்தினர்கள் பேசவேண்டியதாக இருக்கிறது. இன்றைக்கே இந்த மசோதாவைப் பாஸ் செய்துவிடவேண்டுமென்று அவசரப்படுத்துவது சரியல்ல.”

THE HON. SRI C. SUBRAMANIAM :—“Sir, the understanding was that both the general discussion and also the clause by clause consideration will be taken up to-day. It was originally agreed that the general discussion would close at 11 o'clock and the Hon. Minister would be called upon to reply to the general discussion at 11 o'clock. But now the time for general discussion has been further extended to 11-30. As soon as the hon. Deputy Leader of the Opposition finishes his speech, the Hon. Minister may be called upon to reply and then we shall take up clause by clause consideration of the Bill.”

SRI S. SWAYAMPRAKASAM :—“Sir, that understanding was arrived at yesterday because the Council was scheduled to meet on the 10th. The object of the Government to finish consideration of the Bill to-day was to give work to the Council on the 10th. Since we see from the newspapers that the Council has been called upon to meet only on the 13th there is no necessity to hurry through the Bill to-day itself. We can have the clause by clause consideration on Monday.”

THE HON. SRI C. SUBRAMANIAM :—“There is no necessity to waste time simply because the Council has been called to meet only on the 13th.”

SRI S. RAMALINGAM :—“Sir, I object to the statement of the Hon. the Finance Minister ‘We should not waste the time’ of the House on the Bill.”

THE HON. SRI C. SUBRAMANIAM :—“The hon. Member Sri Swayamprakasam said that because the Council had been called to meet on the 13th we could postpone consideration of the clauses to Monday and if the meeting of the Council had not

[Sri C. Subramaniam] [8th May 1954]

been postponed it could be finished to-day itself. Simply because the Council had been called to meet on a later date, it does not mean we get more points to discuss."

SRI S. SWAYAMPRAKASAM:—"We cannot finish discussion on the Bill to-day and therefore clause by clause consideration has to be postponed to Monday. Why do you hurry through the Bill? We are not wasting time. On the other hand you have delayed the publication of the Bill and wasted the time and money of the Government."

SRI K. VINAYAKAM:—"There is one more important reason, Sir, why it should not be hustled through. If it is hustled through then there will be left a general impression in the minds of the Members of the Opposition that not many Members were given a chance to speak on the Bill. Now to cut short the general discussion at this stage and to take up clause by clause consideration of the Bill, especially when hon. Members are suffering from a brain fag, it being 11-30, will not give sufficient opportunity to hon. Members to discuss the merits of the clauses."

DEPUTY SPEAKER:—"They will get the opportunity when the clauses are taken up."

SRI K. VINAYAKAM:—"But what about general discussion?"

SRI M. KALYANASUNDRAM:—"கனம் உதவி சபாநாயகர் அவர்களே, சர்க்கார் கட்சித் தலைவர் சொல்லும் வாதம் சரியல்ல, பொறுத்த மானதும் ஆகாது. நேற்றையதினம், இன்றைக்கே இந்த மசோதாவின் பொது விவாதத்தையும், ஷரத்துவாரியான பரிசீலனையும் வைத்துக்கொள்ள லாமென்ற முடிவுக்கு வந்தோம் என்றால் அதன் காரணம் இந்த மசோதா முக்கியமானது அல்ல என்ற காரணத்திற்காக அல்ல, மேல் சபை பத்தாம் தேதி கூடுவதாகவும், அவர்களுக்கு வேலை கொடுக்க ஒரு மசோதாவை அங்கு அனுப்பியாகவேண்டுமென்றும் கனம் மந்திரி அவர்கள் சொன்ன தாலும்தான் சர்க்காருக்கு உதவி செய்யவேண்டுமென்ற கருத்தோடு, சர்க்காருக்கு இருக்கும் இடையூறை நீக்க வேண்டுமென்ற கருத்தோடு, அந்த உடன்பாட்டிற்கு வந்தோம். இந்தச் சபையின் நேரத்தை யாரும் வீண செய்ய விரும்பவில்லை. சபையின் நேரமும் பொன்னானது. அதைப் போலவே இந்த மசோதாவும் மிகவும் பொன் போன்றது. இதற்குப் பல திருத்தங்கள் கொடுக்கப்பட்டிருக்கிறது. அந்தத் திருத்தங்கள் அனுமதிக்கப்படுமா, அனுமதிக்கப்படாதா என்பதில் பல அபிப்பிராயப் பேதங்கள் இருக்கின்றன."

THE HON. SRI C. SUBRAMANIAM:—"அபிப்பிராயபேதம் எதுவுமில்லை."

SRI M. KALYANASUNDRAM:—"அபிப்பிராயபேதம் எதுவுமில்லை யென்று சர்க்கார் கட்சித் தலைவர் சொல்லுகின்றார். இந்த மசோதாவைப் பற்றி அவர் கட்சியில் பலவிதமான அபிப்பிராயபேதங்கள் இருக்கின்றன. இம்மசோதாவின் அடிப்படைக் கொள்கையை நாங்களே படித்துப் பார்க்கும்போது எதிர்க்க வேண்டியிருக்கிறது. ஆகையால் இன்று பூராவும் பொது விவாதம் நடந்தாகவேண்டும். நிறைய அங்கத்தினர்கள் பேசியிருக்கிறார்கள். அவர்களைத் தாங்கள் பேசக் கூப்பிடவேண்டுமென்றும், பின்னர் தான் என்னைப் பேச அழைக்கவேண்டுமென்றும் நான் தங்களைக் கேட்டுக்கொள்ளுகிறேன்."

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THE HON. SRI C. SUBRAMANIAM:—"தங்களைப் பேச அழைத்திருக்கிறார். தாங்கள் பேசப் போகிறீர்களா, இல்லையா?"

SRI M. KALYANASUNDRAM:—"இவ்வளவு உஷ்ணமாகவும், இந்த மசோதாவை இன்றைக்கே பாஸ் செய்தாகவேண்டுமென்றும் சர்க்கார் கட்சித் தலைவர் சொன்னால் நான் பேசவே யில்லையென்று சொல்லிவிட்டுப் போகிறேன்."

DEPUTY SPEAKER:—"Let me hear what the Hon. the Leader of the House has got to say."

THE HON. SRI C. SUBRAMANIAM:—"Sir, the hon. the Deputy Leader of the Opposition has been called upon by you to speak now. We would like to know if he is making his speech or not."

SRI M. KALYANASUNDRAM:—"If the idea is to push through the Bill to-day, I am not speaking."

THE HON. SRI C. SUBRAMANIAM:—"I would make a suggestion to the Chair, Sir. The general discussion may go on till 11-30 and then the Hon. Minister may be asked to reply to the discussion."

SRI M. PALANIYANDI:—"Sir, yesterday the Hon. Speaker said the half-hour debate on homeopathic medicine would be taken up to-day."

THE HON. SRI C. SUBRAMANIAM:—"That is at 12-30."

DEPUTY SPEAKER:—"Then, I will call hon. Member Vadivelu to speak now."

SRI S. VADIVELU:—"கனம் உதவி சபாநாயகர் அவர்களே, இன்றைய விவாதத்தில் இருக்கும் நிலவரி மசோதாவை நான் ஆதரிப்பதோடு நான் சர்க்காரை ஒன்று கேட்டுக்கொள்ள விரும்புகிறேன். அதாவது இன்றைக்கு பல நூற்றுக்கணக்கான விவசாயிகள் மாகாணம் பூராவிலும் நிலத்திலிருந்து வெளியேற்றப்படுகிறார்கள். அவர்களுக்கு நிரந்தரமான பாதுகாப்பு அளிக்கும் ஒரு விரிவான நிலச்சீர்திருத்தச் சட்டத்தைக் கொண்டுவந்து அவர்களுடைய உரிமைகளைப் பாதுகாப்பதற்கு வேண்டிய நடவடிக்கையை எடுக்கவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்."

"இன்றைக்குத் தஞ்சாவூர் பண்ணையாள் பாதுகாப்புச் சட்டத்தைப் போட்டிருக்கிறோம். ஆனால் அதனுடைய முழுப் பயனையும் விவசாயிகள் அடைய முடியாதபடி அங்குள்ள மிராச்தார்கள் பல தடைகளை எழுப்பிக்கொண்டிருக்கிறார்கள். அவர்களுக்குச் சேரவேண்டிய குறைந்தபட்ச கூலியைக் கூட கொடுக்காமல் பலயிடங்களில் அவர்களை நிலத்திலிருந்து வெளியேற்றி வருகிறார்கள். அவர்களுக்கு எல்லாம் சர்க்கார் தக்க பாதுகாப்பு அளிக்குமென்று உத்தரவாதம் அளிக்கவேண்டுமென்றும் இச்சமயத்தில் நான் கேட்டுக்கொள்ளுகிறேன். இன்றையதினம் நம் மாகாணத்தின் நிலைமை எப்படியிருக்கிறதென்றால் நிலத்திலிருந்து வெளியேற்றப்படும் விவசாயிகளின் எண்ணிக்கை நாளுக்கு நாள் அதிகரித்துக்கொண்டேயிருக்கிறது. நசித்துக்கொண்டிருக்கும் விவசாயிகளின் குடும்பம் நாளுக்கு நாள் அதிகரித்துக்கொண்டேயிருக்கிறது. இந்த நிலைமையை இப்படியே வளரவிட்டுக் கொண்டே போனால் இதன் முடிவு என்ன ஆகுமென்று சொல்லமுடியாது. அவர்களுடைய வாழ்க்கைத்தரத்தை உயர்த்த, அவர்களது பொருளாதார நிலைமையைச் சீர்படுத்த உடனடியாக இந்தச் சர்க்கார் ஏதாவது நிலச்சீர்திருத்தச் சட்டத்தைக் கொண்டுவந்தாகவேண்டும். வெறும் வரியைக்கொண்டு வருவதால் மட்டும் போதாது. எதிர்க்கட்சியில் இருக்கக்

[Sri S. Vadivelu]

[8th May 1954]

கூடிய அங்கத்தினர்கள் எல்லோரும் எந்த வரியைக்கொண்டு வந்தாலும் எதிர்ப்பார்கள் என்று சொல்லும் வாதம் சரியல்ல. இந்தமாதிரியான வரியைப் போடவேண்டுமென்று நாங்கள் வெகு காலமாகவே சொல்லிக் கொண்டு வந்திருக்கிறோம். இப்பொழுது இதைக்கொண்டு வந்திருக்கிறார்கள். அதற்காகப் பாராட்டுகிறோம். அதைப்போலவே நிலச்சீர்திருத்தச் சட்டத் தைக்கொண்டு வரவேண்டுமென்பதை நான் வலியுறுத்திக் கூற விரும்புகிறேன். ஆகையால் நிதி மந்திரி கனம் ஸ்ரீ சுப்பிரமணியம் அவர்கள் அடுத்த கூட்டத்திற்குள்ளாக நிலச்சீர்திருத்த மசோதா ஒன்றைக்கொண்டு வருவதற்கு வேண்டிய ஏற்பாடுகளையெல்லாம் செய்ய வேண்டுமென்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

SRI M. KALYANASUNDRAM :—“கனம் உதவி சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்ற திருத்தத்தை நான் பலமாக ஆதரிக்கிறேன். அதற்கு முக்கியமான காரணம் இந்த மசோதாவிற்கு பல திருத்தங்கள் கொடுக்கப்பட்டிருக்கின்றன. இவ்வளவு ரூபாய்க்கு மேல் வரி விதிக்கவேண்டுமென்று குறிப்பிடப்பட்டிருக்கிறது. அந்த அடிப்படை ரூபாய் விதித்ததைக்கூடக் குறைக்கவேண்டுமென்றும் சொல்லப்படுகிறது. ஒரு சிலர் உயர்த்தவேண்டுமென்றும் யோசனை சொல்லுகிறார்கள். வரி விதித்ததை உயர்த்தவேண்டுமென்று கொடுக்கப்பட்டிருக்கக்கூடிய திருத்தம் இருக்கிறதே அதற்கு கவர்னரின் முன் அனுமதிவேண்டுமென்று அரசியல் அமைப்புச் சட்டத்தில் 20-வது ஷரத்தில் சொல்லப்படுகிறது. அந்தப் பிரச்சனை இச் சபையில் விவாதத்திற்கு வரும் சமயத்தில் அதைப்பற்றி நான் விரிவாக விவாதிக்கிறேன். எப்படியிருந்தாலும் இந்த மசோதாவை மீண்டும் பொறுக்குக் கமிட்டிக்கு விட்டால் மிகவும் நன்றாக இருக்குமென்றும், அது சர்க்காருக்கு உதவியாகவே இருக்குமென்றும் நான் சொல்ல விரும்புகிறேன். எதிர்க்கட்சியினருக்கும் ஒரு சந்தர்ப்பம் கொடுத்ததாகவும் இருக்குமென்பது என்னுடைய அபிப்பிராயம். கொள்கை சம்பந்தப்பட்டமட்டில் இந்த மசோதாவை நாங்கள் எதிர்க்கவிலையென்பதை பட்ஜெட் பிரசங்கத்திலேயே எடுத்துச் சொல்லியிருக்கிறோம். இன்றைக்கு எதிர்க்கட்சியிலிருந்து பேசியவர்களும் கூட இந்த மசோதாவை ஆதரித்தே பேசியிருக்கிறார்கள். அதோடு வரி விதிப்பை உயர்த்தவேண்டுமென்றும் பேசியிருக்கிறார்கள். இந்த மசோதாவிற்கு எங்களுடைய ஆட்சேபணை யென்னவென்பதை தெளிவாகக் குறிப்பிட்டிருக்கிறோம். இந்த மசோதாவினால் சர்க்காரின் நோக்கம் பூரணமாக ஈடேறுது என்பது என்னுடைய தாழ்மையான அபிப்பிராயம்.”

(At this stage Mr. Speaker resumed the Chair.)

“கனம் சபாநாயகர் அவர்களே, துரதிருஷ்டவசமாக, இன்றையதினம் பொது விவாதம் மாத்திரம் நடக்கட்டும், திங்கட்கிழமை அன்று ஷரத்துவாரியாக இதைப் பரிசீலனை செய்யலாமென்று சொன்னதற்கு எதிர்க்கட்சித் தலைவர் இணங்கவில்லை.”

MR. SPEAKER :—“மனமிருந்தால் இன்றைக்கே முடித்துவிடலாம். நீங்கள் கொஞ்சம் விட்டுக் கொடுக்கவேண்டும்.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, நாங்கள் சர்க்காருக்கு ரொம்பவும் விட்டுக் கொடுத்துக்கொண்டேதான் போகிறோம் என்பதை எல்லோரும் அறிவார்கள். குறிப்பாக பத்தாம் தேதி மேல் சபை கூடுகிறது. ஆகவே அதற்குள் இந்த மசோதாவைப் பாஸ் செய்யவேண்டுமென்று சர்க்கார் கட்சித் தலைவர் கேட்டுக்கொண்டதற்கு, இந்த மசோதா கெஜட்டில் பிரசுரமாகி 6 நாட்கள் ஆகாதிருந்தபோதிலும் கூட சபையில் பிரேரிக்க அனுமதி யளித்தோம். எங்கள் பேரில் மக்கள் ஏதாவது குற்றம் சாட்ட இருக்கிறார்களென்றால் அது நாங்கள் இந்தச் சர்க்காருக்கு ரொம்பவும் விட்டுக்கொடுத்துக் கொண்டே போகிறோம் என்ற குற்றத்தைத் தவிர வேறு எதுவுமிருக்க முடியாது. சர்க்கார் கட்சித் தலைவர் துரதிருஷ்டவசமாக நாங்கள் சொல்வதன் உண்மையைப் புரிந்து கொள்ளாது இன்றைக்கே பொது விவாதமும், ஷரத்துவாரியான பரிசீலனை

[Sri M. Kalyanasundram]

யும் நடந்தாகவேண்டுமென்று வற்புறுத்துகிறார்கள். நான் மேலே பேச வேண்டுமென்றாலும், இந்த விஷயத்திற்கு ஒரு முடிவு தெரியவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

MR. SPEAKER :—“நீங்கள் மனது வைத்தால் இந்த விஷயம் ஒரு நிமிஷத்தில் முடிந்துவிடும்.”

SRI M. KALYANASUNDRAM :—“சர்க்கார் கட்சித் தலைவர் மனது வைத்தால்தான் இவ்விஷயம் உடனே தீரும். (சிரிப்பு.)

“இன்னும் பல அங்கத்தினர்கள் பேச வேண்டுமென்று அபிப்பிராயம் தெரிவித்திருக்கிறார்கள். நான் பேசிக்கொண்டிருக்கிறேன். அவர்களும் பேசுவதற்கு அவகாசம் கொடுக்கும்படி உங்களை நான் கேட்டுக்கொள்கிறேன்.”

“இந்த மசோதாவின்மீது பொது விவாதத்தை இன்றைக்கு முடித்து, திங்கட்கிழமையன்று ஷரத்துவாரிப் பரிசீலனை செய்து, திங்கட்கிழமையன்று இந்த மசோதாவை நிறைவேற்றிவிடலாம். அப்படிச் செய்வதினால் மேல்சபைக்கு இந்த மசோதா போவதற்கும் யாதொரு இடையூறு இருக்காது. சர்க்கார் கட்சித் தலைவருக்கு அது இஷ்டமில்லாவிட்டால், அவர் பேசுவதற்கு சந்தர்ப்பம் கொடுக்கவேண்டாம். அவர் சொன்னதையே அவர் வற்புறுத்துவாரானால், கண்டிப்பாக அவர் சொல்லக்கூடியது நிறைவேறுது என்பது என்னுடைய அபிப்பிராயம்.”

MR. SPEAKER :—“வற்புறுத்தல் ஒன்றுமில்லை. There should be ‘give and take’ on both sides. Whenever the Government want the Opposition to help them, they should come forward to help the Government.”

SRI P. RANGASWAMI REDDIAR :—“I would like to know what understanding was reached yesterday.”

MR. SPEAKER :—“It was that it should be finished to-day.”

SRI S. SWAYAMPRAKASAM :—“Sir, I wanted to conform to the rules. Rule 79 says that the Bill must be taken up after the expiry of six days from the date of publication of the Bill. No doubt, the Speaker has discretion to waive this notice. The Leader of the House said that the Council was meeting on the 10th and if this Bill was not finished to-day, there would be no work for the Upper House on the 10th. For that reason, I said I was prepared to go on with the consideration of the Bill and finish it to-day, the general discussion and the clause by clause consideration. But this morning I saw in the newspapers that the Council has been called to meet only on the 13th. Under these circumstances I feel there is no hurry about the Bill. Now we have sufficient time. We can discuss the matter elaborately and we can finish the Bill on Monday. If the Council meets on the 10th, we should hurry up consideration of the Bill. The Council is meeting on the 13th only and we suggest the Bill could be finished on Monday. On that account, the Hon. the Leader of the House is not privileged to say that we are wasting the time of the House.”

DR. K. B. MENON :—“There seems to be a lot of unrest among the Opposition Members about the time given for hon. Members to speak on the Bill. This is one of the most important

[Dr. K. B. Menon] [8th May 1954]

Bills that have so far come up before the House during this session. I request the Hon. Speaker and the Hon. the Leader of the House to make some concession in regard to this Bill and give some more time to the Opposition Members to speak. The Opposition Members get on the average, as I said before, only 10 minutes in one whole year."

MR. SPEAKER :—" There is too much repetition in the speeches, I am told by the Deputy Speaker."

DR. K. B. MENON :—" On this particular Bill only one Member from our party could speak. Not even a second Member got a chance to speak on this Bill. I suggest, therefore, that more time should be given for the consideration of this Bill."

SRI M. KALYANASUNDRAM :—" அந்தப் பிரச்சினையைப்பற்றி தங்கள் முடிவு என்ன என்று தெரிந்தால் பரவாயில்லை."

MR. SPEAKER :—" It is not possible, I think, to finish the clause by clause consideration of the Bill also to-day itself. We have only an hour before us. Therefore, I think it must be carried to Monday."

SRI M. KALYANASUNDRAM :—" அப்படியானால் மற்ற அங்கத்தினர்சனக் கூப்பிடும்படியாக கேட்டுக்கொள்ளுகின்றேன்."

MR. SPEAKER :—" 12 மணிவரையில் அங்கத்தினர்களைப் பேச அனுமதித்துவிட்டு, 12 மணிக்கு கனம் மந்திரி அவர்களைப் பேச அனுமதிக்கப் போகிறேன். Let us have the second reading finished to-day so that we can take up the consideration of the Bill, clause by clause, on Monday."

SRI M. PALANIYANDI :—" கனம் சபாநாயகர் அவர்களே, இன்று ஆறாம் கட்சி கொண்டுவந்திருக்கும் இந்த மசோதாவை ஆதரித்துப் பேசும் காலத்தில், உண்மையாக இந்த நாட்டிலே உள்ள ஏழை மக்களுக்கு, சாதாரண பாமர மக்களுக்கு, அத்தியாவசியமான நிலப் பிரச்சினையை இந்த சர்க்கார் தீர்த்துவிட்டதாகச் சொல்லமுடியாது. ஏதோ இன்று பெரும் மிராசுதார்களுக்கு வரி போட்டு விட்டோம் என்று சர்க்கார் சொல்லுகிறார்களே தவிர, பெரு நிலச்சுவாந்தார்களுக்கு சாதாரணமாகக் கிடைக்கும் வருமானத்தைக் கணக்கில் எடுத்துக்கொண்டு, அதற்குத் தக்க முறையில் வரி விதிக்கப்பட்டதாகச் சொல்ல முடியாது. விவசாய வருமான வரி விதிப்பதற்கு என்ன தடை இருக்கிறது? விவசாயிகள் கணக்குகளை வைத்துக்கொள்ளுவதற்கு முடியாது என்று சொன்னால், அது தகுந்த காரணமாக இருக்க முடியாது. சென்ற ஆண்டில், உணவுப் பொருள்களின் கட்டுப்பாட்டை எடுத்ததன் காரணமாக பெரு மிராசுதார்கள் எவ்வளவு லட்சக் கணக்கான ரூபாய்களை சம்பாதித்தார்கள் என்று தெரியுமா? இன்னும் கூட தஞ்சை ஜில்லாவிலுள்ள பெரு நிலச்சுவாந்தார்கள் எப்படி சம்பாதித்துக்கொண்டிருக்கிறார்கள் என்பதும் தெரிந்த விஷயமே. இருந்தாலும் கூட, இப்பொழுது கொண்டுவரப்பட்டிருக்கும் மசோதாவின்படி ரூ. 500-க்கு மேல் கிஸ்தி செலுத்தும் நிலச்சுவாந்தார் ரூபாய்க்கு இரண்டரை முதல் எட்டரை வரை நிலவரி சர்சார்ஜ் செலுத்தவேண்டுமென்று சொல்லப்படுகிறது. இது சர்வ சாதாரணமான ஒரு வரி விதிப்பே தவிர, வேறொன்றுமில்லை. அவர்களால் இன்னும் அதிகமாகக் கொடுக்க முடியும். பெரு நிலச்சுவாந்தார்கள் இந்த சர்சார்ஜ் மசோதாவினால் பெரிதும் பாதிக்கப்பட்டுவிட்டார்கள். ஏனென்றால், அவர்களிடம் குத்தகைக்கு நிலத்தைப் பயிரிடும் சாதாரண விவசாயிகளிடமிருந்து ஒரு மூட்டை அல்லது இரண்டு மூட்டை தானியங்களை அதிகமாக வாங்கிக்கொண்டு, இந்த

[Sri M. Palaniyandi] 8th May 1954]

சார்ஜை அரசினருக்குக் கொடுத்து விடுவார்கள். ஆகவே, இந்த மசோதா வானது பெரு நிலச் சுவாந்தார்களைப் பாதித்துவிட்டது என்று சொல்ல முடியாது.

"அரசினர், இந்த ராஜ்யத்திலுள்ள நிலப் பிரச்சினையைத் தீர்ப்பதற்கு முன்வரும்போது, பெரு நிலச்சுவாந்தார்களுக்கு தக்க வரி விதிப்பதோடுமட்டுமல்லாமல், சாதாரண நிலச்சுவாந்தார்களுக்கு வரிச் சலுகை கொடுக்கும் அளவுக்குத்தான் வரி போடவேண்டுமே தவிர, அவர்கள், இது மாதிரி வரி போடுவதன் காரணமாக நிலப் பிரச்சினையைத் தீர்த்து விட்டதாகச் சொல்லமுடியாது. பெரு நிலச்சுவாந்தார்கள் மீது வரி போட்டு விட்டோம் என்றும் சர்க்கார் சொல்லிக்கொண்டிருக்கமுடியாது. ஆகையால், விவசாய வருமானத்தை அடிப்படையாக வைத்துக்கொண்டு, இந்த மசோதாவைக் கொண்டு வந்தால் இன்னும் அதிகமான தொகையை மிராசுதார்களிடமிருந்து சர்க்கார் பெற முடியும். இப்போது கொண்டு வரப்பட்டிருக்கும் மசோதாவின் மூலமாக சுமார் 6 அல்லது 7 லட்சம் ரூபாய்தான் கிடைக்கிறது. ஆகையால், விவசாய வருமான வரி விதிப்பைக்கொண்டு வருவதற்குத் திட்டமிடவேண்டுமென்று நான் கேட்டுக் கொள்ளுகின்றேன்.

"எகரா ஒன்றுக்கு சராசரி ரூ. 15 அல்லது ரூ. 20 நிலவரி என்று வைத்துக்கொள்ளலாம். சுமார் பத்து எகரா நிலத்திற்கு சாதாரணமாக விளைச்சல் வந்தால் ரூ. 3,000 வரை கிடைக்குமென்று நம்புகிறோம். ரூ. 3,500-க்கு மேல் வருமானம் வந்தால் வருமான வரி போடப்படுகிறது. சாதாரண சில்லரை வியாபாரிகளுக்கு கூட விற்பனை வரி போடப்படுகிறது. வெற்றிலை பாக்குக் கடைக்காரர்கள் கூட கணக்குகள் வைத்துக்கொண்டிருக்கக்கூடிய நிலையில் இருக்கிறார்கள். ஆகவே, ரூ. 3,500-க்கு மேல் வருமானம் இருப்பவர்கள் வருமான வரி செலுத்துகிறார்கள். அதைபோலவே ஆயிரக்கணக்கான, நூற்றுக்கணக்கான எகரா நிலம் வைத்திருப்பவர்களுக்கு எவ்வளவு வருமானம் வருகிறதென்பதைப் பார்க்கவேண்டும். அப்படிப் பார்த்தால், பெரிய மிராசுதார்கள் எவ்வளவு வருமானம் அடைகிறார்கள் என்பதைத் தெரிந்து கொள்ளமுடியும். விவசாயத்திலிருந்து மிராசுதார்கள் ஏராளமான லாபத்தை அடைந்துக்கொண்டிருக்கும்போது, ஏன் அவர்களுக்கு விவசாய வருமான வரி போடக்கூடாது என்று கேட்கிறோம்? தோழர் ஸ்ரீ ரங்கசாமி ரெட்டியார் அவர்கள் குறிப்பிட்டது போல், ரூ. 37 அல்லது ரூ. 40, அல்லது ரூ. 100 வரையில் சர்சார்ஜ் கொடுப்பதால், அவர்கள் மிகவும் பிரமாதமாக பாதிக்கப்பட மாட்டார்கள். நான் ஏற்கெனவே குறிப்பிட்டதுபோல், மிராசுதார்கள் சர்க்காருக்குச் செலுத்த வேண்டிய சர்சார்ஜ் தொகையை எப்படியாவது வாரம் குத்தகைதாரர்களிடமிருந்து வசூல்செய்து விடுவார்கள். இது ஒரு புறமிருக்க, சர்க்காருக்கும் இந்த வரியினால் எதிர்பார்த்த அளவுக்காவது வருமானம் வருமா என்பதும் சந்தேகமே. ஏனென்றால், உதாரணமாக, ஒரு நபருக்கு ஒரு ஜில்லாவில் ரூ. 490 வரை நிலவரி செலுத்தக்கூடிய அளவுக்கு நிலம் இருந்து, அடுத்த ஜில்லாவிலும் நிலம் இருந்தால், அந்த நபர் சர்சார்ஜ் செலுத்தவேண்டியதில்லை என்ற முறையில் மசோதாவில் ஷரத்து காணப்படுகிறது. இதைப் போன்ற சிறுசிறு குறைபாடுகளை நீக்கி, இந்த மசோதாவை நன்றாகப் பரிசீலனை செய்து, திருத்தியமைக்கவேண்டும். இப்பொழுது கொண்டுவந்திருக்கும் இந்த மசோதாவானது முதல் படி என்று மந்திரி அவர்கள் சொன்னார்கள். முதல் படி மட்டுமல்லாமல் இன்னும் பல படிகள் முன்னேறவேண்டுமென்று நாங்கள் கேட்கின்றோம். விவசாய வருமான வரி சட்டம் கொண்டு வந்தால் அதன் மூலமாக சர்க்காருக்கு அதிக வருமானம் கிடைக்கக் கூடும். சர்க்காருக்கு மேலும் அதிகமான வருமானம் வரக்கூடிய மரண வரிச் சட்டம் கொண்டுவரப்படவில்லை. பல கோடீஸ்வரர்கள் இந்த வரி செலுத்தக்கூடிய நிலைமையில் இருக்கிறார்கள் என்று தோழர் ஸ்ரீ வி. ஆர். கிருஷ்ண அய்யர் சொன்னார்கள். ஏன் அந்த வரி இன்னும் போடப்படவில்லை யென்று நாங்கள் கேட்கின்றோம். மரண வரி செலுத்தக்கூடியவர்கள் எவ்வளவோ பேர்கள் இறந்திருக்கிறார்கள். அந்தப் பணம் அரசாங்கத்திற்கு வந்திருக்கும். அதைப் போன்ற வரிகளெல்லாம் போடப்பட வேண்டும்.

[Sri M. Palaniyandi] [8th May 1954]

“நிலவரி சர்சார்ஜ் விதிப்பதன் மூலம் சர்க்காருக்கு சுமார் ஆறு லட்ச ரூபாய் வருமானம் கிடைக்குமென்று எதிர்பார்க்கப்படுகிறது. ஆகையால், அரசாங்கம், விவசாய வருமான வரி விதிக்கக்கூடிய சட்டத்தைக் கொண்டுவந்து பெரு நிலச்சுவாந்தார்கள் பெரிய அளவு வரி செலுத்தும் படி செய்யவேண்டும். மேலும், இம்மாதிரியான பல சீர்திருத்தங்களைச் செய்வதோடுமட்டுமல்லாமல், மிகவும் அடிப்படையாக உள்ள நிலப் பிரச்னையைத் தீர்ப்பதற்கும் முன்வரவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“பெரு நிலச்சுவாந்தார்கள் தங்களுக்குச் சொந்தமாக உள்ள நிலங்களில் அனேக பகுதிகளைப் பண்படுத்தி விவசாயத்திற்குக் கொண்டுவராமலும் இருக்கிறார்கள். நிலத்தில் உழைத்து வேலை செய்யக்கூடிய மக்கள் எவ்வளவோ ஆயிரக்கணக்காக வேலையில்லாமலிருக்கும்போது, அந்த நிலங்கள் தரிசாக இல்லாமலிருக்கக்கூடிய அளவுக்கு, உணவு உற்பத்தியைப் பெருக்கக்கூடிய அளவுக்கு, நிலப் பிரச்னை தீர்க்கப்படவேண்டும். அந்த முறையில் செய்வதற்கு பெரு நிலச்சுவாந்தார்களுடைய நிலங்களைப் பிரிப்பதற்கும், விவசாய வருமான வரியைக் கொண்டு வருவதற்கும் சர்க்கார் முன்வரவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகின்றேன்.”

Sri K. R. NALLASIVAM:—“கனம் சபாநாயகர் அவர்களே, நிலவரியின் மீது சர்சார்ஜ் விதிக்கின்ற ஒரு மசோதாவானது கடந்த வருஷம் கொண்டு வரப்பட்டது. ரூ. 50-க்கு மேல் கிஸ்தி செலுத்தக் கூடியவர்கள் சர்சார்ஜ் கட்டவேண்டுமென்ற முறையில் அப்பொழுது அந்த மசோதா கொண்டுவரப்பட்டது. இந்தத் தடவை ரூ. 500-க்கு மேல் கிஸ்தி செலுத்துபவர்கள்தான் சர்சார்ஜ் செலுத்த வேண்டுமென்று இந்த மசோதாவிலிருந்து தெரிகிறது.

“இந்த வருஷம் சென்னை ராஜ்ய பட்ஜெட்டிலே ஏற்பட்டிருக்கும் பற்றாக்குறையை ஓரளவு போக்குவதற்கு சில வரி இனங்கள் போடப் போவதாக தெரிகின்றது. ரூ. 100 அல்லது ரூ. 150-க்கு மேல் நிலவரி செலுத்தக்கூடியவர்கள் சர்சார்ஜ் கொடுக்கவேண்டுமென்ற முறையில் இந்த மசோதா தயாரிக்கப்பட்டிருக்குமானால், குறைந்த பட்சம் சர்க்காருக்கு இருபது லட்ச ரூபாய் வரையில் கிடைக்கக்கூடும். இந்த ராஜ்யத்தின் மொத்த பற்றாக்குறையாகிய ரூ. 58 லட்சம் ரூபாயை ஈடு கட்டுவதற்காக சர்க்கார் பலவிதமான புதிய வரிகளைப் போட்டும், சுமார் நூற்பது லட்சம் ரூபாய்தான் கிடைக்கும் என்று எதிர்பார்க்கப்படுகிறது. அதற்குப் பதிலாக, நில வரி மீது போடும் சர்சார்ஜ்ஐ சரியான முறையில் உபயோகப்படுத்திக்கொண்டிருந்தால், நிச்சயமாக இருபது லட்ச ரூபாய் வரையில் கிடைக்கும். மேலும் புதிய வரிகளைப் போடவேண்டிய அவசியம் ஏற்பட்டிருக்காது. சர்சார்ஜ் செலுத்தக்கூடியவர்களின் குறைந்த பட்ச வரம்பை உயர்த்தியிருக்கிறார்களே தவிர, உண்மையிலேயே யாருக்கு அதிகமாக வரி போடவேண்டுமோ அவர்களுக்கு இந்த வரி அதிகமாகப் போடப்படவில்லை. அதிகமான வரி கொடுக்கக்கூடிய வசதியுள்ளவர்களை தங்களுடைய வருமானத்திற்கேற்ற முறையில் அதிக வரி கொடுக்கும்படி செய்யாமல், குறைந்த அளவு வரி கொடுக்கும்படியான ஏற்பாட்டினால் வசதியற்றவர்களுக்கு ஏராளமான புதிய புதிய வரிகளைப் போடப்பட்டிருக்கிறது. இதைத்தான் நாம் நேரடியாகப் பார்க்கின்றோம். ஆகவே, குறைந்தபட்சம் ரூ. 150-க்கு மேல் நிலவரி செலுத்தக்கூடியவர்களுக்கும் இந்த சர்சார்ஜ் போடவேண்டும் என்ற முறையிலே இந்த மசோதாவைத் திருத்தியமைக்கவேண்டும்.

“ரூ. 500 வரையில் கிஸ்தி செலுத்தக்கூடியவர்கள் நிச்சயமாக 15 அல்லது 20 ஆயிரம் ரூபாய் வரையில் வரும்படி உள்ளவர்களாக இருப்பார்கள். எங்கள் ஜில்லாவில் ரூ. 150-க்கு மேல் சர்க்காருக்கு கிஸ்தி செலுத்தக்கூடியவர்கள் சர்சார்ஜ் செலுத்தும்படி ஏற்பட்டாலும், அவர்களை ஒன்றும் பாதித்துவிடாது. முட்டுவளிச் செலவுகள், ரிபேர் செலவுகள், நிலத்தை அபிவிருத்தி செய்வதற்காக இன்னும் ஏராளமாக நிலத்தில் பணத்தைப் போட்டு செலவு செய்திருக்கிறோம் என்றெல்லாம் சிலர் சொல்லலாம். அப்படிப்பட்டவர்கள் நூற்றுக்கு ஒருவர் இருக்கலாமே

[Sri K. R. Nallasivam] 8th May 1954]

தவிர, மீதி நிலச்சுவாந்தார்கள் நிலத்தின் அபிவிருத்திக்குச் செலவு செய்வது என்பது மிகக் குறைவு. அப்படிப்பட்டவர்கள் இப்பொழுது சர்க்காருக்குக் கொடுக்கும் வரியானது மிகவும் குறைவு. அவர்களிடமிருந்து இன்னும் ஏராளமான பணம் வசூல் செய்தாகவேண்டும். அப்படிச் செய்வதற்குப் பதிலாக, அவர்கள் இந்த சர்சார்ஜ் செலுத்தவேண்டிய அவசியமில்லாமல் இந்த மசோதா கொண்டுவரப்பட்டிருக்கிறது.

“ஒரு மனிதனுக்கு அதிகபட்சம் நிலம் இருந்தால், நஞ்சையில் ஐந்து ஏக்கராகவும், புஞ்சையில் இருபத்தைந்து ஏக்கராகவும் இருக்கலாம். ஒருவனுடைய கையில் 100 அல்லது 150 ரூபாய் கிஸ்தி செலுத்தக்கூடிய அளவுக்கு மேல் பூமி இருப்பது சரியான முறையில் என்ற அபிப்பிராயத்தை இன்றைய தினம் நாட்டில் சகல அரசியல் கட்சிகளும் ஒப்புக்கொள்ளுகின்றன. அந்த அபிப்பிராயமானது இன்றைய தினம் நாட்டிலுள்ள சகல மக்களிடையே திரண்டு பொங்கி எழுந்து வருகின்ற காட்சியை நாம் பார்க்கின்றோம். அதிகமாக நிலம் வைத்துக்கொண்டிருப்பது பாவம் : சட்ட விரோதமும் கூட. ஜனங்களுடைய உரிமையைப் புரட்பது பாவம் : சட்ட விரோதமும் கூட. ஜனங்களுடைய உரிமையைப் பாதிப்பதாகத்தான் இருக்கிறது என்று காங்கிரஸ்காரர்களாலும் சரி, கம்யூனிஸ்டுகளாலும் சரி, சோஷியலிஸ்டுகளாலும் சரி, எல்லாக் கட்சிக் காரர்களும் சொல்லி வருகிறார்கள். இப்படிப்பட்ட ஒரு புதிய இயக்கம் இன்று நாட்டில் ஏற்பட்டு வரும்போது, ரூ. 150-க்கு மேல் கிஸ்தி செலுத்தக் கூடியவர்கள் சர்சார்ஜ் கொடுக்கும்படியாக ஏன் இந்த மசோதாவைக் கொண்டு வந்திருக்கக்கூடாது என்று நான் கேட்கின்றேன்? நிச்சயமாக அவர்களும் சேர்க்கப்படவேண்டும். இவ்விதம் சர்சார்ஜ் விதித்து, ஏராளமான சாதாரண விவசாயிகளுக்கு நன்மை செய்தாகவேண்டும். புதிய புதிய வரிகளெல்லாம் சாதாரண மக்களைப் பாதிக்கத்தான் செய்யும். ஆகவே, ரூ. 150-க்கு மேல் நிலவரி செலுத்தக்கூடியவர்களும் தகுந்தபடி சர்சார்ஜ் செலுத்தும்படி விதிதாசாரத்தை உயர்த்தி, ஏழை விவசாயிகளுக்கு உதவுமாறு நான் கேட்டுக் கொள்ளுகின்றேன்.

“இந்த மசோதாவில் அனேக குறைபாடுகள் இருப்பதால், இதை செலக்ட் கமிட்டியின் பரிசீலனைக்கு அனுப்பி, குறைகளெல்லாம் நிவர்த்திக்கப்பட்டு, வசதியுள்ளவர்கள் அதிக வரி செலுத்தும்படியான முறையில் இதைக் கொண்டுவரவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகின்றேன்.”

Sri S. SWAYAMPRAKASAM:—“Mr. Speaker, Sir, I rise to oppose the principle underlying this Bill and, at the same time, I have got my own sympathies for the objects and reasons adduced by the Government as set forth in the Statement of Objects and Reasons. The first reason adduced is that rich should be taxed and the second reason is that the Government should get some additional revenue. When the Government prepared the Statement of Objects and Reasons, they should have seen to it that they were capable of being achieved by the provisions in the Bill. It is not so in regard to this measure. The Hon. the Minister for Finance says that they will be able to get only about Rs. 7.7 lakhs of rupees as additional revenue. This is not a very great figure.

“One of the objects, as I said, is to tax the rich and I do welcome it but it must be done sufficiently well. I think, in bringing this Bill now, the Government are a little bit out of date. They ought to have thought of it earlier. The prices of foodgrains have now fallen considerably and thereby the price of land has also come down. We must understand and hon. Members must realise that this is a surcharge on land revenue and not on the yield or income from the land. Land revenue is a fixed item but the income

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from the land is not fixed. It is a surcharge on this fixed land revenue and even though a particular mirasdar may have lost all his income on account of pests, as it has happened this year, he is liable to pay this surcharge. This year the crops were affected by pests and the so-called Department of Agriculture could not come forward in time to supply the pesticides and the landlords have suffered a lot.

"Let me take the case of the middle-class mirasdar. In very many cases the costs of cultivation have gone up, the manure required is not supplied in time by the Agricultural Department and the small mirasdars are unable to meet the expenditure. At the same time, they have to pay the land revenue. Of course there is provision for remission of land revenue according to the value of the crop, whether it is a four-anna crop or two-anna crop. In spite of this, for all the laborious tasks undertaken by the mirasdar, very often he does not get any remission at all and the net result is that he is put to much inconvenience as he has to pay, at the same time, the land revenue, though he is not able even to meet the expenditure on cultivation.

"Another point which I want to emphasize is that the prices of foodgrains have gone down, of course. But, what about the prices of other articles necessary for the day to day life of the landlord? Take, for instance, the Tanjore Mirasdar. I do not mind about the Coimbatore Mirasdars because they have got additional sources of income. The Tanjore Mirasdars, on the other hand, have got no other income except what they get from the land. The hon. Gentleman opposite, Sri P. G. Karuthiruman, was emphasising the fact that there may be only one or two mirasdars who are depending solely on the income from land. But, in Tanjore one cannot think of any landlord who is depending on any income other than that from the land. It is particularly so in the case of the middle class mirasdars."

THE HON. SRI C. SUBRAMANIAM:—"May I know what are the other sources of income of the Coimbatore Mirasdars?"

SRI S. SWAYAMPRAKASAM:—"There is the income from industry."

THE HON. SRI C. SUBRAMANIAM:—"Persons like the hon. Member Sri P. G. Karuthiruman depend solely on their income from land."

SRI S. SWAYAMPRAKASAM:—"It may be that in Coimbatore there are only a few persons who are entirely depending on the income from land but in Tanjore all the landholders depend only on the income from land."

SRI P. G. KARUTHIRUMAN:—"What about the rice mills in Tanjore?"

SRI S. SWAYAMPRAKASAM:—"Sir, I would say that if we take a census of the rice mills in Tanjore, it will be found that they are owned directly or indirectly by the Coimbatore people.

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The capital required is from Coimbatore and the income from the mills goes to people outside the Tanjore district. What I want to say is that the expenditure say, for instance, tamarind and chillies and other articles which are necessary for the daily life of the Tanjore Mirasdar is so high because their prices have gone up and the mirasdars are unable to meet their liabilities. This is the position of middle class mirasdar in Tanjore."

SRI V. K. RAMASWAMY MUDALIAR:—"Sir, I want to know whether all the rice mill owners of Tanjore come from Coimbatore?"

SRI S. SWAYAMPRAKASAM:—"Sir, I will even get the list of rice mill owners and it will be seen that there are very many people from Coimbatore owning rice mills in Tanjore. I only want to emphasise again that the middle class mirasdar in Tanjore depends only on his income from land and when the prices of foodgrains go down he is not able to meet the cost of the other articles which are necessary for his day to day living."

THE HON. SRI C. SUBRAMANIAM:—"What is your definition of middle class?"

SRI S. SWAYAMPRAKASAM:—"I am coming to that point as to what is low class, middle class or high class. I would ask of the Hon. the Finance Minister why the Government are burking the issue and are hesitating to bring forward a Bill preventing a person from holding more than a specified number of acres of land. The Government are hesitating to bring forward such a land reform Bill."

THE HON. SRI C. SUBRAMANIAM:—"I hope the hon. Member will support it."

SRI S. SWAYAMPRAKASAM:—"Certainly, I can categorically say the Hon. the Minister for Finance can count on my support. Even when the Government brought before this House the Tanjore Tenants and Pannaiyals Protection Bill in 1952, I said that by this Bill the Government were only postponing the land reform Bill which was desired by us. He can refer to my speech. I had said that by bringing the Tanjore Tenants and Pannaiyals Protection Bill the Government had in their mind the idea of postponing the long sought for land reform Bill. Such a comprehensive land reform Bill is very essential but the Government are hesitating to bring in such a legislation."

MR. SPEAKER:—"I would like to know how much more time the hon. Member would require?"

SRI S. SWAYAMPRAKASAM:—"Sir, I will finish in another minute. This Bill for the levy of a surcharge on land revenue ought to have been brought earlier when the prices of foodgrains were high. If anybody would take a census of the position of the landholders in Tanjore in the year 1933-34 it would be seen that

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no landlord in Tanjore district was above want and almost every one of them was indebted. It was only during the war years when the prices of foodgrains went up that they were able to make more money. That was the proper time to have brought in this Bill. Now the depression has set in and this measure will indeed be a great hardship to the so-called middle class people.

“Further, I do endorse the view that this Bill in a way affects total production. Now, what is the position of the landlords, tenants and pannaiyals in Tanjore? There is a provision in the Tanjore Tenants and Pannaiyals Protection Act of 1952 that the tenants alone must bear the entire cost of production. The tenant has to find the capital required and should also provide the manure. If we are to take a census, it will be seen that nowadays very many tenants are unable to find the capital or get the manure required for proper cultivation of the land. Even at the time of passing the Tanjore Tenants and Pannaiyals Protection Bill in 1952 I sounded a note of warning that this would affect the tenants for whose benefit this legislation was intended. This particular provision which I have referred to greatly affects the tenants. They are unable to bring forth the capital required or the manure required at the proper time for the proper cultivation of the land entrusted to them. What is the position now after the passing of the recent Indebted Agriculturists Temporary Relief Act? Even the tenant who was able to get the money from the landlord or from his neighbour is now unable to do so, because the trust, the people in the village parts, had in the cultivator has now been taken away.

“In these circumstances, if the land lord has now to pay a surcharge even the little that is left behind after meeting his day to day expenditure will be taken away and there will be no incentive left in the small landlords, that is, the middle class mirasdars. This would really mean that total production would be affected adversely. I agree that Government must be interested in seeing to it that they get more revenue but they must, at the same time, be careful enough to see that total production also increases. Considered in this light, the present measure is against the interests of public as well as the interests of the Government.

“The important thing in the first part of the Statement of Objects and Reasons, namely, that the rich people ought to be taxed is not at all achieved by this Bill but it is only the middle classes who are affected. If the Government really want to tax the richer classes, it can be done only by the imposition of an Agricultural Income Tax. Why are the Government evading it? The objects set out in the Statement of Objects and Reasons will be achieved only by introducing an Agricultural Income Tax. The Government will get more revenue and at the same time they can effectively tax the rich people giving relief to the poorer people. It is only a tax on Agricultural income that will solve the problem and achieve the objectives set forth in the Statement of Objects and Reasons and they cannot be achieved by the present measure to levy a surcharge on land revenue.”

[8th May 1954]

SRI M. KALYANASUNDRAM:—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை அடிப்படையில் ஆதரிப்பதோடு கூட, அதில் கொடுக்கப்பட்டிருக்கக்கூடிய வரி விதிப்பதற்கு உயர்த்து வதற்கு சந்தர்ப்பம் இருக்கிறதா என்பதைப் பார்க்க வேண்டும் என்பதற்காகத்தான் இந்த மசோதாவை செலக்ட் கமிட்டிக்கு விடவேண்டும் என்ற திருத்தத்தை எனது நண்பர் ஸ்ரீ கே. பி. கோபாலன் அவர்கள் இந்தச் சபை முன்பு பிரேரித்து இருக்கிறார்கள். அதை நான் ஆதரித்துப் பேசுகிறேன்.

“எனக்கு முன்பு பேசிய பல அங்கத்தினர்கள் விவசாய வருமான வரியை கொண்டு வரவேண்டிய அவசியத்தைப்பற்றி வற்புறுத்தி இருக்கிறார்கள். அதற்காக புதிய விவாதம் ஒன்றும் தேவையில்லையென்று கருதுகிறேன். ஏனென்றால், இன்றைக்கு மந்திரி சபையில் உட்கார்ந்திருக்கிற பலருக்கும் விஷயம் தெரியாமல் அல்ல. அதைக் கொண்டு வருவதற்கு ஏதோ ஒரு இடையூறு இருப்பதால்தான் கொண்டுவரவில்லை என்று சொல்லப்படுகிறது. விவசாய வருமான வரி விவசாயிகள் மீது இருக்கும் வரிச்சுமையை நியாயமான அடிப்படையில் அமைக்க முடியும் என்பது உலகம் அறிந்த விஷயம். அந்த மாதிரி ஒரு சீர்திருத்தம் இல்லாமல் விவசாயிகளுடைய வரிச்சுமையை குறைத்து விட்டதாகச் சொல்ல முடியாது. பெரிய மிராசதாரர்களின் மீது அதிகமான வரி விதித்து விட்டதாகவும் சொல்லமுடியாது. இந்த இரண்டுக்கும் இடையே கயிற்றின் மேல் நடனம் ஆடுகின்ற மாதிரி நம்முடைய நில வருமான மந்திரி கனம் ஸ்ரீ மாணிக்கவேலு நாயக்கர் நடனம் ஆடுகிறார்கள். சர்க்காருடைய வருமானத்தையும் இந்த வரியினால் உயர்த்திக்கொள்வதற்கு சாத்தியப்படாது என்பது என்னுடைய அபிப்பிராயம்.

“இந்த மசோதாவை நான் கூர்ந்து பார்க்கும் சமயத்தில் உண்மை யிலேயே அரசாங்கத்தினுடைய நோக்கத்தை சந்தேகிக்கவேண்டியவனாக இருக்கிறேன். பணக்காரர்கள் மீது வரி போடுவதற்காக, இன்றைக்கு இருக்கக்கூடிய சமயத்திற்கு தகுந்த மாதிரி நான் இந்த மசோதாவைக் கொண்டு வந்திருக்கிறேன்: காலா காலத்தில் போகப்போக இதை உயர்த்துவதற்கு முயற்சி செய்வோம் என்று அவர்கள் சொல்லுகிறார்கள். அப்படி இந்தக் காலத்தில் இருக்கக்கூடிய கோளாறு என்ன? இந்தக் காலத்தில் ஏற்பட்டிருக்கும் இடையூறுகளுக்கு காரணம் என்ன? உடனடியாக ஒரு நிலச் சீர்திருத்தத்தைக் கொண்டு வருவது ஒரு புறத்தில் இருக்கட்டும். நிலவருமான அடிப்படையிலே மாற்றியமைக்கக்கூடிய முறையிலே ஒரு விரிவான சட்டத்தைக் கொண்டு வருவதற்கு என்ன இடையூறு இருக்கிறது என்பதற்கு போதிய காரணம் காட்டி அவர்களால் எதிர்க்கட்சியினரைத் திருப்தி செய்ய முடியவில்லை. இரண்டு வருஷங்களாகச் செய்து வந்த கிளர்ச்சியின் காரணமாக இந்த மசோதாவானது இப்பொழுது வந்திருக்கிறது. ஆனால் இதை மந்திரி அவர்கள் ஒப்புக்கொள்ள மாட்டார்கள். பதில் சொல்லும் காலத்தில் வேறு சாக்குப் போக்குகளை அவர் சொல்லுவாரா. என்ன நோக்கத்தோடு அவர்கள் இந்த மசோதாவைக்கொண்டு வந்திருக்கிறார்கள்? பணக்காரர்களுக்கு வரி விதிக்கவேண்டும் பெரும் நிலச்சுவாந்தார்களுக்கு மீதுதான் வரிச்சுமை அதிகமாக இருக்கவேண்டுமென்ற கிளர்ச்சி நாடு பூராவும் வலுத்து வந்துக்கொண்டிருக்கிறது.

“குறிப்பாக இன்று காலையில் கேள்வி நேரத்தில் ஒரு கேள்விக்கு மந்திரி அவர்கள் பதில் சொல்லும்போது கூட “விவசாய சங்கம் அதிகமாக கோரிக்கை வைத்திருக்கிறது” என்று சொன்னார்கள். அதே சமயத்தில் அங்கு இருக்கக்கூடிய விவசாய சங்கம் “நிலவரி எப்படி இருக்கவேண்டும்” என்ற கோரிக்கையை விதித்து இருக்கிறது. அரசாங்கத்தை எதிர்ப்பதற்காக அல்ல. வரி அதிகமாக இருக்கவேண்டுமென்பதற்கும் அவர்கள் யோசனை சொல்லியிருக்கிறார்கள். இதெல்லாம் அவர்களுக்குத் தெரிந்ததுதான். ஏன் அத்தகைய நிலவரி அடிப்படையை மாற்றாமல் இந்த மாதிரி குறைவான மசோதாவை சபை முன்பு வைத்திருக்கிறார்கள் என்று சொன்னால் காலம் பற்றாதுதான் காரணம் அல்ல, மந்திரி சபையின் கொள்கைத்தான் அதற்குக்காரணம் என்பதுதான் என்னுடைய

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அபிப்பிராயம். பணக்காரர்களைத் தாக்குவது போல் இருக்கவேண்டும், ஆனால் எதிர்ப்பில்லாமல் தாக்கவேண்டும் என்பது அவருடைய எண்ணம். அதற்குத் தகுந்த முறையில் எந்த மசோதாவை எடுத்துப்பார்த்தாலும் இருக்கிறது. இந்த மசோதாவும் அதே நோக்கத்தோடுதான் கொண்டு வந்திருக்கிறார்கள்.

“ எதிர்க்கட்சியினர் கிளர்ச்சி செய்கிறார்கள், மாகாணத்தில் இருக்கின்ற விவசாயிகள் கிளர்ச்சி செய்கிறார்கள், என் நிலச் சீர்த்திருத்தத்தைக் கொண்டு வரக்கூடாது ” என்று அவர்கள் கேட்கிறார்கள். ஆகையால் ஏதாவது சொல்லி திருத்தங்கள் செய்து நாங்கள் சமாளித்தாகவேண்டும். சட்டசபையில் நாங்கள் இதை நிறைவேற்றமுடியாது என்று அவர்களுடைய மன்னிப்பைக் கேட்கக்கூடிய முறையில் பேசவேண்டியிருக்கிறது. அதற்காகத்தான் இதைக்கொண்டு வந்திருக்கிறார்கள். உண்மையிலேயே அவர்களிடமிருந்து வரிப்பெறவேண்டியது என்பது சர்க்காருடைய நோக்கம் கிடையாது. இந்த மசோதாவை நிறைவேற்றினால், சர்க்காருடைய கணக்குப்படி சுமார் ஏழு லட்சம் ரூபாய் வரையில் இதன் மூலமாக சர்க்காருக்கு வருமானம் கிடைக்கும் என்று சொல்லுகிறார்கள். ரூ. 500-க்கு மேல் இந்நிலவரி செலுத்தக்கூடிய இந்த ராஜ்யத்திலுள்ள மிராஸ்தார்களுக்கு இந்த ஏழு லட்சம் ரூபாய் சர்சார்ஜானது ஒரு கொக்கடியைப் போலவே தவிர, வேறொன்றுமில்லை. அதுமட்டுமல்ல, இந்த மசோதாவை இன்னும் கவனமாகப் பார்த்தால் இந்த ஏழு லட்சம் ரூபாயை கூட சர்க்காருக்கு அவர்கள் கொடுக்காமல் தப்பித்துக்கொள்ளுவதற்கு என்ன குறுக்கு வழிகள் வேண்டுமோ, அவ்வளவும் இந்த மசோதாவில் இடம் பெற்றிருக்கின்றன.

“ உதாரணமாக ரூ. 499 நில வரி செலுத்தக்கூடிய அளவுக்கு நிலங்களும், திருச்சி ஜில்லாவில் ரூ. 499 வரி செலுத்தக்கூடிய அளவு நிலங்களும் கோயமுத்தூர் ஜில்லாவில் உள்ள நிலங்களுக்கும் ரூ. 499 வைத்துக்கொண்டிருந்தாலும், அவர் இந்த மசோதாவின்படி சர்க்காருக்கு சர்சார்ஜ் செலுத்தவேண்டிய அவசியம் இருக்காது. அப்படியென்றால், சர்க்காருடைய நோக்கம் என்ன? அந்த மாதிரி இரண்டாயிரம், ஐந்தாயிரம் ரூபாய் வரையில் நிலவரி செலுத்தக்கூடிய அளவுக்கு ஒரு மிராஸ்தாருக்கு நிலங்கள் இருந்தும் கூட, இந்த சர்சார்ஜ் வரியில் சர்க்காமல் தங்களை பாதுகாத்துக்கொள்ளக் கூடிய முறையில் இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது.

“ ரூ. 500 வரி செலுத்தக்கூடியவர்கள் தங்களுடைய நிலத்தை பிள்ளைகளுக்கும் உறவினருக்கும் தனித்தனியே பட்டா செய்து கொடுத்துவிட்டு இந்த சர்சார்ஜ் வரியிலிருந்து தப்பித்துக்கொள்ளலாம். பெரிய நிலச் சுவாந்தாரிகளும் இவ்விதம் தப்பித்துக்கொள்ளுவதற்கான சந்தர்ப்பங்கள் கொடுக்கப்பட்டிருக்கின்றன.

“ ரூ. 500-க்கு மேல் வரி செலுத்தக்கூடியவர்கள் எல்லாம் சீக்கிரமாக பட்டாவை பிரித்துக்கொண்டு சட்டத்திலிருந்து தப்பித்துக்கொள்ள ஒழுங்கு பண்ணிக்கொள்ளலாம் என்று முன் எச்சரிக்கை செய்வதுபோல் இந்த மசோதா அமைந்திருக்கிறது. ரூ. 500-க்கு மேல் ஒரு அளவு வரையில் வரி செலுத்துபவர்கள் இம்மாதிரி பட்டாவைப் பிரித்துக்கொண்டு ஒழுங்கு பண்ணிக்கொள்ளலாமே தவிர, பிரிக்க முடியாத அளவுக்கு ஒரு இடத்தில் குவித்து வைத்து இருக்கக்கூடியவர்களை இந்த வரி பாதிக்கும். இரண்டு குறுக்கு வழிகளும் இந்த மசோதாவில் வேண்டுமென்றே விதிக்கப்பட்டிருக்கிறது. பணக்காரர்களின் எதிர்ப்பைச் சமாளிப்பதற்குப் பொறுத்தமாதம் உங்களைப் பாதிக்காத முறையில் சட்டத்திலிருந்து தப்பித்துக் கொள்ளக்கூடிய முறையில்; வழிகள் வைத்திருக்கிறோம், என்று அவர்களிடத்திலே சொல்லி எதிர்க்கட்சியினர் பணக்காரர்களுக்கு நாங்கள் வரி போட்டிருக்கிறோம், இந்த மாதிரி புரட்சிகரமான காரியத்தை யார் செய் திருக்க முடியும் என்று சொல்லி வருவதானது, ஏதோ அரசியல் நோக்கத்தோடு வெளி ஜனங்களிடத்தில் பேசுவதற்கும், தங்களுடைய கட்சியை பலப்படுத்திக் கொள்ளுவதற்கும் இதைப் பயன்படுத்திக் கொள்வதற்காகவும் தான் சர்க்கார் இதைக்கொண்டு வந்திருக்கிறார்கள்

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என்று நான் நினைக்கிறேன். இடையிலே காங்கிரஸ் மந்திரி சபையில் சேர்ந்த ஒரு மந்திரியை விட்டு இந்தக் காரியத்தை நிறைவேற்றவேண்டியிருக்கிறது.

“ ஆகஸ்ட் மாதத்தில் ஜில்லா போர்டுகளுக்குத் தேர்தல் வரப்போகிறது. ஜூலை மாதத்திலிருந்து இந்த வரியைப்போட்டுவிட்டு, ‘ பணக்காரர்கள் மீது வரி போடக்கூடிய சட்டத்தைக் கொண்டு வந்து விட்டோம், இன்னும் கொஞ்ச காலத்தில் முன்னேற்ற சட்டங்களைக்கொண்டு வருவோம் ’ என்று ஜில்லா போர்டு தேர்தலில் ஜனங்களிடமிருந்து வோட்டு வாங்குவதற்கான நோக்கத்தோடுதான் இந்த மசோதா கொண்டுவரப்பட்டிருக்கிறதேயொழிய சர்க்காருக்கு அதிகமாக வருமானம் இதன் மூலம் வர வேண்டும் என்பது அல்ல சர்க்காருடைய நோக்கம். வரி கொடுக்கக்கூடிய சக்தி உள்ள பெருநிலச்சுவாந்தார்கள் மீது வரிபோட்டு, அதன் மூலம் வரக்கூடிய பணத்தைக்கொண்டு ஏழை மக்களுக்கு நன்மை செய்ய வேண்டுமென்ற நோக்கம் சர்க்காருக்கு இருக்குமானால், இப்படிக்குறைவான ஒரு வரியை விதிப்பதற்கு இரண்டரை, நாலரை என்ற விகிதாசாரத்தில் கொண்டு வந்திருக்கமாட்டார்கள். அதற்குப் பதிலாக குறைந்தபட்சம் நாங்கள் கொடுத்திருக்கின்ற திருத்தத்தையாவது ஏற்றுக் கொள்ள வேண்டும். இந்த மசோதாவைப் பொறுக்குக் கமிட்டிக்கு விட வேண்டுமென்ற திருத்தத்தை நான் பலமாக ஆதரிக்கிறேன். பொறுக்குக் கமிட்டிக்கு அனுப்பி திருத்தத்தை பிரேரிப்பதற்கு சட்டக்கோளாறுகள் இருக்குமானால், அவைகளையும் சர்க்கார் உதவி செய்தால், அந்த சட்டக் கோளாறுகளையும் நாம் சமாளித்துக்கொள்ளலாம். சர்க்கார் கட்சி தலைவர்களும் மந்திரி சபையினரும் ஒப்புக்கொண்டுவிட்டால் நல்லது. நான் சொன்ன குற்றச்சாட்டை பொய் என்று இருக்குமானால், அவைகளையும் சர்க்கார் உதவி செய்தால், அந்த சட்டக்கோளாறுகளையும் நாம் சமாளித்துக்கொள்ளலாம். சர்க்கார் கட்சித் தலைவர்களும் மந்திரி சபையினரும் ஒப்புக்கொண்டுவிட்டால் நல்லது. அவர்கள் விரும்பினால் நான் ஒரு யோசனைச்சொல்ல விரும்புகிறேன். நீங்கள் கொடுத்திருக்கின்ற திருத்தங்களை ஏற்றுக்கொண்டால் இந்த மசோதாவை செலக்ட் கமிட்டிக்கு விடவேண்டியதில்லை. சர்க்கார் கட்சித் தலைவரும் எதிர்க்கட்சித் தலைவரும் சேர்ந்து கவர்னருக்கு ஒரு ஸ்பெஷல் கடிதம் எழுதினால் திங்கட்கிழமைக்குள் திருத்தங்களை ஏற்றுக்கொள்ளுவதற்கு வரியை உயர்த்துவதற்கும் கவர்னர் அனுமதி கிடைத்துவிடும். அந்தத் திருத்தங்களை ஏற்றுக்கொண்டு மசோதாவை நிறைவேற்றுவதற்கு என்ன இடையூறு இருக்கிறது? ஒன்று மில்லை. இதைச் செய்வதற்கு அவர்கள் முன்வராவிட்டால் நான் சொல்லிய ஒவ்வொரு குற்றச்சாட்டும் சரியென்று நிரூபிக்கப்பட்டுவிடும். பணக்காரர்கள், பெருநிலச்சுவாந்தார்கள் மீது வரிச்சுமைகளை விதிப்பதற்கு அவர்கள் விரும்பவில்லை என்பதுதான் நிரூபிக்கப்படும். பாம்பும் அடிபடவேண்டும், பாம்பை அடிக்கும் கோலும் உடையக்கூடாது என்பதுபோல் பெருநிலச் சுவாந்தார்கள் மீது வரி போட்டுவிட்டதாக ஜனங்களிடத்திலே பிரசாரம் செய்வதற்கு ஒரு கருவியாக இந்த மசோதாவைக்கொண்டு வந்திருக்கிறார்களென்று தெரிவித்துக்கொண்டு என்னுடைய பேச்சை முடித்துக் கொள்ளுகிறேன்.”

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

“ I am glad I now rise to reply to the discussion in a calmer atmosphere than the one that was prevalent just a few hours ago. I must thank you, Mr. Speaker, for your kind contribution towards that end. The discussion ranged over a wide field and some hon. Members even said that there was no principle of land reform in this Bill. I may at once tell them that this is not a land reform legislation but is primarily a taxation measure and any trace of land reform that may appear in it, is there only incidentally and not deliberately. That is why I said when I introduced the Bill that this surcharge would give an element of progression in the system of land tax and to some extent was in the nature of an

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alternative to agricultural income-tax. I was very careful in the use of my words. But in spite of it the hon. Member Mr. Manali Kandasami has said that this Bill is a substitute for agricultural income-tax. This is not at all a substitute. What I said was that this surcharge would give an element of progression in our land revenue system. Though it may fetch some income it was essentially a taxation measure.

"The main question raised was that this taxation measure should be based on agricultural income-tax and it should not be on the basis of surcharge on land revenue. The question of introducing agricultural income-tax was discussed at length. Finally, the Government came to the conclusion that considered from all aspects at present prevailing, it would not be conducive to introduce agricultural income tax. It was realised that it would be very difficult for the rural population to withstand the hardships that would be caused by their being asked to maintain correct accounts regarding their income from agriculture. That is why the agricultural income-tax had not been introduced. But on the other hand, we have decided to try that experiment in another sector, viz., the plantations. A Bill to levy income-tax on plantations is on the anvil. It will be shortly introduced. But what do I find now? There is a protest from the owners of plantations. There was a deputation from the owners of plantations against the proposed levy of income-tax on plantations. They say 'No, no. Already our expenses have mounted high. This income tax will hit us very hard. It is better to have the present land tax increased by two or three rupees per acre.' That is what the owners of plantations say. Therefore, if we impose agricultural income-tax then the same argument now advanced by the planters may be advanced by agriculturists. In this connection, I am reminded of a Tamil proverb which says:

‘உப்புக்கு தண்ணீர் பஞ்சமா.

தண்ணீருக்கு உப்பு பஞ்சமா.’

I have illustrated it in the case of planters. But hon. Members now plead for agricultural income-tax. If I introduce such a tax, I am sure the same hon. Members may then bring in arguments, just as the planters have now done, against agricultural income-tax. (Laughter.)

"An hon. Member from the Congress side had pointed that when even small shop-keepers were able to render accounts to the Commercial Tax Officers, it would not be very difficult for the agriculturists to maintain correct accounts in regard to their income from agriculture. May be the hon. Member may subscribe to that view. But I have received several complaints from big mirasdars that it would be very difficult and irksome also to maintain correct accounts so far as agricultural income is concerned. The case with regard to the small agriculturist is all the more grave. By such a system of maintaining of correct accounts, he may be subjected to hardship and frequent examination by the officers. Realising all these difficulties, we have thought it best

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not to introduce agricultural income-tax but bring in its stead the present levy of surcharge on land revenue which, while not affecting the majority of small and middle-class agriculturists, will bring in some money to the coffers of the State. I am sure the same hon. Member, who has now pleaded for agricultural income-tax from the Congress side, may then come and say, when we have introduced the agricultural income-tax that it is causing great hardship to the poor cultivators. It is not as if we have left the whole question of agricultural income-tax. We have tried to experiment it in the plantation sector. If the tax proves successful in that sector, we may gradually extend it to agriculture.

"The hon. Member Mr. Manali Kandasami who opened the debate pointed out that whereas in the original Bill the exemption limit was only Rs. 50 it has now been raised to Rs. 500. He pleaded that people paying assessment lower than Rs. 500 also should be brought within the scope of this Bill. The hon. Member has probably forgotten the principle on which we have fixed the exemption limit. Or it may be that the hon. Member is not familiar with that principle or being familiar with it, does not want to admit it. When we previously fixed the minimum exemption limit at Rs. 50, we received numerous petitions pointing out how the poor and middle-class cultivators would be affected by such a fixation. It is our principle to tax only the rich. It is our object to put the exemption limit only at the higher level so that it may not affect the poor and middle-class agriculturists but only the rich landowners. There is a lot of difficulties that would crop up if we bring the exemption limit lower down. When the original Bill was discussed here, there was a storm of arguments to the effect that this tax should not be uniform but that it should be on a sliding scale affecting only the rich landlords. Now lands there are, fertile areas as against non-fertile areas, rain-fed areas as against irrigated areas and so on. Therefore we must give due allowance for non-fertile and dry areas. The question of price was also raised. The question of water rate was also raised. There are certain cases where if the water rate also is taken into account, it comes to as high as Rs. 20 or 25. These arguments were advanced then. That is why, in the present Bill, we have decided to put the exemption limit at a higher level thereby taxing only those in the higher strata. Then the tax will not be a heavy burden on them. If we put the exemption limit say at Rs. 100 or so even the middle-class agriculturists in dry areas may be hard hit as the price factor may operate against them. That is why taking all these into account, we raised the exemption limit to Rs. 500.

"The hon. Member hailing from Malabar, I mean, Sri V. R. Krishna Ayyar favoured, besides agricultural income-tax, the death duty or estate duty in respect of agricultural lands being extended to Madras State and said that it would serve our purpose. He opined that by passing a resolution in this House, as required by the Estates Duty Act, the death duty may be extended to agricultural lands in Madras State, and that would have been a very good move and would have solved the problem. Let me say to

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Mr. V. R. Krishna Ayyar that Government did not deliberately pass a resolution on such lines because even though the Estate Duty Act had been passed by Parliament, yet the State Governments have got to go slow in the matter at present. We should see to it that by the levy of such a tax, our other taxation measures are not by-passed. We should not cause undue hardship to our people. Our people should not be subjected to undue hardship and harassment at the hands of our officers. I shall cite a typical instance. Even though the Estate Duty Act has not come into force in Madras, yet some officers had thought that it had come into force and in one case when a rich person had died, even before the corpse had been removed they were there on the spot and had made enquiries. The people began to wonder how when the Act had not come into force in Madras and when the dead body had not been moved, the officers could come and demand the State's share according to the Estate Duty Act."

SRI V. R. KRISHNA AYYAR :—" May I know whether the hon. Minister's statement represents the authoritative view of the Government that the enforcement of death duty would cause harassment and that it should not be enforced in the State? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I never said that it should not be enforced. Now we are having so many Bills and to have legislation on death duty also simultaneously may not be good. Probably next year my hon. Friend will have it."

SRI V. R. KRISHNA AYYAR :—" The other taxes are levied on persons who are living. But here, at least when a man dies, let him part with something for the poor denizens of the State."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" My hon. Friend wants to rush in all taxation measures all at once. The hon. Member's suggestion is only to help the Government to get more revenue. But we will have to take into consideration several aspects besides the revenue aspect. There is a human aspect about it and there are certain difficulties in enforcing it. That is why for the present—' for the present ' does not mean ' for ever '—the Government do not contemplate it. If the hon. Member wants, we shall have that also.

" One hon. Member asked how this surcharge will affect fair rent. I may at once say that this will not affect the question of fair rent at all. I think Mr. M. Narayana Kurup has given notice of an amendment. If that is accepted, the tenant will not be asked to pay the surcharge, but only the landholder will be asked to pay. So, there will be no difficulty on that account.

" The hon. Deputy Leader of the Opposition was saying that we had certain motives, that we were levying the tax only for the purpose of show or propaganda, that we did not want to tax the rich landholders sufficiently heavily and that our policy behind this Bill was a policy of ' willing to wound but afraid to strike '. All

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these considerations never entered into my mind at all. They entered into my mind only after I heard them. A child does not know evil at all. Only when it grows up, it learns evil from others. I had a clean mind. The hon. Deputy Leader of the Opposition has spoiled an innocent mind. I shall take advantage of what he says if it will be useful to me.

" The main amendment to the motion is for referring the Bill to a Select Committee. In that connection, I want to say that this is not an entirely new Bill. A Bill on this subject was introduced in 1952 and referred to a Select Committee. Memoranda were invited by the Select Committee and many memoranda were received. The Select Committee sat very leisurely; it sat for seven days and came to certain conclusions. Though the present Bill differs from the previous Bill, the principle underlying this Bill is the same. Only we have made one or two changes in the matter of exemption and the rate of tax; there is no radical change. So the hon. Member cannot accuse us of having brought forward this new taxation measure suddenly. The 1952 Bill was not proceeded with for reasons like the Andhra partition. So we have brought forward this Bill now. I do not think there is any need at all to refer it to a Select Committee. Whatever changes hon. Members want to make can be made by way of amendments. Already there are certain amendments and it is likely that I may accept one or two of them.

" Though the Bill is a short one, it is full of illustrations which is not usually the case with other Bills. So I will also conclude my speech with an illustration. I compare this Bill to a scorpion. The previous Bill was like a full-grown scorpion with a sting; but the present Bill is like a scorpion whose sting has been cut off. Nobody is afraid of a scorpion whose sting has been cut off. The rigour of the previous Bill has been very much watered down in this Bill and therefore I do not think hon. Members can have any objection to this Bill. It is a Bill for getting a small revenue, the revenue anticipated being only Rs. 7.70 lakhs. It introduces also an element of progression in land revenue taxation. It is also in the nature of an experiment, because we can experiment upon this and find out whether this is more desirable or the agricultural income-tax. For all these reasons, I hope the hon. Member who moved the amendment for referring this Bill to a Select Committee will withdraw the amendment and allow us to proceed with the Bill."

SRI K. P. GOPALAN :—" Sir, I am not withdrawing my amendment."

MR. SPEAKER :—" The question is—

' That the Madras Land Revenue (Surcharge) Bill, 1954, be referred to a Select Committee.' "

The amendment was put and lost.

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MR. SPEAKER :—" The question is—

' That the Madras Land Revenue (Surcharge) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

MR. SPEAKER :—" Shall we take up the half-hour debate or adjourn? "

SRI ANTONY PETER :—" I rise on a point of order, Sir. This half-hour debate was allowed at the request of the hon. Member Sri V. R. Krishna Ayyar, in view of the fact that the answer given by the Hon. Minister for Health to a question regarding homœopathy was not clear and full. To-day a typed copy of the answer given by the Hon. Minister to my supplementary question on the subject of homœopathy has been sent to me for correction and I see that the answer is not satisfactory. For discussing such an important subject as homœopathy, half an hour is not sufficient. I want a full day to be allotted for the discussion."

MR. SPEAKER :—" The point raised by the hon. Member is not a point of order. That is clear to me.

" Some hon. Members wanted a half-hour debate and I allowed it. Whatever time the House wants, I am prepared to give."

SRI ANTONY PETER :—" Sir, my point of order is that half an hour allowed for the debate will not have the desired effect, namely, to convince the Government of the necessity of approving the homeopathic system and as such it will not be in order to proceed with the debate."

SRI N. RAMAKRISHNA AYYAR :—" This is a debate on homœopathic system. In homœopathy, the dosage is very small and so the duration of the debate on homœopathy also can be very small. Why should we have a full day debate? "

THE HON. SRI C. SUBRAMANIAM :—" If the discussion is to be dropped, I have absolutely no objection. If we find time and if a day is available, we shall try to accommodate."

MR. SPEAKER :—" The Hon. Minister for Health can make a statement and the motion before the House may be that that statement be taken into consideration. The House will have a full dress debate. If the consensus of opinion is that we should have the half-hour debate to-day, I have no objection. I will allow five minutes each to Sri V. R. Krishna Ayyar, Sri N. K. Palani-swami, Sri K. Madhavan Nambiar . . ."

SRI V. R. KRISHNA AYYAR :—" Sir, you have just now heard that even half an hour or one hour would be inadequate."

MR. SPEAKER :—" If the hon. Member is not satisfied with a half-hour debate, the best thing would be for the Hon. the Deputy Leader of the Opposition to come to some agreement with the Leader of the House in regard to this matter."

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SRI V. R. KRISHNA AYYAR :—" Even now the Hon. Minister is here. If he is willing for a one-hour debate and he makes a statement in that regard, it will be a starting point for discussion."

THE HON. SRI A. B. SHETTY :—" I have no objection if time can be found."

THE HON. SRI C. SUBRAMANIAM :—" We can have it on a non-official day."

SRI T. C. NARAYANAN NAMBIAR :—" Generally, we are not having as many non-official days as we require. So, from the non-official day, some hours should not be completely taken away for other business."

MR. SPEAKER :—" We will have to take only half an hour from the time allotted for non-official business. If this is agreed to, we can take this up on the coming Thursday."

SRI M. KALYANASUNDRAM :—" Sir, இன்றைக்கு அரை மணி நேர விவாதம் நடத்துவோம். இன்னொரு நாளைக்கு முடிந்தால் இன்னும் அரைமணி நேரம் நடத்தலாம்."

MR. SPEAKER :—" If it is the desire of the House that one hour should be allotted for the discussion on this subject, I have no objection. We can have the discussion on a non-official day. We will have to take half-an-hour from the time allotted for non-official business."

SRI ANTONY PETER :—" May I suggest that some other day may be allotted for the discussion on this subject, if not to-day? If not during this session, at least during the next session, a day may be allotted for this purpose."

THE HON. SRI C. SUBRAMANIAM :—" Sir, the hon. the Deputy Leader of the Opposition agrees to have the discussion on the coming Thursday from 12 noon to 1 p.m."

MR. SPEAKER :—" This debate is postponed to Thursday. We shall have the debate from 12 noon to 1 p.m. on that day. The House will now adjourn and meet again at 8 a.m. on Monday, the 10th May 1954."

The House then adjourned.

THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1954

10th May 1954] [Sri M. Kalyanasundram]

in the State shall pay to the Government for that fasli a surcharge on the land revenue payable by him at the following rates, that is to say—

Amount of land revenue.	Rate of surcharge.
(a) On the first Rs. 250 of the land revenue payable.	Nil.
(b) On the next Rs. 250 of the land revenue payable.	Four annas on each rupee.
(c) On the next Rs. 500 of the land revenue payable.	Eight annas on each rupee.
(d) On the balance of the land revenue payable.	One rupee on each rupee.

Explanation.—Land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.

Illustrations.—(1) A is liable to pay as land revenue rupees two hundred in respect of land held by him on a patta solely in his name, and rupees two hundred in respect of lands held by him as the guardian of a minor. A is not liable to pay surcharge either on his own account or as guardian.

(2) A is liable to pay as land revenue rupees two hundred in respect of lands held by him on a patta solely in his name. He is liable to pay as land revenue rupees two hundred in respect of lands held by him on a patta as the trustee of an educational institution and is further liable to pay as land revenue rupees two hundred in respect of lands held by him on a patta as the trustee of a chatram. A is not liable to pay surcharge either on his own account or as trustee of the educational institution or as trustee of his Chatram.” ” ”

THE MADRAS LEGISLATIVE ASSEMBLY

Monday, 10th May 1954.

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

THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1954—*cont.*

MR. SPEAKER :—“ Clause 2 relates to definitions. So, we shall now take up clause 3. The motion is—

‘ That clause 3 do stand part of the Bill.’ ”

SRI M. KALYANASUNDRAM :—“ Sir, I move the following amendment which stands in my name :—

‘ For the existing clause, substitute the following :—

“ 3. Levy of surcharge.—Every landholder who is liable to pay a sum exceeding Rs. 250 for a fasli as land revenue to the Government in respect of all the lands held by him

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

MR. SPEAKER :—“ I think the amendment is out of order. The Constitution is very clear on this point. Article 207 (1) says,

‘ A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council :

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.’

The object of the hon. Member’s amendment is to increase the tax. For increasing the tax, the permission of the Governor is necessary. So, I think the amendment is not in order. However, before giving my ruling on the matter, I wish to know what Mr. Kalyanasundaram wishes to say.”

SRI M. KALYANASUNDRAM :—“ I think there is some confusion. திருத்தங்கள் கொடுத்திருக்கும் ஜாப்தாவில் பார்த்தால் நான் இரண்டாவது ஷரத்திற்கு திருத்தம் எதுவும் கொடுத்ததாகத் தெரியவில்லை.”

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MR. SPEAKER :—“ செக்ஷன் மூன்றாவதைப்பற்றி விவாதித்துக் கொண்டிருக்கிறோம்.”

SRI P. S. KRISHNASWAMI AYYANGAR :—“ On a point of order, Sir . . . ”

SRI M. KALYANASUNDRAM :—“ There cannot be a point of order to a point of order, I think, Sir.”

MR. SPEAKER :—“ I will allow the hon. Member Mr. Krishnaswami Ayyangar after hearing hon. Member Mr. Kalyanasundram :”

SRI M. KALYANASUNDRAM :—“ முதலில் இரண்டாவது ஷரத்தைப்பற்றி விவாதிப்பதாக நினைத்தேன். மூன்றாவது ஷரத்தைப்பற்றி விவாதிப்பதானால் அரசியல் அமைப்பு 207-வது பிரிவுப்படி தாங்கள் சொல்லக்கூடிய வியாக்யானம் முற்றிலும் சரியானது என்பதை நான் ஒப்புக்கொள்ளுகிறேன். அதேபோல் 208-வது விதிப்படி இந்த விதிகள் பிரசுரிக்கப்பட்டிருக்கிறது. இந்த விதிகளில் 75 (1)-வது ஷரத்து என்ன சொல்லுகிறது என்றால்,

“ If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, the Speaker shall, as soon as may be after the receipt of the notice refer the Bill or the amendment to the Governor and the Motion shall not be placed on the list of Business unless the Governor has indicated to the Speaker that the previous sanction required has been granted.

இந்த விதிப்படி பார்த்தால் இந்தச் சபை அங்கத்தினர்களுக்கும், கவர்னருக்கும் சபை நடவடிக்கை சம்பந்தப்பட்ட மட்டில் எந்தவிதமான தொடர்பும் கிடையாது. நாங்கள் ஏதாவது தொடர்பு வைத்துக்கொள்ள வேண்டுமென்றாலும் அது சபாநாயகரின் மூலமாகத்தான் முடியும். சபை நடவடிக்கை சம்பந்தப்பட்ட மட்டில் இந்தத் திருத்தத்திற்கு கவர்னர் அவர்களுடைய அனுமதி வேண்டுமென்று தாங்கள் கருதினால், உடனே தாங்களே இதற்கு வேண்டிய அனுமதியைத் தரவேண்டுமென கவர்னர் அவர்களுக்கு எழுதிப் பெற்றிருக்கவேண்டும். தங்கள் காரியாலயத்தார் அந்த அனுமதியைப்பெற முயற்சிகள் எடுத்துக் கொண்டிருக்கவேண்டும்.”

MR. SPEAKER :—“ நீங்கள் வெள்ளிக்கிழமைதான் அதைக் கொடுத்தீர்கள். அன்றைக்கே என் அறையில் தங்களுடம் இந்தத் திருத்தம் சரியானதல்ல. இது Out of order என்று சொல்லியிருக்கிறேன். அப்பொழுது நீங்கள் ஒன்றும் அதைப்பற்றிச் சொல்லவில்லை.”

SRI M. NARAYANA KURUP :—“ Now, the Hon. Speaker says that the amendment requires the permission of the Governor. There is article 255 which we will have to take into account. If the acceptance of this amendment is considered to be only an irregularity of procedure and if the House is pleased to accept the amendment, then when the Bill goes to the Governor for his assent, he can give his assent under article 255 and thus the irregularity can be rectified.”

MR. SPEAKER :—“ It is for the Court to say whether it is valid or not. We cannot do it here.”

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SRI M. NARAYANA KURUP :—“ I raise this point, because the matter has far-reaching consequences and it has a bearing on other amendments as well in respect of this Bill as well as other Bills. That is the reason for my raising this point, Sir. As this matter has been brought to the notice of the Hon. Speaker, I request your ruling as to whether it is in order for the House to allow such an amendment.”

MR. SPEAKER :—“ The Speaker is the person who should give a ruling. When he gives his ruling, nobody can go against it or discuss it.”

SRI K. PARTHASARATHI :—“ As a person purely interested in the interpretation of the article of the Constitution and as a Member exercising his privilege as a Member of this House, I wish to submit that such an amendment need not have the consent of the Governor before introduction. The article only states that any provision for the amendment of the tax shall not be moved. There should be a tax beforehand, i.e., before the amendment is moved. Before any amendment which seeks to enhance a particular tax is moved, there should be a tax. In this case, we do not have a tax. There is only a proposal for tax. The amendment under question is only an amendment to a proposed tax and not a tax that is in existence.”

MR. SPEAKER :—“ Whatever it is, it is an amendment to increase the tax.”

SRI K. PARTHASARATHI :—“ Unless and until this House considers the proposal of the Government and until the whole procedure is gone through and the House accepts the proposal, the tax cannot be said to be in existence. My submission is, that, since the amendment is only with respect to a proposal for the introduction of a tax and since that tax cannot be said to be in existence unless this House has passed the Bill brought forward by the Government, the consent of the Governor is not necessary in this case.”

SRI P. S. KRISHNASWAMY AYYANGAR :—“ Sir, clause 2 relates to definitions. Clause 3 gives certain illustrations. These illustrations have got certain functions and the section proper has got different functions. The illustrations should flow from the section itself. The section lays down the substantive law and illustrations are specific instances of the application of the law. Here, in clause 3 certain illustrations are given, but they do not flow from any section. There are some lacunae in clause 2 to which certain amendments have got to be made. With these amendments alone, the illustrations contained in clause 3 will be proper. Therefore, I request that clause 2 may be taken up first.”

MR. SPEAKER :—“ Clause 2 relates to definitions. We must follow the usual procedure. We have been taking up clause 1, clause 2 and the Preamble only in the end.”

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SRI P. S. KRISHNASWAMY AYYANGAR :—“ Ordinarily, that may be the procedure. But, certain illustrations are given in clause 3. Naturally they should flow from the body of a section. But no such section is found here. Certain amendments given notice of by me in respect of clause 2 supply the void. So, those amendments must be considered before the illustrations are taken up. That is why I say that before we take up the illustrations contained in clause 3, we must take up clause 2.”

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, கனம் பார்த்தசாரதி அவர்கள் தெரிவித்த முறையில் கூட நான் இதைப்பற்றி சிந்தனை பண்ணியது உண்டு. அதைத் தங்கனிடத்திலும் சொல்லியிருக்கிறேன். அந்த வாதத்தைச் சொல்லி எப்படியாவது இந்தத் திருத்தத்தைக் கொண்டுவந்து பிரேரித்துவிடவேண்டுமென்பது அல்ல என் நோக்கம். நாங்கள் எந்தத் திருத்தம் கொடுத்தாலும் சட்டசபை காரியாலயத்தார்தான் அந்தத் திருத்தத்தை அனுமதிப்பதற்கு வேண்டிய நடவடிக்கையை எடுத்துக்கொள்ளவேண்டும். குறிப்பாக இந்தத் திருத்தத்திற்கு கவர்னர் அவர்களுடைய அனுமதி தேவையாய் இருந்தால் சட்டசபை விதி 75 படி கனம் சபாநாயகர் கவர்னர் அவர்களுக்கு எழுதி அவர் அனுமதியைப் பெற்றிருக்கவேண்டும். அவர்கள் அப்படிச் செய்யவில்லையென்று குற்றம் சாட்ட நான் இதைச் சொல்லவில்லை. அப்படிச் செய்யாததால் எங்கள் உரிமை பாதிக்கப்படுகிறது. ஆகவேதான் இதற்கு ஏதாவது பரிசாரம் இப்பொழுது தாங்கள் தேடவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். அதுவும் எதிர்க் கட்சியின் சார்பில் பூர்ண அனுதாபம் வைத்து இப் பிரச்சனையை முடிவு செய்யவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.”

MR. SPEAKER :—“ நான் ரொம்ப அனுதாபத்தோடேயேதான் இப் பிரச்சனையைக் கவனித்தேன். எல்லாப் பிரச்சனைகளையும் அங்கத்தினர்களிடம் ரொம்பவும் அனுதாபத்தோடுதான் கவனித்துவருகிறேன். நீங்கள் இந்தத் திருத்தத்தைக் கொடுத்தபோதே இது சரியானதல்ல என்று நான் சொன்னேன். கவர்னர் அவர்களுடைய அனுமதி வேண்டுமென்றும், அதை எழுதிப் பெறுங்கள் என்றும் சொன்னேன்.

“ I called the hon. Members who have given notice of such amendments to my room and told them that these amendments were out of order. That being the case, they cannot now blame either the Legislature Office or the Speaker.”

SRI M. KALYANASUNDRAM :—“ நான் யாரையும் குறை கூறவில்லை. குறை கூறவேண்டுமென்பதும் என் நோக்கமில்லை. அன்றைக்கும் கூட நான் தங்கனிடத்தில் இந்த ஷரத்தைப்பற்றி பிரஸ்தாபித்தேன். நானும் கவர்னர் அனுமதியைக் கோரி எழுதலாம். நீங்களும் எழுதலாம் என்று தாங்கள் அப்பொழுது சொன்னீர்கள். அப்பொழுது என் கையில் சட்டசபை விதிகள் அடங்கிய புத்தகமில்லை. அதற்கு பின் தான் விதி 75 (1)-ஐப் பார்த்தேன். அதில் the “Speaker shall என்று இருக்கிறதே தவிர may என்று கூட இல்லை.”

MR. SPEAKER :—“ அதை நான் மறுக்கவில்லை. ஆனால் அன்றைக்கே நான் தங்கனிடம் சொன்னபோது இதைப்பற்றி கவர்னருக்கு எழுதும்படியாக தாங்கள் எதுவும் சொல்லவில்லை. அத்தோடு இந்தத் திருத்தம் out of order என்று நான் சொன்னவுடன் அதைத் தாங்கள் வாபஸ் பெற்றுக்கொள்ளுங்கள் என்றே நான் எண்ணினேன்.”

SRI M. KALYANASUNDRAM :—“ நான் வாபஸ் பெறுவ தற்காகத் திருத்தம் கொடுக்கவில்லை. அத்தோடு நமது வருவாய் மந்திரி அவர்கள் சொல்லிக்கொண்டிருக்கிறார்கள். சூதுவாது அறியாத, பச்சிளம் குழந்தை அவர்கள். அவர்களே நான் சொன்ன உண்மையை

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ஒப்புக்கொண்டு இதைக் கொடுக்கல்லாத தேள் என்றும் ஒப்புக்கொண்டு விட்டார்கள். இதைக் கொடுக்கல்லாத தேள் என்று சொல்வதைவிட கொடுக்கல்லாத பொம்மைத் தேள் என்று தான் சொல்லவேண்டும்.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, it is a well-established and well-known principle that no amendment for increase of taxation could be brought forward by private members. That is why it has been recognized in the Constitution also and it has also been incorporated in the Constitution itself as Article 207. It is not as if the Governor can sanction anything at his discretion; he has to act on the advice of the Ministers. Therefore, when the Government has brought forward a proposal that they are not prepared to increase taxation any further, at any rate at this juncture, no useful purpose will be served by pressing that question. I think the Hon. the Speaker also wanted to know our attitude and after knowing our attitude, he spoke to other hon. Members and the matter was finally dropped without taking any further action. Under these circumstances, we cannot cure a constitutional irregularity and the Speaker and the House cannot be a party to such an action. Of course, speeches can be made on the clauses and criticisms could be offered and we can have a full-dress debate on clause 3. For that matter, views that taxation should have been on an increased scale have already been put forward during the general debate. It is not as if they are going to be expressed for the first time now. Of course, they could be urged upon the Government again. Government could be found fault with and all those allegations could be levelled against the Government during the discussion of clauses. Therefore, hon. Members have got full freedom to do all that and I welcome imputation of motives, criticisms, etc. At least that will give an opportunity to hon. Members—some of us—to realize the difficulties under which the Government have got to function.”

SRI M. KALYANASUNDRAM :—“ நான் எனது திருத்தத்தில் அடிப்படை வரி விதித் தரட்டை உயர்த்தவேண்டுமென்று நான் கோரியிருக்கிறேன். முதலிலேயே தாங்கள் இதனை Out of order என்று சொல்லி விட்டீர்கள். அப்படிச் சொல்லிவிட்டால் அதைப்பற்றி விவாதிக்கவே எங்களுக்குச் சந்தர்ப்பம் இல்லாமல் போய்விடுகிறது. இதை அனுமதித்து விட்டு இதற்கு வேண்டிய அனுமதியைத் தரவேண்டுமெனத் தாங்களும் சர்க்கார் கட்சித் தலைவரும் கவர்னருக்கு எழுதினால் அவர் அதற்கு வேண்டிய அனுமதியைக் கொடுப்பார்கள். ஆகவே இதை அனுமதித்து சர்க்கார் இதைத் தங்களது மெஜாரிட்டி வோட்டுக்களால் வேண்டுமானால் தோற்கடிக்கச் செய்யலாமென்பது என் அபிப்பிராயம். அதுதான் சரியானதாகவும் படுகிறது. இல்லாதபட்சத்தில் எங்களுக்கு உள்ள உரிமையும், சந்தர்ப்பமும் பறிக்கப்படுவதாகவே கருதவேண்டியிருக்கிறது.”

MR. SPEAKER :—“ I will allow full discussion now and in the end I will rule the amendments out of order.”

SRI M. NARAYANA KURUP :—“ I request the Hon. the Leader of the House to give his opinion on the submission made by me with reference to Article 255. He has not touched on that point at all.”

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THE HON. SRI C. SUBRAMANIAM :—" In regard to Article 255, if certain irregularities were not noticed by chance and we went through them, those irregularities could be rectified. It cannot be an irregularity which has been pointed out. Certainly, the Hon. the Speaker and the House cannot be a party to commit an irregularity and then take it to the Governor to condone that irregularity or rectify that."

MR. SPEAKER :—" Even a Court cannot do that."

THE HON. SRI C. SUBRAMANIAM :—" Yes, even courts cannot do that. I do not think hon. Members could ask us to shut our eyes and do things."

MR. SPEAKER :—" I have allowed the amendment of Sri Kalyanasundram to be moved and it has been seconded. In the end, I will rule it out of order. There are some more amendments. Mr. Kurup will please move his amendment."

SRI M. NARAYANA KURUP :—" Sir, I move—

' In the second line, after the word " pay " and before the words " a sum exceeding rupees five hundred ", insert the words " in the same capacity " . '

SRI K. T. SREEDHARAN :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" I move—

' For the words " in a district ", substitute the words " in the State " . '

SRI M. KALYANASUNDRAM :—" I second the amendment, Sir."

SRI S. SWAYAMPRAKASAM :—" Sir, I am not moving my amendment."

MR. SPEAKER :—" Sri K. R. Viswanathan is not in his place. It is taken that he is not moving his amendment."

SRI S. RAMALINGAM :—" I move—

' In line 6, delete the words " in the State " . '

SRI R. KRISHNAN :—" I second the amendment, Sir."

SRI N. K. PALANISAMI :—" I move—

' For the rates given under " rate of surcharge ", substitute the following :—

- (a) 2 annas on each rupee;
 - (b) 4 annas on each rupee;
 - (c) 8 annas on each rupee;
 - (d) one rupee on each rupee.
- and omit the illustrations. '*

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

SRI P. S. KRISHNASWAMI AYYANGAR :—" I move—

' In the portions giving the rates of surcharge—

(a) in each of the expressions " on each rupee " between the words " on each " and " rupee " insert the words " round sum of a " ; and

(b) after the word " rupee " wherever it occurs add a comma and the expression " ignoring the fraction of a rupee, if any " . '

SRI K. PARTHASARATHY :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" I move—

' Add the following proviso before the Explanation—

" Provided that as long as the Land Revenue Surcharge is levied the land revenue payable by the landholder paying less than Rs. 15 for a fasli shall be remitted. " . '

SRI M. KALYANASUNDRAM :—" I second the amendment, Sir."

MR. SPEAKER :—" The motion and the amendments are before the House for discussion."

SRI K. PARTHASARATHY :—" On a point of order, Sir. The Hon. the Speaker has indicated his ruling in regard to amendments proposing variations in the taxation proposals. My submission is that some of the other amendments proposed are also of a similar nature. For example, the amendment proposed by Sri Ramalingam is that for the words ' in a district ', the words ' in the State ' should be substituted. If the amendment is accepted, it will mean an imposition of the tax on certain classes of persons who are exempt under the proposed Bill. I wish to know whether such an amendment will be in order."

THE HON. SRI C. SUBRAMANIAM :—" I do not think there is any objection to that amendment."

MR. SPEAKER :—" I have allowed discussion on all the amendments. In the end I shall consider the point raised by the hon. Member."

SRI N. K. PALANISAMI :—" கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள் இன்றையதினம் பேசும்போது விவசாயிகளுக்கு படிப்படியாக வரியைக் குறைத்து, பணக்காரர்களுக்கு அதிகமாகப் போடுவதாகக் கூறினார்கள். தமிழ்நாடு, நீலகிரி ஜில்லாக்களில் மொத்த பட்டா தாரர்கள் 3,884,000 பேர்கள் இருக்கிறார்கள். அதில் ரூ. 10-க்குக் கீழே கிஸ்தி செலுத்தக்கூடியவர்கள் 3,118,000 பேர்கள் இருக்கிறார்கள். பத்து ரூபாயிலிருந்து 30 ரூபாய் வரையிலும் கிஸ்தி செலுத்தக்கூடியவர்கள் 583,000 பேர்கள் தான் இருக்கிறார்கள். கிட்டத்தட்ட 30 ரூபாய்க்குக் கீழே வரி செலுத்தக்கூடிய நபர்களை எடுத்துக்கொண்டால்

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371,000 பேர்கள் இருக்கிறார்கள். இதில் 7,023 பேர்கள் ஆந்திர-சென்னை யில் சேர்ந்திருக்கிறார்கள். 3,656 பேர்கள் 500-க்கு மேல் கிஸ்தி செலுத்து கிறார்கள். தமிழ் நாட்டையும் மலையாளத்தையும் எடுத்துக்கொண்டால் ரூ. 500-க்கு 2,000 பேர்கள் தான் இருக்கிறார்கள். ஆகவே அவர்கள் செல்வத்தின் மீது இந்தவருமான வரியை ஏன் போடக்கூடாது என்று கேட்கிறார்கள். சாதாரணமாக ரூ. 500-க்கு மேல் கிஸ்தி செலுத்துபவர் களுக்கு வரி அதிகப்படுத்தப் பட்டிருக்கிறதே, அதனால் 30 ரூபாய்க்கு கீழே வரி செலுத்துவோருடைய கிஸ்தியையும் என் ரத்து செய்யக்கூடாது. ரூ. 500-க்கு மேல் வரி செலுத்துகிறவர்கள் மீது இரண்டு மடங்காகப் போடலாம். ரூ. 30-க்குக் கீழே வரி செலுத்துவோரிடமிருந்து தமிழ் நாடும் ஆந்திராவும் சேர்ந்து ஒன்றாக இருந்தபோது ரூ. 3½ கோடிதான் வருமானம் கிடைத்தது. இப்போது கிட்டத்தட்ட தமிழ்நாட்டிலும் மலபாரிலும் மட்டும் வசூலிப்பதால் 1½ கோடி ரூபாய் நஷ்டம் ஏற்படும். ஆகவே பணக்காரர்கள் மீது இந்த வரியைப் போடுவதன் மூலம் சாதாரண ஏழை மக்களின் கஷ்டத்தைப் போக்கலாம்.

“கோயம்புத்தூர், தஞ்சாவூர் ஜில்லாவில் பலவந்த முறையிலே நிர் பந்தப்படுத்தி வரிவசூலித்தது நமக்குத் தெரியும். அந்த நிர்ப்பந்தத்தி னால் பலர் பூமிகளை விற்கக்கூடிய நிர்ப்பந்தம் ஏற்பட்டது. நான் சொல் லும் முறையைக் கைப்பற்றினால் ரூ. 30-க்கு கீழே கிஸ்தி செலுத்தக்கூடிய வர்களின் குறையை தவிர்க்க முடியும். கனம் மந்திரி அவர்கள் சொல் வதை பணக்காரர்கள் மீது வரி போடும்போது உடனடியாகச் செய்துவிட முடியாது. Human Sympathy வேண்டுமென்று சொல்லுகிறார். நாங்கள் கேட்கிறோம் லக்ஷக்கணக்கான ஏழை மக்கள் கஷ்டப்படுகிறார் களே அவர்கள் மீது இந்த Human Sympathy யைக் காட்டவில்லையே. ஒரு சிறு தொகையினரான பணக்காரர் மீது வரிபோடும்போதுதான் Human Sympathy வந்து குறுக்கிடுகின்றதா? ஆகவேதான் திராவிடக் கட்சித் தலைவர் ஸ்ரீ சுயம்பிரகாசம் எதிர்க்கிறார்கள். இது ஆச்சரியமாக இருக் கிறது. மேலும் கனம் மந்திரி அவர்கள் சொல்லுகிறார்கள். Some may call it a scorpion. If the old Bill was a scorpion, the new Bill is a scorpion without its stings. அதற்கு என்ன அர்த்தம்? “பணக்காரர்கள் மீது வரி போடுவதால் உணவுப்பொருள் தடை செய்யக்கூடிய நிலைமை ஏற்படும். ஆகவே நாட்டிலேயே உணவு உற்பத்தித் தடை விசேஷமாக ஏற்படும்.” ஆகவே தான் உண்மையிலேயே பணக்காரர்மீது வரிபோடவில்லை என்று கனம் மாணிக் கவேலர் கூறியிருக்கிறார்கள். அவரே ஒத்துக்கொள்ளக்கூடிய நிலைமை ஏற் பட்டிருக்கிறது. கொடுக்கல்லாத தேள் போன்ற முறையில் இந்தவரியைப் போட்டிருப்பதாகக் கூறுகிறார்கள். இன்று முக்கியமாக நிலப் பிரபுக்க ளுக்கு வருமான வரி விதிப்பதன் மூலம் ஜில்லா ஒன்றுக்கு இரண்டு கோடி ரூபாய்க்கு மேல் சர்க்காருக்கு வருமானம் வரும். பல அபி விருத்தி திட்டங்களை அதிகப்படியாகச் செய்யமுடியும். ஆனால் அவர்கள் சரியாக கணக்கு வைத்துக்கொள்ள முடியவில்லை என்று சாக்குசொல்லு கிறார்கள். உண்மையில் சாதாரணமாக ஒரு சிறு வியாபாரிகூட விற்பனை வரிக்காக தன் கணக்கை ஒழுங்காக வைத்துக்கொண்டிருக்கிறான். ஆனால் இவர்கள் நொண்டிச் சமாதானம் சொல்லி இதைத் தவிர்க்க முயற்சிக்கிறார்கள்.

“பெரிய பெரிய அபிவிருத்தி திட்டங்கள் எல்லாம் போட்டுக்கொண்டு வருகிறார்கள். ஐந்து வருஷ திட்ட வேலைகள் நாளுக்கு நாள் அதிகரித்து வருவதாகவே சொல்லுகிறார்கள். அம்மாதிரியான நிலைமையில் சர்க்கா ருக்கு வருமானம் கிடைக்க இம்மாதிரி பணக்காரர்கள் மீது வருமானவரி விதிக்காமல் வேறு எந்த விதத்தில் இந்த அபிவிருத்தி திட்டங்களை நிறைவேற்றப் போகிறார்களோ தெரியவில்லை. 15 கோடிக்கு மேல் வருமானம் வருகிற பணம் இருந்தால் தான் இந்தத் திட்டங்களை எல்லாம் செய்யலாம்.

“நிலப்பிரபுக்களை எடுத்துக்கொண்டால் விவசாயி சொத்து மடிந்தா லும் விளைந்தாலும், விளையாட்டிலும் குத்தகை கொடுத்தாகவேண்டும். வேறு சிலவு கிடையாது. ஆனால், மில் முதலாளிகளை எடுத்துக்கொண் டால் 20,000 ரூபாய் வருகிறதென்றால், விற்பனைவரி, வருமானவரி சர்க்

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காருக்கு கொடுத்தாக வேண்டும். மேலும் லாபத்தில் ஒரு பங்கு தொழி லாளிகளுக்குக் கொடுத்தாகவேண்டும். Compensation Gratuity கொடுத்தாக வேண்டும். இந்த நிலப்பிரபுக்களை எடுத்துக்கொண்டால் உழைக்காமலே குத்தகை மூலம் நிகர லாபமாக ஒருவித செலவும் இன்றி அவர்கள் பணம் சம்பாதிக்கிறார்கள். ஆகவேதான் சமுதாய நிலத்திலே அக்கறை கொண்ட கம்யூனிஸ்ட் கட்சி இப்படிப்பட்ட நிலப் பிரபுக்களுக்கு வருமானவரி விதிக்கவேண்டும் என்பதை நோக்கமாகக் கொண்டிருக்கிறது. அப்போதுதான் நாட்டில் இருக்கக்கூடிய அபிவிருத்தித் திட்டங்கள் நிறைவே றும். ஆகவே தமிழ்நாடு காங்கிரஸ் கமிட்டி, பிளானிங் கமிட்டி போன்ற கமிட்டிகள் ஏற்படுத்தி செய்யவேண்டியதை தடை செய்து இக்கமிட்டிகளைக் கொண்டு விவசாய வருமான வரி விதிக்க என்னென்ன செய்யவேண்டு மென்பதை யோசிக்கவேண்டும். தவிர வருமானவரி விவசாயிகளுக்குக் குத் தகைக் குறைப்பதற்கும் நீர்ப்பாசன வசதி செய்து கொடுப்பதற்கும் தூண்டு கோலாக இருக்கும். ஆகவே இந்த முறையில் சட்டங்கள் கொண்டுவர வேண்டுமேயொழிய வெறும் கண்ணாமூச்சி விளையாட்டு விளையாடுவதைப் போல சட்டம் கொண்டுவரக்கூடாது என்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

MR. SPEAKER :—“ I think hon. Member, Mr. Kolkebil has given notice of an amendment which has been wrongly numbered by him. That should come under this clause and not clause 2. Let him move it.”

SRI S. S. KOLKEBAIL :—“ Sir, I move—

“ Add after the proviso in item (b) of clause 2, the following :—

“ Levy of Surcharge in the South Kanara district.—Pro vided further that in the District of South Kanara in cases to which the provisions of sub-sections (1) and (2) of section 4 are not applicable the following provisions shall apply :—

1. No surcharge shall be leviable in respect of uncul tivated punja lands;
2. Where any lands including cultivated punja lands are in the possession of vala vargadar, kayamgeni dar, permanent tenants, mulgeni tenant, or usufruc tuary mortgagee he shall be liable to pay the sur charge in respect of these lands;
3. In other cases the registered holder shall be liable to pay the surcharge.
4. No person who is liable to pay the surcharge under clauses (2) and (3) shall, by reason of any contract with his tenant be entitled to recover the whole or any portion of the surcharge from such tenant.”

The amendment was duly seconded.

MR. SPEAKER :—“ I think Mr. Padmaprabha Gounder also has given notice of an amendment which should come here. It reads—

“ 3-E. Add at the end of proviso to item 2 (b) of clause 2, the following :—

“ Provided further in respect of estates or plantations whose extent exceeds 250 acres and the rent payable thereon is

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less than the land revenue plus surcharge thereon, the surcharge under this Act shall be recoverable from the holder of the estate or plantations whether land revenue is at present payable by the holder of the estate or plantations or not.”

SRI P. NARAYANA KURUP :—“ I think it would come under clause 2.”

MR. SPEAKER :—“ I have no objection.”

SRI S. RAMALINGAM :—“ கனம் சபாநாயகர் அவர்களே, என்னுடைய திருத்தங்களைப் பிரேரேபித்து ஒரு சில விஷயங்களை உங்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். குறிப்பாக, நம்முடைய ராஜ்யத்திலே நிலம் வைத்திருக்கின்ற நிலச்சுவாந்தார்கள், அதாவது வருஷத்திற்கு ரூ. 500-க்கு அதிகமாக ஒரு ஜில்லாவில் நிலவரி செலுத்தக்கூடிய நிலச்சுவாந்தார்கள் சர்சார்ஜ் என்ற இந்தப் புதிய வரியைக் கொடுக்கவேண்டும் என்ற நோக்கத்தோடுதான் இந்த மசோதா வானது நம் முன் விவாதத்தில் இருக்கிறது. பொது விவாதத்தின் போது சபையிலே பல அங்கத்தினர்கள், நம் நாட்டில் இருக்கக்கூடிய வரி விதிப்பு முறையை ஆட்சேபித்து பல தடவைகள் பேசியிருக்கிறார்கள். இன்றிருக்கக்கூடிய நிலைமையில் ஒரு ஏக்கருக்கு குறைவாக நிலம் வைத்திருக்கின்ற சிறு நிலச்சுவாந்தார்கள், அந்த நிலத்திலிருந்து தங்களுடைய வாழ்க்கைக்குப் போதாத வருமானத்தை அடைந்துகொண்டிருக்கக்கூடிய அம்மாதிரியான சிறு நிலச்சுவாந்தார்கள் என்ன விகிதத்தில் வரி கொடுக்கின்றார்களோ, அதே விகிதத்தில்தான் ஆயிரக்கணக்கான ஏக்கராக்கள் நிலங்களைத் தங்களுக்குச் சொந்தமாக வைத்திருக்கிற பெரு நிலச்சுவாந்தார்களும் செலுத்திக்கொண்டிருக்கிறார்கள். இந்த முறை சரியானதல்ல. அதற்குப் பதிலாக விவசாய வருமான அடிப்படையில் வரி விதிக்கப்படவேண்டும் என்று இந்த சபை ஆரம்பித்த காலத்திலிருந்து எல்லாத் தரப்பு அங்கத்தினர்களும் சர்க்காருக்கு சொல்லிக் கொண்டு வந்திருக்கிறார்கள். ஆனால், அந்த வரி விதிப்பு முறை ஏற்றுக்கொள்ளப்படவில்லை. அதற்குப் பதிலாக உபரி வரி போடுகின்றோம் என்று சொல்லி நம் முன்பு அதற்கான ஒரு மசோதாவை நிறைவேற்றுவதற்காக வைத்திருக்கிறார்கள்.

“ ஏற்கெனவே சென்ற ஆண்டில் கொண்டுவரப்பட்ட அந்த மசோதாவுக்கும் இன்றைக்கு நம் முன்பு விவாதத்திற்கு வைக்கப்பட்டிருக்கும் இந்த மசோதாவுக்கும் பெரிய அளவு வித்தியாசம் இருக்கிறது. இன்றைக்கு இருக்கக்கூடிய மசோதாவானது ரூ. 500-க்கும் அதிகமாக வரி செலுத்துபவர்களைப் பாதிக்கக்கூடிய விஷயம். ஆனால், நாங்கள் நினைக்கிறோம் : சர்க்காருக்கு வரக்கூடிய வருமானமோ ஏற்கெனவே குறைவாக இருக்கிறது. அதை இன்னும் அதிகப்படுத்தவேண்டுமென்று பலவிதமான புதிய வரிகளைப் போடுகின்றார்கள். அப்படியிருக்கும்போது, இந்த ராஜ்யத்திலே வரி கொடுப்பதற்கு வசதி உள்ளவர்களிடமிருந்து ஏன் வரி வசூல் செய்யக்கூடாது என்பது நம்முடைய கேள்வி. அவர்களால் கொடுக்க முடியாது என்று நான் சொல்லவில்லை. இதே மசோதாவைக் கொண்டு வந்த இதே மந்திரி அவர்கள் ரூ. 50 கிலித் செலுத்துபவர்களும் கூட உபரி வரியைக் கொடுக்கமுடியும் என்று தஞ்சை ஜில்லாவிலே கணக்கெடுத்துச் சொன்னார்கள். அவர்களுக்கு இத்தனை ஏக்கர் நிலம் இருக்கிறது, ஒரு வருஷத்திற்கு இவ்வளவு வருமானம் கிடைக்கிறது, அப்படிப்பட்டவர்கள் ரூபாய்க்கு இரண்டு அணு, நாண்டு அணு உபரி வரி கொடுப்பதினால் அவர்களுக்கு நஷ்டம் வந்துவிடாது என்று மந்திரி அவர்கள் பேசினார்கள். இப்பொழுது நாங்கள் சொல்லுகிறோம் : குறைந்தபட்சம் ரூ. 250-க்கு மேல் வரி செலுத்தக்கூடியவர்களும் கண்டிப்பாக இந்த உபரி வரியைக் கொடுக்க முடியும் ; அவர்களுக்கு அதிகமாக பாதகம் வந்துவிடாது என்பது எங்களுடைய அபிப்பிராயம்.

[Sri S. Ramalingam] 10th May 1954]

“ ரூ. 250 வரி செலுத்துகிறார்கள் என்றால், குறைந்தபட்சம் அவருக்கு 25 ஏக்கராக்கள் நல்ல நஞ்சை நிலம் இருந்தாகவேண்டும். அப்படிப்பட்டவர்கள் ஒரு ஏக்கருக்கு இவ்வளவு குத்தகை என்று கொடுத்துவிட்டு, சர்க்கார் நிர்ணயித்திருக்கிற 60 : 40 வாரத்தின் அடிப்படையிலே வாரத்தை வாங்கிக்கொண்டு absentee landlord-ஆக இருந்தபோதிலும் ஒரு ஏக்கருக்கு குறைந்தபட்சம் ரூ. 150-க்கு குறையாது வருமானம் வரும். பதினென்று ஏக்கர் நிலங்களுக்கு சுமார் நாலாயிரம் ரூபாய் வரையில் அவருக்கு கண்டிப்பாக குத்தகை கிடைக்கும். அப்படிப்பட்டவர்கள் எங்களுடைய திருத்தத்தின்படி (அதாவது நாலாறு விகிதப்படி) மேலும் ரூ. 62½ கொடுக்கவேண்டியிருக்கும். சர்க்கார் சொல்லுகிறபடி பார்த்தால் அவர்கள் கொடுக்கவேண்டிய வரி இன்னும் கம்மியாகத்தான் இருக்கும். ரூ. 62-ஐ அவர்கள் கண்டிப்பாக கொடுக்க முடியும். ஆயிரம் ரூபாய் வரி செலுத்துபவர்களுக்கு இன்னும் ஒரு ஆயிரம் ரூபாய் உபரி வரி விதிக்கவேண்டுமென்று நாங்கள் கேட்டுக்கொள்ளுகிறோம்.

“ ஒரு ஜில்லாவில் குறைந்தபட்சம் ரூ. 500-க்கு அதிகமாக வரி செலுத்தக்கூடிய அளவுக்கு நிலங்கள் இருந்தால், இந்த சர்சார்ஜ் செலுத்த வேண்டியிருக்கிறது. தஞ்சாவூர் ஜில்லாவில் ரூ. 450 வரி செலுத்தக்கூடிய அளவு நிலங்களும், திருச்சிராப்பள்ளி ஜில்லாவில் கிட்டத்தட்ட ரூ. 400 வரையிலும் வரி செலுத்தக்கூடிய அளவு நிலங்களும் ஒருவருக்கு இருந்தாலும்கூட அவர் இந்த சர்சார்ஜை செலுத்தவேண்டியதில்லை. இது சரியல்ல. மாகாணம் பூராவும் எவ்வளவு நிலம் இருக்கின்றது. எவ்வளவு வரி செலுத்துகிறார்கள் என்பதை கணக்கெடுத்து வரி விதிக்கவேண்டும்.

“ Illustration.—(1) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name. A and B are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta, B and C are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta. C is liable to pay as land revenue rupees three hundred under section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). All the lands are in the same district. Each of these persons A, B and C, is liable to pay surcharge under this section.

அதாவது ‘ஏ’ என்பவன் தனியாக சொந்தப்பட்டாவில் மூன்று ரூபாய் வரி செலுத்துகிறான். ஏ-யும், பி-யும் இருவரும் சேர்ந்து கூட்டுப் பட்டாவில் ரூ. 300 வரி செலுத்துகிறார்கள். வி-தனியாக ரூ. 300 வரி செலுத்துகின்றான். பி-யும் வி-யும் சேர்ந்து கூட்டுப் பட்டாவில் ரூ. 300 வரி செலுத்துகிறார்கள். இவர்கள் மூன்று பேருக்கும் இந்த சர்சார்ஜ் வரி விதிப்பு உண்டு என்று உதாரணத்தில் கொடுக்கப்பட்டிருக்கிறது. இது நியாயமல்ல, நியாயத்திற்கு முரணானது என்று சர்க்காருடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். கூட்டுப் பட்டாவில் இணைக்கப்பட்ட இரண்டு பேரும், கூட்டுப் பட்டா வைத்திருக்கிறார்கள் என்ற அந்தக் குற்றத்திற்காக இந்த வரி விதிப்பது கூடாது. மூன்று பேருக்கும் வரி விதிப்பது என்று சொன்னால் ரூ. 1,500-க்கு மேல் அதிகமாக வரி போகும். எந்த அளவிற்கு ஒருவன் வரி செலுத்துகிறானோ அந்த அளவுக்குத்தான் அவன் உபரி வரி செலுத்தவேண்டும் என்று இருக்கவேண்டும்.

“ கூட்டுப் பட்டாவில் ரூ. 500-க்கு அதிகமாக யாராவது வரி செலுத்தக்கூடிய அந்தப் பட்டா இருந்தால், கூட்டுப்பட்டாவில் இருக்கக்கூடிய இத்தனை நபர்களும் வரி விதிப்பில் கட்டுப்படுவார்கள் என்று அர்த்தம். யாராவது ஒருவரிடமிருந்து வசூல் பண்ணி அந்த ரூபாயை அவர்களிடம் பகிர்ந்துகொள்ள வேண்டியது அவர்களுடைய பொறுப்பு ; சர்க்காருக்கு அந்தப் பொறுப்பு அல்ல என்று சொல்லப்படுகிறது. கூட்டுப் பட்டாவில் தனித்தனியாக வரி செலுத்தவேண்டுமென்று சொல்லப்பட்டிருப்பது முறையல்ல.

[Sri S. Ramalingam] [10th May 1954]

“ரூபாய் 15-க்கு குறைவாக வரி செலுத்தக்கூடிய எல்லா விவசாயிகளுக்கும் வரி வஜா செய்யவேண்டுமென்று நான் மற்றொரு திருத்தம் கொடுத்திருக்கிறேன். இதுவும் மிக முக்கியமானது என்பதை சபையிலுள்ள அங்கத்தினர்கள் உணர்ந்துகொண்டிருப்பார்கள் என்று நினைக்கிறேன். இரண்டு மாதங்களுக்கு முன்பு ராமநாதபுரத்திற்கு நான் சென்றிருந்தேன். கெடுபிடி எதிர்ப்பு மகாநாடு ஒன்று அங்கு நடந்தது. நிலமுள்ளவர்கள் அந்த மகாநாட்டுக்கு அனேகம் பேர்கள் வந்திருந்தார்கள். பெரிய நிலச் சவாந்தார்களும், 200, 300 எக்கரா நிலம் வைத்திருப்பவர்களும் அங்கு வரவில்லை. ஒன்றிரண்டு எக்கரா நிலம் உள்ளவர்கள் தான் அதிகமாக அந்த மகாநாட்டுக்கு வந்திருந்தார்கள். அவர்கள் செலுத்த வேண்டிய வரி ரூ. 10 முதல் ரூ. 15-க்குள்ளாகத்தான் செலுத்தாமல் பாக்கி வைத்திருந்தார்கள். அதைக்கூட அவர்களால் கொடுக்க முடியவில்லை. அதை அவர்கள் கட்டவில்லையென்ற காரணத்தால் சர்க்கார் மிகக் கடுமையாக அவர்களிடம் நடந்து கொண்டார்கள் என்று இந்தச் சபையில் உங்களுடைய கவனத்திற்குக் கொண்டு வந்திருக்கிறேன். வீட்டில் தங்களுடைய சாப்பாட்டுக்கு வைத்திருந்த நெல்லையும் அள்ளிக்கொண்டு சென்றார்கள். ஆடு மாடுகளைப் பிடித்துக்கொண்டு போனார்கள்; கோழியைப் பிடித்துக் கொண்டு போனார்கள். தோழர் மணலி கந்தசாமி அவர்கள் சொன்னது போல், வரி பாக்கியைச் செலுத்திவிட்டு குழந்தையை எடுத்துக்கொண்டு போங்கள் என்று சொல்லக்கூடிய அளவுக்கு அங்கு நடந்திருக்கிறது. இந்த விஷயத்தைப்பற்றி நான் அதிகமாகப் பேச விரும்பவில்லை. ரூ. 10 முதல் ரூ. 15 வரை வரி செலுத்தக்கூடிய சிறு நிலச் சவாந்தார்கள் எப்படி வரியைக் கொடுக்க முடியாமல் அவஸ்தைப்படுகிறார்கள் என்பதற்கு உதாரணமாக நான் இதைச் சொல்ல வேண்டியிருக்கிறது. (At this stage V. Balakrishnan occupied the chair). அப்படிப்பட்டவர்களுக்கு வரி வஜா செய்வதன் மூலம் இந்த ராஜ்யத்தில் பெரிய எண்ணிக்கையாக இருக்கக்கூடிய சாதாரண விவசாயிகளுக்குப் பெரிய நிவாரணம் கிடைக்கும். அவர்களுக்கு நிவாரணம் கொடுப்பதினால் ஏற்பட்ட நஷ்டத்தை ஈடு செய்வதற்காக ரூ. 250-க்கு மேல் வரி செலுத்தக்கூடிய பெரும்நிலச்சவாந்தார்களுக்கு சர்சார்ஜ் போடவேண்டுமென்று நாங்கள் சொல்லுகிறோம்.

Amount of land revenue.	Rate of surcharge.
(a) on the first Rs. 250 of the land revenue payable.	Nil.
(b) on the next Rs. 250 of the land revenue payable.	four annas on each rupee.
(c) on the next Rs. 500 of the land revenue payable.	eight annas on each rupee.
(d) on the balance of the land revenue payable.	one rupee on each rupee.

“மேற்கண்ட அடிப்படையிலே சர்சார்ஜ் விதிப்பு முறையானது திருத்தியமைக்கப்படவேண்டுமென்று நாங்கள் சொல்லுகிறோம். நாங்கள் யோசனை சொல்லக்கூடிய முறையில் வரி விதிப்பை ஒத்துக்கொண்டார்களானால், குறைந்தபட்ச நிலம் வைத்திருப்பவர்களுக்கு வரியிலிருந்து விலக்கு அளிக்க வேண்டும். அது மட்டும் அல்ல. முதலில் கனம் மந்திரி அவர்கள், சில வரி விதிப்புகள் நம் முன் வைத்தார்கள். கைத்தறித் தொழிலுக்கு நிவாரணம் அளிப்பதற்காகவும். ராஜ்ய வரவு செலவுத் திட்டத்தில் ஏற்பட்டிருக்கக்கூடிய பற்றாக்குறையை சரிக்கட்டுவதற்காகவும் 4, 5 வரிகளை வைத்திருக்கிறார்கள். கைத்தறிக்காரர்களுக்கு நிவாரணம் அளிக்கவேண்டியது மிக முக்கியம். அவர்களுடைய நன்மையை உத்தேசித்து ஒரு சில பணக்காரர்களுடைய வரியை வாங்கி நாட்டிலே இருக்கக்கூடிய சமூகத்தவர்களுக்குப் பயன்படுத்திக் கொள்வது ரொம்ப நியாயம். அதேபோல், 15 ரூபாய்க்குக் கீழ் நிலவரி செலுத்தக்கூடிய சாதாரண விவசாயிகளுக்கு நன்மையைச் செய்யவேண்டுமென்பதை உத்தேசித்தாவது, அவர்களுக்கு நிவாரணம் அளிக்க

[10th May 1954] [Sri S. Ramalingam]

வேண்டுமென்ற அந்தக் காரணத்திற்காவது சர்க்கார் எங்களுடைய திருத்தத்தை ஒத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக் கொள்ளுகிறேன்.”

SRI V. MADANAGOPAL :—“கனம் சேர்மன் அவர்களே, இந்த மசோதாவை நான் ஆதரித்து சில விஷயங்களை இந்த சபையினுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். இந்த நிலவரி சர்சார்ஜ் முறையும் அதில் உள்ள சரத்துக்களையும் கவனித்தால், தேவைக்கு மேல் வருமானம் வருகிறவர்களிடம் வருமானவரி விதிப்பது சர்க்காருடைய கொள்கை அல்ல என்பது தெளிவாக்குகின்றது. அப்படி இல்லையென்றால் எல்லா தரப்பாலும் ஒத்துக்கொள்ளக்கூடிய விவசாய வருமான வரியை இவ்வளவு காலமாக காலங்கடத்தவேண்டிய அவசியமில்லை. விவசாய வருமான வரியைப்பற்றி பேசுகின்ற காலத்தில் கனம் நிதிமந்திரி அவர்கள் சொல்லுகின்ற காரணமும், ரெவின்யூ மந்திரி அவர்கள் சொல்லுகின்ற காரணமும் என்னவெனில், விவசாயிகளால் கணக்கு வைத்துக்கொள்ள முடியவில்லை என்பதே. இது மிகவும் சரியான காரணமல்ல. உதாரணமாக, இன்றைக்கு டவுன்களிலும் கிராமங்களிலும் 10 பவுண்டு புகையிலை வாங்கி சின்ன வியாபாரம் செய்யும் வியாபாரிகூட மத்திய சர்க்காரின் விதிப்படி சிக்கல் நிறைந்த கணக்கை வைத்துக்கொள்கின்றனர். ஒழுங்காக கணக்கு வைத்திருக்க வேண்டியிருக்கிறது. அதேபோல் சிறிய அளவில் பீடி தொழில் செய்பவர்கள்கூட கணக்கு வைத்திருக்கிறார்கள். எழுதப்படக்கூடிய தெரியாத ஒரு வியாபாரிகூட தினசரி ரூ. 10, 15-க்கு வியாபாரமானாலும் விற்பனை வரி கட்டுவதற்காக வேண்டி கணக்கு வைத்துக்கொள்ள வேண்டியிருக்கிறது. இப்படி இருக்கும்போது விவசாயம் செய்யக்கூடியவர்கள் சரியான கணக்கு வைத்துக்கொள்ள முடிவதில்லை என்று கூறுவது சரியான காரணமாகத் தெரியவில்லை. இன்றைக்கு கிராமங்களிலே ஒருவர் 100 ரூபாய் கடன் கொடுப்பதாயிருந்தால் 200 ரூபாய்க்கு பாண்டு எழுதி வாங்கிக்கொண்டு கணக்கு வைத்துக்கொள்ளத் தெரியும்போது, வருஷத்திற்கு மூவாயிரம் நாலாயிரம் வருமானம் வருவதை கணக்கு வைத்துக்கொள்ள முடிவதில்லை என்று கூறுவது மிகவும் தவறு. அவர்கள் வருமானக் கணக்கை கவனமாக நல்ல முறையில் வைத்திருப்பார்கள் என்பதில் எந்தவிதமான தடங்கலும் இருக்கமுடியாது. இந்த விவசாய வருமான வரியை மிராஸ்தார்களை தவிர வேறு எந்த பகுதியும் எதிர்க்கவில்லை. சமீபத்தில் மதுரையில் நடந்த தென்னாட்டு தோட்ட விவசாயிகள் (மிராஸ்தார்கள்) கூட்டத்தில் கூறியுள்ளதை கவனித்தால் இந்த உண்மை நன்கு தெரியும். அவர்கள் கூறியுள்ளார்கள் எங்களுக்கு விவசாய வருமான வரி போடவேண்டாம், சர்சார்ஜையே போடுங்கள், தாராளமாக கொடுக்கிறோம் என்று. சர்க்காரும் இதை இவர்கள் ஒரு நன்கொடைபோல் கொடுத்துவிட கூடுமென்ற முறையிலேதான் இந்த சர்சார்ஜ் மசோதாவை கொண்டு வந்திருக்கின்றனர். 1952-வது வருடத்தில் இதே மசோதா சபை முன்வரும்பொழுது இருந்த சில முக்கிய அம்சங்களையும் மிராஸ்தார்களுக்கு சாதகமாக மாற்றப்பட்டுள்ளது. அன்று வரி விலக்குக்கு உள்ளான தொகை ரூ. 100, இன்று 500 ரூபாய், நிலவரி செலுத்துபவர்களுக்கும் சர்சார்ஜ் இல்லையென திருத்தப்பட்டுள்ளது. 500 ரூபாய்க்கு மேல் கிஸ்தி செலுத்தக்கூடிய நிலப்பிரபுக்களுக்கு வரிவிலக்கு அளிக்க சர்க்கார் தாயாராக இருக்கிறது. சில பகுதியில் சென்ற வருஷம் பஞ்சம் ஏற்பட்டு அங்குள்ள விவசாயிகளுக்கு பரிபூரணமான நஷ்டம் ஏற்பட்டது. அவர்களிடத்திலே செலவுக்கூட பணமில்லாமலும், 5 ரூபாய் கிஸ்திகூட செலுத்த முடியாமலும் தங்களுடைய ஆடுமாடுகளை விற்கும்படியான நிலைமையில் அங்குள்ள விவசாயிகள் கஷ்டப்பட்டனர். அப்படிப்பட்ட விவசாயிகளிடமிருந்து வரிவசூலிக்க சர்க்கார் அவர்களுடைய சொத்துக்களை ஐந்தி செய்ய முயலுகிறது. ஆனால் 500-க்கு மேல் வரி செலுத்தக்கூடியவர்கள் விஷயத்தில் மட்டும் வரிவிலக்கு அளிக்கப்படுகிறது.

“விவசாய வருமானவரி என்று சொன்னால், இதில் சர்க்கார் கவனக் குறைவாகவே இருந்து வருகிறது. தண்ணீர் தீர்வையாக செலுத்தும் தொகைக்கு சர்சார்ஜ் கூடாது என சில மெம்பர்கள் கூறினார்கள். மேலும் உரம் விலை அதிகம், விவசாயச் செலவு அதிகம். ஆகவே வரியை அதிகப்

[Sri V. Madanagopal] [10th May 1954]

படுத்தக்கூடாது என்றெல்லாம் விவாதிக்கப்பட்டது. நீர்ப்பாசன பிரதேசங்களில் இருக்கக்கூடிய நஞ்சை நிலத்திற்கும், புஞ்சை நிலத்திற்கும் வித்தியாசம் இருப்பதைக் காணலாம். நஞ்சை நிலத்திற்கு தண்ணீர் வசதி செய்யவேண்டிய அவசியமில்லை. அதன் காரணமாக அந்த நிலத்திலே விவசாயத்திற்கு ஒரு உத்தரவாதம் இருக்கிறது. நஞ்சை நிலத்திலே ஒரு கலத்தின் உற்பத்திச் செலவு 10 ரூபாய் என்றால் புஞ்சை நிலத்திலே ஒரு கலம் உற்பத்தி செய்வதற்கு உற்பத்திச் செலவு 20 ரூபாய் ஆகிறது. தண்ணீர் இறைத்து புஞ்சை விவசாயம் செய்வது என்பது பெரும் சிரமம் கொண்டதாக உள்ளது. உதாரணமாக ஒருவருக்கு 30 ஏக்கர் நஞ்சை நிலமோ, 200 ஏக்கர் புஞ்சை நிலமோ இருக்கிறதென்றால் அவர்களில் பெரும்பாலோர் நேரடி விவசாயிகள் அல்ல. 100-க்கு 99 சதவிகிதம் பேர் நிலத்தை வாடகைக்கு விட்டுவிடுகின்றனர். ஆகவே தான் அப்படிப்பட்ட மிராசுதாரர்களுக்கு வருமானத்தின் பேரில் விவசாய வருமான வரியை போடவேண்டுமென்று சொல்லுகிறோம். ஒருவருக்கு 30 ஏக்கர் நஞ்சை பூமி இருக்கிறதென்றால், ஒரு ஏக்கரில் 10 மூட்டை அதாவது சுமார் 180 ரூபாய் வாடகையாக குத்தகை அல்லது வாரமாக அவருக்கு வருகிறது. அதுபோல் 30 ஏக்கருக்கு கணக்கிட்டால் 4,500 ரூபாய் நிலத்திலிருந்து மட்டும் அவருக்கு வாடகையாக வருமானம் வரக்கூடிய வசதியிருக்கிறது. ஆகவேதான் அப்படியுள்ளவர்களிடம் இந்த விவசாய வருமான வரியை வசூலிக்க வேண்டுமென்று சொல்லுகிறோம்.

“இந்த சர்சார்ஜ் ரூ. 250 விருந்து ரூ. 500 வரை நிலவரி செலுத்துபவர்களுக்கு 4 அணுவும், ரூ. 500 முதல் ரூ. 1,000 வரை எட்டணு வென்றும் ரூ. 1,000-க்கு மேலுள்ளவற்றிற்கு 1 ரூபாய் என்று முன்பு விதிக்கப்பட்டிருந்தது. இன்றைக்கு அது குறைக்கப்பட்டிருக்கிறது. ஆகவே பழையபடி அதை உயர்த்தவேண்டும். அதற்கு பதிலாக மத்தியதர ஏழை மக்களை பாதிக்கக்கூடிய சாதாரண மில் துணிகள்தான் சர்க்கார் வரி விதிக்க தொடங்கியிருக்கிறது. அதே போல் தங்கம், வெள்ளி நகைகள், இமிடேஷன், வைரம் போன்றவற்றின் மேல் வரிபோடப்பட்டிருக்கிறது. இன்று வேலை இல்லா திண்டாட்டத்தாலும் இதர நெருக்கடியாலும் அவதியுறும் தொழிலாளர்களையும் மத்தியதர மக்களையும் பாதிக்கும் வரிவிதிப்புகளை கைவிட்டு தேவைக்கு மேல் வருமானம் அடைகின்றவர்களிடம் அதிக வரி வசூலிக்கும் கொள்கையை சர்க்கார் கையாளவேண்டும். ஜில்லா என்பதற்கு மாகாணம் என்று மாற்றவேண்டுமென இந்த மசோதாவிற்கு கொடுக்கப்பட்டுள்ள திருத்தத்தை ஏற்றுக்கொள்ளவேண்டுமென கேட்டுக்கொண்டு என் வார்த்தைகளை முடித்துக்கொள்ளுகிறேன்.”

SRI M. NARAYANA KURUP :—“ Mr. Chairman, Sir, mine is a simple amendment and its object is only to bring the main clause into line with the illustrations in the Bill. As has been pertinently pointed out by an hon. Member illustrations are not part of the sections. They must flow from the principle enunciated in the section. Reading the illustrations, we would find that if a person is to pay assessment in different capacities, they will not be tacked on together. But if the clause stood alone without the illustration, it would be capable of the other interpretation. We have known many cases where the sections were clear and courts have ignored the illustrations and given decisions according to the letter and spirit of the illustration. Therefore, what I want is to add 'in the same capacity'. It would mean that if a landholder pays assessment in different capacities, it will not be tacked on together. I hope this amendment which only clarifies the position will be acceptable to the Government.”

SRI S. S. KOLKEBAIL :—“ Mr. Chairman, Sir, I commend my amendment to the Government so that certain landlords who

[Sri S. S. Kolkebail] 10th May 1954]

have leased out their land on a permanent basis to the tenants may not be affected by this Bill. Now, as the Government also know, the land tenure system varies from district to district. In the case of South Kanara, land tenures are quite different from other districts. There, we have got what is called 'valavargadhar', a word unknown in any other part of the State. What does this mean? Valavargadhar is virtually a tenant who does not pay any rent to the landlord but has only to pay the assessment. But unfortunately, the patta of the property will be in the name of the landlord. The valavargadhar is not a pattadar. He is only a tenant but under the present Bill the pattadar may be liable to pay surcharge on the assessment which the tenant has to pay. Now there is no law under which the pattadar can claim this from the valavargadhar. So, it will be a rather bad law if we ask the pattadar to pay the surcharge for a land from which he is not deriving any benefit either in kind or in cash. Under these circumstances I submit that they must be made to pay and not the person in whose name the patta of the property stands. That is one aspect.

“Then there are what are called 'Mulgeni' tenants. Under this, there are four classes of tenants. These are enjoying lands on a fixed rent for perpetuity. In many cases they have to pay rent less than the assessment prior to 1920. So the Government passed an Act called the Mulgeni Enhancement of Rent Act under which the landlord was given the right to move the Revenue Courts to get the rent enhanced. Now under this Bill, it is not the rent that is going to be enhanced but a surcharge is proposed to be levied. It may not come within the definition in that Act. Whatever it may be, the tenants should not be made liable to pay to the landlord this enhanced surcharge or assessment. If the tenants are made to pay this either under that Act or under this Bill, the tenants would be put to great hardship. Therefore, I say that these tenants should be exempted from paying this surcharge because they are in possession of only small holdings. If the landlords were given the right to collect this from the tenants, immediately they will rush to courts to get a decision in their favour. If my amendment is accepted by the Government, the landlord will be made liable to pay this surcharge and the tenants will be exempted from paying it. Therefore, I request the Government to accept this amendment also.

“Further, there is another system which is peculiar to South Kanara and that is the 'Kumki' privileges. For cultivating the nanja lands the tenants require some foliage and green leaves. For that purpose, the land tenure system has been evolved by the Board of Revenue and the Board has framed clear rules under which the persons in possession of such lands shall be entitled to have two acres of 'punja' lands. On the strength of these rules, a person holding 100 acres of these lands shall be entitled to have 200 acres of 'punja' lands. They are uncultivable. From these lands the landlords are not getting any benefit whatsoever. The tenants in possession of these lands also are not getting any benefit from

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these uncultivable lands which are necessary for proper cultivation of these 'nanja' lands. These uncultivable lands are taken from Government for the purpose of conserving forest growth. For having grazing ground or growing green manures only, these lands are taken. No direct benefit is derived from these lands. The only indirect benefit is that of getting green manure for cultivating the 'nanja' lands. So my submission is that these 'punja' lands which are uncultivable should not be surcharged. This aspect of the matter was covered by me in my minutes submitted by me in the Select Committee Report in the year 1952. If the Government were to go through the report dated 10th October 1952 they will find that all these amendments that I have moved to-day stand part of the Bill accepted by the Government, the Revenue Minister, the Hon. Minister for Finance and everybody concerned. This was discussed and then accepted by the Government. So my submission to the Government is that there can be no objection to the Government accepting the amendments moved by me now and which were already accepted by them in October 1952. So I commend that these amendments may be accepted by Government and justice done to the tenants."

SRI T. ANANTA PAI:—"Mr. Chairman, Sir, yesterday speaking during the general discussion, I was urging upon the Government that as far as possible the proposed surcharge should be made payable by the landlords themselves and not passed on to the tenants as it was very likely that this incidence might be indirectly passed on to them. That objection could be got over if the Government are pleased to accept the amendments moved by the hon. Member Sri Narayana Kurup wherein he says 'notwithstanding any agreement to the contrary, no enhancement of the rent must be permitted in order to see that this is passed on to the tenant'. But conditions in South Kanara, however, require further amendments because it is not in every case that it could be paid by the landlord. In cases such as those pointed out by the hon. Member Sri Kolkebil—in the case of Valavargadar, kayamgenidar, permanent tenants, Mulgeni tenant, or usufructuary mortgagee so far as the whole State is concerned,—it would be necessary to see that this is not imposed on the landlord because very probably what he is getting under the contract from the tenant will be negligible and where the benefits are enjoyed by the tenants themselves, it is but fair that the tenants must be made to pay the surcharge. I would, therefore, commend to the Government the acceptance of the amendments moved by the hon. Member Sri Kurup and part of the amendment moved by hon. Member Sri Kolkebil, reading as follows: 'Where any lands including cultivated punja lands are in the possession of a Valavargadar, Kayamgenidar, permanent tenants, Mulgeni tenant, or usufructuary mortgagee, he shall be liable to pay the surcharge in respect of these lands' with the addition 'notwithstanding any contract to the contrary'. If these further words are added to his amendment, the other part of the amendment of the hon. Member Sri Kolkebil appear to be unnecessary. Of course, the

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question of exempting the 'Kumki' lands is a matter to be decided by the Government as the land revenue surcharge is levied not with reference to the type of lands and the objection raised by the hon. Member Sri Kolkebil may not hold water. The Select Committee might have taken this point into consideration because in the first instance the exemption limit was not so high. Now since the surcharge is to be collected only from the big landlords, it may not make much difference even if these are not exempted. I would, therefore, urge upon the Government to see that while the surcharge is not levied on the tenants generally, in exceptional cases as was pointed out by me, it is the tenants that should be made to pay and not the landlords.

"Thank you, Sir."

SRI N. SIVARAJ:—"தலைவர் அவர்களே, கனம் நண்பர் ஸ்ரீ ராமலிங்கம் கொண்டு வந்திருக்கும் திருத்தத்தை ஆதரித்து சில வார்த்தைகள் சொல்ல விரும்புகிறேன். அவர் கொடுத்திருக்கும் திருத்தம் என்னவென்றால், surcharge வரி போடக்கூடிய காலத்திலே, சிறு பட்டாதார்களுக்கு நில வரி விலக்கு அளிக்கவேண்டுமென்பதே. இன்றைய தினம் சர்க்காருக்கு அதிகப்பணம் தேவையாகியிருப்பதினால், இந்த உபரி வரி மசோதாவைக் கொண்டு வந்திருக்கிறார்கள். சர்க்காருக்கு பணம் கிடைக்க வேண்டுமானால், விவசாயிகளுக்கு நில வருமான வரியை ஒரு நல்ல முறையிலே விதிக்கலாம். இந்த உபரி வரியிலிருந்து சுமார் ரூ. 7 அல்லது 8 லட்சம் சர்க்காருக்குக் கிடைக்கும் என்று எதிர்பார்க்கப் படுகிறது. இந்த உபரி வரி அமுலிலிருக்கக் கூடிய காலத்தில் ரூ. 15-க்கும் குறைவாக கிஸ்தி செலுத்தக் கூடிய ஏழைப்பட்டாதார்களுக்கு நில வரியிலிருந்து விலக்களிக்க வேண்டுமென்று தோழர் ஸ்ரீ ராமலிங்கம் கொண்டு வந்திருக்கும் திருத்தம் மிகவும் நியாயமானதே. இன்னொரு திருத்தமும் கொடுக்கப்பட்டிருக்கிறது. அதாவது இந்த surcharge rate-ஐ உயர்த்த வேண்டுமென்றும் ரூ. 250-க்கு மேல் கிஸ்தி செலுத்துபவர்களுக்கும் இந்த உபரி வரியைவிதிக்க வேண்டுமென்பதே. அதாவது முதல் ரூ. 250 வரை இந்த வரி கிடையாது. அதற்கடுத்த ரூ. 250-க்கு, இப்பொழுது உத்தேசித்திருக்கும் 2 அணவுக்குப் பதிலாக 4 அணவாகவும், அதற்கு மேலே உள்ள ரூ. 500 வரையில் 8 அணவாகவும், மீதமுள்ள தற்கு ரூ. 1 ஆகவும் உயர்த்த வேண்டுமென்று இந்தத் திருத்தம் சொல்லுகிறது. இந்த விதிப்படி வரி விதித்தால், சர்க்காருக்கு இரண்டு பங்கு வருமானம் நிச்சயமாகக்கிடைக்கும், கிட்டத்தட்ட ரூ. 15 அல்லது 20 லட்சம் கிடைக்கும். ஆகவே, இவ்விரு திருத்தங்களும் நியாயமானவை. இந்த உயர்ந்த கட்டணத்தை விதிப்பதால் மிராசுதார்கள் பெரிய அளவுக்குப் பாதிக்கப்படமாட்டார்கள் என்று நிச்சயமாகச் சொல்லலாம். பெரிய நிலச்சுவான்தார்கள் அநேகமாக குத்தகைதாரர்கள் தான். அவர்கள் நேரிடையாகச் சாகுபடி செய்வதில்லை. எங்கள் ஜில்லாவைப் பொறுத்த வரை, குத்தகை, வாரம் ரேட்டைப் பார்க்கும் பொழுது, விவசாயத்தில் பங்கு எடுத்துக்கொள்ளாமல், உட்கார்ந்துக் கொண்டே சவுகரியமாக வாழ்க்கை நடத்துவதற்கு, 60 சத விசதம் வருமானம் அவர்களுக்குக் கிடைக்கிறது. இந்த ரேட்டை உயர்த்துவதினால் சர்க்காருக்கு ரூ. 10 அல்லது 12 லட்சம் கிடைக்கும், ஆகவே, சிறிய பட்டாதார்களுக்கு, போதுமான வருமானமில்லாதவர்களுக்கு, வரி விதி விலக்கு அளிக்கவேண்டும். இந்த இரு திருத்தங்களும் மிகவும் நியாயமானதால், அவைகளை ஆதரித்து, என் உரையை முடித்துக் கொள்ளுகிறேன்."

SRI P. RANGASWAMY REDDIAR:—"கனம் தலைவர் அவர்களே, இந்த மசோதாவின் மூன்றாவது clause-க்கு கொடுக்கப்பட்டிருக்கும் திருத்தங்களை நான் ஆதரிக்கிறேன். மூன்றாவது கிளாஸில் 'in respect of lands held by him in a district shall pay to the Government for that fasli a surcharge on the land revenue payable by him'

[Sri P. Rangaswamy Reddiar] [10th May 1954]

என்றுச் சொல்லப்பட்டிருக்கிறது. 'ஒரு ஜில்லாவில் இருக்கின்ற நிலங்கள்' என்பதை மாற்றி 'ராஜ்யம் முழுவதிலும் இருக்கின்ற நிலங்கள்' என்ற திருத்தத்தை கனம் அமைச்சர் அவர்கள் ஒப்புக் கொள்ளுவதாகச் சொல்லிவிட்டதால், அதை விட்டு விடுகிறேன். மற்ற clause களிலும் இதற்குத் தகுந்தாற்போல் மாறுதல்கள் செய்யவேண்டும்.

"திருவாளர் பழனிசாமி அவர்கள் ஒரு திருத்தம் கொண்டு வந்திருக்கிறார்கள். அதன்படி clause 3 (A)-ல் 'Nil' என்பதற்கு பதிலாக 2 அணு, (B)-ல் 2 அணுவுக்குப் பதிலாக 4 அணு என்றும், (C)-ல் 4 அணுவுக்குப் பதிலாக 8 அணு என்றும், (D)-ல் 8 அணுவுக்குப் பதிலாக 1 ரூபாய் என்றும் வரி விதித் தம் உயர்த்தப்படவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. அதை நான் ஆமோதிக்கிறேன். உதாரணமாக, ரூ. 250 கில்தி செலுத்துபவர்கள் அதிகப்படி ரூ. 31-4-3 கொடுக்கவேண்டும். இதைக் கொடுப்பது கஷ்டமாயிருக்குமென்று சொன்னால் அதை ஒத்துக் கொள்ளமுடியாது.

"இன்னொரு விஷயத்தையும் சர்க்கார் கவனத்துக்குக் கொண்டு வர விரும்புகிறேன். நம்முடைய ராஜ்யத்தில் அநேக இடங்களில் 'Settlement' நடந்து 30 அல்லது 35 ஆண்டுகள் ஆகிவிட்டன. இதற்குள் நிலங்களுடைய பொறுமானத்திலும் அவைகளிலிருந்து கிடைக்கக் கூடிய வருமானத்திலும் பலவித மாறுதல்கள் ஏற்பட்டிருக்கின்றன. இவற்றையெல்லாம் கணக்கில் எடுத்துக் கொண்டு பார்த்தால் இப்பொழுது Survey நடத்தாமல் பழைய வரி விதிதாசரத்தையே அனுஷ்டிப்பதில் நிலப் பிரபுக்களுக்கு லாபமே ஒழிய நஷ்டமில்லை. இந்த சூழ்நிலையில் திருத்தத்தில் சொல்லப்பட்டிருக்கும் விதிதாசாரம் அதிகமானது என்று யாரும் சொல்லமுடியாது.

"அடுத்த படியாக ஒரு விஷயம் சரியாகப் புரியவில்லை. 'அது உதாரணங்களை பற்றியது. முதல் உதாரணத்தில், A என்பவர் தனியாக அவர் பேரில் உள்ள நிலங்களுக்கும் ரூ. 300 வரி செலுத்துபவர், A, B, இருவரும் சேர்ந்து கூட்டுப்பட்டாதாரங்களாக ரூ. 300 கில்தி செலுத்துபவர்கள். B, C இருவரும் அதே மாதிரியாக ரூ. 300 கில்தி செலுத்துபவர்கள். C மட்டும் தனியாக ரூ. 300 வரி செலுத்துபவர். இந்த உதாரணத்தின்படி, 'Each of these three persons A, B and C is liable to pay surcharge' என்று சொல்லப்பட்டிருக்கிறது இது எப்படி நடைமுறையால் அமுல் செய்யப்படுமென்று தெளிவு படுத்துவது அவசியம். A, B, C மூவரும் சேர்ந்து மொத்தம் ரூ. 1,200 மீது உப வரி செலுத்தவேண்டும். முதல் ரூ. 250-க்கு வரி கிடையாது. அடுத்த ரூ. 250-க்கு 2 அணு வீதமும் அதற்கு மேல் ரூ. 500-க்கு 4 அணு வீதமும், அதற்கு மேல் ரூ. 200-க்கு 8 அணு வீதமும் கணக்குப் பார்த்தால் மொத்தம் ரூ. 256-4-0 வருகிறது. இந்த உபரி வரியை A, B, C மூன்று பேர்களும் விதிதாசாரப்படி பகிர்ந்து கொள்ளவேண்டுமா? அல்லது ஒவ்வொருவரும் தனித்தனியாகக் கொடுக்கவேண்டிய வரியை கணக்கில் எடுத்துக் கொண்டு அதன்படி உபரி வரி கொடுக்கவேண்டுமா? மூன்றாவது clause படி ரூ. 500-க்கு மேல் கில்தி செலுத்துபவர்கள்தான் இந்த உபரி வரியை செலுத்த வேண்டும். A தனியாக ரூ. 300 வரி செலுத்துகிறார். A, B இருவரும் சேர்ந்து செலுத்துகிற ரூ. 300-ல் A மட்டும் ரூ. 200 கொடுப்பதாயிருந்தால் மொத்தம் A என்பவர் ரூ. 500-க்கு வரி செலுத்தவேண்டும். B என்பவர் பாக்கி ரூ. 100, B, C இருவரும் கொடுக்கும் வரியில் ரூ. 200-மாக மொத்தம் ரூ. 300-க்கு வரி செலுத்தவேண்டும். C என்பவர் பாக்கி ரூ. 400-க்கு வரி செலுத்தவேண்டும் இப்படி கணக்குப் பார்த்தாலும் ஒவ்வொருவரும் கொடுக்கிற கில்தி ரூ. 500-க்கு மேல் போகாததால் யாரும் உபரி வரி செலுத்தவேண்டியதில்லை யென்று அர்த்தமா? அல்லது கூட்டுப் பட்டாதார என்ற காரணத்தினால் வரி செலுத்த வேண்டுமா என்பதைத் தெளிவாக்கவேண்டும். இல்லாவிடில் அனுவசியமான வீண் பிரச்னைகளுக்கும் கோர்ட்டு விவகாரங்களுக்கும் இடமளிக்கும். நான் ஏற்கனவே எடுத்துக்காட்டியது போல மூன்றாவது clause-ல் கொடுக்கப்பட்டிருக்கும் 4-வது, 5-வது உதாரணங்கள். திருத்தி அமைக்கப்படவேண்டும் இந்த மூன்றாவது clause-க்கு எதிர் கட்சியினர் கொடுத்திருக்கும்

[Sri P. Rangaswamy Reddiar] [10th May 1954]

திருத்தங்களை சர்க்கார் ஏற்றுக்கொண்டாலும் சரி, ஏற்றுக் கொள்ளாவிட்டாலும் சரி இதை மீண்டும் ஒரு முறை பரிசீலனை செய்து திருத்தி அமைக்காவிட்டால் மேலே கூறியபடி, வீண் விவகாரங்களுக்கு இடம் ஏற்படும் என்று சொல்லிக்கொண்டு எனது உரையை முடித்துக்கொள்ளுகிறேன்."

SRI P. G. KARUTHIRUMAN :—"கனம் சேர்மென் அவர்களே இந்த மசோதாவிலேயே மிகவும் முக்கியமான பகுதி இது. எப்படி, எந்த முறையில் வரிவிதிக்கவேண்டுமென்று இதில் காணப்பட்டிருக்கிறது. இதிலே முக்கியமான அபிப்பிராய பேதம் என்னவென்றால் நம் எதிர்க் கட்சி அங்கத்தினர்கள் நிலங்களுக்கு சர்சார்ஜ் விதிப்பதை விட்டு வருமான வரி விதிக்க வேண்டுமென்கிறார்கள். அதை சர்க்கார் ஒத்துக்கொள்ளவில்லை வருமான வரி விதிக்க வேண்டுமென்று சொல்லுகிறவர்களில் நூற்றுக்கு 75 பேருக்கு மேல் விவசாயம் என்னவென்றே தெரியாதவர்கள் என்று நான் வற்புறுத்திச் சொல்ல முடியும்."

SRI S. RAMALINGAM :—"நிலமே யில்லாதவர்கள்!"

SRI P. G. KARUTHIRUMAN :—"பட்டினத்தில் இருந்து கொண்டு இருக்கின்ற தொழிற்சாலைகளிலுள்ள தொழிலாளர்களிடம் சந்தா வாங்குவதும், அவர்களுடைய வாழ்க்கையை உயர்த்தப் போராட்டம் நடத்தவும் மாத்திரம் தெரிந்தவர்கள், தங்களது நகர அனுபவத்தை மாத்திரம் வைத்துக் கொண்டு விவசாய வருமான வரி விதிக்க வேண்டுமென்று சொல்லுகிறார்கள். விவசாயிகளின் உண்மை நிலைமை என்னவென்றே இவர்களுக்குத் தெரியவில்லை. 'உழுதவன் கணக்குப் பார்த்தால் உழவுகோல் கூட மிஞ்சாது,' என்று சொல்லுவார்கள். அது முற்றிலும் உண்மையாகவே இருக்கிறது. உதாரணமாக ஒரு ஏக்கராவுக்கு ரூ. 200-லிருந்து ரூ. 250 வரை பயிர்ச்செலவு ஆகிறது, நெல் விளையும்படியான பூமியில், இப்பொழுது இருக்கும் விலைப்படி ரூ. 300-லிருந்து ரூ. 320 கிடைக்கும். அதாவது கிட்டத் தட்ட 70 ரூபாய் லாபம் கிடைக்கும் சரியான வெள்ளாமை விளைந்தால், இதற்காக அவர்கள் பட வேண்டிய கஷ்டம் கொஞ்சநஞ்சமல்ல. வியாபாரிகளுக்கு வருமான வரி போடுவதில் எவ்விதமான ஆட்சேபனையுமில்லை. அவர்கள் கணக்குகள் ஒழுங்காக எழுதிவைப்பார்கள். ஆனால் விவசாயத்தில் ஈடுபட்டிருக்கும் மக்களில் நூற்றுக்கு எண்பது பேர்களுக்கு மேல் எழுதப் படிக்கத் தெரியாதவர்கள்; வாயில்லாப் பூச்சிகள் விவசாயத்தில் ஈடுபட்டு உழைப்பதைத் தவிர அதில் நாலு காசு கூட சம்பாதிக்க வழியில்லாதவர்கள்."

SRI S. VADIVELU :—"Sir, on a point of order : கனம் அங்கத்தினர் பேசும்போது 'உழுதவன் கணக்குப் பார்த்தால் உழவுகோல் கூட மிஞ்சாது' என்று சொல்லி விவசாயத்தில் லாபமே யில்லை யென்கிறார்கள்.' மிராசுதாரர்கள் நாளுக்கு நாள் ஏழைகளாகவா போய்க் கொண்டிருக்கிறார்கள் என்று கேட்கிறேன்."

SRI P. G. KARUTHIRUMAN :—"மிராசுதாரர்களுடைய கடன் பளு நாளுக்கு நாள் எவ்வளவு அதிகரித்துக் கொண்டு போகிறது என்பதை கனம் அங்கத்தினர் கவனித்தாரானால் நான் சொல்வதன் உண்மை விளங்கும். 1938-ம் வருஷத்தில்தான் கடன் நிவாரண மசோதா வந்தது. அதற்குப் பிறகு இன்றைய தினம் பார்த்தால் நாலாயிரம் ரூபாய், ஐயாயிரம் ரூபாய் என்று ஒவ்வொரு வரும் கடன் வாங்கியிருக்கிறார்கள். விவசாயிகள் பொருளாதாரம் சிறப்பாக இருந்தால் இன்று கடன் ஒத்திவைப்புச் சட்டம் எதற்கு? அவர்களது உள் வாழ்க்கை வெளியில் வேண்டுமானால் தெரியாமலிருக்கலாம். உதாரணமாக T.B. நோயாளி படுக்கையில் இருக்கும்போது ஒரே உப்பலாக உப்பியிருப்பான். வெளியில் பார்த்தால் நோயற்றவனைப் போலிருக்குமே தவிர நோய் அவனுடைய உள்ளே குடைந்திருக்கும். அதே போலத்தான் விவசாயிகளின் வாழ்க்கையிருக்கிறது. இவைகளை எல்லாம் பேசிப் பிரயோசனமில்லை. (At this stage Mr. Speaker resumed the chair.) வாயில்லாப் பூச்சிகளான ஏழை விவசாயிகளை கணக்குகள் வைத்துக்

[Sri P. G. Karuthiruman] [10th May 1954]

கொள்ளவேண்டுமென்று நிர்ப்பந்தம் செய்வது சரியல்ல. வருமான வரி விதிக்கவேண்டுமென்றால் வருமான வரி அதிகாரிகளுக்குக் கணக்குகள் காட்ட அவர்கள் கணக்குகள் வைத்துக்கொள்ள வேண்டிய நிர்ப்பந்தம் வரும். நம் விவசாய மக்களுக்கு வருமான வரி அதிகாரிகளிடம் கணக்குகளை சரி வர ஒப்பித்து அவர்களை திருப்தி செய்ய முடியுமாவென்று கேட்கிறேன் ? ”

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

MR. SPEAKER :—" Hon. member is not yielding."

SRI N. K. PALANISAMI:—"On a point of order, Sir, கனம் அங்கத்தினர் அவர்கள் பேசும்போது விவசாயிகளுக்குக் கணக்கு வைத்துக்கொள்ளத் தெரியாதென்றும், அதனால் வருமானவரி விதிப்பது சரியல்லவென்றும் சொன்னார். புகையிலை வரி எந்த அடிப்படையில் வாங்கப்படுகிறது என்று கேட்கிறேன்."

SRI P. G. KARUTHIRUMAN :—“ உற்பத்தியாகும் இடத்தில் புகையிலைக்கு வரி கிடையாதென்றும் விற்கும்படியான இடத்தில்தான் வரி விதிக்கப்படுகிறது என்பதை கனம் அங்கத்தினருக்குத் தெரிவித்துக் கொள்ள விரும்புகிறேன்.

“இன்றைய சூழ்நிலையில் வருமான வரி விதிப்பது என்பது கொஞ்சம் கூட முடியாத காரியம். இன்றைக்கு மாத்திரமல்ல. நாளைக்கு எதிர்க் கட்சிக்காரர்களே இந்த மந்திரி சபையை அமைத்து ராஜ்ய நிர்வாகத்தை நடத்துவது என்றாலும் கூட விவசாயிகளுக்கு வருமான வரி விதித்து, அதை வெற்றிகரமாக நடத்த முடியாது என்று நான் திட்ட வட்டமாகச் சொல்ல முடியும்.

“விவசாயம் என்பது சாதாரண விஷயமல்ல, நாலாயிரம், ஐயாயிரம் ரூபாய் முதலீடு செய்தால் 500, 600 ரூபாய்க்கு மேல் லாபம் வராது. இதே மூலதனம் வேறு எந்தத் தொழிலில் போட்டாலும் போட்ட மூல தனத்தையே லாபமாக அடையலாம். நகரங்களில் ஒரு வெற்றிலை பாக்டுக் கண்டை வைத்திருக்கிறவர் கூட விவசாயத்தில் அடையும் லாபத்தை விட அதிகம் அடைகிறார். இந்த விஷயத்தில் நேரிடையான என்னுடைய அபிப்பிராயம் என்னவென்றால் தற்காலத்தில் உற்பத்திப் பொருள்களின் விலை குறைந்து, —ஆனால் உற்பத்திச் செலவு அதிகமாகி விட்டதன் காரணமாக 20 ஆயிரம் ரூபாய் முதலுக்கு 23 ஆயிரம் ரூபாய்தான் உண்மையாகவந்தது—அதிகச் கந்தாயம் கட்டினால் இந்த லாபமும் இருக்காது. இப்பொழுது கொண்டு வந்திருக்கும்படியான சர்சார்ஜ் கொள்கைக்கே பூரணமாக இணங்குவது கஷ்டமாகவுள்ளது. இந்த நிலைமையில் விவசாய வருமான வரி போடும் கொள்கை சரியானதல்ல. ஆகவே எதிர்க்கட்சி அங்கத்தினர்களை அதனை தயவுசெய்து விட்டு விரும்படியாக நான் கேட்டுக்கொள்ளுகிறேன். இன்றைய நிலைமையை உத்தேசித்து இவை யெல்லாவற்றையும் அடியோடு கைவிட்டு விட்டு ஒரு கமிட்டியை நியமித்து எந்த முறையில் வரி போடலாமென்று பரிசீலனை செய்தலே நலமென நான் நம்புகிறேன். அப்படியே சர்சார்ஜ் வரி போட்டாலும் கூட விவசாய வருமான வரி போட சிபார்சு செய்யவேண்டாமெனக் கேட்டுக் கொண்டு நான் முடித்துக் கொள்ளுகிறேன்.”

SRI R. KRISHNAN :—“ മിസ്റ്റർ സ്പീക്കർ, സർ, എന്റെ ശ്രേണിയിൽ ശ്രീ രാമലിംഗം കൊണ്ടുവന്നിരിക്കുന്ന ഈ ദേശാതിയെ അനുക്രമിച്ചുകൊണ്ട് രണ്ടു വാക്കു പറയാൻ ഞാനുദ്ദേശിക്കുന്നു. ഈ സച്ചിദാഞ്ജ് ഏറ്റെടുത്തുന്നതിനെക്കുറിച്ച് സഭയിലെ പല ബഹുമാനപ്പെട്ട മെമ്പർമാരും അവരുടെ അഭിപ്രായങ്ങൾ പുറപ്പെടുവിച്ചുകഴിഞ്ഞിട്ടുണ്ട്. ഇപ്പോൾ പ്രശ്നം ഉണ്ടായ ശ്രീ കുഞ്ഞിരാമൻ ഇന്നെയും ഇന്നും ഈ ബില്ലിനെപ്പറ്റി സംസാരിക്കുകയുണ്ടായി. കാക്കിക്കാലായിനിൽ ഏറ്റെടുത്തുകയാണെന്നും അത് കൊണ്ട് കൃഷിക്കാർക്ക് വലിയ ബുദ്ധിമുട്ടുണ്ടാകുമെന്നും അതുകൊണ്ട് ഈ സച്ചിദാഞ്ജ് ഏറ്റെടുത്തുന്നതാണ് നല്ലതെന്നാണെന്ന് അദ്ദേഹം വാദിച്ചത്. കൃഷിക്കാർക്ക് വേണ്ട പലതരം അനുകൂലതകൾ തയ്യാറാക്കുന്നതിനായി കഴിവാകാൻ വേണ്ടി കണ്ടുപിടിച്ചിരിക്കുന്ന

10th May 1954] [Sri R. Krishnan]

ഒരു വാദമാണിത്. വാദിക്കുന്നതു മുഴുവൻ കൃഷിക്കാരന്റെ പേരിലാണ്. കൃഷിക്കാരന് കണക്കുവയ്ക്കാൻ അറിയില്ല, അതുകൊണ്ട് ക്ഷാങ്കിക്കാലായ നികുതി ഏല്പെടുത്തിയാൽ കൃഷിക്കാരന് ബുദ്ധിമുട്ടുണ്ടാകും എന്നാണ് പറയുന്നത്. കൃഷിക്കാരന്റെ പേരിൽ ഭവിക്കു വഹിക്കേണ്ടിവരുന്ന നികുതിയെ എതിർക്കുകയും സ്വച്ഛ്വദിന്റെ പേരിൽ കുറഞ്ഞ തോതിലുള്ള നികുതിയെ അനുക്രമിക്കുകയുമാണ് ചില മെമ്പർമാർ ചെയ്യുന്നത്. ഇവിടെ നികുതിക്കെട്ടുന്നതിനെ അനുക്രമിക്കുന്നുവെന്നു വരുത്തിക്കൂട്ടാനുള്ള ഒരു ശ്രമമാണ് ഇവിടെ കാണുന്നത്.

“**து**கிக்காரൻ களகப்பய்யான் അറിയാത്തവനല്ല. ആദായമുള്ള തുകിക്കാക്കുലാം കണക്കുപയ്ക്കുന്നിയാം. അഥവാ അറിഞ്ഞുകൂടാത്ത വല്ലവരുമുണ്ടെങ്കിൽ അവർക്കു കണക്കെഴുതുകയൊവെച്ചു കണക്കുസൂക്ഷിക്കാൻ കഴിയും. ചെറിയ ചെറിയ തുകിക്കാക്കു അതുകൊണ്ടു യാതൊരു ബുദ്ധിമുട്ടുമുണ്ടാകുന്നില്ല. പതിനഞ്ചുരൂപികയിൽ കുറഞ്ഞ നികുതി കൊടുക്കുന്ന ആളുകളെ ഒഴിവാക്കണമെന്നുള്ളതാണ് ഈ ഭേദഗതിയുടെ ഉദ്ദേശം. ഈ നികുതികൊണ്ടു ഗവണ്മെന്റ് പ്രതീക്ഷിക്കുന്നത് അഞ്ചു ലക്ഷത്തിനും ആറു ലക്ഷത്തിനും ഇടയ്ക്കുള്ള ഒരു വരുമാനമാണ്. നേരെമറിച്ച് കാർഷികാദായനികുതി ഏപ്പെട്ടതുകയാണെങ്കിൽ ഈ തുക അഞ്ചു കോടിയൊ ആറു കോടിയൊ ആയിത്തീരുമെന്നു എനിക്കുറപ്പുണ്ട്. ധാരാളം വലിയ ജന്മിമാർ നമുക്കു നാട്ടിലുണ്ട്. തുകിയിൽനിന്നുമാത്രം കൊല്ലത്തോറും പത്തു ലക്ഷവും പതിനഞ്ചു ലക്ഷവും ഹിരപ്പിക ആദായമുണ്ടാകുന്ന ജന്മികൾ നമുക്കു നാട്ടിലുണ്ട്. ഈ സഭയിൽത്തന്നെ അങ്ങനെയുള്ള ജന്മികളുണ്ട്. കുറച്ചുകുറച്ചുകുറച്ചിന്നും മറ്റും കൊല്ലത്തിൽ പത്തു ലക്ഷവും പതിനഞ്ചു ലക്ഷവും ആദായമെടുക്കുന്ന ആളുകൾ ഇവിടെയുണ്ട്. അതുകൊണ്ട് കാർഷികാദായനികുതി ഏപ്പെട്ടതുകയാണെങ്കിൽ നല്ലൊരു വരുമാനം ഗവണ്മെന്റിനാണ്ടുവരുന്നതല്ലെങ്കിൽ തക്കമില്ല. ആനിലയ്ക്കാണ് ശുക്കും പറയുന്ന ഈ കാർഷികാദായ നികുതിക്കു പകരമായി ഈ സൂപ്പർജ്ജിനെ ഒരിക്കലും കണ്ടുകൊണ്ടാൻ പാടില്ലെന്നു്. നികുതി കൂട്ടണമെങ്കിൽ ഗവണ്മെന്റുടെ അനുമതി വേണമെന്നു ഇവിടെ പറയുകയുണ്ടായി. അങ്ങനെ ഒരു നികുതി ഏപ്പെടുത്തുന്നതുവരെ പതിനഞ്ചുരൂപികയിൽ താഴെ നികുതി കൊടുക്കുന്നവരെ പൂണ്ണമായും ഈ സൂപ്പർജ്ജിൽനിന്നും ഒഴിവാക്കണമെന്നാണ് ഈ ഭേദഗതികൊണ്ടുദ്ദേശിക്കുന്നത്. അതിനെ ഞാൻ ബലമായി പിന്താങ്ങുന്നു.”

SRI K. PARTHASARATHY:—" Mr. Speaker, Sir, I rise to commend the principle contained in clause 3 as an attempt at rationalisation of the land tax structure in our State. Hon. Members may be aware that the land tax in this State is based on the uniform rule which shows no consideration to the fact whether a person owns a hundred acres or only an acre of land. It is uniform and even a person owning large tracts of land is not liable to pay any enhanced tax. Now, for the first time, there is an attempt at rationalisation of the structure of the land tax. People engaged in other professions and trades are liable to pay income-tax, profession tax and various other taxes but persons owning agricultural land and engaged in agriculture are not called upon to pay any tax on their income except the land revenue which is uniform and does not take into account the extent or the largeness of the size of the individual holding. The Government have now come to realize that there should be a rationalisation of the land tax structure and to bring it in conformity with other modes of taxation they have come forward with this Bill.

“ Sir, another point which was made out during the course of the debate was that an agricultural income-tax should be levied instead of this surcharge on land revenue. The hon. Member, Sri P. G. Karuthiruman, made a very powerful plea that this surcharge is better than Agricultural Income-Tax and that, in fact, a tax on agricultural income will be harmful. Some other hon. Members pointed out that there was no difficulty in imposing

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an agricultural income-tax on persons paying a land revenue of more than five hundred rupees. No doubt, in such cases, it may not be actually difficult to do so but hon. Members should realize that if one agricultural income-tax is imposed, it will work a hardship even on ordinary ryots. They will be subjected to harassment. We have heard in this House everyday complaints about the harassments caused by officers of the Commercial Taxes Department.

“In order to avoid such happenings, it is a desirable thing that the Government have come forward with this Bill. After all, what is this land revenue? All hon. Members may be aware that land revenue was fixed on the ‘half-net’ principle. The majority of lands in this State are held under the ryotwari tenure. Under this tenure, land revenue was fixed on the ‘half-net’ principle, that is, half the net produce from the land was fixed as the land revenue. Therefore, Sir, if a surcharge is imposed on land revenue, what does it amount to? It amounts to a tax on the net produce which the landowner gets or, in other words, it amounts to a tax on the agricultural income depending on the extent of the holding of the individual who owns the land. This may be an empirical or a rough and ready method of taxing the income from agriculture but I submit it is a very good substitute for the Agricultural Income-tax as, in fact, the surcharge is, as I have explained, based on the income from land. As regards plantations, the Government have taken into account the huge profits obtained by the planters and, in regard to ryotwari tracts, it is a very good thing that this surcharge is to be levied as contemplated in Clause 3 of this Bill.

“Sir, I am glad the Government have realized the mischief done by the inclusion of the words ‘in a district’ in clause 3 and have agreed to remove this anomaly. There are also several other anomalies, as pointed out by the hon. Member, Sri P. Rangaswami Reddiar. But, I submit that these anomalies cannot be removed by accepting the amendment proposed by the hon. Member Sri M. Narayana Kurup, namely, to insert the words ‘in the same capacity’ after the words ‘Every landholder who is liable to pay’ in clause 3. I do not know how this is going to improve matters. One of the objects of the Bill seems to be that if a person pays land revenue in his individual capacity as the sole pattadar and again pays land revenue as a joint pattadar in respect of some other lands he should be liable to pay the proposed surcharge. But the suggested amendment to include the words ‘in the same capacity’ may exclude such a contingency because the words ‘in the same capacity’ may be argued to mean that in the instance mentioned by me the same pattadar who pays land revenue as sole owner is not occupying the same capacity when he is paying land revenue as joint pattadar or co-owner with another person, and, therefore, the two amounts should not be taken into consideration for the purpose of levying a surcharge. No doubt, it is necessary to make suitable provisions to provide for all such cases.

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“Sir, when we go through Clause 3, it appears that there has been an attempt at oversimplification and it would have been better if all these cases have been provided for in the various sub-clauses. Anyhow, I submit, that sufficient attention should be paid to take into account all these cases and provision should be made for all of them.”

SRI P. VENKATESHA SHOLAGAR:—“கனம் சபாநாயகர் அவர்களே, தோழர் ராமலிங்கம் அவர்கள் கொண்டுவந்த திருத்தத்தை நான் ஆதரித்து சில வார்த்தைகள் பேச விரும்புகின்றேன். பொதுவாக வரி போடும்போது வருமானத்திற்குத் தக்கவாறும், வரியைக் கொடுக்கக்கூடிய சக்தியுள்ளவர்கள் மீதும் வரி போடவேண்டும். இன்றிருக்கக்கூடிய வரி விதிப்பு முறையில், யாரால் வரியைக் கொடுக்க முடியும், யாரால் கொடுக்க முடியாது என்பதை நிர்ணயிக்காமல் போடப்பட்டு நடைமுறையில் நடந்து கொண்டிருக்கிறது. குறிப்பாக, ஒரு விவசாயிக்கு ஐந்து கலம்தான் விளைவதற்கு நிலம் இருக்கிறதென்றால் அது அவனுடைய வயிற்றுச் சோற்றுக்குக் கூட போதாது. வயிற்றுச் சோற்றுக்குக்கூட போதாமல் விளைக்கூடிய நிலங்களுக்கு வரி போடும் நிலையில் வரி முறை இருக்கிறது. தேவைக்கு மேல் வரக்கூடிய வருமானத்தின் மீது வரி போடுவதில் எந்தவிதமான ஆட்சேபங்களும் இருக்கமுடியாது. விவசாய வருமான வரி கொண்டுவர வேண்டுமென்று சொல்லும்போது, நிலச் சீர்திருத்தம் வரப்போகிறது; ஆகவே இப்பொழுது வருமான வரி வேண்டியதில்லை என்று, சிலர் சொல்லுகிறார்கள்; விவசாய வருமான வரி கொண்டுவரவேண்டுமென்ற எண்ணம் உண்மையாகவே அவர்களுக்கு இல்லாத ஒரு காரணத்தினால்தான், இம்மாதிரி நிலச் சீர்திருத்தம் வரும் வரையில் ஒன்றும் செய்யவேண்டாம் என்று தட்டிக் கழிக்கும் முறையில் அவர்கள் பேசுகிறார்கள். இம்மாதிரி தட்டிக் கழித்துவிட்டு, மேலும் மேலும் லாபம் சம்பாதித்துக் கொண்டிருக்க வேண்டும், மேலும் மேலும் சுரண்டிக் கொண்டிருக்கவேண்டும் என்ற எண்ணத்தினால் அவர்கள் இம்மாதிரி நிலச் சீர்திருத்தம் என்ற வார்த்தையை உபயோகப்படுத்திக் கொள்கிறார்கள் என்றுதான் நான் நினைக்கிறேன்.

“இன்றைக்கு வியாபாரிகள் குறிப்பிட்ட அளவுக்குமேல் வியாபாரம் செய்தால் அவர்கள் வரி கொடுக்கவேண்டுமென்று இருக்கிறது. விவசாயிகளிடம் தங்களுடைய வயிற்றுச் சோற்றுக்கே போதுமான அளவு நிலம் இல்லாதபோது, அவர்களுக்கு வரி விதிப்பது சரியல்ல. ஆகவே, குறைந்த அளவு நிலம் வைத்திருக்கக்கூடிய மிராசுதார்கள் செலுத்தவேண்டிய வாய்தாவை ரத்து செய்து அதிக அளவு நிலம் வைத்திருப்பவர்களுக்கு வருமானத்திற்கு தகுந்தவாறு வரி போடவேண்டுமென்பது என்னுடைய அபிப்பிராயம்.

“உழுதவன் கணக்குப் பார்த்தால் உழுக்கு கூட மிஞ்சாது”, என்று சொல்வதுபோல உண்மையிலே நிலத்தில் உழைப்பவர்களுக்குதான் பொருந்தும். நிலத்தை உழுபவர்கள் உண்மையிலேயே தரித்திர நாராயணர்களாக கஷ்டப்படுகிறார்கள். அதேசமயத்தில், ‘உழுபவர்கள்’ என்ற பெயரில் சென்னை போன்ற பட்டணங்களில் உல்லாச வாழ்க்கை நடத்துபவர்களும் ஒளிந்துகொள்கிறார்கள். அப்படிப்பட்டவர்களுக்கு ஏன் இவ்வளவு வருமானம் வரவேண்டுமென்று நான் கேட்க விரும்புகிறேன். ‘உழுபவர்கள்’ என்ற பெயரில் நிலத்தில் பாடுபடாமல் நகரங்களில் உல்லாச வாழ்க்கை நடத்துபவர்களின் கோஷம்தான் அது. விவசாயிகளுடைய உரிமைகளைப் பறிப்பதற்கு அவர்கள் கையாளும் முறையில் இது ஒன்று. உண்மையிலேயே அவர்கள் உழவர் வாழ்க்கையை நடத்துவதில்லை. ஆகவே, இந்தச் சிறிய மிராசுதார்களுக்குள்ள வரியை ரத்து செய்து, பெரிய மிராசுதார்களுக்குப் படிப்படியாக எவ்வளவு வரியை வேண்டுமானாலும் உயர்த்துவதற்கான முறைகளைச் சர்க்கார் கையாளவேண்டும். விவசாய வருமான அடிப்படையில் வரி விதிக்கப் படவேண்டும். மிராசுதார்கள் விவசாயக் கணக்குகளை வைத்துக்கொள்ள முடியாது என்று சொல்லக்கூடிய காரணம் சரியல்ல. விவசாயத்திலிருந்து பெரிய அளவு வருமானம் அடையக்கூடியவர்கள் ஒரு சில கணக்குப்

[Sri P. Venkatesha Sholagar] [10th May 1954]

பின்னேகளை வேலைக்கு அமர்த்திக்கொண்டால் கணக்கு வைத்துக்கொள்ள முடியும். கணக்கு வைத்துக்கொள்ளக்கூடிய முறைகளையெல்லாம் படித்து விட்டு எவ்வளவோ பேர்கள் இன்றைக்கு வேலை கிடைக்காமலிருக்கும் போது, அவர்களை அதிக வருமானம் உள்ளவர்கள் வேலைக்கு அமர்த்திக் கொள்ளலாம். அவ்விதம் செய்வதன்மூலம் ஒரு சிலரிடம் குவித்துள்ள செல்வத்தை தேவைக்குமேல் பட்டதை தேவையுள்ளவர்களுக்கு கொடுக்கவும் ஏதுவாகும் என்று தெரிவித்து திருத்தத்தை ஆதரிக்கிறேன்.”

SRI R. S. ARUMUGAM :—“கனம் சபாநாயகர் அவர்களே, இப்பொழுது சபை முன்பாக நில வரியின் மீது சர்சார்ஜ் விதிப்பது சம்பந்தமான விவாதம் நடந்துகொண்டிருக்கிறது. கடந்த ஒரு வருஷத்திற்கு முன்பாக இதே பிரச்சினையானது இந்தச் சபையின் முன்பு கொண்டுவரப் பட்டு, அதன் மீது விவாதம் நடந்தன. குறைந்தது ரூ. 100 அல்லது ரூ. 150-க்கு மேற்பட்டு நிலத் தீர்வை செலுத்தக்கூடிய மிராசதார்களிடமிருந்து அதிகப்படியாக வரி வசூல் செய்யவேண்டுமென்ற நிலையில் அன்று இந்த மசோதாவானது சபை முன் விவாதத்திற்கு வந்திருந்தது. அந்தச் சந்தர்ப்பத்தில், இந்தச் சபையிலுள்ள எல்லா பக்கத்திலுள்ள பல அங்கத்தினர்களும், ‘எழைகளைப் பாதிக்கக்கூடிய அளவிலே இந்த மசோதா இருக்கின்றது’, என்று அன்று எதிர்த்துப் பேசினார்கள். ஆனால் அன்று எதிர்பார்த்த வருமானத்தை இப்பொழுது வந்திருக்கும் இந்த மசோதாவின் மூலம் நிறைவேற்றிவிட்டதாகச் சொல்ல முடியாது. இன்று இந்த சபையின் முன்பு ரூபாய் 500-க்கு மேல் தீர்வை செலுத்தக் கூடிய மிராசதார்களிடத்திலிருந்து மாத்திரம் உபரி வரி வசூல் செய்யப் படவேண்டுமென்று கொண்டுவரப்பட்டிருக்கிறது. அதிலும், ஒரே ஜில்லாவில் நிலங்கள் வைத்திருக்கக்கூடிய ஒரு சிலரைத்தான் இந்த உபரி வரி பாதிக்கும் என்ற தன்மையில் இந்த மசோதா இருக்கிறது. என்னைப் பொறுத்த வரையில், அப்படி இருப்பது நல்லதல்ல என்பதை தெரிவித்துக்கொள்ளாமல் இருக்க முடியவில்லை.

“ரூபாய் 500-க்கு மேற்பட்டு நிலத் தீர்வை செலுத்தக்கூடியவர்களைத் தான் இந்தச் சட்டம் பாதிக்கும் என்பது அவ்வளவு நல்லதல்ல. காரணம் இந்த நாட்டில் ஆயிரக்கணக்கான நிலமில்லாத ஏழைகள் இருக்கிறார்கள் என்பதை நாம் ஞாபகப்படுத்திக் கொள்ளவேண்டும்.

“உதாரணமாக ரூபாய் 100 நிலத் தீர்வை செலுத்தக்கூடியவர்களுக்குக் குறைந்தது ஐந்து ஏக்கர நஞ்சை நிலம் இருக்கும். அநேகமாக வருஷமொன்றுக்கு ஆயிரம் ரூபாய் அதிலிருந்து வருமானம் கிடைக்கும். அந்த அளவிலே வருமானம் வரக்கூடிய ரூ. 100 தீர்வை செலுத்தக் கூடியவர்கள் பத்து அல்லது பன்னிரண்டு ரூபாய் அதிகமாக சர்சார்ஜ் செலுத்திவிட்டால் அவர்கள் அப்படியே நிலத்தைவிட்டு விட்டுப் போய் விடக்கூடிய நிலையில் பரம ஏழைகளாக ஆய்விடுவார்கள் என்று சொன்னால் அதை நான் நம்புவதற்கில்லை. மேலும் அவர்களது விவசாயமே நசித்துவிடும் என்று சொல்வதும் சரியல்ல. வேண்டுமானால், ஒரு சிலரைத் திருப்திப்படுத்துவதற்காக பேசிக்கொண்டிருக்கலாம். ரூ. 10 தீர்வை செலுத்தக்கூடியவர்கள்கூட அறவே நிலமில்லாதவர்களைவிட ஒரு சிறிது உயர்ந்தவர்கள்தான் என்பதையாரும் மறக்க முடியாது. அவர்களது உழைப்போடும், ஒரு சில கஷ்டங்களோடும் அவர்களால் வாழத்தான் முடியும். இந்த நிலையிலே ரூ. 500-க்குமேல் நிலத் தீர்வை செலுத்தக் கூடியவர்களிடமிருந்தே உபரி வரி விதித்தால் போதும் என்ற எண்ணத்தை விட்டுவிட்டு பழையபடி ரூ. 100-க்குமேல் தீர்வை செலுத்தக் கூடியவர்களிடமிருந்தே உபரி வரி விதித்தால் அதனால் எந்த ஆபத்தும் வந்துவிடாது. இதை எண்ணிப்பார்த்து, குறைந்தது ரூ. 100-க்கு மேல் நிலத் தீர்வை கட்டக்கூடியவர்களும் இந்த சர்சார்ஜை சர்க்காருக்குச் செலுத்தவேண்டுமென்று விதியைத் திருத்தியமைக்கவேண்டுமென்று கேட்டுக்கொள்கின்றேன்.

“மேலும், நாட்டு நிர்வாகத்தை நடத்துவதற்கு வருமானம் எவ்வளவோ தேவைப்படுகிறது. விவசாயம் செய்து பிழைப்பதற்குக்கூட நிலமில்லாதவர்களும், குடியிருப்பதற்குக்கூட வீட்டுக்கு இடமில்லாதவர்களும்

[Sri R. S. Arumugam] 10th May 1954]

எவ்வளவோ பேர்கள் இந்த நாட்டில் இருக்கிறார்கள். அப்படிப்பட்டவர்களுடைய நிலைமையைச் சீர்திருத்த வேண்டிய காரியங்கள் எவ்வளவோ இருக்கின்றன. அவைகளையெல்லாம் எண்ணிப் பார்த்து, ஏழைகளின் வாழ்க்கைத் தரத்தை உயர்த்துவதற்கெல்லாம் சர்க்காருக்குப் பணம் தேவை என்பதையும் எண்ணிப் பார்த்து ரூபாய் 500-க்கு மேல் என்பது இல்லாமல் குறைந்த பட்சம் ரூ. 100 நிலத் தீர்வை செலுத்தக் கூடியவர்களும், ஜாஸ்தி வருமானம் அடைந்து வருகிறார்கள் என்ற காரணத்தினால், அவர்களும் சர்சார்ஜ் செலுத்த வேண்டுமென்ற தன்மையில் இந்த மசோதாவிலுள்ள ஷரத்தைத் திருத்துவதற்கு வழி செய்ய வேண்டுமென்று மறுபடியும் கேட்டுக்கொள்கின்றேன்.

“எந்த இடத்தில் பார்த்தாலும் மிராசதார்கள் அங்கே வாழ்கின்ற விவசாயிகளைப் படுத்தும் கொடுமையைத் தாங்க முடியவில்லை. மிராசதார்கள் ஏன் அப்படித் தொல்லை கொடுக்கின்றார்கள் என்பதைப்பற்றி இந்த இடத்தில் பேசுவதற்கு சந்தர்ப்பம் இல்லாமலிருக்கிற காரணத்தால், முன்பு பேசியதுபோல் பிற்தொரு சந்தர்ப்பத்தில் பேசிக்கொள்ளலாமென்று நினைக்கிறேன்.

“கடந்த சில வருஷங்களில் ஒரு மூட்டை நெல்லை ரூ. 45-க்கும் விற்ப்பிருக்கிறார்கள். ஒரு காலத்தில் உயர்த்திப் போட்டிருக்கிறார்கள். ரூ. 10 போட்டிருந்தால் இப்பொழுது ரூ. 30 அல்லது ரூ. 40 போட்டிருக்கு தீர்வை. ஆனால், அந்தக் காலத்தில் செட்டில்மென்ட் செய்து போட்ட நிலத் தீர்வை அப்படியே இருந்து கொண்டிருக்கிறது. எந்த விதமான நிலத்திற்கும் தீர்வை உயர்த்தப்படவில்லை. மிராசதார்களுக்கு தீர்வையை சிறிது உயர்த்திப் போட்டால் அதனால் அவர்களுக்கு நஷ்டம் ஏற்பட்டு விடாது. ஆகையால், ரூ. 100-க்கு மேல் தீர்வை செலுத்தக்கூடிய அத்தனை மிராசதார்களையும் பாதிக்கக்கூடிய முறையிலே சர்சார்ஜ் விதிக்க வேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய டேச்சை முடித்துக் கொள்ளுகின்றேன்.”

SRI M. P. SUBRAMANIAM :—“சர்க்கார் #தாரணமாக வரி விதிப்பு சம்பந்தமாகப் பேசும்போது, ஒவ்வொரு வரியைப் போடும்போதும் எதிர்க் கட்சிக்காரர்கள் அதைப் போடக்கூடாதென்று சொல்கிறார்கள் என்று குறிப்பிடுகிறார்கள். எதிர்க்கட்சிக்காரர்கள், யாருக்கு வரி போடக்கூடாது என்று சொல்லுகிறார்கள் என்பதை அவர்கள் கவனித்துப் பார்க்கவேண்டும். வரி கொடுக்கச் சக்தியில்லாதவர்களுக்கு வரி போடக்கூடாது என்று எதிர்க் கட்சியினர் சொல்லுகிறார்களேயொழிய, வரி கொடுக்கச் சக்தியுள்ளவர்களுக்குப் போடவேண்டாமென்று நாங்கள் சொல்லவில்லை. வரி கொடுக்கச் சக்தியுள்ளவர்களுக்கு வரி போடுங்கள் என்று நாங்கள் சொல்லும்போது, சர்க்கார் அப்படிப்பட்டவர்களுக்கு வரி விதிக்க முன் வருவதில்லை. ஏழை மக்களைப் பாதிக்கும் வகையில் போடப்படும் வரியைத் தான் நாங்கள் போடக்கூடாதென்று சொல்லுகிறோம். வரியைத்தாங்கக் கூடிய சக்தியுள்ளவர்களுக்கு நிச்சயமாக வரி அதிகமான அளவுக்குப் போடவேண்டுமென்று நாங்கள் சொல்லும்போது, சர்க்கார் அப்படிச் செய்வதற்கு முன் வருவதில்லை.

“ரூபாய் 250-க்கு மேற்பட்டு நிலவரி செலுத்தக்கூடியவர்கள் சர்சார்ஜ் செலுத்தவேண்டுமென்று சொல்வது மிகச் சாதாரணமான ஒரு பிரச்சினையாகும். எனக்கு முன் பேசிய நண்பர்கள் ரூ. 150-க்கு மேல் நிலவரி செலுத்தக்கூடியவர்களும் இந்த சர்சார்ஜ் செலுத்தும்படி இந்த மசோதாவைத் திருத்தியமைக்க வேண்டுமென்று சொன்னார்கள். சர்க்காருக்கு அதிகமான வருமானம் வரவேண்டுமென்ற நோக்கத்தோடு இந்த மசோதாவைக் கொண்டு வந்ததாகச் சொல்லப்படுகிறது. ஆனால், அதே சமயத்தில் இந்த வரி விதிப்பின் மூலமாக ஏழு லட்சம் ரூபாய்க்கு மேல் கிடைக்காது என்றும் சொல்லுகிறார்கள். சர்க்காருக்கு இன்னும் அதிகமான வருமானம் வருவதற்கும், வரி விதிப்பிலுள்ள ஏற்றத் தாழ்வுகளைச் சரிப்படுத்துவதற்கும் ஏற்ற முறையிலும், முற்போக்கான முறையிலும் இந்த மசோதா கொண்டு வரப்படவில்லையென்றுதான் நான் சொல்ல வேண்டியிருக்கிறது.

[Sri M. P. Subramaniam] [10th May 1954]

“சென்னை ராஜ்யத்தில் ரூ. 500-க்கு அதிகமாக நிலவரி செலுத்தக் கூடியவர்களுடைய எண்ணிக்கை மிகச் சொற்பமாகத்தான் இருக்கும். சர்க்கார் பலப்பல திட்டங்களை நிறைவேற்றுவதற்குப் பணம் வேண்டுமென்று சொல்லிக் கொண்டிருக்கும் இந்தச் சமயத்தில், வரி செலுத்தக் கூடியவர்கள் அதிகமான வரியை அரசாங்கத்திற்குச் செலுத்த வேண்டுமென்று எதிர்க் கட்சிக்காரர்கள் சொல்லும்போது, அது ஒத்துழைப்பா இல்லையா என்பதை யோசிக்கவேண்டும். ரூ. 500-க்கு மேல் வரி செலுத்துபவர்கள் சர்சார்ஜ் செலுத்தவேண்டும் என்று இருப்பதற்குப் பதிலாக குறைந்த பட்சம் ரூ. 250-க்கு மேல் வரி செலுத்துபவர்கள் சர்சார்ஜ் செலுத்தவேண்டுமென்று இந்த மசோதாவைத் திருத்தியமைக்க வேண்டும். இது மிகச் சாதாரண வேண்டுகோளாக இருப்பதால், இதை அவசியம் சர்க்கார் ஒப்புக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

“காங்கிரஸ் கட்சியைச் சேர்ந்தவர்களுக்குத்தான் விவசாயத்தில் நேரடியான அனுபவம் இருக்கிறதென்று சொல்ல முடியாது. விவசாய வருமான வரி விதிக்கப்படவேண்டுமென்று சொல்லும்போது, விவசாயிகள் கணக்குகளை வைத்துக்கொள்ள முடியாது என்று சொல்லப்படுகிறது. இந்தச் சட்டசபையில் பல அங்கத்தினர்கள் விவசாயிகளாகவே இருக்கிறார்கள். அவர்கள் வேண்டுமானால் கணக்குப் பிள்ளைகளைக் கொண்டு கணக்குகள் வைத்துக் கொண்டிருக்கலாம்; விவசாயக் கல்லூரியில் படித்திருக்கலாம், பத்திரிகையில் விவசாயத்தைப் பற்றி படித்திருக்கலாம், ஆனால், நேரடியாக விவசாயம் செய்யக் கூடியவர்களுடைய அனுபவம் எங்களுக்கு இருக்கிறது. சாதாரணமாக, விவசாய வருமான வரி போடவேண்டுமென்று நாங்கள் சொல்லும்போது, ரூ. 200 அல்லது ரூ. 300 வரி கட்டுபவர்களுக்குத்தான் போட வேண்டுமென்று சொல்லுகிறோம். ரூ. 200 அல்லது ரூ. 300 வரி கட்டக்கூடிய நடுத்தர விவசாயிகள் கட்டாயமாக கணக்கு வைத்துக்கொள்ளக் கூடியவர்களாக இருப்பார்கள். அவர்கள் நிச்சயமாக கணக்குகள் வைத்துக் கொள்ள முடியும். அப்படிப்பட்டவர்களுக்கு விவசாய வருமான வரி விதிப்பதில் தவறு ஒன்றுமில்லை. விவசாய வருமான வரி ஏன் போட வேண்டுமென்றால் 30 ஆண்டுகளுக்கு முன்பு இந்த நில வரி அடிப்படை திருத்தப்பட்டது. அப்போதிருந்த நிலத்தின் தரத்தை விட இப்பொழுது நிலத்தின் தரம் மாறியிருக்கிறது. புஞ்சை நிலத்திற்கு ஏகரா ஒன்றுக்கு இரண்டு ரூபாய் மகசூல் வந்து கொண்டிருந்தது. அதே புஞ்சை நிலமானது ஏற்கெனவே அதிலிருந்து கிடைத்த வருமானத்தைவிட பன் மடங்கு கிடைக்கக்கூடிய நல்ல நிலமாக மாறியிருக்கிறது. ஆனால், நிலவரி விதிமானது இன்னும் திருத்தப்படவில்லை. இந்த விஷயத்தைப்பற்றி சென்ற ஆண்டில் முதல் மந்திரியும், நிதி மந்திரியும் கூறியிருக்கிறார்கள். முப்பது ஆண்டுகளுக்கு முன்புள்ள அடிப்படையில்தான் இப்பொழுதும் நிலவரி விதிக்க இருக்கிறது. ஆகையால், விவசாய வருமான அடிப்படையில் வரி விதிக்கப்பட்டால், நிலவரி வசூலிக்கப்படும் முறையிலுள்ள அனேக குறைபாடுகள் நீங்கிவிடும்.

“சாதாரணமாக ரூ. 400 வரி செலுத்தும் ஒருவருக்கு சில இடங்களில் பத்தாயிரம் ரூபாய் வருமானம் வரலாம். அதைவிட அதிகமாக வரி கட்டக் கூடியவர்களுக்குக் குறைவாகவும் வருமானம் கிடைக்கலாம். ஒருவர் அதிகமாக நிலவரி செலுத்துவதால், அவரைவிடக் குறைவாக நிலவரி செலுத்துபவரைவிட அதிகமாத்தான் வருமானம் கிடைக்கும் என்பது உண்மையான நிலைமைக்கு நேர்மாறாக இருக்கிறது. விவசாய வருமான வரி போட்டால், நிச்சயமாக இது மாதிரியான குறைபாடுகளைத் தவிர்த்து விடலாம். அதுதான் சிறந்த முறையாகும். கடைக்காரர்களுக்கெல்லாம் வருமான வரி போடும் போது விவசாயிகளுக்கு மட்டும் ஏன் வருமான வரி போடக்கூடாதென்று நான் கேட்கின்றேன். ரூ. 10 முதல் ரூ. 15 வரையில் நிலத் தீர்வை கட்டக்கூடிய அளவு நிலம் வைத்திருக்கக்கூடிய மிகச் சாதாரண விவசாயிகளுக்கு வருமான வரியினின்றும் விலக்களிக்க வேண்டும். விவசாய வருமான வரி போடும் வரையில் தற்காலிகமாகவாவது இந்த மசோதாவைப்படி ரூ. 500-க்கு மேல் நிலவரி செலுத்தக்கூடியவர்கள் சர்சார்ஜ் கட்டவேண்டுமென்று இருப்பதற்குப் பதிலாக ரூ. 250-க்கு

[Sri M. P. Subramaniam] 10th May 1954]

மேல் நிலவரி செலுத்துபவர்களும் சர்சார்ஜ் செலுத்தும்படியாகச் செய்யவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகின்றேன்.”

SRI B. K. NALLASAMI:—“கனம் சபாநாயகர் அவர்களே, இப்பொழுது நான் பேச இருந்த விஷயங்களை எனக்கு முன்னே பலர் பேசிவிட்டார்கள். சென்ற வருஷம் இம்மாதிரி மசோதா ஒன்று இந்த சபையிலே சமர்ப்பிக்கப்பட்ட காலத்திலே எதிர்க் கட்சியில் இருக்கக்கூடிய கம்யூனிஸ்டுகளும் இன்னும் மற்ற கட்சியைச் சேர்ந்த பல அங்கத்தினர்களும் பேசினார்கள். ரூ. 500-க்கு மேல் நிலவரி செலுத்தக் கூடியவர்களுக்குத்தான் வரி விதிப்பது நியாயம் என்று அப்பொழுது பேசினார்கள். ஆனால் இப்பொழுது பேசுகிற முறையைப் பார்த்தால் விவசாயத்திற்கு வருமானவரி விதிக்க வேண்டும் என்று எல்லோரும் பேசுகிறார்கள். ரொம்ப குறைந்த வரும்படியுள்ளவர்களுக்குக்கூட இந்த வரி போட வேண்டுமென்று கனம் அங்கத்தினர் ஸ்ரீ சுப்ரமணியம் அவர்கள் சொன்னார்கள். இவர்களுடைய போக்கும், நோக்கமும் என்னவென்றால் எப்படியாவது அரசாங்கத்தின் மேல் மக்களுக்கு அதிருப்தியை உண்டாக்கவேண்டும் என்பதுதான். இது ஒன்றுதான் அவர்களுடைய கொள்கையாக காண்கிறது. வருமானவரி போட்டால் தான், உத்தியோகஸ்தர்களின் தொந்திரவு, லஞ்ச ஊழல்கள் இப்படிப்பட்டவைகள் எல்லாம் இருந்துகொண்டேயிருக்கும். பொதுமக்களிடையே அதிகமான எதிர்ப்பு சக்தியையும், வெறுப்புணர்ச்சியையும் உண்டாக்கவேண்டும் என்பதுதான் அவர்களுடைய பார்வையிலே மெண்ட் தந்திரமாக இருந்து வருகிறது. இவைகளெல்லாம் பிரசாரத்திற்காகத்தான் செய்யப்படுகிறது என்பதை நான் எடுத்துக்காட்ட விரும்புகிறேன்.

“எல்லோருக்கும் பூமியை பங்கு போட்டுக் கொடுக்கிறோம் என்று சொல்லக்கூடிய கம்யூனிஸ்டுகள் இன்று ரூ. 250-க்கு மேற்பட்ட வரி கொடுப்பவர்களுக்கு சர்சார்ஜ் போடுவதை எதிர்க்கிறார்கள். இதில் ஏதாவது அர்த்தம் இருக்கிறதா என்று கேட்கிறேன். இந்த ரூ. 250 வரியை யார் கொடுக்கிறார்கள்? நஞ்சை நிலத்தை எடுத்துக்கொண்டாலும் கூட குறைந்தது 10 ஏக்கர் நஞ்செய்க்கு மேல் வைத்திருக்கக் கூடியவர்கள் தான் சர்சார்ஜ் கொடுப்பார்கள். கம்யூனிஸ்டுகள் நிலங்களைப் பங்கு போட்டுக் கொடுப்பதாகச் சொல்லுகிறார்கள். நபருக்கு எத்தனை ஏக்கர் கொடுப்பார்கள்? 10 ஏக்கர் நஞ்சை கொடுப்பார்களா? இவர்களுடைய பொருளாதாரத்தாவது அடிப்படையில் பார்த்தால்கூட இவர்கள் சொல்லுகிற வாதம் பொறுத்தமற்றதாக இருக்கிறது. வெறுப்புணர்ச்சியும் துவேஷமும் உண்டாக்குவதற்காக வருமான வரி உபயோகப்படும் என்று எண்ணி சொல்ல முடியுமே ஒழிய இவர்களுடைய கொள்கைக்கு அது முரண்பாடானது என்று தெரிவித்துக்கொண்டு என் வார்த்தைகளை முடித்துக் கொள்ளுகிறேன்.”

SRI T. S. ARDHANARI:—“கனம் சபாநாயகர் அவர்களே, இந்த திருத்தத்தை ஆதரித்து ஒரு சில வார்த்தைகள் பேச விரும்புகிறேன். வருமானவரி போட வேண்டுமென்ற கொள்கையை நீண்டகாலமாக வற்புறுத்தி வந்த போதிலும் இந்த வருமானவரி பற்றி எனது நண்பர் ஸ்ரீ கருத்திருமன் பேசும்போது விவசாயிகளைப்பற்றி எதிர்க் கட்சிக்காரர்களுக்கு தெரியாது, தனக்குத்தான் தெரியும் என்ற வகையிலே இன்று சட்ட சபையில் தன்னை அறிமுகப்படுத்திக் கொண்டார். பொதுவாக உழைப்பவன் கணக்கு பார்த்தால் உழக்கு கூட மிஞ்சாது என்று சொல்லுவார்கள். இது உண்மை.”

SRI P. G. KARUTHIRUMAN:—“கணக்கு தெரியாது என்ற கண்ணோட்டத்தோடு கவனிக்க வேண்டாமென்று எதிர்க்கட்சியினரைக் கேட்டுக்கொள்ளுகிறேன்.”

SRI T. S. ARDHANARI:—“தொழர் நல்லசாமி அவர்கள் ‘எதிர்க் கட்சிக்காரர்கள் சர்க்கார் மேல் எப்படியாகிலும் அதிருப்தியை உண்டாக்கத்தான் வருமான வரியை ஆதரித்து இப்படியெல்லாம் பேசுகிறார்கள்’ என்ற புதிய வாதத்தைக் கண்டு பிடித்திருக்கிறார்கள். உண்மையை

[Sri T. S. Ardhanari] [10th May 1954]

நமது நண்பர் புரிந்து கொள்ளவில்லை. வருமான வரியை நாங்கள் ஏன் வற்புறுத்துகிறோம் என்பதை அவர்கள் சற்று சிந்தித்துப் பார்க்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். நிலவரி மேல் உபரி வரி போட்டால், நிலச்சுவாந்தார்கள் குத்தகைதாரர்களிடமிருந்து இந்த உபரிவரியை எப்படியாவது வாங்கிவிட முடியும். 50 ரூபாய் குத்தகைக்கு பதிலாக 60 ரூபாய் கொடுக்கவேண்டுமென்று நிலச்சுவாந்தார்கள் குத்தகைதாரர்களை சுரண்டுவதற்காக சந்தர்ப்பம் இருக்கிறது. ஆனால் வருமான வரி போட்டால் இந்த சந்தர்ப்பம் கிடையாது என்பதைப் புரிந்துகொள்ளவேண்டுமென்று அவர்களைக் கேட்டுக்கொள்ளுகிறேன்.

“விவசாயிகள் அதிகமாக கடன்பட்டு, தொல்லிப்பட்டுக் கொண்டிருக்கிறார்கள் என்று சொன்னார்கள். உண்மையிலே இவர்கள் அதிகமாகத் தொல்லிப்பட்டுக் கொண்டிருக்கிறார்கள். அதனால் தான் அவர்களிடமிருந்து வரி வசூல் செய்ய வேண்டாம் என்று சொல்கிறோம். வரி வசூல் செய்யப்படும்போது அதிகமான வருமானம் உள்ளவர்களுக்கு மாத்திரம் வரி போட வேண்டுமென்று சொல்ல விரும்புகிறேன்.”

MR. SPEAKER :—“ஒரு மசோதா விவாதத்தில் இருக்கும்பொழுது இன்னொரு மசோதாவின் திருத்தத்தை நான் Out of order என்று தள்ளிவிடுகிறேன்.”

SRI T. S. ARDHANARI :—“அவர்கள் சொல்லும் விவசாயிகள் குன்னியூர் சாம்பசிவ அய்யர் முதலிய பெரும் நிலச்சுவாந்தார்களுக்கு இன்றைக்கு பெரும் பஞ்சம் வந்துவிடவில்லை. அவர்களுக்குத் தான் அதிக வரி போட வேண்டுமென்று சொல்லுகிறோமெய்யொழிய சாதாரண விவசாயிகளுக்கு அல்ல என்பதைப் புரிந்துக் கொள்ளவேண்டும். இந்தத் திருத்தத்தோடு இன்னொரு ஆலோசனையும் சொல்ல விரும்புகிறேன். இந்தச் சட்டம் அமுலுக்கு வரும்பொழுது குத்தகைதாரர்களிடமிருந்து நிலச்சுவாந்தார்கள் அதிக குத்தகை வாங்குவதைத் தடுப்பதற்கு சர்க்கார் முயற்சி எடுத்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சு முடித்துக்கொள்ளுகிறேன்.”

DR. P. VARADARAJULU NAIDU :—“கனம் சபாநாயகர் அவர்களே, இந்த வரி விதிப்பு முறை சரியானதா இல்லையா என்பதுதான் முக்கியமான விஷயம். சர்க்காருக்கு வரிவிதிக்க உரிமையுண்டு. அதற்குக் காரணம் இந்த நிலங்கள் முழுதும் நம் நாட்டு சம்பிரதாயப்படி சர்க்காருக்கே சொந்தம். ஐரோப்பா முதலிய நாடுகளில் நிலம் தனிப்பட்ட நபர்களுக்கு சொந்தமாக இருந்தது. அதனால்தான் ரஷ்யாவில் முன்பு ஒரு பெரும் புரட்சி ஏற்பட்டு பின்னர் நிலங்களை எல்லாம் சர்க்காருக்கே சொந்தமாக்கி கொண்டார்கள். நம் நாட்டிலே ஆதியில் ஆண்ட இந்து அரசர்கள் காலத்திலும், பின்னர் மொகலாயர்கள் ஆண்ட காலத்திலும் அதற்குப் பிறகு ஆங்கிலேயர்கள் ஆண்ட காலத்திலும் நிலம் சர்க்காருக்கே சொந்தமாக இருந்து வந்திருக்கிறது. மிராசுதாரர்களாக இருந்தாலும், பட்டாதாரர்களாக இருந்தாலும் Quit rent என்னும் வரியை நிலத்திற்கு கட்டிவிட்டுத்தான் நாம் அந்த பூமியை சொந்தமாக அனுபவித்துக் கொண்டு வருகிறோம். அதனால் சர்க்காருக்கு பூரண உரிமை உண்டு என்பதில் சந்தேகமில்லை. ஆனால் பழைய காலத்துமுறை எப்படி இருந்ததென்றால் நிலத்திலே விளையும் விளை பொருளில் ஒரு பாகம் சர்க்காருக்கு வரியாக கொடுக்கப்பட்டு வந்தது. நிலங்களுக்கு பணமாக வரி விதிக்க வேண்டுமென்ற முறை உலகத்திலேயே கிடையாது. ஆனால் ஆங்கிலேயர்கள் ஆட்சிபுரிந்த காலத்திலே வருமானத்திற்காக இந்த முறையை அமுலுக்கு கொண்டு வந்தார்கள்.

“நமது சர்க்கார் பணக்காரர்கள்மீது வருமானவரி விதிக்கிறது. பணக்காரர்கள் வருமானத்தின் மீது வரி விதிப்பது ரொம்ப நியாயம். ஆனால் அப்படியிருந்தும், இவ்வளவு ரூபாய்க்கு மேல் மாதத்தில் சம்பாதித்தால் வரிக்கட்ட வேண்டுமென்ற விதி இருக்கின்றது. அதன்படி மாதத்திற்கு 300 ரூபாய்க்கு மேல் வருமானம் வந்தால், வரிகொடுக்க வேண்டுமென்றிருக்கிறது. அதன்படி ஒரு ஏக்கருக்கு 30 ரூபாய் வருமானம்

[10th May 1954] [Dr. P. Varadarajulu Naidu]

வந்தாலும்கூட, 30 ஏக்கர் நிலம் வைத்திருந்தால் வரி கொடுக்கவேண்டியிருக்கிறது. என்னுடைய 25 ஆண்டு கால விவசாய அனுபவத்தின் மூலம் சொல்லுகிறேன். இன்று சர்க்கார் கொண்டு வந்திருக்கும் மசோதா சந்தேகத்திற்கு இடமாகவே இருக்கிறது. நிலங்களை வைத்திருப்பவர்களுக்கு எல்லாம் வருமானவரி விதிப்பதே நியாயம் என்பது என்னுடைய அபிப்பிராயம். இந்த ரெவினியூ முறையை மாற்றி யமைக்கும் விதத்தைப்பற்றியெல்லாம் தாதாபாய் நௌரோஜி புஸ்தகம் எழுதிவிட்டுப் போயிருக்கிறார். அதற்குத் தக்கபடி யெல்லாம் யோசிக்காமல், நடவடிக்கை எடுக்காமல் செலவுக்கு பணம் வேண்டுமென்கின்ற முறையிலே, அதிகமான வரும்படி வேண்டுமென்ற முறையிலே வரி விதிப்பதெல்லாம் கூடாது. அவ்வாறு செய்வது விசனிக்கத்தக்கதாகும். இப்போது சர்க்காருடைய செலவுக்கு பணம் வேண்டுமென்பதை ஒப்புக்கொள்ளுகிறேன். இதற்கு சர்க்கார் செலவைக் குறைக்கவேண்டும். நிலத்திலே அதிகப்படியான வாடகை வாங்கும் நிலப் பிரபுக்களுக்கும், அதிகப்படியான நிலம் வைத்திருப்போர்மீதும் வருமான வரி விதிக்கவேண்டுமென்று சொன்னாலும்கூட, என்னுடைய கட்சியில் இருக்கிறவர்களுக்கே ஓட்டுப்போட வேண்டியவையிருக்கிறேன். என்னுடைய கட்சியிலுள்ள நண்பர்கள் சிலர் கணக்கு வைக்கத் தெரியவில்லை என்று குறை சொல்லுகிறார்கள். இது தவறு. 100, 200, 300 ஏக்கர் நிலம் வைத்திருக்கும் எழுதப்பட்டிருக்கத் தெரியாதவர்கள்கூட ரொம்ப அழகாக கணக்கு வைத்திருக்கிறார்கள். அப்படியிருக்கும்போது ஆயிரம் ஏக்கர்களுக்கு மேல் நிலங்கள் வைத்திருக்கும் படித்தவர்கள், அறிவாளிகள் நிச்சயம் கணக்கு வைத்திருப்பார்கள் என்பதில் சந்தேகமில்லை. ஆகையால் அவர்கள்மீது சுலபமாகவும் தாராளமாகவும் வருமான வரி விதிக்கலாம். இதிலே என்ன கஷ்டம் ஏற்படப்போகிறது? விவசாயிகளிடம் நிலங்களை குத்தகைக்கு விட்டுவிட்டு கஷ்டப்படாமல் வாடகையாகப் பணம் சம்பாதித்துக்கொள்ளுகிறார்கள். ஆகவேதான் அவர்களிடம் இந்த வருமான வரி வசூலிப்பது நியாயம் என்று கூறுகின்றேன். இன்னொரு விஷயம்.

“இப்போது சர்க்காருக்கு வரும்படி இல்லையென்றால் காரணம் ஒரு சிலர் மட்டும் ஏராளமான நிலம் வைத்திருப்பதேயாகும். வடபாதி மங்கலம் தியாகராஜ முதலியார் இருக்கிறாரே அவரை எடுத்துக்கொள்ளலாம். அவருக்கு தஞ்சாவூரிலே மட்டும் ஐந்து ஆயிரம் ஏக்கர் நிலங்களுக்கு மேல் இருக்கிறது. ஒவ்வொரு ஏக்கர் நிலமும் குறைந்தது ஐந்து ஆயிரம் ரூபாய் பெறும். அவர் சுவீகாரத்தில் இந்த சொத்துக்களுக்கு உரிமையாக வந்தவர். அதுபோல் சுவீகாரம் பண்ணிக்கொள்ளக்கூடாது என்று இருக்கவேண்டும். சர்க்காரே வார்சு இல்லாத நிலத்தை எடுத்துக்கொள்ள வேண்டுமென்பது என்னுடைய கருத்து. காரணம் அவ்வாறு சுவீகாரம் எடுத்துக்கொள்ளப்படுவோர் திறமையாக நடப்பதில்லை. காலிப்பையன்களாக மாறிவிடுகிறார்கள். வீணாகப் பெண்கள் விஷயத்திலும், மற்றும் இதர ஆடம்பர வாழ்க்கையிலும் பணத்தை செலவழிக்கின்றனர். ஆகவே ஒரு தகப்பனுடைய சொத்துக்கு உரிமை கொண்டாட புத்திரன் இல்லாவிட்டால், யாரையும் சுவீகாரம் செய்துக்கொள்ள அனுமதியாமல், அந்த சொத்தை சர்க்காரே எடுத்துக்கொள்ளலாம். ஆகவே இந்த விஷயத்தில் சர்க்கார் கவலைப்படக்கூடாது.

“இந்த வருமானவரி விதிப்பதிலே பல கஷ்டங்கள் இருப்பதாலே அதை சமாளிப்பது பெரிய காரியமாகத் தோன்றலாம். இருந்தாலும் இதன் மூலம் 500 ரூபாய்க்குமேல் வரி செலுத்தும் சிறு மிராசுதாரர்களிடமிருந்துகூட சர்க்காருக்கு பணம் வசூலிக்க இடமிருக்கிறது. 10 ஏக்கர், 15 ஏக்கர் வைத்திருப்பவர்கள்கூட இம்முறையில் சர்க்காருக்கு தீர்வை செலுத்த நேரிடும். 5 ஏக்கர் நஞ்சை நிலம் ஒருவன் வைத்திருந்தாலும், ஒரு ஏக்கர் நஞ்சையில் குச்சிக்கிழங்கை வெள்ளாமை செய்தால் சுலபமாக ஆயிரம் ரூபாய் வரும். இரண்டு வெள்ளாமையும் செய்யலாம். அதே மாதிரி நஞ்சை நிலத்திலே, ஆற்று ஜலம் நிச்சயமாக வருகிறது. புஞ்சையைப்போல் மானத்தைப் பார்க்க வேண்டிய நிலைமை ஏற்படுவதில்லை. ஆகவே ஆற்று ஜலம் வரும் வசதியுள்ள நஞ்சை நிலத்தில் நிச்சயமாக வருவாய் வருகிறது. இந்த இரண்டு நிலங்களுக்கும் விளைச்சலிலும்

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வருவாயிலும் வித்தியாசம் இருக்கிறது. ஆகவே இந்த விஷயங்களை எல்லாம் தீர ஆலோசனை செய்து ரெவின்யூ அதிகாரிகள் என்ன வழி என்று பார்க்கவேண்டும். நமது செட்டி நாட்டு ராஜா முத்தையா செட்டியார் அவர்கள் இந்த சபையில் இருக்கிறார்கள். அவர்களுக்கு உலகம் பூராவிலுமே நிலம் இருக்கிறது என்று சொல்லலாம். இங்கிலாந்திலே கூட நிலம் இருக்கிறதோ இல்லையோ தெரியாது. அவர் மிகுந்த சாமர்த்தியசாலி. எல்லாவற்றிற்கும் சிறந்த முறையிலே கணக்கு வைக்க அவருக்குத் தெரியும். அவர்கள் உதவியை வைத்துக்கொண்டு, கிராமத்திலே வருமான வரி விதிக்கும் யோசனை செய்து போடும் விதத்தை கண்டு பிடிக்க வேண்டும். கஷ்டமாக இருக்கிறது என்று சொல்லிவிடக்கூடாது. அதற்காக குருவித் தலையில் பணங்காயை வைக்கிறதுபோல் போடக்கூடாது, அம்மாதிரி போடுவது தவறு என்று தெரிவித்துக்கொள்ளுகிறேன்.”

SRI P. S. KRISHNASWAMY AYYANGAR :—“On a point of Order, Sir: The general discussion on this Bill was gone through and it was said that clause by clause consideration of the Bill would be taken up today. But the hon. Member now attacks the very basis of the Bill itself. I want to know whether it is in order.”

MR. SPEAKER :—“The hon. Member has finished his speech now.” (Laughter.)

SRI S. THINAKARASAMI THEVAR :—“கனம் சபாநாயகர் அவர்களே, இந்த சபையின் முன் நாம் ஒரு முக்கியமான லாண்ட் சர்சார்ஜ் மசோதாவை கொண்டுவந்திருக்கிறோம். அதைப் பொருத்த அளவிலே ஒரு முக்கியமான விஷயத்தை சபையிலுள்ள அங்கத்தினர்கள் கவனத்திற்கு கொண்டுவர விரும்புகிறேன். விசேஷமாக, இந்த சர்சார்ஜ் மசோதாவைப் பொருத்த அளவில் ஒரு ஜில்லாவில் 500 ரூபாய்க்கு மேற்கொண்டு வரித் செலுத்தும் ஒரு நபருக்குத்தான் இந்த சர்சார்ஜ் வரி போடப் பட்டிருக்கிறதே தவிர, அதற்குக் குறைவாக 400, 500 ரூபாய் வரி தொகை செலுத்துபவர்கள் இதனால் பாதிக்கப்படவில்லை. தவிர ஒரு ஜில்லாவிலே 400 ரூபாய் செலுத்துபவர் அந்த ஜில்லாவைத் தவிர வேறு பல ஜில்லாக்களில் 500 ரூபாய்க்குக் குறைவாக நான்கு ஐந்து இடங்களில் செலுத்தினாலும் அவர்களை இந்த சர்சார்ஜ் வரி பாதிக்கவில்லை. உதாரணமாக, ஒவ்வொரு ஜில்லாவிலும் 400 ரூபாய் வீதம் நான்கு ஜில்லாக்களிலே ரூ. 1,600 வரி செலுத்தியபோதிலும், அவருக்கு இப்பொழுதுள்ள சட்டப்படி இந்த சர்சார்ஜ் வரி இல்லை என்று சொல்லப்பட்டிருக்கின்றது. இந்த முறையைப் பார்க்கும்போது, என்ன காரணத்திற்காக இந்த முறையை சர்க்கார் அனுஷ்டித்து வருகிறது என்று எனக்குப் புரியவில்லை. ஒருக்கால் அம்மாதிரி கணக்கிட்டுப் பார்த்ததிலேபல லட்சக்கணக்கானவர்களை அந்த சர்சார்ஜ் மசோதா சம்பந்தமாக கணக்கு எடுக்க வேண்டுமென்ற விபரங்கள் தேவைப்படுகின்றது என்று சர்க்கார் கருதி இப்போதுள்ள சர்சார்ஜ் முறையை அனுஷ்டிக்க முற்பட்டார்களோ என்னவோ தெரியவில்லை. ஆனால் இப்போதுள்ள முறைப்படிக்கு சுமார் 7 லட்சம் ரூபாய் சர்க்காருக்கு தீர்வை மூலமாக வரி வசூலிக்கப்படுகிறது என்று கணக்கிடப்பட்டிருக்கிறது. அதைப் பார்க்கிலும் பொதுவாக பல ஜில்லாக்களில் ஒருவர் செலுத்தும் மொத்த வரியில் 500 ரூபாய்க்கு மேற்கொண்டு தீர்வை செலுத்துகின்றவர்கள் எத்தனை பேர் என்பதை கணக்கிட்டு, அவர்கள் விவசாயிகளாக இருந்தாலும் அவர்களுக்கெல்லாம் இந்த வரி இருக்குமேயானால் அதன் மூலம் சர்க்காருக்கு குறைந்தது (20 லட்சம்) இருபது லட்சம் ரூபாய் வரி வாயிலாக கிடைக்க வசதியளிக்கும். இந்த முறையை விட்டுவிட்டு ஒரு ஜில்லாவிலே 500 ரூபாய்க்கு மேற்கொண்டு வரி செலுத்தும் ஒரு நபருக்குத்தான் இந்த சர்சார்ஜ் தீர்வை என்று சொல்லுவது அவ்வளவு பொறுத்தமாகத் தெரியவில்லை. அதிலும் இன்னொரு விஷயம் என்னவென்று கேட்டால், இந்த 500 ரூபாய்க்குமேல் தீர்வை செலுத்துவோர் பலதரப்பட்டவர்களாக இருக்கிறார்கள். நீர்ப்பாசனம் உள்ள

10th May 1954] [Sri S. Thinakaranasami Thevar]

வசதி அல்லது ஆற்றுப் பாசனம் உள்ள வசதி பிராந்தியங்களை எடுத்துக் கொண்டால் அங்கு விசேஷமாக லாபம் கிடைக்கிறது. அங்கு ஒரு போகம், இரு போகம் விளைகிறது. ஆகவே அந்த மாதிரி வசதியுள்ளவர்கள், அந்த அளவிலே தீர்வையைச் செலுத்தவேண்டுமென்று இருக்கவேண்டும். அதற்கு மாறாக நீர்ப்பாசன வசதியில்லாத பிராந்தியங்களிலே பல வருஷக் கணக்கில் நிலங்கள் தரிசாகவே இருக்கும். ஐந்து அல்லது ஆறு வருஷத்திற்கு ஒரு தடவைதான் மகசூல் கிடைக்கும். அவர்களும் எல்லா வருஷங்களுக்கும் கிஸ்தி கட்டவேண்டுமென்ற நிர்ணயம் இருக்கிறது. அவர்கள் தீர்வை கட்டுவதற்குக்கூட சக்தி இல்லாமல் கஷ்டப்படுகின்றனர். நீர்ப்பாசன வசதியில்லாமல் ஒருவர் 10 ஏக்கர் நிலம் சம்மா வைத்திருந்தாலும், அதற்கும் தீர்வை கட்டவேண்டியிருக்கிறது. மதுரை ஜில்லாவிலே திருமங்கலம் என்னும் ஊரில் என் நண்பர் ஒருவர் காலியாக வைத்திருக்கும் நிலங்களுக்கு கிஸ்தி கட்டக்கூட போதிய பணமில்லாமையால் ஒவ்வொரு வருஷமும் மூன்று அல்லது நான்கு ஏக்கர் நிலங்களை விற்கிற கிஸ்தி கட்டும்படியான நிலைமை ஏற்பட்டிருக்கிறது. ஆனபடியால் இந்த சர்சார்ஜ் முறை எல்லாப் பிராந்தியங்களுக்கும் ஒரே மாதிரியாக இல்லாமல் நன்கு பரிசீலிக்கப்பட்டு விதிக்கப்படவேண்டுமென்பது என்னுடைய ஆசை. நஞ்சை நிலங்களை எடுத்துக்கொண்டால் இந்த வருமான வரி பொருந்தும். சில சமயங்களில் அந்நிலங்களில் மூன்று போகம்கூட விளைகிறது. அம்மாதிரியான பிரதேசங்களுக்கு இந்தத் தீர்வை விதிப்பதில் குற்றமில்லை. அதற்கு மாறாக மற்ற பிரதேசங்களுக்கு அதாவது புஞ்சை பூமியுள்ள பிரதேசங்களுக்கு வரி விதிக்கும் முறையை சற்று பரிசீலனை செய்து, அவர்களுக்குத் தக்க முறையில் சர்சார்ஜ் வரியை குறைந்த முறையில் விதிக்கும் விஷயத்தில் சர்க்கார் கவனம் செலுத்தவேண்டுமென்று கேட்டுக்கொண்டு, அந்த முறையில் நல்ல விளைச்சலுள்ள assured crops நிலங்களுக்கு இந்த சர்சார்ஜ் வரியை விதிக்கலாம். ஒரு நபர் செலுத்தும் மொத்த தீர்வை (பல ஜில்லாக்களில்) 500 ரூபாய் அதிகப்படியாக இருக்குமானால் அவர்கள் அதனை பேருக்கும் தீர்வை விதிக்கவேண்டுமென்றிருக்கவேண்டும். அதன் மூலம் சர்க்காருக்கு அதிகப்படியான வருமானம் கிடைக்குமென்பதைத் தெரிவித்துக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, நம்முடைய நிதி அமைச்சர் அவர்களும் இன்னும் மற்ற மந்திரிகளும் ஏதாவது மக்களுக்கு நன்மை அளிக்கக்கூடிய திட்டங்களைப்பற்றி பேசுகிற சமயத்தில் நிதி நிலைமை சரியாக இல்லை என்பதை ஒரு காரணமாகக் காட்டி வருகிறார்கள். அப்படி அவர்கள் காரணம் காட்டக்கூடாது என்பதற்காகத் தான் அவர்கள் கையில் கொஞ்சம் பணம் கொடுக்கவேண்டுமென்பதே எதிர்க்கட்சியினரின் நோக்கம். ஆனால் இந்த திருத்தத்தைக்கூட சர்க்கார் தரப்பிலே ஏற்றுக்கொள்ள மறுப்பதைப் பார்த்து நாங்கள் ஆச்சரியப்படுகிறோம். சர்க்காருக்கு சுயமாக தைரியம் இல்லாவிட்டாலும், எதிர்க்கட்சியினர் கொண்டுவந்திருக்கும் திருத்தங்களுக்கு அவர்கள் மேலேயே பொறுப்பைப் போட்டு சர்க்கார் தரப்பில் இருக்கக்கூடியவர்களை சமாதானம் செய்து நாங்கள் கொடுத்திருக்கும் இந்த சந்தர்ப்பத்தை பயன் படுத்திக் கொள்வதற்காகவே இந்தத் திருத்தத்தை பிரேரேபிக்கிறோம். இப்பொழுது சர்க்கார் கொண்டுவந்திருக்கும் வரி விகிதம் மிகவும் சொற்பமானது. அது வரியே அல்ல என்று நாங்கள் சொல்லவில்லை.

“இந்த மசோதாப்படி, ரூ. 501 கிஸ்தி செலுத்துகிறவர் இன்னும் அதிகமாக ரூ. 31-4-0 செலுத்தவேண்டும். ரூ. 1,000 கிஸ்தி செலுத்துகிறவர், மேலும் ரூ. 125 செலுத்தவேண்டும். இந்த உபரி வரியினால் பெரிய நிலப்பிரபுக்கள் ஒன்றும் பாதிக்கப்பட்டு விடமாட்டார்கள். இந்த வரி அவர்களுக்கு யானையை கொசு கடிக்கிறமாதிரி ஆகும். பெரிய நஷ்டமோ ஆபத்தோ ஏற்பட்டுவிடாது. ஆகவேதான், நாங்கள் இரண்டு அணுவுக்குப் பதிலாக 4 அணுவாகவும், 4 அணுவுக்குப் பதிலாக 8 அணுவாகவும், 8 அணுவுக்குப் பதிலாக ஒரு ரூபாயாகவும் வரி விகிதத்தை உயர்த்தவேண்டுமென்று வற்புறுத்துகிறோம். மற்ற சில திருத்தங்களை சர்க்கார் ஏற்றுக்கொள்வதற்காகச் சொல்லுகிறார்கள். ‘ஒரு ஜில்லா’

[Sri M. Kalyanasundram] [10th May 1954]

என்று இருப்பதை ‘ராஜ்யம் முழுவதும்’ என்று எதிர்க் கட்சியினர் கொண்டுவந்த திருத்தத்தை சர்க்காரே ஒப்புக்கொள்வதாகச் சொல்லி விட்டார்கள். அதுபற்றி ரொம்பவும் சந்தோஷம். அதேமாதிரி இந்தத் திருத்தத்தையும் ஏற்றுக்கொள்ளவேண்டுமென்பதை வலியுறுத்துவதற்காகத்தான் நான் பேசுகிறேன்.

“விவசாய வருமான வரி போடவேண்டுமென்று இதற்கு முன் எதிர்க் கட்சியினர் எல்லோரும் எடுத்துக் காட்டியிருக்கிறோம். சர்க்கார் கட்சியில் விபரம் தெரிந்த ஒரு சிலர் இது நியாயம் என்றே ஒப்புக்கொண்டிருக்கிறார்கள். ஆனால் சர்க்கார் கட்சியைச் சேர்ந்த, நண்பர் ஸ்ரீ கருத்திருமன் அவர்கள் விவசாய வருமானவரி போடக்கூடாது, அது ரொம்பவும் ஆபத்தானது என்று அர்த்தம் கொடுக்கக்கூடிய முறையில் பேசியிருக்கிறார்கள். அப்படியில்லையென்றால் இப்பொழுது அவருடைய கருத்தை மாற்றிக்கொள்ளுவதாயிருந்தால், எனக்கு ஆட்சேபம் கிடையாது. அவர் காட்டிய காரணம் என்னவென்றால் விவசாயிகள் கணக்கு வைத்துக்கொள்ள முடியாது என்பதே. அதே காரணத்தைக்காட்டி, நமது நிதி மந்திரி பட்ஜெட் பிரசங்கத்தின்போது விவசாய வருமான வரி போடுவது சாத்தியமல்ல என்று சொல்லியிருக்கிறார்கள். அதைப்பற்றி ஒரு வார்த்தை சொல்ல விரும்புகிறேன். விவசாய வருமான வரிக்கொள்கை அடிப்படை என்ன என்பதைத் தெரிந்துகொண்டிருந்தால் அவர் இந்த ஆட்சேபணையை சொல்லியிருக்க முடியாது. எங்களுக்கு விவசாயம் தெரியாது என்று சொல்லி விட்டார்கள். ஆனால் விவசாய வருமான வரிக்கொள்கையானது எங்களுக்குத் தெரியும். யாருக்கு வரி போடவேண்டும், யாருக்கு வரி போடக்கூடாது என்பதை அனுபவத்தின் மூலம் நாங்கள் அறிவோம். எதிர்க் கட்சியினரில் சிலர் நேரிடையாகவே வயலில் இறங்கி உழுது பயிர் செய்யக்கூடிய விவசாயிகள். நண்பர் கருத்திருமன் அவர்களும் ஒரு விவசாயி என்று சொல்லிக்கொள்ளுகிறார். எங்கள் கட்சியில் ஸ்ரீமான் கன் வெங்கடேசன், வடிவேலு, சுப்பையா போன்றவர்கள் கலப்பை பிடித்து சேற்றில் இறங்கி உழக்கூடியவர்கள்.”

SRI P. G. KARUTHIRUMAN :—“On a point of explanation, Sir, விவசாய வருமான வரி போடவேண்டாம் என்று சொன்னது எந்த அடிப்படையில் என்றால் சாதாரண விவசாயிகள் கணக்கு வைத்துக்கொண்டு, அதை உத்தியோகஸ்தர்களுக்கு நிரூபிப்பது கஷ்டமாயிருக்கும் என்பதே. கணக்கு வைத்துக்கொண்டு, லாபமோ, நஷ்டமோ என்று நிரூபிப்பது அவர்களுக்கு ஒரு பாரமாயிருக்கும். நான் சொன்ன 3,600 பேர்களைப் பொறுத்தமட்டில் கவலையில்லை, தவிர, விவசாய வருமானவரி போட்டால் அதிக வருமானத்தை எதிர்பார்க்க முடியாது.”

SRI M. KALYANASUNDRAM :—“கனம் அங்கத்தினர் நான் பேசி முடிக்கும் வரையில் பொறுத்திருந்து, நான் சொல்லக்கூடிய விஷயங்களைப் புரிந்துகொண்டு பதில் சொல்லியிருக்கலாம். விவசாய வருமானவரி எந்த அடிப்படையில் போடவேண்டுமென்றால் யாருக்கு கணக்கு வைக்கத் தெரியாதோ அவர்களுக்கு வரியே கிடையாது. அதுதான் நண்பர் ஸ்ரீ ராமலிங்கத்தின் நோக்கமும் கூட. கஷ்டப்படும் விவசாயிகளுக்கு எல்லா வரியிலிருந்தும் விதிவிலக்கு அளிக்கக்கூடிய நிலைமை ஏற்பட்ட பிறகு, விவசாய வருமான வரியைக் கொண்டுவர வேண்டும். நண்பர் ஸ்ரீ கருத்திருமனுக்கு திறமை நிறைய உண்டு. நான் அவரை அறிந்த வரையிலும் அவரைப்பற்றி கேள்விப்பட்ட வரையிலும் ஒரு கணக்கல்ல, நான்கு கணக்குகள் வைத்துக்கொள்ளக்கூடிய திறமை அவருக்கு உண்டு. (சிரிப்பு.) அவர் Research முதலியன நடத்தி திறமையாக விவசாயம் செய்பவர். அவர் ஆட்சேபணை பண்ணுவதைக் குறித்து நான் ஆச்சரியப்படாமலில்லை.”

SRI P. G. KARUTHIRUMAN :—“Personally speaking, I have no objection to the levy of agricultural income-tax. ஜனங்களுடைய நன்மையை உத்தேசித்தே சொல்லுகிறேன்.”

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SRI M. KALYANASUNDRAM :—“விவசாய வருமான வரி அடிப்படையில் குறைந்த நிலம் வைத்திருக்கும் விவசாயிகளுக்கு விதிவிலக்கு அளித்துவிட்டால் மற்றவர்கள் கணக்கு வைத்துக்கொள்வது சுலபமான காரியம். கணக்கு வைத்துக்கொள்ளும் பிரச்னை தீருவதற்கு பரிகாரம் கண்டுபிடிக்கும் வழி இருக்கிறது. அதிகாரிகளை எவ்விட்டு விவசாயிகளை கொடுமைப்படுத்தவேண்டுமென்பது எங்கள் நோக்கமல்ல. விவசாய வருமான வரி நிலப்பிரபுக்களை பாதிக்கும் என்பதற்காக சர்க்கார் தயங்குகிறார்கள். நிலப்பிரபுக்கள் விஷயத்தில் சர்க்கார் குதுவாது இல்லாத பச்சிளங் குழந்தைகளாக ஆகிவிடுகிறார்கள். ஆனால் தொழிலாளர்கள் விவசாயிகள் விஷயங்களில் சிங்கம், புலிகளாக மாறி விடுகிறார்கள். இந்தமாதிரி மனோபாவத்துடன் வரிகள் போடுவதென்றால் அது நியாயமான வரியாக இருக்கமுடியாது என்பதைத் தெரிவித்துக்கொள்ள விரும்புகிறேன். இப்பொழுது நாங்கள் கொடுத்திருக்கும் திருத்தங்களை ஏற்றுக்கொண்டால் பெரும் நிலப்பிரபுக்கள் பாதிக்கப்பட மாட்டார்கள். அதே சமயத்தில் சர்க்காருக்கு இன்னும் இரண்டு பங்கு வருமானம் அதிகம் கிடைக்கும். இந்த வருமானத்தை வைத்துக் கொண்டு ஏழை மக்களுக்கு பயன்படக்கூடிய முறையில் நல்ல காரியங்களைச் செய்யலாம். ஆகவேதான் இந்தத் திருத்தத்தை வற்புறுத்திப் பேசவேண்டியிருக்கிறது. சட்ட ஒழுங்குப் பிரச்சனையைக் கிளப்பாமல் திருத்தத்தை ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.”

“ஒரு ஜில்லாவில் மட்டும் இருக்கக்கூடிய நிலங்களை” என்பதற்குப் பதிலாக ‘ராஜ்யம் பூராவிலும் இருக்கும் நிலங்களை’ என்று நாங்கள் கொடுத்திருக்கும் திருத்தத்தை சர்க்கார் கட்சித்தலைவரும் கனம் மந்திரி அவரும் ஒப்புக்கொண்டுவிட்டார்கள். அதேமாதிரி இந்தத் திருத்தத்தையும் அவர்கள் ஒப்புக்கொள்ளலாம். இந்தத் திருத்தம் வரி விதித்ததை உயர்த்துவதற்காகத்தான். அதில் ஒழுங்கீனம் இருக்கிறது. கவர்னர் இடத்தில் சொல்லி திருத்தம் செய்துகொள்ளலாம். ஆகவே, இந்தத் திருத்தத்தை ஏற்றுக்கொள்ளும்படி கேட்டுக்கொள்கிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Mr. Speaker, Sir, I have had my own idea of a surcharge on land revenue. I now come forward with this Bill, because this Bill is so simple in nature and because the burden of paying the surcharge is distributed quite equitably. The two main questions that were discussed are : (1) whether it would not be feasible to have agricultural income-tax rather than this surcharge; and (2) whether the limit of exemption should be so high as Rs. 500 and whether it could not be lowered to Rs. 250 or even less.

“With regard to the first point, viz., of having an agricultural income-tax, the main objection to having it, is because of the difficulty of maintaining correct accounts regarding agricultural income. Even though the tax may affect only those paying a revenue of more than Rs. 500, still in the rural parts, it is not easy for the landowners to maintain their accounts properly. There are other factors also besides the difficulty of maintaining accounts. In computing income-tax, we have to go into the question of income minus the expenses involved in cultivation and other incidental expenses. We have also to give due allowance for bad seasons wherein the crops have been affected. The question of pest affecting the crops has also to be taken into account. In computing the expenses under cultivation, there are so many difficulties. What one thinks as a wrongful item of expenditure the other may think as a legitimate item of expenditure. Even in regard to seed requirement there is much difference. Due allowance should be

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given for the quantity of water made available for irrigation and the crops affected by drought and so on. The officer may view things in his own way. The cultivators may view it in an altogether different way. They may say that what the officer had calculated as the agricultural income is totally wrong, that he had not taken into account the cultivation expenses properly, that no allowance had been given for the crop affected by pest and so on. These are the practical difficulties in having an agricultural income-tax. For the levy of agricultural income-tax, the agriculturists are required to maintain accurate accounts regarding their agricultural income. Even in towns, we hear the merchants, who are quite familiar with maintaining accounts because they pay income-tax, complaining against the maintaining of correct accounts of their transactions. They cite several practical difficulties. When even they in the urban areas are finding it difficult to maintain accounts, we can well imagine the difficulty of maintaining correct accounts by the villagers in the rural areas regarding their income from agriculture, which is subject to so many fluctuations. That is why Government, after considering all these difficulties, came to the conclusion that as things stand at present in our State, it would not be advisable to have agricultural income-tax. So this Bill, which is very simple, has now been brought. This surcharge may not affect the poor peasants but it will tax only the rich. As I said previously, we have not left the question of agricultural income altogether. We have thought it fit to try that experiment in regard to plantations. But what do the planters say? They came in a deputation and said that they would even welcome a flat increase in their land revenue rather than the proposed income-tax on plantations. The planters are quite an organized lot. They pay income-tax. They have got the most up-to-date methods to calculate all their earnings. But still they say this income-tax on plantations will hit them hard and that they do not want it. That is why we have thought it better to introduce this graded surcharge on land revenue rather than the agricultural income-tax. Let us watch our experiment with plantations. If that tax proves successful, we shall then think of extending the same to agriculturists. But the time is not opportune now for levying an agricultural income-tax.

“Regarding the second point, viz., that the exemption limit need not be fixed at Rs. 500 but that it could be lowered down, I shall say a few words by way of explanation. It has been said by our old poetess Avvaiyār that agriculture is the noblest of all professions. But if by some *illusion* she were to live here now, I think she would revise her statement. She may say that the profession of agriculture may go to a man who has sinned much and who deserves to be punished. Because of the vicissitudes in seasons and other changes in nature that affect him so much, if we take into account the average income of a cultivator, we could definitely come to the conclusion that it is not a worthwhile profession at all. In cultivation, the cultivator, his wife, aged women like his mother and grandmother, and even children of six or seven years

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work. All the members of the family work. In computing cultivation expenses, we never take into account the cost of labour contributed by the members of the family. Even after putting in so much labour for which the cultivator does not actually pay, an average cultivator gets only just sufficient to keep the body and soul of the members of his family together. This is the position of landholders who pay a small land revenue. No doubt the difficulties experienced by small cultivators apply also to the landholders who pay a land revenue of over five hundred rupees. But their shoulders are broad enough to bear the burden. The margin of profit is fairly large in their case. Even if there is under-production due to bad seasons or due to affection of crop by pests, they can bear the burden of this surcharge a little more easily than those landholders who pay a land revenue, less than five hundred rupees. That is why we have fixed the exemption limit sufficiently high. There are so many factors which we have to take into account. They were all considered at the Select Committee stage of the Land Revenue (Surcharge) Bill of 1952. Some people wanted dry lands to be exempted from the levy of surcharge, as cultivation on them depended on rain and as timely and adequate rain was an uncertain factor. Then, it was said that the surcharge should vary according to the fertility of the soil and also according to the rise or fall in the price of agricultural produce. All these things will lead to complications in working out the surcharge. In determining the actual fertility of the soil and the fluctuating price of agricultural produce, there may be scope for difference of opinion and genuine hardships may arise. That is why we have adopted this rough and ready method of five-hundred-rupee land revenue limit. It is not as if we do not want to have more revenue. We are anxious to have more revenue. But we cannot derive revenue in any way we please. The taxes we levy must be just and the burden must be distributed as equitably as possible. There is no use of ruining a man because he is rich. We know that for the last five or six years, monsoon failed completely. Under such conditions, if we lower the exemption limit, it will be very hard and we will not be doing the right thing by the vast majority of people of this State who have taken to the very precarious profession of agriculture.

“The hon. Member, Sri M. Narayana Kurup, has given notice of an amendment to introduce the words ‘in the same capacity’. I think that amendment will give rise to some difficulty. We have put in some illustrations and they make the matter very clear. Therefore the question of ‘in the same capacity’ may not arise. I do not think that that amendment is necessary.

“With regard to the amendment of Sri Kolkebail, taking into consideration the special land tenure system of South Kanara, I have given notice of amendment after discussion with the hon. Member. I hope the House will accept that amendment. Sri Kolkebail himself said that that would meet his object.”

MR. SPEAKER :—“It will be better if the Hon. Minister moves it as an amendment to the amendment.”

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THE HON. SRI M. A. MANICKAVELU NAICKER :—" I will just refer to one more point and conclude my reply. Sri S. Ramalingam said that tax was collected very rigorously and gave the instance of distraint of a child. I want to take this opportunity to explain the actual position. Last time when we met, Sri Manali Kandasami said that the revenue authorities were so harsh that they even distrainted children for failure to pay tax. Even then I said that that could not be a fact. But he asserted that it was a fact and I had no information on the basis of which I could either accept or refute the assertion. Now I can say that it is a deliberately false statement. The hon. Member ought not to have made that on the floor of this House. I am sorry that some newspapers gave prominence to the news by giving big headlines, without verifying the accuracy of the news. It is a deliberate misstatement of fact. I want to make it clear."

MR. SPEAKER :—" I rule the amendment of Sri M. Kalyanasundaram proposing to substitute a new clause for the existing clause out of order, as it proposes to increase the tax."

" Then comes Sri M. Narayana Kurup's amendment. Is the hon. Member withdrawing it? "

SRI M. NARAYANA KURUP :—" No, Sir. I think it is a necessary amendment."

MR. SPEAKER :—" Are the Government accepting it? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" No, Sir."

MR. SPEAKER :—" The question is—

' In the second line, *after* the word " pay " and before the words " a sum exceeding rupees five hundred ", *insert* the words " in the same capacity " . "

The amendment was put and lost.

MR. SPEAKER :—" Then comes Sri S. Ramalingam's amendment."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I accept the amendment."

MR. SPEAKER :—" The question is—

' For the words " in a district ", *substitute* the words " in the State " . "

The amendment put and carried.

MR. SPEAKER :—" Then again comes Sri Ramalingam's amendment. It is an amendment consequent on the previous amendment. Hence the House must necessarily accept it."

" The question is—

' In line 6, *delete* the words " in the State " . "

The amendment was put and carried.

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MR. SPEAKER :—" Then comes Sri P. S. Krishnaswami Ayyangar's amendment."

SRI P. S. KRISHNASWAMI AYYANGAR :—" Sir, my amendment is a minor amendment relating to the rate of surcharge on every slab. I will take slab (b) to explain the purport of my amendment. The words used in the Bill are ' two annas on each rupee.' This wording will mean that no fraction of a rupee should be taken into consideration in computing the surcharge. My amendment seeks to make this meaning clear. My amendment amends the wording so as to read ' Two annas on each round sum of a rupee ', thereby providing for ignoring the fraction of a rupee in computing the surcharge. If there is not this clarification, there may not be uniformity in computing the surcharge. Some revenue officers might ignore the fraction of a rupee and others might include that also in calculating the surcharge. For instance, if a landholder pays a land revenue of rupees . . . "

THE HON. SRI C. SUBRAMANIAM :—" We understand the point, and no elaborate explanation is needed."

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

SRI P. S. KRISHNASWAMI AYYANGAR :—" Are the Government accepting it? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" No, Sir."

SRI P. S. KRISHNASWAMI AYYANGAR :—" Then, I beg leave of the House to withdraw my amendment."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" The following amendment of the hon. Member, Sri N. K. Palanisamy, is also out of order :—

' For the rates given under " rate of surcharge ", *substitute* the following :—

- (a) 2 annas on each rupee;
- (b) 4 annas on each rupee;
- (c) 8 annas on each rupee;
- (d) One rupee on each rupee;

and omit the illustrations.'

The amendment of the hon. Member, Sri Ramalingam, seeks to amend not this Bill but some other Bill." (Laughter.)

SRI S. RAMALINGAM :—" I do not want to amend any other Bill, Sir. The Government are granting remissions in so many areas. If this Bill is amended suitably, we need not amend any other enactment."

" இந்த அதிகாரத்தை சர்க்காருக்குக் கொடுத்துவிட்டால் 15 ரூபாய்க்கு குறைவாக உள்ள வரியை இவர்களே வஜா செய்து விடமுடியும். "

MR. SPEAKER :—" இந்தத் திருத்தம் வேறு ஒரு சட்டத்திற்குக் கொடுக்கப்படவேண்டியது."

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THE HON. SRI C. SUBRAMANIAM :—" I do not think it can come within the scope of this Bill. This is purely a Bill relating to the levy of a surcharge on land revenue."

SRI S. RAMALINGAM :—" Sir, I shall read the provision and explain it. Explanation to section 3 reads as follows :—

'Land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.'

"வேறு சட்டத்தைத் திருத்த வேண்டியதேயில்லை. இந்தச் சட்டத்திலேயே அந்த அதிகாரத்தை சர்க்காருக்குக் கொடுத்துவிடலாமென்பது தான் என் அபிப்பிராயம்."

SRI M. KALYANASUNDRAM :—" நானும் அப்படியே தான் நினைக்கிறேன். இதைப் பிரேரிப்பதில் தவறு எதுவுமில்லை."

MR. SPEAKER :—" Then, I shall put it to the vote of the House.

"The following amendment of Sri Ramalingam was then put and lost :—

'Add the following proviso before the Explanation :—

"Provided that as long as the Land Revenue Surcharge is levied, the land revenue payable by the landholder paying less than Rs. 15 for a fasli shall be remitted." "

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

'In illustration (1), omit the sentence "All the lands are in the same district".'

The amendment was put and carried.

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

'Omit illustrations (4) and (5).'

The amendment was put and carried.

MR. SPEAKER :—" I wish to know whether the amendment of the hon. Member Sri Kolkebil is to clause 3 or to clause 2. In the notice of amendments it is given as amendment to clause 2."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" It will come only under clause 2."

MR. SPEAKER :—" Then, I shall take it up when we consider clause 2."

Clause 3, as amended, was put and carried.

Clause 4.

Clause 4 was put and carried.

Clause 5.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move the following amendments :—

'Add the following as sub-clause (2) and re-number sub-clauses (2) and (3) as sub-clauses (3) and (4), respectively :—

"(2) Every landholder who is liable to pay as land revenue a sum exceeding rupees five hundred for a fasli

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in respect of all lands held by him in the State shall, even if no notice is issued to him under sub-section (1) submit to the Collector of the district in which he resides or to the Collector of any of the districts in which he holds lands, a declaration in such form and within such period as may be prescribed."

'In sub-clauses (3) (a) and (3) (b) as re-numbered, for the expression "sub-section (1)", substitute the expression "sub-sections (1) or (2)".'

SRI C. KANDASAMY :—" Sir, I move the following amendment :—

'For the existing clause, substitute the following :—

"5. Power to call for information and liability to make declarations.—(1) The Tahsildar of the taluk or range, the Revenue Divisional Officer of the division or the Collector of the district, in which a landholder holds lands may by notice in writing require him or, where the landholder is a person subject to disability or an idol or a religious and charitable institution, the guardian, curator, trustee, or manager of such landholder, to submit a declaration in writing in such form and within such time as may be specified in the notice, in regard to the total extent of the lands held by the landholder in the State and the land revenue payable in respect thereof.

(2) Every landholder who is liable to pay a land revenue exceeding Rs. 250 in respect of all lands held by him in the State shall notwithstanding any notice issued to him under sub-section (1) be liable to make a declaration within sixty days from the beginning of every fasli in such form as may be prescribed in regard to the total extent of the lands held by the landholder in the State and the revenue payable in respect thereof.

(3) (a) If the officer to whom a declaration is submitted under sub-sections (1) and (2) is satisfied that it is correct and complete, the surcharge may be assessed on the landholder on the basis of such declaration.

(b) If no declaration is submitted under sub-sections (1) and (2) before the time specified or if the declaration submitted to the officer appears to him to be incorrect or incomplete, it shall be lawful for him to pass an order regarding payment of surcharge after making such inquiry as he considers adequate :

Provided that where a declaration has been submitted and the officer proposes to act under this clause, he shall give the person concerned

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a reasonable opportunity of proving the correctness and completeness of the declaration.

- (4) *Any landholder, or guardian, curator, trustee or manager, as the case may be, who fails to make a declaration in accordance with sub-sections (1) and (2) or who in a declaration under this section makes any statement which he knows to be false or does not believe to be true, shall be punished with fine which may extend to rupees one thousand "."*

SRI M. KALYANASUNDRAM :—" I second the amendment, Sir."

SRI M. NARAYANA KURUP :—" Sir, I move the following amendments :—

' In sub-clause (1), after the expression " as may be specified in the notice " and before the phrase " in regard to ", insert the words " or within such further period as may be allowed by the officer in his discretion." '

' After sub-clause 2 (b), insert the following as sub-clause 2 (c) :—

" (c) An appeal shall lie to the Government from the order of assessment at the instance of the aggrieved party within thirty days of the order." '

DR. K. B. MENON :—" I second the amendments, Sir."

SRI N. K. PALANISAMI :—" Sir, I move the following amendment :—

' After sub-clause 2 (b), insert the following as sub-clause 2 (c) :—

" (c) Persons who fail to submit declaration in time shall be punished with fine or imprisonment for a term of not less than two years ".'

SRI K. T. RAJU :—" I second the amendment, Sir."

MR. SPEAKER :—" Now, the Government amendment as well as the other amendments are before the House for discussion."

SRI M. NARAYANA KURUP :—" Sir, my amendments do not materially affect the provisions of the Bill. My first amendment is only to give discretion to extend the time within which returns are to be submitted. If there were no such provision, it would seem that when once a time-limit is fixed in the notice and for valid reasons, the landholder could not submit the returns, even the officer is helpless. In that case, he cannot give further time for the submission of the return. We find in judicial proceedings and in other proceedings that the officer is given discretion to extend the time for submission of any return. Then the next amendment is regarding appeal. It has been claimed that this is a very simple

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Bill. I am sure that in the working of the Bill, as the land tenure systems in the different parts of the State are so varied, the Government will be called upon to look into many complicated matters. As it is, no appeal is provided from the decision of the Revenue Divisional Officer or the Collector. I believe, in the ordinary circumstances, an appeal will lie to the Revenue Board or the Collector. My amendment only states that 'an appeal shall lie to the Government from the order of assessment at the instance of the aggrieved party within thirty days of the order.' I believe that it is necessary and beneficial both in the interests of the assessee as well as the State. Many complicated questions which cannot be decided by a Revenue Divisional Officer or the Collector will arise and the State can, after fully going into the facts of the case, come to a decision. If this is done, the people will also have the satisfaction that justice has been meted out to them."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The hon. Member's amendment is more restrictive. As it is, there is provision for an appeal and the Government can interfere when there is difficulty. I do not know why the hon. Member wants to restrict the time to 30 days only.

" As for giving discretion to the officers, I think it will be rather embarrassing to the officers themselves. No such discretion need be given, because there will be allegations that the officers exercised their discretion wrongly. As it is, no difficulty will be experienced."

SRI C. KANDASAMY :—" Sir, I withdraw my amendment." The amendment of Sri Kandasamy was, by leave, withdrawn.

SRI M. NARAYANA KURUP :—" I am not pressing my two amendments, Sir."

The amendments of Sri M. Narayana Kurup were, by leave, withdrawn.

SRI N. K. PALANISAMI :—" I press my amendment, Sir."

MR. SPEAKER :—" The question is—

' After sub-clause 2 (b), insert the following as sub-clause 2 (c) :—

" (c) Persons who fail to submit declaration in time shall be punished with fine or imprisonment for a term of not less than two years." '

The motion was put and lost.

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

' Add the following as sub-clause (2) and re-number sub-clauses (2) and (3) as sub-clauses (3) and (4), respectively :—

" (2) Every landholder who is liable to pay as land revenue a sum exceeding rupees five hundred for a fasli in respect of all lands held by him in the State shall, even if no notice is issued

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to him under sub-section (1) submit to the Collector of the district in which he resides or to the Collector of any of the districts in which he holds lands, a declaration in such form and within such period as may be prescribed."

'In sub-clause (3) (a) and (3) (b) as re-numbered, for the expression "sub-section (1)", substitute the expression "sub-sections (1) or (2)".'

The motion was put and carried.

SRI S. RAMALINGAM :—"Sir, then sub-clause (2) (b) which says, 'if no declaration is submitted under sub-section (1) before the time specified . . . etc.,' has to be re-numbered."

MR. SPEAKER :—"That has been done by the amendment moved by the Hon. Minister."

Clause 5, as amended, was put and carried.

Clause 6 was put and carried.

Clause 7 was put and carried.

Clause 2.

MR. SPEAKER :—"There is Mr. Kolkebaill's amendment and there is also the amendment of Mr. Padmaprabha Goundar. I think the Government have accepted Mr. Kolkebaill's amendment. So the Hon. Minister for Land Revenue may move his amendment as an amendment to that of Mr. Kolkebaill."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"My amendment covers what they want. I move the amendment which reads as follows :—

'Add after the proviso to item (b), the following :—

"Where any lands including cultivated lands are in the possession of a walawargadar, kayamgenidar, permanent tenant or mulgeni tenant, he shall be liable to pay the surcharge in respect of those lands, notwithstanding any contract to the contrary."

MR. SPEAKER :—"In view of this Government amendment, I think hon. Member Mr. Kolkebaill will not press his amendment."

SRI S. KOLKEBAIL :—"Except the last clause, I do not press the other clauses."

MR. SPEAKER :—"Which is the last clause? In any case, the hon. Member may formally move his amendment."

SRI S. KOLKEBAIL :—"I formally move the following amendment standing in my name :—

'Add after the proviso in item (b) of clause 2, the following :—

"Levy of surcharge in the South Kanara district—Provided further that in the district of South Kanara in cases to

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which the provisions of sub-sections (1) and (2) of section 4 are not applicable the following provisions shall apply :—

1. *No surcharge shall be leviable in respect of uncultivated punja lands.*
2. *Where any lands including cultivated punja lands are in the possession of a valavargadar, kayamgenidar, permanent tenant or, mulgeni tenant, or usufructuary mortgagee, he shall be liable to pay the surcharge in respect of those lands.*
3. *In other cases the registered holder shall be liable to pay the surcharge.*
4. *No person who is liable to pay the surcharge under clauses (2) and (3) shall, by reason of any contract with his tenant be entitled to recover the whole or any portion of the surcharge from such tenant."*

SRI K. T. SRIDHARAN :—"I second the amendment, Sir."

MR. SPEAKER :—"The Government have accepted the first portion of the hon. Member's amendment. The words 'notwithstanding any contract to the contrary' are added. That is all."

THE HON. SRI C. SUBRAMANIAM :—"That is necessary, Sir."

MR. SPEAKER :—"In that case, the Hon. Minister for Land Revenue could have moved his amendment as an amendment to that of Mr. Kolkebaill."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"I had a discussion with the hon. Members who have given notice of these amendments. As a result of this discussion only, we have arrived at this agreed amendment which I have already moved."

MR. SPEAKER :—"In that case, let not Mr. Kolkebaill press his amendment."

SRI S. KOLKEBAIL :—"I am not pressing my amendment, Sir."

The amendment of Sri Kolkebaill was, by leave, withdrawn.

SRI M. K. PADMAPRABHA GOUNDER :—"Sir, I move the following amendment standing in my name :—

'Add at the end of proviso to item 2 (b) of clause 2, the following :—

"Provided further in respect of estates or plantations whose extent exceeds 250 acres and the rent payable thereon is less than the land revenue plus surcharge thereon, the surcharge under this Act shall be recoverable from the holder of the estate or plantations whether land revenue is at present payable by the holder of the estate or plantations or not."

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"Sir, it is my object that big plantations like the E & S, the Malayalam Plantations, etc., who own hundreds and thousands of acres of land under 99 year lease and pay two annas and four annas per acre as land rent should pay the surcharge. The jenmis . . ."

SRI T. C. NARAYANAN NAMBIAR :—"On a point of order . . ."

MR. SPEAKER :—"Let the hon. Member finish his speech."

SRI T. C. NARAYANAN NAMBIAR :—"Mine is a pertinent point of order, Sir. We do not know what is the amendment of the hon. Member. It has not been circulated."

MR. SPEAKER :—"It has already been circulated. Let Mr. Padmaprabha Gounder continue his speech."

SRI M. K. PADMAPRABHA GOUNDER :—"The jenmis should be excluded from the surcharge for the reason that when they get two annas or so as land rent, they have to pay about one rupee eight annas as surcharge. I want the following proviso to be added :—

'Provided further in respect of estates or plantations whose extent exceeds 250 acres and the rent payable thereon is less than the land revenue plus surcharge thereon, the surcharge under this Act shall be recoverable from the holder of the estate or plantations whether land revenue is at present payable by the holder of the estate or plantations or not.'

The amendment was seconded.

SRI M. NARAYANA KURUP :—"I move—

'That in sub-clause (b), after the proviso, insert the following further proviso :—

"Provided further that no person who is liable to pay the surcharge under this Act, shall by reason of any contract, with his tenant be entitled to recover the whole or any portion of the surcharge from such tenant."

This was duly seconded.

MR. SPEAKER :—"All these amendments are before the House for discussion."

SRI R. KRISHNAN :—"Sir, there is another amendment of mine."

MR. SPEAKER :—"Please move that amendment."

SRI R. KRISHNAN :—"I move—

'Add at the end of proviso to item (b) of clause 2, the following further proviso :—

"Provided further that no tenant or sub-tenant within the areas where the Malabar Tenancy Act applies shall be liable to pay the surcharge under any contract or

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otherwise nor shall any sum be recoverable from such person by the landlord on the basis of any contract or other source of liability."

The amendment was duly seconded.

SRI P. S. KRISHNASWAMI AYYANGAR :—"There are three amendments and they are all provisos to clause 2: I move—

'Add at the end of proviso to item (b) of clause 2, the following provisos :—

"Provided further that where a transfer inter vivos of land takes place and where, by virtue of the provisions of the law relating to transfer of property, the transferee is bound to pay the public charges payable in respect of the land transferred, the transferer and the transferee shall be deemed to be the joint-holders of the land transferred, till the end of the fasli year in which the land is transferred to the patta of the transferee;

"Provided also that each joint-pattadar of a joint patta shall, for the purposes of this Act, be deemed to hold all the lands comprised in that patta and to be liable to pay the entire revenue due in respect thereof;"

"I have given notice of a third amendment and that has not been circulated. Perhaps there has been some delay in the office. I shall move that also, namely :—

'Provided still further that for purposes of this Act, the land revenue payable by a person in one capacity shall not be added on to the revenue payable by him in any other capacity or capacities.'

These are the amendments that I want to move.

SRI G. GOVINDAN :—"I second the amendment, Sir."

SRI M. NARAYANAN NAMBIAR :—"I move—

'Add at the end of the provisos to item (b) the following proviso :—

"Provided further that the landlord is not liable to pay any surcharge in respect of lands granted on Mulgani or Kayamgani or Balagani or such other tenure which are all of a permanent character in the district of South Kanara."

SRI K. T. SREEDHARAN :—"I second the amendment, Sir."

MR. SPEAKER :—"Clause 2 and the amendments are before the House for discussion."

SRI M. NARAYANA KURUP :—"Sir, a little amendment in this Bill has become necessary only because the order was changed from the original Bill. The House will remember that it was remitted to a Select Committee which considered all the points and

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redrafted the Bill. There the provisions of the particular sections were incorporated in regard to the lands to which the Malabar Tenancy Act was applicable. Now they have all been jumbled together and that is why these amendments have become necessary. Even the difficulty with regard to South Kanara has been now practically removed because of the Government amendment. It is only to safeguard the petty kudiyruppu-holders of Malabar, that I have moved this amendment. This is bodily taken without any change from the original Bill that was accepted by the Select Committee.

"Sir, I wish to clear a misapprehension that the tenants will go free and the landlords will have to pay. Here in these cases, it affects the tenants who are liable to pay fair rent. It is explained that in one case, the tenant pays revenue to the landowner and in another case, there is no such liability. Therefore, he cannot be made liable, unless he were an independent pattadar. Now, what would happen, as has been referred to by Mr. Pai, is that there will be a tendency on the part of landlords to shift their burden on the petty tenants who do not come under the definition landlord and who do not pay not only Rs. 500 but even Rs. 5. It is to remedy this anomaly that I have given notice of my amendment. This proviso that is now before the House was taken from the original Bill which was redrafted after due consideration. Therefore, I request that the Government may be pleased to accept this amendment; otherwise, they will be taxing persons in Malabar who pay a revenue of only Re. 0-8-0 or Re. 1."

SRI V. R. KRISHNA AYYAR :—"Sir, Mr. Kurup's amendment; I warmly endorse, but I feel that something more has been incorporated in the other amendment that has been moved by Mr. Krishnan here. The point simply is this: The object of the Surcharge Bill is to tax land-owners or proprietors of land who pay assessments above a certain limit. What happens is that on account of the Malabar Tenancy Act, for dry lands and punam cultivation, the fair rent itself is so many times the assessment of the land. In respect of dry lands, it is three times, and for punam cultivation—a kind of fugitive cultivation—it is twice the assessment and in certain other cases, it is so much of the land revenue. Here creeps in the notion about fair rent. What is payable as fair rent? Since it is fixed with reference to the land revenue or assessment on the land; if this surcharge is to be tacked on, that would mean an oppressive increase in the fair rent that has to be paid by the tenant. This surcharge is based upon the ability of the landlord who is getting a large income to pay, I therefore, suggest that this liability to pay the surcharge upon the landlord may not indirectly get into the calculation of fair rent and be saddled upon the tenant. That can be achieved only by one process, and that is by laying down that land assessment or land revenue may not include surcharge. That is why the amendment of Mr. Krishnan expressly sets out and explicitly mentions that surcharge under this Act shall never be payable by or recoverable from the tenants or even sub-tenants who might be the cultivators.

[Sri V. R. Krishna Ayyar]

"Another amendment is that moved by Mr. Padmaprabha Gounder and that also I consider as a sensible amendment which requires to be incorporated. The basis of that amendment is this: In Wynaad, there are big European plantations and estates—a few hundred acres may be the minimum and a few thousand acres the average size. In such cases, the European planters have taken the lands on a 99-year lease. The pattadar gets from such lands only two annas and four annas per acre. So the pattadars get only a nominal rent and the large income derived from the land, a substantial income, an absolute income is taken away by these estate-holders and planters. The landlord has just a nominal right. The estate which still vests in the landlord is subject to a 99-year old lease with the result that the only interest the landlord has in these lands is that he gets a bare rent of a few annas per acre. If he is called upon to pay this surcharge, that might be unfair and inequitable, particularly because the major income, the huge income is derived by the planters. Virtually they are the proprietors, because they have got a perpetual lease. The amendment seeks to impose the liability of such surcharge upon such planters and they should not be exempted. Obviously, they should not be because they are the virtual proprietors of land. There is no point in asking the token proprietor to pay the surcharge because the rent that he gets from the planters is very meagre."

SRI R. KRISHNAN :—"മിസ്റ്റർ സ്പീക്കർ, സർ, എന്റെ ഈ ഭേദഗതിയെ അനുകൂലിച്ചുകൊണ്ടു ശ്രീ കൃഷ്ണയ്യർ അതിന്റെ ഉദ്ദേശം നല്ലപോലെ വ്യക്തമാക്കുകയുണ്ടായി. മലബാറിലെ ഭൂവ്യവസ്ഥിതി ഒരു പ്രത്യേക തരത്തിലുള്ളതാണെന്നു വ്യക്തമാക്കപ്പെട്ട മന്ത്രിമാർക്കുമറിയാം. മറ്റുള്ള മെമ്പർമാർക്കുമറിയാം. മലബാറിൽ ഒരു ജന്മിയുടെ കീഴിൽ ധാരാളം കുടിയാന്മാരുണ്ടാവും. നിലവിലുള്ള നികുതിയും മേലാൽ വാർഷികീകാ വുന്ന സകല നികുതിയും കൊടുത്തുകൊള്ളാമെന്നു കാണുകുടിയാന്മാരിൽനിന്നുണ്ടാകുന്ന ജന്മിമാർ ചാത്തു് ആധാരത്തിൽ എഴുതി വാങ്ങിയിട്ടുണ്ടു്. അന്വർത്തിക്കുന്നവരെ അറുപതിനായിരമോ ചുറ്റുമ്പക നികുതി ജമയുള്ള ജന്മിമാരുണ്ടു്. നികുതി കാണുകുടിയാന്മാരായിരിക്കും കൊടുക്കുക. കാണുകുടിയാൻ കൈവശം വെച്ചുവരുന്ന ഭൂമി ചുരുങ്ങിയ അളവിലുള്ളതാണെങ്കിലും ജന്മിയുടെ ജമ ഓഫററി വെച്ചുകൂടാ സ്ഥിതിക്കു ഈ സൂചിപ്പു് കാണുകുടിയാന്റെ തലക്കാണ് വീഴുന്നതെന്നുള്ളതിന്നു സംശയമില്ല. ഏതുവിധേനയും നികുതി ഭാരം കുടിയാന്മാരുടെ തലയ്ക്കുവെച്ചിട്ടു ഒഴിയാനുള്ള കരുതാണ് ജന്മിമാർ എടുക്കുക. നാം കഴിഞ്ഞ പ്രാവശ്യം പാറാക്കിയ മലബാർ ടെനൻസി ആക്റ്റിനെത്തന്നെ തുരങ്കം പറ്റാത്ത ഒരു സകല പണിയും നോക്കിക്കൊണ്ടിരിക്കുകയാണ് അവിടത്തെ ജന്മിമാർ. ഒരു മലയാളി മന്ത്രിയുണ്ടായിരുന്നെങ്കിൽ ഈ കാര്യങ്ങൾ ഗവണ്മെന്റിനു എടുപ്പത്തിൽ മനസ്സിലാക്കായിരുന്നു. മലയാളി മന്ത്രിയില്ലെങ്കിൽതന്നെയും മനസ്സിലാക്കാൻ അത്ര പ്രയാസമുള്ള ഒരു കാര്യമല്ല ഇതു്. കൂടുതലൊന്നും പറയേണ്ട ആവശ്യമില്ലെന്നു തോന്നുന്നില്ല. ഈ ഭേദഗതി സ്വീകരിക്കണമെന്നു അഭ്യർത്ഥിക്കുന്നു."

SRI M. K. PADMAPRABHA GOUNDER :—"Sir, it is my object that big plantations like the E. & S., the Malayalam Plantations, etc., who own hundreds and thousands of acres of land under 99-year lease and pay two annas and four annas per acre as land rent should pay the surcharge. The jenmis should be exempted from the surcharge for the reason that when they get two annas or so as land rent, they have to pay about one rupee, eight annas or so as surcharge. In such cases, the jenmis have no alternative but to give their jenmam rights to the planters but planters refuse to purchase the janmam right even if the janmis' right is offered

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free because the second party known as janmi will shoulder the burden of paying the surcharge otherwise. By adding this clause, only capitalist planters will be affected. Not only that, Government can very easily recover from the holder such surcharge without any trouble. If this change is not brought about, a planter who holds 5,000 acres escapes payment of the surcharge, the janmi has to pay a surcharge of about Rs. 7,500 and at the same time, his return as land rent will be Rs. 156 to Rs. 312 so that there is no justification for collecting the surcharge from the janmis. The alternative for the janmi will be only to assign the lands to the Government known as kammi, which will help neither such tenant nor the janmi. In certain cases, there are devasthanam lands whose ooralan on behalf of devasthanam will have to pay the surcharge to the Government. If such assignment to the Government is effected, there will be trouble not only from the Hindu Religious Endowments Board but also from the public interested in devasthanams. It is only to avoid such inevitables, I have moved my amendments."

SRI T. ANANTA PAI :—" Mr. Speaker, Sir, the amendment moved by Mr. Krishnan seems to be very restrictive in its scope because it speaks only of conditions in Malabar whereas the amendment moved by Mr. Narayana Kurup covers the whole State and parts of South Kanara. The object of these amendments is to prevent the load from being passed on to the tenants and to make the landlords themselves responsible for the payment of the surcharge. So far as the amendment accepted by the Hon. the Minister for Land Revenue is concerned, it imposes the surcharge on particular types of tenants. The main proposition before the House is that the load should not be passed on to the tenants and I am sure the Government will consider it very sympathetically."

SRI P. S. KRISHNASWAMI AYYANGAR :—" Mr. Speaker, Sir, I want to say a word on my amendments. The first amendment seeks to postpone the evil effects of transfer at least for a fasli. When a sale has been effected under the Transfer of Property Act, the buyer from the date of sale becomes liable to bear the public charges of land revenue. A fraudulent transfer may be effected and by means of such fraudulent transfer, the seller who may otherwise be liable to pay the surcharge may escape from that liability. To avoid the evil effect of such a transfer, it is stated in the first amendment that until transfer of a patta in the name of the transferee is effected, both of them will be considered joint pattadars or joint-holders of the land, thereby meaning that both of them will be liable to pay the land revenue on that land. This is only advantageous to the Government as it will avoid the immediate evil effects of a fraudulent transfer and the Government should have no objection in accepting this amendment."

"The other two amendments give the general principles or the substantive law from which illustrations in clause 3 should flow. It has been accepted that illustrations should flow from the general principle or substantive law that will have to be enunciated in the

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body of the clause. Illustration (1) says that each of the joint pattadars will be considered to be liable to pay the entire land revenue entered in the patta and my second amendment serves as the basis for the first illustration, which may be accepted by the Government."

"My third amendment is also to the same effect. The second amendment deals with the liability of a guardian of a minor to pay the surcharge. When he serves in two capacities—one on his own account and the other as guardian—the land revenue payable in these two capacities should not be clubbed together and that is what is stated in illustration (2). Then suppose he functions as trustee with regard to different institutions. Even in such cases, all the land revenue that he may pay in respect of the trusts should not be clubbed together for purposes of this surcharge and it is to serve as basis for these illustrations that I propose my amendments. I request the Government to accept my amendments."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, my friend, Mr. Pai, while speaking of the amendments before the House was saying that the amendment of Mr. Kurup is applicable to the whole State. (The Hon. Sri C. Subramaniam: 'We are accepting it') In this connexion, I rise to clarify one point. Of course, Mr. Kurup's amendment covers the whole State. But my hon. Friend, Mr. Kanaran's amendment and similar ones are more helpful as far as Malabar is concerned. Mr. Kurup's amendment again deals with contracts and it has been explained by Mr. Krishna Ayyar that in cases of contracts if the land revenue is increased, the tenant will have to pay it. This position is met by Mr. Kurup in his amendment. But there is another question. Take for instance *punam* cultivation. In this case, the *punam* rent is in proportion to the land revenue assessment. As far as this is concerned and also in regard to dry lands where three times the land revenue constitute fair rent, if Mr. Kanaran's amendment is not accepted, then the surcharge will be added on to the land revenue assessment by the landlord and the tenant will have to pay fair rent based on this increased land revenue. This is contrary to the principle enunciated in the Malabar Tenancy (Amendment) Act and that is why I would request the Government to accept Mr. Kanaran's amendment."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, as pointed out by the hon. Member Sri Ananta Pai, I accept the amendment moved by the hon. Member Sri Narayana Kurup which is of a general nature. As regards the amendment moved by the hon. Member Sri Padmaprabha Gounder, I am not accepting it because it is not on a par with the amendment moved by hon. Member Sri M. Narayana Nambiar. We cannot be making allowances for all these things. We are looking forward for extra revenues by the levy of this surcharge. Therefore, I oppose it. As regards the amendments moved by the hon. Member Sri Krishnaswami Ayyangar, he wants to make some meticulous arrangements

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by his meticulous amendments between the transferor and the transferee. We can only take into account persons who are liable to pay the tax when the Act actually comes into force. Therefore, I oppose it. As regards his other amendment, the illustration under clause 3 makes the matter quite clear. We need not further complicate it by further explanations.

"Therefore, Sir, I accept only the amendment of the hon. Member Sri M. Narayana Kurup and oppose all others. That will be an additional proviso to the proviso that I have already moved. The amendment now moved by the hon. Member Mr. Narayana Kurup is one which was accepted by the Select Committee after elaborate discussion."

SRI K. PARTHASARATHY :—"Sir, on a point of information. The hon. Member Sri Rangaswami Reddiar pointed out a difficulty from illustrations (1) and (2) in the case of joint pattadars. What is the basis on which this surcharge is to be levied? There is no indication about it in the clause. There is no indication about it even in the definition of landholders. Suppose a joint patta is held by individuals A, B and C. How are they to be held liable to pay this surcharge? For what amount are they to be surcharged? That point has not been replied to by the Hon. Minister."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"As regards the question raised just now, evidently the hon. Member was not present here when we passed the clause with suitable amendments. Therefore that point does not arise now."

SRI T. C. NARAYANAN NAMBIAR :—"On a point of order, Sir. According to me, I have raised a very pertinent point and I explained my point also. I am entitled to know from the Hon. Minister and from the Leader of the House and the Treasury Bench whether my point stands or not; whether it will not adversely affect the tenants contrary to the spirit of the Malabar Tenancy (Amendment) Act. That point was not at all met, Sir."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"So far as Malabar is concerned, we have incorporated necessary special provisions. We do not want to further complicate the already complicated Malabar Tenancy Act. I have accepted the general amendment of the hon. Member Sri Narayana Kurup. As I said we decided to have it even in the last Select Committee. The point raised by the hon. Member was also raised then, and discussed elaborately. Therefore, I am not able to accept any further amendments."

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MR. SPEAKER :—"I will read the amendment of hon. Member Sri Narayana Kurup which has been accepted by Government so that it may be of use to the House in passing the clause. The question is—

'In sub-clause (b), after the proviso, insert the following further proviso :—

"Provided further that no person who is liable to pay the surcharge under this Act shall by reason of any contract with his tenant be entitled to recover the whole or any portion of the surcharge from such tenant." "

The amendment was put and carried.

The amendments of the hon. Member Sri Krishnaswami Ayyangar were, by leave of the House, withdrawn.

The amendment of Sri M. Narayanan Nambiar was, by leave of the House, withdrawn.

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

SRI R. KRISHNAN :—"I press my amendment, Sir."

MR. SPEAKER :—"The question is—

'Add at the end of the proviso to item (b) of clause 2 the following further proviso :—

"Provided further that no tenant or sub-tenant within the areas where the Malabar Tenancy Act applies shall be liable to pay the surcharge under any contract or otherwise nor shall any sum be recoverable from such person by the landlord on the basis of any contract or other source of liability." "

The amendment was put and lost.

MR. SPEAKER :—"Is the hon. Member Mr. Padmaprabha Gounder pressing his amendment?"

SRI M. K. PADMAPRABHA GOUNDER :—"I think the Hon. Minister has not understood the position."

MR. SPEAKER :—"Are you withdrawing your amendment or pressing it?"

SRI M. K. PADMAPRABHA GOUNDER :—"There is no use in pressing it. I therefore, withdraw it."

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

MR. SPEAKER :—"Now, I will put the Government amendment to the vote of the House. The question is—

'Add after the proviso to item (b), the following :—

"Where any lands including cultivated lands are in the possession of a walawargadar, kayamgenidar, permanent tenants or mugeni tenant, he shall be liable to pay the surcharge in respect of those lands, notwithstanding any contract to the contrary." "

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THE HON. SRI M. A. MANICKAVELU NAICKER :—“ A slight verbal alteration is necessary, Sir. Instead of ‘ permanent tenants ’, it may be read as ‘ permanent tenant ’. It should be singular and not plural.”

MR. SPEAKER :—“ The question is—

‘ Add after the proviso to item (b), the following :—

“ where any lands including cultivated lands are in the possession of a walawargdar, kayamgenidar, permanent tenant or mulgeni tenant; he shall be liable to pay the surcharge in respect of those lands, notwithstanding any contract to the contrary.” ”

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 1 and the Preamble were put and carried.

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

‘ That the Bill as amended be passed into law.’

“ I do not want to make a speech now. We have already discussed the matter elaborately. I thank the hon. Members for co-operating with the Government in getting through this measure.”

MR. SPEAKER :—“ The question is—

‘ That the Madras Land Revenue (Surcharge) Bill, 1954, as amended be passed into law.’ ”

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

THE MADRAS GENERAL SALES TAX (DEFINITION OF
TURNOVER AND VALIDATION OF ASSESSMENTS)
BILL, 1954.

Tuesday, 11th May 1954.

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

THE MADRAS GENERAL SALES TAX (DEFINITION OF TURNOVER AND VALIDATION OF ASSESSMENTS) BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I beg to introduce the Madras General Sales Tax (Definition of Turnover and Validation of Assessments Bill^a, 1954 and move—
‘ That the Bill be taken into consideration at once.’ ”

SRI M. KALYANASUNDRAM :—“ On a point of order, கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை நம்முடைய வருவாய் மந்திரி அவர்கள் இங்கு பிரேரித்திருக்கிறார்கள். அதை இந்த சபை ஆலோசனைக்கு எடுத்துக் கொள்ளக்கூடாது என்பது என் அபிப்பிராயம். காரணம் அரசியல் சட்டம் அதற்கு இடந்தரவில்லை. அதற்கு மூன்று காரணங்கள் இருக்கின்றன. ஒவ்வொன்றாகச் சொல்லுகிறேன். முதலாவது, ஹைகோர்ட்டில் ஜஸ்டிஸ் ராஜகோபாலன், ஜஸ்டிஸ் சத்தியநாராயண அவர்களால் தீர்ப்பளிக்கப்பட்ட தீர்ப்பை மீறுவதற்காகவே இந்த மசோதாவானது கொண்டுவரப்படுகிறது. இந்தத் தீர்ப்பில் சொல்லப்பட்டிருக்கின்ற முக்கியமான அம்சம் என்ன வென்றால், நம்முடைய ராஜ்யத்திலோ அல்லது எந்த ராஜ்யத்திலோ சட்டப்படி அதிகாரம் இல்லாமல் வரி வசூலிக்க உரிமைகிடையாது. இவ்வாறு அரசியல் சட்டத்தில் கூறப்பட்டுள்ளது. ஆகையால் இவர்கள் இப்படிக் கொண்டுவருவதால் அரசியல் சட்டம் பாதிக்கப்படுகிறது. இந்திய அரசியல் சட்டத்தின் 265-வது ஷரத்தில் இதுபற்றி தெளிவாகச் சொல்லப்பட்டிருக்கிறது ;

‘ No tax shall be levied or collected except by authority of law. ’

இப்படி கான்ஸ்டிடியூஷன் சட்டத்தில் தெளிவாகக் கூறியிருந்தும் இந்த மசோதாவைக் கொண்டு வருவது முறையல்ல. அப்படி வரி வசூலித்ததும் முறை அல்ல என்பதைத் தெரிவித்துக்கொள்ளுகிறேன். இது அரசியல் சட்டத்தை அவமதிப்பதாகும். அப்படி அவமதித்தும் இந்த மசோதா கொண்டு வரப்படுவதன் அர்த்தம் என்ன ? அரசாங்கத்தார் 1950-ம் வருஷத்திலிருந்து வியாபாரிகளிடமிருந்து சட்டத்திற்கு விரோதமாக விற்பனை வரியை வசூலித்து வந்திருக்கிறார்கள். அதாவது அவர்கள் செலுத்திய வரியையும் சேர்த்து விற்பனை வரி வசூல் செய்திருக்கிறார்கள். ஆகவேதான் இது சட்டத்திற்கு விரோதமாக இருந்தாலும், இப்பொழுது இதை சட்டமாக்கிவிட மசோதா கொண்டு வந்திருக்கிறார்கள். அதை இங்குள்ள அங்கத்தினர்களை ஆதரிக்கும்படியும் கேட்கிறார்கள். ஆனால் சட்டமாக்குவதற்கு அதிகாரமில்லை.”

MR. SPEAKER :—“ சட்டமாக்குவதற்கு கொண்டுவரப்பட்டிருக்கிறது. We are going to give the necessary authority. When the Governor passes an Ordinance, do we not ratify it later ? ”

SRI M. KALYANASUNDRAM :—“ அப்படிச் சட்டமாக்குவதற்கு அரசியல் சட்டத்தில் இடமில்லை என்பதைத்தான் நான் இங்கு எடுத்துக் கூறுகிறேன். அரசியல் சட்டத்தின் 265-வது விதிப்படி இந்தச் சபை அதிகாரப்படி சட்டமில்லாமல் வரி விதிக்க முடியாது. Authority of Law வேண்டும்.”

MR. SPEAKER :—“ முன்பு நடந்தது இறந்தகால விஷயமாயிற்றே.”

^a Published in the extraordinary issue of Fort St. George Gazette, dated 4th May 1954.

11th May 1954]

SRI M. KALYANASUNDRAM :—“ இறந்தகால விஷயமானால் மட்டும் எப்படி செய்ய முடியும் ? ஆகவேதான் இந்தச் சபைக்கு அதிகாரமில்லை என்கிறேன்.”

MR. SPEAKER :—“ ஸ்பெஷல் ஆர்டினன்ஸ் வந்தால் நாம் ratify செய்யவில்லையா ? ”

SRI M. KALYANASUNDRAM :—“ ஸ்பெஷல் ஆர்டினன்ஸ் செய்திருக்கலாம். அது வேறு ; இது வேறு. இதற்கு அதிகார பூர்வமான சட்டம் வேண்டும். அப்படியில்லாவிட்டால் அதை யாரும் பாதிக்கப்படாமல் ஒழுங்குபடுத்த வேண்டுமென்று சட்டம் சொல்லவில்லை. எதிர்காலத்தையும் பொறுத்திருக்க வேண்டும். ஆகவே அரசியல் சட்டத்தை மீறி இந்த கடந்தகால வரி வசூல்களை ஒழுங்குபடுத்த ஒரு சட்டம் கொண்டு வருவது சட்டமாகாது, இந்தச் சபையிலும் செல்லுபடியாகாது என்பது என்னுடைய முதல் ஆட்சேபனை.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I sympathise with the Deputy Leader of the Opposition for the peculiar stand he has taken because he is new to parliamentary life. He has not yet become fully conversant with the ways in which these Bills are dealt with. It is a well-known thing that when a court points out any defect in the working of a piece of legislation, it may even border on illegality, then remedial measures are taken. It is only to remedy such defects as have been pointed out by the High Court that this piece of legislation is being proposed now. It seeks only to regularize something which has not been done according to law. That is what this Bill contemplates ; and with regard to the future, we do not propose any action though in that matter also we have power to legislate.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, the question is one of jurisdiction of this House. We often undertake legislation providing for retrospective effect. It is a well-settled principle of law that we can have retrospective legislation and this is done only when defects are pointed out in any law already in force. For example, the Validation of Non-conforming Marriages Bill itself is a retrospective legislation which was undertaken on account of certain defects pointed out by the Courts. It is nothing against the dignity or the decision of the Court as such. This Legislature is a sovereign body and is entitled to legislate even with retrospective effect. That is not barred by the Constitution. I am sorry that the Deputy Leader of the Opposition should have taken this stand with reference to the powers of this House.”

SRI M. KALYANASUNDRAM :—“ கனம் சபாநாயகர் அவர்களே, நான் சொன்ன ஆட்சேபணக்கும் இதற்கும் சம்பந்தமில்லை. இந்தச் சபைக்கு அதிக அதிகாரம் கொடுக்கப்படவேண்டுமென்பதுதான் எங்களுடைய அவாவும். ஆனால் என்னுடைய ஆட்சேபனை என்னவென்றால், இந்தச் சபைக்கு இதைக் கொண்டுவர அதிகாரமில்லை என்பதுதான். நிதி மந்திரி அவர்கள், ‘சுயமரியாதைக் கலியாணத்தை ஒழுங்கான சட்டம் ஆக்கவில்லையா,’ என்று அந்த அதிகாரத்தைச் சொல்லுகிறார். அந்த திருமண விஷயத்தை நான் எதிர்க்கவில்லை. அது வேறு. ஆனால் வரி சம்பந்தமாக விதி செய்வதற்கு இந்தச் சர்க்காருக்கு அதிகாரம் இல்லை என்பதுதான் என்னுடைய ஆட்சேபனை. அரசியல் சட்டத்திலே . . . ”

[11th May 1954]

MR. SPEAKER :—" We have power. It is a principle which all Legislatures follow. "

SRI M. KALYANASUNDRAM :—" நமது வருவாய் மந்திரி அவர்கள் எனக்கு அனுபவம் இல்லை என்று கூறினார். எனக்கு அனுபவம் இருக்கிறது, இல்லாதது என்பதுபற்றி நான் கவலைப்படவில்லை. அதை நான் வரவேற்கிறேன். ஆனால் அவர் செக்ரட்டரிகளின் அனுபவத்தை வைத்துக் கொண்டு பேசக்கூடாது. அப்படி பேசினால் இவ்வாறுதான் நடக்கும். என்னைப் பொறுத்தவரையில் யாருடைய உதவியும் இல்லாமல் என்னுடைய சுய முயற்சியாலேயே பேசுவதில் எனக்கு மகிழ்ச்சியே. இதை கனம் நிதி மந்திரி அவர்கள் முக்கியமாகத் தெரிந்துகொள்ளவேண்டும். "

THE HON. SRI C. SUBRAMANIAM :—" Secretaries are competent to advise and if you only know what valuable advice they give, you will appreciate their views. Because the hon. Member does not have access to any Secretary, he is making that allegation. "

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, இப்பொழுது அவர்களுடைய யோசனையின்படித்தான் இந்த மாதிரியாக ஒழுங்கு செய்யும்படியான நிர்ப்பந்தம் வந்திருக்கிறது. இப்பொழுது என்ன தவறு ஏற்பட்டிருக்கிறது என்று பார்ப்போம். ஹைகோர்ட் கூறியுள்ள தீர்ப்பை நிராகரித்து இந்தச் சட்டம் கொண்டுவரப்படுகிறது என்றாலும் பரவாயில்லை. சேல்ஸ்-டாக்ஸ் அபெலட் டிரிப்யூனல் இந்தப் பிரச்சினைபற்றி தெளிவுபடுத்த தீர்ப்பு செய்திருக்கிறது. அதன்படியும் இம்மாதிரி வசூல் செய்வது தவறு என்று தீர்ப்பு வந்தது. மேல்கோர்ட்டுக்கு அப்பீல் கொடுக்க வேண்டுமென்றுசொன்னார்கள். இதை வியாபாரிகள் செய்தார்களா? இல்லை. சர்க்காரே அவர்கள் மேல் குற்றஞ் சாட்டி மேல்கோர்ட்டுக்கு இப்பிரச்சினையை அனுப்பியது. இது நியாயப்படி தவறு. இந்த முறையிலும் சர்க்கார் நியாயமாக நடந்து கொள்ளவில்லை. அப்படியிருந்தும் மேல்கோர்ட்டில் சர்க்காருடைய முறையை தவறு என்றே விளக்கி தீர்ப்புக் கொடுக்கப்பட்டது. 1939-ம் வருஷத்திய 3-வது பிரிவைப் பற்றி ஹைகோர்ட் தெளிவாக எடுத்துக் கூறிற்று. ஒழுங்குபடுத்துவதுபற்றி நாங்கள் ஒப்புக் கொள்ளுகிறோம். ஆனால் ஹைகோர்ட்டின் நேரிடையான தீர்ப்புக்கும் முரணாக இந்த வரி வசூலிக்கும் முறையை ஒழுங்குபடுத்துவது அரசியல் சட்ட விரோதமானது என்பது என்னுடைய இரண்டாவது ஆட்சேபணை. "

" அதோடு கூட நம்முடைய அரசியல் சட்டத்திலே சில அனுகூலங்களும் இருக்கின்றன. அதன்படி நம்முடைய நிர்வாகம் பெரும்பாலும் மூன்று ஸ்தாபனங்களாகப் பிரிக்கப்பட்டிருக்கிறது. (1) நியாய (Judicial) ஸ்தாபனம், (2) நிர்வாக (Executive) ஸ்தாபனம், (3) சட்டசபை (Legislature) என்று மூன்று விதமாகப் பிரிக்கப்பட்டிருக்கிறது. இந்த மூன்றாவது ஸ்தாபனம் நிர்வாக ஸ்தாபனத்தின் உதவியாலும், நியாய ஸ்தாபனத்தின் உதவியைக் கொண்டும் இயங்கிக் கொண்டு வருகிறது. ஆகவே இப்பொழுது கனம் மந்திரி அவர்களால் கொண்டுவரப்படும் இந்தத் திருத்த மசோதாவை நாம் நிறைவேற்றினால் நாம் அந்த இரண்டு ஸ்தாபனங்களையும் நிராகரித்தவர்களாவோம். அதோடு அபெலட் டிரிப்யூனல் செய்த முடிவுகளையும், உத்தரவுகளையும் நிராகரித்தவர்களாவோம். அந்த நிலைமை ஏற்படக்கூடாது. இந்த மசோதாவை நிறைவேற்றுவதில் Natural principle of jurisdiction முறையைக் கைப்பற்றி அந்த முறையில் நிறைவேற்ற வேண்டும். ஆகவே இப்பொழுது ஒழுங்கு செய்யப்போவதாக கொண்டுவரப்படும் மசோதா அந்த முறையில் இல்லை என்பது என்னுடைய ஆட்சேபணை. "

MR. SPEAKER :—" I think at the outset I straightway told the House that we have powers to legislate this measure. "

[11th May 1954]

THE HON. SRI C. SUBRAMANIAM :—" May I add without casting any aspersion on the Judiciary as such we have powers to enact this piece of legislation? "

SRI M. KALYANASUNDRAM :—" அதோடு ஷரத்து 14-இன் கீழ் உள்ள பிரிவுப்படி வியாபாரிகள் மீது குற்றம் சாட்டுவது தவறு. தவிர இங்கு குறிப்பிட்ட சில வியாபாரிகள் சர்க்காருக்கு எதிராக வியாஜ்யம் செய்து ஹைகோர்ட்டு வரை போய் இந்த வரி வசூலித்தது தவறு என்ற முறையில் முடிவுகளைப் பெற்று வந்திருக்கிறார்கள். அந்த முடிவுகள் பலன் என்னவது? அவர்களுக்கும் இதனால் எதிர்த்துப் போராட உரிமையிருக்கிறது. அப்படிப்பட்டவர்கள் ஹைகோர்ட்டுக்குச் சென்றாலும் அவர்களுக்குச் சாதகமான உரிமை கொண்டாடும் தீர்ப்பே கிடைக்கும். ஆனால் இப்போது கொண்டு வந்துள்ள இந்த மசோதாவை நிறைவேற்றினால் அவர்களுக்கு அந்த உரிமை எல்லாம் போய்விடுகிறது. பன்னர் இந்த மசோதாவின் கீழ் வரக்கூடிய வியாபாரிகள் ஹைகோர்ட்டுக்குப் போகமுடியாமல் போய்விடும். ஆகவே இந்தப் பிரச்சினைகள் எல்லாம் குறுக்கே இருப்பதால் தான் இப்பொழுது இந்த மசோதாவைக் கொண்டுவருவது அரசியல் சட்டத்தின் 14-வது பிரிவுப்படி தவறு என்பதை எடுத்துக் காட்டுகிறேன். இப்பொழுது இதை நிறைவேற்றக்கூடாது என்பதே என்னுடைய மூன்றாவது ஆட்சேபணை. "

THE HON. SRI C. SUBRAMANIAM :—" I think it is the peculiar privilege of lawyers to argue on a point whether it is one with which they are concerned or not. But I am sorry the hon. the Deputy Leader of the Opposition has taken the role of a lawyer. I would request him not to copy the role of a lawyer with whom he is associated. I am trying to shed that mentality of a lawyer so long as I am functioning here as a legislator. We cannot put on the role of a lawyer here and argue indefinitely on things which are irrelevant to the subject with which we are concerned. Of course, it is a job for the lawyers practising in courts to go on arguing indefinitely on things which are quite unrelated to the subject with which they are concerned. But we cannot question them because that is their profession. So long as we are functioning here in this House as legislators, I think we should endeavour as far as possible to confine ourselves to the relevant points with which we are concerned and not go on dilating on things which are quite irrelevant to the subject under discussion. We should try to talk on subjects which are relevant to the Bill under discussion. "

MR. SPEAKER :—" The Hon. Minister for Land Revenue may now proceed with his Bill. "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, it has been the practice in the Commercial Taxes Department, in assessing a dealer to tax under the Madras General Sales Tax Act, to include in his turnover amounts collected by him by way of tax under the Act. In its judgment, dated 7th January 1954, the Madras High Court has held that such assessments and levy are ultra vires in so far as they are based on inclusion in the turnover, of amounts collected by way of tax. The assessments and levy were made in good faith and have to be legalized. It is, at the

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same time, proposed to accept, with effect from 1st April 1954, the statement of the law made by the High Court and not to include in the turnover of a dealer, for purposes of assessment, amounts collected by way of tax subsequent to the 1st April 1954.

“ Sir, the reason why we have not included in the Bill the period from January to March is that they relate to transactions which are already over. If we want to apply the principle enunciated by the High Court to those transactions also, it will amount to affecting all closed up transactions. That means it will not only affect the particular deal effected but the turnover amount also because in collecting the tax, the turnover amount was also taken into account and the assessment proceeded upon. Some of the assesseees may not be in the country. They would have left the country. Some would have been dead. And we have to go in search of their legal heirs. All these practical and administrative difficulties will crop up if we include the three months. That is why we have excluded the three months from January to March. We are giving effect to the judgment from 1st April 1954. We are giving retrospective effect in respect of this brief period of three months, because otherwise it will involve a lot of administrative difficulties, which I have pointed out earlier.

“ With these words I commend this Bill to the acceptance of the House.”

MR. SPEAKER :—“ Motion moved—

‘ That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be taken into consideration at once.’ ”

Mr. K. P. Gopalan may now move his amendment.

SRI K. P. GOPALAN :—“ Sir, I move the following amendment, viz. :—

‘ That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be referred to a Select Committee.’ ”

Sri S. Deivasigamany seconded the amendment.

MR. SPEAKER :—“ Amendment moved—

‘ That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be referred to a Select Committee.’

“ The main motion as well as the amendment is now before the House for discussion. Mr. K. P. Gopalan may now speak.”

SRI K. P. GOPALAN :—“ There are two kinds of dealers, viz., the registered and unregistered dealers. The registered dealers keep accounts of whatever goods they sell and at the same time, they keep another account regarding the sales tax they

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collect. The Hon. the Revenue Minister admitted that hitherto Government were collecting the tax on the turnover and on the sales tax also. So a tax is collected on a tax. I submit that that procedure is very illegal and incorrect. I want those Commercial Tax Officers who have collected the tax in that manner to be booked and punished accordingly. Besides there had been a decision of the Sales Tax Tribunal that this method of taxation was incorrect and illegal. Government somehow try to twist things and have come forward with this Bill. Their policy seems to be to do the wrong thing under right cover. I submit that this Bill is totally wrong in principle and is illegal. Moreover my comrade, Mr. Kalyanasundaram, the Deputy Leader of the Opposition, has raised certain legal objections. Therefore I respectfully submit that this Bill be referred to a Select Committee which may go into all the legal complications involved in this measure.”

SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, I oppose this Bill and incidentally endorse the motion moved by my friend Mr. Gopalan for certain reasons. The Bill itself is presumably to legalize what has been declared by the High Court as illegal. The point decided by the High Court is neither novel nor one which could not have been anticipated by a reasonably clear legal mind. The point is this. Usually the dealers collect sales tax from buyers. That sales tax is not included in the price of the article. The price of the article cannot reasonably include the sales tax. The Government or the Sales Tax authorities in their desire to enrich the finances of the State included the sales tax collected from buyers also as part of the turnover. Suppose the price of an article is Re. 1 and one anna is the sales tax collected for it from the buyer. If 1,000 such articles were sold the tax was based on the turnover of Re. 1-1-0 $\times$ 1,000 and not Re. 1 $\times$ 1,000. That is how the dealer was taxed. This has been declared illegal by the High Court. The point now sought to be made in this Bill is to declare the High Court's decision null and void so far as collection of tax prior to 1st April 1954 was concerned. One major fact that should appeal to one and all is that the High Court in 1951, that is, three years ago, held the same decision and that is, that sales tax collected on the total turnover was illegal. The Sales Tax Appellate Tribunal took a decision and the Government treated its decision also with scant courtesy. ‘ The dogs may bark, but the caravan will pass on ’ said Sir Samuel Hoare long ago. Our Government are following more or less the same dictum so far as our courts are concerned. They say : ‘ The Appellate Tribunal may decide, the High Court may decide, but we will carry on as we like so long as we have a majority.’ The contumacious attitude of the Government in bringing forward this Bill appears to me to be condemnable. The Appellate Tribunal, as early as 1951, decided that the sales tax collected by a dealer should not be included in calculating the turnover. The Appellate

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Tribunal is the highest judicial authority appointed by the Government to decide questions relating to sales tax on appeal, subject of course to the general superintendence of, and appeal against its decision to, the High Court. When such an authority has given a decision, it is the duty of any law-abiding citizen and much more the duty of a Government constituted under the Constitution to abide by the decision and issue instructions to the Commercial Tax authorities not to collect tax on sales tax, which amounts to double taxation. Instead of abiding by that decision, the Government appealed to the High Court. The High Court's decision upheld the view of the Tribunal. The Government had to implement the decision of the High Court, as otherwise serious consequences would follow. Till the High Court gave its decision, the Government did not implement the decision of the Appellate Tribunal and this is highly reprehensible. That shows that the Government in this State are treating the judiciary with scant courtesy.

"The High Court's decision is obviously a declaratory decision. It has declared that the inclusion of sales tax collected by a dealer for calculating his turnover is illegal. Instead of giving effect to that decision, the Hon. Minister says that he is going to legalize an illegal act and give effect to that decision from 1st April 1954. When the Government have suffered a defeat in the High Court, to bring forward a Bill and say that this will validate what has been found to be wrong by the High Court will undermine the people's confidence in the judiciary. I submit that this will shake the very foundations of the faith of the people in the system of justice in this country. This is a very vicious precedent which should not be adopted or condoned by this House.

"Yet another point. Let us see intrinsically what the position is. A large number of dealers have filed appeals. Some of them are pending before the Appellate Tribunal and some before the High Court. The appellants are entitled to the benefit of the law as it stood at the time of the appeal. Pending appeals will be affected by this Bill. This is an improper and unreasonable restriction on the dealers to go to the courts. A fair and straightforward method would be for the Government to take the matter to the Supreme Court. Let them go to the Supreme Court if they have faith in the Constitution and if they feel that what they do is right. Obviously, they do not do that. So they are adopting this back-door method or taking the devious route to legalize what has been found to be an illegal levy.

(At this stage, the Deputy Speaker took the Chair.)

"I submit that the sales tax collected by a dealer should not be included in calculating his turnover. What the Sales Tax Act contemplates is that a dealer collects the tax as an agent of the Government and transfers the amount *in toto* to the Government. What the Government now do is to collect from the dealer not only

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the sales tax that he has collected from the consumers, but also to ask him to pay something more from his own pocket. I therefore commend to this House the rejection of this Bill.

"Whatever be the views of the Ministry regarding lawyers, I submit that lawyers have developed the healthy habit of looking at things in the proper perspective, which habit I commend for adoption by the Government also."

SRI P. RANGASWAMI REDDIAR:—"Mr. Deputy Speaker, Sir, this Bill has been brought forward to validate a levy which has been found to be illegal by the High Court. Either owing to ignorance or owing to want of understanding the spirit of the Madras General Sales Tax Act, the Sales Tax Department has been including in the assessment of the turnover of a dealer the moneys collected by him by way of sales tax. The High Court held that the levy of tax on the dealer on the basis of this turnover was illegal, inasmuch as the turnover included also the amounts collected by the dealer by way of sales tax from the consumers. Everyone is aware that bills are issued to the purchasers by honest members of the business community. But some traders do not issue any bills at all to evade their paying to the Government tax under the Madras General Sales Tax Act. In the bills, the price of the article and the sales tax collected on it are shown separately. That the sales tax collected should not have been included in assessing the turnover is a simple proposition which is evident on the very face of it. The Hon. Minister who has moved the Bill has not mentioned the amount that the Government will have to refund to the dealers if this Bill had not been brought forward and if the decision of the High Court were to be implemented. I do not know whether he has taken the trouble of ascertaining the amount. Evidently he was so sure that he could easily legalize what has been declared illegal. The Bill makes it clear that the Government are not going to include the sales tax collected by a dealer in assessing his turnover with effect from 1st April 1954. But the extra tax due to the inclusion of sales tax in the turnover collected prior to that date is not going to be refunded. In this connection, I am reminded of a Tamil saying: 'யானை வாயில் போன கரும்பு திரும்பி வராது.' Let not the impression be created in the mind of the business community that whatever they pay to the Government can never be got back, even if the High Court or Supreme Court declares that the payment made is in excess of what is legally due under the Act. In the case of income-tax, the assessee is asked to pay a certain sum in advance and at the end of the year adjustments are made from the advance on the basis of the tax due on the actual income. If this Bill is passed and any provision is made for advance payment nobody will come forward to pay any advance, because people will be afraid that they will not get back any excess that they might have paid. Therefore, even though there may be some loss to the Government, when once it is pointed out that the collection of the amount

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is illegal, it is but proper and just that they should be gracious enough to restore the amount illegally collected to the respective members of the business community, and invent some other method of taxation in order to compensate the loss, if any and if necessary. After all, all enactments, especially taxation laws should be liberally construed in favour of the subjects and not in favour of the State. The Hon. Minister knows this well. Now, the construction put by the High Court is just. The only thing is that the Commercial Tax Department people have acted wrongly in their over-enthusiasm. I won't say that their deeds are not in conformity with their position or official capacity. But they have collected something more than permissible in their misguided enthusiasm. Therefore, I think it is high time that the Government reconsider and drop this measure once and for all."

SRI V. BALAKRISHNAN :—" Mr. Deputy Speaker, Sir, there is also an amendment standing in my name which is practically the same amendment as that moved by the hon. Member Sri Gopalan. Nonetheless, I will support that amendment in the light of my own amendment. I quite welcome this Bill as being helpful to augment the revenues of the State. But my fear is whether the Hon. Minister in his attempt to get more revenues might not lose the revenues that he already gets. Here is a case which has been well illustrated by the Tiruchi Gold Merchants and Jewellers' Association. A study of these examples and comparisons will show where my fears are and I do not know whether the Hon. Minister is likely to allay my fears. Now, Sir, for the purchase of 10 tolas of gold, the value payable is Rs. 850, sales tax Rs. 2-2-0, making charges Rs. 12"

SRI B. P. K. RAJA CHIDAMBARAM :—" On a point of order, Sir. The hon. Member is not talking on the Bill before the House. He is talking on a Bill that is come up hereafter." (Laughter.)

SRI V. BALAKRISHNAN :—" Sir, it has been moved that this Bill be referred to a Select Committee. I am trying to make out a case that it should be referred to a Select Committee."

THE HON. SRI C. SUBRAMANIAM :—" He is talking on a Bill which will be taken up subsequent to this Bill. The subject-matter of this Bill is quite different from that of the other Bill."

SRI V. BALAKRISHNAN :—" Oh! I am sorry."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I oppose the very introduction of this Bill in this Assembly. It is stated that this Act be enacted in the Fifth year of our Republic. I do not know why an attempt is made to validate an unjust, illegal and unwarranted act of the Executive, in spite of the decision of the Appellate Tribunal and the highest Court of Judicature in our

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State. I do not know why in the fifth year of our Republic such a notorious Bill—I shall so call it—should be introduced. I could have understood the purpose of the introduction of this Bill if merely by oversight or due to a lacuna in the enactment, such illegal acts had been committed by the Executive. But in 1951, the Special Tribunal constituted with reference to the collection of commercial taxes unequivocally stated in a judgment given by the Hon. Mr. Koman that the sales tax collected should not be added on to the turnover assessable to sales tax. It is after that that instructions were given by the executive officers of the Revenue Department to the officers concerned to the effect 'Let barking dogs bark; in spite of that, the caravans will go.' It is in that spirit that the whole thing has been manipulated. Here in the Statement of Objects and Reasons attached to the Bill it is stated that the assessments and levy were made in good faith and have to be legalized. I ask in all seriousness the Hon. the Minister for Land Revenue whether all acts done in good faith can be legalized. Now, there is a certain belief among the conservative women in our part of the country that if a girl having *morachutta*, that is, having a bad star, marries, the husband will die. It is a very good faith as far as the conservative old lady is concerned. But can we justify the murder of that girl just to save the son of the old woman who has married this girl? No. Good faith alone cannot count. Yesterday, the Hon. the Minister for Land Revenue was arguing that if the Government wanted more funds, they could not go on levying taxes in an unjust manner, that the means also would have to be justifiable and that the ends could not justify the means. Within 24 hours he comes here and says that an act was done in good faith and that, therefore, it should be legalized. I cannot agree to this, Sir. This is a legislative body; the highest organ of administration as far as this State is concerned and we are all responsible persons. If this Bill is passed, what will the people outside think about us? The High Court of the State has decreed that a certain Act is illegal. Here the Hon. Minister comes and says, 'We abide by the decision of the High Court, but what we have already done should be legalized. From tomorrow onwards we are not going to do it.' Sir, it will be a shame and a stigma on this Legislature if we do not oppose this Bill.

"Then, I was told that in about 300 cases decided by the Appellate Tribunal the Government approached the High Court. For every case taken to the High Court, the Government would have to pay thousands of rupees—I am speaking subject to correction—to the Advocate-General. The cost involved in taking these cases to the High Court would be a loss to the Government. Why is it that in spite of the fact that the Tribunal decreed against the execution of the orders of the Government the latter have taken the cases to the High Court, spending lakhs of rupees unnecessarily? Who is responsible for this unnecessary expenditure? Are the Government prepared to conduct an inquiry into this matter

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difficulties involved into account. There are thousands and thousands of persons from whom this excess tax has been collected. The labour involved in refunding the money will be enormous and will not be worth while. Possibly, the money these persons will be getting back will be quite incommensurate with the labour involved. So, there is no question of injustice or immorality in the levy of this tax. It has been held by the High Court as illegal. That is all. It does not mean that immediately we should refund all the money. In view of what the Hon. Minister has already said and in view of the administrative difficulties involved in refunding the money which will have to be done by engaging a number of clerks and officers and spending a lot of money on them, I think it is unwise to probe into the matter again. This matter may be given a quietus now. Some sort of irregularity has been committed. Let us validate what has already been done and from April 1954, let us conform to the law as laid down by the High Court."

SRI C. KANDASAMY:—"கனம் உதவி சபாநாயகர் அவர்களே, இப்போது சபை முன்பு வைக்கப்பட்டிருக்கும் இந்த மசோதா சர்வ சாதாரணமானது என்று கூறப்படுகிறது. குறிப்பாக, கனம் ரெவின்யூ மந்திரி அவர்கள் இந்த மசோதாவைப்பால் எழுப்பப்பட்ட ஆட்சேபணைகளைக் காக எதிர்க்கட்சி உபதலைவருக்கு அனுதாபம் தெரிவித்தார். இம்மாதிரி யான மசோதாவை கொண்டுவரக்கூடிய நிலைமையில் கனம் ரெவின்யூ மந்திரி அவர்கள் இருக்கிறார் என்று அவருக்கு நான் என்னுடைய அனுதாபத்தைத் தெரிவித்துக்கொள்கிறேன். ஏனென்றால், சாதாரணமாகப் பார்க்கும்பொழுது இயற்கையாக எல்லோருக்கும் நியாயம் என்று படக்கூடிய ஒரு விஷயத்தில் அரசாங்க உத்தியோகஸ்தர்கள் ஏற்கனவே தப்பாக நடந்துவிட்டார்கள் என்பதற்காக, அந்தத் தப்பை திருத்துவதற்குப் பதிலாக, அப்படிச் செய்வது பெரிய கஷ்டமான வேலை என்று சொல்லப்படுகிறது. தப்பு நல்ல எண்ணத்துடன் தான் நடந்தது என்று கூறிக்கொண்டு இதற்கு ஒரு மசோதாவை இந்தச் சபைமுன் கொண்டுவருவது வெகுவாக அனுதாபப்படுவேண்டிய விஷயம். நேற்றையதினம் கனம் ரெவின்யூ மந்திரி அவர்கள் தான் ரொம்பவும் நியாயமாக நடப்பதாகவும், எல்லோருக்கும் நியாயம் வழங்குவதே தன்னுடைய நோக்கமென்றும் கூறிக்கொண்டவர், இன்றையதினம் ஏற்கனவே அநீதி வழங்கப்பட்ட வியாபாரிகளுக்கு நியாயம் வழங்குவதற்குப் பதிலாக அந்த அநீதியை சட்டமாக்க முன்வந்திருப்பது ஒரு வேடிக்கையான விஷயம்."

"சமீபத்தில் ஹைகோர்ட்டு ஏற்கனவே வசூலிக்கப்பட்ட வரி சட்ட விரோதமானது என்று தீர்ப்பளித்த பிறகு, அந்தத் தீர்ப்பின் அடிப்படையில் ஆயிரக்கணக்கான வியாபாரிகள் தங்கள் செலுத்திய வரியை திருப்பிக் கேட்கக்கூடாமென்று எதிர்பார்த்து, இந்த மசோதா கொண்டுவரப்படுகிறது. எனக்கு முன்பாகப் பேசிய கனம் அங்கத்தினர் இது ஒரு சர்வ சாதாரணமான விஷயம் என்று சொன்னார். அவர் பல உதாரணங்களையும் எடுத்துக் காட்டினார். அதுமட்டுமல்ல, ஏற்கனவே வசூலிக்கப்பட்ட வரியைத் திருப்பிக் கொடுப்பதில் பல கஷ்டங்கள் இருக்கின்றன என்று சொல்லுவதுதான் எனக்குப் புரியவில்லை. எல்லா வியாபாரிகளின் கணக்கை பரிசீலனை செய்வதற்காக ஏற்பட்டிருக்கும் ஒரு டிபார்ட்மெண்டுக்கு அதை மீண்டும் கணக்குப் பார்த்துத் திருப்பிக் கொடுப்பதில் என்ன சிரமமிருக்கிறது என்று தெரியவில்லை. கடைகளில் நாம் சாமான்கள் வாங்கும்பொழுது சாமான்களின் விலை தனியாகவும், அதற்குக் கீழே ஒருவரியில் தனியாக Sales tax எவ்வளவு என்றும் Bill-ல் குறிப்பிடப்படுகிறது. Sales tax உத்தியோகஸ்தர்கள் இந்த Bill-களை சரிபார்த்து கீழே தனியாக

[11th May 1954]

[Sri C. Kandasamy]

போடப்பட்டிருக்கும் தொகையை மட்டும் வசூலித்திருக்கவேண்டும். அதற்குப் பதிலாக Sales tax-க்கு Sales tax வசூலிப்பது மிகவும் நியாயமற்ற முறை. ஏழைகள் வரி கொடுப்பதற்கு மறந்து போய்விட்டால், அரசாங்கம் கடந்த காலத்தில் வசூல் செய்யப்படாத வரிகளெல்லாம் இனிமேல் வசூலிக்கப்படமாட்டாது என்று ஒரு சட்டம் கொண்டுவருவதற்குத் தயாராக இருப்பார்களா? ஒருநாளும் அப்படிச் செய்யமாட்டார்கள். அதற்குப் பதிலாக வரியை வசூலிப்பதற்கு துரிதமான நடவடிக்கை எடுப்பார்கள்.

"சென்ற, 5, 6 ஆண்டுகளாக நம்தேசத்தில் வியாபாரம் வீழ்ச்சி அடைந்திருக்கிறது. சிறிய கடைக்காரர்கள் எவ்வளவுபேர் நொறுங்கியிருக்கிறார்கள் என்பதைப் பார்க்கவேண்டும். சட்டத்திற்குப் புறம்பாக sales tax-க்கு sales tax விதிக்கும் அளவுக்கு இந்த அரசாங்கத்தின் நிர்வாக இயந்திரம் இயங்கிக்கொண்டிருக்கிறது என்பதுதான் தொழில் வீழ்ச்சிக்குக் காரணம். ஏற்கனவே பலமுனை விற்பனை வரியினால் பல வியாபாரிகள் அவர்கள் தொழில்களை மூடிவிடும் நிலைமை ஏற்பட்டிருக்கிறது என்று முறையிட்டுக்கொண்டிருக்கிறார்கள். அதற்காக வியாபாரிகளிடையே 'எகப்பட்ட கிளர்ச்சி இருக்கிறது என்பதை எல்லோரும் ஒப்புக்கொண்டிருக்கிறார்கள். இம்மாதிரி பலவந்தமாகவும் நியாயத்திற்குப் புறம்பாகவும் sales tax-க்கு sales tax விதிக்கும் முறையானது 'immoral' என்று எனக்கு முன் பேசியவர்கள் எடுத்துக் காட்டியிருக்கிறார்கள். நான் கூறுவது என்ன வென்றால், இது தான். இதுவரை வசூலித்தது வசூலித்ததுடன் சொல்லு கொள்ளை அடித்திருக்கிறார்கள் என்றுதான் வருத்தத்துடன் சொல்லுகிறேன். ஏற்கனவே கஷ்டப்பட்டுக் கொண்டிருக்கிற சிறிய வியாபாரிகள் இன்றையதினம் தங்கள் தொழில்களை மூடக்கூடிய நிலையில் இருக்கிறார்கள். ஆகவே, வசூல் செய்த பணத்தைத் திருப்பிக் கொடுப்பதுதான் நியாயம். அப்படிச் செய்தால் நிர்வாகத்துக்குச் சங்கடம் ஏற்படும், உத்தியோகஸ்தர்கள் பழைய கணக்குகளைப் புரட்டிப் பார்த்துத் திருப்பிக்கொடுக்க முடியாது என்று சொல்லுவது சரியல்ல. ஆகையால் இன்றையதினம் உத்தேசத்தி லிருக்கும் இந்த மசோதாவை ஒரு செலக்ட் கமிட்டிக்கு அனுப்பவேண்டுமென்று கேட்டுக்கொண்டு, இந்த மசோதாவை கொண்டுவரவேண்டிய நிலைமையிலிருக்கிறார் என்று மீண்டும் ஒருமுறை கனம் ரெவின்யூ மந்திரி அவர்களுக்கு என்னுடைய அனுதாபத்தைத் தெரிவித்துக்கொள்கிறேன்."

SRI E. L. RAGHAVA MUDALIAR:—"Sir, I rise to support the amendment moved by the hon. Member Sri Gopalan and in so supporting I wish to state that this Government seem to be suffering from what is called 'lawyer phobia'. Or else, the Leader of the House would not have been so strong in his words, though the Government is dominated by lawyers."

THE HON. SRI C. SUBRAMANIAM:—"I am also a lawyer."

SRI E. L. RAGHAVA MUDALIAR:—"I know that. That is why I said, 'though the Government is dominated by lawyers'. The main intention of the Bill seems to be to appropriate the tax admittedly illegally collected from dealers by the Government. The intention of Government is not to include in the turnover the tax itself that has been collected but to legalise the appropriation. For, to do that a separate Bill is not necessary in view of the High Court judgment. So, instead of taking to task the officers who were responsible for such illegal collections, they are sought to be exonerated and excused under this Bill. This is a very bad precedent that the Government are setting up. They seem to say,

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'we have collected something illegally, but we find it is difficult to refund it.' Morally, this is not good especially on the part of the Government. Justice demands that, however small is the amount that has to be refunded, whatever be the administrative difficulties in the way of refunding the illegal collections, the Government ought to find a way to refund the amounts to the dealers from whom they have been collected. Otherwise, the public would lose confidence in the Government and its administration. I, therefore, request the Government to see that the people are not reduced to such a plight and see that the amounts are refunded to the assesseees in spite of the stupendous administrative difficulties which are stated by the Hon. the Revenue Minister.

"With these few words, I support the amendment seeking to refer the Bill to a Select Committee. I thank you, Mr. Deputy Speaker."

SRI K. T. RAJU :—"கனம் உதவி சபாநாயகர் அவர்களே, நீதி என்பது சர்க்காருக்கு ஒன்று, மக்களுக்கு ஒன்று என்று இருக்கக் கூடாது. பிரஜைகளுக்குப் பாதகமாக நீதி வழங்கப்பட்டால் அவர்கள் வேறு ஒன்றும் செய்வதற்கில்லை. ஆனால் சர்க்காருக்கு எதிராக நீதி வழங்கப்பட்டால் சர்க்கார் தனக்கு இருக்கும் அதிகாரத்தை வைத்துக்கொண்டு அதற்கு விரோதமாக நடந்துகொள்வது என்பது சரியல்ல. அது நீதிக்கும், நேர்மைக்கும் புறம்பானதாகும். இன்றைக்கு இந்தச் சபையில் இருக்கக்கூடிய திருத்த மசோதாவை ஆதரிப்போமேயானால் நமக்கு இருக்கக் கூடிய கடமையினின்றும் தவறி நம் அதிகாரத்தை துஷ்பிரயோகம் செய்தவர்க ளாகவும் ஆவோம். இன்றைக்கு நம் முன்னால் இருக்கும் மசோதா என்ன? ஏற்கெனவே வரி கட்ட முடியாமல் மக்கள் கஷ்டப்படுகிறார்கள். அவர்களிடமிருந்து வரிக்கு வரியை இந்த அரசாங்க அதிகாரிகள் நியாய மற்ற முறையில் வசூலித்திருக்கிறார்கள். அது அநீதியானதென்று நீதிமன்றம் தீர்ப்பளித்துவிட்டது. இந்தத் திருத்த மசோதாவின் மூலம் அதை நியாயமானதாக ஆக்க நாம் முயல்கிறோம். ஆகையால் இது சரி யல்ல என்பதே என்னுடைய கருத்து. நீதிக்கும் நேர்மைக்கும் இது முரணானதாகும். விற்பனை வரி அதிகாரிகள் தவறாக நடந்து கொண்டார்கள் என்றால் அதற்காக அவர்கள் வசூலித்த பணமெல்லாம் நியாயமான தாக ஆக்க நாம் சட்டம் செய்வதா முறை? வரிக்கு வரி வசூலிக்கும் போதே வியாபாரிகள் இதை ஆட்சேபித்திருக்கிறார்கள். பல வியாபாரிகள் இதனைத் தடுக்க கிளர்ச்சிகள் செய்திருக்கிறார்கள். இம்மாதிரி வசூல் செய்வது நேர்மையாகாது என்று அதிகாரிகளின் கவனத்திற்குக் கொண்டு வந்திருக்கிறார்கள். அதை அதிகாரிகள் ஏற்றுக்கொள்ளவில்லை. அதன் பின்னர்தான் அவர்கள் டிரிப்யூனலுக்குச் சென்றார்கள். அங்கு வியாபாரி களுக்குச் சாதகமாகத் தீர்ப்பு வழங்கப்பட்டவுடன் சர்க்கார் அதை ஹைக் கோர்ட்டுக்கு எடுத்துச்சென்றார்கள். அங்கும் வியாபாரிகளுக்கு சாதகமாகவும் சர்க்காருக்கு விரோதமாகவும் தீர்ப்பு வழங்கப்பட்டவுடன் தங்களுக்கு இருக் கும் மெஜாரிட்டி பலத்தைக் கொண்டு சட்ட ரூபத்தில் அதனை நியாயமான தாகச் செய்துகொள்ள முயற்சி எடுக்கப்பட்டால் அது சரியானதாகாது. இதை நிறைவேற்றினால் நியாயத்திற்கும், நேர்மைக்கும் புறம்பாக நடந்தோம் என்பதைவிட இந்தச் சபையின் கௌரவத்திற்கே இழக்காத தோஷமாக ஆகும். ஆகையால் கனம் அமைச்சர் அவர்கள் இந்த மசோதாவை வாபஸ் பெற்றுக்கொள்வதன் மூலம் இந்த ராஜ்யத்தில் நீதிக்கும் நேர்மைக்கும் இடமுண்டு என்பதை நிரூபிக்கவேண்டுமென்று நான் கேட்டுக் கொள்கிறேன். ஆகையால் நானும் இந்த மசோதாவைக் கடுமையாக எதிர்க்கிறேன்."

(At this stage Mr. Speaker resumed the Chair.)

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SRI M. PALANIYANDI :—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவின் திருத்தப் பிரேரணையை ஆதரிப்பதோடு நான் ஒரு விஷயத்தை சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். நாம் இப்பொழுது இந்த ராஜ்ய நீதி மன்றத்தால் வழங்கப்பட்ட தீர்ப்புக்கு எதி ராக சட்டம் செய்ய முயற்சிக்கிறோம். இது சரியானதல்ல. சாதாரணமாக சிறிய சிறிய வியாபாரிகள், இந்த மாதிரியாக பாதகம் இழைக்கப்படும்போது, நீதி மன்றத்தின் உதவியை நாடிச் சென்றிருக்க முடியாது. பெரிய வியா பாரிகளினால்தான் அது முடியும். அவர்கள் தங்களுக்கு இழைக்கப்பட்டுக் கொண்டிருக்கும் அநீதியான வரி முறையை எதிர்த்து அதிகாரிகளிடம் சொல்லியும் எந்தவிதமான பலனும் ஏற்படாததினால் கோர்ட்டுக்குச் சென்று சர்க்காருக்கு எதிராக தீர்ப்பைப் பெற்று வந்திருக்கிறார்கள். பொதுவாக அந்தத் தரப்பிலுள்ளவர்கள் அடிக்கடி சொல்லுவார்கள், 'எதிர்க்கட்சிக் காரர்கள் நீதிஸ்தலத்தை விரும்பாதவர்கள். சட்டத்திற்கு விரோதிகள்' என்பதாகவெல்லாம். ஆனால் இன்றைக்குச் சர்க்கார்தான் நீதி மன்றத் தின் தீர்ப்பை அவல்சியப்படுத்தும் முறையிலும், நீதி மன்றத்தின் தீர்ப்புக்கு எதிராகவும் ஒரு சட்டத்தைக் கொண்டுவந்து தாங்கள் செய்த காரியம்தான் சரியானது என்று சொல்லும் முறையில், மறைமுகமாக ஒரு சட்டத்தைக் கொண்டுவர முயற்சிக்கிறார்கள். சட்டத்திற்குப் புறம்பாக வரி வசூல் செய்த தோடு அல்ல. அதை நாங்கள் நியாயமென்று ஊர்ஜிதம் செய்கிறோம் என்ற முறையில் இந்தத் திருத்த மசோதாவைக் கொண்டுவந்திருப்பது வெறுக்கத்தக்கதாகும்."

THE HON. SRI C. SUBRAMANIAM :—"தவறுதிகழ்ந்து விட்டது. இது ரொம்பவும் வருந்தத்தக்கது என்றுதான் நாங்கள் சொல்லுகிறோம்."

SRI M. PALANIYANDI :—"செய்யும் தவறைச் செய்து விட்டு, அதையும் ஊர்ஜிதம் செய்ய ஒரு திருத்த மசோதாவையும் கொண்டு வரும்போது அது ரொம்பவும் வருந்தத்தக்க விஷயமென்று சொல்வதை எப்படி ஒப்புக்கொள்ள முடியும்? ஆகையால் இந்த மசோ தாவை நிச்சயம் கைவிடவேண்டுமென்று சொல்ல ஆசைப்படுகிறேன். இன்றையதினம் பல ஏழை எளிய சிறிய வியாபாரிகளிடமிருந்தெல்லாம் வரி வசூலிக்கப்பட்டிருக்கிறது. நியாயமற்ற முறையில் அவைகள் வசூ லிக்கப்பட்டன என்று தீர்ப்பு அளிக்கப்பட்டவுடன் அந்தப் பணத்தைத் திருப் பிக்கொடுப்பதுதான் நியாயமாகும். அதைவிட்டு அம்மாதிரியாக வசூல் செய்ததை சரியானதாகும் சட்டத்தைக் கொண்டுவருவதை நான் ஆட்சே பிக்கிறேன். ஆகவேதான் எதிர்க்கட்சி அங்கத்தினர் ஸ்ரீ கே. பி. கோபர் லன் கொண்டுவந்துள்ள திருத்தத்தை நான் ஆதரிக்கிறேன்."

"மேலும் இந்தச் சட்டத்தை நாம் கொண்டுவந்து நிறைவேற்றினால் மக்கள் நம்மைப்பற்றி என்ன நினைப்பார்கள். அரசாங்கம் சர்வாதிகார மான முறையில் நியாயமற்ற செயல்களைப் புரிந்து வருவதாகவே எண்ணு வார்கள். மெஜாரிட்டி பலத்தைக் கொண்டு எந்த அநீதியை வேண்டு மானாலும் அவர்கள் செய்வார்கள் என்று எண்ண சந்தர்ப்பம் அளிக்கும். அரசாங்கத்தினிடம் பணமில்லையென்றால் வேறு எத்தனையோ வழிகள் இருக் கின்றன பணத்தைப் பெறுவதற்கு. நம் நாட்டில் ஆண்டுதோறும் கோடிக்கணக்கில் லாபம் அடையும் பாரிக் கம்பெனி, பின்னிக் கம்பெனி, ஹார்வி மில் போன்ற எத்தனையோ ஸ்தாபனங்கள் இருக்கின்றன வரி போடப் படுவதற்கு. அதைவிட்டு ஏழை எளிய சிறிய வியாபாரிகளிடமிருந்து வரி வசூலிக்கும் ஒரு முறையை உண்டுபண்ணுவது நியாயமான தாகாது. ஆகவே இந்த மசோதாவை நான் பலமாக எதிர்ப்பதோடு இதைப் பொறுக்குக் கமிட்டிக்கு அனுப்பி பரிசீலனை செய்து இதைக் கடைசியாக கைவிடவேண்டுமென்பதே என் வேண்டுகோள். அதைச் சர்க்கார் செய்ய வேண்டுமென்றும் கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்."

SRI S. PANCHAKSHARAM :—"Mr. Speaker, Sir, I rise to support the Motion moved by the Hon. the Minister for

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Revenue and in doing so, I oppose the Motion for reference of the Bill to a Select Committee. The question posed before the House is simple: It is so short that I see no reason why it should go before a Select Committee for consideration. There has been opposition to the very introduction of this Bill on the ground that it is unconstitutional to validate an invalid provision in law and that the Constitution does not provide for all that. I submit, as the Hon. the Minister for Finance suggested this morning, that the Non-Conforming Marriages Bill which we were going to consider clause by clause is also a measure like this. That is, certain marriages have been held to be invalid and they were sought to be validated by this Legislature. There is also another Bill pending consideration by this House and that is the Electrical Undertakings Bill. Because of a small lacuna in the Act, the High Court has thought that the whole Act is void and this has resulted in disturbing vested interests that have been created in favour of the Government. Under these circumstances, if the House seeks to validate that measure by rectifying the defects pointed out by the High Court, I do not think it is beyond the scope of the powers of this House to do so. To say that such a measure cannot be enacted is not correct. Instances of this type are legion. Measures had been found to be invalid and also said to be *ultra vires* of the Constitution. But still, there were validation measures. One or two simple instances will prove my point. The Privy Council, in a case of an agreement by which an immovable property was sought to be conveyed by A to B, said that the transaction was not valid because the agreement was not registered. Forthwith, the Central Government came with a measure validating such unregistered agreements. It also said that it never was the intention of the Legislature that such agreements ever required registration in the past. Then there was another measure like this introduced by the Central Legislature. According to the Hindu law bequests and wills executed in favour of unborn persons are invalid. As soon as the Privy Council pointed out that such bequests and wills were invalid, out came a validating measure which sought to validate such bequests and wills with retrospective effect. To say that the Legislature has no power to legislate in such matters is an argument which cannot be accepted.

"Then, Sir, it has been said that this Bill is devoid of reason and morality. One hon. Member sitting opposite said that this Government is very unresponsive, unreasonable and unimaginative and that the caravan passes on even though the dogs bark. That is an uncharitable accusation because the very introduction of a measure like this is proof positive that it is not the intention of this Government to allow the dogs to continue to bark. While the caravan was passing, the dogs began to bark. The caravan stopped its course to find out what was the reason for the barking. Here it has come out with a satisfying gesture so that the barking may cease. There is a lacuna in the Act pointed out by the High

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Court and the Government have now come forward with a validation measure. The whole confusion, according to me, has arisen as a result of the interpretation of a particular section which contained unhappy words. It lent itself to a double meaning. Officers who man the Government thought that in computing the turnover of a particular merchant for purposes of assessment to sales tax, the sales tax added to the cost of articles purchased by him might also be included in the turnover. In fact, the Appellate Tribunal some two years ago held that such inclusion of sales tax in turnover was not right. But the judgment of the Tribunal was not a judgment in vain, binding on parties in parts only. But when the High Court saw the defect and gave its ruling that it was wrong to include the assessment in the turnover, the Government were quick in examining the position and introducing a Bill to rectify the defect. What is wrong about the measure? Why should people say it is immoral and unreasonable? The Section in the Act lent itself to a double interpretation. If the Sales tax officers committed the mistake or interpreted the Act in a particular way, why do people characterise the Government as uncharitable? The mistake is now sought to be rectified. In future such sales tax will not be included in the turnover. In the past if it has been collected, such collection is now sought to be validated because several difficulties may arise, if it has to be refunded. Supposing a thousand people in the City of Madras paid the additional tax on the turnover, such people may now ask for the refund of the excess tax collected. Sir, according to the rules framed for the destruction of Government Records, I believe, these records are not maintained for over six months or a year at the most. If a claim is made by a merchant for some money collected in excess where are the records to assess the excess collected from him? Many practical difficulties would arise if a refund is to be made. Then the Government would be faced with a number of suits that would be filed by these merchants for refund of small sums of money collected in excess of the legitimate tax due from them. After all what is the excess that has been collected? They said it was immoral and unreasonable. In a hundred rupee Bill the tax may come to Re. 1-9-0 and on this 0-0-4 would have been collected in excess. Is this small collection immoral, I ask? If the things were sought to be rectified by refunding, things would become very bad, when particularly there are no records and the Government will be faced with number of litigations. Under these circumstances is it not the duty of the legislature to rectify the defect? I say there is nothing immoral about it. This House is in duty bound, to validate such excess collections and pass this measure; because also the Government have said that in future such taxes are not to be collected. I therefore support this motion of the Government."

SRI R. KRISHNAN :—“മിസ്റ്റർ സ്പീക്കർ, സർ, നിലവിലുള്ള വില്പനനികുതി നിയമത്തെന്ന് കച്ചവടക്കാർ വലിയ ഭാരമായിരിക്കുകയാണ്. കണക്കുവെക്കുന്ന കാഴ്ച അിക മന്ത്രമല്ല കച്ചവടക്കാർ ബുദ്ധിമുട്ടുള്ളതു്; ഉദ്യോഗസ്ഥന്മാർ തന്നിടുംപോലെ

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SRI K. P. KUTTIKRISHNAN NAIR:—“ I am surprised at the point of order or the supposed point of order raised by the hon. Member, Sri V. R. Krishna Ayyar. Being a lawyer, I thought he would be able to understand what I wanted to say and that I need not expand the idea. Sir, if it is the intention of the proposers to see that this amount is to go into the pockets of the trader, I feel that we will be doing a wrong to the country. On the other hand, if it is to remain in the Government Treasury it will be utilized profitably for the welfare of the people of this land, and, on this account, I say it is unnecessary, it is inexpedient and it is unfair to refund this amount. People coming from Malabar know that in respect of certain assessments, the Government refunded the amounts to the traders and it was ultimately found that the traders pocketed it themselves and did not distribute it to the consumers. A lot of confusion arose over this and it is known to all of us that the refunded money never went into the pockets of the consumers.

“ Sir, another point which was stressed here was about the unnecessary expenditure incurred in getting a decision of the High Court in respect of this matter. We know, Sir, that when a Bill is brought by the Government, the Government have got certain intentions according to which they intend to act and the decisions arrived at by the officers will be in the light of these intentions. So, the Government will proceed on the intentions they had at the time of piloting the Bill. It is for the High Court to test the validity of these Bills which are subsequently passed into law and see whether there is any defect in them. Therefore, there is nothing wrong in the Government passing legislation according to their intentions. If any legislation is illegal, it is for the highest Court in this State to say that it is wrong, it ought not to be implemented and that it has to be modified. We have also to remember that when Bills are piloted in the Legislature, the person piloting the Bill will say whether any amendment, if accepted, would put the Government in an embarrassing position and whether it would offend the Constitution. Sometimes, it also happens that for reasons of political expediency and with the weight of the number of votes certain things are accepted in Legislatures irrespective of the fact whether they would stand the test of the provisions in the Constitution or the provisions of existing laws. When such Acts are passed, it is the duty of the High Court to say how far they should affect the people. It is for the High Court to construe the provisions of any legislation and say whether there is anything wrong in it. There is, therefore, nothing wrong in getting a clarification from the High Court as regards the exact position in law. It is the duty of every citizen and it is the duty of every Government to see that what is legally good and sound is administered and any money spent in getting a clarification from the High Court which is the highest Tribunal in the land is money well spent. A reference to the Select Committee is unnecessary because this is a simple Bill and I hope the House will accept it and vote against the amendment. Thank you, Sir.”

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SRI S. RAMALINGAM:—“ கனம் சபாநாயகர் அவர்களே, இப்பொழுது கனம் ஸ்ரீ குட்டிகிருஷ்ணன் நாயர் அவர்கள் பேசும்போது எதிர்க்கட்சியினர் பல காரணங்களைக் காட்டி இந்த வரியை எதிர்க்கிறார்கள் என்று சொன்னார்கள். குறிப்பாக அதிகமாக வசூலிக்கப்பட்ட வரிப்பணத்தைத் திருப்பிக்கொடுப்பதில் யாருக்குப்போய் சேருவது என்பதுதான் தெரியவில்லை. வியாபாரிகளுக்கோ, பொதுமக்களுக்கோ ரூபாய் சேருவது ஒருபுறம் இருக்க, இப்போது சபை முன் விவாதத்தில் இருப்பது, விற்பனை வரிக்கு வரி போடுவதுதான். அதாவது 10 ரூபாய்க்கு காலணை லீதம் வரி போடுகிறார்கள், அப்படி போடும் வரிமீது இன்னொரு வரி போடும்போது அந்த வரி 2½ அணுவாகிறது. இது சாதாரணமாக வியாபாரிகளைப் பாதிப்பதில்லை. ஏனென்றால் 10 ரூபாய்க்கு 2 அணுவும், 2½ அணுவாகவும் அதிகமாக வசூலிக்கிறார்கள்.

“ கனம் சப்ரமணியம் அவர்கள் சொல்லியது விற்பனை வரிக்கு 2 அணு என்றால், இன்னொரு அறை அணுதான் அதனுடன் கட்டவேண்டுமென்று சொன்னார்கள். கால் அணுவுக்கு கால் அணு தான் என்று சொல்லுகிறார்கள். இதைப்பற்றி பலவிதமான குற்றச்சாட்டுகள் இருக்கின்றன. இந்த அரசாங்கம் இதுவரையில் உலகத்திலேயே இல்லாத ஒரு முறையை கையாளுகின்றனர். இதைத்தான் இன்று சபையிலே ஆகேஷிக்கிறோம். மற்றொரு விஷயம். இந்த விற்பனை வரியை பலவிதமாக வியாபாரிகள் சொல்லுகிறார்கள். நண்பர் சுயம்பிரகாசம் அவர்கள் விற்பனை வரி போடுவதினால் பல இடையூறுகள் இருக்கின்றன என்று சொன்னார்கள். ஆனால் அதன் பிரகாரம் அபிவிருத்தி செய்வ உரிமை உண்டு. இந்த வரி விதிப்பது பரிபூரணமாக இருந்தால் அதிகமாக விதித்த வரிப்பணத்தைத் திருப்பித் தரவேண்டும் என்று சொல்லுகிறார்கள். மேலும் High Court-ல் விநோதமான தீர்ப்புக் கொடுக்கப்பட்டது. இப்பொழுது கொண்டுவந்திருக்கும் இந்த மசோதாவானது High Court-ன் தீர்ப்புக் காரணமாக இச்சபை முன்பு திருப்பிக் கொண்டுவரப்பட்டிருக்கிறது. ஒரு சட்டம் மற்றொரு சட்டத்தில் சொல்லப்படும் அத்தனை உரிமைகளையும் பறிக்கிறது என்பதை பார்க்கிறோம். ஏற்கெனவே இந்தச் சபையில் விற்பனை வரிபோன்ற பலவிதமான வரிகள் அநேகம் போட்டிருக்கிறார்கள். இதனால் வியாபாரிகளுக்குப் பலவிதமான தொல்லைகள் ஏற்படுகின்றன என்றும், அதிகப் படியான வரிகளை மந்திரி அவர்கள் விதிக்க முன்வந்திருக்கின்றனர் என்றும் குற்றம் சாட்டுகிறார்கள் என்று அநேக அங்கத்தினர்கள் சட்டசபையில் பேசி இருக்கிறார்கள். இப்பொழுது இங்கே கொண்டுவந்திருக்கும் சட்டம் சரியாக இல்லை. ஆதலால் நான் இதை ஆகேஷிக்கிறேன்.”

SRI M. JAGANNATHAN:—“ Sir, while supporting the motion for consideration of the Bill, I would like to emphasise that it is very very unjustifiable to refer this Bill to a Select Committee. It is very amazing and rather surprising to hear the Members of the Opposition—at least some of them—referring to this Bill as a measure which is wholly immoral and unjust. I wish to point out that standards of morality which are applicable to Government are different from those which are applicable to private individuals. When the State collects a tax it does so with *bona fide* intentions to augment its revenues so as to expend money for the benefit of society as a whole and for the purpose of carrying out welfare schemes for the benefit of the people at large. If in the course of the collection of such taxes any irregularity occurs it is not at all due to any *mala fide* intentions on the part of the Government. On the other hand, if an individual collects some money, commits a mistake, it is found that the mistake has been committed in furtherance of his own selfish ends, he is certainly punishable

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under any system of law. I should, therefore, say that the view taken by some hon. Members of the Opposition is based upon confusion of thought and this Bill should never be referred to a Select Committee. I also wish to point out that the question of taking into consideration the claims of petty businessmen for refunds will involve the Government in great financial hardship.

"That will be a drain on the financial resources of the Government. If Government were to refund the money they will have again to resort to fresh taxation to fill up the gap in their finances. Fresh taxation will again be disliked by the people at large. Therefore, from the point of view of maintaining financial stability, it is highly desirable that this Bill must be supported by this House. With these words, I support the Bill and oppose the motion for reference of this Bill to the Select Committee."

SRI P. JEEVANANDAM :—"சர்க்கார் கொண்டுவந்திருக்கிற இந்த மசோதாவை செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று திருத்தத்தை ஆதரிப்பதற்காக நான் நிற்கிறேன். இரண்டு தரப்பிலும் இந்த மசோதா மிகப்பொருத்தமானதென்றும், இந்த மசோதா மிக அக்கிரமமானதென்றும் பேசப்பட்டிருக்கிறது. இந்த மசோதாவைக் கொண்டுவரும்பொழுது இது எவ்வளவு பொருத்தமானது என்பதற்கு சர்க்கார் தரப்பில் என்ன காரணம் சொல்லுகிறார்கள் என்பதை கவனிக்கவேண்டும். மிக முக்கியமான காரணமாக சர்க்கார் தரப்பில் பேசக்கூடியவரிடமிருந்து தெரிந்து கொண்டது, ஏற்கெனவே வசூலித்த வரிக்களை எல்லாம் திருப்பிக் கொடுப்பது சர்க்காரால் முடியாது என்று சோபிதமான முறையில் கூறினார்கள். அந்தப் பணம் Consumer-க்கு போவதானாலும் பரவாயில்லை. அது எப்படி போகமுடியும் என்று கேட்டார்கள்.

"மந்திரி அவர்கள் பேசும்பொழுது ஒரு உண்மையைக் கூறினார். சட்டத்தை நாம் பொருட்படுத்தாது இந்த மசோதாவைக் கொண்டுவந்து இருக்கிறோம். ஹைகோர்ட்டுக்கு நாம் மதிப்புத் தரவில்லை. இந்தச் சபையிலிருக்கக்கூடிய நாம் மக்களுடைய பிரதிநிதிகள் என்ற தோற்றத்தில், மக்களுக்கு நன்மை செய்ய இந்தச் சபைக்கு அதிகாரமிருக்கிறது என்பதை நாம் கவனத்தில் வைத்துக்கொண்டு இந்த மசோதாவைக் கவனிக்க வேண்டும் என்று கூறினார்கள். இந்தக் கண்ணோட்டம் விற்பனை வரி சம்பந்தமாக சர்க்கார் தரப்பில் என்றைக்காவது இருந்திருக்கிறதா என்று கேட்கிறேன். வியாபாரிகளும் சரி, பொதுமக்களும் சரி சர்க்கார் போட்டிருக்கக்கூடிய விற்பனை வரிக்கு கடுமையான எதிர்ப்பை எல்லா துறைகளிலும் காட்டியிருக்கிறார்கள். காங்கிரஸ் வியாபாரிகளும், 30 வருஷமாக காங்கிரஸோடு தொடர்புள்ள காங்கிரஸ் வியாபாரிகளும், மற்ற எல்லா தரப்பு வியாபாரிகளும், பொதுமக்களும் இந்த வரியை எதிர்த்து வந்திருக்கிறார்கள். இந்த வரி எவ்வளவு எதிர்ப்பைக் கொண்டுவந்திருக்கிறது என்பதற்கு இன்றைக்கு இருக்கக்கூடிய மந்திரி சபைக்கு முன்பிருந்த மந்திரிசபைத் தலைவர் கனம் ராஜாஜி அவர்கள் கூறியதை நான் இங்கு கூற விரும்புகிறேன். விற்பனை வரியைச் சட்டிக்காட்டி காங்கிரஸ் பெஞ்சியில் இருப்பவர்கள் கூட எதிர்தரப்பார் விற்பனை வரியைப் பற்றி சொல்வதை எடுத்துக்கொண்டு, ஆட்சியில் இருக்கக்கூடிய மந்திரிசபையையும், சட்டசபையையும் எதிர்ப்புக்குக் கொண்டுவந்துவிட்டது என்று கூட கூறியிருக்கிறார் என்பதை இந்தச் சந்தர்ப்பத்தில் சபையின் கவனத்திற்கு கொண்டுவர விரும்புகிறேன். காங்கிரஸ் மந்திரிசபை, விற்பனை வரியைக்கொண்டுவந்து அமுல் நடத்தியிருக்கிறது என்பதையும் நான் கவனத்திற்கு கொண்டுவர விரும்புகிறேன். ஏன்? வியாபாரிகள், இங்கே எதிர்தரப்பிலிருக்கும் அங்கத்தினர்கள், ஏன் அந்தத் தரப்பு அங்கத்தினர்களும் கூட இந்த வரிக்கு பெரிய எதிர்ப்பைத் தெரிவித்திருக்கிறார்கள். இதற்கு வேறு அத்தாட்சி வேண்டவே வேண்டாம். சட்டத்தை நீங்கள் கொண்டுவருவதும் ஹைகோர்ட்

[11th May 1954]

[Sri P. Jeevanandam]

டுத் தீர்ப்பிலிருந்து உங்களைப் பாதுகாக்கவேண்டும் என்று சொல்லுவதும் சரியல்ல என்று சர்க்காருடைய கவனத்திற்குக் கொண்டுவருகிறேன். வரி போடுவதைத் தப்பென்று யாரும் சொல்லவில்லை. வரி போடாமல் இருக்க முடியாது. ஆனால் வரி எப்படிப் போடுவது, வரியை எப்படி வசூலிப்பது என்பது கவனிக்கப்படவேண்டும். எனக்கு முன்னால் பேசிய சர்க்கார் தரப்பு அங்கத்தினர் ஒருவர், சமுதாயத்திலுள்ள மக்களின் நன்மைக்காக பணம் செலவிடப்பட வேண்டுமென்று சொன்னார்கள். வருமானம், செலவினம் இரண்டையும் கவனத்தில் வைத்துக்கொள்ளவேண்டும். வரி எந்த அடிப்படையில் போடப்பட வேண்டும். தருமத்தை அடிப்படையாகக்கொண்டு, கொடுக்கக்கூடியவர்களுடைய சக்தியை அடிப்படையாக வைத்துக்கொண்டு போட்டிருக்கிறதா இல்லையா என்று பார்க்கவேண்டும். விற்பனை வரியே தகுதியானதல்ல என்று வியாபாரிகள் ஆட்சேபனை செய்கிறார்கள். ஒரு முனை வரி போடுங்கள் கொடுத்து விடுகிறோம் என்று சொல்லுகிறார்கள். மானத்தை வாங்காமலும், சிக்கலை ஏற்படுத்தாத முறையிலும் விற்பனை வரி இருக்க வேண்டுமென்று வியாபாரிகள் விரும்புகிறார்கள். வியாபாரிகளிடத்திலே விற்பனைவரிக்குமேல் வரி வசூலிப்பது தவறு என்று தெரிந்தும் சர்க்கார் அவர்களிடத்திலே அதை வசூலித்தார்கள். கோர்ட்டில் அது தப்பு என்று தீர்ப்புச் சொல்லப்பட்டது. அந்த முறையிலே சர்க்கார் அவர்களுக்கு நஷ்டஈடு கொடுக்க வேண்டியவர்களாகிறார்கள். ஆனால் இன்றைக்கு சர்க்காரால் நஷ்டஈடு கொடுக்கமுடியாது. நஷ்டஈடு கொடுக்காமல் இருப்பதற்கு சர்க்கார் இன்றைக்கு ஒரு சட்டத்தை நியாயத்திற்கு விரோதமாக கொண்டுவரத் துணிந்திருக்கிறது. திருப்பிக் கொடுக்கவேண்டிய நிலை ஏற்பட்டால், சர்க்கார் வக்கற்ற நிலையில் இருக்கிறது. அநியாயத்தை நியாயப்படுத்துவதற்கு சட்டம் கொண்டுவருவது சரியா? அநியாயமாக வரி வசூல் பண்ணினால் அதற்கு நஷ்டஈடு செலுத்த நாம் கடமைப்பட்டிருக்கிறோம். ஆனால் சர்க்கார் அவ்வாறு நஷ்டஈடு கொடுக்கமாட்டார்கள்.

"எதிர்தரப்பில் இருக்கக்கூடிய நாங்கள் நியாயமான முறையில், வரி கொடுப்பதற்கு சக்தியுள்ளவர்கள் மீது வரி போடுங்கள் என்று பல தடவை கூறியுள்ளோம். ஆனால் அப்படிப்பட்டவர்கள் மீது கை வைப்பதற்கு இந்த அரசாங்கம் தயங்குகிறது. அரசாங்கம் வருமானத்தை அதிகரிப்பதற்கு வேறு புதிய முறைகளை கையாளக் கூடாதா? ஏற்றுமதி வரி முறையை அரசாங்கம் கையாளக் கூடாதா? அதன்மேல் செஸ் வரி விதிக்கக் கூடாதா? நேற்று என் கவனத்திற்கு ஒன்று வட்டது. அதாவது கடந்த மூன்று மாதங்களில் ஒரு கோடி பெறுமானமுள்ள பாம்புக்கால் வேர் தூத்துக்குடி துறைமுகம் வழியாக அமெரிக்காவுக்கு ஏற்றுமதி செய்யப்பட்டிருக்கிறது. அம்மாதிரி ஏற்றுமதி செய்யப்படும் பொருள்கள் மீது தாராளமாக செஸ் வரி போடலாம். இம்மாதிரியான பல வழிகளில் வருமானம் வருவதற்கு வழி இருந்தும், 'எங்களுக்கு வருமானத்திற்கு வழியில்லை, ஆகவே தான் இம்மாதிரி விற்பனை வரியின்மீது வரிப் போடுகிறோம்' என்று சர்க்கார் சொல்வது நியாயமில்லை. ஏழைகள் மீது வரிக்கு மேல் வரி போடுகிறார்கள். இன்னொரு பக்கத்தில் இருக்கும் ஹைகோர்ட்டுடைய தீர்ப்புக்கு விரோதமாக இப்படி சட்டத்தைக் கொண்டுவருவது மக்களுடைய நன்மையை பாதிக்கிறது என்பதைத் தெரிவித்துக்கொள்கிறேன். ஆகவே இந்த கண்ணோட்டத்தோடு பார்த்தால் இந்தக் கொள்கை முரணாக இருக்கிறபடியால் இதை ஒரு செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று கேட்டுக்கொண்டு இதை ஆதரிக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன்."

SRI P. SELVARAJ :—"Mr. Speaker, Sir, this piece of legislation has come before the Assembly as a result of the judgment of the High Court recently. Prior to the decision of the High Court, the Government thought that turnover included the tax collected by the traders from the buyers. In a way that presumption is justifiable because the traders do not keep apart the sales tax

[Sri P. Selvaraj] [11th March 1954]

collected from the customers. They utilize that money for expansion of their commercial profession. Because they were thus utilizing that money for their business expansion, the view taken by the Government is to some extent justifiable. But the High Court has held otherwise. I am not going to dispute the judgment of the High Court. By some stretch of imagination the High Court has decided that sales tax levied and collected by the merchants from the customers cannot be a part of the turnover and that cannot be subject to assessment. So in order to rectify it, this Government have now come forward with a Bill to enact that on and from 1st of April 1954 the Government would not collect sales tax for the amount retained by the merchants as sales tax collected from buyers. That is why I say this measure is quite a justifiable one and one that we could accept without any difficulty. Inasmuch as the sales tax collected by the traders from their customers has been used for the expansion of their commercial profession, I am inclined to support the previous action of Government in including in the turnover the sales tax collected from the buyers. But because of the judgment of the High Court, hereafter such a thing could not happen. For the reasons stated above there is no use in accepting the argument from the other side that the assessment collected from the traders on the basis prevalent before the judgment was unfair, and that the amount so collected by way of sales tax should be returned to the merchants. With these words, I support the Bill now before us."

SRI M. KALYANASUNDRAM :—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவைப் பிரேரேரிப்பதில் இருக்கக்கூடிய ஆட்சேபங்களை நான் முதலிலே தெளிவுபடுத்தினேன். சட்டசபை நடைமுறைகளில் அனுபவத்திலும் சரி, நிர்வாகத் திறமையிலும் சரி, ரொம்ப முதிர்ந்து பழுத்த நம்முடைய நில வருவாய் மந்திரி அவர்கள் கொண்டுவந்திருக்கக்கூடிய மசோதா இருக்கிறதே, அது நிறைவேற்றப்பட்டால் ஹை கோர்ட் முன்பும், சூப்ரீம் கோர்ட் முன்பும் நிற்குமா என்பதைத்தான் அவர்கள் சிந்தனை செய்து பார்க்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். நிர்வாக உத்தரவானது சட்டப்படி சரியல்ல என்று ஹை கோர்ட் உத்தரவிட்டிருக்கிறது. மீண்டும் முரட்டுத்தனமாக சட்டம் இயற்றுவதற்கு இந்தச் சபையிலே மந்திரி அவர்கள் வந்திருக்கும்போது, அதற்கு இந்தச் சபை உதவி செய்யக்கூடாது என்ற நோக்கத்துடன், அரசியல் சட்டப்படி இது ஒழுங்கினை மானது என்பதை எடுத்துக் காண்பித்தபோது மந்திரி அவர்கள் அதற்கு நியாயமான பதில் சொல்லாமல், அதற்குப் பதிலாக எனக்கு அனுபவம் குறைவு என்று சுலபமாக வக்கீல்கள் கோர்ட்டில் ஜெயிக்கக்கூடிய முறையிலே பேசி தப்பித்துக்கொண்டாரேயொழிய, நியாயமாக இப்படிச் செய்ததற்கு அதிகாரம் இருக்கிறது என்று எடுத்துக் காட்டுவதற்கு இரண்டு மந்திரிகளாலும் முடியவில்லை என்பதை சொல்லிக்கொள்ள விரும்புகிறேன்."

"இப்பொழுது நம்முடைய நில வருவாய் மந்திரி அவர்களையும், நிதி மந்திரி அவர்களையும் நான் கேட்டுக்கொள்வது என்னவென்றால், இது தான் : அவர்கள் இரண்டு பேரும் வக்கீல்கள். நிதி மந்திரி அவர்கள் ஐந்து வருஷத்திலே கோயமுத்தூர் 'bar' இல் 'top' பண்ணினவர். இரண்டு பேரும் யோசனை பண்ணவேண்டும். ஹை கோர்ட் இப்படி தீர்ப்பு கொடுத்திருக்கும்போது ஹை கோர்ட் தீர்ப்பை ரத்து செய்யக்கூடிய முறையில், ஹைகோர்ட் தீர்ப்பினால் அனுசூலம் அடையமுடியாதபடி

11th May 1954] [Sri M. Kalyanasundram]

இப்பொழுது சட்டம் செய்வது நியாயத்திற்குப் பொருந்துமா? 'Judiciary' யினுடைய அந்தஸ்தைப் பாதுகாக்க வேண்டியது இந்தச் சட்டசபையினுடைய பொறுப்பும் அல்லவா என்பதை அவர்கள் சிந்தனை செய்து பார்க்கவேண்டும். திரும்பவும் அவர்கள் வக்கீல் உத்தியோகம் செய்யக்கூடிய காலத்தில் தங்களுடைய செய்கையை அவர்களே நிந்தித்துக்கொள்ளவேண்டிய நிலை ஏற்படும் என்பதை சிந்தனை செய்து பார்க்கவேண்டும். மந்திரியாக இருக்கக்கூடிய காலத்தில் ஒருவிகக் கொள்கை, வக்கீலாக இருக்கக்கூடிய காலத்தில் இன்னொரு கொள்கை அவர்களுக்கு இருக்கக்கூடாது என்பதையும் அவர்கள் சிந்தனை செய்து பார்க்கவேண்டும்.

"சர்க்காருக்குப் பல கஷ்டங்கள் இருக்கின்றன என்பதை நான் உணராமல் இல்லை. ஹை கோர்ட், அப்பெல்லேட் கோர்ட் இவைகளில் கொண்டு போய் வாதாடி வெற்றி பெற பெரிய வியாபாரிகளால்தான் முடியும். அவர்கள்தான் இம்மாதிரி ஹை கோர்ட்டுக்குப் போய் வாதாடி அனுசூலம் அடைவதற்கு சாத்தியப்பட்டிருக்கிறது. இந்த மாதிரி ஒரு சட்டம் நிறைவேற்றப்பட்டால், அவர்கள் லட்சக்கணக்கான ரூபாய்களைப் பல வியாபாரிகளுக்கு திருப்பிக் கொடுக்கவேண்டிய நிர்ப்பந்தம் ஏற்படும், அதில் சங்கடம் ஏற்படுகிறது என்பது உண்மையே. இதை நான் மறுக்கவில்லை. இருந்தாலும் நியாய அநியாயத்தைப் பார்க்கவேண்டும். வியாபாரிகளில் அக்கிரமம் செய்பவர்களும் இருக்கிறார்கள். கஷ்டப்பட்டக்கூடிய வியாபாரிகளும் இருக்கிறார்கள். வியாபாரிகள் ஒழுங்கினைமாக நடந்துகொண்டாலும் சரி, அதிக லாபம் பெற்றாலும் சரி, அதைத் தடுப்பதற்கு சட்டபூர்வமான நடவடிக்கைகளை எடுக்கவேண்டுமே தவிர, நாம் அக்கிரமமான சட்டங்களைக் கொண்டுவந்து நிவர்த்தி பண்ண முடியாது என்பதை அரசாங்கம் ஞாபகத்தில் வைத்துக்கொள்ளவேண்டும். அக்கிரமம் செய்யக்கூடியவர்களைக் கண்டிக்கவேண்டுமே தவிர, அதற்காக அக்கிரமமான சட்டங்களை இயற்றுவதற்கு அரசாங்கம் முன்வரக்கூடாது என்று நான் கேட்டுக் கொள்ளுகிறேன்."

"இந்த மசோதாவானது நிறைவேற்றப்பட்டால் நம்முடைய தேசத்தில் இருக்கக்கூடிய ஜனங்கள் அதை நிந்திக்க நேரிடும் என்பது என்னுடைய அபிப்பிராயம். கடந்த காலத்தில் சட்ட விரோதமாக விதிக்கப்பட்ட வரியை ஒழங்குபடுத்துவதற்கு வரக்கூடிய மசோதா ரொம்ப விசித்திரமானது. சீர்திருத்தத் திருமணங்கள் நடந்து வந்தவையெல்லாம் ஒழங்குபடுத்துவதற்கு சட்டம் செய்யவில்லையா என்று மந்திரி அவர்கள் சொல்லுகிறார்கள். சீர்திருத்தத் திருமணம் செய்துகொண்டவர்களுடைய குற்றமோ, அவர்களுக்குப் பிறந்த பிள்ளைகளின் குற்றமோ ஆகாது. ஆனால், அது வேறு விஷயம். அதற்கு சட்டம் செய்யவேண்டியது அவசியம். அதற்குக்கூட சர்க்கார்தான் பொறுப்பாளி என்று நான் சொல்ல முடியும். ஏனென்றால் மக்களிடத்தில் பல வருஷங்களாக இந்த சீர்திருத்தத் திருமணங்கள் நடைபெறவேண்டுமென்ற எண்ணம் ஏற்பட்டு, அதன்படி நடந்துகொண்டு வருகின்றன. மக்களிடையே ஏற்பட்டிருக்கும் சீர்திருத்த மனப்பான்மைக்குத் தகுந்தவாறு சட்டங்களை அவ்வப்போது சர்க்கார் இயற்றியிருந்தால், இப்பொழுது இந்த மாதிரி இடைஞ்சல் ஏற்பட்டிருக்காது. முப்பது வருஷங்களாக தூங்கிக்கொண்டிருந்துவிட்டதனால், இப்பொழுது இம்மாதிரி சட்டம் இயற்றவேண்டிய நிலைமை ஏற்பட்டிருக்கிறது. அப்படிப்பட்ட சட்டத்தோடு இப்பொழுது சபை முன்பு இருக்கக்கூடியதையும் ஒப்பிட்டுப்பார்த்து, இதை யும் ஆதரிக்கவேண்டுமென்று சொல்வது இருக்கிறதே, அது சட்டப்படி நியாயமல்ல. தரம்படியும் அது நியாயமானதல்ல என்பது என்னுடைய அபிப்பிராயம்."

"இந்த மாதிரி சட்ட விரோதமான முறையில் வரி வசூலிப்பதற்குக் காரணமாக இருந்தது நிர்வாக உத்தரவுதான். 1950-ம் வருஷம் வரையில் இந்த மாதிரி சிக்கல்கள் ஏற்படவில்லை. ரெவினியூ போர்டாரின் உத்திரவின் காரணமாக இந்த மாதிரி வரியாக வசூலிக்கப்படும் தொகையைச் சேர்த்து விற்பனை வரி வசூலிக்க வேண்டும் என்று அதிகப்பணம் சம்பாதிக்கலாம் என்ற நோக்கத்தோடு நிர்வாக உத்தரவு போடப்பட்டிருக்கிறது. அது தப்பு என்று கீழ்க் கொர்ட் எடுத்துக் காட்டியும்கூட, சர்க்கார் அதை

[Sri M. Kalyanasundram] [11th March 1954]

வற்றுக் கொள்ளாமல், ஹைகோர்ட்டில் அப்பீல் செய்து வாதாடியிருக்கிறார்கள். இவ்வளவு ஒழுங்கினமான அதையும் சட்டசபையில் கொண்டு வந்து ஒழுங்குபடுத்திவிடுவோம் என்ற நிலைமை ஏற்படுமானால், பொதுமக்கள் சம்பந்தப்பட்ட ஒவ்வொரு பிரச்சனையும் சர்க்கார் இதேமாதிரி ஒப்புக்கொண்டிருக்கவேண்டும். இந்த மசோதாவை நியாயத்திற்கும் நேர்மைக்கும் மதிப்பு கொடுக்கக்கூடிய யாரும் ஆதரிக்கமுடியாது. இந்த மசோதாவை நான் எதிர்ப்பதோடு கூட கனம் அங்கத்தினர் ஸ்ரீ கே. பி. கோபாலன் அவர்கள் செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று கொடுத்திருக்கும் திருத்தத்தை ஆதரிக்கிறேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I thank all the hon. Members who had clarified the points raised in the course of this debate. I am particularly thankful to hon. Members like Gopala Menon, Mr. Selvaraj, Mr. Kuttikrishnan Nair and Mr. Anantha Pai who is fast becoming a lawyer, for the way in which they have argued the points and clarified the position. (Mr. Speaker: ‘And the young Member, Mr. Jagannathan also, who had spoken just now.’) Yes, Sir, I must thank Mr. Jagannathan also who is a young lawyer for the speech he had delivered. He has also tried to compete with those of the senior type.

“ The point raised by the Deputy Leader of the Opposition was clearly met and explained even with illustrations and examples. It has been clearly pointed out how statutes which have been declared void by the Courts have been subsequently set right by fresh legislation. There is nothing new in it. It is a well-known way of regularizing the defects pointed out by Courts. I need not, therefore, dilate on this point which had been elaborated by my Friends. This much I shall point out, namely, that this Madras General Sales Tax Act is a comparatively recent piece of legislation. Even with regard to statutes which are very old and which have been very carefully and very ably drafted, there have been litigation. When the High Court has come to a certain decision, there were appeals to the Privy Council wherein all the decisions of the lower Courts have been set aside. There have been such cases. It is a question of interpretation of the statutory law. There is bound to be differences of opinion. There is nothing wrong in it. The hon. Member from Tellicherry said that Sales Tax Officers should not have included the sales tax collected by a dealer in assessing his turnover, that they included it only to swell the coffers of the State, and that the inclusion of sales tax was very wrong. Legal luminaries like my hon. Friend think it more worthwhile to practice in Courts of law and be prosperous than take up jobs under the Government which are not so very paying. When legal luminaries take to practice in Courts, it is very difficult to get legally-qualified and competent persons to interpret and administer statutes. Most of the Sales Tax Officers are lay men not trained in law. For instance, the term ‘sale’ has been interpreted in so many ways. The difficulty of interpretation has been very well pointed out by my hon. Friend, Sri N. Gopala Menon and he gave illustrations also. The Sales Tax Officers interpreted the Act according to their own

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light. We cannot say that they deliberately gave a wrong interpretation. But the High Court differed from that interpretation. On that account, we cannot blame the poor officers, who are not trained in law, for the interpretation that they gave.

“ The hon. Member, Sri P. Rangaswami Reddiar, quoted the Tamil saying that the sugarcane, which has gone into the mouth of an elephant, can never come back. The Government have got ever so many difficulties in giving effect to the High Court’s decision with reference to past transactions. It is as difficult as trying to arrange a barber’s shop waste, and there is a saying to this effect also in Tamil. The past transactions range over a number of years, and we have to ascertain the names of dealers who have collected sales tax from the consumers and those who have not collected it. It is really very difficult to go into these questions and mete out justice. In fact, we will require a very well-trained Secretariat to examine and decide these questions. It is not worthwhile examining these questions and it is better we leave the matter at that.

“ Some hon. Member said that we were not respecting the judgment of the High Court. We are respecting it and we are giving effect to it from 1st April 1954 and that is why, we have brought forward this Bill. Of course, we are not giving effect to it for the period prior to 1st April 1954, because it will be administratively very inconvenient. However much we may try, we cannot do the work consequent on giving effect to the decision for transactions which took place prior to 1st April 1954 satisfactorily. There will be many difficulties. Some assesseees might have died and we will have to find out who their legal heirs are. Some assesseees might have left the country. Apart from that, the amount involved is very big and refund of such a big amount will completely upset the budgetary position of the State.

“ The hon. Deputy Leader of the Opposition is a practical man and he ought to have known the existence of these difficulties. In spite of that, sitting as he does on the Opposition Bench, he flings an accusation against me. It is a legitimate way of attacking the party in power. But criticism should take note of the practical difficulties. The Hon. Deputy Leader of the Opposition should have used temperate language in making the accusation. He has not made out a case for not giving retrospective effect to the judgment of the High Court. I have accepted the judgment and I am giving effect to it from 1st April 1954. I think we must be satisfied with that.

“ As regards the amendment for referring this Bill to a Select Committee, practically we sat like a Select Committee and discussed the whole Bill. I do not know what is there further to discuss in a Select Committee. We have reached a stage where we have to take a decision, and whatever we decide, we should decide now. There is absolutely no case for referring the Bill to a Select Committee.”

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MR. SPEAKER :—" The question is—

' That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be referred to a Select Committee '."

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

MR. SPEAKER :—" There is an amendment of Mr. N. K. Palaniswami to this clause, which is clearly out of order. The High Court declared certain act of the Government *ultra vires* and this Bill seeks to validate it. The principle of validation has been approved by passing the motion for the second reading stage of the Bill. The hon. Member's amendment says that we need not validate it. An amendment which will reverse the principle of a Bill as agreed to at the second reading is not admissible as an amendment. Having accepted the principle of validation in the second reading stage, the hon. Member cannot go back on that principle and say that there need not be the validation.

" கனம் அங்கத்தினருக்கு இதை நான் தமிழில் விளக்கிச் சொல்லி விடுகிறேன். சர்க்கார் வரி விதித்திருப்பது சட்டப்படி செல்லத்தக்கதல்ல என்று ஹை கோர்ட்டார் தீர்ப்பளித்திருக்கிறார்கள். அதன் பேரில், அதை 'Validate' செய்வதற்கு, இந்த மசோதாவைச் சர்க்கார் கொண்டு வந்திருக்கிறார்கள். இந்த மசோதாவின் கொள்கையை second reading stage-லேயே இந்தச் சபை ஏற்றுக்கொண்டுவிட்டது. கனம் அங்கத்தினருடைய திருத்தமானது, இதை validate செய்ய வேண்டாமென்று சொல்லுகிறது. Second reading stage-ல் ஏற்றுக்கொண்டுவிட்ட கொள்கையை மாற்றிவிடக்கூடிய அளவுக்கு கனம் அங்கத்தினர் திருத்தம் கொடுத்திருப்பதால், அதை ஏற்றுக்கொள்வதற்கில்லை. இது validate செய்யப்படவேண்டும் என்று second reading stage-ல் ஏற்றுக்கொள்ளப்பட்டுவிட்டபோது, இப்பொழுது கனம் அங்கத்தினர் அதை மாற்றவேண்டுமென்று திருத்தத்தை பிரேரிக்க முடியாது."

THE HON. SRI C. SUBRAMANIAM :—" The amendment is tantamount to opposing the Bill."

MR. SPEAKER :—" It comes to that.

" I have no objection to allow the hon. Member to speak against the clause."

SRI M. KALYANASUNDRAM :—" Point of information, Sir. நீங்கள் சொன்னபடி அந்தப் பிரிவினுடைய effect-யே ரத்து செய்துவிடக் கூடிய அளவுக்கு கனம் அங்கத்தினருடைய திருத்தம் இல்லை. கடந்த காலத்தில் நிகழ்ந்திருக்கக்கூடிய விஷயங்களை இம்மாதிரி validate செய்வது எதிர்காலத்திலாவது தவிர்க்கப்படவேண்டும் என்பதுதான் அதனுடைய நோக்கம்."

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MR. SPEAKER :—" The principle is clear. It is not a new principle which I am laying down. An amendment which will reverse the principle of a Bill as agreed to at the first reading is not admissible."

SRI M. NARAYANA KURUP :—" May I know whether before April 1954 and after the High Court judgment, there were cases of assessment in which the sale-tax collected by the merchants was also included in the turnover? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" As soon as the High Court judgment was made known to us, we issued the necessary instructions."

SRI M. KALYANASUNDRAM :—" Point of information, Sir. ஹை கோர்ட் தீர்ப்பின்படி யார் யாரிடமிருந்து அதிகப்படியாக, சட்டத்திற்குப் புறம்பாக வசூலிக்கப்பட்டதோ அந்தத் தொகையானது அவர்களுக்குத் திருப்பிக் கொடுக்கப்பட்டு விட்டதா என்று அறிய விரும்புகிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" No, Sir."

SRI M. NARAYANA KURUP :—" My question relates to a question of fact. The question is not whether the Government issued instructions after the High Court judgment but whether there was any actual collection on the basis of the old calculation."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I say offhand 'No'."

SRI N. K. PALANISAMI :—" கனம் சபாநாயகர் அவர்களே, ஒரு சிறிய சந்தேகத்தை தெளிவுபடுத்தவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். அதாவது நான் கொடுத்திருக்கும் திருத்தமானது இந்த மசோதாவின் கொள்கைக்கு மாறாக இருப்பதாக நீங்கள் சொல்லி அதை ஏற்றுக் கொள்ளவில்லை. ஆனால், இதேசமயத்தில் சர்க்கார் கொண்டு வந்திருக்கக் கூடிய இந்த மசோதாவானது அரசியல் சட்ட விதிகளின்படி பார்த்தால் அதுவும் செல்லத்தக்கதல்ல."

MR. SPEAKER :—" அது செல்லும் என்று நான் ஏற்கெனவே ruling கொடுத்திருக்கிறேன்."

SRI K. C. GOPALAN UNNI :—" The Hon. Minister said that there was no such collection, but the High Court judgment was given on the 7th January 1954."

MR. SPEAKER :—" The Hon. Minister said that there was no refunding."

SRI K. C. GOPALAN UNNI :—" To a question of the hon. Member, Sri Narayana Kurup, the Hon. Minister said that there was no such collection after the 7th January. Naturally there must have been collections after the 7th January 1954."

SRI N. K. PALANISAMI :—" கனம் சபாநாயகர் அவர்களே, இப்பொழுது வந்துள்ள மசோதாவால் வரிக்குமேல் வரி போடுவதானது, வட்டிக்கு மேல் வட்டி போடுவது போலத்தான் இருக்கிறது. இப்பொழுது கொண்டு வந்துள்ள மசோதா ஹைகோர்ட் தீர்ப்பையும் நிராகரித்துவிட்டு

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கொண்டுவரப் பட்டுள்ளது. ஹைகோர்ட் தீர்ப்புப்படி, "Turnover" as defined in the Act could not include the tax collected by a registered dealer. இந்த அடிப்படையில்தான் இருக்கிறது. ஆகவே தான் திருத்தம் கொடுத்திருக்கிறேன். அது மட்டுமல்ல. ஏற்கனவே வாங்கப்பட்டு வந்துள்ள வரி நியாயமானது என்று சொல்லவே முடியாது. உதாரணமாக ஒரு ஜில்லாவை எடுத்துக்கொள்வோம். எல்லா ஜில்லாவிலும் இந்த வரி வாங்கக் கூடிய நிலைமை ஏற்பட்டிருக்கிறது. விற்பனை வரி என்று சொல்வது முக்கியமானதுதான். ஆனால், எல்லா ஜில்லாவிலும் அந்த வரியை மட்டும் வாங்குகிறார்களே ஒழிய, அதன் கீழ் வேறு எந்தவித வரியையும் வாங்குவதில்லை. அப்படியிருந்தும் இந்த விற்பனை வரிக்கும் வரி வாங்குவது எப்படிப் பொருந்தும்? சாதாரணமாக இதுபற்றி ஹைகோர்ட்டில் ரிட் பெடிஷன் பைல் செய்தால் கூட, கண்டிப்பாக இம்மசோதா செல்லாமல் தான் போய்விடும். அபெலட் டிரிபியூனல், ஹைகோர்ட் இந்த இரண்டும் இம்மசோதா செல்லத்தக்கதல்ல என்று தீர்ப்புக் கூறியும், மறுபடியும் சர்க்கார் இம்மசோதாவை கொண்டு வந்திருக்கிறது. இது அடிப்படை நியாயத்திற்கு முற்றிலும் மாறானது. ஏனென்றால் கடந்த நான்கு வருஷங்களாக ஜனங்களுடைய பணத்தை சர்க்கார் எடுத்துக்கொண்டு, நீங்கள் மசோதாவை சரி என்று சொல்லுங்கள் என்று ஒழுங்குபடுத்த இந்த மசோதாவை இப்பொழுது இங்கு கொண்டு வந்திருக்கிறதென்றால், அதை நாம் எப்படி ஒத்துக்கொள்ள முடியும்? சாதாரணமாக ஜனங்களுடைய பணம் சர்க்கார் கையில் இருக்கிறதென்றால், அப்பணத்தை வாங்குவதற்கு எவ்வளவு தூரம் அவர்களை பிழிந்தெடுத்து வசூலித்திருப்பார்கள் என்பதை சற்று யோசிக்கவேண்டும். கடந்த ஐந்து வருஷங்களாக அதாவது 1949-ம் வருஷத்திலிருந்து இதுவரையும் இவ்வாறு சர்க்கார் விற்பனை வரிக்கு மேல் வரியாக வசூலித்துக்கொண்டு வந்திருக்கிறது. இதற்கு நான் கொடுத்திருக்கக்கூடிய தீர்மானம் என்னவென்றால் 'அவ்வாறு வாங்கியுள்ள தொகையை மறுபடியும் அவர்களுக்குத் திருப்பிக் கொடுக்க வேண்டும்' என்பதுதான். இதைச் சர்க்கார் செய்யுமாறு கேட்டுக்கொள்ளுகிறேன்."

SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்களை ஒரு விஷயத்தைப் பற்றித் தெளிவாக பதில் கூறும்படி கேட்க ஆசைப்படுகிறேன். இந்த புதிய Definition படி '1954-ம் வருஷம் ஏப்ரல் மாதம் 1-ம் தேதிக்கு முன்பு தான் அமுலில் இருக்கும், அதற்கு பின்பு அமுலில் இருக்காது' என்று இந்த மசோதா தெளிவாக்குகிறது. 1953-54 மார்ச்சு மாதம் முடிய வியாபாரிகளுக்கு ஆண்டுக் கணக்கு முடிவடைகிறது. அதற்குப் பிறகு இப்பொழுது இரண்டு மாதங்கள் ஆகியிருக்கின்றன. அவர்கள் மாதாமாதம் கட்டிய தொகை எவ்வளவு? இந்த இரண்டு மாதங்களில் வியாபாரிகளிடம் கணக்கை வாங்கி இன்னும் கட்ட வேண்டிய வரி பாக்கி எவ்வளவு? என்று முடிவு செய்ய வேண்டியிருக்கும். இதற்கு முன்பாக முடிவு செய்திருக்க முடியாது. அப்படி முடிவு செய்யும்போது ஏற்கனவே இருப்பதுபோல் அவர்கள் வசூலித்த வரி விதித்து விற்பனை வரிக்கு கணக்குகள் பார்க்கப்படுமா? அல்லது மொத்த விற்பனைக்கு மட்டும் விற்பனை வரியை நீக்கி கணக்கிடப்படுமா என்று அறிய விரும்புகிறேன். இந்த வருஷம் மீண்டும் விற்பனை வரிக்கு வரி வசூல் செய்ய மாட்டார்கள் என்றும் நம்புகிறேன்."

SRI M. KALYANASUNDRAM:—"கனம் சபாநாயகர் அவர்களே, கடந்த காலம், நிகழ் காலம், எதிர் காலம் ஆகிய மூன்று காலத்திலும் எவற்றையும் சட்டமாக்க இந்த சபைக்கு அதிகாரம் உண்டு என்பதை ஒப்புக் கொள்ளுகிறேன். ஆனால் இந்த வருஷம் கொண்டு வந்திருக்கும் இச்சட்டம் அக்கிரமமானது: அதிகார மில்லாதது என்பதை மறுபடியும் சொல்லத்தான் வேண்டியிருக்கிறது. அப்படி வசூலிக்கப்பட்ட வரித் தொகையை எழைகளுக்கு, பொது வேலைகளுக்கு கொடுப்பதற்காகத் தான் இம்மசோதாவை நாங்கள் கொண்டு வருகிறோம் என்று கூறுகிறார்கள். அம்மாதிரியான சட்டம் இயற்றக்

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கூடிய அதிகாரமே இந்த சபைக்கு கிடையாது என்பதுதான் என்னுடைய ஆட்சேபம். இந்த கிளாஸ் இரண்டு இருக்கிறதே இது எதிர்காலத்திலே வசூலிக்கக்கூடிய வரி சம்பந்தமாக சட்டம் பிறப்பிப்பதற்கு அல்லது 1939-ம் வருஷத்தினுடைய சட்டத்தின்படி உரிமை இல்லை. அதை வர வேற்கவேண்டும். ஹைகோர்ட்டினுடைய தீர்ப்புப்படியே நடக்கவேண்டும். இந்த சபைக்கு அதிகாரம் உண்டு. நீங்கள் ஆதரிக்க வேண்டும். அதுவும் இது கடந்த காலத்தில் நடந்த விஷயம். அப்போது வசூலிக்கப் பட்டு விட்டது. அதை ஒழுங்குபடுத்தவே சட்டம் கொண்டு வரப்பட்டிருக்கிறது என்று சொல்லுகிறார்கள். இந்த விற்பனை வரியானது பல இடங்களில் வரியோடு சேர்த்து வசூலிக்கப்பட்டிருக்கிறது. சில இடங்களில் வரித்தொகையைச் சேர்க்காமல் வசூல் செய்யப்பட்டிருக்கிறது. இந்த வரித்தொகையைச் சேர்க்காமல் வசூல் செய்யப்பட்டிருக்கிறது. இந்த கப்பட்ட தொகையை, சட்டபூர்வமாக வேண்டுமென்பதற்காக கொண்டு வரப்பட்டுள்ள இந்த மசோதா நிறைவேற்றப்பட்டால், இதுவரை யாரிடம் வசூலிக்காமல் இருந்தார்களோ அவர்கள் மீதும் மீண்டும் அதிக வரியை வசூலிக்கவே அதிகாரம் கொடுக்கப்பட்டதாகும். இந்த திருத்தத்தை ஒப்புக்கொள்ள முடியாது. ஆகவே இதை நான் பலமாக எதிர்க்கிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"In all future assessment and collection of tax, the Government will apply the principle now enunciated by the High Court. With regard to past transactions, the hon. Member made a difference between the transactions which would involve refund and transactions where it will not involve refund. He asked whether I could not reconsider the matter. I have already answered that the transaction is entwined in so many other things. Because the merchants had been habituated to this sort of tax, they had already collected a tax. The difficulty arises when we have to distinguish between merchants who have collected and who have not collected the tax. But I may tell hon. Members that as far as possible, without causing any administrative difficulty, the judgment will be given effect to."

SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, இந்த மாதிரியான முறையில் விற்பனை வரி விதிக்கப்படும் என்று தெரிந்து கொண்டு வியாபாரிகள் விற்பனை வரியை வசூலிக்கிறார்கள் என்று கனம் மந்திரி அவர்கள் சொன்னார்கள். வரியானது சர்க்காரின் சார்பாக வசூலிக்கப்பட்டிருக்கிறது என்றும் சொல்லுகிறார்கள். அவ்வாறு வசூலிக்கும் பூரா வரியையும் சர்க்காருக்கு செலுத்தி விடுவேன் என்றும் அச்சடிக்கப் பட்ட பாரத்திலே கையெழுத்திட்டு வியாபாரிகள் கொடுக்கவேண்டும், மேலும் அப்படி கொடுக்கத் தவறினால், வியாபாரிகளின்மேல் நடவடிக்கை எடுக்கலாம் என்றும் இருக்கிறது. ஆகையால் வியாபாரிகள் வசூலித்த விற்பனை வரியை விற்பனையுடன் சேர்த்து மொத்த துறைக்கு இந்த விற்பனை வரிக்கு மீண்டும் வரி போடப்படுகிறது. ஆகையால் வியாபாரிகள் தாங்கள் கொடுக்கவேண்டிய விற்பனைவரியை பொது மக்களிடம் வசூலித்து விடுகிறார்கள் என்று கூறுவது சரியல்ல."

SRI T. C. NARAYANAN NAMBIAR:—"Sir, the Hon. Minister was saying that some merchants had already collected the tax anticipating that the Government would assess the tax on the turnover including in it the tax collected by them. That cannot be substantiated. It has been definitely stated in rule 5 (a) (i) and (ii) of the General Sales Tax (Turnover and Assessment) Rules that all sums collected by way of sales-tax should be paid to the

[Sri T. C. Narayanan Nambiar] [11th May 1954]

State Government. In order to check if this is done, a specific column has been provided in the relevant form to be submitted. It is stated therein that the tax collected should not be included in the assessable turnover. So, the assumption that some merchants have collected the tax in anticipation is not correct."

SRI M. KALYANASUNDRAM :—"On a point of explanation, Sir. கனம் மந்திரி அவர்கள் சொல்லுவது பெரிய வியாபாரிகள் சம்பந்தப்பட்டவரை உண்மையாக இருக்கலாம். ஆனால் சாதாரண வியாபாரிகள் சம்பந்தப்பட்டவரை தினம் ஒன்றுக்கு ரூ. 2 முதல் ரூ. 5 வரை, அல்லது மாதம் ரூ. 150 வரை விற்பனை செய்யும் சில்லரை வியாபாரிகள் விஷயத்தில் பொறுத்தமாக இருக்காது. இதுவரை வரி செலுத்தாத வியாபாரிகளிடமிருந்து வரியை வசூலிப்பதற்கான நடவடிக்கைகளை எடுக்க சர்க்கார் முயற்சிப்பார்களா என்பதை நான் அறிய விரும்புகிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—"The Government propose to give effect to the letter and spirit of the judgment. With regard to the past transactions, I have already stated the position of the Government. The hon. Member Sri Palanisami stated that the poor people would be affected. Poor people are not affected at all. The conscience of the hon. Member will be satisfied if I say that the people who are affected are people like the Volkart Brothers and Messrs. George Oakes, Ltd."

MR. SPEAKER :—"The question is—

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

The clause was put and declared carried.

A poll was demanded and the House divided thus :

Ayes—88.

The Hon. Sri C. Subramaniam.
" A. B. Shetty.
" M. A. Manickavelu Naicker.
Sri C. Rajam Ramaswamy.
" K. Rajaram Naidu.
" B. Bhaktavatsalu Naidu.
" P. G. Karuthiruman.
" V. C. Palaniswami Gounder.
" B. K. Nallaswami.
" P. S. Nalla Gounder.
" P. K. Thirumurthy.
" R. Kuppuswami.
" M. K. Kempai Gounder.
" S. R. Arumugam.
" S. Lakshmana Gounder.
" P. G. Manickam.
" N. Ramakrishna Iyer.
" K. Venkataswamy Naidu.
" O. Venkatasubba Reddy.
" V. K. Ramaswami Mudaliar.
" R. A. Nataraja Mudaliar.
" S. Panchaksharam.
" H. M. Jagannathan.
" K. G. Munuswami Gounder.
" R. Thangavelu.
" A. Sambasivam.

Sri P. M. Munuswami Gounder.
" O. A. Nanjappa.
The Hon. Sri B. Parameswaran.
" S. S. Ramaswami Padayachi.
Dr. T. S. Soundaram Ramachandran.
Sri T. K. Rama.
" M. S. Muniswami Pillai.
" V. S. Chinnaswami Naidu.
" V. S. Sivaprakasam.
" V. Muthu.
" S. Thinakaran Thevar.
" V. Chinnayya.
" T. V. Sankasi.
" Anthony Peter.
" R. M. Palaniappan.
" C. Muthiah Pillai.
" S. Arumugam Pillai.
" S. Venkatrama Iyer.
" M. Marimuthu.
" M. C. Muthukumaraswami.
" L. Anandan.
" K. Parthasarathy.
" M. Jagannathan.
" P. S. Krishnaswamy Iyengar.
" G. Govindan.
" Ar. A. Rm. Chokkalingam Chettiar.

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Ayes—88—cont.

Sri M. Kandaswamy Padayachi.
" R. Krishnaswamy Naidu.
" P. Chellathurai.
" S. Ramaswami Naidu.
" P. Urkavalan.
" Ramasundara Karunlaya Pandian.
" T. Ganapathi.
" A. Vaikuntam.
" R. S. Arumugam.
" V. Arumugam.
" J. L. P. Roche Victoria.
" P. Solvaraj.
" M. Chinnathambi Thevar.
" K. Ramaswami Doss.
" I. K. Subramania Pillai.
" K. Venkatramana Gowda.
" K. Ishwara.
" N. N. Suvarna.

Sri M. S. Mogral.
" K. P. Kuttikrishnan Nair.
" T. Anantha Pai.
" K. H. Bomman.
" V. Dharmalinga Nayakar.
" Somasundara Counder.
" V. K. Kannan.
" Samia Koorayar.
" W. J. Fernandez.
" N. Gopala Meron.
" E. K. Sankara Varma Raja.
" K. Aranganathan.
" K. R. Viswanathan.
" A. Muthuswamy.
" S. Swamikannu Padayachi.
" M. Palanimuthu.
" K. Kunhi Mohamed Shafee.
" V. Balakrishnan.

Noes—47.

Sri D. Dasarathan.
" O. Chengam Pillai.
Dr. K. B. Menon.
Sri M. Narayana Kurup.
" A. Ratnam.
" K. T. Sridharan.
" S. S. Kolkebail.
" K. R. Nallasivam.
" S. Pakkiriswami Pillai.
" M. K. Padmanabha Gounder.
" M. Palaniandi.
" V. R. Krishna Iyer.
" O. Koran.
" N. Paramasiva Udayar.
" M. Manickasundaram.
" M. Mottayan.
" S. Swayamprakasam.
" P. B. K. Rajachidambaram.
" K. G. Palaniswami Reddiar.
" P. Rangaswami Reddiar.
" N. Ratna Gounder.
" T. Shanmugam.
" A. Veloo.
" P. Rathnaswami Pillai.

Sri D. Krishnamurthi Gounder.
" M. Kandaswami Kander.
" M. Kalyanasundram.
" K. P. Gopalan.
" T. C. Narayanan Nambiar.
" C. Kandaswami.
" P. Jeevanandam.
" K. T. Raju.
" P. K. Gopalakrishnan.
" A. Govindaswami Nayagar.
" S. Vadiyelu.
" K. C. Gopalan Unni.
" V. Madanagopal.
" S. Ramalingam.
" N. Sivaraj.
" A. K. Subbiah.
" K. V. Ramaswami.
" T. S. Ardhaniari.
" P. Venkatesa Sholagar.
" N. K. Palaniswami.
" K. Madhavan Nambiar.
" E. T. Kunhan.
" R. Krishnan.

Neutral—Nil.

Ayes—88;

Noes—47 :

Neutral—Nil.

The motion was carried.

MR. SPEAKER :—"I am now going to put clause 3 to the vote of the House. For the same reasons given by me already, the amendment given notice of by hon. Member Sri Palaniswamy is out of order. The question is—

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

The motion was put and carried.

The Preamble and clause 1 were then put and carried.

THE MADRAS GENERAL SALES TAX (DEFINITION OF
TURNOVER AND VALIDATION OF ASSESSMENTS)
BILL, 1954

[11th May 1954]

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

'That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be passed into law.' "

MR. SPEAKER :—" Motion moved—

'That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be passed into law.' "

SRI M. KALYANASUNDRAM :—" சபாநாயகர் அவர்களே, ஒரு நியாயம் வேண்டுமென்பதற்காக இந்த மசோதாவை எதிர்த்தேன். ஆனால், எதிர்க் கட்சியினர் சிறுபான்மையானதாக இருக்கக் கூடிய காரணத்தினாலே, எங்களுடைய எதிர்ப்பையும், திருத்தங்களையும், ஆட்சேபணைகளையும் நிராகரித்து இந்தச் சபை அரசாங்கத்துக்கு அதிகாரத்தைக் கொடுத்து விட்டது. இந்த அதிகாரத்தைக் கொடுத்தது நியாயமா அல்லது அநியாயமா என்பதைப்பற்றி இப்பொழுது விவாதிப்பது பொறுத்தமாக இருக்காது. இருந்தாலும், இந்த சமயத்தில் நிர்வாகத்தில் இருக்கக்கூடிய மந்திரிகளிடம் நான் ஒரு விஷயத்தைத் தெரிவிக்க விரும்புகிறேன். இந்த அதிகாரம் அவர்கள் கையில் இருப்பதின் காரணமாக நிரபராதிகள் பாதிக்கப்படக்கூடாது. இது வரையிலும் வரி வசூலிக்கப்படாத வியாபாரிகளிடமிருந்து நிர்ப்பந்தப் படுத்தி வரி வசூலிக்கக் கூடாது என்ற முறையில் ஒரு நிர்வாக உத்தரவை யாவது போடவேண்டும் என்று அவர்களை இந்தச் சந்தர்ப்பத்தில் கேட்டுக் கொள்ள விரும்புகிறேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I have already said that everything just and reasonable will be done."

MR. SPEAKER :—" The question is—

'That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill, 1954, be passed into law.' "

The motion was put and carried.

MR. SPEAKER :—" Let us now take the next item in the agenda, viz., the Madras General Sales Tax (Second Amendment) Bill, 1954."

THE MADRAS GENERAL SALES TAX (SECOND
AMENDMENT) BILL, 1954

11th May 1954]

SRI M. NARAYANA KURUP :—“ As the Bill comes within the mischief of Article 304, this cannot be introduced or moved without the recommendation of the President. Now, to say whether any Bill comes under Article 304 or not, I have to prove two things, viz., that it enforces a tax on goods imported from other States and that there are some restrictions. Sir, I do not want to refer to Article 301 which says that trade and commerce shall be free and to Articles 302 and 303 which deal with the powers of the Parliament. Article 304 gives some powers to the State Government to tax goods imported from other States with reasonable restrictions provided the prior recommendation of the President has been obtained. It is enough for me to read certain provisions of the Bill to show that it imposes a tax on goods imported from other States. Of course, this will not be denied. It cannot also be denied that there are restrictions. Apart from the ordinary restrictions, viz., keeping of accounts, etc., extraordinary restrictions are also sought to be imposed by a proviso contained in the Bill.

“ Here I will read that proviso :

‘ Provided further that, in the case of an assessment made under this sub-section, the burden of proving that the sale was not the first sale made in the State of Madras by a person not exempt from taxation under the next succeeding sub-section or was not the first sale effected by such person after the import of the said goods into the State of Madras, as the case may, shall lie on the person assessed.’

Now, Sir, if there is not this proviso, the ordinary law of justice and equity will prevail, which means that if we want civilly or criminally to prosecute any person the plaintiff or the prosecutor, as the case may be, must allege and prove his case. Now that principle is sought to be negatived and the burden of proof is shifted to the other party. I may make my contention clear. If there is not this provision and if the Government want to tax a certain article, then they will have to show that it is not the first sale. Now, on the other hand, as a result of this proviso . . .”

THE HON. SRI C. SUBRAMANIAM :—“ I am afraid Mr. Kurup is going into the merits of the case.”

SRI M. NARAYANA KURUP :—“ Therefore, Sir, it imposes restrictions on the assessee. I take it for granted that there is no unreasonable restriction, for if there are unreasonable restrictions, no Bill could be passed and that is the very reason why recommendation of the President is made necessary to see whether such restrictions are reasonable or not, if it comes under Article 304 of the Constitution. Then, of course, the provision is mandatory. I will only casually refer to Article 255 which was referred to yesterday for which an authoritative interpretation was given by the Leader of the House. He said that Article 255 referred only to cure for defects in procedure, that if the defects were not pointed out to the Assembly or to the Hon. Speaker or to the Government and if a Bill had been passed, in such cases the defects could be rectified by the assent of the Governor. Sir, I will just refer to a recent debate on Companies' Bill in the Parliament. There the

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 11th May 1954.

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

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

SRI M. NARAYANA KURUP :—“ Sir, on a point of order. This Bill comes within the mischief of Article 304 of the Constitution and as such . . .”

SRI V. BALAKRISHNAN :—“ Can I raise a point of order to a point of order, Sir? ”

MR. SPEAKER :—“ Let the hon. Member Sri Narayana Kurup finish his statement. Then I will hear the hon. Member.”

[Srs M. Narayana Kurup] [11th May 1954]

question was raised whether the sanction of the President was necessary, for if the Bill were passed and the provisions enforced, it will involve expenses out of the Consolidated Fund of India. The Hon. the Speaker reserved his ruling to another day and before that, the assent of the President was obtained. Similarly, in the case of an amendment that was moved by the Leader of the Opposition the Speaker was pleased to rule that it offended Article 207 of the Constitution and stated that prior recommendation of the Governor was not obtained. Therefore, if I am able to prove that it comes under Article 304, it would be enough. The proviso to the article lays down that Bills or amendments 'shall not be introduced or moved without the previous sanction of the President'."

SRI V. BALAKRISHNAN :—"The point of order that I want to raise is this. The Hon. Minister has not yet moved the Bill and, therefore, the Bill is not before the House. We can take cognizance of the Bill only after it has been moved by the Hon. Minister and then it will be time for the hon. Member to question the validity of the Bill and the competence of the House to take into consideration that Bill. Therefore, the hon. Member, Sri Kurup's objection is out of place and not in order."

THE HON. SRI C. SUBRAMANIAM :—"With all respect to the legal acumen of the hon. Member, Mr. Kurup, who tried to make a point out of Article 304, I wish to say this Article 304 reads :

'Notwithstanding anything in articles 301 and 303 the Legislature of a State may by law—

"(a) Impose on goods imported from other States any tax to which similar goods manufactured or produced in that State are subject, so, however, as not to discriminate between goods so imported and goods so manufactured or produced."

And section (b) of Article 304 reads :

"(b) Impose such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State as may be required in the public interest."

But the hon. Member wants to argue that when a taxation measure is introduced, that is a 'restriction' on the trade. It is a confusion of ideas. We are governed by Article 286 of the Constitution with reference to the imposition of sales tax. That Article reads :

'No law of a state shall impose, or authorize the imposition of a tax on the sale or purchase of goods where such sale or purchase takes place,

(a) Outside the State; or

(b) In the course of the import of the goods into or export of the goods, out of, the territory of India, etc.

So we are governed by Article 286 and if the tax is with reference to an article which has been declared to be an essential article by the President, then the President's assent is necessary. I am sorry that Article 304 (b) will not be applicable to taxation measures. It refers to other restrictions which we may impose with reference to movement of articles from one State to another. Therefore, there is no point made out by Mr. Kurup. It is only a confusion of ideas

11th May 1954] [Sri C. Subramaniam]

with reference to taxation measures and imposing of restrictions on freedom of movement of articles from one State and another. We are clearly governed by Article 286 and Article 304 (b) is not at all applicable."

SRI M. NARAYANA KURUP :—"Sir, I have not been correctly understood. If Article 286 were to be applied—that was not in my mind—the Hon. Speaker will see that we are absolutely forbidden from imposing any tax. 'No State shall impose a tax', etc., in that article has no application in this case. If that were so, we cannot pass this Bill at all even with the sanction of the President. Article 286 refers to taxing in the course of import; that is the difference. That means, when articles are imported from foreign countries, no tax shall be levied. So that will mean customs duty and that is what has to be understood from 'No tax . . . in the course of the import, etc.' That will mean customs duty. Therefore, Article 286 does not apply here.

"With regard to Article 304, only when there is a restriction sanction is necessary. My objection has nothing to do with Article 304 (a). If the tax were only imposition under Article 304 (a) no sanction is necessary. But when it comes under Article 304 (b), the Hon. Speaker will see that prior sanction is necessary. The Leader of the House read out Article 304 (a) and said that Government were entitled to tax. I concede that point. But the only thing the Hon. Speaker has to consider is whether there is any restriction imposed irrespective of the fact whether it is imposed alike on goods produced in this State or other States. Here in this Bill, I consider that a certain restriction has been imposed—it may be reasonable, but nonetheless it is restriction—and, therefore, the sanction of the President is necessary."

MR. SPEAKER :—"I uphold the points explained by the Hon. the Leader of the House and am of opinion that sanction from the President to introduce the Bill is not necessary. Let us continue with the discussion now."

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

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

"Sir, the Bill is intended to raise the rate of tax on the goods as given in the schedule. The object is not only to augment the revenue, but to a substantial extent, it is to protect the handloom industry also. I hope hon. Members will remember that we have passed a resolution in this House unanimously to protect the handloom industry. The Central Government came to our rescue to a partial extent in our scheme to help the industry by levying cess duty. There are many people who are engaged in this industry and they are very badly affected. They number nearly 30 lakhs

[Sri M. A. Manickavelu Naicker] [11th May 1954]

and it is in order to protect these peoples who depend on this very ancient industry and also to raise the revenues of the State that I move this Bill."

Mr. SPEAKER:—"The motion is—

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

SRI K. P. GOPALAN:—"Sir, I move—

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

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

Mr. SPEAKER:—"The motion and the amendment are before the House for discussion."

SRI T. ANANTHA PAI:—"May I know how much the Government expect to collect under this head?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"It is not possible to state it even somewhat approximately."

SRI P. K. GOPALAKRISHNAN:—"Sir, in moving the Bill, the Hon. the Minister for Land Revenue said that the purpose of introducing this Bill was not only to augment the revenues of the State but also to give protection to the handloom industry. This argument is not correct. This argument of the Hon. the Minister is based on the assumption that there is a competition between the handloom industry and the mill cloth industry in our country. This is not correct. There is really no competition between the handloom industry and the mill cloth industry because the total production of both handloom and mill cloth in our country will not work out to 10 yards *per capita*. Where is the competition then? The real trouble is the purchasing power of the people has gone down. Without finding a solution to that problem, any amount of taxation of mill cloth will not give protection to the handloom industry. This argument of the Minister for Revenue is utterly baseless and I hope that hereafter he will not put forth such an argument."

"Sir, in the statement of objects and reasons it is stated that the only purpose of this measure is to augment the revenues of the State. Sir, we have always welcomed taxation of luxury goods. We have been suggesting to the Government from early times that we will support any measure to bring in additional revenues to the State provided luxury goods are taxed much more than ordinary goods. But here the Government do not really want to tax any luxury goods but only ordinary goods. For example, gold and silvewares are used mostly by ordinary people and Government want to tax them. As a matter of fact, after the Hon. the Minister for Finance made reference in his Budget speech to such taxation measures, we toured our constituencies and ascertained the views of the people on these. The people definitely told us that gold

11th May 1954] [Sri P. K. Gopalakrishnan]

and silver goods are generally used by ordinary people and that they should not be taxed. Sir, there are other goods which can be taxed with justification. There are costly motor cars which can be taxed. There are costly fountain pens like 'Parker' which can be taxed. There are costly watches like 'Rolex' which can be taxed if the Government want additional revenues for the State. But, on the contrary the Government want to tax goods used by ordinary people and not rich people. A tax on mill cloth will certainly affect the middle-class in our country and as has been pointed out by me earlier, these taxation measures will not be helpful in any way to the handloom industry.

"With these few words, Sir, I oppose the motion moved by the Hon. the Minister for Revenue."

SRI P. RANGASWAMI REDDIAR:—"கனம் சபாநாயகர் அவர்களே, இந்த விற்பனை வரிச்சட்ட திருத்த மசோதாவில் சேர்க்கப்பட்டுள்ள கடைசி இரண்டு இனங்களைப் பொறுத்த வரை சர்க்கார் எதிர்பார்க்குமளவுக்கு வருமானம் கிடைக்காது என்று சொல்லிக்கொள்ள விரும்புகிறேன். ரூ. 100 பொறுமான தங்கம், வெள்ளி நகைகளை வாங்கினால், இப்பொழுது ரூபாய்க்கு காலண வீதம் ரூ.1-9-0 விற்பனை வரி விதிக்கப்படுகிறது. ஆனால், இந்த மசோதாவின்படி, அதே வரி ரூ. 4-11-0 ஆக உயர்த்தப்படுகிறது. ஆகவே, பெரும்பாலான மக்கள் தங்கம், வெள்ளி இவைகளை வாங்கி தனியாக ஆசாரியிடம் கொடுத்து நகைகள் செய்துகொள்ள முயற்சிப்பார்கள். இதனால் வியர்பாரிகள் கணக்கும் சரியாகயிராது. ஆகையால், இப்பொழுது சர்க்காருக்கு கிடைக்கக்கூடிய ரூ. 1-9-0 கூட கிடைக்காமற் போய்விடும் என்பதை சர்க்கார் கவனத்துக்கு கொண்டுவர விரும்புகிறேன். பெரும்பாலான மக்கள் குறைந்த விலைக்குத்தான் தங்கம், வெள்ளி நகைகள் வாங்குகிறார்கள். இவைகளை ஆடம்பரப்பொருள்கள் என்று கருதுவது சரியல்ல. நடுத்தர வகுப்பினர் குடும்பங்கள் ஓரளவுக்கு தங்கம், வெள்ளி சமான்களை சேமிப்பாகக் கருதி வாங்கி வைக்கிறார்கள். பெரிய பணக்காரர்கள் வைர நகைகளை வாங்கும்போது விற்பனைக் கணக்குகள் மறைக்கப்படுகின்றன. இதனால் சர்க்காருக்கு எந்த விதமான வரியும் கிடைக்காது. அந்த நகைகளின் மதிப்பு எவ்வளவு என்று தெரிவிக்கக்கூடிய கணக்குமிருக்காது. ஆகவே, வெள்ளி, தங்க நகைகளை இந்த வரிப்பளுவிலிருந்து நீக்குவது உசிதமாகும்."

"இமிட்டேஷன் கற்களைப் பொறுத்த வரையில் இரண்டு ரகங்கள் இருக்கின்றன. ரங்குன் முதலிய இடங்களிலிருந்து இறக்குமதி செய்வது ஒரு ரகம். இந்த நாட்டிலே பல இடங்களில் உற்பத்தி செய்வது மற்றொரு ரகம். உதாரணமாக திருச்சி ஜில்லாவில் இந்த இமிட்டேஷன் கற்களைச் செய்வது ஒரு குடிசைத் தொழிலாகக் கருதக் கூடிய அளவுக்கு பெருவாரியாக நடந்து வருகிறது. ஆயிரக்கணக்கான தொழிலாளிகள் இந்தக் கற்களை பட்டைப் போட்டு தீட்டுவதிலும், மற்றும் இவைகளை நகைகளாகச் செய்வதிலும் ஈடுபட்டிருக்கிறார்கள். நாட்டின் அபிவிருத்தித் திட்டத்தில் இந்த இமிட்டேஷன் கற்கள் தொழிலை சேர்த்துக் கொண்டால் அது நன்றாக இருக்கும். ஆகவே clause 2 (B)-ல் கடைசியாக சொல்லப்பட்டிருக்கிற முன்றாவது நான்காவது இனங்களை விடுத்து, மற்றவைகளுக்கு வரி போடுவது உசிதமாக இருக்கும். தங்கம் வெள்ளி நகைகளின் மீதோ அல்லது இமிட்டேஷன் வைரக் கற்கள் மீதோ வரி போடுவதால் சர்க்காருக்கு போதிய அளவுக்கு வருமானம் கிடைக்காது. இப்பொழுது கிடைக்கின்ற வரி கூட ஓரளவுக்குக் குறைந்தாலும் குறையும். இது பொன் முட்டையிடும் வாத்தைக் கொல்லுவது போலாகும் என்பதைத் தெரிவித்துக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்."

[Sri K. T. Raju] [11th May 1954]

14 அணு போடுவதன் மூலம் கைத்தறித் துணிக்கு ஒரு நாளும் பாது காப்பு அளித்துவிட முடியாது. கைத்தறித் துணிக்கு உண்மையாகவே பாதுகாப்பு அளிக்க வேண்டுமென்றால் நூலின் விலை கட்டுக்கு மூன்று ரூபாய் உயர்ந்திருக்கிறதே அதைக் குறைக்க ஏற்பாடு செய்யவேண்டுமென்று கேட்டுக் கொண்டு இந்த வருமான வரி திருத்த மசோதாவை நான் எதிர்க்கிறேன்.”

SRI V. BALAKRISHNAN:—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை வரவேற்கிறேன். வரவு செலவுத் திட்டத்தைச் சரிகட்டுவதற்காகக் கொண்டு வந்த மசோதா இதுவாகையால் இந்த மசோதாவை நான் வரவேற்கிறேன். இதை ஆதரிக்கும் காலத்தில் இதில் சில சந்தேகங்கள் இருக்கின்றன. அவற்றையெல்லாம் நீக்குவதற்கு இதை பொறுக்குக் கமிட்டிக்கு அனுப்ப வேண்டுமென்றும் சொன்னார்கள். அதை நான் விளக்கமாகத் திருத்தமாகச் சொல்லுகிறேன். திருச்சி ஷரப் கடைக் காரர்கள் விடுத்திருக்கும் அறிக்கையில் நன்கு தெளிவாக்கப்பட்டிருக்கிறது. தங்கம் மூன்று வழியில் ஜனங்களிடத்தில் விநியோகப்படுகிறது. முதலாவது தங்கத்தை தங்கமாக வாங்கி ஆசாரிகளிடம் கொடுத்து நகையாகச் செய்து கொள்பவர்கள் ஒரு சாரர். மற்றொரு சாரர் நகையாகக் கடையில் பண்ணி வைத்திருப்பதற்கு சர்க்காருக்கு விற்பனை வரி கட்டிவிட்டு அதை வாங்கி வருபவர்கள். இப்பொழுது இருக்கும் வரியைப் போல மூன்று மடங்கு நான்கு மடங்காக உயர்த்த உத்தேசித்திருப்பதால் ஜனங்கள் இந்த வரியைக் கட்ட மறுக்கக் கூடும். அதனால் என்ன ஏற்படுமென்றால் நகை வியாபாரிகள் அந்த நகையை நேரிடையாகப் பண்ணைக் கொடுத்து பண்ணியது போல பொய்க்கணக்குக்காட்டி சர்க்காருக்கு இப்பொழுது கிடைத்துக்கொண்டிருக்கும் கொஞ்ச நஞ்சு வரியும் பின்னர் கிடைக்காமல் போகும்படி செய்யக் கூடும். மேலும் நகைகளைக் கடையில் வாங்குவதை விட ஜனங்களால் நேரிடையாக ஆசாரிகளிடம் பண்ணிக் கொள்ளக் கூடிய ஒரு சந்தர்ப்பமும் உண்டாகலாம். அந்த வாய்ப்பைத் தான் இது கொடுக்கிறது. ஒரு உதாரணம் எடுத்துக்கொள்வோம். பத்து தோலா தங்கத்தின் கிரயம் ரூ. 750. அதற்குக் கூலி 12 ரூபாய். சர்க்காருக்கு வரி ரூ. 2-2-0, லாபம் ரூ. 3. ஆக மொத்தம் பத்து தோலா கிரயம் 767 ரூபாய் 2 அணு வாகின்றது. இதில் அரசாங்கத்திற்கு வருமான வரி மூலம் வருவது ரூ. 2-2-0. இப்பொழுது சர்க்கார் புதியதாக விதிக்க உத்தேசித்திருக்கும் வரிப் பிரகாரம் பத்து தோலா தங்கம் 750 ரூ. கூலி ரூ. 12 லாபம் 5 ரூபாய். புதிய கந்தாயம் ரூ. 140. ஆகவே ரூ. 907 ஏற்படுகிறது. இதில் தங்கத்தை நேரிடையாக வாங்கி ஆசாரிகளிடம் பண்ணிக்கொடுத்தால் இந்த உபரி வரி இருக்காதாகையால் பெரும்பாலான மக்கள் தங்கத்தை வாங்கி நேரிடையாக ஆசாரிகளிடம் கொடுத்து நகை பண்ண முயற்சிக்கக் கூடும். இவ்வாறு செய்வதால் அவர்களுக்குக் கிட்டத் தட்ட ரூ. 38 லாபம் ஏற்படுகிறது. வியாபாரிகள் மூலமாக பழைய முறைப் படி வாங்கியிருந்த போதிலும் கூட விற்பனை வரி சர்க்காருக்கு ரூ. 13-8-0 தான் ஏற்படுகிறது. ரூ. 2-2-0-லிருந்து ரூ. 13-8-0 வரை அடுத்த கட்டம் இருக்கிறது. கடைசி கட்டம் ரூ. 40-9-0. இந்த மூன்றுக்கும் ஏற்றத்தாழ்வு அல்லது வித்தியாசம் செய்கின்றபோது புதிய வரி அதிகப் படியாக ஏற்படுகிறபடியால் ஏற்கெனவே சர்க்காருக்குக் கிடைத்துக்கொண்டிருந்த வரி கூட கிடைக்காமல் போகும் என்று நாம் அஞ்ச வேண்டியிருக்கிறது. அதற்கு இந்த மசோதாவில் இடம் இருக்கிறது. புதியதாக நமக்கு வரி கிடைக்காவிட்டாலும் கூட ஏற்கெனவே கிடைத்துக் கொண்டிருந்த வரியும் கிடைக்காமல் போய்விடும் என்பதை இந்தச் சந்தர்ப்பத்தில் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

“இப்பொழுதிருக்கும் மசோதாவின் ஷரத்து பிரகாரம் நமக்குப் புதியதாகப் பணம் வரப் போவதுமில்லை. ஏற்கெனவே கிடைத்துக்கொண்டிருந்த வரியும் இனி கிடைக்கப் போவதுமில்லை. அதைச் சர்க்கார் கவனித்து பாதுகாப்பு ஏற்படுத்த வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

“அடுத்தபடியாக, ரங்கூன் வைரம், கமலம் இவைகளுக்கு வரி விதிக்கக்கூடாதென்று ஒரு சாரர் சொல்லுகிறார்கள். அவைகளுக்கு வரி விதிப்

11th May 1954] [Sri V. Balakrishnan]

பதனால் ஏழை மக்கள் பாதிக்கப்படமாட்டார்கள். ரங்கூன் வைரம் போன்ற கற்களை யார் உபயோகிக்கிறார்கள்? நடனக்காரி, பணக்காரி, கலைக்காரி போன்றவர்கள் தான் அதிகமாக இம்மாதிரி கற்களை வாங்குகிறார்கள். (Interruption by Sri K. Vinayakam.) வேலைக்காரி இக்கற்களைப் போடுவதில்லை. ஒரு வேளை கனம் அங்கத்தினர் ஸ்ரீ விநாயகம் அவர்கள் வீட்டு வேலைக்காரி போட்டுக்கொண்டிருக்கலாமோ என்னவோ!

“ஆகையால், இம்மாதிரி விலையுயர்ந்த கற்களுக்கு வரி விதித்திருப்பதை நான் ஆதரிக்கிறேன். நான் முன்னே சொல்லிய சந்தேகத்தை நிவர்த்திப்பதற்கு அரசாங்கம் இதைப் பொறுக்குக் கமிட்டிக்கு அனுப்ப வேண்டும் என்ற பிரேரணையை நான் ஆதரிக்கிறேன்.”

SRI M. PALANIYANDI:—“கனம் சபாநாயகர் அவர்களே, இந்த வரியை ஏன் போடவேண்டுமென்று கனம் மந்திரி அவர்கள் அதற்கு விளக்கம் சொல்லும் காலத்தில், கைத்தறித் தொழிலுக்கு இது உதவிகரமாக இருக்கும் என்று அவர்கள் புதிதாகச் சொல்லுகிறார்கள். இது விஷயத்தில் இந்த அரசாங்கத்தின் கொள்கை என்ன வென்பதை அவர்கள் முதன் முதலில் நிர்ணயித்துவிடவேண்டும். ஒன்று இயந்திரத் தொழில் பெருக்கத்தை இவர்கள் ஆதரிக்கின்றார்களா, அல்லது உண்மையாகவே கைத்தறித் தொழிலை ஆதரிக்கின்றார்களா என்பதை அவர்கள் முதலில் தெளிவுபடுத்திவிட வேண்டும். முன்பு இந்த ராஜ்யத்தின் முதன் மந்திரியாக இருந்த ஸ்ரீமான் பிரகாசம் அவர்கள் மில் துணியை ஆதரிக்கக் கூடாது என்ற கொள்கையில் மில்களுக்கு ‘ஸ்பின்னிடல்களை’ நிறுத்தினார்கள். அப்பொழுது காங்கிரஸ் மெம்பர்கள் அதை எதிர்த்து, நிச்சயமாக மில்களுக்கு ‘ஸ்பின்னிடல்கள்’ ஒதுக்கப்படவேண்டும் என்று சொல்லி ஒரு பக்கம் மில்களை ஆதரித்து வந்தார்கள்.

“குடிசைத் தொழில்களை ஆதரிக்கிறோம் என்று சொல்லுகிறார்கள். ரூ. 0-1-3 வரி போடுவதின் காரணமாக உண்மையாகவே கைத்தறித் தொழிலுக்கு ஆதரவு கொடுத்துவிட்டார்கள் என்று சொல்ல முடியாது. இந்தச் சபையிலுள்ள 375 அங்கத்தினர்களும் சேர்ந்து இரண்டு ஆண்டு களுக்கு முன்பு கைத்தறித் துணிக்கு ஒரு விகிதம் ஒதுக்கப்படவேண்டுமென்ற ஒரு தீர்மானத்தை எகமனதாக நிறைவேற்றி மத்திய சர்க்காருக்கு அனுப்பி வைத்தது உங்களுக்குத் தெரிந்து இருக்கவேண்டும். அந்தத் தீர்மானம் மத்திய சர்க்காருக்கு அனுப்பப்படும் மத்திய சர்க்கார் இன்னும் அதைப்பற்றி நடவடிக்கை எடுக்கவில்லை. மத்திய சர்க்காருடன் போராடுகின்றோம், அவர்களை அணுகுகின்றோம் என்றெல்லாம் சொல்வதைக் கேட்டிருக்கின்றோம். இந்த அரசாங்கம் மத்திய அரசாங்கத்தை அணுகியதன் மூலமாக அந்தத் தீர்மானம் முழுதும் நிறைவேற்றப் படவில்லை. இவர்களுடைய தீர்மானத்தை அவர்கள் ஒத்துக் கொள்ளும் படிச் செய்ய முடியாத முறையில் இந்த அரசாங்கம் இருந்துகொண்டிருக்கிறது. மக்களின் மேல் வரி போடுவதற்கு இந்தச் சர்க்காருக்கு கையில் அதிகாரம் இருக்கிறதே தவிர, கைத்தறித் தொழிலை ஆதரித்து விட்டார்கள் என்று சொல்ல முடியாது.

“எப்படி இவர்கள் கைத்தறித் தொழிலாளிகளுக்கு நல்லது செய்ய முடியும் என்றால், நூலின் விலையைக் குறைக்க வேண்டும். யுத்த காலத்தில் நூலின் விலையையும், லாபப் பட்டியலையும் பார்த்தால், மில் முதலாளிகள் எவ்வளவு லட்சக் கணக்கான ரூபாய் லாபம் அடைந்திருக்கிறார்கள் என்பது தெரியும். திருச்சி மில்லில் ஆறு லட்சம் ரூபாய் முதல் போட்டு விட்டு, 78 முதல் 80 லட்சம் ரூபாய் வரையில் லாபம் அடைந்திருக்கிறார்கள். மதுரை ஹார்வி மில்காரர்கள் ஒரு கோடி ரூபாய் வரையில் ஒதுக்கியிருக்கிறார்கள். இதையெல்லாம் பார்க்கும்போது, அவர்களுக்கு அந்த நூல் விலையை அதிகமாக்கிவிட்டு, லாபத்தைக் கட்டுப்படுத்தாமல் நூல் விலையை நிர்ணயம் செய்யாமலும் சாதாரண கைத்தறித் தொழிலுக்கு ஏதோ கொஞ்சம் கொடுத்து உதவி செய்துவிட்டோம் என்று சேசன்னால் அது பாமர மக்களுக்கு நன்மை அளிப்பதாவது. அது

[Sri M. Palaniyandi] [11th May 1954]

மிகவும் மோசமான வார்த்தையே தவிர, உண்மையாகவே அவர்களுக்கு நல்லது செய்ததாகச் சொல்லமுடியாது. ரூபாய்க்கு ரூ. 0-1-3 வீதம் மில் துணி மீது விற்பனை வரி அதிகமாகப் போடுவதானது, பட்டுஜெட்டைச் சரிக்கட்டுவதற்கும், கைத்தறித் தொழிலுக்கு ஆதரவு தருவதற்கும் என்று சொல்லுகிறார்கள்.

“ உயர்தரமான விலையுயர்ந்த வைரக் கற்களுக்கும், ஆடம்பரப் பொருள்களுக்கும் வரி போடுவதைப்பற்றி கவலையில்லை. ஆனால், கல்சர் வைரங்கள் தொழிலில் திருச்சி ஜில்லாவை எடுத்துக்கொண்டால் ஆயிரக்கணக்கான தொழிலாளிகள் ஈடுபட்டிருக்கிறார்கள். எங்கிருந்தோ யாரோ மூலதனம் போட்டு முடக்கி வைத்துக்கொண்டிருக்கிற கற்கள் அவர்களுக்குக் கிடைக்கின்றது. ஆனால், அதைக் கூட அவர்களால் வாங்க முடியவில்லை. அதற்குப் போதிய பணம் அவர்களிடம் கிடையாது. இவர்கள் கற்களை வாங்கி பட்டை போடும் தொழில் செய்து வருகிறார்கள். செயற்கை வைரங்களுக்கும் வரி போட்டால் அது ஏழை மக்களைத்தான் பாதிக்கும். ரூபாய்க்கு இரண்டு கற்கள், நான்கு கற்கள் என்று விற்கக் கூடிய இந்த கல்சர் வைரக் கற்களைக் கொண்டு நகை செய்து கொள்ளக் கூடிய சாதாரண மக்கள் இதனால் பாதிக்கப்படுவார்கள். நம் நாட்டுப் பெண்கள் நகை போட்டுக்கொள்ளவேண்டும் என்பது இந்தியப் பண்பாடாக விளங்கி வருகிறது. இப்படிப்பட்ட ஒரு பண்பாட்டையே எடுத்துவிடக் கூடிய அளவிலே இந்த வரி இருக்கிறது.

“ சாதாரண ஏழை மக்களை பாதிக்காத முறையில், வரி கொடுக்கச் சக்தியுள்ளவர்களுக்கு வரி போடுங்கள் என்று நாங்கள் சொல்லி வருகிறோம். அப்படியில்லாமல் இம்மாதிரி இந்த செயற்கை வைரங்களின் மீதும் வரி போட்டால் இந்தத் தொழில் நசித்துவிடக்கூடும். ஆகவே, தயவு செய்து கல்சர் வைரத்திற்கு இந்த வரியிலிருந்து விலக்கு அளிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“ தங்கத்திற்கு வரி என்று சொல்லும்போது, ஏன் ஆடம்பரப் பொருள்களின் மீது வரி போடக்கூடாது என்று கேட்கப்படுகிறது. பெரும் பணக்காரர்கள் வீட்டுப் பெண்கள் விலையுயர்ந்த வைரம் போன்றவைகளை இப்பொழுதெல்லாம் உபயோகிக்காத அளவுக்கு அவர்களுடைய பண்பாடு முன்னேற்றம் அடைந்திருக்கிறது. அதற்குப் பதிலாக அவர்கள் விதவிதமான புடவைகளை அணிந்துகொள்ளும் பழக்கம் ஏற்பட்டிருக்கிறது. நகைகள் அணிந்துகொள்வதற்குப் பதிலாக அவர்கள் இப்பொழுதெல்லாம் படிப்பைத்தான் அணிகலனாக கருதுகின்றார்கள். ஆனால், ஏழை மக்கள் தான்—ஏன், நடுத்தர வகுப்பைச் சேர்ந்த பெண்கள் கூட—இப்பொழுது நகைகளில்தான் தாங்கள் சேமிக்கும் சிறு சிறு தொகையைப்போடுகின்றார்கள். ஏதோ கொஞ்சங் கொஞ்சமாகப் பணத்தைச் சேமித்து வைத்து கடைசியில் ஒன்றிரண்டு நகைகளைப் போட்டுக்கொண்டு விடுகிறார்கள். நகையில் பணத்தைப் போடுவதைத்தான் அவர்கள் பாங்கிகளாகக் கருதுகிறார்கள். தங்கள் மீது நகையின் ரூபமாக ஒரு பவுன் இரண்டு பவுன் இருந்தால் வருங்காலத்திற்கு உபயோகமாக இருக்கும் என்ற நிலையில்தான் அவர்கள் நகை செய்துகொள்ளுகிறார்கள். ஆகவே, தங்கம் வெள்ளி போன்றவைகளுக்கு வரி போடுவது ஏழை மக்களைத்தான் அதிகமாக பாதிக்கிறது. பெரும் பணக்காரர்களின் மீது வரி போடுவதற்கு வசதி இருந்தால் போடுங்கள் என்று கேட்டுக்கொண்டு, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று திருத்தத்தை ஆதரித்து என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகின்றேன்.”

RAJA M. A. MUTHIAH CHETTIAR OF CHETTINADH—“ Mr. Speaker, Sir, when I want to speak on this Bill I am reminded of the year 1937 when I had the honour of violently opposing the Sales Tax Bill of the Madras Government. I feel that the sales tax as designed then and as it is continued up till now, is not based on any rational principle. It should have been a purchase tax as

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in other countries. If it is a purchase tax, then there will be no question of making the tax a multi-point tax applicable at many stages and opposition to it and all this business of discussing the merits of the sales tax and the nature and the working of that legislation. Suffice it to say that this sales tax has created a lot of bottle-necks which have had to be cleared from time to time. However, it is too late in the day with the Prohibition policy of the Government to go back on sales tax. Therefore, we are now concerned with minimising the hardships caused to the public from the imposition of this sales tax.

“ Mr. Speaker, Sir, the question of taxing bullion as gold and silver in bar shape is a different matter and the Government to-day as the law stands are taxing bullion as such. Now the question is, are articles made of silver and gold to be taxed? Will such a tax affect the dealer or the consumer is the question? It has been repeatedly pointed out by hon. Members that it affects the ordinary people, the consumers. It is not everybody that wears precious stones. There is not much money left in the country to buy precious stones from elsewhere. It has been pointed out by hon. Members that jewellery made out of gold and silver are really precious from the point of view of wearing and also as a sort of insurance for the very poor people. They first make it as an ornament and in times of distress they use it as an article of mortgage to get some money. It is very necessary that the burden on the poor people should be reduced. I do hope that the Government will not think of taxing or putting an additional burden on the poor.

“ This is absolutely a new measure of taxation. It is not a question of imposing a surcharge. It is not a question of increasing a tax already imposed for the sake of increased revenue. It is a new line. Therefore, it is necessary that we should give deep consideration to this measure. My hon. Friend Sri Balakrishnan said that it should be referred to a Select Committee. I feel it is unnecessary to refer this measure to a Select Committee. It is a matter on which we should say ‘Yes’ or ‘No’ straightway. I would earnestly request the House to consider the merits of the Bill straightway instead of referring it to a Select Committee. There is nothing in the Bill that requires to be improved by a Select Committee at all. I feel that the imposition of a tax on jewellery made out of gold and silver is not right, is not in the interest of the popular Government because it affects a large number of people. I can understand if it is a tax which will affect only a few. It is not a tax on luxury articles at all. Gold and silver jewels are not luxury items as every one understands it. These are possessed by hundreds and thousands of people. It would be in the best interests of the party in power, if I may use that phrase, to drop this provision. It may of course yield a few lakhs of rupees. But the compensatory advantage would not be much. Let them not give a handle to others to play with during election time. After all the

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legislature, the country and all the parties are equally concerned with the continuance of a popular Government which is essential for the good governance of the country. I am really anxious that we should not launch upon legislation which might bring a few lakhs of rupees and which will also bring a lot of unpopularity and odium to the Government. This measure is not an immediate necessity also.

"Sir, I have time and again proved that the budgetary deficit which the Hon. Minister for Finance has shown in the budget is an illusory deficit. There is no deficit in the Madras Government Budget at all. The Rs. 58 lakhs deficit shown by the Hon. Minister is not at all a deficit. It is highly improper to debit the expenditure of Rs. 68 lakhs on Community projects under current revenues of the Madras Government. It is an item to be debited to the moneys that this Government are entitled to get from the Government of India. The Hon. Minister has in his speech mentioned that according to the Five-Year Plan for this year, this Government is entitled to get 22 crores of rupees from the Government of India and in the same paragraph, he has only provided for an expenditure of 11 crores of rupees and for the balance, he said, he expected Government of India aid or local loans. This was before the Central loan was floated. If the Government of this State are interested in the full implementation of the plan, they should provide for an expenditure of Rs. 22 crores and demand Rs. 22 crores from the Government of India. If the Madras Government do not make such a provision and make a demand on the Government of India, other State Governments will steal a march over this State. They will get the money required for the implementation of their plans from the Government of India. Therefore, it is certainly a mistaken position that this Government have taken. Though the Budget has been passed, it is not too late for the Government of Madras to convey to the Government of India the strong feelings expressed on this matter on the floor of this House and ask them to make a grant of Rs. 22 crores of rupees. They can treat this as a separate item and have it passed as a supplementary demand in the course of the next few months. That is my appeal to the Hon. the Finance Minister. Then it will be seen that this Rs. 58 lakhs is not a deficit at all.

"Sir, because a deficit of Rs. 58 lakhs was shown in the Budget the previous Chief Minister Sri Rajagopalachari, thought of introducing all these taxation measures to make up the deficit. Though the Hon. the Finance Minister is dealing with it now, the responsibility for these taxation measures is his. The former Chief Minister thought that Rs. 40 lakhs could be made up by the revenue derived from these various measures of taxation. I should say in this connexion that Rajagopalachari introduced the sales tax for the first time in 1937. He introduced the idea of levying a surcharge on assessment over Rs. 500. He has proposed the levy of tax on plantations. He wants to take credit for having introduced these

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measures for the first time. That is the only purpose in introducing all these measures and it is not to make up the deficit of Rs. 40 lakhs. That is my humble submission. I wish he were here. It is a pity he is not here now."

THE HON. SRI C. SUBRAMANIAM :—"Then you would not have spoken like this."

RAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD :—"I have used stronger language than this. I would request the Hon. Finance Minister to go through the reports of the Madras Legislative Assembly of that period. I have spoken in stronger language. I would challenge him to come here tomorrow after perusing the reports and tell me whether the language I used then was not stronger than the language that I now use. The language I use to-day is less strong because I am responsible to the changed Ministry. I also feel I should not criticise the previous Ministry. Now I am not in a position to present the opposition case as much as I used to criticise the Government before. I wish I were in a position to do that. It is because of that that I used stronger language then. I would challenge the Hon. Minister to read my speeches once, twice and thrice. The language I employed on the last occasion in criticising the Government was stronger than the language I used to-day. Sir, language is not after all the question. Let me come to the merits of the case. Let the Hon. Minister tell me whether our Budget is really a deficit budget. Let him tell me whether he is justified in debiting to our current revenues the expenditure on Community Projects. Let the Hon. Minister tell the House whether we are not entitled to more grants from the Centre for implementation of the plans under the Five-Year Plan.

"I will now come to the taxation measure. There were certain other measures of taxation, such as surcharge on assessment, tax on plantations, etc. The opposition did not object to all the taxation measures. But they object to this. Why do they object to this taxation? They object to this because it will affect a large number of ordinary people. Gold and silver jewels are worn by a very large number of ordinary people and a tax on them will affect these people. Others who will be affected are the supporters of the Congress. If I had anything to do with the drafting of this taxation measure, and if I had the idea that the party's popularity should not be lost, I would first of all not tax anything that would affect my Party's popularity. Mr. Winston Churchill is the man who can be the real leader of a political party because he knows which will be in the best interests of his party. The hon. the Deputy Leader of the Opposition, Sri Kalyanasundaram, knows what is best for his party. But unfortunately the Congress Members do not know which is in the best interests of their party. They suffer from an inferiority complex, deficit mentality. In simple language I may say, they are playing into the hands of their enemies."

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SRI M. KALYANASUNDRAM :—" Who is the enemy here? "

RAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD :—" I can use that term. It is absolutely parliamentary. I should like to assure the hon. the Deputy Leader of the Opposition that it is absolutely parliamentary. 'The man who takes the opposite view in politics' is the idea of my word 'enemy'. It is not at all bad language.

" Mr. Speaker, Sir, many of the items of legislation taken up by the Congress Party will ruin them and their popularity. These measures will reduce the number of votes that they can obtain in the elections. I have no doubt that if they are sensible people, in the coming two or three years they will have to reverse many of their taxation measures if they want to come back to power. If they want to drift away from power, it is a different matter." (An hon. Member : 'It is only for election purposes.')

SRI P. RANGASWAMI REDDIAR :—" On a point of order, Sir. Is it correct on the part of the hon. Member to intimidate the Hon. Ministers like this by often reminding them about the future elections and their results? "

RAJA M. A. MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, I am entitled to appeal to every hon. Member of the House through you, Sir, and also the Hon. Ministers not to commit a mistake. If I consider anything wrong, what is wrong in my pointing this out to them? I am only encouraging them. I am not intimidating them.

" I should certainly say that Government should seriously consider the question of not imposing tax on jewellery made of silver or gold as, I feel sure, it is unnecessary. I do hope the Hon. Finance Minister who is now in a cheerful mood will be in a position to consider this and accept the amendment and take the credit for himself. I would ask him to move the amendment himself, if not to-day at least tomorrow because it is better the Treasury Bench does it."

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, அரை மணி நேர விவாதம் ஒன்றை அனுமதித்திருப்பதாகத் தாங்கள் சொன்னதை நான் ஞாபகப்படுத்த விரும்புகிறேன்."

MR. SPEAKER :—" We will finish the second reading now, and take up the clause by clause consideration of the Bill tomorrow. After all, it is a small Bill and I may also inform the House that the Government are themselves bringing in an amendment to delete items (ii) and (iii). "

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை நாங்கள் எதிர்க்கிறோம் என்பது இதற்கு முன்னாலேயே மந்திரி சபையினருக்குத் தெரிந்த விஷயம். (Interruption.) உலகமறிந்த விஷயம். இது ஏதோ எங்களுடைய கட்சியை பலப்படுத்திக்கொள்ளவேண்டும் என்ற குறுகு நோக்கத்தோடு அல்ல. நமது நாட்டிலே இருக்கக்கூடிய பெரும்பாலான ஜனங்களை பாதிக்கக்கூடியது

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இந்தப் பிரச்சினை என்பதை நியாய உணர்ச்சி உள்ள அனைவரும் சர்க்காருக்கு எடுத்துக்காட்ட கடமைப்பட்டவர்கள் என்ற முறையிலேதான் இதைப் பட்டினிப் பிரச்சனாக சமயத்திலும் எடுத்துக்காட்டியிருக்கிறோம். இந்த மர்காணத்திலே பல கிளர்ச்சிகள் நடந்து வந்திருக்கின்றன. மில் துணி வரியை உயர்த்துவதைப்பற்றியும், தங்கம், வெள்ளி, செயற்கை வைரம் போன்றவைகளுக்கு விற்பனை வரியை உயர்த்துவதைப்பற்றியும் எதிர்ப்பு மாகாணம் பூராவும் இருந்துவந்திருக்கிறது. வியாபாரிகள் மட்டுமல்ல. தொழிலாளர்களும் எதிர்த்து வந்திருக்கிறார்கள். ஆகவே, தங்கம், வெள்ளி, செயற்கை வைரங்கள் மீது போடக்கூடிய வரியை விலக்கவேண்டும் என்று சொல்வதற்காகத்தான் நான் எழுந்திருந்தேன். எழுந்திருக்கக்கூடிய அதே சமயத்தில் 'சர்க்கார் கட்சியிலிருந்தே திருத்தம் கொடுத்திருப்பதாக' நீங்களும் அறிவித்தீர்கள்."

MR. SPEAKER :—" It is not exactly a notice of amendment given notice of by the Government."

THE HON. SRI C. SUBRAMANIAM :—" Some Members on the Government side have given notice of an amendment."

SRI M. KALYANASUNDRAM :—" ஸார் சர்க்கார் இன்னும் திருத்தம் கொடுக்கவில்லை. சில அங்கத்தினர்கள் திருத்தம் கொடுத்திருக்கிறார்கள். அப்படி கொடுத்தவர்களில் ஸ்ரீ எஸ். ராமலிங்கம் அவர்களும் ஒருவர். இதைத் திருத்தவேண்டுமென்று சர்க்கார்க் கட்சியைச் சேர்ந்தவர்கள் ஒரு வேளை அதை ஆலோசிக்கலாம் என்ற எண்ணம் இருக்குமோ என்னவோ."

THE HON. SRI C. SUBRAMANIAM :—" It is the same thing as the amendment given notice of by the hon. Member Sri S. Ramalingam."

SRI M. KALYANASUNDRAM :—" கனம் அங்கத்தினர் ஸ்ரீ ராஜா முத்தையா செட்டியார் அவர்கள் பேசிய வேகத்தைப் பார்த்தால் சர்க்கார்க் கட்சியைச் சேர்ந்தவர்கள் அம்மாதிரி திருத்தம் கொடுத்திருப்பதாகத் தெரியவில்லை. இல்லாவிட்டால் அவ்வளவு வேகமாக அவர் பேசியிருக்கமாட்டார்கள். ஒருவேளை சர்க்காருக்கு இந்த மாதிரி மனோபாவம் இருக்கிறதென்று அறிந்து அவர்கள் முந்திக்கொண்டிருப்பார்கள் என்று நினைக்கிறேன்! "

THE HON. SRI C. SUBRAMANIAM :—" The hon. Member Rajah Muthiah Chettiar of Chettinad, could not have known our attitude and we have not formulated our attitude yet. I want to hear the Hon. the Deputy Leader of Opposition before I formulate my attitude."

SRI M. KALYANASUNDRAM :—" கனம் சபாநாயகர் அவர்களே சர்க்காருக்குப் பணம் வரவேண்டியது அவசியம். சர்க்காருக்குப் பணம் கொடுக்கவேண்டுமென்று தான் நாங்களும் சொல்லுகிறோம். ஆனால், நியாயமான முறையிலே சர்க்கார் வரி விதிக்க வேண்டும். நியாயமான முறையிலே வரி விதித்து, அந்தப் பணத்தைக்கொண்டு மக்களுக்கு வேண்டிய சௌகரியங்களைச் செய்வதற்கு செலவிடவேண்டும். ஆனால், போலீசுக்கும் துப்பாக்கி வாங்குவதற்கும் மட்டும் அந்தப் பணத்தை செலவு செய்யக்கூடாது. அதுதான் என்னுடைய ஆட்சேபணை. நியாயமான முறையில் வரி விதித்து, நிறையப் பணம் சர்க்காருக்கு வரட்டும். அதன் மூலம் சர்க்காருக்கு செல்வாக்கு உயர்ந்துவிட்டாலும்கூட அதைப்பற்றி எங்களுக்குப் பொருமை கிடையாது.

[Sri M. Kalyanasundram] [11th May 1954]

“நான் சொல்லவேண்டிய யோசனையை சுருக்கமாகத் தெரிவித்துக் கொள்ளுகிறேன். அதாவது, தங்கம், வெள்ளி நகைகள் மீது போட உத்தேசித்திருக்கக்கூடிய வரியையும், செயற்கை வைரங்களுக்குப் போடும் வரியையும் சர்க்கார் உடனே வாபஸ் வாங்கிவிடவேண்டும். அதற்கு ஈடாகச் செய்யவேண்டுமானால், அதற்கும் நான் யோசனை சொல்லுகிறேன்: ஆடம் பரப் பொருள்களுக்கு அதிக வரி விதித்தாலும் அதை நாங்கள் ஆதரிக்கத் தயாராய் இருக்கிறோம்; என்று பட்ஜெட் பிரசங்கத்திலேயே எங்களுடைய கொள்கையை நாங்கள் தெளிவுபடுத்தியிருக்கிறோம். தங்கம், வெள்ளி வியாபாரம் நடத்தக்கூடிய வியாபாரிகள்கூட இதை ஒத்துக்கொள்ளுகிறார்கள். லேசென்ஸ் கட்டணத்தை உயர்த்தினால்கூட, அதைக் கொடுப்பதற்கு அவர்களுக்கு ஆட்சேபண இல்லை. Dealer's licence fee ரூ. 12-8-0 என்று இருப்பதை ரூ. 25-ஆக உயர்த்திவிட்டாலும்கூட இதற்குப் பதிலாக அதைக் கொடுப்பதற்கு அவர்களுக்கு ஆட்சேபண இல்லை. அதனால் சர்க்காருக்கு இன்னும் லாபம் கிடைக்கும். வரி விதித்து சர்க்கார் கெட்ட பெயரை வாங்கிக்கொள்வதைவிட, புல்லியன் லேசென்ஸ் கட்டணத்தை உயர்த்தினால் எதிர்க்கட்சியினர் அதை ஆட்சேபிக்க மாட்டார்கள். வியாபாரிகளும் அதை ஆட்சேபிக்க மாட்டார்கள். இந்த இரண்டு யோசனைகளையும் சர்க்கார் ஏற்றுக் கொண்டுவிட்டால் சர்க்காருக்கு வருமானம் அதிகமாகக் கிடைக்கும். தொழிலும் நாசமாகிவிடாது. சர்க்கார் எப்படியாகிலும் இந்தப் பொருள்களுக்கு வரி விதிக்கத்தான் போகிறார்கள்; என்று முடிவு செய்வார்களானால், அதைக் கொடுக்காமல், ஏமாற்றுவதற்காக வியாபாரிகள் திட்டம் தயாரித்து விட்டார்கள். சர்க்காருக்கு எதிராக அவர்கள் நிதியும் வசூல் செய்து வருகிறார்கள். அதையும் நான் சர்க்காருக்கு எச்சரிக்கை செய்ய விரும்புகிறேன். வியாபாரிகள் சர்க்காரை ஏமாற்றுவதற்கு முயற்சி செய்து திட்டம் போட்டுவிட்டால், சர்க்காரால் அதைக் கண்டுபிடிக்க முடியாது. இந்த வரி விதிப்பினால் சர்க்காருக்கு கோரிய பலன் கிடைக்காது. நாட்டு மக்களிடையே கெட்ட பெயர்தான் அவர்களுக்கு ஏற்படும்; தொழிலும் பாதிக்கப்படும். இந்தத் தொழிலில் ஈடுபட்டிருக்கக்கூடிய தொழிலாளிகளுக்கு சில சமயங்களில் வேலை கிடைக்கும். பல சமயங்களில் வேலை இல்லாமல் போய்விடும். இந்த ஆபத்தும் அதில் இருக்கிறது. ஆகவே, இந்த இரண்டு வரியையும் ரத்து செய்யவேண்டுமென்று நான் கேட்டுக்கொள்கிறேன்.

“ஆடம்பரப் பொருள்களுக்கு வரியை உயர்த்துவதற்கு தனியாக மசோதா கொண்டுவந்தாலும் அதை நாங்கள் ஆதரிக்கத் தயாராயிருக்கிறோம்.

“மில் துணி விஷயத்தில் 35 கவுண்டு என்பதை 60 கவுண்டு என்று உயர்த்திக்கொண்டு விட்டோம். அறுபது கவுண்ட் வரையில் இந்த வரியிலிருந்து விதிவிலக்கு கொடுத்துவிடவேண்டும் என்ற முறையில் திருத்தம் கொண்டுவரவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சை இத்துடன் முடித்துக் கொள்ளுகின்றேன்.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Mr. Speaker, Sir, I heartily agree with one point raised by the hon. Member from Chettinad, Sri Raja M. A. Muthiah Chettiar, namely, that there is absolutely no necessity for referring this Bill to a Select Committee. Whatever we want to do could be decided upon when we to discuss the various clauses of the Bill.

“ Sir, it is generally agreed to and welcomed by all hon. Members that the handloom cloth industry should be protected and encouraged but there is difference of opinion as to whether the provision in this Bill will go to the full length of protecting it. The hon. Member, Sri K. T. Raju, said that the price of yarn has increased and, therefore, this provision will not materially

11th May 1954] [Sri M. A. Manickavelu Naicker]

help the handloom industry. A provision is being made to protect and encourage a certain industry and attempts may be made to overcome the provision. I will give an illustration. Now, we want to control money-lending and we fix a particular rate of interest in the Statute but it is overcome by other means. The money-lenders collect an exorbitant rate, that is, they deduct it before the money is advanced and take a promissory note for a higher amount. Like this, statutes are not given effect to in the manner in which they are intended to be given effect to but we shall try and see how far we can control and protect the handloom industry. There are loopholes in all statutes and we cannot make provisions for covering all of them. If this provision is sought to be circumvented, we shall take proper measures.

“ Then the hon. Member, Sri M. Palaniyandi, said that the weapon we are trying to use is not the proper weapon for protecting the handloom industry. Probably, the hon. Member wants me to use some other fighting weapon. But this is the only weapon which I have got in my hand and I am not prepared to borrow the weapon that the hon. Member and his friends intend to use or desire to favour. Mine is a legitimate weapon and I am making use of it.

“ Sir, in regard to the increased rate of sales tax on the items in sub-clause (b) of clause 2, reference was made to precious and semi-precious stones and goods made of gold or silver and I have heard arguments that they should be deleted and it has been claimed in very forcible language from behind me also. But, I am still having an open mind and I may be given some time to examine the implications of deleting these items and I would be in a position to make a categorical statement when we take up the clause by clause discussion of this Bill. The Bill need not, therefore, be referred to a Select Committee and we can take up the clause by clause consideration of the Bill tomorrow.”

SRI K. P. GOPALAN :—“ Sir, I am not withdrawing my amendment to refer the Bill to a Select Committee.”

MR. SPEAKER :—“ The question is—

‘ That the Madras General Sales Tax (Second Amendment) Bill, 1954 be referred to a Select Committee.’ ”

The motion was put and lost.

MR. SPEAKER :—“ The question is—

‘ That the Madras General Sales Tax (Second Amendment) Bill, 1954 be taken into consideration.’ ”

The motion was put and carried.

MR. SPEAKER :—“ We will now take up the half-hour debate fixed for to-day.”

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

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 12th May 1954.

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

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

MR. SPEAKER :—“ We are now in Clause 2.

“ Hon. Members who have given notice of amendments to this clause may now move their amendments.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, I move—

‘ In sub-clause (b), item (ii) for the words “ one anna three pies ” substitute the words “ one anna ”.’ ”

The amendment was duly seconded.

SRI C. KANDASAMI :—“ Sir, I move—

‘ In sub-clause (b), item (ii) for the words “ one anna three pies ” substitute the words “ six pies ”.’ ”

The amendment was duly seconded.

SRI S. RAMALINGAM :—“ Sir, I move—

‘ In sub-clause (b), item (iv) for the words “ six pies ” substitute the words “ three pies ”.’ ”

The amendment was duly seconded.

SRI S. RAMALINGAM :—“ Sir, I move—

‘ In sub-clause (b), item (ii) for the words “ one anna three pies ” substitute the words “ three pies ”.’ ”

The amendment was duly seconded.

SRI M. KALYANASUNDRAM :—“ Sir, I move—

‘ In sub-clause (b), delete items (iii) and (iv).’ ”

The amendment was duly seconded.

SRI P. K. GOPALAKRISHNAN :—“ Sir, I move—

‘ In sub-clause (b), item (ii) for the words “ one anna three pies ” substitute the words “ nine pies ”.’ ”

The amendment was duly seconded.

[22th May 1954]

SRI C. KANDASAMI :—“ Sir, I move—

‘ In sub-clause (b), item (iii) for the words “ six pies ” substitute the words “ three pies ”.’ ”

The amendment was duly seconded.

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, I move—

‘ In sub-clause (b), in item (i), omit the words “ artificial silk ” appearing in the first line.’

‘ In sub-clause (b), in item (i) for the figures and letter “ 17s ” appearing in the fourth line, substitute the figures and letter “ 35s ”.’

‘ In sub-clause (b), in item (ii) for the figures and letter “ 35s ” appearing in line 3, substitute the figures and letter “ 60s ”.’

‘ In sub-clause (b), in item (iii) omit the words “ and semi-precious ” and for the words “ six pies ”, substitute the words “ three pies ”.’ ”

The amendments were duly seconded.

SRI S. RAMALINGAM :—“ Sir, I move—

‘ In item (b) (i) omit the words “ artificial silk ”.’

‘ In item (b) (ii), for the figures and letter “ 35s ”, substitute the figures and letter “ 60s ”.’ ”

The amendments were duly seconded.

SRI C. RAJAM RAMASAMI :—“ Sir, I move—

‘ Delete items (iii) and (iv) of clause 2 (b) and re-number the serial numbers of items in lines 1 to 3 of clause 2 (b) accordingly.’ ”

The amendment was duly seconded.

MR. SPEAKER :—“ Clause 2 as well as the amendments are now before the House for discussion.

“ In this connexion I wish to inform the House that Mr. N. K. Palaniswami’s amendment No. 2 under clause 2 is out of order. It requires the sanction of the Governor. I tried to put a trunk call to the Governor yesterday. But before that, the hon. Member himself came to me and told me that he was not moving that amendment.

“ Sri Madanagopal may now speak.”

SRI V. MADANAGOPAL :—“ கனம் சபாநாயகர் அவர்களே, சபை முன்பு கொண்டுவந்திருக்கக்கூடிய இந்த மசோதாவானது ஏற்கெனவே இருக்கக்கூடிய வருமான வரியை அதிகப்படுத்தும் நோக்கத்தோடு மில் துணிகளுக்கு மேலும் புதியதாக வரி போட உத்தேசித்திருப்பதாகும். ஏற்கெனவே இருக்கக்கூடிய வருமான வரி சாதாரண ஜனங்களையும், வியாபாரிகளையும் மிக மிகக் கடுமையாய்ப் பாதிக்கின்றது. இந்த வருமான வரியைப் பொறுத்தவரையில் இதை வருமான வரி என்று கூறுவதற்குப் பதிலாக ஜனங்களின் உயிரை வாங்குவதற்காகப்

[Sri V. Madanagopal] [12th May 1954]

போடப்படும் வரி என்று கூறிவிட்டலாம். சாதாரணமாக ஒருவர் பிச்சை வாங்கி ஒரு சாமான் வாங்கினாலும் கூட அதற்கும் வரி என்று ஆகிவிட்டது தற்கால நிலைமை. ஒரு காலத்தில் மகாத்மா காந்தி அவர்கள் உப்பு சத்தியாக்ஷரஹம் போன்ற பல இயக்கங்களுக்குத் தலைமை தாங்கி நடத்தியதன் காரணமென்ன? சாதாரண ஏழை மக்களின் கொடுக்கும் சக்திக்கு மேல் வரி விதிக்கப்படுகிறது. அவர்களது உணவுப் பொருள்களுக்கும் வரி விதிக்கப்படுகிறது. இவைகளை ரத்து செய்யவேண்டுமென்பதற்காகத்தான் அவர் பல இயக்கங்களுக்குத் தலைமை தாங்கி நடத்தினார். இம் மாதிரியாக அதிக வரி போடுவதன் முடிவு என்ன ஆயிற்று என்று பார்த்தால் நாணயமாக உள்ள வியாபாரிகள்கூட நாணயமற்றவர்களாக மாறினால்தான் வாழமுடியும் என்ற நிலைக்கு வந்துவிட்டது. புதியதாக வரி போட உத்தேசிக்கும்போது நான் சொல்லும் இவ்விஷயத்தை சர்க்கார் கவனத்தில் வைத்துக்கொள்ளவேண்டும். அதாவது பலசர்க்குக் கடைக்காரர்களும், சிறிய சிறிய ஷாப்புக்காரர்களும் உண்மையிலேயே ஜனங்களிடமிருந்து இன்றைக்கு விற்பனைவரியை வசூல்செய்ய முடிகிற நிலை. ஏனென்றால் அவர்களால் ஒரு ரூபாய்க்கும், இரண்டு ரூபாய்க்குக்கும் பில் போட முடிவதில்லை. போட்டால் வாங்க மாட்டோம் என்றும் சில சமயம் ஜனங்களே சொல்லுகிறார்கள். ஆகவே ஜனங்களிடமிருந்து இவர்கள் விற்பனை வரியை வாங்காவிட்டாலும் தங்களுக்கு மொத்த வியாபாரத்தைக் கணக்கெடுக்கும்போது சர்க்காருக்குச் சேரவேண்டிய பணத்தை தங்கள் பணத்திலிருந்து கட்டிவிடுகிறார்கள். இதனால் நூற்றுக்கணக்கான கடைகள் நஷ்டத்திற்குள்ளாகி மூடப்பட்டிருக்கின்றன. நூற்றுக்கணக்கான வியாபாரிகள் மிகுந்த நஷ்டத்திற்குள்ளாகியிருக்கிறார்கள். ஆகவே ஒரு முனை விற்பனை வரியைக்கொண்டு வரவேண்டுமென ராஜ்யம் பூராவிலுமுள்ள வியாபாரிகள் கிளர்ச்சிகள் செய்துகொண்டிருக்கிறார்கள். இச்சபையிலுள்ள பல அங்கத்தினர்கள் சர்க்காரின் கவனத்திற்கு அதைக்கொண்டு வந்திருக்கிறார்கள். அப்படி இருந்தபோதிலும் இன்றைக்குப் புதிய வரி போடப்படுகிறது. இந்த மசோதாவைப் பிரேரிக்கும் போது கனம் ரெவின்யூ மந்திரி அவர்கள் சொல்லுகிறார்கள், 'இந்த வரியைப் போடுவது வருமானத்திற்காக அல்ல. கைத்தறி நெசவாளர்களுக்கு ஆதரவு அளிக்கத்தான். கைத்தறி நெசவுத் தொழிலுக்குப் பாதுகாப்பு அளிக்கத்தான்', என்று. இது ஒரு சக்தி வாய்ந்த உண்மையாக இருக்க முடியாது. கனம் நிதி மந்திரி அவர்கள் ஒவ்வொரு சந்தர்ப்பத்திலும் பேசும்போது எதிர்க்கட்சியிலிருந்து சொல்லப்படும் வாதங்கள் எல்லாம் அவர்கள் கையாளும் பிரசார தந்திரங்களாகும் என்று சொல்வார்கள். ஆனால் இந்த வரிப் பிரேரணையைக் கொண்டு வரும்பேது, 'இதை கைத்தறித்துணியின் பாதுகாப்புக்காகத்தான் கொண்டுவருகிறோம்', என்று அவர்கள் சொல்லுகிறார்களே இது எல்லாவற்றையும்விட மேலானதொரு பிரசார தந்திரம் என்றுதான் நான் சொல்ல வேண்டியிருக்கிறது. உண்மையிலேயே இந்த வரி விதிப்பு கைத்தறித் துணியின் பாதுகாப்பை உத்தேசித்ததான் கொண்டுவரப்பட்டது என்றால் கனம் மந்திரி அவர்கள் இதிலிருந்து கிடைக்கக்கூடிய எல்லாப் பணத்தையும் கைத்தறியின் முன்னேற்றத்திற்கே செலவிட முன்வருவார்களா என்று நான் கேட்கிறேன். அப்படிப்பட்ட எந்த உறுதியும் இந்த மசோதாவில் கொடுக்கப்படவில்லை. ஏற்கனவே கைத்தறித் தொழிலாளர்களுக்குப் பாதுகாப்பு அளிப்பதற்கு மத்திய சர்க்கார் மில் துணிகளுக்கு செல் விதித்துப் பணம் கொடுக்கிறது. இந்த வருஷத்தில் ஐந்துகோடி ரூபாய் கைத்தறிக்கு உதவி செய்வதற்காக ஒதுக்கியிருக்கிறார்கள். மேலும் அதிகமாகப் பணம் ஒதுக்கவேண்டுமென்று மத்திய சர்க்காரை கேட்டுக் கொள்ள வேண்டுமே தவிர மில் துணிகளுக்கு மறுபடியும் வரிவிதிப்பது சரியான யோசனையாகாது. ஏற்கெனவேயே மில் துணிகளுக்கு எவ்வளவு நெருக்கடி ஏற்பட்டிருக்கிறதென்று சொல்வதற்கில்லை. உற்பத்தியாகும் சர்க்குள் விற்பனையாகாமல் தேங்கிக் கிடக்கின்றன. கடந்த ஒரு வருஷத்தில் நமக்குக் கிடைத்துக் கொண்டிருந்த வருமானத்தில் 121 லட்சம் ரூபாய் குறைந்து விட்டது என்று சொன்னால் மக்களின் வாங்கும் சக்தி குறைந்துவிட்டது என்றுதான் கொள்ளவேண்டும். அதுவும் ஒரே வருஷத்தில் 10 பர்சென்ட் குறைந்திருக்கிறது. நிலப்பிரபுக்கள் நாளுக்கு நாள் குத்தகையை

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அதிகப்படுத்திக் கொண்டேபோகிறார்கள். லேவாதேவிகாரர்களிடம் விவசாயிகள் வாங்கும் கடன் பளுவும் நாளுக்கு நாள் அதிகரித்துக் கொண்டே போகின்றது. ஏழை விவசாயி மக்கள் நாளுக்கு நாள் ஓட்டாண்டியாகிக் கொண்டிருக்கிறார்கள். அதன் காரணமாகத்தான் வியாபாரம் மந்தப்பட்டு, அதனால் வருமானம் வரியும் குறைந்துவிட்டது என்பதை நாம் உணரவேண்டும். விவசாயிகளின் வாங்கும் சக்தி குறைந்து போய்விட்டதன் காரணமாகத்தான் கைத்தறித்துணிகளுக்கு நெருக்கடி ஏற்பட்டுவிட்டதே தவிர மில் துணியின் போட்டியினால் என்று முழுவதும் சொல்லிவிடமுடியாது. ஆகவே விவசாய மக்களின் வாங்கும் சக்தியை அதிகப்படுத்துவதற்கு விவசாயிகளுக்குக் கிடைக்கும் வாரத்தை உயர்த்த வேண்டும். அவர்களது கூலியை அதிகப்படுத்த வேண்டும். ராஜ்யம் பூரவுக்குமான ஒரு விரிவான நிலச்சீர்திருத்தம் கொண்டு வரவேண்டும். அதை விட்டுவிட்டு, கைத்தறிக்கு உதவி செய்வதற்காக மில் துணிக்கு வரி போடுகிறோம் என்று சொல்வது, 'கடைத் தேங்காயை எடுத்து வழிப் பிள்ளையாருக்கு உடைக்கிறோம்', என்று சொல்வதைப் போலத்தான் இருக்கிறது. இது நடைமுறையில் சாத்தியமாகவும் போவதில்லை.

"அதோடு இன்னொரு விஷயம். 35-ம் நம்பர் நூலுக்கு வரியில்லையென்று சொல்லப்பட்டிருக்கிறது. இருந்தாலும் கூட மில் முதலாளிகள் நூலின் விலையை உயர்த்துவதற்கு வேண்டிய எல்லா நடவடிக்கைகளையும் எடுத்துக்கொண்டுவிட்டார்கள். நூலின் விலை உயராமல் இருப்பதற்கு வேண்டிய நடவடிக்கை எதையும் இந்த சர்க்கார் எடுத்துக்கொள்ளவில்லை. இதனால் கைத்தறி நெசவாளர்கள்தான் பாதிக்கப்படுவார்கள். அவர்களுக்குக் கிடைத்துக்கொண்டிருந்த கூலி இனிமேல் நிச்சயம் குறைந்து போகும்.

"அதையும் தவிர புதிய வரித்திட்டப்படி ஒரு லட்சம் ரூபாய் மில் துணிக்கு பத்தாயிரம் ரூபாய்க்கு மேல் வரி கட்ட வேண்டியிருக்கிறது. இதன் காரணமாக கட்ட வேண்டிய வரியை ஒளிப்பதற்காக கள்ளக் கடத்தல் வியாபாரம் அதிகப்படுமென்பதும் வேறில்லை. கள்ளக்கடத்தல் வியாபாரத்தால் ஏற்கெனவே கிடைத்துக் கொண்டிருந்த வருமானம் தான் பாதிக்கப்படும். ஆந்திர மாகாணம் பிரிந்த பிற்பாடு இப்பொழுதே பல சாமான்கள் லாரிகளின் மூலம் இந்த இரு ராஜ்யத்திற்குமிடையே போய்க்கொண்டிருக்கின்றன. இந்த வரியையும் விதிக்க ஏற்பாடு செய்து விட்டால் கள்ளக் கடத்தல் வியாபாரம் மிகவும் விரிவாக ஏற்பட்டுவிடுமென்பதை நான் சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். கடைசியாக ஒரு விஷயம். சர்க்காரின் போக்கு எப்படியிருக்கிறதென்று பார்த்தால், எதிர்க்கட்சிக்காரர்கள் எதிர்த்தாலும் கூட தாங்கள் அதிகமாக இருப்பதால் மெஜாரிட்டி பலத்தைக் கொண்டு எப்படியாவது இந்த மசோதாவை சட்டமாகக் கொண்டுவந்துவிடலாமென்று கருதுவதாகவே தெரிகிறது. அதனால் நான் ஒரே ஒரு வேண்டுகோளை அவர்கள் ஏற்றுக் கொள்வார்கள் என்ற நம்பிக்கையின் பேரில் சொல்லுகிறேன்.

"உல்லன், சிலக் துணிகளுக்கு 17-ம் நம்பருக்குக் கீழும், பஞ்சத் துணிக்கு 35-ம் நம்பர் நூலுக்குக் கீழும் வரி கிடையாது என்று இருப்பதை மாற்றி, உல்லன், சிலக் துணிகளுக்கு 35-ம் நம்பர் நூலுக்குக் கீழும், பஞ்சத் துணிக்கு 60-ம் நம்பர் துணிக்குக் கீழும் விதி விலக்கு அளிக்கப் படுமென்று செய்தால் எல்லோருக்கும் நன்மையாக இருக்குமென்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்."

SRI T. C. NARAYANAN NAMBIAR:—"Mr. Speaker, Sir, the purpose of my giving notice of these amendments has been served by the explanation given in the speech of the hon. Member Sri Madanagopal. Generally, the middle class people, the elementary school teachers, the petty clerks and other strata of society, that is the lower strata, desirous of wearing some silk at the same time find it difficult to purchase silk because it is costly and beyond

[Sri T. C. Narayanan Nambiar] [12th May 1954]

their purchasing capacity. Yet they may satisfy their desire of wearing silk by purchasing artificial silk. If artificial silk is taxed, they may not purchase it. That is why I have given notice of my amendment No. 11, seeking to omit the words 'artificial silk' appearing in the first line of clause 2.

"With regard to the other amendment seeking to substitute the figures '35s' for '17s' in item (i) of sub-clause (b) of clause 2, that is also mainly intended for the benefit of the middle and lower strata of society, whose purchasing capacity has already been lowered.

"I want also the semi-precious stones to be exempted. I have no objection to the tax being levied in regard to precious stones. At the same time I would plead for a reduction in the tax on precious stones. I would request the Hon. the Minister for Finance to be kind enough to exempt semi-precious stones from being taxed.

"This is all what I want to say, Sir."

SRI E. L. RAGHAVA MUDALIAR :—"I rise to support the amendments moved by Sri T. C. Narayanan Nambiar. When there was an agitation for single point levy of the general sales tax, the argument of the Government was that if the Government were to levy the sales tax at single point it would afford a great temptation to traders to evade it. I think the same argument could be very well applied in this case wherein Government propose to levy the very high rate of 15 pies per rupee on silk, artificial silk, wool, flax, etc. What is now aimed at is that a man who buys goods for rupees one lakh has got to pay sales tax to the tune of Rs. 10,000. There is ample ground for evading the tax. What will be the result? Merchants who are honest and submit true returns will be hard hit while the evaders will escape. That is one reason why this high rate of tax should not be imposed on artificial and other silks. It will incidentally affect the poor and middle class people who, even though they may not have sufficient money in their pockets to buy pure silk, may for the sake of fancy buy artificial silk. If this additional tax is imposed on artificial silk, the poor and the middle classes will virtually be prevented from buying it. We would be effectively preventing the poor and the middle classes from having at least that bit of luxury.

"With regard to semi-precious stones, it is the poor and the middle class people who purchase these stones. We should offer them some concession. The imposition of this tax virtually prevents them from buying semi-precious stones. Therefore I heartily support the amendment moved by my Friend for exempting semi-precious stones from being taxed.

"The tax on articles made of gold and silver will affect both the workmen as well as the customers. It is the poor and middle class people who buy these articles ready-made. The rich man

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straightaway purchases the bullion and places orders for different articles according to his whims and fancies. The poor and middle class people who purchase silver or gold articles ready-made will be hard hit by the imposition of sales tax on silver and gold articles. I therefore support the amendment moved by Sri T. C. Narayanan Nambiar.

"With these words I thank you, Mr. Speaker, for having allowed me an opportunity to speak."

SRI T. S. ARDHANARI :—"கனம் சபாநாயகர் அவர்களே, இப்பொழுது சபையில் கொண்டுவந்திருக்கும் திருத்தத்தை ஆதரித்து சில வார்த்தைகள் பேச விரும்புகிறேன். மில் துணிமேல் வரி போடுவதுபற்றி சர்க்கார் ஒரு சட்டத்தைக் கொண்டுவருவதற்கு முயற்சித்துக்கொண்டிருக்கிறார்கள். இதைக் கொண்டுவரும்போது சர்க்கார் தரப் பிலே சொல்லியிருக்கிற வாதத்தைப் பார்த்தால், கைத்தறி நெசவாளர்களை பாதுகாக்கத்தான் மில் துணிக்கு வரி போடுவதாகத்தெரிகிறது. ஆனால் உண்மையிலேயே கஷ்டப்பட்டுக்கொண்டிருக்கிற கைத்தறி நெசவாளர்களைப் பாதுகாக்கவேண்டுமென்று பலமுறை இந்த சட்ட சபையில் விவாதம் நடைபெற்றது. சட்ட சபை அங்கத்தினர்கள் விவாதத்தில் ஆய்ந்த தறிந்த ஆலோசனைகள் கொடுத்தம்கூட அதே நிலையில் இருப்பதனால் பலவகையில் சந்தேகிக்க வேண்டியதாயிருக்கிறது. இதனால் ஜனங்கள் ஏமாற்றம் அடைகிறார்கள். மாகாணத்தின் வருமானத்தை அதிகரிக்க வேண்டுமானால் இந்த மாதிரியாக மில் துணிகளமேல் வரி போட வேண்டிய அவசியமில்லை.

"ஏன் அன்னிய நாட்டு ஜவுளியீது அதிகமான வரி போடக்கூடாது? துரதிருஷ்டவசமாக நம் சர்க்கார் இன்னும் அந்நிய நாட்டு ஜவுளிகளுக்கு மதிப்புக்கொடுத்து வருகிறார்கள். இன்னும் இவைகளைத் தடுக்காதது வருந்தத்தக்க ஒரு விஷயமாயிருக்கிறது. இன்னும் சில கைத்தறி நெசவாளர்களுக்கு வேலையில்லை என்று சொல்லுவது வருத்தமாக இருக்கிறது. அந்நிய நாட்டில் உள்ள மில் ஜவுளித் தொழில்களை பாதுகாக்க அத்தியாவசியமான யோசனை செய்துகொண்டு வருகிறார்கள். அமெரிக்காவிலிருந்து வரும் துணியை தடுக்கவில்லை. ஜப்பான் சிலக் போன்ற துணிகளுக்கு இன்னும் மதிப்புக் கொடுத்துத்தான் வருகிறோம். இதைத் தடுப்பதற்கு இந்த சர்க்கார் இன்னும் முன்னுக்கு வரவில்லை.

"இரண்டாவதாக மில் துணிகளின் மேல் வரி அதிகமாக்கப்படுவதினால் நூல்களுடைய விலையும் அதிகமாகிறது. மில்காரர்கள் நூல்களின் விலையை அதிகரித்து கைத்தறி நெசவாளர்களுக்குக் கொடுக்கிறார்கள். சரியாக நூலை வினியோகிக்காமல் தயக்கம் காட்டுகிறார்கள். இதனால் கைத்தறித் துணியின் விலை உயர்வதற்கு ஒரு சந்தர்ப்பம் ஏற்படுகிறது. இதை சர்க்கார் தீர ஆலோசித்து சரியான சட்டங்கள் இயற்ற வேண்டும் என்று சொல்ல விரும்புகிறேன்.

"அறுபது கவுண்ட்டு மேல் உள்ள மில் துணிகளுக்கு வரி விதித்து கைத்தறிக்கு ஒரு குறிப்பிட்ட ரகத்தை ஒதிக்கித்தர ஏற்பாடு செய்ய வேண்டும். அப்பொழுதுதான் கைத்தறி நெசவுத் தொழில் பாதுகாக்கப்படும். சர்க்கார் இதைப் பற்றி சிந்திக்கவேண்டும். அடுத்தபடியாக, 35 கவுண்ட்டு நூல் துணி முதல் வரி போடாமல் 60 கவுண்ட்டு நூல் துணிக்கு மேல் வரி போட்டு கைத்தறியாளருக்கு வசதி செய்ய சர்க்கார் முற்படவேண்டும் என்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்."

SRI S. DEIVASIGAMANY :—"Sir, the elementary needs of the people are food, clothing and housing. The Government should try to keep the price of these necessities of life very low. The

[Sri S. Deivasigamany] [12th May 1954]

attempt to levy additional sales tax on certain goods, especially on mill-made cloth, is for augmenting the revenues of the State. At one time I was thinking that the tax on mill-made cloth was for raising its price so as to be on a par with the price of handloom cloth. Now I find that that is not the object. If the object is to equalise the price of mill-made cloth and the price of handloom cloth, the Government should have reduced the price of handloom cloth instead of enhancing the price of mill-made cloth. The effect of raising the price of mill-made cloth by levying additional sales tax will be to deprive poor people of the opportunity of buying fine and good quality mill-made cloth. Human nature being what it is, every man wants to appear a little finer than what he is, every man tries to imitate the person who is in a better and more comfortable position. Such being the case, the Government should not enhance the price of mill-made cloth.

"The same argument holds good for ornaments and jewels. If at all the poor persons in our country derive any pleasure in life, it is by wearing some jewels. Jewel is more or less an institution in our country. I do not think any woman in our country goes without some kind of jewel or other. The levy of additional sales tax on jewels made of gold and precious stones will increase the price of jewels. This will affect the poor persons very much. The rich can afford to pay a little more by way of sales tax. Further, jewel is a form of investment for the poor man. When a poor man saves some money, he invests it on jewels. In times of adversity, he goes to a shroff and sells the jewels, probably at a little less than the cost price, and incurs a small loss. If the purchase price of jewels is more, he will have to incur more loss at the time of the sale of the jewels. Poor persons will be hit hard by the levy of additional sales tax on jewels.

"I read in this morning's issue of the 'Dinanthi' that the Government had decided to give up the proposal to levy additional sales tax on goods made of gold and silver and on precious and semi-precious stones. I do not know wherefrom the newspaper got the news and whether those in charge of the newspaper enjoy the confidence of the Government."

MR. SPEAKER:—"Two Members belonging to the Government Party have given notice of an amendment (Amendment No. 11). Evidently the hon. Member was not present yesterday when the amendment was circulated."

SRI S. DEIVASIGAMANY:—"If that is so, I welcome the decision. I urge the Government to give up also the proposed levy of additional sales tax on mill-made cloth."

SRI D. KRISHNAMURTHY GOUNDER:—"கனம் உயர் திருவாளர் தலைவர் அவர்களே, இந்த விற்பனை வரி முதன் முதலாக மதுவிலக்கு கொண்டு வந்தபோது, அதனால் ஏற்பட்ட வருமானக் குறையை சரிக்கட்டும் நோக்கத்தோடு கொண்டுவரப்பட்டது. இந்தச் சர்க்கார், இந்த வரி எதையும் கொடுக்கும் காமதேனு என்று சொல்லிக் கொண்டு இன்றைக்கு கொஞ்சங் கொஞ்சமாக ஏற்றிக்கொண்டே

12th May 1954] [Sri D. Krishnamurthy Gounder]

போகிறார்கள். இந்த விதமாக வரிகள் போட்டுக்கொண்டே போவது ஒரு பிற்போக்கான கொள்கையாகும். இது நியாயமற்ற முறையில் போடப் பட்டிருக்கிறது என்று சொல்வதற்கு மிகவும் வருத்தமாக இருக்கிறது, ஏனென்றால் அவர்கள் சொல்லும் காரணம் மில் துணிகளின்மேல் இம்மாதிரியாக வரிகள் போடுவது கைத்தறியாளர்களுக்கு நன்மை பயக்கு வதற்காக என்று சொல்லுகிறார்கள். ஆனால் இந்தக் காரணம் சரியாக இருக்கிறதா என்று நன்றாக யோசித்துப் பார்க்கவேண்டும். மிகவும் நாகரீகமான இந்தக் காலத்தில் ஜனங்கள் நாகரீகமாக வாழ்வதற்கு யோசிக்கிறார்கள். மில் துணிகளுக்குத்தான் சலுகை காட்டுகிறார்களே தவிர கைத்தறியாளர்களுக்கு அதிகமாக சலுகை ஒன்றும் செய்யவில்லை. இந்த வரியை விதித்தால் மில் துணிகளையும் ஏழை மக்கள் வாங்க முடியாது, கைத்தறி நெசவாளர்களுடைய கவலையும் குறையாது.

"கைத்தறி துணிகள் அதிகமாக விற்கப்படாமல் இருப்பதற்குக் காரணம் மக்களிடத்திலுள்ள வறுமைதான். ஜன நாயக சர்க்கார் கைத்தறியாளர் களின் துயரத்தை தீர்த்து விடுவோம் என்று சொல்லுகிறார்கள். ஆனால் வாக்குரிமை கொடுத்த ஜன நாயக சர்க்கார் மக்களின் வறுமை தீர ஒன்றும் செய்யவில்லை. சாதாரணமாக ஜனங்கள் வயிற்றுக்கே போதாமல் காலங் கடத்துகிறார்கள். இந்த காலத்தில் அப்படி இருக்கும்பொழுது எப்படி கைத்தறி துணிகளையும் மற்ற சாதாரண துணிகளையும் வாங்குவார்கள். எல்லோரும் சேர்ந்து உழைத்தாலும் கூட அவர்களுக்கு வருமானம் போத வில்லை. ஆதலால் மக்களின் வாங்கும் சக்தி அதிகரிக்கவேண்டும். நாட் டின் பொருளாதார நிலை உயரவேண்டும். நகரில் கோடான கோடி மக்கள் கஷ்டப்பட்டுக்கொண்டிருப்பதைப் பார்க்கிறோம். கிராமங்களில் ஏழையாக வள்ள பெரும்பாலோர் குளிக்கும்பொழுது தங்களிடமிருக்கும் ஒரே துணி யின் ஒரு முனையை கட்டிக் கொண்டு மற்ற முனையை துவைத்து உலர்த்தி அது உலர்ந்தபின் அந்த முனையை திருப்பிக் கட்டிக்கொண்டு மறு முனையை துவைத்து உலர்த்துவதை அங்கு வாழ்க்கையில் பார்க்கிறோம். இந்த வறுமையைப் போக்கினால்தான் வழியேற்படும். ஆகையால் என்ன வரி போட்டாலும் கைத்தறி நெசவாளர்களை முன்னுக்குக் கொண்டு வர முடி யாது. முக்கியமாக அன்று நிதி மந்திரி அவர்கள், ஸ்ரீ கோவிந்த சாமி நாயகர் ஒருவர் தான் திராவிட நாடு தனியாக பிரிந்து தனித் தமிழகமாக இருக்கவேண்டுமென்று சொல்லுவதாகச் சொன்னார். உண்மை அவ்வாறு அல்ல. இப்பொழுது காங்கிரஸ்காரர்களை எடுத்துக் கொண்டாலும்கூட வடநாட்டு ஆதிக்கத்தைப்பற்றி குறைக்கூறிக்கொண்டுதான் இருக்கிறார்கள். ஆகையால், திராவிட நாடு தனித்து வாழ்ந்தால்தான் நெசவாளர்களுடைய வறுமையைப் போக்குவதற்கு முடியும்."

MR. SPEAKER:—"திராவிட நாடு போன்ற விஷயங்களுக்கும் இப்பொழுது விவாதத்தில் இருக்கும் விஷயத்திற்கும் என்ன சம்பந்தம்? அதை ஏன் இப்பொழுது இங்கே கொண்டு வருகிறீர்கள்?"

SRI D. KRISHNAMURTHY GOUNDER:—"இந்தப் பிரச்சினையைத் தீர்ப்பதற்கு அது மிகவும் முக்கியமானது. திராவிட நாடு தனித்திருந்தால் தான் கைத்தறி நெசவாளர் பிரச்சனை போன்ற மற்ற பிரச்சனைகளுக்கும் ஒரு வழி பிறக்கும் என்று கூறிக்கொண்டு என்னுடைய சிறுநரையை முடித்துக் கொள்ளுகின்றேன்."

SRI K. T. RAJU:—"On a point of order விவாதத்தில் இருக்கக்கூடிய மசோதாவிற்கு சர்க்கார்த் தரப்பிலே ஒரு திருத்தம் கொடுக்கப்பட்டிருக்கிறது. தங்கம், வெள்ளி, செயற்கை வைரம் இவை களுக்கு வரியிலிருந்து விலக்கு அளிக்கக் கூடிய திருத்தத்தை அரசாங்கம் ஏற்றுக் கொண்டால், இந்த விவாதத்தின் நேரத்தைக் குறைத்துக் கொண்டு, இந்த மசோதாவை நிறைவேற்றிவிடலாம்."

SRI S. DEIVASIGAMANY:—"That is why I referred to the the news in 'Dinanthi'."

[12th May 1954]

MR. SPEAKER :—“ I will allow the hon. Member Sri Anthony Pillai and the hon. the Deputy Leader of the Opposition to speak now. Then the Government will reply to the debate.”

SRI S. C. C. ANTHONY PILLAI :—“ Mr. Speaker, Sir, at least in the Statement of Objects and Reasons attached to the Bill the Government are honest enough to state that the purpose of introducing the Bill is to augment the revenues of the Government. Earlier, on propaganda platforms the Government tried to make out that this particular form of taxation would help the handloom industry. There has been no clear statement from the Government as to the amount of tax that is expected from this source. Very vague statements are being made in this connection. Whenever any Hon. Minister is pressed to make a clear and categorical statement as to the amount of revenue that is expected from this source, there is a very significant silence. Assuming that the average consumption of mill-made cloth in the State of Madras is 5 yards per individual, the total consumption of mill-made cloth in the State will be 150 million yards of cloth. The total tax that can be levied or collected will be to the extent of something like one and a quarter crores of rupees. If the Government are making any smaller estimate, it must be for the reason that they assume that there will be large-scale evasion of this tax. I am told that one Minister has estimated that the total amount of tax that will be collected from this source will be only Rs. 10 lakhs. In other words, do the Government expect that one crore and fifteen lakhs of rupees that should normally come into the coffers of the Government will be evaded? Again, it has been stated on the floor of this House that some textile mills in the State of Madras are in a bad condition and are closing down. If this extra tax is levied, is it the assumption of the Government that these very mills which are closing down and rendering some textile workers unemployed, will soon be re-opened and employment found for those workers?

“ The tax must be related to the needs of the Government at the moment. It has also been stated very piously that this tax may be used to afford relief to the handloom weaver. So far no scheme for relief to handloom weavers has been put forward other than the schemes that could possibly be evolved with the amount allotted to the State of Madras from the Handloom Cess Fund. Many speakers have already referred to the fact that there is no possibility of the handloom weaver being benefited by this extra taxation. There is no ground to believe that the yarn-producing millowners in the State will not under the present system of decontrol raise the price of yarn and acquire a larger amount of profit, once this tax is collected.

“ For the reasons that there will be large-scale evasion of tax and that this tax will be an intolerable burden on the people of Madras, I oppose this measure of taxation.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, இந்த வரி சம்பந்தப்பட்டவரை எதிரிக் கட்சியினருடைய கொள்கை என்ன

[12th May 1954] [Sri M. Kalyanasundram]

வென்பதை நேற்றே இங்கு பேசிய அங்கத்தினர்களும் நானும் ஒருவாறு விளக்கியிருக்கிறோம். இப்பொழுது இந்தப் பிரிவுக்கு திருத்தங்கள் கொடுத்திருக்கிறோம். இந்தத் திருத்தங்கள் கொடுத்திருப்பதும் இந்தப் பிரிவை சர்க்கார் கொண்டு வந்திருப்பதும் சர்க்காருடைய வரி விதிக்கும் கொள்கைக்கு ஒரு உறைகல்லாக இருக்கும். நாங்கள் கொடுத்திருக்கும் திருத்தங்களை சர்க்கார் ஏற்றுக் கொள்ளப்போகிறார்களா, இல்லையா என்பதைப் பார்த்துத்தான் பொது மக்கள் சர்க்காருடைய கொள்கையைப் பற்றி தீர்ப்பு கொடுக்கப்போகிறார்கள்.

“ நிலப் பிரபுக்களின் மீது நில வரி சர்சார்ஜ் விதிக்கக்கூடிய மசோதா வின்மீது இங்கு விவாதம் நடத்தக் கூடிய காலத்தில் எதிரிக் கட்சியினர் சர்க்கார் மீது நியாயமான அடிப்படையில் குற்றம் கூறினார்கள். ‘பணக்காரர்கள் மீது வரி போடவேண்டுமென்றால் சர்க்கார் தயங்குகிறார்கள், தாட்சண்யம் காட்டுகிறார்கள். அந்த சமயத்தில் நில வசூலாய் மந்திரி அச்சமும் குழந்தையாக மாறி விடுகிறார்கள். ஆனால் ஏழை மக்கள், நடுத்தர மக்கள் மீது வரி சுமத்துவது என்றால் தயவு தாட்சண்ய மின்றி வரி சுமத்துகிறார்கள்’ என்று அன்றைக்கு நாங்கள் சாட்டிய குற்றச் சாட்டானது நியாயமானதென்பது இன்றைக்கு இந்த வரியின் மூலம் நிரூபிக்கப்படுகிறது என்பதுதான் என்னுடைய அபிப்பிராயம்.

“ பதினேழு கவுண்டுக்கு மேலுள்ள அல்லது மில்லில் நெய்யப்படும் சன்ன ரக பட்டுத் துணியின்மீது வரி போடப் போகிறார்கள். தங்கம், வெள்ளி, செயற்கை வைரம் போன்ற சாதாரணப் பொருள்களின்மீதும் வரி போடப் போகிறார்கள்.

“ நாங்கள் கொடுத்திருக்கக்கூடிய திருத்தங்களை ஏற்றுக் கொள்வார்களானால் ஏழை மக்களாகிய தொழிலாளிகள், விவசாயிகள் இன்னும் நடுத்தர வர்க்கத்தினர் வாங்கக் கூடிய துணி மீது வரி போடாமல் 60 கவுண்டுக்குமேல் இருக்கக்கூடிய சாதாரண மில் துணிக்கு வரி போடும் படியாகும். அதுதான் சக்தி உள்ளவர்களுக்கு போடக்கூடிய வரியாகும். நாங்கள் கொடுத்திருக்கக்கூடிய திருத்தத்தை அப்படியே ஏற்றுக் கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“ முதலில் இருக்கக்கூடிய திருத்தத்தில் பட்டு, ஜவுளி, கம்பளி, இவைகளுக்கு விதிக்கக்கூடிய வரியிலிருந்து செயற்கைப் பட்டை விலக்கிவிட வேண்டுமென்று கேட்டிருக்கிறோம்.

“ மில் ஜவுளி மீது விதிக்கப்படும் வரியானது 60 கவுண்டுக்கு மேல் இருக்கக் கூடிய சன்ன ஜவுளிக்கு இருக்கட்டும்.

“ தங்கம், வெள்ளிப் பொருள்கள் இவைகளுக்கு வரியிலிருந்து விலக்கு அளிக்கவேண்டும். செயற்கை வைரங்களின்மீது விதிக்கக் கூடிய வரியையும் அடியோடு ரத்து செய்யவேண்டுமென்று திருத்தங்கள் கொடுத்திருக்கிறோம். இந்தத் திருத்தங்களை சர்க்கார் அப்படியே ஏற்றுக் கொண்டுவிட்டால் பிரச்சனை சுலபமாகப் போய்விடும் என்பது என்னுடைய அபிப்பிராயம்.

“ அதோடு கூட இன்னொரு யோசனையும் தெரிவித்துக் கொள்ளுகின்றேன். மில் துணி மீது அவர்கள் விதிக்கக்கூடிய வரிக்கு நாங்கள் கொடுத்திருக்கக் கூடிய திருத்தத்தை ஏற்றுக் கொள்ளப் போகிறார்களா என்று தெரியாது. இருந்தாலும் நம்முடைய ராஜ்யத்தில் விற்பனையாகக் கூடிய சமயத்தில் முதலிடத்தில் விற்பனையாகும் போது வரிவிதிக்கப் போகிறார்கள். அந்த வரியை ஒரே சமயத்தில் வசூல் செய்து விட்டால் வியாபாரிகளுக்கு கஷ்டம் ஏற்படும். மொத்தமாக விற்கக் கூடிய சமயத்தில் ஒரே தவணையில் வசூல் செய்யாமல் ஒரு காலத் தவணை கொடுத்து கொஞ்சம் கொஞ்சமாக வசூலிக்க வசதி செய்து கொடுப்பார்களானால் வியாபாரிகளுக்கு கஷ்டமில்லாமல் இருக்கும். நாங்கள் கொடுத்திருக்கக் கூடிய திருத்தங்களை ஏற்றுக் கொண்டாலும் வரியை ஒரே சமயத்தில் வசூலிக்காமல் தவணை கொடுத்து வசூலிக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். என்னுடைய திருத்தங்களைச் சர்க்கார் அப்படியே ஏற்றுக் கொள்ளவேண்டும் என்றும் கேட்டுக் கொள்ளுகிறேன்.”

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THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I oppose all the amendments moved. But I accept the amendment moved by the hon. Member Sri Ramasami with a slight modification. The hon. Member has moved an amendment to delete items (iii) and (iv) in sub-clause (b) of clause 2. I am agreeable to the deletion of item (iv). With regard to item (iii), I would delete only the word ‘semi-precious’ and retain the words ‘precious stones’. I think this is agreeable to the hon. Member and to the hon. the Deputy Leader of the Opposition.”

SRI S. RAMALINGAM :—“ How can they define ‘precious stones’ and ‘semi-precious stones’ ? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ They have got certain connotations. There is no difficulty about it.”

SRI S. DEIVASIGAMANY :—“ I think they can use the word ‘artificial’ instead of ‘semi-precious’.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I have asked for a clarification and I shall be able to inform the House about it.

“ The hon. Member Sri Anthony Pillai said that we were not stating the amount of tax that would be derived from this source. It is very difficult to state the exact amount of tax that would be collected. I do not want to give any numerical figure. If I state any amount, then a charge will be levelled that it is not correct. Anyhow with a rough reference to past transactions, I may say that the yield will be about Rs. 30 lakhs or Rs. 40 lakhs.

“ But that will be governed by other factors like good season and all that. As there are so many other factors, I cannot definitely say anything in the matter. It may be in the order of some lakhs. That is all I could say now.

“ Some hon. Members wanted us to raise it to 60 counts. I cannot accept this suggestion as it will defeat the very purpose of our bringing forward this Bill. One of the most important objects of this Bill is to protect the handloom industry. If we raise it to 60 counts, there will be no protection at all to the handloom industry. It was pointed out by some hon. Members that the cloth will be made dear for the poor people and if the mill cloth is taxed, its price, which is now cheaper, will become unduly high and prohibitive. I wish to give my own experience in the matter. It may appear that the price of mill-made cloth is cheaper than hand-made cloth. On the face of it, it may appear so. But anybody who has been using hand-made cloth will know that hand-made cloth lasts for a longer time than mill-made cloth. If you take this factor into account, the difference in price between these two will not be much. Moreover, by purchasing and wearing hand-made cloth, we will be encouraging the handloom industry and helping a large number of poor people in this State who are

[12th May 1954] [Sri M. A. Manickavelu Naicker]

engaged in this industry. If we analyse all these factors, we will easily understand that we are not at all paying a higher price for hand-made cloth, which will last for a longer time.

“ Then, the hon. Member Sri Krishnamurthi Gounder said that the poor people will be affected by this measure. It is only to help the very poor people mentioned by the hon. Member that this Bill has been brought forward. The hon. Member referred to the case of very poor people who do not have more than one cloth and who have only one cloth, half of which they use while taking bath and so on. I admit there is so much of poverty in the country. I now want to use the same arguments put forward by him against him. It is only to assist the very poor people referred to by him, i.e., about 30 lakhs of poor people engaged in the handloom industry, that this Bill has been brought forward. It is not only to help the poor women who have only one cloth which they have to wash and wear daily, but to help hundreds of other poor people, this measure has been brought forward by us. The intention of the Bill is to help these poor people and to give them protection to the extent possible.

“ One hon. Member said that the merchants in the shandis are very much harassed by our asking them to pay this sales tax. All dealers in shandis are not asked to pay this tax. Only some of them who have the turnover that we have fixed as minimum are asked to pay this tax. All casual dealers are not asked to pay this tax. It was suggested that the income derived from this tax should be earmarked for the protection of the handloom industry. It is not only unconstitutional, but is improper for us to earmark the revenue for any particular purpose. We are dealing with the finances of the State as a whole and we cannot earmark the revenue for any particular specified purpose. As it is wrong and unconstitutional, it is unacceptable.”

MR. SPEAKER :—“ If I understood the Hon. Minister correctly, I think the position of the Government is this. They are not going to levy a tax on semi-precious stones. I wish to know from the Hon. Minister whether this is correct.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ No tax will be levied on semi-precious stones.”

MR. SPEAKER :—“ In that case, the amendment of Mr. T. C. Narayanan Nambiar to delete the words ‘and semi-precious’ in sub-clause (b) is all right.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I think it will be all right.”

MR. SPEAKER :—“ Mr. Kalyanasundram’s amendment is for the deletion of items (iii) and (iv) in sub-clause (b). If the Government accept the deletion of item (iv), they will have to move for the omission of this item and for making the consequential changes in the Statement of Objects and Reasons. I think that will be the correct procedure.”

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THE HON. SRI C. SUBRAMANIAM :—" The Statement of Objects and Reasons need not be amended as it does not form part of the main Bill."

MR. SPEAKER :—" The object is to augment the revenue of the State."

THE HON. SRI C. SUBRAMANIAM :—" We need not amend the Statement of Objects and Reasons."

MR. SPEAKER :—" In that case, the Hon. Minister should move an amendment to omit item (iv). If the Government agree to the deletion of the words ' semi-precious stones ', they may accept Mr. T. C. Narayanan Nambiar's amendment."

THE HON. SRI C. SUBRAMANIAM :—" Instead of that, a specific amendment may be moved by the Minister concerned."

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

(1) *In item (iii) of sub-clause (b) omit the words " and semi-precious "*

That item (iv) in sub-clause (b), be deleted and consequential amendments be made to sub-clause (b)."

SRI S. RAMALINGAM :—" Then, some other consequential amendments have to be moved to re-number the other clauses."

MR. SPEAKER :—" I think no re-numbering is necessary. The motion is for deleting item (iv). We do not have the fifth item. Item (iii) will be the last number. As such, I see no reason for re-numbering the clauses."

SRI M. KALYANASUNDRAM :—" I think Mr. Ramalingam is correct."

THE HON. SRI C. SUBRAMANIAM :—" That is correct. Consequential re-numbering of clauses will have to be done."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" As we have other items also, consequential re-numbering of items is necessary. Item (v) will become item (iv) and item (vi) will become item (v) and so on."

MR. SPEAKER :—" I wish to know whether the other amendments are withdrawn by hon. Members."

SRI M. KALYANASUNDRAM :—" Let the amendments be put to the vote of the House, Sir."

MR. SPEAKER :—" I will now take up Mr. Narayanan Nambiar's amendment."

THE HON. SRI C. SUBRAMANIAM :—" All the accepted amendments may be put to vote first. Then we can go back and put the other amendments to the vote of the House."

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MR. SPEAKER :—" That cannot be done. I must put them to vote in the serial order only. I cannot put the last amendment first to vote and then go back and take up the first amendment. The question is—

' In sub-clause (b), in item (i), omit the words " artificial silk " appearing in the first line.'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b), in item (i) for the figures and letter " 17s " appearing in the fourth line, substitute the figures and letter " 35s ".'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b), in item (ii) for the figures and letter " 35s ", appearing in line 3, substitute the figures and letter " 60s ".'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b) in item (ii) for the words " one anna three pies " substitute the words " three pies ".'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b), item (iv) for the words " six pies ", substitute the words " three pies ".'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b), item (ii) for the words " one anna three pies " substitute the words " nine pies ".'"

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (b), in item (iii), omit the words " and semi-precious " and for the words " six pies ", substitute the words " three pies ".'"

The amendment was put and lost.

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

' In sub-clause (b), in item (iii) omit the words " and semi-precious ".'"

The amendment was put and carried.

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MR. SPEAKER :—" The question is—

' In sub-clause (b), *omit* item (iv) and make consequential amendments to (b). ' "

The amendment was put and carried.

The amendment of Sri M. Kalyanasundram was, by leave, withdrawn.

The amendment of Sri T. C. Narayanan Nambiar, viz. :—

' In sub-clause (b), item (ii) *for* the words " one anna three pies " *substitute* the words " one anna ". ' "

was, by leave, withdrawn."

The amendment of Sri C. Kandaswami, viz. :—

' In sub-clause (b), item (ii), *for* the words " one anna three pies ", *substitute* the words " six pies ". ' "

was, by leave, withdrawn."

The amendment of Sri C. Rajam Ramasamy was, by leave, withdrawn.

MR. SPEAKER :—" I am not putting to vote the following two amendments of Sri S. Ramalingam as they are the same as the amendments of Sri T. C. Narayanan Nambiar on which the House has already given a decision :—

' In item (b) (i) *omit* the words " artificial silk " and

' In item (b) (ii), *for* the figures and letter " 35s ", *substitute* the figures and letter " 60s ". ' "

" I am not putting to vote the amendment of Sri C. Kandasami, viz. :—

' In sub-clause (b), item (iii) *for* the words " six pies ", *substitute* the words " three pies ". ' "

since the House accepted the Government amendment and rejected the amendment of Sri T. C. Narayanan Nambiar, viz. :—

' In sub-clause (b), in item (iii) *omit* the words " and semi-precious " and *for* the words " six pies ", *substitute* the words " three pies ". ' "

Clause 2 as amended was put and carried.

The motion was put and carried.

Clause 1 and the Preamble were put and carried.

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

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

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MR. SPEAKER :—" The question is—

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

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

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 12th May 1954.

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

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THE COURTALLAM TOWNSHIP BILL, 1954 (L.C. BILL NO. 8 OF 1954)

THE HON. SRI S. S. RASWAMI PADAYACHI :—“
Speaker, Sir, I beg to leave to move—

‘ That the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as passed by the Legislative Council, be taken into consideration at once.’

[Sri S. S. Ramaswami Padayachi] [12th May 1954]

"Courtallam in the Tirunelveli district is famous for its waterfalls and its importance as a health resort has been recognized both by the public and the Government. A panchayat was constituted for the village in the year 1939 to manage its civic affairs. In subsequent years, an association called the Waterfalls Association was formed to attend to the needs of bathers and a Public Health Committee was constituted to improve the sanitation of the area. It is, however, found that the corporate bodies including the panchayat functioning in the area have not been able to effect any appreciable improvement in the condition of the place. In the interests of public health, Government consider it desirable to develop the potentialities of the place as a health resort on sound planned lines. The resources of the existing panchayat are inadequate to develop the area. The Government have, therefore, decided to constitute the area at present within the jurisdiction of the Courtallam Panchayat into a township, and to vest in a Township Committee, necessary powers to administer the municipal affairs of the township. The committee will be empowered to levy taxes normally levied by municipalities. All the members of the committee will be appointed by Government. The members will hold office for a period of three years in the same way as municipal councillors. On the expiry of the term of office of the members in the normal course, or on the occurrence of casual vacancies, Government will make the appointments. This is similar to the constitution of the Mettur Township.

"The view has been held by some that the members of the Township Committee need be appointed in the first instance by Government and at the end of the term, their places should be filled in by election. The whole point is that the elected panchayat which is functioning in the area at present has not been able to cope with the task of effecting appreciable improvement in the conditions of the place and hence a nominated body of officials and non-officials who are residents of the place has to be thought of. The position of this township will be exactly similar to that of the Mettur Township in regard to constitution. It has been suggested that the rural character of Courtallam should not be spoiled by enlarging the area now comprised in the panchayat. The proposal is to constitute the township only for the area now comprising the panchayat and due regard will be paid to this suggestion when any representation is made for enlarging the territorial jurisdiction of the township.

"Sub-clause (3) of clause 4 of the Bill has been inserted in response to the wishes of the Members of the Legislative Council that any notification made by the State Government under sub-clause (1) of clause 4 should be subject to modifications by the Legislature. The Legislature will, therefore, be in a position to exercise a check upon the extension of the provisions of the Madras District Municipalities Act to the township area. As there is no provision in the Madras District Boards Act, 1920, or the Madras District Municipalities Act, 1920, for the constitution of a Township Committee, the Government have to undertake this special legislation in respect of Courtallam.

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"I hope the Bill as passed by the Council will be acceptable to this House and I accordingly move that the Bill be taken into consideration at once."

MR. SPEAKER :—"Motion moved—

'That the Courtallam Township Bill, 1954, as passed by the Legislative Council, be taken into consideration at once.'

SRI S. RAMALINGAM :—"Sir, I move—

'That the Courtallam Township Bill, 1954, as passed by the Legislative Council, be referred to a Select Committee.'

SRI M. KALYANASUNDRAM :—"I second the amendment. Sir."

MR. SPEAKER :—"Amendment moved—

'That the Courtallam Township Bill, 1954, as passed by the Legislative Council, be referred to a Select Committee.'

SRI C. KANDASAMI :—"கனம் சபாநாயகர் அவர்களே, புதிதாக வந்திருக்கும். ஸ்தல ஸ்தாபன மந்திரி அவர்கள் எடுத்த எடுப்பிலேயே, ஒரு பஞ்சாயத்து போர்டிலுள்ள 2,000 அல்லது 3,000 மக்களின் உரிமையைப் பறிக்கக்கூடிய ஒரு மசோதாவைக் கொண்டுவந்திருப்பது பற்றி நான் ஆச்சரியப்படுகிறேன். குற்றமும், நீர்வீழ்ச்சி இருக்கக்கூடிய முக்கியமான ஒரு சுவாசஸ்தலம் என்பதில் ஆட்சேபணை கிடையாது. ஆனால் அந்த ஊரிலே இருக்கக்கூடிய மக்களுக்கு அந்த ஊரை நிர்வகிக்கும் உரிமை ஏன் மறுக்கப்படவேண்டுமென்று தான் எனக்குப்பிரியவில்லை. இந்த ராஜ்யத்தில் பல பஞ்சாயத்து போர்டுகள் இருக்கக்கூடிய நிலைமையில், இந்த ஒரு ஊரில் மட்டும் ஏன் இவ்விதம் அந்த உரிமை மறுக்கப்படவேண்டும் என்று தெரியவில்லை. இது அரசியல் சட்டத்தில் அனுமதிக்கப்படவில்லை என்பதை நான் எடுத்துக்காட்ட விரும்புகிறேன். இந்த ஊரை அபிவிருத்தி செய்வதற்கு, இப்பொழுது இருக்கும் Panchayat Board-ஐ வைத்துக் கொண்டே, இப்பொழுது சொல் லப்படும் Township Committee-க்குப் பதிலாக, அந்த ஊரிலிருக்கக்கூடிய மக்களுக்கு பிரதிநிதித்துவம் கிடைக்கக்கூடிய முறையில் ஏன் ஏற்பாடு செய்யக்கூடாது? இந்த ஊரை பஞ்சாயத்திலிருந்து 'Township' ஆக மாற்றுவதால் மட்டும் போதிய வருமானம் வந்துவிடாது. சர்க்காரே பணம் செலவழிப்பதாயிருந்தால் இந்த ஊரிலிருக்கக்கூடிய மக்கள் பிரதிநிதித்துவம் வாய்ந்த Panchayat Board-ஐ வைத்துக் கொண்டு, வேண்டுமானால் ஒரு விசேஷ நிர்வாக அதிகாரியை நியமிப்பதற்கு ஒரு சட்டம் கொண்டுவருவதன் மூலம் ஏன் இந்த நகரத்தை அபிவிருத்தி செய்வதற்கான ஏற்பாடு செய்யக்கூடாது? ஒட்டுமொத்தமாகப் பார்க்கும்பொழுது இந்த ஊரில் கோடைகாலத்தில் ஏராளமான பணக்காரர்கள் வந்து தங்கக்கூடிய நிலைமையிலிருப்பதால் ஊரிலிருக்கக்கூடிய பொது ஜனங்களுக்கு எந்த விதமான பேச்சுக்கும் மூச்சுக்கும் இடமில்லாத வகையில் தங்கள் இஷ்டப்படி நிர்வாகத்தை நடத்துவதற்கான அதிகாரத்தைக் கொடுக்கக்கூடிய ஒரு மசோதாவை சர்க்கார் கொண்டுவந்திருக்கிறார்கள் என்றே கருதுகிறேன்.

(At this stage the Deputy Speaker occupied the Chair.)

"இந்த ஊரிலே இருக்கக்கூடிய 3,000 மக்களுக்கு பிரதிநிதித்துவம் கொடுப்பதால் மேலும் மேலும் சுகாதார வசதி செய்து நகரத்தை அபிவிருத்தி செய்வதற்கு எந்த விதத்திலும் பொது மக்கள் குறுக்கே நிற்கமாட்டார்கள். அந்த ஊரிலிருக்கும் பஞ்சாயத்து போர்டு தலைவர்

[12th May 1954]

SRI I. K. SUBRAMANIA PILLAI :—“ Mr. Deputy Speaker, I oppose the motion to refer the Bill to a Select Committee. I congratulate the Government on their bringing this piece of legislation to constitute a township committee for Courtallam. Courtallam is a rich heritage belonging to the whole State and is the poor man's health resort. Thousands and thousands of people, nearly 20,000 people, visit this place every year to recoup their health and take rest. They come from all parts of the State and even from North India. They have been requesting the Government to take a direct interest in that place and improve the sanitary and general conditions of the place. The institutions that were functioning there, viz., the panchayat board and the Waterfalls Association, were not able to cope with the demands of the people and they were not able to provide the necessary amenities. Hence this request of the people has become imminent. In 1949-50, a memorandum was presented to the then Governor of Madras, the Maharaja of Bhavanagar, requesting him to constitute a township committee. This memorandum has been before the Government all these years. I presume that owing to their many pre-occupations, it was not possible for them to bring this Bill till now. We are glad that they have brought forward this Bill at least now. It is not a hasty legislation. It has not been brought forward all of a sudden. As the Hon. the Minister for Local Self-Government has pointed out, the administration is carried on by the panchayat board which is a second-class panchayat board. There is a Waterfall Association recognized by the Government. The Government cannot make an exception in the case of the panchayat board and help it, which will mean going beyond the scope of the Village Panchayats Act. Hence, the request for constituting a township committee was made. Courtallam itself consists of Courtallam proper and the neighbouring village Kasimasapuram. Practically, there are no residents in Courtallam proper where there is only the waterfalls, the temple, temple buildings and residential quarters. But the Kasimasapuram village has a population of 3,000 people. In Courtallam proper, only a very few people live. In the interest of the Kasimasapuram village, if they want a minor panchayat, they may ask for it. But, I must tell the House that it will not be in their interest. The neighbouring place should be kept clean and in a good sanitary condition. I think this Bill is an innocuous measure and it is not intended to defeat the present party in power in the panchayat. This measure was under the consideration of the Government during the last four or five years. It was in the process of being brought forward. It is not against the Socialist Party . . . ”

DR. K. B. MENON :—“ The hon. Member referred to the party in power. Is it a fact that an address was refused when the then Chief Minister visited this place.”

SRI I. K. SUBRAMANIA PILLAI :—“ Absolutely wrong, Sir. This Bill has not been brought forward on party lines. I may inform the hon. Member that the Congress did not put up

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any candidate at that time. Moreover, it was not a party affair. It was more an individual affair. I was myself a President for many years. So there was no question of party politics. This Bill is an innocuous measure and there is no need to refer it to a Select Committee. It is in the interests of the place to which many people go for taking rest and it is also in the interest of the neighbouring village. Mr. Speaker, Mr. Deputy Speaker and some of the Hon. Ministers have all visited the place and they know the requirements of that place. I believe many of the hon. Members would have also visited the place. I would request and invite those hon. Members who have not yet visited that place, to kindly visit that place during this season.

“ Sir, I want to say a few words about the Waterfalls. We do not find such a fine Waterfalls anywhere else in India. It is very difficult to find any other Waterfalls anywhere else with such easy accessibility and approachability. As for the efficacy and health restoring power of the Waterfalls, I only wish to read an extract from the report of the Medical Committee constituted in 1811, i.e., about 143 years ago, by the East India Company. It says—

‘ The falling of the water, after the first shock is over, gives an indescribable feeling of pleasure ; by its constant beating it quickens a fine glow all over the body and has besides the further good effect of dispelling languor, raising the spirits, exciting appetite and promoting digestion in a superior degree to any other kind of bathing that we are acquainted with. It has the consequence of these virtues together with the delightful climate of the valley itself, and has been the happy means of rapidly restoring many to health and comforts, who previous to their visit to Courtallam appeared to be hastening to their graves.’

Such a beautiful place deserves to be developed in all possible ways. I therefore request that the Bill may be taken into consideration, I thank you, Sir.”

SRI G. GOVINDAN :—“ கனம் உதவி சபாநாயகர் அவர்களே, குற்றலம் டவுன்ஷிப் சட்டத்தில் தமிழ் நாட்டின் அழகான பெயராகிய குற்றலம் என்ற பெயர் வந்திருக்கிறது. பல பல வருஷங்களாக நமது நாட்டை வெள்ளையர் ஆண்டு வந்ததின் காரணமாக குற்றலம் என்ற பெயர் கோர்ட்டாலம் என்று மாறிவிட்டது. அந்தப் பெயரையே இன்றைக்குச் சட்டத்திலும், நாம் சுதந்திரம் அடைந்த பிறகு, கொடுப்பது சரியல்ல. இதை மாற்றி குற்றலம் என்றே அழைக்க வேண்டுமென்று நான் விரும்புகிறேன்.”

SRI S. RAMALINGAM :—“ On a point of order, Sir. அவர் சொல்லுகின்ற இரண்டு பெயருக்கும் வித்தியாசம் என்ன இருக்கிறதென்றே எனக்குத் தெரியவில்லை. ஆகவே அவரை இரண்டுக்கும் ‘ஸ்பெல்லிங்’ சொல்லும்படியாக நான் கேட்டுக் கொள்ளுகிறேன்.”

SRI G. GOVINDAN :—“ கனம் சபாநாயகர் அவர்களே, வெள்ளையன் ஆட்சி நம் நாட்டைவிட்டு ஒழிந்து சிறிது காலத்திற்குள்ளேயே நமது கம்யூனிஸ்டு நண்பருக்கு நான் சொல்லும் வார்த்தையின் ஸ்பெல்லிங் கூடத் தெரியவில்லை. அதை நானே சொல்லவேண்டுமென்று அவர் கேட்கும்பொழுது . . . எனக்குச் சிரிப்பும், சந்தோஷமும் வருகிறது. அவரது கையில் கொடுக்கப்பட்டிருக்கும் சட்டத்திலேயே அந்த வார்த்தையின் ஸ்பெல்லிங் இருக்கிறது. அதை அவர் பார்க்கும்படியாக அவரை நான் கேட்டுக்கொள்கிறேன்.”

[Sri G. Govindan]

[12th May 1954]

“நிற்க கனம் ஐ. கே. சுப்பிரமணிய பிள்ளை அவர்கள்கூட குற்றலம் என்றுதான் ஆங்கிலத்தில் பேசினார்கள். ஆகையால் கோர்ட்டாலம் என்பதை மாற்றி குற்றலம் என்றே இந்தச் சட்டத்தில் குறிப்பிட வேண்டுமாய் நான் கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

SRI T. C. NARAYANAN NAMBIAR:—Mr. Deputy Speaker, with regard to the Bill that has been brought forward to constitute a Township Committee for ‘Kootha Alayam’ in the Tirunelveli district, I wish to submit that it is highly necessary that it should be referred to a Select Committee. The citizens of that panchayat board have submitted representations to the Government objecting to the formation of a Township Committee in the place of the panchayat board. Some of the hon. Members who were just now arguing in favour of the Bill were stating that the Bill has been brought forward as the panchayat board concerned is not in a position to look to the facilities and convenience of the people who go there to take rest. I want to know whether it is not a fact that the panchayat board is not in a position to do the needful in the matter as they do not possess wide powers. Nowadays, the powers conferred on the panchayat boards are very restricted. This is the reason why the panchayat board has not been able to provide more facilities and amenities to those who visit the health resort. That is why we say that more powers should be conferred upon these panchayats. If they are so much interested, they can very well say that the Township Committee will itself be elected. We find that this committee is going to be a nominated committee. As my hon. Friend Mr. Manali Kandasami said, even people from outside that area may be nominated to this committee. Moreover, there is another dangerous provision in this Bill. That is, by a notification in the *Fort St. George Gazette*, this can be extended to other areas also. If the Bill with such provisions, dangerous as they are, is allowed to be passed, then so many other panchayats constituted by regular elections by the people of this State will be abolished and we will have an Advisers’ regime, or if I may call it an Executive Officers’ regime. Only such an Executive Officers’ regime will be imposed on the people much against their wish. There is another provision from which we find that eight members will be nominated to the Courtallam Township Committee. Apart from these eight members, another gentleman will be appointed as Executive Officer. These are some of the provisions which we consider as very harmful. Therefore, I submit that this Bill may be sent to a Select Committee so that all these questions can be carefully and properly examined and necessary changes may be made. I hope that the Hon. Minister for Local Administration will be able to accept this suggestion.”

SRI S. N. SOMAYAJULU:—கனம் சபாநாயகர் அவர்களே, குற்றலத்தைப் பற்றி பல கவிஞர்கள் பாடியிருக்கிறார்கள். பல யோகியர்கள் பாராட்டியிருக்கிறார்கள். திரிகூட ராசப்பக் கவிராயர் என்பவர் குற்றலக் குறவஞ்சி என்ற பாடலிலே

‘ஓடக் காண்பது, புதுப்புனல் வெள்ளம்
ஒடுங்கக் காண்பது யோகியர் உள்ளம்’,

என்று வரும் இடம் மிசவும் அற்புதமானது. அழகானது. படிக்கப்படிக்க

[12th May 1954]

[Sri S. N. Somayajulu]

சுவை தரக்கூடியது. இவ்வளவு இயற்கை எழில் வாய்ந்த அந்த குற்றலத்தைச் செம்மைப்படுத்த வேண்டும். இருக்கும் இயற்கை அழகோடு செயற்கை முறையிலும் அழகுபடுத்தவேண்டுமென்ற எண்ணம் பல பல வருஷங்க ளாகவே இருந்து கொண்டிருக்கிறது. இதற்கு வேண்டிய முயற்சிகள் எல்லாம் இந்தச் சர்க்காரின் காலத்தில் உண்டானவைகள் அல்ல. இன்று நேற்று தோன்றிய இயக்கமும் அல்ல இது. இந்த எண்ணம் தோன்றி சுமார் பத்து வருஷங்களுக்கு மேலாகி விட்டது. நண்பர் ஸ்ரீ ஐ. கே. சுப்பிர மணிய பிள்ளை அவர்கள் குறிப்பிட்டதைப்போல 1949-ம் ஆண்டிலேயே இந்த மசோதாவைக் கொண்டு வருவதற்கான முயற்சிகள் எடுக்கப்பட்டன.

“இந்த மசோதாவை எதிர்த்துப் பேசிய சில அன்பர்கள் இதைப் பணக்காரர்களின் வாசஸ்தலமென்று சொன்னார்கள். அது தவறு. முற் றிலும் தவறானது. கோடைக்காலம், ஊட்டியைப் போன்றதல்ல குற்ற லம். இது ஏழைகளின் வாசஸ்தலம். இங்கே இரண்டொரு பணக்கார கள் குடியிருக்கலாம். ஆனால் இந்தக் குற்றலத்தைச் சுற்றியுள்ள தென்காசி போன்ற இடங்களிலிருந்து பல ஏழை மக்கள் காலையிலே அருவிக்கு வருவார்கள். தைலத்தைத் தேய்த்துக்கொண்டு அருவியாடுவார்கள். பின்னர் ஹிந்து மதத்தினர்கள் பெரும்பாலும் அம்மலையில் எழுந்த தருவியுடன் கூத்தன் தரிசனம் செய்வார்கள். பிற மதத்தினராக இருந் தால் அருவியின் சலசலப்பின் ஒலியையும், வானத்தில் படர்ந்து நிற்கும் மேகத்திரள்களின் அழகையும், மலைக்காட்டிலே மலர்ந்துள்ள மலரின் எழிலையும் கண்டு பரவசப்பட்டு நிற்பார்கள். இப்படி இயற்கை எழில் நிரம்பிய இந்த இடத்தை ஒரு நல்ல சுகாதார வாசஸ்தலமாக ஆக்கவேண்டு மென்ற கருத்து நீண்ட நெடுநாளாக இருந்து கொண்டிருக்கிறது.

“அருவிக்கு வந்து நீராடி விட்டு ஊருக்குத் திரும்பிச் செல்லுங்கால் அழகான அந்த மலைக்குப் பக்கத்திலேயே வாய்க்காலும், அதன் அருகில் மீன் கடைகளையும் பார்க்கலாம். நம் மக்களுக்குத்தான் சொல்லவேண் டாமே. எப்படி சுகாதாரத்தை பாழ்படுத்துவது என்பது அவர்களுக்குத் தான் சர்வ சாதாரணமாக தெரியும். அவைகளையெல்லாம் சரிப்படுத்தி வருபவர்கள் அனைவருக்கும் அதை ஒரு நல்ல health resort-ஆகச் செய்யவேண்டுமென்ற நோக்கத்தோடுதான் இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது.

“எதிர்க்கட்சியைச் சேர்ந்த ஸ்ரீ கந்தசாமி அவர்களும், ஸ்ரீ கே. பி. மேனன் அவர்களும் இந்த மசோதாவை சர்க்கார் ஏதோ கட்சி மனப் பாண்மையோடு கொண்டு வருவதைப்போலப் பேசினார்கள். இது ரொம்ப வும் வருந்தத்தக்கதாகும். குற்றலம் பஞ்சாயத்துப் போர்டு தேர்தலுக்கு காங்கிரஸ் கட்சி எந்த அபேட்சகரையும் நிறுத்தவில்லையென்பதை கனம் அங்கத்தினர்கள் அறிந்து கொள்ளவேண்டும். நிறுத்தி, தோல்வி ஏற் பட்டிருந்தால் காங்கிரஸ் கட்சிக்கு எவ்விதமான வோட்டும் வரவில்லையெ ன்ன்ற எண்ணத்தில் இதைக்கொண்டு வந்து விட்டதாக சொன்னால் ஒருக்கால் பொருத்தமானதாகத் தோன்றலாம். கனம் ஐ. கே. சுப்பிர மணிய பிள்ளையவர்கள் சுமார் பன்னிரண்டு வருஷ காலம் குற்றலம் பஞ்சாயத்து போர்டு தலைவராக சிறந்த முறையில் பணியாற்றியிருக்கிறார் கள். அந்த நகரை சர்க்காரே எடுத்துக் கொண்டு நிர்வாகத்தை நடத்தவேண்டுமென்ற எண்ணத்தை அவர்தான் விதைத்தார். அதற்குப் பிறகும் பல ஏற்பாடுகளைச் செய்து வருகிறார். இப்பொழுதுதான் அந்த மசோதா சபையில் பிரேரிக்கப்பட்டிருக்கிறது. புதியதாக முதன் முறை யாக மந்திரி ப்தவியை ஏற்றுக்கொண்டிருக்கும் கனம் ராமசாமிபடையாச்சி அவர்கள் இதை ரொம்பவும் துணிச்சலாக சபையில் சமர்ப்பித்திருப்ப தற்குப் பாராட்டுகிறேன். அவர் சபையிலுள்ள எல்லோருடைய பாராட்டுக் கும் உரியவர் என்பதும் உண்மை. ஆகவே அவர் பிரேரித்திருக்கும் மசோதாவை நான் வரவேற்கிறேன்.

“இரண்டாவதாக அங்கே ஏழைகளுடைய குடிசைகள் எதுவுமேயில்லை. அங்கிருக்கக் கூடிய நிலங்கள் எல்லாம் பெரும்பாலும் திருக்குற்றல நகரையே சேர்ந்ததாகும். சில பங்களாக்கள் நிலப்பிரபுக்கள் என்று

[Sri S. N. Somayajulu] [12th May 1954]

சொல்லப்படுகிற ராமநாதபுரம் ராஜாவுக்கு ஒரு பங்களா, சேத்துார் ஜமீன் தாருக்கு ஒரு பங்களா என்று இருக்கின்றன. ஆகவே அங்கு பெரும் பாலும் வந்து போகின்ற ஏழை மக்களுக்குத்தான் வசதி அளிக்கவேண்டுமென்ற நோக்கத்தோடு புரட்சிகரமாக இந்த மசோதா இன்றைய தினம் கொண்டுவரப்படுகிறது.

“பஞ்சாயத்து போர்டாகவே இருந்தால் அதிக வரி போட முடியாது. அதனால் அதிக செளகர்யங்களும் வருகின்றவர்களுக்குச் செய்து கொடுக்க முடியாது. ஆகவே சர்க்காரே இதைத் தங்களது நேரிடையான பார்வையில் வைத்துக்கொள்ள, குறைந்தது எட்டு மெம்பர்களையும், அதில் அரசாங்கத்தொடர்பு இல்லாத மூன்று அங்கத்தினர்களாவது இருக்கும்படியாக ஒரு கமிட்டியை போட்டு நிர்வாகத்தை நடத்த ஏற்பாடு செய்திருக்கிறார்கள். இப்படிச் செய்வதால் எதோ ஜனநாயகம் பறிக்கப்படுகிறது என்று சிலர் கூக்குரலிடுகிறார்கள். இதனால் எந்த விதமான ஜனநாயகமும் பறிக்கப்படுவதாக எனக்குத் தெரியவில்லை. சில வருஷங்கள் அதன் நிர்வாகம் இப்படியே நடந்தால் பின்னர் தேர்தலை நடத்தி குற்றாலம் டவுன்ஷிப் நிர்வாகத்தை அந்தப் பிரதேச மக்களின் கையிலேயே ஒப்படைத்து விடலாமென்று சர்க்கார் உறுதியும் அளித்திருக்கிறது. ஆரம்ப காலத்தில் எதுவும் கொஞ்சம் நன்றாக நடக்க வேண்டுமென்றால் நாட்டில் சர்வாதிகாரம் இருக்கத்தான் வேண்டும். சர்வாதிகாரத்தால் எதுவும் கெட்டுப் போய்விடாது. ஆகவே சர்வாதிகாரியைப்போல சர்க்காரால் நியமிக்கப்படும் கமிட்டியின் நிர்வாகத்தில் குற்றாலத்தின் டவுன்ஷிப் கமிட்டியை விடுவதே சாலச் சிறந்தது என்பது என்னுடைய தாழ்மையான அபிப்பிராயம்.

“ஏழை மக்கள் எல்லோரும் நன்மை பெறவேண்டுமென்ற நோக்கத்தோடு, ஏழை மக்கள் எல்லோரும் பல சுகாதார நன்மைகளைப் பெற வேண்டுமென்ற நோக்கத்தோடு, ஏழை மக்கள் எல்லோரும் இந்த சுகாதார வாசஸ்தலத்திற்கு வந்து நன்மை அடையவேண்டுமென்ற நோக்கத்தோடு கனம் ராமசாமி படையாச்சி அவர்கள் இந்தச் சபையில் இந்த மசோதாவைப் பிரேரித்திருக்கிறார்கள். இதை எல்லோரும் ஆதரிக்கவேண்டும். அதைவிட்டு இதைக் கொண்டுவருவதன் மூலம் ஜனநாயகம் பறிபோய் விடுவதாகக் கூக்குரலிடுவது அர்த்தமற்றது. அறியாமையையே அது குறிக்கிறது. இந்த டவுன்ஷிப் கமிட்டியிலும் மக்களின் கருத்தை, அந்தப் பிரதேச மக்களின் அபிமானத்தைப்பெற்ற மூன்று தனி நபர்களும் இடம் பெறுவார்கள். இவர்கள் நல்ல கருத்துக்களை அவர்களுக்கு எடுத்துச் சொல்லலாம். ஆகவே எந்த விதமான ஜனநாயகமும் பறிபோய்விடாது. அதனால் எல்லோரும் பயமின்றி இந்த மசோதாவை ஆதரிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

SRI K. VENKATASWAMY NAIDU :—“Mr. Deputy Speaker, Sir, I welcome this Bill most heartily, because Courtallam is considered to be the poor man's Ootacamund. When people want to recoup their health and want recreation, they go to places like Ootacamund and Kodaikanal. But a poor man cannot afford such a luxury. But Courtallam being a village and having all conditions necessary for recoupment of health, it could be provided with very good amenities. We have got a first-class water-fall there which people say has very fine qualities for helping a man to regain his health. Another important thing is that we do not have such a water-fall anywhere else in this country which falls by cascades and it affords great relief to bathers there. The best bathing conditions exist there, people are coming in thousands and they do not have sufficient facilities; they find that they do not get good accommodation, good food supply and good sanitary conditions. Because, round-about the water-fall, the most

[12th May 1954] [Sri K. Venkataswamy Naidu]

insanitary conditions prevail, it has long been the agitation of people of Tirunelveli district and other places also that the place should be made much better. So Government have thought that there is no other way of meeting the wishes of the people. (Interruption.) Sir, the sanitary conditions there are very far from satisfactory or desirable. It is not possible for a small panchayat to make any improvements to that place. It is impossible for a small panchayat to undertake a task so heavy as that. It must be done only at Government level. It must be on a Government basis and state-wide basis. People from Madras and all parts of the world go to that place and so, it is the duty of the Government to see that very good and desirable conditions are established in that place. That is why this Township Bill is proposed.

“Sir, as Sri Somayajulu said part of the land very near the water-fall belongs to the temple. So the temple authorities should also co-operate in improving that place. The Government for their part must also co-operate by giving sufficient funds to make Courtallam an ideal place. If we achieve all this, we will be doing a great service to the poor people who go there in large numbers. Now they do not get the fullest advantage, because the sanitary conditions are not good and the town is not well-laid. It is very necessary that the town must be well-laid and then there must be sufficient amenities for the people going there. Then, the town can develop very well. It can then be handed over to any municipality or any other body.

“Nowadays, there is much of propaganda about Tourists' Traffic. If only people realize what exactly is the benefit one can get in that place, it would be better. People would flock to that place and we can make a very remunerative concern of it, at least from the tourist point of view.

“Considering all these advantages, I think we have brought in this Township Bill not a little too soon. I hope that we have the support of all sides of the House and that this Bill will be passed. It is a very useful measure.”

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—“Sir, I am indeed very happy that this Bill is placed before this House for consideration. As early as 1938, when Dr. Rajan was the Minister for Health, he was introducing the Public Health Bill in the Assembly. Rajaji, who was the Chief Minister then, wanted that a chapter should be introduced in the Bill to declare any township or portion of a municipality or any area under any district board or taluk board as a sanatorium for purposes of maintenance of public health, if it is used as a place of public resort. But Dr. Rajan did not want the Bill to be meddled with in any way though it was not the intention of Rajaji to do so. If that suggestion had been accepted, we would have seen in these fifteen years much more improvement to townships and other places in regard to

[Raja Muthiah Chettiar of Chettinad] [12th May 1954]

sanitation, etc., than we are able to see to-day. But better late than never. I am indeed very happy that this Bill has been introduced after all. But I must tell the Minister in charge of the Bill that he should not stop with this paper business but must give money to the township committee to be constituted to enable it to fulfil its functions effectively. There is no point in merely changing a panchayat board into a township committee. Sir, Mr. Somayajulu was making an eloquent speech about the condition of this ancient and historic place. Then, Mr. Venkataswami Naidu made a beautiful speech about the need for improving the sanitary condition of Courtallam. There is in our country, as in other countries, what is called tourist traffic. In South India there are four or five places which are capable of attracting tourists. In the Nigiris alone there are ten or twelve spots which are worth visiting. Retired men, active men and those who want to restore their lost health can all visit these places. There is Kodaikanal in the Madurai district. In each district there are places of public resort. In Rajapalayam there is a place called the Mudaliar Uruthu about 4,000 feet above sea level. There are many places in Malabar which are worth visiting. So, I would ask the Minister not to keep quiet with this Bill but to bring forward legislation to develop and improve other places of public resort. He must bring forward a comprehensive Bill taking power to appoint committees to improve panchayat areas or areas under the district or taluk boards or municipalities which can be developed as places of public resort so that tourists from all over the country may visit them. I would entreat the Hon. the Minister to think of the Courtallam Township Committee as almost a City Improvement Trust and build cheap tenements for the poor people who may visit the place. There are some tenements already but they will not serve the purpose. It is not possible for all to build good bungalows and hotels to be run because it will not be a prospective business since the bungalow owners or the hotel proprietors will not have any visitor during the off-season. Therefore, it is for the Government to build tenements for the sake of poor people who visit this place. The existing tenements are not of a good type. If the Government build a few tenements then it will be a model for other people to follow. Therefore, Sir, I would request the Government to provide more amenities to visitors and for this purpose to bring forward a comprehensive legislation quickly."

SRI A. GOVINDASWAMY NAYAGAR :—"கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவைச் செலக் கமிட்டிக்கு விடவேண்டுமென்ற பிரேரணையை நான் ஆதரித்து சில வார்த்தைகள் சொல்ல விரும்புகிறேன். குற்றலம் ஏழை மக்களுடைய சுகவாசஸ்தலம் இல்லை. ராஜாக்களுக்கும், ஜமீன்தார்களுக்கும், பெரிய பெரிய பணக்காரர்களுக்கும் வசதிகள் எவ்வளவு இருக்க வேண்டுமோ அவ்வளவும் அங்கே காணப்படுகின்றன. திரு. வெங்கடசாமி நாயுடு இந்த குற்றலம் ஏழைகளின் உதகமண்டலம் என்றார். ஆனால் ஏழைகள் போவதற்கும் அவர்கள் அங்கு தங்குவதற்கும் இந்த அரசாங்கம் வழிவகை ஒன்றும் செய்யவில்லை. ஏழைகள் அதைப்பற்றி எண்ண முடியாத அளவிற்கு, பணக்காரர்களுக்குத்தான் இன்று குற்றலம் உல்லாசபுரியாக விளங்குகிறது.

[12th May 1954] [Sri A. Govindaswamy Nayagar]

"நண்பர் சோமயாஜுலு அவர்கள் 'குற்றலத்தில் பங்களாக்கள் தான் நிறைய இருக்கின்றன. ஜமீன்தார்கள் தங்குவதற்காகத்தான் எல்லா வசதிகளும் செய்யப்பட்டிருக்கின்றன. அது ஒரு மானிகைகள் நிறைந்த இடமாக இருக்கிறது. ஆடம்பரக்காரர்களுக்காக அழகாக கட்டப்பட்டிருக்கிறது' என்று சொன்னார். இதுபோதாதென்று இந்த சர்க்கார் பணக்காரர்கள் நன்மைக்காக இன்னும் அழகுக்கு அழகு செய்வதுபோல அந்நகரத்தை அழகுபடச் செய்யப்போகிறார்கள். இந்த சீர்திருத்தத்தை ஸ்தல ஸ்தாபன மந்திரி அவர்கள் பணக்காரர்கள் வசதிகளைப் பாதுகாக்கவேண்டி இந்த மசோதாவை கொண்டு வர கருவியாக உபயோகப்படுத்திக் கொண்டது வருத்தமாயிருக்கிறது. இன்றைய தினம் இதை விட கிராம பொதுஜன நன்மைகளுக்கு எவ்வளவோ விஷயங்கள் கவனிக்கப்பட வேண்டியதாயிருக்கிறது. ஆனால் இந்நகரத்தை சீர்படுத்துவதில் எனக்கொன்றும் ஆசைப்போனை கிடையாது. இங்கே பஞ்சாயத்து போர்ட் நிர்வாகம் விரோதமாக இருக்கிறது. நல்ல Executive Officer போட்டு ஏன் அபிவிருத்தி செய்யக்கூடாது? ஜனநாயகத்தை குழித்தோண்டிப் புதைக்கும் வகையில் இந்த மசோதா கொண்டுவரப்படுகிறது. பொது ஜனங்களால் தேர்ந்து எடுத்தவர்களை நம்பாது யாரோ சிலரை Township கமிட்டியில் போடுவதால் என்ன நன்மை ஏற்பட்டுவிடும். நகர அபிவிருத்தி என்று சொல்லிக்கொண்டு ஏழை குடிசைகளை அப்புறப்படுத்துவார்கள். ஒரு சில குடிசைகள் கூட இல்லாமல் ஜனங்கள் தவிக்கும் காலத்தில் மேலும் மேலும் பணக்காரர்களுக்கு வசதி செய்து கொடுக்கப்படுகிறது. Township Committee அமைத்தால் எல்லோரும் போய் தங்குவதற்கு ஒரு சுகவாசஸ்தலமாக இருக்க வேண்டும் என்பதற்காக பல சீர்திருத்தங்கள் செய்யப்போவதாக கனம் மந்திரி கூறுகிறார். தெய்வ நம்பிக்கை உள்வவர்கள் ஆண்டவனை தரிசிப்பதாக சொல்லுகிறார். அப்படி சொல்லுகிறபோது மாமிசம் சாப்பிடக்கூடாது, முட்டைகூட எடுத்துச் செல்லக்கூடாது என்று சொல்லுகிறார்கள். ஏன் காளத்தியப்பருக்கு கண்ணைக் கொடுத்த கண்ணப்ப நாயனார், மாமிசத்தைச் சுவைத்துச் சுவைத்து ஆண்டவனுக்கே கொடுக்கவில்லையா? அப்படி இருக்கும்போது முட்டைக்கு மாத்திரம் ஏன் இந்தத் தடை?"

SRI S. N. SOMAYAJULU :—"முட்டை, நாம் சாப்பிடவேண்டாம் என்று சொல்லவில்லை. எவ்வளவு வேண்டுமானாலும் சாப்பிட்டும். ஏழை, எட்டு முட்டைகள் வேண்டுமானாலும் சாப்பிட்டும்."

SRI A. GOVINDASWAMY NAYAGAR :—"இந்த மசோதா ஜனநாயக அடிப்படையில் திருத்தப்படவேண்டும் இப்பொழுது அங்கு இருக்கும் ஏழை மக்கள் நிலைமை மிக மிக மோசமாக இருக்கிறது. பணக்காரர்களின் நலனுக்கு பாதுகாப்பு அளிப்பதாகவும் ஏழைகளை கவனிக்காத வகையில் இருப்பதால் இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று கேட்டுக்கொள்கிறேன்."

(At this stage, Mr. Speaker resumed the Chair.)

SRI V. K. RAMASWAMI MUDALIAR :—"Mr. Speaker, Sir, I welcome this measure for the constitution of a township committee for Courtallam. As the previous speakers have pointed out, this matter has been engaging the attention of the Government for a very long time and I am of opinion that a responsible committee like this should be constituted. I have been one of the regular visitors to Courtallam for over a quarter of a century, and I know the conditions prevailing there. Some years ago, a Waterfalls Committee was constituted with—if my memory does not fail me—the Collector as Chairman and that committee has been doing very good work. It provided all sorts of amenities to tourists. But now the place has been kept in a very insanitary condition and during the season when visitors flock there from all parts

[Sri V. K. Ramaswami Mudaliar] [12th May 1954]

of the country, the panchayat board finds itself unable to provide all the necessary amenities for the tourists. If a responsible township committee is constituted I am sure that committee will do wonderful work. There is no question of setting at rest democratic principles in setting up this committee. Whether this Party is in power or some other Party comes into power that committee will continue to function and will be able to provide all the amenities for the tourists. Then, Sir, as the hon. Member Sri Muthia Chettiar said Government should also set apart some money to improve the amenities provided for the tourists. Otherwise the township committee by itself may not be able to provide all the amenities. The matter is urgent and it has been delayed for a very long time. Therefore I do not think any useful purpose would be served by referring this Bill to a Select Committee. I request the Government to proceed with the Bill with a view to provide necessary amenities for the tourists."

SRI P. VENKATESHA SHOLAGAR :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்ற திருத்தத்தை ஆதரித்து சில வார்த்தைகள் பேச விரும்புகிறேன். இந்த மசோதா பொதுஜனங்களுடைய அபிப்பிராயத்திற்கு மாறாக இருக்கிறது. இந்த திட்டம் கொண்டுவருவதினால் ஏழைகள் சிலர்தான் நன்மை அடைய முடியும். பெரிய, பெரிய பணக்காரர்களுக்கும் வசதியுடையவர்களுக்கும் தான், இங்கே மேலும் வசதி அடைய வழி இருக்கிறது. அதற்காகத்தான் ஏழைகளின் நன்மையை பாதுகாக்கவேண்டுமென்ற காரணத்திற்காக **Township Committee** ஏற்படுத்துவதைப்பற்றி பல அங்கத்தினர் தங்கள் அபிப்பிராயத்தை குறிப்பிட்டார்கள். டவுன்ஷிப் கமிட்டி கொண்டு வருவதில் குற்றமில்லை அதைப்பற்றி ஆக்ஷேபணைகளும் இல்லை யென்று தெரிவித்துக்கொள்ள விரும்புகிறேன்.

"இதில் முக்கியமாக கவனிக்கவேண்டியது டவுன்ஷிப் கமிட்டியில் பொதுப் பிரதிநிதிகள் இருக்கவேண்டும். இந்தக் கமிட்டியில் மிகவும் பொறுப்பு வாய்ந்தவர்களை போடவேண்டும். இந்தக் கமிட்டியானது ஒரு விஷயத்தை கவனத்தில் வைத்துக்கொள்ளவேண்டியது அவசியம். சர்க்கார் கட்சி மெம்பர்களே கூறும்போது அங்கு பெரும் புள்ளிகளுக்கு 1½ ஏக்கர் விஸ்தீர்ணத்தில் நிலம் உள்ளதென்று கூறினார்கள். குற்றமில்லை டவுனாக ஆவதால் அவர்கள் அந்த நிலத்தில் வீடுகளைக் கட்டி வாடகை சம்பாதிப்பதற்கு நல்ல வாய்ப்பு கிடைக்கும். இதை விஸ்தரிக்கும்போது அங்கு 20, 30 செண்டு நிலம் உள்ளவர்கள் வீடுகளிலிருந்து அப்புறப்படுத்தப்பட்டால், அவர்களுக்கு வேறு நிலம் கிடையாது. ஊரைவிட்டு வெளியே வேண்டும். அப்படி இல்லாமல் அவர்களுக்கு நிலமளித்து வீடு அளித்து பாதுகாக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இங்கு குறிப்பாக ஏழைகளுக்கு வசதிகள் செய்வதற்கான ஏற்பாடுகள் செய்யவே குற்றமில்லை நகரம் சீரமைப்பு செய்யும் காலத்தில் பக்கத்திலுள்ள கிராமப் பகுதியிலும் அபிவிருத்தி செய்ய ஏற்பாடுகள் செய்யவேண்டும். ஆதலால் இந்த நகர சீரமைப்பு திட்டத்தில் கமிட்டிக்கு பொதுமக்களின் ஒற்றுமையும் சர்க்காரின் பண வசதியும் இருக்கவேண்டும். ஆதலால் இந்த மசோதாவை பொறுக்குக் கமிட்டியின் பரிசீலனைக்கு விடவேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்."

SRI T. ANANTA PAI :—" Mr. Speaker, Sir, I congratulate the Government on bringing forward this Bill to develop Courtallam as a possible tourist centre. We have been speaking a lot in this country about developing tourist traffic without having been able to do much. Places like this are assets not only to

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South India but they belong to the country as a whole. If such centres are properly developed we can develop considerable tourist traffic in this country and get a lot of foreign exchange. Every other country is vying with each other in presenting its best parts to the world and getting people to visit those places. They are spending money on these places so that it may incidentally provide employment and increase trade internally in the country. From this point of view even considerable attention requires to be paid to many of the tourist centres in this country. In addition to improving the sanitation of the places, they should be made as attractive as possible supplementing what nature has already provided in those places. Therefore I am glad the Government of Madras have thought it fit to develop the centre. I am sure even the Central Government would do its best to see that this centre is adopted as one of their own and provide necessary funds to make this a very attractive place. So far as this aspect of the question is concerned there can be no difference of opinion among members of this House. The objection of the opposition has been mainly to the provision of nomination for the proposed council which is to be in charge of this township.

"Sir, according to me, the Opposition seems to have given too much importance to the form of democracy rather than to the spirit. Here is a House consisting of Members who have been representing the people elected on adult franchise. To-day we ourselves are saying that in a place like this it is better to have a nominated council running the administration instead of an elected one for one simple reason. We have gone through a number of elections very recently. Even in the villages where the field of election is small, it is common experience that castes, communities and all sorts of considerations come in with the result that the party faction continues. Party faction has come in the way of active work being done by these bodies. If hon. Members will look at the working of the Panchayat Boards, they will find most of them are in a stand-still, either the President does not agree with the Members or the Members do not agree with the President. Elections have been very often fought on party lines and the experience of the working of these Panchayat Boards has been very bad. If a suggestion comes from one party to put up a road, simply because the suggestion comes from a particular party, the members of the other parties oppose it. Everybody wants to take credit for doing a certain thing.

"I do not know why we should insist on having an elected body for the purpose of beautifying a town or for the provision of some amenities for a certain town and allow faction to continue. Even Shri Acharya Vinobha Bhave has recently come out with a suggestion that the main bane of the present day India is these elections when people do not know how to accommodate themselves even after the elections are over and factions are allowed to continue. Sir, I do not think much good work can be done if the work is entrusted to an elected body. The main reason why much work

[Sri T. Ananta Pai]

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has not been done even in the Community Project areas and the National Extension Service areas is that people divide themselves easily and do not come together even for a common purpose. Therefore if we want to improve Courtallam within the shortest possible time, we must get the best of men together who can take active interest in beautifying the town rather than represent this party or that party. I hope and believe that for some time at least people with imagination, with an aesthetic sense will be appointed to this council rather than those with other considerations. The function of the council is only to beautify the town and provide amenities to the tourists. A nominated council might be able to function very much better than an elected one. Of course if the nominated council fails to do its work properly, we have power in our hands and we can get an elected body to do this work in due course.

“Thank you, Sir.”

SRI P. JEEVANANDAM :—“கனம் அவைத் தலைவர் அவர்களே, குற்றாலத்தின் சிறப்பைப்பற்றி, இயற்கை வளப்பைப்பற்றி யெல்லாம் இந்த மசோதாவைக் கொண்டுவருகிற போது பல நண்பர்கள் சொல்லியிருக்கிறார்கள். தமிழ் இலக்கியத்தில், திருஞான சம்பந்த சுவாமிகள் பாடல்களை எடுத்துப்பார்த்தால், பாட்டுக்குப் பாட்டு நம் தமிழகத்தின் இயற்கை வளத்தைப்பற்றி அழகு சொட்டச் சொட்ட பாடியிருக்கிறார். குற்றாலத்தின் அழகைப்பற்றி பாடியிருக்கிறார். தமிழ் அறிந்தவர்களுக்குத் தெரியும், இரண்டு மூன்று நூற்றாண்டுகளுக்குள்ளாக எழுந்த தமிழ் இலக்கிய நூல்களில் ஒரு சிறந்த நூல் குற்றாலக் குறவஞ்சி என்று. அதில் தேன் அருவியைப்பற்றியும், மந்திகள் மரத்திற்கு மரம் தாவித் தாவிச் செல்வதைப்பற்றியும், மேகத்தோடு மரங்கள் கொஞ்சுவதைப்பற்றியும் இப்படியெல்லாம் மிகச் சிறப்பாக பாடப்பட்டிருக்கிறது. அவைகளை இப்பொழுது நான் பாடுவதற்குத் தயாராயில்லை. ஏனென்றால், கொடுக்கப்பட்ட ஐந்து நிமிஷ நேரத்தில் பேச வேண்டிய விஷயங்களையெல்லாம் பேச முடியாது.”

THE HON. SRI C. SUBRAMANIAM :—“ஒரே ஒரு பாட்டுப் பாடுங்கள்”

SRI P. JEEVANANDAM :—“இவ்வளவு சிறந்த அழகுடைய பிரதேசத்தில் எழில் மிக்க இயற்கையன்னை அழகே இன்ப வடிவாகக் குடி கொண்டிருக்கிறாள்—குற்றாலத்தில் இது நமக்குப் பெருமையளிக்கிறது.

“இதை நகரமாக்குவதற்கு திட்டமிடவேண்டும்; நகரமாக்கவேண்டுமென்ற எண்ணம் சர்க்கார்த் தரப்பில் வந்திருக்கிறதே இது மிகழ்ச்சி யோடு வரவேற்கத்தக்கது. ஆனால், அதே சமயத்தில் அந்தப் பிரதேசத்தில் மக்கள் இருக்கிறார்கள். குற்றாலத்தில் மக்கள் இருக்கிறார்கள். குற்றாலத்தைச் சுற்றி, தென்காசி தாலுகா மக்கள் இருக்கிறார்கள் என்பதை மறந்துவிடக்கூடாது. இந்த அழகை அந்த மக்களும் அனுபவிக்கும்படி வசதி செய்யவேண்டும். அதை அழகுள்ள நகரமாக்கி அழகுணர்ச்சியுள்ள எல்லோரும் அங்கு சென்று உணர்வதற்கும், அங்கு சென்று உறைவதற்கும், அழகைத் துய்ப்பதற்கும், அந்த மக்களுடைய உழைப்பும் ஆதரவும் கிடைக்கவேண்டும். அவர்களும் அதை உணரவேண்டும் என்பதை சட்டத்தைக் கொண்டு வருகிறவர்கள் முக்கியமாகக் கருதவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். அப்படியானால், அந்த மக்களுடைய ஆதரவும் வேண்டும். இந்த நகர விஸ்தரிப்பு மசோதாவுக்கு இன்று அவர்கள் பேரா தரவைத் தரவேண்டும் என்றால், அவர்களுக்கு அதனால் நஷ்டம் ஏற்படும் என்ற நிலைமை ஏற்படாமல் இருக்கவேண்டும். இந்த மசோதாவில் அது இல்லை. ‘எப்படித் திட்டம் வகுக்க வேண்டும்?’ இயற்கை அழகோடு பொன் குடத்திற்கு பொட்டு இடுவதைப் போல் செயற்கை அழகை இந்த

[12th May 1954]

[Sri P. Jeevanandam]

ஜனநாயக ஆட்சி எப்படிச் செய்யப்போகிறது என்ற திட்டமோ நுட்பமான விவரங்களோ வைக்கப்படவில்லை என்பதை மறக்கக்கூடாது. அப்படி வருகிறபோது அங்கு இருக்கக்கூடிய மக்களுடைய நிலங்களை எடுக்க வேண்டியிருக்குமா, குடிசைகள் எவ்வாறு பாதிக்கப்படும், என்பதற்கெல்லாம் மக்களுடைய யோசனைகள் கேட்கப்படவில்லை. அவர்கள் எந்த அளவு நகர விஸ்தரிப்புத் திட்டத்தில் கொண்டுவரக்கூடிய சட்டத்தை அமுலாக்குவதற்கு பங்கு கொள்வார்கள் என்பதை நாம் முக்கியமாக கவனிக்கவேண்டும். அது இங்கே வரவில்லை.

“நண்பர் ஸ்ரீ சோமயாஜலு அவர்களைப் போல எனக்கும் குற்றாலத்தைப் பற்றி முப்பது ஆண்டுகளாகத் தெரியும். குற்றாலத்தின் இயற்கையழகை நான் நுகர்ந்திருக்கிறேன். அங்கிருக்கக்கூடிய பங்களாவில் வசிப்பவர்களைப் பற்றி மட்டும் நாம் கணக்கில் எடுத்துக்கொண்டு மற்றவர்களை நாம் மறந்துவிடக்கூடாது. வண்டிகள் தூரதொலையிலிருந்து வந்து தேனைப் பருகும். தடாகத்திலுள்ள தவளைகள் தேனின் அருமையை அறியாமல், அனுபவியாமல் வாழும். இவ்வாறு இருப்பது ஜனநாயகம் அல்ல என்பதை இந்த சந்தர்ப்பத்தில் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். அந்த இடத்தை நகரமாக விஸ்தரித்து அபிவிருத்தி செய்வதற்கு என்னுடைய வேண்டுகோள் என்னவென்றால் எதிர்க்கட்சிகள் கூறியபடி இந்த மசோதாவை செலக்ட் கமிட்டியின் பரிசீலனைக்கு விட்டு, செய்வதைத் திருந்தச் செய்யவேண்டும்.

“கனம் அங்கத்தினர் ராஜா ஸர் முத்தையா செட்டியார் அவர்கள் நமது ராஜ்யத்தில் எவ்வளவோ அழகிய நகரங்களை படைக்க முடியும். அதற்கு முதல் தொடக்கமாக இப்பொழுது குற்றாலத்தை நகரமாக்குவதை வரவேற்கிறோம் என்று கூறினார். நல்லது, ஆனால் இதை ஜனநாயக ரீதியாகச் செய்யவேண்டும். நண்பர் ஸ்ரீ சோமயாஜலு அவர்கள் கூறும்போது, முதலில் சில நல்ல காரியங்களுக்கு சர்வாதிகாரம் அவசியமாக இருக்கிறது என்ற முறையில் சொன்னார்கள். நல்ல காரியத்தைச் செய்ய தவிர்க்கமுடியாதபடி சர்வாதிகாரம் தேவை என்றால்தான் அதைப் பற்றி நினைக்கவே வேண்டும். ஆனால் இந்தப் பிரச்சினையில் மக்களிடத்தில் கலப்பதற்கு, யோசனை கேட்பதற்கு அவர்களுக்கு நஷ்டம் வராமல் செய்வதற்கு அவர்களுடைய மனப்பூர்வமான ஒத்துழைப்பைப் பெறவேண்டும். அதைப் பெறுவதற்கு முயற்சி செய்யவில்லை. அப்படி இன்னும் சாவகாசம் கொடுக்காமல் எதிர்ந்தரப்பில் இருக்கக்கூடிய அங்கத்தினர்களும் பொது மக்களும் தமிழ் உணர்ச்சி உடையவர்களும் உண்மையிலேயே அழகு தரும் இயற்கை வளமானது நாட்டில் ஏற்பட வேண்டுமென்ற அக்கரை உடையவர்களும் தங்கள் கருத்தைக் கூறவும் அந்த பிரதேசத்தில் வாழும்படியான பத்தாயிரக்கணக்கான மக்களுடைய ஆதரவைப் பெறவும் சாவகாசம் கொடுக்க வேண்டும். இந்த மசோதாவை நல்ல எண்ணத்தோடு கொண்டு வந்திருந்தால்—நல்ல எண்ணத்தோடு தான் கொண்டு வந்திருக்கிறார்கள் என்று நினைக்கிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“நல்ல எண்ணத்தோடுதான் இது கொண்டுவரப்பட்டிருக்கிறது.”

SRI P. JEEVANANDAM :—“சர்க்கார் நல்ல எண்ணத்தோடுதான் இதை கொண்டுவந்திருப்பதாக அமைச்சர் அவர்கள் கூறுகிறார்கள். நல்ல எண்ணமாக இருப்பதைக்கண்டு மிக மகிழ்ச்சி. நல்ல எண்ணம் இருப்பதால், எல்லோருடைய ஒத்துழைப்போடும் கூட குற்றாலத்தை சிறந்ததொரு நகரமாக்குவதற்காக, சிறிது சாவகாசம் கொடுக்க வேண்டுமென்று கேட்டுக் கொண்டு, இந்த மசோதாவை செலக்ட் கமிட்டிக்கு விடவேண்டுமென்ற திருத்தத்தை நான் ஆதரித்து, என்னுடைய வார்த்தையை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

SRI P. SELVARAJ :—“Mr. Speaker, Sir, as a result of the partial conquest of time and space, it is now possible for people to avail themselves of the opportunities for visiting health resorts

[Sri P. Selvaraj]

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and tourist centres. Our Government wish to take credit for improving Courtallam, a famous health resort, and have brought forward this legislation for the appointment of a Township Committee to administer its municipal affairs. It has been proved even from ancient days, as hon. Member Sri I. K. Subramania Pillay also pointed out, that the water of Courtallam has got a medicinal effect. It is therefore essential or rather useful to convert Courtallam into a township. But, for a growing township, it is very necessary to have, in the first place, an expert committee without any prejudice and without any likes or dislikes. If, as hon. Members on the other side, have said a democratically elected representative committee is to be set up to carry on the administration of the township, the administration is likely to suffer because of the likes or dislikes of such a committee and the committee will not be able to discharge its function efficiently. As in times of war, so also in the early days of the creation of a new township, pure and unadulterated democratic management of affairs cannot make headway, and therefore, it is essential that a Township Committee with an independent view should be set up. There is therefore no use in saying that democracy is in danger and that democratically elected members should be in the Committee to carry on the administration of the Township of Courtallam.

“After all, Sir, as hon. Members on this side have said, Courtallam is a small place having a very few houses and it is only the neighbouring village which has a population of about a thousand and this is the major village which constitutes the Courtallam Panchayat. I do not see why the hon. Members on the other side should think that even though Courtallam becomes a small town, the existing Panchayat could not carry on its own administration or that only by entering the Township Committee they could discharge their duties in regard to improving the welfare of the people. Even by remaining outside the Township Committee, the public have got opportunities to place their views before the Township Committee and thereby improve the township. I therefore wholeheartedly support the Bill that has been brought forward and oppose the amendment to refer it to a Select Committee.”

SRI T. SHANMUGAM:—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று ஒரு சின்ன திருத்தத்தைக் கொண்டு வந்திருக்கிறார்கள். இது ஒரு பிரமாதமான காரியம் அல்ல. இப்போதே கோடி கோடியாகப் பணத்தைச் செலவு செய்து Town ஆக செய்யப்போவதில்லை. சென்ற ஏழு, எட்டு வருஷங்களாக அந்தக் காரியம் pending-ல் இருந்து வருகிறது. இதை பொறுக்குக் கமிட்டிக்கு விடுவதில் என்ன ஆட்சேபனை இருக்கிறதென்று தெரியவில்லை. கட்டாயமாக இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விட்டுவிடலாம். இதற்குப் பணம் தேவையாக இருக்கிறது! பணத்தைச் சேகரித்து சாவகாசமாகவும் மெதுவாகவும் இதைச் செய்யலாம். இது விஷயமாகப் பஞ்சாயத்து போர்டையும் consult பண்ணவேண்டும். பஞ்சாயத்து போர்டே இந்த அபிவிருத்தி காரியங்களைச் செய்யுமா? செய்யாதா? பஞ்சாயத்து போர்டுக்குப் பதில் முனிசிபாலிட்டியாக்கலாமா? Township கமிட்டி ஏற்பாடு பண்ணவேண்டியது அவசியந்தானா? என்ற விஷயங்களைப்பற்றி

12th May 1954]

[Sri T. Shanmugam]

யெல்லாம் முடிவு செய்வதற்குமுன் ஸ்தல பஞ்சாயத்து போர்டை முதலில் கேட்க வேண்டும். நம்முடைய சர்க்காருக்கு பஞ்சாயத்து போர்டு இருந்தாலும் பிடிக்கவில்லை, ஜில்லா போர்டு இருந்தாலும் பிடிக்கவில்லை. இவைகளை யெல்லாம் ஒழித்துவிட்டு அதற்குப்பதிலாக Officials களையே வைக்கவேண்டுமென்று நினைக்கிறார்களேயொழிய, ஜனநாயக ரீதியாக காரியங்களைச் செய்வதில்லை. ஜனநாயகம் போய்விட்டது என்று தான் சொல்ல வேண்டியிருக்கிறது. இந்த சர்க்கார் ஜனநாயக தத்துவத்தையே மறந்து விட்டார்கள். மக்களால் தேர்த்தெடுக்கப்பட்ட பிரதிநிதிகளைக் கொண்டு எல்லாக் காரியங்களையும் நடத்தவேண்டும் என்பதை இதற்குமுன் முதல் மந்திரியாயிருந்த ஸ்ரீ ராஜகோபாலாச்சாரியாருடைய நாளிலிருந்தே விட்டுத் தொலைத்து விட்டார்கள். ஜில்லா போர்டு தலைவருக்குப் பதில் கலெக்டர்களை ஸ்பெஷல் ஆபீசராக வெகு நாளாக இருந்து வருகிறார்கள். பிறகு, ஜனங்களால் வெறுக்கப்பட்டுத் தோற்கடிக்கப்பட்ட எம்.எல்.ஏக்கள் கவர்னர்களாகவும் மந்திரியாகவும் இருப்பதைப் பார்க்கிறோம். ஆகவே, நம்முடைய சர்க்காரைப் பொறுத்த வரையில் ஜனநாயகமே இல்லை என்று தான் சொல்லவேண்டியிருக்கிறது. நான் சொல்லுவது என்னவென்றால், முதலில் பஞ்சாயத்து போர்டினுடைய அபிப்பிராயத்தை சர்க்கார் கேட்க வேண்டும். பஞ்சாயத்து போர்டாரிடமே நிறைய பணத்தைக் கொடுத்து, எக்ஸ்பீடியூடிவ் ஆபீசர், சூபர்வைசர், அலிஸ்டெண்ட் இன்ஜினீர் முதலியவர்களைக்கொண்டு, இந்தக் காரியத்தை நடத்த முடியுமா? எத்தனை கோடி ரூபாய் வேண்டுமானாலும் அவர்கள் செலவு செய்ய முடியும். பஞ்சாயத்து போர்டை எடுத்து விடவேண்டுமென்று சொல்லுவது முற்றிலும் வெறுக்கத்தக்கது.”

THE HON. SRI C. SUBRAMANIAM:—“கட்டாயம் செலவு பண்ணலாம்!”

SRI T. SHANMUGAM:—“எக்ஸ்பீடியூடிவ் ஆபீசரும் அலிஸ்டெண்ட் இன்ஜினீயரும் நல்லவர்களாக இருந்தால் அவர்கள் என் அந்தப் பணத்தை செலவு பண்ணக்கூடாது? தங்களுக்கு வேண்டிய உத்தியோகஸ்தர்களைப் போடவேண்டுமென்றும் காங்கிரஸ்காரர்களையே நியமிக்க வேண்டும் என்றும் கருதுகிறார்கள் போலும். சர்க்கார் இப்படிச் செய்வது ஜனநாயகத்திற்கு அவ்வளவு பொருத்தமானது அல்ல. எனவே, அவர்களை நான் கேட்டுக்கொள்வது. இதைப் பொறுக்குக் கமிட்டிக்கு விட்டுவிடலாம். பிறகு பஞ்சாயத்து போர்டு மூலமாகவோ, முனிசிபாலிட்டியாக மாற்ற வேண்டுமானால், தேர்தலை நடத்தி அந்த ஊரிலேயே தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளைக் கொண்டோ அந்தக் காரியத்தைச் செய்யட்டும். பண உதவி செய்தால் யார் என்ன செய்ய மாட்டார்கள்? பஞ்சாயத் போர்டு தலைவராக பொது வாழ்க்கையைத் துவக்கி, முனிசிபல் சேர்மனாக வந்திருப்பவர்களை நாம் பார்க்கவில்லையா? அநேக மந்திரிகள் பஞ்சாயத்து போர்டு தலைவராகவும் இருந்திருக்கக்கூடும். ஆகவே, பஞ்சாயத்து போர்டாரால் இந்தக் காரியத்தை நடத்த முடியாதென்று சொல்வதை நான் ஒப்புக்கொள்ளமாட்டேன். எவ்வளவோ எக்ஸ்பீடியூடிவ் ஆபீசர்களும் சூபர்வைசர்களும் அலிஸ்டெண்ட் இன்ஜினீர்களும் திறமைசாலிகளாக இருக்கவில்லையா? அப்படிப்பட்டவர்களிடம் இந்தக் காரியத்தை விட்டால் நன்றாக நடக்கும். ஆகவே, அந்தப் பஞ்சாயத்தை போர்டின் மூலம் சீர்திருத்தம் செய்யப்படவேண்டும். Township ஆக்க வேண்டுமென்பதை நான் வரவேற்கிறேன். நானும் குற்றாலத்திற்கு அநேக தடவைகள் போயிருக்கிறேன். சாக்கடை ரோட்டிலே ஓடுவது போன்றவைகளெல்லாம் சீர்திருத்தப்பட வேண்டியது மிகவும் அவசியம் என்பதை நான் அறிவேன். ஆனால், ஜனநாயக முறைப்படி, அங்குள்ள பஞ்சாயத்து போர்டின் மூலமாகவோ, முனிசிபாலிட்டியாக்கி விட்டால் அதன் மூலமாகவோ தகுந்தபடி செய்யவேண்டுமென்று நான் இந்த சர்க்காரை வேண்டிக்கொள்வதோடு, இந்த மசோதாவைப் பொறுக்குக் கமிட்டிக்கு விட வேண்டுமென்ற திருத்தத்தையும் வற்புறுத்துகிறேன்.”

SRI R. S. ARUMUGAM:—“கனம் சபாநாயகர் அவர்களே, இந்த குற்றாலம் டவுன்ஷிப் கமிட்டி மசோதாவை ஆதரித்து ஒரு

[Sri R. S. Arumugam] [12th May 1954]

சில வார்த்தைகள் கூற விரும்புகிறேன். குற்றாலமானது எப்படி இயற்கை வளம் பெற்றது என்பது பற்றி நான் இந்த இடத்திலே தெரிவிக்க வேண்டியதில்லை. பழைய காலத்து பாட்டை எடுத்துக் கொண்டு டாலும் சரி, இப்பொழுது இந்த இடத்திலே எனக்கு முன்பு பேசியவர்கள் கூறியதிலிருந்தும், மற்றும் நேரிடையாகக் கண்டவர்கள் அதைப்பற்றி சொன்ன அனுபவத்திலிருந்தும் அதனுடைய இயற்கை வளத்தையும், அழகையும் தெரிந்து கொண்டிருப்பீர்கள். ஆகவே அதன் வளமையும் செழுமையும் எந்த நிலையில் இருக்கிறது என்பதைப் பற்றி இந்த இடத்திலே தெரிவிக்கத் தேவையில்லை.

“ஆனால் அப்படிப்பட்ட ஒரு செழுமையான இடத்திற்கு ஒரு நல்ல சுகாதார அமைப்புள்ள, சகல வசதிகளுக்கான வழிவகைகளையும் நல்ல முறையில் செய்யவேண்டுமென்ற நோக்கத்தோடு இந்த சர்க்கார் இதை ஒரு டவுன்ஷிப் கமிட்டிக்கு கீழ் விட்டு வைப்பதற்கு கொண்டு வரப்பட்டுள்ள இம் மசோதாவை என்னைப் போன்றவர்கள் பாராட்டாமல் இருக்க முடியாது. எனினும் இந்த இடத்திலே பேசின பல நண்பர்கள் பலதரப்பட்ட அபிப்பிராயங்களைச் சொன்னார்கள். சிலர் இது ஜனநாயகத்துக்கு எந்த விதத்திலும் ஒவ்வாத முறை என்று கூறினார்கள். அங்கு நிர்வாகம் பஞ்சாயத்து போர்டின் கீழ்தான் இருக்க வேண்டுமென்று கூறினார்கள். குற்றாலத்தில் நல்ல முறையில் சகல வசதிகளும் செய்யவேண்டியதிருக்கிறது, பணமும் செலவாகும். பஞ்சாயத்து கூடாது என்பதல்ல. பஞ்சாயத்து போர்டாரால் அவ்வளவுக்கு முடியாது. அங்கு காங்கிரஸ் கட்சிக்கு விரோதமான கட்சி நிர்வாகத்தில் இருக்கிறது, அதனால் தான் அதை சர்க்கார் நிர்வாகத்துக்கு கீழ் டவுன்ஷிப் கமிட்டிக்கு கொண்டு வரவேண்டும் என சர்க்கார் நினைக்கிறது என்று கூறினார்கள். ஆனால் இந்த இடத்தை விஸ்தரிப்பது பற்றியும், இதை டவுன்ஷிப் கமிட்டியாக சர்க்காருடைய நிர்வாகத்தின் கீழ் விடவேண்டுமென்பதைப்பற்றியும் கடந்த நான்கைந்து வருஷங்களுக்கு முன்பே திரு. ஐ. கே. சுப்பிரமணியம் அவர்களால் அந்தக் காலத்திலேயே முயற்சிகள் செய்யப்பட்டு வந்திருக்கிறதாகத் தெரிகிறது. ஆகவே இன்னொரு குறிப்பிட்ட கட்சிக்காரர் அதை நடத்துவதற்காக இப்படிப்பட்ட ஒரு புதுமையை சர்க்கார் உண்டு பண்ணியிருக்கிறார்கள் என்று கூறுவது எவ்விதத்திலும் நியாயமில்லை என்பதை தெரிவித்துக் கொள்ளுகிறேன்.

“மேலும் அந்த இடத்திலே இயற்கையை அனுபவிக்க ஆயிரக்கணக்கான மக்கள் வருஷந்தோறும் வந்து போகிறார்கள். சுமார் 20 ஆயிரம் மக்களுக்கு மேல் அங்கு வருஷந்தோறும் வந்து போவதாகக் கணக்கிடப்பட்டுள்ளது. ஒரு சிலர் மட்டும்தான் அந்த இடத்திலே வாழ்ந்து வருகிறார்கள். இந்த மாகாணத்தில் மாத்திரமல்லாமல், இந்தியாவிலிருந்தும் மற்றும் பல பாகங்களிலிருந்தும் இந்த இடத்தைப் பார்த்து இன்புற வந்து போய்க் கொண்டிருக்கிறார்கள். அப்படிப்பட்ட இடத்தை சகல வசதிகளுமுள்ள சுகாதார ஸ்தலமாக்க அவசியம் சர்க்கார் நிர்வாகத்தில் எடுத்துக் கொண்டால்தான் பல நல்ல காரியங்களைச் செய்யமுடியும். இப்படிப்பட்ட காரியங்களை பஞ்சாயத்து போர்டால் செய்ய வேண்டுமென்று சொன்னால், வீணாகக் கட்சிகளுக்கிடையே சண்டை சச்சரவு ஏற்படலாம். சில இடங்களை ஆர்ஜிதம் செய்யவேண்டியது வரும். அதில் சில கஷ்டங்கள் ஏற்படும். இதையெல்லாம் தவிர்ப்பதற்கு சர்க்கார் குற்றாலத்தின் நிர்வாகத்தை மேற்கொண்டு நடத்துவது சகல விதத்திலும் பொருத்தமானது ஆகும். அதோடு அங்கு ஏழைகள் வருவது கிடையாது என்றும், பணக்காரர்களுக்காக இதை வசதி செய்யப்படுகிறது என்றும் குறை கூறினார்கள். அவ்வாறு சொல்வது ஆச்சரியமாக இருக்கிறது. தென்காசி, கடையநல்லூர் போன்ற இடங்களிலுள்ள நூற்றுக்கணக்கான நெசவுத் தொழிலாளிகளும், மற்றும் அங்குள்ள சாதாரண மக்களும் தினமும் காலையில் வந்து குளித்துவிட்டு, தினமும் சுகாதார வசதியை அனுபவித்து விட்டுப் போகிறார்கள். குற்றால ரோட்டிலே அவர்கள் சாரை சாரையாகச் செல்வார்கள். அதையெல்லாம் பார்க்கும்போதே மிகவும் சந்தோஷமாக இருக்கும்.

“மேலும் முக்கியமான ஒரு விஷயத்தைத் தெரிவிக்க விரும்புகிறேன். நீலகிரி, உதகமண்டலம் இப்படிப்பட்ட இடங்களில் ஏழை மக்கள் போய்

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இன்பம் அனுபவிக்க முடியாது. காரணம் அங்கெல்லாம் அதிகப்படியான குளிர், ஹீட்டர் (heater) போன்ற உஷ்ணம் உண்டாகக் கூடிய கருவிகள் வேண்டும். அதோடு அதற்கான கம்பளி ஆடைகள் வேண்டும். ஏழைகள் அப்படிப்பட்ட வசதிகளுக்கு எங்கு போவார்கள்? ஆனால் குற்றாலத்திலே அப்படிப்பட்ட தேவைகள் எல்லாம் வேண்டியதில்லை. குற்றாலம், ஏழைகள் ஆயிரக்கணக்காக வந்து அழகான இயற்கை காட்சிகளையும், சுகாதாரத்தையும் அனுபவித்துப்போகக் கூடிய இடமாக அமைந்திருக்கிறது. ஆகவே இந்த ஏற்பாடு பணக்காரர்களுக்கு மாத்திரம் தான், ஏழைகளுக்கு இல்லை என்று சொன்னால் அதை யாரும் நம்புவதற்கில்லை. ஏழைகளும் சமமாகப் போய் அந்த இடத்திலே சகல வசதிகளையும் பெறும் தன்மையில்தான் குற்றாலத்தின் இயற்கையே அமைந்திருக்கிறது.”

MR. SPEAKER :—“சுருக்கமாக முடித்துக்கொள்ளுங்கள். திருப்பித் திருப்பி அதையே சொல்லிக்கொண்டிருக்கிறீர்களே?”

SRI R. S. ARUMUGAM :—“மேலும் நான் அந்த ஜில்லாவின் வாசி, எவ்வளவு ஏழை மக்கள் தங்களுக்கு வசதி கிடைத்த நேரங்களில் அங்கு சென்று அதன் பலனை அனுபவித்து வருகிறார்கள் என்பது எனக்குத் தெரியும். இச்சபையோரும் அதை எண்ணிப்பார்த்து இந்த மசோதாவை செலக் கமிட்டிக்கு விடவேண்டுமென்று சொல்லாமல், எல்லா நண்பர்களும், அங்கத்தினர்களும் இந்த மசோதாவை ஆதரிக்கும்படி கேட்டுக்கொள்ளுகிறேன்.”

SRI M. P. SUBRAMANIAM :—“கனம் சபாநாயகர் அவர்களே, இதுவரையிலும் சபையிலே இந்த மசோதாவைப் பற்றி பேசியதைப்பார்த்தபோது ஒரு இடத்திலே முற்போக்கான காரியங்களைச் செய்வது சுகாதார வசதி செய்வது, ஜனநாயக முறையில் முடியாது என்று பொருள்பட பல உறுப்பினர்கள் பேசினார்கள். அப்படிச் செய்யச் சர்க்கார் விரும்பினால், ஜனநாயக முறையிலே மக்களுக்கு வசதி செய்ய முடியாது என்ற திடமான நம்பிக்கை கொண்டு விட்டால், ஜனநாயகத்தில் நம்பிக்கை இல்லை என்று தெளிவாகச் சொல்லிவிடலாம். சாதாரண மக்களால் தேர்ந்தெடுக்கப்பட்டுள்ள பஞ்சாயத்து போர்டு மூலமாக பல முற்போக்கான காரியங்கள் செய்ய முடியாது என்று சர்க்கார் நம்புகிறது போலும்: டவுன்ஷிப் அமைப்புக்கு பல திட்டங்களையும், அதிகாரங்களையும் கொடுப்பதுபோல் கிராம பஞ்சாயத்துகளுக்கும், நகரங்களில் முனிசிபாலிட்டிகளுக்கு உள்ள அமைப்பைப் போல் பூரா அதிகாரங்களையும் கொடுத்து ஒழுங்கு செய்தால் நல்லமுறையில் காரியங்களைச் செய்யமுடியும். அதற்கு சர்க்கார் வாய்ப்பளிக்கலாம். ஆகையால், இந்த விஷயத்தில் சர்க்கார் ஜனநாயக கட்டுப்பாட்டை கடைப்பிடிப்பதில் எந்தவிதமான தடங்கலும் இல்லை என்பதை அரசாங்கத்திற்கு கூறிக்கொள்ள விரும்புகிறேன்.

“ஏழைகள் அதிகமாக தங்களுடைய உடல் நலத்தைப் பேணிக்கொள்ள அங்கு போகிறார்கள் என்று சொல்வது பெரும் தவறாகும். ஏழைகள் தங்களுக்கு வயிற்றுவலி, தலைவலி வந்தாலே அதைக் கவனிப்பதற்கோ, போக்குவதற்கோ மருந்து வாங்கிச் சாப்பிடவே இயலாமல் இருக்கின்ற போது, அவர்கள் அதிகமாக அங்கு வருகிறார்கள் என்று சொல்வது மேடையிலோ, இங்கு சட்ட சபையிலோ பயன்படுத்திக் கொள்ளும் பேச்சே தவிர உண்மையல்ல. குற்றாலத்தைச் சீர்ப்படுத்துவதில் எங்களுக்கு எவ்வித ஆட்சேபணையும் இல்லை. வேண்டுமானால் நல்ல முறையில் செய்வதற்கு ஒரு வருஷத்திற்கு 20 ஆயிரம் பேர்களுக்கு மேல் அங்குள்ள மக்கள் வந்து போவதாகக் கூறினார்களே, அவர்கள் ஒவ்வொருவரும் ரூ. 2 வீதம்—கொடுத்தால் கூட வருஷத்திலே 40 ஆயிரம் ரூபாய்க்கு மேல் சுலபமாக வசூலிக்கப்பட்டு, முற்போக்கான காரியங்களைச் செய்ய எளிதாக இருக்குமென்பதை அரசாங்கத்திற்கு கூறிக்கொள்ள விரும்புகிறேன். அப்படிச் செய்தால் இந்தக் காரியத்திற்கு சர்க்கார் தங்களுடைய பணத்தைச் செலவு செய்ய வேண்டிய வேலையே இருக்காது.

[Sri M. P. Subramaniam] [12th May 1954]

“நாட்டிலே பார்க்கும்போது, பல இடங்களில் குடித்தண்ணீர் இல்லாத பல கிராமங்கள், சிறு டவுன்கள் இருக்கின்றன. அதற்கெல்லாம் நல்ல முறையிலே ரோடு இல்லாமல் இருக்கின்றன. அவைகளையெல்லாம் விட்டு விட்டு, ஒரு சிலருடைய வசதிக்காக ஆண்டிலே 5 அல்லது 10 நாட்கள் தங்குபவர்களுக்காக, ஜனநாயக முறையையும் உதறித் தள்ளி விட்டு, குற்றலத்தை சீர்திருத்துவதற்கு மட்டும் அரசாங்கத்தார் பண உதவி செய்வது முறையல்ல என்பதைக் கூறிக்கொண்டு, முழுமனதாக இம் மசோதாவை எதிர்க்கிறேன்.”

SRI S. RAMALINGAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவின் நோக்கத்தை ஆதரிப்பவர்கள் கூட இதை ஒரு பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று பேசியிருக்கிறார்கள். கனம் அங்கத்தினர் ஸ்ரீ சோமயாஜி குற்றலக் குறவஞ்சியிலிருந்து ஓரிரண்டு பாடல்களை எடுத்துக்காட்டி குற்றலத்தின் அழகையும், நீர் வீழ்ச்சியையும் வர்ணித்தபொழுது நாம் குற்றலத்தில்தான் இருக்கிறோமா என்ற ஒரு சந்தேகம் ஏற்பட்டது. இந்த மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று இந்த தரப்பிலிருந்து சில அங்கத்தினர்கள் சொல்லும்பொழுது, இந்த நகரத்தை மேலும் அபிவிருத்தி செய்யவேண்டும். மேலும் சுகாதார வசதிகள் செய்யவேண்டுமென்பதில் யாருக்கும் ஆட்சேபினை கிடையாது என்பதை சபையிலுள்ள அனைவருக்கும் எடுத்துக்காட்ட விரும்புகிறேன். சில அங்கத்தினர்கள் நாங்கள் இந்த நகரம் மேலும் வளர்ச்சி அடைவதை தடுக்க முயலுகிறோமென்று தொனிக்கும்படியாகப் பேசினார்கள். அவ்விதமான அபிப்பிராயம் எங்களுக்குக் கிடையாது. இந்த நகரத்தின் வளர்ச்சி நல்ல முறையிலே இருக்கவேண்டும், எல்லோருக்கும் பயன்படக்கூடிய அளவில் இருக்க வேண்டுமென்பதுதான் எங்கள் விருப்பம்.

“ஆனால் இன்று இருக்கக்கூடிய பிரச்சினை என்ன? ஸ்ரீ I. K. Subramania Pillai அவர்கள் 10, 12 வருடங்களாக பஞ்சாயத்துப் போர்டு தலைவராக இருந்து பல முயற்சிகள் செய்தும் கூட நகரம் வளர்ச்சி அடையவில்லை என்பதற்காகத்தான் Township Committee அமைக்க வேண்டுமென்று மசோதா கொண்டு வந்திருக்கிறோமென்று சர்க்கார் சொல்லுவார்கள். ஸ்ரீ I. K. Subramania Pillai 10, 12 வருடங்களாக பஞ்சாயத்துப் போர்டு தலைவராக இருந்திருக்கிறார்கள். அவர்களுடன்கூட மற்றும் பல அங்கத்தினர்களும் இருந்திருக்கிறார்கள். அவர் திறமையற்றவரென்றே, பொது மக்களுக்கு சேவை செய்ய வேண்டுமென்ற உணர்ச்சியற்றவர் என்றே, பஞ்சாயத்துப்போர்டு பணத்தை சரியாக செலவு செய்யவில்லை யென்றே யாரும் சொல்ல முடியாது. ஆனால் அவர் பொது மக்களுக்கு முழு உணர்ச்சியுடன் சேவை செய்யவேண்டும், நகரத்தை மேலும் அழகு பெறச் செய்யவேண்டுமென்ற நோக்கத்துடன் பாடுபட்டார். அபிவிருத்தியை தடை செய்யும் முறையில் இந்த Panchayat Board Act-ல் பல நிர்ப்பந்தங்கள் இருக்கின்றன. அந்த அளவுக்கு வரி வசூல் செய்ய வேண்டும், என்னென்ன இனங்களின் மீது வரி போடவேண்டும், என்னென்ன காரியங்கள்தான் செய்யலாம், என்னென்ன காரியங்கள் செய்வதற்கு சர்க்கார் முன் அனுமதி கோர வேண்டும் என்றெல்லாம் கட்டுப்பாடுகளும் தடைகளும் இருந்ததின் காரணமாக அவர் பெரு முயற்சிகள் எடுத்துக்கொண்டும், நகரத்தை அபிவிருத்தி செய்ய முடியவில்லை. புதிய Township கமிட்டி ஏற்படுத்துவதால் மட்டும் அந்த நகரத்தை அழகு பெறச் செய்துவிட முடியாது, ஒரு சுகாதார வாசஸ்தலமாக ஆக்கிவிட முடியாது. ஆகவே, இன்றைக்குப் பதவியிலிருக்கக் கூடிய பஞ்சாயத்து போர்டுக்கு முனிசிபாலிட்யின் அதிகாரங்களைக் கொடுத்து முனிசிபாலிடிகள் என்ன வரிகளை வசூலிக்கலாமோ, அந்த வரிகளை வசூலிப்பதற்கும், இன்னும் இதர காரியங்கள் செய்வதற்கும் அதிகாரம் கொடுத்தால், என்னென்ன காரியங்களை அவர்கள் நடைமுறையிலே செய்கிறார்கள் என்று பார்க்கலாம்.

“கனம் அங்கத்தினர் சோமயாஜி அவர்கள் ஜனநாயகம் பரிபோவதற்கு இடமேயில்லையென்று சொன்னார். ஓரளவு தப்பாக அவர் நினைக்கிறார்.

[12th May 1954] [Sri S. Ramalingam]

மக்கள் விரும்புகிறபடி பரிபூரண ஜனநாயகம் இல்லாவிட்டாலும் ஓரளவுக்கு இன்றைக்கு ஜனநாயகம் கிடைத்திருக்கிறதென்று எதிர்க்கட்சியினர் நினைக்கிறார்கள். ஆனால் அவர் ஜனநாயகமே நமது நாட்டில் இல்லை, இருந்தால் தானே பரிபோவதற்கு என்று நினைக்கிறார்போலும். இப்பொழுது இருக்கக்கூடிய பஞ்சாயத்துப் போர்டுக்கு முனிசிபாலிடிகளுக்கு இருக்கக் கூடிய அதிகாரங்களைக் கொடுப்பதன் மூலம் நடைமுறையில் இந்த நகரத்தை அபிவிருத்தி செய்வது சாத்தியபடுமா, அல்லது மசோதாவில் கூறியிருப்பது போல் நேரிடையாக அங்கத்தினர்களை nominate செய்வதால் மட்டும் பிரயோசனம் ஏற்படுமா என்ற விஷயங்களைப் பரிசீலனை செய்வதற்குத்தான் இதை ஒரு பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று சொல்லுகிறோமே தவிர, குற்றலம் வளர்ச்சி அடையக்கூடாது என்று நோக்கத்தோடு அல்ல.

“உண்மையிலே இந்த நகரம் வளர்ச்சி அடையவேண்டுமென்றால், கனம் அங்கத்தினர் ஸ்ரீ செட்டிநாடு ராஜா சொல்லியது போல் சட்டம் மட்டும் போட்டுவிட்டால் போதாது. தேவையான பணமும், மக்களின் ஒன்றுபட்ட ஒத்துழைப்பும் வேண்டும். உதாரணமாக இப்பொழுது மதுவிலக்குச் சட்டம் போட்டிருக்கிறார்கள். ஆனால் நடைமுறையில் மக்கள் அதை மீறிக்கொண்டுதானிருக்கிறார்கள். அதே மாதிரியே சினிமாக்கொட்டகைகளில் சிகரெட் பிடிக்கக்கூடாது என்று சட்டம் இருந்தபோதிலும், மக்கள் சிகரெட் பிடிக்காமலிருக்கிறார்களா? பொது மக்களுடைய ஒத்துழைப்பின்றி, இந்த நகரத்தை அழகு பெறச் செய்ய முடியாது. ஜனங்களுடைய ஒத்துழைப்பு வேண்டுமென்றால், அவர்களுடைய எண்ணத்தையும் நோக்கத்தையும் தெரிந்து கொண்டு சட்டத்தைக் கொண்டுவரவேண்டும். இல்லாவிட்டால், நாம் நினைப்பது சாத்தியமாகாது. இதன் காரணமாகத்தான் இந்த மசோதாவைப் பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்று கேட்டுக் கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

SRI S. SWAYAMPRAKASAM :—“Mr. Speaker, Sir, I rise to support the amendment to refer the Bill to a Select Committee not because of the fancy of referring every Bill to a Select Committee but because of the desire to find out whether there is any possibility of giving the so-called relief to the poor people.

“Everybody has said that Courtallam can be considered to be the poorman's Ootacamund. I have been to Courtallam and have myself enjoyed the whole thing but the mere fact that it is to be made into a township would not carry us very far. The word 'town' itself implies that it really gives relief or pleasures only to the rich people and does not give such relief or pleasures to the poor. The township should not be created with such a view. It has been said that the move to have a township for Courtallam has been there from a very long time or it is claimed that it has been there for the last four or five years. It has also been said that hon. Member, Sri I. K. Subramania Pillai, has been there as President of the Panchayat for a very long time. I do not know whether as President of the Courtallam Panchayat, he earnestly urged the creation of a township or whether the Panchayat passed a resolution when he was the President urging the formation of a township. Now, as hon. Member, Dr. K. B. Menon, pointed out, it should not be the idea of the Government nor should such an impression be made on the public, that simply because the Panchayat Board has been captured by the Socialists, it should be made into a township. No such impression should be created in the minds of the public in the neighbourhood that this measure has been brought forward simply because the party in power, namely,

[Sri S. Swayamprakasam] [12th May 1954]

the Congress Party had lost a few seats in the Panchayat or its importance in the locality. I have also received the information--I do not believe it--that it is the impression of the people in the locality that the immediate reason for this move on the part of the Government to bring this measure is that the Panchayat Board refused to give an address to the then Chief Minister, Sri C. Rajagopalachari. I do not say that I am opposed to the idea of Courtallam being made into a township. But if this move has been set afoot because the Panchayat Board has changed hands or that it refused to present an address to the then Chief Minister, the idea is not a very good one. Such a view should never have been taken.

"My own idea is that by the formation of a township for Courtallam we should not take away the relief that is being at present afforded to the poor people. This is the only point I wish to press on the Government and it is only a desire to find out whether there is any possibility of doing so that forces me to support the amendment to refer the Bill to a Select Committee."

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—

"கனம் சபாநாயகர் அவர்களே, இந்த குற்றாலம் டவுன்ஷிப் சட்டத்தைக் கொண்டு வரும் அரசாங்கத்தின் நோக்கம், 'அதை ஒரு நல்ல சுகாதார வாசஸ்தலமாக ஆக்கவேண்டும். இந்த ராஜ்யத்திலுள்ள ஒரு சிறந்த health resort ஆகச் செய்ய வேண்டும். அங்கே வருகின்ற மக்களுக்கு எல்லாம் போதுமான வசதிகள் கிடைக்கும்படியாகச் செய்ய வேண்டும்,' என்பவைகள் போன்றவைதான். எதிர்க்கட்சியில் இருக்கக் கூடிய கம்யூனிஸ்டு அங்கத்தினர்கள் குறிப்பிட்டது போல பணக்காரர்களுக்கு வசதி செய்து கொடுக்க வேண்டுமென்பதற்காக அரசாங்கம் இந்தச் சட்டத்தைக் கொண்டுவரவில்லையென்று முதலிலேயே நான் குறிப்பிட விரும்புகிறேன். அங்கே ஏராளமான பொது மக்கள் வந்து கொண்டேயிருக்கிறார்கள். அங்கே வருகின்ற ஏழை எளிய மக்கள் எல்லோருக்கும் போதுமான வசதிகள் கிடைக்கவேண்டுமென்ற நோக்கத்தோடுதான் அரசாங்கத்தால் இந்த சட்டம் கொண்டுவரப்படுகிறது, என்பதைத் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

"அதோடு மற்றொரு விஷயம். எதிர்க்கட்சி உதவித் தலைவர் ஸ்ரீ கலியாணசுந்தரம் அவர்கள் வைத்திய சிஷ்சைக்காக ரஷ்யாவுக்குச் சென்றார்கள். அவர் திரும்பி வந்தபொழுது நான் அவரை வரவேற்க ஏரோடிரோம் போயிருந்தேன். அப்பொழுது அவர் என்னிடம் சொன்னார்கள், 'நம் நாட்டைப் போல் ரஷ்யாவில் நோயாளிகளுக்கு அதிக மருந்து கொடுத்து அவர்கள் நோயைக் குணப்படுத்துவதில்லை. ஆனால் அதற்கு மாறாக அவர்கள் health resort-களில் வைக்கப்படுகிறார்கள். நோய் தானே குணமாகிவிடுகிறது. நம் நாட்டில் அதுமாதிரியாக health resort இல்லவேயில்லை,' என்று, அந்த எண்ணத்தை, கருத்தை அடிப்படையாகக் கொண்டுதான் நம் ராஜ்யத்திலும் நல்ல முறையில் ஒரு health resort ஏற்படுத்த வேண்டுமென்ற நோக்கத்தோடு இன்றைக்கு இந்த மசோதா கொண்டுவரப்படுகிறதென்பதை நான் சொல்லிக் கொள்ள விரும்புகிறேன். இனிமேல் யாரும் சிஷ்சைக்காக வெளி நாட்டிற்குச் செல்ல வேண்டிய அவசியமில்லை. தமிழ் நாட்டில் பிறந்தவர்கள் யாராக இருந்தாலும் சரி, கம்யூனிஸ்டுகளும் சரி இனிமேல் இந்தக் குற்றாலம் health resort-க்குப் போய் தங்கள் நோய்களைக் குணப்படுத்திக் கொள்ளலாமென்றும் தெரிவித்துக்கொள்ளுகிறேன். தமிழ் நாட்டு கம்யூனிஸ்டுகளுக்கு வசதி செய்து கொடுக்க வேண்டுமென்ற எண்ணத்துடன்தான் இந்தச் சட்டத்தையே கொண்டு வந்திருப்பதாகவும் சொல்லிக்கொள்ள விரும்புகிறேன்.

[12th May 1954] [Sri S. S. Ramaswami Padayachi]

"அதோடு இந்தச் சட்டத்தை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்றும், அவசரப்பட்டுக்கொண்டு இந்த மசோதாவைப் பாஸ் செய்யக்கூடாதென்றும் சில அங்கத்தினர்கள் குறிப்பிட்டார்கள். இந்த மசோதா அவசரமாகக் கொண்டுவரப்படுவதில்லை. இது நண்ட நெடு காலமாக அரசாங்கத்தின் பரிசீலனையில் இருந்து வந்திருக்கிறது. மக்களுடைய நலனை உத்தேசித்து, அடிக்கடி அங்கு வந்து போகும் பெரும்பாலான ஏழை ஜனங்களின் நன்மையை உத்தேசித்துத்தான் இந்தச் சட்டத்தை இன்றைக்குச் சர்க்கார் கொண்டு வருகிறதே தவிர எவ்விதமான கட்சி நோக்கத்தோடும் இதைக்கொண்டுவரவில்லை யென்பதையும் தெரிவித்துக்கொள்ளுகிறேன். அந்தப் பிரதேசத்தில் வாழும் ஜனங்களின் எண்ணிக்கை மூவாயிரம் என்றால், அங்கு சுகாதாரத்திற்காக வந்து போகின்ற மக்களின் எண்ணிக்கை இருபதாயிரம் என்பதை நாம் தெரிந்து கொள்ளவேண்டும். இருபதாயிரம் மக்களின் நலனை, கேடிமத்தை அந்த மூவாயிரம் மக்களின் கையில் ஒப்படைப்பது சரியல்ல என்பதே அரசாங்கத்தின் கருத்தாகும். அதோடு, இதைப்பற்றி கடந்த பத்துப் பன்னிரண்டு வருஷங்களாகவே சர்க்கார் சட்டம் ஒன்று கொண்டுவருவதற்காக முயற்சி செய்து கொண்டிருந்திருக்கிறார்கள். நன்றாக பரிசீலனை செய்த பிறகே இந்தச் சட்டத்தை சர்க்கார் இப்பொழுது கொண்டு வந்திருக்கிறார்கள். ஆகவே இதை அவசரப்பட்டுக்கொண்டு கொண்டுவந்திருப்பதாக சில நண்பர்கள் சொல்வது சரியல்ல என்று தெரிவித்துக்கொள்ள விரும்புகிறேன். அதோடு சில அங்கத்தினர்கள் பேசும் போது இதனால் ஜனநாயகம் பறிக்கப்படுகிறதாகச் சொன்னார்கள். அதுவும் சரியல்ல என்று சொல்ல விரும்புகிறேன். அந்த நகரத்தின் நிர்வாகப் பொறுப்பை சர்க்கார் எடுத்துக் கொள்வதன் மூலம் எவ்வாறு ஜனநாயகம் பறிக்கப்படுகிறது என்றும் கேட்க விரும்புகிறேன். அதோடு ஜில்லா போர்டு தேர்தல்களை எல்லாம் நடத்தவேண்டுமென்று இந்தச் சர்க்கார் உத்திரவு போட்டிருக்கிறது. ஜனநாயகம் இந்த நாட்டில் நிலைக்கவேண்டுமென்பதற்காகத்தான் ஆகஸ்டு மாதத்திற்குள் ஜில்லா போர்டு தேர்தலை நடத்த உத்திரவு போட்டிருக்கிறோம் என்றும் இந்தச் சமயத்தில் சொல்லிக் கொள்ள விரும்புகிறேன். முன்பு பஞ்சாயத்து போர்டு இருந்தது. அதனால் அங்கே வருகின்ற இருபதாயிரம் மக்களுக்கும் மேற்பட்டவர்களுக்குப் போதுமான வசதிகளைச் செய்து கொடுக்க முடியவில்லை. சர்க்காரும் தனிப்பட்ட முறையில் அந்தப் பஞ்சாயத்துக்கு அதிகப் பணம் கொடுக்க முடியாதாகையால் அதை தங்கள் நிர்வாகத்தின் கீழேயே கொண்டு வந்துவிட்டால் இன்னும் கொஞ்சம் அதிகம் வரி போடலாம். தாங்களும் பணம் ஒதுக்கி அங்குள்ள மக்களுக்கு வசதிகள் செய்வதோடு வருகின்ற மக்களுக்கும் அதிக வசதிகளைச் செய்து கொடுத்து அதை நம் ராஜ்யத்திலேயே சிறந்ததொரு health resort ஆகச் செய்யலாம் என்ற எண்ணத்தினால் தான் இந்த மசோதாவைக்கொண்டு வந்திருக்கிறோமே தவிர இதில் சுயநலம், கட்சி மனப்பான்மை, எதுவுமில்லை. ஜனநாயகமும் இதில் பறிக்கபடவில்லையென்று தெரிவித்துக்கொள்ள விரும்புகிறேன்."

SRI S. SWAYAMPRAKASAM :—"நீங்கள் சொல்லுகிற மாதிரி யிலிருந்தே அம்மாதிரியான நோக்கம் எதுவுமில்லையென்பது தெரிகிறது."

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—"அத்தோடு குறிப்பாக பணக்காரர்களுக்கு வசதி செய்து தருவதற்காகத்தான் இந்த மசோதா கொண்டுவரப்பட்டதாகவும் சொல்வது சரியல்ல. பணக்காரர்களுக்கு அங்கே தனித்தனியாக பங்களாக்கள் இருக்கின்றன. தங்களுக்கு வேண்டிய தண்ணீர் வசதிகள், மற்ற இதர வசதிகள் எல்லாவற்றையும் அவர்கள் சர்க்காரை எதிர்பார்க்காமலேயே தாங்களாகவே செய்து கொண்டுவீட்டார்கள். இது அனேக நண்பர்களுக்குத் தெரிந்திருக்கும். ஆனால் அங்கே வருகின்ற ஏழை எளிய மக்களுக்குத் தான் வசதிக் குறைவுகள் இருக்கின்றன. இந்தச் சட்டத்தினால் அங்கேயுள்ள பணக்காரர்களுக்கு உதவி செய்வதாகச் சொல்வதைவிட இந்தச் சட்டத்தினால் அங்கேயிருக்குக் கூடிய பணக்காரர்கள் இன்னும் கொஞ்சம் அதிகமாக வரி கட்டும்படியாகத்தான் ஆகும் என்பதை நான் சபையின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன்.

[Sri S. S. Ramaswami Padayachi] [12th May 1954]

“அதோடு இன்னும் சில நண்பர்கள் அந்த நகர நிர்வாகத்தை நாமி னேஷன் மூலமாக வருகின்றவர்களிடம் ஒப்படைப்பதை ஆட்சேபிக்கின்றார்கள். அதன் மூலம் ஜனநாயகத்தையே பறிப்பதாகவும் கூறுகிறார்கள். இதை என்னால் புரிந்து கொள்ள முடியவில்லை. அந்தப் பிரதேசத்தில் மூவாயிரம் மக்கள் தான் இருக்கிறார்கள். ஆனால் அங்கே ஆண்டுதோறும் வருகின்ற மக்கள் இருபதாயிரத்துக்கு மேல் இருக்கின்றது என்று நான் சொன்னேன். இந்த இருபதாயிரம் மக்களின் நலனை, மக்களின் கேஷமத்தை இந்த மூவாயிரம் மக்களின் பிரதிநிதிகளின் வசம் மாத்திரம் ஒப்படைப்பது சரியா என்று நான் கேட்க விரும்புகிறேன்.”

SRI P. JEEVANANDAM:—“கனம் அமைச்சர் அவர்கள் கூறுகிற போது அந்த ஊரின் ஜனத்தோகை மூவாயிரம்; வருகின்றவர்களின் எண்ணிக்கை இருபதாயிரம். ஆகவே இருபதாயிரம் மக்களின் நலனை மூவாயிரம் மக்களிடம் ஒப்படைப்பதா என்றார்கள். அப்படியானால் இந்த டவுன்ஷிப் சட்டப்படி அமைக்கப்படுபவரின் கமிட்டியில் ஐம்பதாயிரம் மக்கள் இருப்பார்களா என்று தெரிந்துகொள்ள விரும்புகிறேன்.”

THE HON. SRI S. S. RAMASWAMI PADAYACHI:—“இவர்கள் எல்லோருக்கும் சர்க்கார் பொறுப்பானியாகிறது.”

THE HON. SRI C. SUBRAMANIAM:—“They are responsible to us and we are responsible to the House.”

THE HON. SRI S. S. RAMASWAMI PADAYACHI:—“அத்தோடு இன்னொரு விஷயம். ஸ்ரீ டி. ஷண்முகம் பிள்ளை அவர்கள் பேசும்போது நாமினேட் பண்ணுகிறவர்களிடம் அதிகாரத்தை கொடுத்தால் நிர்வாகம் சரியாக நடக்காது என்று சொன்னார்கள். அவரே ஒரு காலத்தில் செங்கற்பட்டு ஜில்லா போர்டு தலைவராக நாமினேட் செய்யப்பட்டு ஆட்சி நடத்தியிருக்கிறார். அவர் ஆட்சி சரியாக நடத்தவில்லையென்று சொன்னாரானால் நானும் இதை மாற்றி திருத்தி அமைக்கத் தயாராக இருக்கிறேன் என்றும் தெரிவித்துக்கொள்ள விரும்புகிறேன்.”

“கடைசியாக இந்த நாமினேஷன் செய்தவர்களிடம் எவ்வளவு நாள் நிர்வாகப் பொறுப்பை ஒப்படைக்கப்படுமென்றும் சிலர் கேட்டார்கள். இந்தச் சட்டம் அமுலாக்கப்பட்டு, குற்றாலத்தை நல்லதொரு வாசஸ்தலமாகச் செய்து, அங்கு வருகின்ற மக்களுக்கு எல்லாம் சரியான வசதிகளைச் செய்து கொடுத்து, நல்ல முறையில் வேலை செய்ய முற்பட்ட உடனேயே அந்தப் பிரதேச ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட ஜனநாயகப் பிரதிநிதிகளிடமே இந்தக் குற்றாலம் டவுன்ஷிப் பொறுப்பை சர்க்கார் நிச்சயமாக ஒப்படைத்து விடுமென்ற உறுதியையும் நான் இந்த சமயத்தில் சபைக்குக் கொடுக்க விரும்புகிறேன்.”

“ஆகவே சர்க்கார் எந்தவிதமான குறுகிய மனோபாவத்தைக் கொண்டும், கட்சி மனப்பான்மையைக் கொண்டும் இந்த சட்டத்தைக்கொண்டு வரவில்லை. இன்றைக்கு குறைந்த அளவு மக்களே நன்மை அடைந்து வருகிறார்கள். குறைந்த அளவு மக்களே அனுசூலங்கள் பெற்று வருகிறார்கள் என்றால் இதனால் பெறுத்த அளவு மக்கள் நன்மை அடைய வேண்டும், பெறுத்த அளவு மக்கள் பல அனுசூலங்களைப் பெற வேண்டுமென்ற உயர்ந்த கருத்தோடுதான் இந்த மசோதா கொண்டுவரப்படுகிறதென்று சொல்லிக்கொண்டு, பணக்காரர்களுக்குச் சலுகை செய்வதற்காக இது கொண்டுவரப்படுவதாகச் சொல்வது சரியல்லவென்றும் சொல்லிக் கொண்டு இதைச் சபையார் சட்டமாகச் செய்யவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன். ஆகவே இதை பொறுக்குக் கமிட்டிக்கு அனுப்ப வேண்டுமென்று சொல்வதையும் நான் எதிர்க்கிறேன்.”

MR. SPEAKER:—“The question is—

‘That the Courtallam Township Bill, 1954, be referred to a Select Committee.’”

The motion was put and lost.

12th May 1954]

MR. SPEAKER:—“The question is—

‘That the Courtallam Township Bill, 1954, be taken into consideration at once.’”

The motion was put and carried.

MR. SPEAKER:—“The House is now adjourned to tomorrow till 8 a.m.”

The House then adjourned.

12th May 1954]

APPENDIX.

[Vide page 653 supra.]

L.C. BILL No. 8 OF 1954.

(As passed by the Council.)

A Bill to constitute a township for Courtallam in the Tirunelveli district and to provide for its administration and governance.

WHEREAS it is expedient to constitute a township for Courtallam in the Tirunelveli district and to provide for its administration and governance; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Courtallam Township 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 (hereinafter referred to as the appointed date).

2. *Courtallam to be a township.*—(1) With effect on and from the appointed date, the area specified in the Schedule (being the area comprised within the jurisdiction of the Courtallam panchayat immediately before the appointed date) shall be a township, called the Courtallam township, and the State Government may, from time to time, by notification in the *Fort St. George Gazette*, alter the limits of the area specified in the Schedule and any such alteration shall have effect as if it had been made by this Act.

(2) (a) The Madras Village Panchayats Act, 1950 (Madras Act X of 1950) shall, with effect on and from the appointed date, cease to apply to the Courtallam township.

(b) Where the limits of the area specified in the Schedule are altered by notification under sub-section (1), the notification may also contain such provisions regarding the application or cesser of application of any enactment and the local authority which is to exercise, or cease to exercise, jurisdiction, in relation to the area included in or excluded from the Courtallam township, the apportionment and adjustment of assets and liabilities as between the local authorities concerned and other incidental or consequential matters, as the State Government may deem necessary or proper.

3. *Constitution and composition of committee for administration of Courtallam township.*—(1) For the purpose of administering the municipal affairs of the Courtallam township, the State Government shall, by notification in the *Fort St. George Gazette*, constitute a committee to be called the Courtallam Township Committee (hereinafter referred to as the Township Committee) consisting of eight members who shall be appointed by the State Government. Of the eight members aforesaid, not less than three shall be non-officials.

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(2) The State Government shall appoint—

(a) one of the members of the Township Committee to be its Chairman; and

(b) another person (not being a member of the Township Committee) to be its Executive Officer.

(3) The Township Committee shall be a body corporate, having perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this or any other enactment, shall be vested with the capacity of suing and being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

4. *Application of Madras Act V of 1920 and other enactments to Courtallam township subject to specified modifications, additions and restrictions.*—(1) The State Government may, by notification in the *Fort St. George Gazette*, direct that any of the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras, but not in the Courtallam township, shall apply to it to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

(2) In particular and without prejudice to the generality of the foregoing provision, such notification may authorize—

(a) the Township Committee to levy all or any of the taxes and fees which may be levied by virtue of the provisions applied to the township under this section; and

(b) the Executive Officer of the Township Committee to exercise and perform in regard to the township, the powers and duties assigned to the executive authority of a municipality under the provisions applied as aforesaid, subject to such restrictions, limitations and conditions and to such control, if any, as may be specified in the notification.

(3) The notification made by the State Government under sub-section (1) in the *Fort St. George Gazette* shall have effect as if enacted in this Act. The said notification shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature of the State for 14 days and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make during the session in which it is so laid.

5. *Transfer of property, rights and liabilities of Courtallam panchayat to the township.*—(1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for the Courtallam panchayat as well as all liabilities legally subsisting against it shall, on and from the appointed date, stand transferred to the Township Committee.

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(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the Courtallam panchayat immediately before the appointed date may be recovered by the Township Committee.

(3) All proceedings taken by or against the Courtallam panchayat may be continued by or against the Township Committee.

6. *Power to remove difficulties.*—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.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 13th May 1954.

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

* * * * *

THE MADRAS GENERAL SALES TAX (DEFINITION OF TURNOVER AND VALIDATION OR ASSESSMENTS) BILL, 1954 (L.A. BILL NO. 19 OF 1954).

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

‘ That the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Bill ^a, 1954 (L.A. Bill No. 19 of 1954) as passed by the Assembly be taken into consideration.’

“ This Bill is in the nature of a validating Bill, as a result of the judgment of the High Court which held that in the calculation of turnover the amounts collected by a merchant as tax under the General Sales Tax Act should not be included as it amounted to a tax on tax. We have given effect to this judgment from the 1st April of this year but with regard to past transactions we have brought in this validating measure, because, however much we may try to give effect to the judgment, it will be administratively very difficult. We would have to refund the excess amounts already collected to the assesseees some of whom might have died whilst others might have even left the country. All such difficulties will arise. Also, I will give another instance which has come to my

[13th May 1954]

APPENDIX.

[Vide item on page 37 supra.]

L.A. BILL No. 19 OF 1954.

(As passed by the Assembly.)

A Bill to define turnover and to validate certain assessments and collections made under the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient further to define turnover and to validate certain assessments and collections made under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939):
BE it enacted in the Fifth Year of Our Republic as follows:—

1. *Short title.*—This Act may be called the Madras General Sales Tax (Definition of Turnover and Validation of Assessments) Act, 1954.

2. *Sales tax collections by dealers to be deemed part of turnover.*—In the case of sales made by a dealer before the 1st April 1954, amounts collected by him by way of tax under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), (hereinafter referred to as the Principal Act), shall be deemed to have formed part of his turnover.

3. *Validation of certain assessments and collections.*—(1) All assessments and collections made, all orders passed, and all action taken by any officer in the exercise or purported exercise of jurisdiction or powers conferred by the principal Act, and all judgments, decrees or orders pronounced by any Tribunal or Court in the exercise of its jurisdiction or powers with respect to matters in the principal Act, on the basis that amounts collected by a dealer by way of tax under the principal Act before the 1st April 1954, formed part of the turnover of the dealer are hereby declared to have been validly made, passed, taken or pronounced, as the case may be; and any finding recorded by any officer, Tribunal or Court to a contrary effect and any order, judgment or decree in so far as such order, judgment or decree embodies or is based on any such finding and does not relate merely to the costs of the proceeding which resulted in the judgment, decree or order, shall be void and of no effect:

Provided that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this Act had not been passed.

(2) Nothing in sub-section (1) shall be construed as authorizing any officer, in assessing any dealer in the exercise or purported exercise of jurisdiction or powers conferred by the principal Act, to include in the turnover of the dealer amounts collected by him after the 1st April 1954, by way of tax under the principal Act.

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THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 13th May 1954.

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

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[13th May 1954]

APPENDIX.

[Vide item on page 10 supra.]

L.A. BILL No. 18 OF 1954.

(As passed by the Assembly.)

A Bill to provide for the levy of a surcharge on land revenue in the State of Madras.

WHEREAS it is expedient to provide for the levy of a surcharge on land revenue assessments in the State of Madras :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Land Revenue (Surcharge) Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on the 1st day of July 1954.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) 'Government' means the State Government;

(b) the term 'landholder' shall be taken to comprise all holders of land under Ryotwari settlements or in any way subject to the payment of revenue direct to the Government, and the expression "lands held" refers to the lands in respect of which a landholder is liable to pay land revenue :

Provided that, in respect of lands comprised in the holding of a kanamdar or customary verumpattamdar in the territory to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends, the kanamdar or customary verumpattamdar, as the case may be, and not the janmi, shall be deemed to be the landholder and the lands shall be deemed to be lands held by the kanamdar or customary verumpattamdar, as the case may be, and not by the janmi.

Where any lands including cultivated lands are in the possession of a walawargadar, kayamgenidar, permanent tenant or mulgeni tenant, he shall be liable to pay the surcharge in respect of those lands, notwithstanding any contract to the contrary :

Provided further that no person who is liable to pay the surcharge under this Act, shall by reason of any contract, with his tenant be entitled to recover the whole or any portion of the surcharge from such tenant.

Illustration.—A person liable to pay land revenue to the Government under section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), is a landholder;

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(c) "land revenue" means public revenue due on land and includes water-cess payable to the Government for water supplied or used for the irrigation of land, but does not include any other cess.

3. *Levy of surcharge.*—Every landholder who is liable to pay a sum exceeding rupees five hundred for a fasli as land revenue to the Government in respect of lands held by him in the State shall pay to the Government for that fasli a surcharge on the land revenue payable by him in respect of all the lands held by him, at the following rates, that is to say—

Amount of land revenue.	Rate of surcharge.
(a) On the first Rs. 250 of the land revenue payable ..	Nil.
(b) On the next Rs. 250 of the land revenue payable ..	Two annas on each rupee.
(c) On the next Rs. 500 of the land revenue payable ..	Four annas on each rupee.
(d) On the balance of the land revenue payable ..	Eight annas on each rupee.

Explanation.—Land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.

Illustrations.—(1) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name. A and B are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta, B and C are liable to pay as land revenue rupees three hundred in respect of lands held by them on a joint patta. C is liable to pay as land revenue rupees three hundred under section 23 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). Each of these persons A, B and C. is liable to pay surcharge under this section.

(2) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name, and rupees three hundred in respect of lands held by him as the guardian of a minor. A is not liable to pay surcharge either on his own account or as guardian.

(3) A is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta solely in his name. He is liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta as the trustee of an educational institution and is further liable to pay as land revenue rupees three hundred in respect of lands held by him on a patta as the trustee of a chattram. A is not liable to pay surcharge either on his own account or as trustee of the educational institution or as trustee of the chattram.

4. *Surcharge recoverable as land revenue.*—(1) Surcharge payable by a landholder under this Act shall be deemed to be public revenue due on all the lands the holding of which renders the landholder liable to pay surcharge and all the said lands, the buildings upon the said lands and their products shall be regarded as the security of the surcharge.

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(2) The provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), and of the Madras City Land Revenue Act, 1851 (Central Act XII of 1851), as amended by the Madras City Land Revenue (Amendment) Act, 1867 (Madras Act VI of 1867), shall apply to the payment and recovery of the surcharge payable under this Act as they apply to the payment and recovery of the revenue due upon the lands the holding of which renders the landholder liable to pay surcharge under this Act.

5. *Power to call for information.*—(1) The Tahsildar of the taluk or range, the Revenue Divisional Officer of the division or the Collector of the district, in which a landholder holds lands may by notice in writing require him or, where the landholder is a person subject to disability or an idol or a religious and charitable institution, the guardian, curator, trustee, or manager of such landholder, to submit a declaration in writing in such form and within such time as may be specified in the notice, in regard to the total extent of the lands held by the landholder in the State and the land revenue payable in respect thereof.

(2) Every landholder who is liable to pay as land revenue a sum exceeding rupees five hundred for a fasli in respect of all lands held by him in the State shall, even if no notice is issued to him under sub-section (1) submit to the Collector of the district in which he resides or to the Collector of any of the districts in which he holds lands, a declaration in such form and within such period as may be prescribed.

(3) (a) If the officer to whom a declaration is submitted under sub-sections (1) or (2) is satisfied that it is correct and complete, the surcharge may be assessed on the landholder on the basis of such declaration.

(b) If no declaration is submitted under sub-section (1) or (2) before the time specified or if the declaration submitted to the officer appears to him to be incorrect or incomplete, it shall be lawful for him to pass an order regarding payment of surcharge after making such inquiry as he considers adequate.

Provided that where a declaration has been submitted and the officer proposes to act under this clause, he shall give the person concerned a reasonable opportunity of proving the correctness and completeness of the declaration.

(4) Any landholder, or guardian, curator, trustee, or manager, as the case may be, who in a declaration under this section makes any statement which he knows to be false or does not believe to be true, shall be punished with fine which may extend to rupees one thousand.

6. *Cognizance of offences.*—(1) No court inferior to that of a Presidency Magistrate or a Magistrate of the First class shall try an offence punishable under this Act or the rules made thereunder.

13th May 1954]

(2) No court shall take cognizance of any such offence except on a report in writing of the facts which constitute the offence, made by an officer of the Revenue department not lower in rank than a Tahsildar.

7. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may make provision for—

(a) the service of notices;

(b) the submission of declarations;

(c) the production of documents;

(d) the holding of inquiries and the enforcement of the attendance of persons at such inquiries and their examination on oath or affirmation.

(3) In making a rule under this section, the Government may provide that a breach thereof shall be punishable with fine which may extend to rupees five hundred.

(4) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly 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.

R. V. KRISHNA AYYAR,

Secretary to the State Legislature.

10th May 1954.

I certify that this is a Money Bill.

J. SIVASHANMUGAM PILLAI,

Speaker, Madras Legislative Assembly.

10th May 1954.

THE COURTALLAM TOWNSHIP BILL, 1954
(L.A. BILL No. 8 OF 1954)

14th May 1954]

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 14th May 1954.

The House met in the Assembly Chambers, Government Estate, at eight of the clock; Mr. Speaker (THE HON. SRI J. SIVASHAN-MUGAM PILLAI) in the Chair.

THE COURTALLAM TOWNSHIP BILL, 1954 (L.C. BILL NO. 8 OF 1954)—cont.

MR. SPEAKER :—" The next item is the Courtallam Township Bill. We have to take up clause 3 and there are a number of amendments to it. Hon. Members can formally move their amendments."

SRI M. NARAYANA KURUP :—" Before asking the Members to move their amendments, will it not be appropriate that the Government explain the implications of the clause when each clause is taken up? "

MR. SPEAKER :—" That has not been the practice at all. We had a general discussion on the Bill and the Hon. Minister has already explained everything."

SRI M. NARAYANA KURUP :—" In the general discussion, we do not go in detail clause by clause. We go only into the general features of the Bill. Therefore, we must understand the implications of each clause."

MR. SPEAKER :—" There is no motion moved by the Hon. Minister that the clause do stand part of the Bill. I only say that the clause do stand part of the Bill. If there is any doubt with regard to this clause 3, I shall ask the Hon. Minister to clarify it."

SRI M. NARAYANA KURUP :—" Doubt can arise only after the implications of the clause are explained. Bills are not explained clause by clause. Before the Members are asked to give their opinion or move amendments, should we not understand what the implications of the clause are? "

THE HON. SRI C. SUBRAMANIAM :—" When the Members formulated the amendments, I thought that they understood the clause. There will be no meaning in giving amendments without understanding the clause."

MR. SPEAKER :—" The hon. Member Sri Narayana Kurup should understand that the procedure that I am following is followed not only in this Legislature, but also everywhere else. We consider it a proper procedure."

Clause 3.

MR. SPEAKER :—" The motion is—
' That clause 3 do stand part of the Bill.' "

SRI K. P. GOPALAN :—" Sir, I move—
' In sub-clause (1) in line 3, for the words " the State Government shall, by . . . three shall be non-officials " substitute the following :—

" There shall be constituted a Township Committee known as the Courtallam Township Committee consisting of a President and Vice-President and eight members to be elected in accordance with the Village Panchayat Act, 1950, and the rules made thereunder as though the Courtallam Township Committee was a Panchayat Board within the meaning of the said Act.' "

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" Sir, I move—

' (2) In sub-clause (1), for the words " who shall . . . be non-officials ", substitute the following :—
' of which five shall be non-officials who will be elected as prescribed. The members will hold office for three years.' "

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI A. RATNAM :—" Sir, I move—

' (3) In sub-clause (1) delete the words " Of the eight members aforesaid, not less than three shall be non-officials ".' "

SRI A. GOVINDASAMY NAYAGAR :—" I second the amendment, Sir."

SRI A. RATNAM :—" Sir, I move—

' (4) In sub-clause (1), for the words " consisting of eight members who shall be appointed by the State Government " substitute the words " consisting of nine members who shall be elected by the Courtallam Township ".' "

SRI A. GOVINDASAMY NAYAGAR :—" I second the amendment, Sir."

SRI N. K. PALANISAMI :—" Sir, I move—

' (5) In sub-clause (1), for the words " appointed by the State Government ", substitute the words " elected by the voters of the Township area ".' "

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

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SRI K. PARTHASARATHY :—" Sir, I move—

(6) 'At the end of the sub-clause (1), add the following :—

" Among the non-official members, not less than three shall be persons resident within the township."

SRI M. JAGANNATHAN :—" I second the amendment, Sir."

SRI A. RATNAM :—" Sir, I move—

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

*" (2) (a) One of the members of the Township Committee shall be elected as its Chairman; and**(b) another person (not being a member of the Township Committee) shall be appointed by the State Government to be its Executive Officer."*

SRI A. GOVINDASAMY NAYAGAR :—" I second the amendment, Sir."

SRI K. P. GOPALAN :—" Sir, I move—

(8) 'Omit sub-clause 2 (a).'

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI S. RAMALINGAM :—" Sir, I move—

(9) 'In sub-clause (2) (a), between the words " one of the " and " members " insert the word " non-official ".'

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI K. P. GOPALAN :—" Sir, I move—

(10) 'In sub-clause 2 (b) for the word " another " substitute the word " a ".'

SRI C. KANDASAMY :—" I second the amendment, Sir."

SRI N. K. PALANISAMI :—" Sir, I move—

(11) 'In sub-clause (2) (b), for the words " Executive Officers ", substitute the word " Commissioner ".'

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

SRI K. PARTHASARATHY :—" Sir, I move—

(12) 'At the end of sub-clause (3), add the following as sub-clause (4) :—

" (4) No act or proceeding of the Township Committee shall be deemed to be invalid by reason only of any vacancy in the office of Chairman or member of the Committee, at the time of such act or proceeding."

SRI M. JAGANNATHAN :—" I second the amendment, Sir."

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MR. SPEAKER :—" Now, the motion as well as amendments are before the House for discussion."

SRI C. KANDASAMY :—" கனம் சபாநாயகர் அவர்களே, எங்களுடைய திருத்தங்களின் நோக்கம் குற்றாலத்தின் அபிவிருத்தி சம்பந்தமாக எந்த நடவடிக்கையை எடுத்தாலும்கூட அது ஜனநாயக ரீதியாக இருக்க வேண்டுமென்பதுதான். அந்த நகரத்தை முன்னேற்றும் அடையச் செய்வது எவ்வளவு அவசியம் என்பதை நாங்கள் எல்லோரும் உணர்கிறோம். அதேசமயத்தில் அந்நகரின் அபிவிருத்திக்கு ஜனநாயகம் குறுக்கே நிற்கின்றது என்று சொல்லும் வாதத்தைத்தான் எங்களால் ஏற்றுக்கொள்ள முடியவில்லை. நாங்கள் சொல்வது எல்லாம் ஜனநாயக சக்திகளின் மூலமாகவே இந்நகரை அபிவிருத்தி செய்ய முடியும், அழகு படுத்த முடியும் என்பதுதான். குறிப்பாக பஞ்சாயத்து ஆக்ட் பிரகாரமே ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட எட்டு பிரதிநிதிகளை இந்த டவுன்ஷிப் கமிட்டி அங்கத்தினராகவே நியமிக்கலாம். என்னுடைய திருத்தமும் நகரக் கமிட்டிக்கு பஞ்சாயத்து சட்டப்படி எட்டு அங்கத்தினரைத் தேர்ந்தெடுக்கவேண்டுமென்றே கோருகிறது. இந்தத் திருத்தத்தை எல்லோரும் ஒப்புக்கொள்ளவேண்டும். அதைவிட்டு இச்சட்டப் பிரகாரம் அந்தப் பிரதேசத்திலுள்ள இரண்டாயிரம் மக்களின் உரிமைகளைப் பறிக்கக்கூடாது. இன்றைக்கு அந்தப் பிரதேசத்தில் பஞ்சாயத்து இயங்கி வருகிறது. ஆகவே அவர்களுடைய உரிமையைப் பறிக்காது இந்த நகரக் கமிட்டிக்குரிய எட்டு அங்கத்தினரும் பஞ்சாயத்து சட்டப்படியே மக்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளாகவே இருக்கவேண்டுமென்பதற்காகவே இத்திருத்தத்தைக் கொடுத்திருக்கிறேன். இதை ஒப்புக்கொள்ள வேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்."

SRI N. K. PALANISAMI :—" கனம் சபாநாயகர் அவர்களே, பொதுவாக இன்றையதினம் ஜனநாயக ரீதியில் குற்றாலம் நகரக் கமிட்டியை என் நியமிக்க சர்க்கார் தயங்குகிறார்கள் என்பதைப்பற்றி சற்று சிந்தித்துப் பார்த்தால் ஒரு உண்மை தெரியும். அதாவது ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளின் வசம் அந்நகர நிர்வாகத்தை ஒப்படைத்தால் அதிகப் பணத்தை சர்க்கார் அப்பிரதேசத்திற்கு செலவு செய்யும்படியாக நேரிடும். பொதுஜனப் பிரதிநிதிகள் கோரிக்கைகள் மேல் கோரிக்கையாகப் போட்டுக் கொண்டேயிருப்பார்கள். ஆகவே அதைத் தடை செய்யவேண்டுமென்று கருதியே சர்க்கார் ஜனங்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளை நகரக் கமிட்டியில் போடுவதைவிட்டு நாங்களே நாமியேஷன் செய்வோம் என்று சொல்லுகிறார்கள் என்று எண்ணத்தான் வேண்டியிருக்கிறது. ஏனென்றால் அந்நகரத்தில் செய்யக்கூடிய அபிவிருத்தி வேலைகளையெல்லாம் அந்நகர மக்களின் உதவி இல்லாமல் எப்படிச் செய்வது என்று நான் கேட்கிறேன். சர்க்காரே நாமியேஷன் செய்தவர்களைக் கொண்டு நிர்வாகத்தை நடத்தினால் சர்க்கார் எவ்வளவு பணம் ஒதுக்குகிறார்களோ அதைவிட அவர்கள் அதிகம் எதுவும் செலவழிக்க முடியாது. அதை சர்க்கார் இப்படித்தான் செய்யவேண்டும், அப்படித்தான் செய்யவேண்டுமென்றும் நிர்வாகம் செய்யலாம் என்ற நோக்கத்தோடுதான் இதனை இப்படி செய்கிறார்கள் என்று நிச்சயமாகச் சொல்ல முடியும். அதனால் சர்க்கார் தாங்களேதான் அந்நகரக் கமிட்டியின் அங்கத்தினர்களை நாமியேஷன் செய்வோம் என்று சொல்லுகிறார்கள்."

"இரண்டாவது இன்னொரு விஷயம். அங்கே ஏற்கெனவேயே பஞ்சாயத்து போர்டு இருந்து கொண்டிருக்கிறது. அதை ஒழித்துவிட்டு சர்க்கார் இந்தக் கமிட்டியை நியமிக்க உத்தேசித்திருக்கிறார்கள். இதுவும் சரியல்ல. அதை ஒழிப்பதைவிட அதற்கே இன்னும் கொஞ்சம் அதிகாரத்தைக் கொடுத்து சர்க்கார் கமிஷனரைப்போல ஒரு தனிப்பட்ட அதிகாரியையும் நியமித்து அந்த நகரின் நிர்வாகம் நல்ல முறையில் நடக்க ஏற்பாடுகள் செய்வதற்கு பல வசதிகள் இருக்கின்றன. மேட்டூரில் கூட இதேமாதிரியாகச் செய்திருக்கிறார்கள். நல்ல அனுபவம் வாய்ந்த ஒரு

[Sri N. K. Palanisami] [14th May 1954]

இஞ்சினியரையும் அந்த ஊரில் போட்டு அந்த பஞ்சாயத்துப் போர்டுக்கு உதவியாக இருக்கும்படி செய்யலாம். எப்படியாவது ஜனநாயக ரீதியிலேயே அந்த நகரை அபிவிருத்தி செய்யவேண்டுமென்ற நோக்கத்தோடு பல அங்கத்தினர்கள் பல திருத்தங்கள் கொடுத்திருக்கிறார்கள். இந்தத் திருத்தங்களையெல்லாம் நன்கு பரிசீலனை செய்து ஏற்றுக்கொள்ள வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.”

SRI S. DEIVASIGAMANY :—“ Sir, the Courtallam Waterfalls is well-known in the history of India. It is one of the best beauty spots in South India and we can be very much proud of having this spot in our State. What we are concerned with is the improvement of Courtallam and not the personnel which will be entrusted with the improvement of this beauty spot. We are anxious that this place is improved as soon as possible. For that a committee consisting of very efficient persons is necessary, I mean persons who have been trained in making a particular place beautiful. Sir, you may know that Bangalore, Mysore and a portion of the Nilgiris are very fine to look at. They have been made beautiful by human endeavour. In the case of Courtallam also, we must see that the best efforts of experts are utilised for making it beautiful. Therefore, I would suggest that in this case the persons who are entrusted with this work should be persons who have already had some experience in this sort of work. There must be a reorganization of the personnel connected with this work. Not only persons belonging to that place but persons who are specially fitted for this work should be included in this Committee.”

SRI K. PARTHASARATHY :—“ Sir, in the original clause it is stated, ‘Of the eight members aforesaid not less than three shall be non-officials.’ When I go through the provision, I find that it closely follows the provisions of the Mettur Township Act. The official element in the committee is also big in number probably because of the provisions of the Mettur Township Act. With regard to Mettur, I think there might have been justification for putting in a large number of officials on the Township Committee. There are the Government electricity undertaking and irrigation work there. That might be the reason why a number of officials are given membership on the Committee. But in this case I do not think there is any justification for putting in a large number of officials as members of the Township Committee. Therefore I think it is better to provide for the membership of a larger number of non-officials on this committee.

“ Regarding the question whether non-officials should be nominated or elected, I do not suggest that when nomination is made, there would not be any democracy. After all, nomination is going to be made by this Government, and we as Members of this Assembly will have perfect liberty to go into the question and we can criticize the action of the Government if they act improperly and we may also have an opportunity of discussing the affairs of the committee when it is constituted. So, when the

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committee is going to be vested with large powers for the improvement of this area, I think it is good members are nominated if the Government give an assurance that a number of non-officials will be appointed as members of this Committee. So I think that if the Government assure that a good number of non-officials will be appointed as Members of the Committee, it will serve the purpose. But, there is one doubt in the minds of some hon. Members, viz., that persons belonging not to that area, but to other areas will be appointed as Members of the Committee. That is why I have given my amendment which states :

“ At the end of sub-clause (1), add the following :—

“ Among the non-official members, not less than three shall be persons resident within the township. ”

Even as the original clause stands, the minimum is fixed at 3. So, there may not be any objection to the Government's appointing more than 3 non-officials. I wish to suggest to the Government that among the non-officials who are going to be appointed, at least 3 persons may be residents in that area. If this is accepted, I am sure it will satisfy the aspirations of the people who will be able to bring their views to the notice of the Committee. It is very necessary that the aspirations of the people of that area have to be satisfied.

“ Regarding the other amendment, viz., the proposed new sub-clause 4, which states—

“ At the end of sub-clause (3), add the following as sub-clause (4) :—

“ No Act or proceeding of the Township Committee shall be deemed to be invalid by reason only of any vacancy in the office of Chairman or Member of the Committee, at the time of such act or proceedings. ”

I was tempted to suggest this amendment, because there is such a provision in the Local Boards Act and also the District Municipalities Act. This proposed new clause only provides for the regularization of any irregularity that may be alleged because of a vacancy in the office of the Member or Chairman. It is only an innocent clause which seeks to cure any irregularity that may be alleged on account of any vacancy in the Committee. Such a provision is found in other enactments. It is not found here. I believe that the absence of such a provision in this Bill is due to the fact that there is not a similar provision in the Mettur Township Act. Since such a provision is found in other Municipal enactments, I suggest that this new sub-clause (4) may be added in order to provide for such contingencies in which it may be alleged that there was a defect in the constitution of the Committee.”

SRI S. JAYARAMA REDDIAR :—“ கனம் சபாநாயகர் அவர்களே, இந்த சபையின் அங்கத்தினர்கள் பெரும்பாலோர் குற்றமில்லாத போய் வந்திருக்கிறார்களென்று நினைக்கிறேன். அது சிறிய ஊராக இருந்தாலும், அவ்விடத்திற்கு பல ஊர்களிலிருந்தும் மக்கள் திரள் திரளாக வந்து போகின்றனர்.”

[14th May 1954]

SRI S. RAMALINGAM :—“ரொம்ப அங்கத்தினர்கள் அங்கு போகவில்லையாம்.”

SRI S. JAYARAMA REDDIAR :—“போகவில்லையா, பரவா யில்லை. நமது சட்டசபையே ஒருமுறை குற்றாலத்திலே கூடுவதற்கு நமது சட்டசபை சபாநாயகர் ஏற்பாடு செய்வாரென்று நம்புகிறேன். அப்போது அங்குள்ள நீர்வீழ்ச்சியின் இன்பத்தையும், நல்ல சுகாதார சூழ்நிலையையும் அனுபவிக்கலாம். நல்ல முறையிலே அதை நிர்வகித்து நடத்த, நமது சர்க்கார் அங்கே இருக்கின்ற பஞ்சாயத்து போர்டினுடைய நிர்வாகத்தை எடுத்துவிட்டு, அதற்கு விசேஷமான கிராண்டுகள் உதவி அதை ஒரு நல்ல சுகவாசஸ்தலமாக்க வேண்டுமென்று பல வருஷங்களாக யோசித்துக்கொண்டு வந்தது. சமீபத்தில் இந்த மாதிரி வசதிகள் செய்ய வேண்டுமென்ற முடிவுக்கு வந்து, அதை ஒரு டவுன்ஷிப் கமிட்டிக்கு விடவேண்டுமென்று சர்க்கார் முன்வந்தது வரவேற்கப்படவேண்டிய விஷயமாகும். ஆனால் இந்தச் சபையில் எல்லோரும் இதை ஆதரித்துப் பேசியபோதிலும், நான் ஒரு விஷயத்தைச் சொல்ல விரும்புகின்றேன். இந்த டவுன்ஷிப் ஏற்படவேண்டுமென்ற பிரேரேபணை இருக்கின்ற காலத்தில் அந்த ஊரில் எலெக்ஷன் நடந்தது. அப்போது நான் குற்றாலத்தில் இருந்தேன். பஞ்சாயத்து போர்டின் நிர்வாகத்தில் இருக்க வேண்டுமென்று அப்போது அங்கு பேசிக்கொண்டார்கள். அதன்படியே எலெக்ஷன் நடந்தது. ஆனால் இப்போது டவுன்ஷிப் கமிட்டி புகுத்தப் படுகிறது. பஞ்சாயத்து போர்டு நிர்வாகத்தில் இருக்கின்ற காலத்திலே, இந்த பிரேரேபணை கொண்டுவந்துள்ளது, அங்குள்ளவர்களுக்கு ஒருவித தப்பெண்ணத்தை உண்டாக்கி வருகிறது. அதை நீக்க இந்த சர்க்கார் ஒரு காரியம் செய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன். அதற்கு ஒரு உபாயம் சொல்லவேண்டுமென்பது என் அபிப்பிராயம். இப்போது இருக்கும் பஞ்சாயத்து போர்டின் பிரதிநிதிகளில் ஒருவரை, non-official மெம்பராக கண்டிப்பாக சேர்த்துக்கொள்ள வேண்டுமென்பதை சர்க்காரின் கவனத்திற்கு கொண்டுவந்து, விசேஷமாக இத்திட்டத்தை சீக்கிரம்கொண்டு வருவதற்கும், ஏராளமான ரூபாய் கிராண்டு கொடுத்து இங்கிலாந்தில் ஸ்பா என்னும் சிறப்புபெற்ற சுகவாசஸ்தலம் இருக்கிறது என்று கூறுகிறார்களே, அப்படிப்பட்ட வகையில் குற்றாலத்தை ஆக்கி, நம்முடைய ஊர்களிலிருந்தும், வெளியூர்களிலிருந்தும் ஏராளமான மக்கள் வந்து போவதற்கான வசதிகளோடு குற்றாலத்தை ஒரு இன்ப பூமியாக்கி உதவ வேண்டுமென்று கேட்டுக்கொள்கிறேன்.”

SRI A. RATNAM :—“கனம் சபாநாயகர் அவர்களே, இந்த குற்றாலம் டவுன்ஷிப் கமிட்டியில் சில திருத்தங்கள் கொண்டுவந்து, குற்றாலத்தை ஒரு விசேஷ சுகவாசஸ்தலமாக்க, பஞ்சாயத்து போர்டானது இப்பொழுது திருத்தி அமைக்கப்படுகிறது. ஆனால் அதே நேரத்திலே, குற்றாலம் டவுன்ஷிப் கமிட்டியை சர்க்கார் அமைத்து நிர்வாகத்தை எடுத்துக்கொண்டு, அந்த இடத்தைச் சாராத ஒரு எக்ஸிசியூட்டிவ் ஆபிசரை நியமிப்பதும், அதுதவிர மூன்று பேர்களை நிர்வாகத்தைக் கவனித்துக் கொள்ள ஏற்பாடு செய்வதும் அங்குள்ள ஸ்தலவாசிகளுக்கு வெறுப்பை உண்டாக்கக்கூடியதாக இருக்கிறது. இன்று ஜனநாயகம் பேசுகின்ற சர்க்கார், முறை தவறி நடந்துள்ளது. ஒரு ஸ்தலத்தை அபிவிருத்தி செய்வதானாலும், அல்லது செம்மைப்படுத்துவதானாலும் அங்குள்ள மக்களின் யோசனையை, சம்மதத்தைப் பெற்றுச் செய்தால்தான் நல்ல நிலைமையை உண்டாக்க முடியுமே தவிர, ஆட்சியாளர்கள் ஒரு கமிட்டி ஏற்படுத்துவதும் அல்லது ‘ஆபீசர்களை நியமிப்பதும், சர்வாதிகாரத்தை அந்த இடத்திலே செலுத்துவதும் அங்கு வாழுகின்ற மக்களுடைய மனக்கசப்பை உண்டாக்கும்’ நல்லெண்ணம் ஏற்படாது என்பதை தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன். ஜனநாயக முறையை உதறித் தள்ளிவிட்டு, அந்த இடத்தை எவ்வளவு விஸ்தரித்தாலும், அங்கு எவ்வளவு செலவழித்தாலும்கூட, அந்த ஸ்தலத்திலுள்ள மக்கள் உதவியைக்கொண்டு ஒரு காரியத்தைச் செய்வதே அங்குள்ள மக்களுக்கும், பொதுவாக இந்த ராஜ்யத்திலுள்ள மக்களுக்கும் நல்லதாகும். குற்றாலத்தை ஒரு சுக

[14th May 1954] [Sri A. Ratnam]

வாசஸ்தலமாக அழகுபடுத்தவேண்டுமென்றும், செம்மைப்படுத்தவேண்டுமென்றும், நல்ல வசதிகளையெல்லாம் செய்யவேண்டுமென்றும் சொல்வது அங்குள்ள மக்களுக்கு மட்டும் உதவி செய்வதோடு, மற்றுமுள்ள பொது மக்களுக்கும் நன்மை செய்வதாகும். இந்த எண்ணத்தோடுதான் அரசாங்கம் இதைக்கொண்டு வந்திருக்கிறது. எனவே ஜனநாயக முறைப் படி இயங்கிக்கொண்டு வருகின்ற ஒரு பஞ்சாயத்து போர்டு, ஜில்லா போர்டு, கார்ப்பரேஷன் எப்படி மக்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளால் நிர்வகிக்கப்பட்டு வருகிறதோ, அதேமுறையில் இந்த குற்றாலம் டவுன்ஷிப் கமிட்டியானது நிர்வகிக்கப்படுமேயானால், அந்த குற்றாலத்திலே வாழுகின்ற பொதுமக்களுக்கும், நம்முடைய ராஜ்ய சர்க்காருக்கும் பெருமையாக இருக்கும். அப்பொழுது அந்த இடத்திலே போய்க்கொண்டு வருகின்ற மக்களுக்கும் ஒரு மதிப்பு கொடுக்கும் நிலை உண்டாகும். வேண்டுமென்றால் எக்ஸிசியூட்டிவ் ஆபீசர் போன்ற ஒரு நபரை உத்தியோகஸ்தராக அமைத்து, அவ்வதிகாரியை மேற்பார்வை பார்த்துக்கொள்ள அரசாங்கம் சொல்வதுதான் நல்லது. அந்த முறையில் பொறுப்பை ஏற்றுக்கொண்டு இந்த டவுன்ஷிப் கமிட்டி நல்ல முறையில் நிர்வகிக்கப்படவேண்டுமென்ற நோக்கத்தோடுதான் இப்போது இந்தத் திருத்தம் இங்கு கொண்டுவரப்பட்டிருக்கிறது. எனவே ஆட்சியாளர்கள் அந்த விதத்திலே முரண்படாமல், இந்த யோசனையை ஏற்றுக்கொள்வார்கள் என்பது என் எண்ணம். இந்தத்திருத்தத்தை ஏற்றுக்கொண்டு, இன்றைய சர்க்கார் ஜனநாயக முறையிலே நடப்பது நலம் தருமென்று தெரிவித்துக்கொள்கிறேன்.”

DR. K. B. MENON :—“Sir, the other day when this Bill was discussed, the Opposition registered its opinion to the effect that the Government should not resort to replace the elected panchayat with an appointed Township Committee. Reasons were urged for the formation of this Township Committee. But I must tell this House that we are not convinced that there is any necessity for such an action on the part of the Government. Now, in the Bill, there is a provision for eight Members and it is stated that only three of them will be non-officials. I submit that the Government must see that at least the Committee has five non-officials and three officials as its members. If the Government are willing to accept this suggestion, it will introduce an element of democracy and will give some opportunity for the people to express their opinion.

“There is provision in the Act for an Executive Officer and whatever the Government want to do or whatever control the Government wish to exercise can be exercised through the Executive officer. I therefore submit that a non-official majority should be provided for in the Committee.”

SRI M. NARAYANA KURUP :—“Sir, the Government have brought this Bill with the good intention of improving this health resort to an ideal condition under their direction by easy and quick working. But I am afraid the machinery that is proposed to be provided for under this Bill will not suit that purpose because the conflict of authority and room for friction is inherent in the machinery itself provided by them. It is stated that the Township Committee shall be a body corporate having perpetual succession and a common seal, etc. Of course, whatever be the composition of the Committee, we can understand that there will be smooth working if the chairman and the executive

[Sri M. Narayana Kurup] [14th May 1954]

officer of the Committee are chosen by the Committee itself. Sir, from a bit of experience from the recent panchayat elections, I can say that it is quite probable that conflict of authority will arise in this case, not only between the majority of Members of the Committee and the minority but between the Chairman and the Members of the Committee and also between the Chairman and the Executive Officer of the Committee. We have had experience. In the recent panchayat elections, the President was directly elected; that means the President is irremovable. There had been cases where the majority of the members of the Board were of one view and the President was of a different view. There was no room for a no-confidence motion against the President and the whole working of such panchayats was in a fiasco.

"Now, Sir, here in this case, there are eight members, but the Chairman of the Committee is not chosen by the Members. It is quite possible, quite likely and it is sure to happen that the Chairman chosen by the Government may not enjoy the confidence of the majority of the people. That is one thing.

"Then, going further into the provisions of the Bill, the executive officer himself is not chosen by the Committee or nominated by the Chairman. He is the main executive authority. Therefore, it makes matters still worse. There may arise cases where the Chairman nominated by the Government may disagree with the executive officer. Therefore, I think these are defects inherent in this Bill itself. To avoid these, the only thing to be done is to allow the committee to elect its office bearers namely, the Chairman and the executive officer. Otherwise, it will not be conducive to the smooth working of the Committee. We know even in cases of elected Municipalities and Panchayats where there are Commissioners or Executive Officers, it falls entirely to the lot of the Executive Officer to enforce any decisions arrived at the General Body. That has been our experience.

"Therefore, these possibilities of conflict of authority and room for friction pointed out by me are not merely imaginary fears, but facts based on experience. Therefore, I hope the Government will amend the clause suitable to avoid such a contingency."

Sri P. JEEVANANDAM:—"கனம் தலைவர் அவர்களே, இந்த மசோதாவின்மீது பொது விவாதம் நடந்தபோது சிற்சில கருத்துக்களை இந்த சபை முன்னால் வைத்தோம். நாம் எல்லாரும் அறிவோம், சாதாரண ஜனங்களுக்குத் தெரியும், குற்றமும் மிக வசீகரமான, ஆரோக்கியமான, அழகான, இனிமையான ஸ்தலமாக இருந்து வருகிறது என்பது. அன்று கனம் அமைச்சர் அவர்கள் பதில் சொல்லுகிறபோது ஆண்டுக்கு 20,000 பேர் குற்றமற்றவர்களுக்கு வருகிறார்கள் என்றார்கள். ஆனால் 20,000 பேர்களில் முக்கியமாகச் செல்கிறவர்கள், கனம் ராஜா சர் முத்தையா செட்டியார் செல்வதுபோலவோ, முன்னாள் அமைச்சர் கனம் ராஜாஜி சென்றிருப்பது மாதிரியோ அல்லது நம் மதிப்பிற்குரிய காலம் சென்ற ரசிகமணி திரு. டி. கே. சிதம்பரநாத முதலியார் இருந்தது மாதிரியோ அல்லது இங்குள்ள நமது அமைச்சர்கள் செல்வது மாதிரியோ அல்லது நடுத்தர வர்க்கத்தினர் வசதியிருந்து அவர்கள் ஆரோக்கியத்திற்காக அந்த சுக வாசஸ்தலத்திற்கு போவதுமாதிரியோ செல்வதில்லை என்பது எல்லோருக்கும் தெரியும்.

[14th May 1954] [Sri P. Jeevanandam]

‘குற்றஸ்தைப்பற்றி காளமேகம்:

“ முக்காலக் கேகாமுன் முன்னரையில் வீழாமுன்
அக்காலரைக் கண்ட ராமுன்—விக்கி
இருமா முன் மாகாணிக் கேகாமுன் . . .
ஒரு மாவின் கீழரையின்னோது.”

“எனவே தெய்வ நம்பிக்கை யுள்ளவர்களும் இன்பம் அனுபவிக்க வேண்டும் என்பதற்காகச் செல்பவர்களும், தலையிலே எண்ணெயைத் தேய்த்துக்கொண்டு இளம் வெய்யிலிலே சுற்றிக்கொண்டு சிற்றருவி மேலே இருந்து விழுகின்ற இடத்திலே தலையைக் கொடுத்து குளிக்கும்போது அந்த அருவியிலிருந்து அமிர்த சஞ்சியைக் கொடுவதுபோல ஜோரான இன்பத்தை அனுபவிப்பதற்குப் பதிலாக மூன்று நான்கு மாதம் தமிழ்நாட்டில் வெய்யிலில் வறண்டு கொடுமைப்படுவதைத் தடுப்பதற்காக அங்கு செல்பவர்கள் அவர்கள் ஒரு சிலர் குற்றமும் தமிழ்நாட்டிற்கே தமிழகே ஒரு பெருமை. அந்த பெருமையுள்ள ஸ்தலத்தை ஒரு சிறந்த சுகவாச ஸ்தலமாக்குவதற்கு, நாகரீகமான இடமாக்குவதற்காக அவசரமாக இச்சட்டம் கொண்டு வரப்பட்டுள்ளது. இவ்வெண்ணம் வரவேற்கத்தக்கது, பெருமைக்குரியது. இதைச் சீக்கிரமாக நகர டவுன்ஷிப் கமிட்டியின்கீழ் கொண்டுவரவேண்டுமென்று சொல்லப்படுகிறது. இந்த ஆரோக்கியக் குற்றஸ்தைச் சரியாகப் பேணி தகுந்த உயர்ந்த முறையிலே சீர்திருத்துவதற்கு பஞ்சாயத்து போர்டால் முடியவில்லை. ஆகவே நாங்கள் எடுக்கிறோம். எடுக்கிறபோது அதை டவுன்ஷிப் கமிட்டியின் நிர்வாகத்தின்கீழ் கொண்டுவருகிறோம். அதற்குப் போதிய வசதிகளை அதிகரிப்பதற்காக அதிகாரிகளை நியமிக்கிறோம். அந்த அதிகாரியின்கீழ்தான் நிர்வாகம் இயங்கும் என்று சொல்லப்படுகிறது. ஆனால் நாம் கேட்பதுபோல எதிர்த்தரப்பு அங்கத்தினர்கள் ஜெயராம ரெட்டியார் அவர்கள் குறிப்பிட்டார்கள். பஞ்சாயத்து போர்ட் தேர்தல் நடந்த காலத்திலே அங்கு இருந்த பிரச்சனைகளைக் குறிப்பிட்டார்கள். அதன்படி டவுன்ஷிப் கெடுபிடியைப் புகுத்துவதால் அங்கு வாழுகின்ற மக்களுடைய நல்லெண்ணம் பாதிக்கப்படுகிறது என்று கூறினார்கள். அதோடு இந்திய அரசியல் சட்டத்தில் பஞ்சாயத்து போர்ட் சட்டப்படி தேர்தல் நடத்தி அந்தத் தேர்தலில் மக்கள் பிரதிநிதியாக யார் தேர்ந்தெடுக்கப்படுகிறார்களோ அவர்களிடத்தில் நிர்வாகத்தையும், சொத்துக்களையும் ஒப்படைக்கவேண்டும். ஆனால் இந்த டவுன்ஷிப் கமிட்டி எப்படி வருகிறதென்றால் தேர்தல் ஒன்றும் இல்லாமல், சர்க்கார் அதிகாரத்தைக் கொடுக்கிறோம். சர்க்கார் 8 பேர்களை நியமிக்கிறது. மக்களால் தேர்ந்தெடுக்கப்பட்ட குற்றமும் பஞ்சாயத்து போர்ட் பிரதிநிதிகள் தங்களுடைய சொத்து பத்துகளையும், உரிமைகளையும் சர்க்கார் நியமிக்கப்படுகின்ற அந்த 8 பேர்களிடம் ஒப்படைக்கப்படவேண்டுமாம். அதை அனைவரும் ஒப்புக்கொள்ளவேண்டுமாம். இதுதான் ஜனநாயகச் சட்டப்படி கனம் மந்திரி அவர்களால் கொண்டுவரப்படுகின்ற சட்டம். இது தவறு என்பதை சர்க்கார் தரப்பிலுள்ள நண்பரும், எதிர்த்தரப்பில் இருக்கிற நாமும் ஆட்சேபிக்கிறோம். சிந்தித்துப் பார்க்கவேண்டும். அவர்கள் ஏற்கெனவே அங்கு வருத்தப்பட்டுக் கொண்டிருக்கிறார்கள். அதிருப்தி பட்டுக்கொண்டிருக்கிறார்கள். இங்கே வருகிற திருத்தங்களும் நிராகரிக்கப்படுகின்றன. அங்கு தேர்தல் நடத்தி மக்களின் பிரதிநிதிகளாக வந்துள்ளவர்களுக்கு உரிமை ஒன்றும் கிடையாது என்று இந்த சட்டம் கூறுகிறது. நல்லதைச் செய்கின்றபோது குடியரசுச் சட்டப்படி ஒரு உரிமையை நாம் பறிக்கிறோம் என்பதை நன்றாகச் சிந்தித்துப்பார்க்க வேண்டுமென்று கேட்டுக்கொள்கிறேன். பொதுமக்களின் உரிமைகளைப் பறித்து பஞ்சாயத்து போர்டு பிரதிநிதிகளுக்கு ஒருவித அதிகாரமும் கிடையாது என்ற அளவிலே இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. நகர நிர்வாகத்தைக் கையாளும் முன் அந்த பஞ்சாயத்து போர்டாருக்கு அதிகாரம் மேற்கொண்டு கொடுக்கப்பட்டால் ஒரு முனிசிபாலிட்யாக சேர்க்கப்பட்டால் மேற்கொண்டு அதை ஒரு சிறந்த நகரம் ஆக்குவதற்காக தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளின் உதவிகொண்டு இந்த டவுன்ஷிப் கமிட்டியானது விஸ்தரிக்கப்பட்டால் அதற்கும் மதிப்பு இருக்கும். மக்களுக்கும் வெறுப்பு உண்டாகாது. பொதுஜனங்கள் எல்லோரும் அதில்

[Sri P. Jeevanandam] [14th May 1954]

பங்கு எடுத்துக் கொள்ளமுடியும். முன்னால் ஏற்பட்டிருக்கின்ற மனக் கசப்பையும் மாற்றமுடியும். குற்றாலத்தையும் உயர்ந்த முறையிலே ஒரு ஈடு இணையற்ற சுகவாசஸ்தலமாக்க முடியும். பஞ்சாயத்து போர்டாக இருந்தாலும் சரி, முனிசிபாலிட்யாக இருந்தாலும் சரி நல்ல முறையிலே நல்ல எண்ணத்திலே ஒரு காரியம் செய்ய வேண்டுமென்றால் இந்த டவுன்ஷிப் கமிட்டியானது ஜனநாயகத்திற்கு விரோதமாக 8 பேரை நியமிப்பது மிகமிகத் தவறாகும். மக்களுடைய மனசாட்சி conscience-க்கும் ஒத்துழைப்பிற்கும் அரசியல் சட்டத்தை மதிக்கும் வகையிலும் ஜனநாயக ரீதியாகவும் இக்கமிட்டியை அமைக்கவேண்டுமென்றால் சர்க்கார் தரப்பில் உள்ளோர் நன்றாக சிந்தித்துப்பார்த்து, மக்களால் தேர்ந்தெடுக்கப்பட்ட பிரதிநிதிகளுக்கு முக்கியத்துவம் அளிக்கப்பட வேண்டுமென்று இந்த திருத்தங்களை ஏற்றுக்கொண்டு இச்சட்டத்தை திருத்தியமைத்து தமிழ்நாடு ஒரு சிறந்த சுகவாசஸ்தலத்தை இயற்கையன்னை அங்கு தவழ்ந்து விளையாடும் தெய்வீக ஸ்தலமாக கலைக்கோயில் இருப்பிடமாக ஆக்கமுடியும் என்று தெரிவித்துக்கொண்டு இந்தத் திருத்தத்தை ஏற்றுக்கொள்ளுமாறு நான் கேட்டுக்கொள்கிறேன்.”

SRI K. R. NALLASIVAM :—“கனம் சபாநாயகர் அவர்களே, இதற்கு முன்பு நம் மாகாணத்தில் டவுன்ஷிப் கமிட்டி நியமிக்கப்பட்டிருக்கிறது. அதைப்பற்றி சில விவரங்களும் எனக்குக் கிடைத்தன. அந்த டவுன்ஷிப் கமிட்டியைப் பொறுத்தவரையில் ஆரம்பத்திலிருந்து இன்றுவரைக்கும் . . .”

THE HON. SRI C. SUBRAMANIAM :—“The general consideration of the Bill is over and we are dealing with it clause by clause. So reference to other township committees should have been made during the first reading. I would respectfully submit that we may confine ourselves to this clause and also to the amendment before the House so that the scope of the discussion may not be unnecessarily enlarged.”

SRI K. R. NALLASIVAM :—“அதனால் டவுன்ஷிப் கமிட்டியை அமைப்பது என்றாலேயே அதை நமது மக்கள் எதிர்க்கிறார்கள். பொதுவாக பஞ்சாயத்து ராஜ்யம் எங்கு பார்த்தாலும் ஏற்படுத்த வேண்டுமென்பது கார்த்தியத்தில் நம்பிக்கை உடைய காங்கிரஸ் கட்சிக்காரர்களின் எண்ணம். சோஷலிஸ்டுக் கட்சிக்கும் அதிலேயே அதிக நம்பிக்கை இருக்கின்றது.”

“ஆனால் பஞ்சாயத்து சட்டத்தினால் ஏற்படும் நிலைமை என்ன என்று பார்ப்போம். இரண்டு கோடி ரூபாய்க்கு மேல் உதவி செய்வதானால் டவுன்ஷிப் கமிட்டியே நியமிக்கவேண்டுமென்று சொல்லப்படுகிறது. சில பஞ்சாயத்து போர்டுகளில் அப்படிச் செய்ய முடியாதாம். ஏன் என்று கேட்கிறேன்.”

“ஜனநாயக ரீதியில் தேர்ந்தெடுக்கப்பட்ட இந்தக் கமிட்டியை வைத்துக்கொண்டு நகரத்தை அபிவிருத்தி செய்வதில் எந்தவிதமான தொந்தரவும் இருக்காது. தொந்தரவும் கிடையாதென்று சொல்வேன். இன்றைக்கும் ஜனநாயக முறைப்படி தேர்ந்தெடுக்கப்பட்ட பஞ்சாயத்து போர்டு மெம்பர்களைக் கொண்டே அதன் நிர்வாகம் நடந்து கொண்டிருக்கிறது. அதில் சந்தேகம் கிடையாது. ஆகவே அங்குள்ள ஜனங்களின் அபிப்பிராயத்தை அரசாங்கம் நன்கு மனதில் வைத்துக்கொள்ளவேண்டும். டவுன்ஷிப் கமிட்டியை அமைத்தாலும் அதன் அடிப்படையில் திருத்தம் இருக்கவேண்டும். அக்கமிட்டியை அமைப்பதில் யாருக்கும் எவ்வித ஆட்சேபமும் இருக்க முடியாது. ஆகவே எந்தக் காரணத்தைக் கொண்டும் பஞ்சாயத்து போர்டை அகற்றிவிடக்கூடாது. அப்படிச் செய்தாலும் அதன் பிரதிநிதிகளையே, ஜனநாயக முறையில் தேர்ந்தெடுக்கப்பட்டு வந்துள்ள அவர்களையே இந்த டவுன்ஷிப் கமிட்டியின் அங்கத்தினராகப் போட்டு நிர்வாகத்தை நடத்த வேண்டுமென்று நான் கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.”

[14th May 1954]

SRI V. MADANAGOPAL :—“கனம் சபாநாயகர் அவர்களே, இந்த டவுன்ஷிப் கமிட்டியை ஏற்படுத்தவேண்டுமென்பதைப் பொறுத்த வரையில் சபையில் பலபேர்கள் பலதரப்பட்ட அபிப்பிராயங்களை வெளியிட்டிருக்கிறார்கள். ஆனால் பொதுவாக ஜனநாயகப் பிரதிநிதிகளே இதில் அங்கம் வகிக்க வேண்டுமென்ற ஒரு விஷயத்தை மட்டும் எல்லா மெம்பர்களும் கருத்து ஒற்றுமையோடு வெளியிட்டு இருக்கிறார்கள். குறிப்பாக சர்க்கார் கட்சியைச் சேர்ந்த மெம்பர்களும் கூட இதனையே கூறியிருக்கிறார்கள். இது மிகவும் நியாயமானது. அந்தக் கமிட்டியில் பஞ்சாயத்து போர்டு தலைவரையும் ஒரு அங்கத்தினராகப் போட வேண்டுமென்று சொன்னதைப் போலவே அந்த அசெம்பிளித் தொகுதி சட்டசபை அங்கத்தினரையும் கூட அந்தக் கமிட்டியில் இடம்பெறச் செய்வது மிக மிக முக்கியமான அம்சமாகும். அந்தக் கமிட்டி ஜனநாயக முறைப்படி அமைக்கப்பட்டதில்லையென்ற வாதத்தையே அது தகர்த்து எறியக்கூடும். இம்மாதிரி அதனை மாற்றியமைக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். நான் இனிமேல் கூறப்போகும் விஷயங்களைத் தோட்டம் நிலைப்பதற்குள் தென்னம்பிள்ளை வைக்க யோசிப்பதைப் போல, கலியாண மாவதற்குள் பிறக்கப் போகின்ற குழந்தைக்கு என்ன பெயர் இருவது என்பதைப்பற்றி சர்ச்சை செய்வதைப்போல, டவுன்ஷிப் கமிட்டி அமைப்பதற்கு முன்னேயே அது எந்த முறையில் வேலை செய்யவேண்டுமென யோசனை கூறுவதுபோல் இருக்கிறது, என்று சொல்லிவிடாமல் பின்னால் அமைக்கப்படப் போகின்ற கமிட்டிக்கு இவைகள் நல்ல முறையில் உதவியாக இருக்குமென்ற அளவிடாது சர்க்கார் கவனித்துக் கொள்ளவேண்டுமெனக் கேட்டுக்கொள்கிறேன்.”

“ரயில்வேக்காரர்கள் மதுரை போன்ற நகரங்களுக்கு வருபவர்களிடம் மெல்லாம் இரண்டரை கூட வாங்குகிறார்களே அதைப்போல குற்றாலம் வருபவர்களிடம் எல்லாம் வரிப்பணம் வாங்குவது என்று எந்தச் சட்டத்தையாவது இந்தக் கமிட்டி கொண்டுவந்தால் அதனால் அந்தப் பிரதேசத்தைச் சுற்றியுள்ள கிராமவாசிகள் ரொம்பவும் கொதிப்படைவார்கள். அப்படி செய்யக்கூடாதென்று கேட்டுக்கொள்கிறேன். அதோடு இந்தியா முழுவதிலிருந்து அங்கே வருகின்ற ஏழை எளிய மக்கள் குற்றாலத்தில் எட்டு நாள், பத்து நாள் தங்கவேண்டுமென்று விரும்பினால் குறைந்த வடிகையில் அவர்களுக்கு வீடுகள் கட்டி வைத்திருந்து வடிகைக்கும் மக்கள் விடவும் யோசிக்கலாம். அங்கே பல டீலிகைகள் இருக்கின்றன. அவைகளை வளர்க்கவும், ஆயுர்வேத மருந்துக்கு உபயோகப்படும்படியாக அதை எடுத்து விற்கவும் ஏற்பாடு செய்யலாம். மலையடிவாரத்திலுள்ள புல்வெளிகளை மேய்ச்சல் தரையாக விவசாயிகளிடமிருந்து குறைந்த கட்டணத்தை வாங்கிக்கொண்டு உபயோகிக்கும்படியாகச் செய்யலாம். இதற்காக அந்தத் தொகுதியில் இருக்கும் எம்.எல்.ஏ.-யையும் இந்தக் கமிட்டியில் சேர்த்துக்கொள்ளவேண்டும். இது ஜனநாயகத்திற்கு முரண்பட்டது அல்ல. இதைச் சர்க்கார் கவனித்து ஆவன செய்யவேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்கிறேன்.”

SRI S. RAMALINGAM :—“கனம் சபாநாயகர் அவர்களே, சர்க்காரே நேரிடையாக அந்தக் கமிட்டிக்கு அங்கத்தினர்களை நாமினேட் செய்வது ரொம்பவும் தவறானது. ஜனநாயக முறையை அதில் கையாண வேண்டுமென்பதே எங்கள் கோரிக்கை. குறைந்தபட்சம் மூன்று அங்கத்தினர்கள் உத்தியோகப்பற்றற்றவர்கள் இருப்பார்கள் என்று சொல்லியிருப்பது சரியல்ல. எட்டு அங்கத்தினர்களைக் கொண்ட அக்கமிட்டியில் குறைந்த பட்சம் ஐந்து அங்கத்தினர்களாவது உத்தியோகப்பற்றற்றவர்களாக இருக்கவேண்டுமென்று நான் தெரிவித்துக்கொள்கிறேன். இந்தச் சமயத்தில் கனம் மந்திரி அவர்கள் குறுக்கிட்டு, குறைந்தது மூன்று அங்கத்தினர்கள் என்றுதான் இருக்கிறதென்றும், ஐந்தாறு அங்கத்தினர்களும் இருப்பதில் தடை எதுவுமில்லையென்றும் சொன்னார்கள். அதனைச் சட்டத்திலேயே கொண்டுவந்துவிடலாமே என்பதுதான் என் வேண்டு கோள். எல்லோரும் உத்தியோகப்பற்றற்றவர்களாக இருந்தாலும் கூட சர்க்காருக்கு எந்தவிதமான ஆபத்தும் இதில் இருக்காதென்றே நான்

[Sri S. Ramalingam] [14th May 1954]

நிச்சயமாகச் சொல்வேன். ஆகவே இதனை 5 உத்தியோகப்பற்றற்றவர்கள் இருப்பார்கள் என்று இதைத் திருத்தவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

“அடுத்தபடியாக ஜனநாயக அம்சம் இந்தக் கமிட்டியில் இருக்க வேண்டுமென்று பல அங்கத்தினர்கள் கூறியிருப்பதுபோல் குறைந்த பட்சம் அந்தத் தொகுதியில் இருக்கக்கூடிய எம்.எல்.ஏ. அல்லது ஜில்லா போர்டு தலைவர், நகரா முனிசிபாலிடி சேர்மென் இவர்கள் எல்லோரும் அதில் இடம் பெறவேண்டும். எல்லா அங்கத்தினர்களும் மக்களால் தேர்ந்தெடுக்கப்பட்டு வரவிட்டாலும்கூட குறைந்தபட்சமாக இவர்களாவது இருந்தால் அக்கமிட்டியில் கொஞ்சமாவது ஜனநாயக வாசனை இருக்குமென்று சொல்லிக்கொண்டு கனம் மந்திரி அவர்கள் இதனை ஒப்புக் கொள்ளவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

THE HON. SRI C. SUBRAMANIAM :—“Mr. Speaker, Sir, there was almost a full-dress debate on this clause with reference to the various issues involved in this Bill. The first point made was with reference to nomination of members to the township committee and it was said that nomination was against democratic principles and that election should be resorted to. But unfortunately, Sir, it is not possible to have the principal of election for reasons which I am going to adduce just now. As far as this Courtallam township is concerned, this is not a matter which concerns the local people alone. It is not a matter which is confined even to the taluk or the district. It is a matter in which the entire State is interested and, in a sense, the whole country is interested. So, in respect of that, an election by the people of the locality will be quite out of place. When local people are to elect the committee, then local issues alone will come into the picture. Then, Sir, if local people cannot elect the committee, who will elect the committee and who will be the electorate? Can we give the right of election to all visitors to Courtallam in a particular season? That would not be proper. That is why the Government have taken the power to nominate the members. This is not a Government which is irresponsible. It is a Government which is responsible to the elected representatives of the people and which is subject to the control of the elected representatives of the people. That is why we, as a responsible Government, are seeking to take power to see that proper persons are nominated for the specific purpose of administering the affairs of this township. After all, it is admitted by everybody that it is a health resort which should be made more beautiful. It is also admitted that not only rich people but even poor people should be encouraged to visit the place. As Mr. Madanagopal has suggested, it should be the aim of Government to provide such facilities that even poor people will be induced to visit these places. So, this is not a question where the principles of democracy are involved nor is it an issue in which the Government want to take away the rights of the people who live in that locality. All these rights will be properly safeguarded. But taking into consideration the larger issues involved in it, it cannot be handed over to the people of the locality. If it is done, then elections will be fought by the local people on local issues and it is not desirable to allow such a thing to take place.

14th May 1954] [Sri C. Subramaniam]

“Then, Sir, a point was made that the powers given to the panchayats under the Panchayats Act were not sufficient to deal with this problem. Sir, for that very reason alone, a township committee is proposed with larger powers vested in it so that, if need be, the Government may step in and aid the committee with funds. Therefore, I would request hon. Members to give up the idea that they are labouring under that the Government want to take away the democratic rights of the people. On the other hand, we want those rights to continue. We want to see that proper amenities are provided to those who visit this health resort, a Nature's gift, and I would request hon. Members not to be obsessed with the idea that we are taking away the elective principle. A Government which is responsible for the administration of the entire State has taken over the responsibility of developing this health resort. Therefore, there is no question of democracy involved here nor any question of our trying to get behind the principles of democracy.

“Sir, with reference to nomination of non-officials, we have said 'not less than three non-officials'. It may be three or even four. But taking into consideration the requirements in the initial stages, it may be necessary to have more officials than non-officials, an engineer, an architect, a health officer and so on. To meet administrative requirements, officials might be appointed. Once these officials are appointed, they are subject to the control of the Government. But an engineer need not be there for all time. An architect may not be necessary there for all time. As soon as their functions are fulfilled, they would be removed and others would be nominated in their places. As far as officials are concerned, it would be of a shifting pattern. It depends upon the particular phase of development that is taking place. Suppose electrification of the township is taken up. An electrical engineer would be required to serve on the committee. Therefore, I would request the hon. Members of the House to trust the Government to this extent that officials would be on the committee for a limited period of time to meet particular requirements of the area. It is not as if we want officials always to be there. If necessary, we shall increase the number of non-officials.

“Then, Sir, with regard to election of chairman, we have agreed to nomination of members of the committee and there is no point in asking the nominated members to elect their chairman. There is nothing wrong in vesting the Government with the power of nominating the Chairman. (An hon. Member : 'But let him be a non-official.') We will take into consideration the requirements of the case. It does not mean that he need not be a non-official. In the beginning, it may be an official but within six months or one year, we may change over to a non-official. Until a proper person is available for the chairman's position, we cannot appoint a non-official. Here again, I would request hon. Members to trust the Government to do the needful in the matter.

[Sri O. Subramaniam] [14th May 1954]

We are not taking away the rights of the people. If the provisions of this Bill are to be properly implemented Government must be allowed wide discretion in making nominations.

"A very useful suggestion has been made by Mr. Jayarama Reddiar in the matter of nomination of non-officials and we will certainly consider it. Then with reference to the suggestion that the local M.L.A. should be a member of the committee, I am glad that the suggestion has come from the other side even though the present Member belongs to our party. That is the very reason why I welcome the suggestion. We will consider that matter also when we constitute the committee.

"As far as the Executive Officer is concerned, he has got to be appointed by Government. There is no question of any conflict between the Executive Officer and the Chairman or the Township Committee. The Executive Officer has got to carry out the resolutions of the Township Committee. There is no question of any conflict arising between him and the committee since the officer is also responsible to Government. I think even if there be any conflict the same could be properly solved.

"With reference to the new sub-clause proposed by the hon. Member Sri K. Parthasarathi, I would invite the attention of the hon. Member to the proposed clause 4 wherein we have made provision for the extension of the provisions of the District Municipalities Act. We may incorporate all those provisions and something more also under the rules that would be framed under clause 4. All the observations of hon. Members would be given due consideration when we frame rules under clause 4.

"In view of what I have said, I think the amendments of the hon. Members to this clause, even though they are not objectionable, are unnecessary. So, I would request all those hon. Members who have given notice of amendments not to press their amendments. In view of the fact that those amendments are beyond the scope of the present Bill, I am not in a position to accept all those amendments."

MR. SPEAKER :—"The question is—

'In sub-clause (1) in line 3, for the words "the State Government shall, by . . . three shall be non-officials" substitute the following :—

"there shall be constituted a Township Committee known as the Courtallam Township Committee consisting of a President and Vice-President and eight members to be elected in accordance with the Village Panchayat Act, 1950, and the rules made thereunder as though the Courtallam Township Committee was a Panchayat Board within the meaning of the said Act." "

The amendment was put and lost.

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SRI S. RAMALINGAM :—"I withdraw Amendment No. (2)."

The amendment was, by leave, withdrawn.

SRI A. RATNAM :—"I withdraw Amendment No. (3)."

The amendment was, by leave, withdrawn.

SRI A. RATNAM :—"I withdraw Amendment No. (4)."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—"The question is—

'In sub-clause (1) for the words "appointed by the State Government" substitute the words "elected by the voters of the Township area".'

The amendment was put and lost.

SRI K. PARTHASARATHY :—"I am withdrawing Amendment No. (6)."

The amendment was, by leave, withdrawn.

SRI A. RATNAM :—"I am withdrawing Amendment No. (7)."

The amendment was, by leave, withdrawn.

SRI K. P. GOPALAN :—"I am withdrawing Amendment No. (8)."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—"Since the hon. Member, Sri Ramalingam, is not in his place, his Amendment No. (9) is deemed to have been withdrawn. The question is—

'In sub-clause 2 (b), for the word "another" substitute the word "a".'

The amendment was put and lost.

MR. SPEAKER :—"The question is—

'In sub-clause (2) (b) for the words "Executive Officer" substitute the word "Commissioner".'

The amendment was put and lost.

SRI K. PARTHASARATHY :—"I am withdrawing Amendment No. (12)."

The amendment was, by leave, withdrawn.

Clause 3 was put and carried.

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Clause 4.

MR. SPEAKER:—"I would like to inform the hon. Member, Sri N. K. Palaniswamy, that his amendment cannot be moved inasmuch as a similar amendment of his was negatived by the House when we were discussing the previous clause. The House has already given a verdict. So this consequential amendment, viz., 'in sub-clause (2) (b) for the words "Executive Officer"' substitute the word "Commissioner", cannot be moved now."

SRI S. RAMALINGAM:—"Sir, I move—
'Delete sub-clause (3).'

"I want this sub-clause (3) to be deleted and added on to clause 6. Under the present sub-clause (3) of clause 4 Government have got the power to make rules regarding the applicability to Courtallam of notifications they would issue under the District Municipalities Act. What I want to say is that under clause 6, the Government take the power to issue orders to remove any difficulty that may arise in the course of the working of this present Township Act. I want to insert the present sub-clause (3) there under clause 6 so that those rules that the Government might frame under clause 6 might be placed on the table of this House and may be amended or passed as the House might wish."

The motion was seconded.

MR. SPEAKER:—"Amendment moved—
'Delete sub-clause (3).'

The Hon. Minister may reply."

THE HON. SRI C. SUBRAMANIAM:—"There is no such corresponding amendment to clause 6. (Sri S. Ramalingam: 'No, I have given notice of an amendment.') As far as this sub-clause (3) to clause 4 is concerned, it deals with a certain procedure. Whatever may be the rules framed under different sections of other Acts, so far as this clause 4 is concerned sub-clause (3) deals with the power granted to the State Government to apply the notifications that they might issue from time to time with reference to the District Municipalities Act, to the township of Courtallam. It is said under this sub-clause (3) that such of those notifications as would apply to Courtallam would be placed on the table of this House and be subject to such amendments as this House might desire. When we publish a notification under the District Municipalities Act, it is with some purpose. We lay down a certain procedure to be followed. It is said by this sub-clause (3) that those notifications as would apply to Courtallam would be placed on the table of this House and stand modified by such amendments as the House might desire. Therefore I am sorry, I cannot accept the amendment of Sri Ramalingam to delete this sub-clause (3) to clause 4."

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SRI S. RAMALINGAM:—"I have no objection to withdraw my amendment if Government will add this sub-clause (3) to clause 6. Otherwise I am pressing my amendment."

THE HON. SRI C. SUBRAMANIAM:—"We shall see when clause 6 comes up for discussion. So far as this clause 4 is concerned, I cannot accept the amendment of Sri Ramalingam."

SRI N. K. PALANISAMI:—"கனம் சபாநாயகர் அவர்களே . . ."

MR. SPEAKER:—"உங்களுக்கு ஏதாவது சந்தேகம் இருக்கிறதா? பதில் சொன்ன பிறகு பேசக்கூடாதே?"

SRI N. K. PALANISAMI:—"அதாவது டவுன்ஷிப் கமிட்டியை ஏற்படுத்தப்போகிறார்கள். அப்போது ஒரு எக்சிடியூடிவ் ஆபீஸரை நியமிக்கப் போகிறார்கள். சாதாரணமாக எக்சிடியூடிவ் ஆபீஸர்களை பஞ்சாயத்து போர்டுகளில்தான் நியமிப்பது வழக்கம், அது எவ்வகையில் பொறுத்த மானது என்பது சந்தேகமாக இருக்கிறது."

MR. SPEAKER:—"3-வது கிளாவில் தங்களுடைய அமெண்ட்மெண்ட்—9-ஐ அசெம்பிளி தள்ளிவிட்டது. தள்ளிய பிறகு அதே அமெண்ட்மெண்டை இந்த கிளாஸுக்கு பிரேரேபிக்கக்கூடாது என்று மந்திரி சொன்னார். அதைத்தான் நான் உங்களுக்குச் சொல்லுகிறேன்."

"The House has already given a verdict on a similar amendment. So, the hon. Member cannot move this amendment. The question is—

'Delete sub-clause 3.' "

The amendment was put and lost.

Clause 4 was put and carried.

Clause 5.

Clause 5 was put and carried.

Clause 6.

SRI K. P. GOPALAN:—"Sir, I rise to move my amendment, viz.—

'Delete the whole clause.' "

THE HON. SRI C. SUBRAMANIAM:—"That means opposing the Bill."

MR. SPEAKER:—"Let not the hon. Member move his amendment then. It amounts to opposing the Bill."

SRI N. K. PALANISAMI:—"Sir, I move—

'In line 3, after the word "do" insert the words "with the approval of the Committee".'

The amendment was duly seconded.

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SRI S. RAMALINGAM :—" Sir, I move—

' Re-number the existing clause 6 as sub-clause (1) of clause 6 and add the following as sub-clause (2) :—

" (2) All orders made by the State Government under sub-section (1) shall, as soon as possible after they are made, be laid on the table of both Houses of the Legislature." "

SRI K. P. GOPALAN :—" I second the amendment."

MR. SPEAKER :—" We are going to change our rules in regard to delegated legislation. When the amended rules come into effect, the Government will have to place all the orders passed under an Act of the Legislature before the Legislature."

SRI K. VINAYAKAM :—" Sir, the wording is nebulous and not to the point. The wording should be ' All orders made by the State Government under this Act ' and not ' All orders made by the State Government under sub-section (1) '."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I accept the amendment."

SRI N. K. PALANISAMI :—" I beg leave of the House to withdraw my amendment."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

' Re-number the existing clause 6 as sub-clause (1) of clause 6 and add the following as sub-clause (2) :—

" (2) All orders made by the State Government under sub-section (1) shall, as soon as possible after they are made, be laid on the table of both Houses of the Legislature." "

The amendment was put and carried.

Clause 6 as amended was put and carried.

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1.

SRI G. GOVINDAN :—" கீழ்க்கண்ட பிரேரணையை நான் பிரேரிக்கின்றேன்.

' For the word " Courtallam " wherever it occurs, substitute the word " Kutralam ".'

" கனம் சபாநாயகர் அவர்களே, ' கூர்ட்டாலம் ' என்று ஆங்கிலத்தில் இருக்கக்கூடிய சொல்லை எடுத்துவிட்டு, அதற்குப் பதிலாக ' குற்றாலம் ' என்ற தமிழ்ப் பெயரை ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். சர்க்கார் மனசு வைத்து, சபாநாயகர் அதை ஏற்றுக்கொண்டால், ' திருக்குற்றாலம் ' என்றும் என் திருத்தத்தைத் திருத்திக் கொள்ளலாம் என்றும் கேட்டுக் கொள்ளுகிறேன்."

SRI S. RAMALINGAM :—" ஸ்ரீ கோவிந்தன் அவர்கள் கொண்டுவந்த திருத்தத்தை நானும் ஆமோதிக்கிறேன்."

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THE HON. SRI C. SUBRAMANIAM :—" Let us not embark upon a change of name at this stage. It may be considered a little later. Let us get through the Bill. Some people may object to the change. There is also another place by name Kutralam in Tanjore district, and there should be no clash between the names of these two places for postal purposes. I do not like to accept the amendment off-hand."

SRI K. VINAYAKAM :—" Sir, in view of the existence of another place by the same name and to avoid misunderstanding for postal purposes, it cannot be said the name should not be changed. No Tamilian in this country will object to this kind of change. So, let the Government accept the amendment."

THE HON. SRI C. SUBRAMANIAM :—" Let the House please give us some time."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment? Let the hon. Member please stand up and say what he wants to say clearly."

SRI G. GOVINDAN :—" தமிழில் சொல்லும்படி மந்திரி அவர்களை கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—" நீங்கள் வாபஸ் பண்ணிக்கொள்ளுகிறீர்களா இல்லையா ? "

SRI G. GOVINDAN :—" வாபஸ் வாங்கிக்கொள்ளுகிறேன். "

MR. SPEAKER :—" I hope the House gives him leave to withdraw it."

The amendment was, by leave, withdrawn.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI S. S. RAMASWAMY PADAYACHI :—" Sir, I move—

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

MR. SPEAKER :—" The question is—

' That the Courtallam Township Bill, 1954, as amended, be passed into law.' "

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

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 14th May 1954.

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

THE MADRAS GENERAL SALES TAX (DEFINITION OF TURNOVER AND
VALIDATION OF ASSESSMENTS) BILL, 1954 (L.A. BILL
NO. 19 OF 1954)—*cont.*

SRI T. M. NARAYANASWAMY PILLAI :—“ Mr. Chairman, Sir, with some reluctance I oppose this Bill which has been brought forward to define ‘ turnover ’ and to validate certain assessments and collections. I have objections to both the objects of the Bill. The bringing in of this Bill has been necessitated by the recent judgment of the High Court. If the reasoning of the High Court is borne in mind, I am sure the Government would not have come forward with a Bill of this kind. The objections to follow the judgment of the High Court are said to be that there are a large number of cases in which assessments will have to be refunded and

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there are also other difficulties. The Hon. Minister was not pleased to take us into his confidence and take us through the difficulties. I am not myself impressed by the supposed difficulties urged on us. One of the difficulties is said to be that people might have since died. That is all the better for the Government. Another difficulty urged is that the parties might have left the place. It is still much better for the Government. No other difficulty has been put forward. Even if it should come to a question of refunding all the amounts illegally collected, the Government should set a better example by trying to return all the amounts collected illegally. As a matter of fact the question of refunding will not cause difficulty in practice. After all, we are not going to refund all the illegal assessments made since 1939. We are going to return only assessments for which applications are made. Applications for the return of amounts cannot be made if they are time-barred. Even in respect of those applications which are within the limitation period, it is not as if everybody entitled to the return of the amount will apply for it. Therefore I am not impressed by the difficulties urged by the Government. Even if there should be difficulties, the Government should be the first person to set an example in the matter of returning payments collected illegally. No argument to justify this Bill will avail.

"My next point is that the Bill is inconsistent and illogical. The Government want not only to retain the collections but to validate the illegal assessments. They want to validate all those assessments made before the 31st March 1954 on the ground that the sales tax collected until then formed part of the turnover, but after 1st April 1954, the Government say that the sales tax collected would not form part of the turnover. That is to say, the Government are ready to follow the judgment of the High Court in regard to assessments made after the 1st April 1954, but do not want to follow the judgment in regard to assessments made prior to that date. Sir, I can understand the Government if they say that the judgment of the High Court is wrong, and that they are taking steps to undo that wrong. On the other hand, they concede that the view taken by the High Court is correct. Having taken up that view of the law, and providing for its observance from the 1st April 1954, it is illogical and inconsistent to follow a diametrically opposite view in respect of assessments made prior to 1st April 1954. Let the Government make up their mind and say either the High Court judgment is wrong or that it is right. If the judgment is right they must follow the judgment in its entirety. There could be no *via media* in this matter. Therefore it is I say that the view of the High Court is right, and that the Government are right in saying that the view of the High Court is correct. The reasoning of the High Court seems to be that it is a tax on tax already recovered, and, therefore, this Government have no power to levy a tax on tax. That is the way in which the High Court has proceeded. This argument is not refuted. If we follow the

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lists of the Union and the States and also the Concurrent List, we will see that nowhere there is provision empowering the State to levy this sort of tax. The Government have no doubt power to levy a tax on sales or purchases of goods, but they cannot enforce a tax of this nature. This view is reinforced by the scheme and structure of the Madras Sales Tax Act.

"Sir, in this connexion I would like to invite the attention of the Government to Section 8-B of the principal Act which has been allowed to stand as it is. It has not been repealed. Under that section the dealer is allowed to collect the tax and pay it to Government. In this scheme the place occupied by the dealer is that of an agent to the Government. Therefore, the tax collected by the agent cannot form part of his turnover. (Interruption) The Government seem to have proceeded on the assumption that the dealer was only an agent of the Government."

THE HON. SRI C. SUBRAMANIAM :—"Sir, the hon. Member's argument is that the merchant who pays the tax is just like an agent of the Government. Is that position correct legally, I would like to ask him."

SRI T. M. NARAYANASWAMY PILLAI :—"I am not here sitting in judgment over the pronouncement of the High Court. That kind of prerogative may rest with the Government. Now, I am only questioning the view taken by the Government. According to the view taken by the Government themselves, and the view which the High Court has taken, the dealer is only an agent of the Government. Otherwise they need not provide for the return of the amount. Suppose he collects something else in excess. He has them to return the excess collection. If he were not an agent, could he be compelled to do that?"

THE HON. SRI C. SUBRAMANIAM :—"If the dealer is in the position of the agent and he does not collect the tax, then can we say he is only an agent and he has not collected the tax and therefore he is not liable to pay the tax?"

SRI T. M. NARAYANASWAMY PILLAI :—"The dealer is under two liabilities. The fact he is asked to pay the collections made by him (by negligence) to Government is different from his liability in regard to returning the money collected by him in excess."

THE HON. SRI C. SUBRAMANIAM :—"That is why I submit the conception of the dealer as an agent of the Government in this case is not quite correct. The dealer has to pay the tax. How he makes it up, whether he collects it from the purchaser or pays it himself out of his pocket is of no concern to the Government. Government levy the tax and the dealer has to pay."

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SRI T. M. NARAYANASWAMY PILLAI :—" The Hon. the Finance Minister is too late in making up his mind. He ought to have considered this matter when the Government thought of bringing in such a Bill. I think the Government have adopted the argument of the High Court and accepted the view that the dealer is only an agent.

" Sir, what I was anxious to say is this. What is the object of validating the assessments and the collections already made? It is to enable the Government to keep the money with them. Suppose the person who is entitled to have the money refunded, asks for the refund of the money, then that person will again take the matter to the High Court. If such a suit is filed what will be the final decision of the High Court with regard to this Bill? If the Government follow it in that light I am almost sure that in addition to the arguments furnished by the High Court judgment, the Government will be furnishing an additional argument by passing this Bill. By bringing in this Bill the Government have accepted the argument of the High Court. The only reason for the Government not following that argument is their desire to keep the money with them. Can the Government give effect to this desire so long as the Act stands as it is and so long as section 8-B is there? The High Court will then say that this legislation is *ultra vires*. What are the grounds on which the Government feel sure that this Act will not be called in question and declared by the High Court null and void? No doubt the phrases and words used in the Bill are wide enough but this cannot be an effective remedy so far as the High Court is concerned. The very object of the Government to validate the assessment and the desire to keep the collections would be made ineffectual in the face of the present Bill and the arguments already furnished by the High Court. According to me it is a tax on tax and it cannot stand. The very object the Government have in view would be defeated by the Bill if it is to be passed in the manner in which it has been brought before us. Therefore I oppose the Bill.

" I find two or three amendments given notice of by hon. Members, Sri Bhashyam, Sri Balasubramanya Ayyar and Sri Gurunandan Row. They seem to make a distinction between the validity of the judgment and the necessity of the Government to keep the collections with them. They do not want to go to the extent to which Government want to, namely, to validate all the invalid assessments previously made. They sympathise with the Government and try to help the Government to keep back the amount collected. I do not know how far they will succeed. Anyway the view taken by all these lawyers seems to be that it is wrong on the part of the Government to say that they would be making valid all the assessments merely by effecting a change in the definition of 'turnover'. If the turnover cannot include

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the sales tax already collected, how can the Government make that turnover to include sales tax also by simply quibbling with the definition of 'turnover'? Therefore I oppose the Bill."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I regret to say that this is an unparalleled piece of legislation and reflects great discredit on the Government which has brought in this Bill. It is unconstitutional, illegal, inequitable, unjust and *mala fide*. I can prove the *mala fides* in bringing this piece of legislation because one ground stated in the Statement of Objects and Reasons is that the collections were *bona fide* and therefore the Government do not want to refund the collections made so far. Now what are the facts? In 1939 the Government passed the Sales Tax Act. Section 2 (i) of that Act lays down 'turnover' means the aggregate amount for which goods are either bought or sold by a dealer." Note the emphasis is on 'the sale or purchase of goods' and not on the collection of taxes. Section 3 provides that every dealer shall pay the tax on his total turnover. It is elementary knowledge that tax collected by the dealer from the purchasers cannot be considered as part of the turnover. But the Government have been making among many illegal things, this illegal collection of tax on tax. It is stated that the Government did this *bona fide*. So long ago as 23rd June 1949 an hon. Member in the Legislative Assembly raised this question and the then Finance Minister replied that if this was illegal, it would have been challenged in a court of law long ago. But Government would not take legal advice, because I do not think any man with any knowledge of law could have advised the Government that a tax could be made part of the turnover. Then cases were filed in the District Courts in South Kanara and Tirunelveli on 31st November 1952 and 12th April 1953. It was decided that it was illegal to have a tax on tax. Then on 29th February 1952 the Madras Sales Tax Appellate Tribunal decided that the Government had no power to collect sales tax on sales tax. This was taken by the Government in revision to the High Court. The High Court upheld the decision of the Tribunal on 7th January 1954. Sir, it is necessary to mention to this House that the High Court decided two points. The first point was that, having regard to the clear provisions of the Madras General Sales Tax Act and the rules framed thereunder, the tax collected by a registered dealer under section 8-B of the Act did not constitute part of the turnover and therefore was not liable to be taxed again. The second point they decided was that, where a dealer was empowered under the law to pass on the sales tax to the purchasers and to collect and pay it to the Government, what he was permitted to do so collect under the law would continue to retain its character as a tax and it would never form part of the purchase price. The High Court has made this very clear in its judgment on the 7th January 1954. Apparently, on the advice of their Legal Advisers this Government did not

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take the matter to the Supreme Court. If they had done so, the Supreme Court would have dismissed their appeal. The position therefore is that the District Courts, the Sales Tax Appellate Tribunal, and the High Court have decided it as a very clear principle of law that the Government cannot have a tax on tax. As I said, this kind of taxation is unconstitutional and illegal.

"The General Sales Tax Act was passed by this Legislature under the provisions of a law corresponding to Article 246 of the Constitution of India which refers to the Seventh Schedule—List II which defines and details the various subjects on which this Legislature can make laws. Item 54 of this list provides for taxes on the sale or purchase of goods other than newspapers. But, nowhere in this list and nowhere in the Constitution has it been laid down that the State Legislature has power to impose a tax on tax. This is absolutely unconstitutional and illegal and it has been declared to be so by the Courts. Though this question has been raised from 1949 onwards, the Government in their anxiety to collect money have been illegally collecting this tax on tax without any authority whatsoever. This was thoroughly illegal and has been declared to be so by the Courts.

"Now, what is the object of the present Bill? First of all, the Government want to say that the tax collected by the dealer shall be deemed to have formed part of his turnover for purposes of taxation under the General Sales Tax Act. How it could be deemed to be so, nobody can say. But the Government are asking us to say that it forms part of the turnover!

"Then, Sir, the most clumsy thing is in Clause 3 of the Bill. Clause 3 says that any decision made before the 1st of April 1954 shall not be invalid and all collections of tax will form part of the turnover and will continue to be so even after 1st April 1954 until they are assessed. I can understand the Government saying that they are too poor to pay back what they have collected. Payment of one's debt is a pious obligation laid down under the Hindu Law and I think every Indian must consider it his pious obligation to pay his debts but, the Government, having no conscience, say, 'We will not pay our debts.' I can understand this but what is it that the Government are doing? They go further and say that even though the assessment is made long after 1st April 1954—it may even be two or three years before the assessment is made—they would nevertheless collect the tax on tax. I could have understood it if the Government had said that they had no doubt collected this tax on tax which was illegal and unconstitutional and that they did not want to pay the money back and that they had not got sufficient funds to do so. But the Government say that they are going to collect from the merchants this tax on tax in spite of these decision on turnover till 1st April 1954 which includes the sales tax. It may

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take even two or three years to make these assessments. Are the Government going to collect this tax on tax for all time to come until all the assessments on turnover till the 1st April 1954 are completed? It is therefore not only something which is illegal but it is something which no civilised Government should do. The Government must either take up the position that they have done a right thing or that they have done a wrong thing. This Bill is evidence of the fact that the Government accept the decisions of the Appellate Tribunal and of the High Court! If they have done a wrong thing why should they attempt to collect anything more? After the High Court had pronounced its judgment on the 7th January 1954, they should have stopped the collection of this tax on tax. They did not do so but they want this House to pass this Bill giving them the power to collect this tax on tax for some years to come on the turnover up to 31st March 1954. In other words, not only do the Government not pay back what they have illegally collected but they want to collect the illegal tax on tax hereafter also on the turnover till 1st April 1954. It would take a few more years before the final assessments are made. I say, Sir, that this is not the way in which the judgment of the High Court should be treated or the way in which a civilised Government should treat the merchants. Is it not day light robbery to ask people to pay something which the Government themselves admit is illegal?

"Even to say that they would not repay the illegally collected amounts, the Government must take up a consistent position. It is a very wrong thing to do even for an individual or an association of individuals. If it is so, how can a civilised Government take up the position that they have done something which is illegal and which has been declared to be illegal by the Courts on an elementary interpretation of the Act itself and yet they would not pay back what they have collected illegally? I think it is absurd. It will reflect discredit on any Legislature to pass into law a Bill which will enable the Government to say that they have collected some money illegally but will not pay it back. Should the Government put themselves in such a position? It is an awkward thing to do, and are we to support this Government? It is an unparalleled piece of legislation. The Government go further and say that not only will they not pay back whatever has been illegally collected but will continue to collect this tax on tax even after the judgment of the High Court in January 1954 for a few more years, whether it be three, four or five years, until the assessments on the turnover up to 1st April 1954 are all complete. I would not say it is madness—it is a harsh term to use—but I should say that no civilised Government should place itself in such a position and I do not think that in the whole history of the Madras Government or for the matter of that of any other Government in India has there been such a thing as this. Are we to allow this Government to pass this Bill into law, and are we to allow the Government to commit this robbery? Are we to

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allow this Government to do something which is illegal? I submit this is a thing which the Government should not do. The reason given that these collections were *bona fide*, I say, is a dishonest one. This question has been raised from 1949. The two incidents which I mentioned happened in the District Courts in 1952 and 1953. The decision of the Appellate Tribunal was in 1952. Still the Government say that the collection of the tax was *bona fide*. Who can believe it? Will any member of the public or any educated man believe that what the Government were doing was *bona fide*? I have no doubt that it is a *mala fide* collection of tax. It is not only unconstitutional but also illegal. But to say that still the Government would be collecting the tax shows great disrespect to the Courts which we have established under our Constitution. No Government should disrespect the Courts. This is a case in which the Government have totally disregarded the decision of the Courts. I submit that this House should not be a party to get this Bill passed. This Bill should not at all have been brought before the Legislature. It is a discredit to this House to pass this Bill. We should not allow the Government to pass this Bill."

SRI V. GURUNANDAN ROW :—" Mr. Chairman, Sir, the Hon. the Minister for Land Revenue, in moving the Bill, has not chosen to inform us what the judgment of the High Court is which lays down that the levy of tax on tax is illegal. Though the Hon. Minister referred to the administrative inconvenience and difficulties the Government will have to face if they were to refund the tax already collected on the ground that many people could not be found or that some of them might be dead, still he has not chosen to tell us what the real effect of the judgment is. He has not told the House that this Bill is so wide in its scope that it tries to invalidate the judgments of Tribunals and of the High Court and deprives the assesseees from reaping the fruits of any decree or judgment that they might have obtained from a Tribunal or the High Court. He satisfied himself by merely saying that it is only for administrative convenience that the Government want to legalise certain assessments. Further, the Hon. Minister has not informed us how many cases are pending either before the Deputy Commercial Tax Officer or the Commercial Tax Officer or the Sales Tax Appellate Tribunal or the High Court in which the assesseees have challenged the right of the Government to collect tax on tax. Nor has the Hon. Minister informed us as to how much of the tax will have to be refunded if the pending cases are, as they ought to be, decided in favour of the assesseees. I therefore think that hon. Members will agree with me that without all this information it would not be fair for the Hon. the Minister to expect us to support this Bill.

" Sir, it is necessary that hon. Members should know the reasons given by the learned Judges who held that the tax collected by a dealer should not be included in his turnover. The

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judgment was delivered by the High Court on a batch of petitions filed by the Government—not by the assesseees—against the order of the Sales Tax Appellate Tribunal constituted under the General Sales Tax itself, holding that the collection of tax on tax was illegal. The decision of the Tribunal was as early as in 1952. The Government, instead of accepting the consistent decisions of their own Tribunal presided over by experienced and eminent I.C.S. Officers with vast judicial experience, appealed against that decision and the High Court delivered its judgment on 7th January, 1954 upholding the decision of the Tribunal that a tax on tax should not be levied. It is necessary to set out these facts, because I find that in the Statement of Objects and Reasons appended to the Bill it is stated that the assessments and levy were made in good faith and have to be legalized. I should like to say that I cannot understand what good faith there can be when the Government refused to accept the decision of their own Tribunal given in 1952 and continued to levy the tax till 1954. It is not as if a particular Deputy Commercial Tax Officer or a Commercial Tax Officer, on his own interpretation of the Sales Tax Act, thought that the tax collected by a dealer should not be included in the turnover. In this connexion I wish to bring to the notice of hon. Members that the responsibility for the collection of tax on tax lies fully and squarely on the shoulders of the Government themselves and not on any individual officer. I invite the attention of hon. Members to the Madras Commercial Taxes Manual, Volume I, which is a manual published under the authority of the Board of Revenue (Commercial Taxes). I am quoting from a Government publication. On page 143, there is Standing Order No. 21. The heading given is 'Assessment Procedure'. Standing Order No. 21 (b) (ii) says: 'Amounts to be added to the price of articles'. The following items when collected by a dealer should be included in his turnover for the purpose of assessment :—

- (1) Sales-tax—(B.P. Rt. No. 510, dated 3rd February 1944)
(B.P. Rt. No. 4149, dated 26th June 1948)
- (2) Surcharge—(B.P. Rt. No. 1625, dated 19th March 1948)

This clearly shows that there can be no question of *bona fides* on the part of the Government in this matter. On the contrary, it was the definite instruction of the Government that the assessing authority can collect the tax on tax. Will the Government be pleased, at least now, to place before this House the Board's Proceedings referred to in the said Standing Order and how such instructions came to be issued after the matter was once dropped in or about the year 1941? How was it that a circular was issued by the Board in 1948 to collect tax on tax?

" Then, the decision of the High Court, as I understand it, is not based upon the fact that the definition of the term 'turnover' does not entitle the Government to levy a tax on tax but upon the fact that the State Legislature can only levy a tax on

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the sale or purchase of goods under the Constitution and the levy of a tax on tax would be *ultra vires* of the Constitution unless it can be shown that the tax collected by the dealer formed part of the consideration for the sale. The main basis of the judgment is that because the tax collected does not form part of the consideration for the sale, it cannot be considered to be a proper tax and that it is an illegal tax. The learned Judges of the High Court made a differentiation. They made a differentiation between a registered dealer, i.e., a dealer registered under section 8-A of the Act and an unregistered dealer. In their judgment they have stated that in the case of an unregistered dealer Government can collect a tax on the supposed tax, if he has collected it, because he adds the sales tax to the price. He is not obliged to pay sales tax. He is not obliged to collect it and give it to the Government and therefore, it formed part of the consideration for the sale. So, an unregistered dealer alone could be taxed on the total value because he does not make any differentiation, nor is he obliged to pay the tax to the Government. That is my understanding of the judgment.

"The learned Judges have specifically held that under section 8-B of the Sales Tax Act, a registered dealer was on pain of penalty to pay the Government whatever he has collected as tax from the persons to whom he sold the goods and hence, it can never be suggested that the tax collected by him which is to be handed over to the Government can form part of the consideration for the sale of the goods. Therefore, how can the Government collect a tax on tax? That is the most important reason on the basis of which the High Court delivered the judgment. That being the case, Sir, I do not understand how, by merely changing the definition of 'turnover', we can change the character of the transaction. How does it to-day form part of the consideration, even if the definition is changed? The reasoning of the Court is that because it does not form part of the consideration for the sale, it is invalid. Now, even to-day as long as section 8-B is not amended, which section makes it obligatory upon a dealer on pain of penalty to collect the tax and give it to the Government as a trustee, that position is still maintained. I do not understand how this mere jugglery of verbal change in the definition will help the Government.

"There is also another point which I cannot understand. How can a definition be changed for a certain period in the past? A definition is a definition for all time. We cannot say that the definition holds good only for a particular period and the definition does not hold good thereafter. Therefore, I think, Sir, that whatever the intentions of the Government may be, the draftsman of the Bill has failed to carry out the intentions of the Government, and even to-day the judgment of the High Court will be applicable to all cases, and Government cannot collect a tax on tax.

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"Then, Sir, frankly I must also say that this Bill is immoral. Government make a man go to Court and when he gets a decision in his favour, the Bill before us says that that decision is a mere scrap of paper. Of course, small mercies are shown that costs are to be paid to him. Even if a man goes to Court and gets an order in his favour, the Government say he is not to get anything. The Government say that even though the High Court has held the collection of tax on tax is illegal, they will not return it to the dealer. That is the main basis of my criticism regarding the immoral nature of the Bill which seeks to validate something which is really wrong.

"Then, Sir, constitutionally also I think this Bill is liable to be attacked. The Constitution has definitely stated in Article 265 that no tax shall be levied or collected except by authority of law. I must say that when once such a tax is collected and it becomes illegal under Article 265, I do not understand how this Legislature can pass an Act which makes valid something that is unconstitutional. How can we validate something which is against the provisions of the Constitution? The collection of a tax on tax becomes invalid because it goes against the right given to a citizen that no tax shall be levied upon him except with the authority of law. Can this Bill be said to be a law which gives authority to collect? No. The collection has already been made, and that is illegal and unconstitutional. How can this Legislature validate a collection or a levy which is already not only illegal but unconstitutional?

"Another ground of objection is about the question of the Act of tax on tax. This is a matter which is not enumerated in either the State List or the Concurrent List, as my hon. Friend, Dr. John, has stated. Government are empowered to levy a sales tax, i.e., a tax on the sale or purchase of goods except newspapers. Even after this Bill is passed, can we consider this a tax on sale? I respectfully submit that this Bill cannot be taken to mean that this is a tax on sale. It definitely means a tax on tax. Government speak of tax collected by the dealer and made over to the Government and say that it is part of his turnover, i.e., part of the consideration for the sale. This Bill does not attempt to amend section 8-B. By amending the section we can at least deem the tax collected as part of the consideration for the sale, as in the case of an unregistered dealer. But, it does not do that. Therefore, I submit that this is also a ground on which this Bill could be challenged.

"Another ground of objection would be that this is a collection applying to pending cases. Sir, I should think that when the Bill says that the proceedings of the Courts shall be void, it amounts to this Legislature exercising a judicial power. The Bill in effect says that all those cases which are in favour of the assesses are dismissed. Sir, I consider that this Legislature can only state what the law is. We are not empowered and we do not possess the power to interpret the law in particular cases and say, 'No, this case must be decided in that fashion'. We cannot say that this case

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must be dismissed or that that case must be allowed, which is in effect what clause 3 of this Bill purports to do. Sir, I am not against validation of assessments as such. I could perfectly understand the Government not desiring to allow assessee, who have not filed any appeals against their assessments and who have been satisfied with this collection of illegal tax, to start litigation merely because there is the judgment of the High Court. This may be perfectly justified and the Government may desire it. But, to deprive the rights of those people, who have already questioned the matter in Courts and won their cases, will not only be unconstitutional but also immoral. I appeal to the Government that they must respect the decision of the High Court not only from 1st April 1954 as they say, but before that date also. By doing so, the Government will be setting up a healthy precedent. Government must set an example to others and obey the judgment of their own Tribunals and the High Court. As far as the present Bill is concerned, because of its wide scope I am compelled to oppose it."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, I am only intervening in the debate and not replying to the debate. My Colleague in charge of Revenue will finally make the reply. I want to point out that there are two aspects to this question. One is whether this legislation is valid. The validity of the legislation is the first point to consider. The second point, which was raised by the hon. Member Sri V. Gurunandan Row, is the justness of this legislation. As far as validity is concerned, the Bill has been attacked on the ground that this will be a tax on tax. My respectful submission is that it will not be. If we go through the General Sales Tax Act, we will find that there is no liability cast on the seller to collect any tax. If the dealer happens to collect anything as tax, certain other things flow from it. The seller is not liable to collect the tax from anybody. What is prescribed is that sales tax shall be assessed on the turnover as such. The question, therefore, arises as to what is 'turnover'. If we go through the judgment of the High Court, we will find that it is stated that the Act, as it stands, does not permit the inclusion of the tax also as forming part of the turnover. It is only by a direction given under the Board's Standing Orders that the tax collected by the dealers is included in the turnover. The lacuna is that the Act, as it stands at present, does not permit the inclusion of the tax in the definition of turnover. The decision can be based only on this point, namely, that the Act, as it stands, does not permit the Government to include the tax as part of the turnover. The second question is, if that is the decision, cannot this Legislature include the tax as part of the turnover by the insertion of a specific provision in the Act? My submission is it can. Because any dealer can mention any number of items in a Bill, e.g., services rendered, price, etc. What the consumer pays in total, is the question. That is the amount for which he gets the thing. A bill may show charges for various items, namely, price,

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services rendered, rent of the premises, etc. Many items may be charged for. All these charges have to be paid for by the purchaser. Therefore it is not as if this tax does not come within the consideration the purchaser has to pay. As a matter of fact, in the Bengal Sales Tax Act, to which reference has been made in the judgment itself, we will find that there is no such thing as sales tax collected by the merchants. Whatever is collected by the merchant is taken as the turnover. If there is a liability cast upon the seller to collect the tax, whether he is willing or not, then, of course, the question of agency comes in. Here it is not so. There is no agency at all. (Interruption by the hon. Member Dr. V. K. John.) The seller may collect not only this tax but also something more. There is no provision in the Act entitling him to collect this tax. What is laid down in the Act is that he has to pay a certain tax on his turnover. Taking that view into consideration, it is open to this House—it is valid and it will be within the powers of this House—to define the 'turnover' to include whatever amount the purchaser pays to the dealer, whether it includes sales tax or any other charge. It is not as if sales tax should be levied at six pies in the rupee or at three pies in the rupee. It is open to the dealer to charge even one anna. But the point is whatever the dealer collects is his turnover, and that is his sale price. As far as our powers are concerned, my respectful submission, in spite of the very big guns thundering from the other side, is that it is competent for this Legislature to include in the turnover whatever is collected by the dealer at the time of making the sale, and bring that under the definition of 'turnover'."

DR. V. K. JOHN :—" Then why not say that the High Court judgment is wrong? "

THE HON. SRI C. SUBRAMANIAM :—" I shall come to the judgment of the High Court. The High Court is proceeding on the basis that the definition of 'turnover' as it stands at present, does not entitle the Government to treat the tax collected by the dealer as coming within the definition of 'turnover' only by the issue of an executive instruction. If we want to include the tax in the turnover, we must change the scheme of the Act. That is the reasoning in the judgment. The hon. Member will see this if he goes through the judgment. My respectful submission is that we are competent to do it. And if we are competent to do it, the next point is, can we do it with retrospective effect? It is now a well-understood, well-established, and well accepted principle that if the House has got the power to pass legislation for the future, it can pass legislation with retrospective effect also. Series of decisions have dwelt upon this point. Series of judgments have accepted that the Legislature has got the power to legislate with retrospective effect. Therefore, the question of giving retrospective effect need not weigh in our minds. If we have got the power to change the definition of the word 'turnover' to include the tax, then we

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also get the power to give retrospective effect to that decision. We need not be afraid on these two grounds. *Prima facie* it appears to me that this is valid but certain Judges may take a different view. Whatever may be the ultimate result, to me it looks as if we are not doing anything illegal, we are not doing anything out of the way which we are not entitled to do, and for which we do not have the power. If ultimately the Supreme Court thinks that this is wrong, I would not be surprised. After a full examination of the spirit of the whole thing, as it stands, and as we are advised by our law officers, I am of the opinion that the Legislature has got power to include the tax in the 'turnover'. Having got that power, it has got power to give retrospective effect.

"I now come to the aspect whether it is just to do it. Apart from the justness of it, as men administering the affairs of the people, we have to take into consideration the practical and administrative difficulties also. Will it be good at this stage to start making refunds on applications covering the last three years—within the limitation period? Dr. John says that it is a pious obligation. Pious obligation does not permit of limitation. It should be with reference to the whole collections made from the commencement of the Act, and not with reference only to the last three years. The tax will have to be refunded for the whole period from the commencement of the Act. If that be so, will it be practical and administratively possible? With reference to each person claiming refund, we will have to apply our minds to see whether he is the person who paid the assessment, whether he is entitled to the refund, and what is the amount of refund. All these things will lead to so much of administrative difficulty. The time and expenditure involved in this process would be incommensurate with the results to be achieved. Therefore the Government, after considering the whole thing from the administrative and financial points of view, have come to the conclusion that it will not be advisable to refund. That is why, Sir, retrospective effect is sought to be given.

"As regards the justness of the thing, I can very well understand if people were not aware of it, if there had been an assurance that this would not be included in the turnover and if Government had suddenly changed the definition and said that sales tax would be included in the turnover, and that they would give retrospective effect to it. Nothing of the kind. Rightly or wrongly, the Government issued executive instructions saying that the tax should be included in the turnover and 99.9 per cent of the traders and sellers have been following those instructions and including the sales tax in the turnover and they have been collecting and paying the tax on that basis. We are not taking people by surprise. We thought that the provision as it stood permitted us to include sales tax in the turnover. The Board also took that view. It might be that it was a wrong view. But it cannot be said that it was not bona fide. If any one person took that view

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and if a few officers of the Government took that view then the bona fides could be questioned. But the Government as a general policy issued instructions and they were followed. Therefore it is not as if we are coming here without notice whatsoever for the first time and we want to include the sales tax in 'turnover'. If the traders had no knowledge of the intentions of the Government, if they had absolutely no idea of this, and now if they are being asked to pay, then it might work hardship. Even from 1944 instructions have been issued that the tax should be included in the turnover and they have been followed. Persons knew they were to pay the levy on the turnover including the tax, and so they were collecting tax from the people on turnover calculated on that basis.

"Sir, another point was made. It was said 'it might be all right with respect to those who have not fought this question. But with respect to those who fought this out and who went to courts, they should be given relief'. I can very well understand if exemption is asked for all. Simply because a few persons were cantankerous enough to go to court and fight the issue, that is no sufficient ground to give them a special advantage. If the hon. Member Sri Gurunandan Row says that all should be given that exemption I can understand. But I cannot agree to a discrimination being made between persons who acquiesced in and those who fought against the Government. If exemption is to be given it should be given to all and if it is not to be given it should not be given to anybody. It is with that idea I say this and not with a view to attack the judgment of the High Court. People who went to court were generously compensated by way of costs and other things. Therefore we cannot make distinction on the basis of decrees awarded or passed.

"Therefore my submission to hon. Members of the House and especially to the legal luminaries is that we are not going outside the constitution and that we are not going beyond our powers in bringing this Bill before this House. We are just, and administratively it is the most convenient thing to do. Having taken into consideration all the aspects of the matter, we have come forward with this measure. I hope it will be held valid by the Courts, the High Court and also the Supreme Court."

SRI MOHAMED RAZA KHAN :—"I want a clarification from the Hon. Minister. For all the collections made in the year 1953-54 the final assessment is made after 1st April 1954. What will be the method adopted by the Government in those cases?"

THE HON. SRI C. SUBRAMANIAM :—"If the hon. Member will read the definition of the term 'turnover' as it applies to sales made up to 1st April 1954 he will find that it includes the taxes collected. The method of assessment is laid down in the general law of sales tax."

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SRI K. BHASHYAM :—“ Mr. Chairman, Sir, so far as the Government are concerned, very hard and harsh words were used by hon. Members opposite. They called into question the sincerity, the honesty, and straightforwardness of the Government in allowing such a thing to be done which has been declared to be illegal. Sir, I think I may say in justification of the Government's action that as a matter of fact in the early days even the hon. the Deputy Leader of the Opposition, Dr. John, was having a doubt whether this tax could be called a consumers' tax or a sales tax. I think he has more than once expressed the view that it is not a sales tax but a consumers' tax. Therefore, I submit that the idea was prevalent at that time that it was the consumer who paid it and not the seller. Therefore when this idea was prevalent in those days when the sales tax was new, and the question was whether it was a sales tax or a consumers' tax, there was justification for the Government and some people coming to the conclusion that as a matter of fact in the turnover the tax imposed also may be included. There was justification for including the tax paid by the consumer in the price paid by him for the article. This is also justified by the fact that in other provinces also they had included this. By way of caution they really included this by a more careful wording of the Act itself. Therefore, Sir, there is no use in calling into question the sincerity and the honesty of the Government which has no body to kick and no soul to condemn but is impersonal. We must take it with all its faults and certainly give Government credit for honesty of purpose. In respect of all matters the Government take suitable advice. And it is true in some matters they act on their own initiative. But certainly to impute dishonesty to Government, is something which I would not agree to.”

THE HON. SRI C. SUBRAMANIAM :—“ They did not mean it seriously and that is why I never referred to it.”

SRI K. BHASHYAM :—“ Well, the Hon. Minister must know Dr. John better than I do, though I have longer acquaintance with him than the Hon. Minister. But still I would like to say that the impression that the Government are dishonest or immoral would gain ground, if one reads the speech of the hon. Member Dr. John. Things will be said of the Government which will not be quite complimentary to the Government. Therefore I want in the first instance to say a few words to justify the Government in their action in previous years.

“ Sir, this has been going on from the year 1948. Why did not the hon. Member Dr. John who is such a great lawyer, who has appeared on behalf of such a large number of commercial people, take up this point earlier? (An hon. Member: He was State Counsel.) That was only for a few months, or for a year and no more. All his life he has been pleading for and acting on behalf of commercial people and big commercial houses in the City. Why did he not point this out earlier? Somebody went to the High Court

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and the High Court has held that this is something which ought not to have been done. Therefore this should not make him use exaggerated language and call into question the honesty and sincerity of the Government. This certainly is not quite proper on the floor of this House, a House which consists of Elders and which is supposed to take things more coolly than the other House.

“ As regards the illegality of the action of the Government also I should like to point out on the floor of this House that it is something which has to be decided by the Court. The Government cannot act upon their action being called into question by a single person or by a dealer somewhere or even by a subordinate tribunal like the Deputy Commissioner or the Commissioner or the Appellate Tribunal taking one view or the other. They must wait till an authoritative pronouncement is made by a court on which alone they can take action. Simply because this has been questioned in some lower court or subordinate court by some dealer or other that alone cannot induce the Government to act in a particular manner. Because a case was filed in some lower court in 1948 or 1952 that alone cannot make the Government desist from collecting it. We cannot also call into question the action of the Government in collecting the tax. In January 1954 the High Court said that this was wrong. Immediately the Government have come up with this legislation. If at all there has been any delay, there has been a delay of only three months, and there are two reasons for this delay. After all the Government cannot act all at once. The Government must get an authentic copy of the judgment from the High Court. Then they have to consult their Legal Advisers and the departments concerned. This period of three months is therefore no delay whatsoever.

“ There is also another factor which I would like this House to take into consideration. We have been going on budgeting on the basis that the sales tax collected also formed part of the turnover on which the assessments were made. The Government have been going on from year to year basing their Budget on this kind of calculation and they have been spending also on this basis. They had therefore to wait till the 1st of April 1954 which is the beginning of the financial year, and the Government do deserve some credit for doing things in a proper way.

“ Sir, I would like to point out one other fact. The question is being asked as to why the Government should not give away all the money if they really think that it has been illegally collected. The question is whether the Government should actually refund the amounts. As I said before, it is a question of budgetary provision being made and money being spent on the basis that turnover included also the tax collected by the dealer. If the Government have spent the money, how could they give it back? There is this practical difficulty. In respect of this matter, the Government's action could be justified in another way also. Only in respect of

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cases where a person has, for the purpose of impugning the assessment made, gone before the courts in the proper manner, he is entitled to a refund. In section 18-A of the General Sales Tax Act it is laid down that no suit or proceedings shall be instituted in a court against any assessment made under this Act except it be as expressly provided for in the Act. Therefore, if anybody wants a refund he must file an appeal to the Commissioner of Commercial Taxes within the prescribed time. He has then to appeal to the Appellate Tribunal and he may also have to go before the High Court. Only in respect of such cases, the Government are bound to refund the excess. If nobody has raised any objection, the Government need not repay. In fact it will be a gross dereliction of duty on their part and they will be signing away money which they need not except in the manner provided for in the Act. I, therefore, think the Government are justified in not refunding the money. If anybody questions this, I shall certainly defend the Government to the utmost of my ability. I think that what I have said would have convinced hon. Members. The collections which have been made are collections which need not be refunded at all. What the Government propose to do further is more important. The provisions of this Bill go further than this. They go to the extent of saying that not only all the collections made so far will not be returned but that 'all orders passed, and all action taken by any officer in the exercise or purported exercise of jurisdiction or powers conferred by the principal Act, and all judgments, decrees or orders pronounced by any Tribunal or Court in the exercise of its jurisdiction or powers with respect to matters in the principal Act, on the basis that amounts collected by a dealer by way of tax under the principal Act before the 1st April 1954, formed part of the turnover of the dealer are hereby declared to have been validly made, passed, taken or pronounced, as the case may be.' This is what clause 3 of the Bill says.

"I will take each portion of the clause separately. Suppose for the year 1953-54 assessments have been made in certain cases while certain other cases assessments have not been so far made because their accounts are being scrutinized. In respect of the dealers in whose cases assessments have been completed, they are bound by these assessments which have been made on the basis that the tax which they have collected will also be included in the turnover. What is to happen in regard to those whose cases are pending investigation? Will it be right if these people escape paying the tax on tax? This is a matter on which I would like the Government to throw more light.

"Suppose there are decrees or judgments pronounced by the Deputy Commissioner for Commercial Taxes or the Appellate Tribunal and the persons who have raised this point have been able to persuade the officers presiding over these courts that this tax on tax was illegal. What is to happen in such cases? Suppose in some cases the proceedings are still pending and no judgments have

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been delivered. Are these persons to go scotfree? These difficulties are therefore bound to arise in the working of this clause 3. We will be leaving out certain people but bringing within its scope certain other people who do not deserve to be so badly treated. The persons who will be penalized by this clause are those who have submitted their accounts regularly, paid the assessments regularly and who have not been protracting litigation by appealing to the Deputy Commissioner, the Sales Tax Appellate Tribunal and the High Court. But those who have been protracting litigation will be free from paying this tax. What I do wish to point out is that there is an essential injustice in making clause 3 so wide and so sweeping in its scope and that it will really cause some injustice. Therefore, I would like the Government to take some more time, if possible, and come forward with some sort of an amendment which will be really helpful in solving the difficulties. In addition to the clause being of such a sweeping character the discriminatory nature of the clause also we have to take into account. As I said yesterday in respect of the Land Revenue Surcharge Bill, I would implore the Government to appoint a small committee. Let that committee take some time, and find out how best this clause can be redrafted so as to bring within its scope the persons who are entitled to some relief and exclude those who are not entitled to any relief taking into consideration the inconvenience, etc., to the Government in refunding the amount."

SRI O. P. RAMASWAMI REDDIAR :—"கனம் தலைவர் அவர்களே, இப்பொழுது விற்பனை வரி விஷயமாக சர்ச்சை நடந்துகொண்டிருக்கிறது. ஹைகோர்ட்டு ஜட்ஜ்மெண்டு கொடுத்த பிறகு சட்ட நுணுக்கத்தில் என்ன தவறுகள் இருக்கின்றன என்பதை சட்டசபையின் மூலமாக சரிப்படுத்த வேண்டுமென்ற முறையில் அரசாங்கம் அதற்குப் பிரயத்தனம் எடுத்துக் கொள்ளுகிறது. இன்னொரு பக்கம் 'அது ரொம்ப நியாயமற்றது' என்ற முறையிலே எதிர்க்கட்சியினர் வாதாடிக்கொண்டு, 'அது ரொம்பத் தவறு' என்ற முறையிலே பேசப்படுகிறது.

"இந்த வரிக்கு 'விற்பனை வரி' என்று பெயர் கொடுக்கப்பட்டிருக்கிறது. ஆனால், அது யாரால் கொடுக்கப்படுகிறது என்று பார்க்கும்போது வாங்குகிறவர்கள்தான் அந்த வரியைக் கொடுக்கிறார்கள். ஆகையினால், நடைமுறையில் என்ன நடக்கிறது என்பதைப் பார்க்கவேண்டும். சட்ட நுணுக்கங்களைப்பற்றியும், சட்டம் எப்படிச் செய்யப்பட்டிருக்கிறது என்பதைப் பற்றியும் அதில் என்ன Flaw இருக்கிறதென்பதைப்பற்றியெல்லாம் இப்பொழுது பேசிக்கொண்டிருப்பதைவிட, என்ன நடந்திருக்கிறது என்பதையும், அதற்கு என்ன பரிகாரம் தேடுவதென்றும் என்பதையும் பார்க்கவேண்டும். அப்படிப் பார்க்கும்போது, இது வாங்குவதற்குக் கொடுக்கக்கூடிய வரியாக இருக்கிறதேயொழிய, விற்பனைவரி அல்ல. 'விற்பனை வரி' என்ற பெயர் மாத்திரம் இருக்கிறது. ஆனால், வாங்குபவர்கள்தான் அந்த வரியைக் கொடுக்கின்றார்கள். 'வரிக்கு வரி வாங்கிவிட்டார்கள், அது திருப்பிக்கொடுக்கப்படவேண்டும்,' என்று சிலர் சொல்லுகிறார்கள். வால்தவந்தான். அதில் சில தவறுதல்கள் இருக்கலாம். ஆனால், அதற்கு அரசாங்கம் என்ன செய்யவேண்டும்? சட்ட நுணுக்கங்கள் தெரிந்தவர்களை வைத்துக்கொண்டு, அட்வகேட் ஜெனரலையும் வைத்துக்கொண்டு, சர்க்காருடைய சட்டக்காரியதரிசியையும் வைத்துக்கொண்டு, இன்னும் இது சம்பந்தப்பட்டவர்களையும் வைத்துக்கொண்டு கவனித்து சட்டங்களைச் செய்ய வேண்டும். அதைச் செய்வார்கள் என்றும் நான் நம்புகின்றேன்.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 14th May 1954.

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

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THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT)
BILL, 1953 (L.A. BILL NO. 23 OF 1953).

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Sir, I beg to present the report^a of the Select Committee on the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953) and move—

‘ That the Bill as amended by the Select Committee be taken into consideration.’

^a Printed as Appendix on pages 19-21 infra.

THE MADRAS PROPRIETARY ESTATES VILLAGE
SERVICE AND HERIDITARY VILLAGE
OFFICES (AMENDMENT) BILL, 1954

[15th May 1954]

MR. CHAIRMAN :—“ The question is—

‘ That the Madras General Sales Tax (Second Amendment) Bill, 1954 (L.A. No. 20 of 1954), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

15th May 1954]

APPENDIX

[Vide item on page 1 supra.]

L.A. BILL No. 20 OF 1954.

(As passed by the Assembly.)

A Bill further to amend the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), for the purposes hereinafter appearing :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras General Sales Tax (Second Amendment) Act, 1954.

(2) It shall come into force at once.

2. *Amendment of section 3, Madras Act IX of 1939.*—In section 3, sub-section (2) of the Madras-General Sales Tax Act, 1939 (Madras Act IX of 1939)—

(a) for the opening portion beginning with the words “ Subject as aforesaid ” and ending with the words “ total turnover for the year ”, the following shall be substituted, namely :—

“ On the first sale of any of the goods mentioned below by a seller who is not exempt from taxation under the next succeeding sub-section, the seller shall pay a tax at the rate specified as applicable thereto; and the tax shall be paid by the seller on his turnover in each year relating to such goods and shall be in addition to the tax to which he is liable under sub-section (1) on his total turnover for the year :

Provided that, in the case of goods imported into the State of Madras either from outside the territory of India or from any other State in India, the tax shall be levied on the first sale effected in the State of Madras by a seller who is not exempt from taxation under the next succeeding sub-section, after the import of the said goods into the State of Madras :

Provided further that, in the case of an assessment made under this sub-section, the burden of proving that the sale was not the first sale made in the State of Madras by a person not exempt from taxation under the next succeeding sub-section or was not the first sale effected by such person after the import of the said goods into the State of Madras, as the case may be, shall lie on the person assessed.” ;

[15th May 1954]

(b) items (i) to (vii) shall be renumbered as items (iv) to 'x', respectively; and before item (iv) as so renumbered, the following shall be inserted as items (i) to (iii) namely:—

- “(i) Cloth, whether of silk, artificial silk, wool flax or any other material not being cotton, made in mills, in which the count of warp yarn employed (excluding the border) is 17s or finer (whether single or finer (whether single or folded). One anna three pies.
- (ii) Cotton cloth made in mills, in which the count of warp yarn employed (excluding the border) is 35s or three pies finer (whether single or folded). One anna
- (iii) Precious stones Six pies.

R. V. KRISHNA AYYAR,

Secretary to the State Legislature.

12th May 1954.

I certify that this is a Money Bill.

J. SIVASHANMUGAM PILLAI,

Speaker, Madras Legislative Assembly.

12th May 1954.

THE MADRAS ELECTRICITY UNDERTAKINGS
(ACQUISITION) BILL, 1954

15th May 1954] [Raja Sri Shanmuga Rajeswara Sethupathi]

the impugned Act. The reasons which weighed with the Provincial Legislature for passing the Act in 1949 still hold good. Since the coming into force of the impugned Act, the Government of Madras acquired under the Act a number of local authority and private electrical undertakings of which 20 local authority and three private undertakings are now in the present Madras State. These acquired undertakings have long since been integrated into the concerned power system of the Government Electricity Department and the staff belonging to them have also been merged in suitable service cadres under the departmental set up. Hon. Members would have readily appreciated the difficult legal position in regard to the electrical undertakings so far acquired by Government and I need not dwell at length on that point. To be brief, the position is that the Government are faced with the possibility of suits being instituted against them for liability to pay compensation for acts which may now be deemed to be illegal or wrongful. The payment of compensation by the Government for the consequences arising from such acts may also be enforced through courts of law. The ambit of the expression 'consequences' may give rise to almost insoluble problems. Hon. Members will agree that it might be very embarrassing to leave things as they are and face a crop of litigation and also exorbitant demands in respect of undertakings already taken over and for damages for loss of profits for winding up managing agencies, etc.

"The sections of the impugned Act and the corresponding provisions of the Bill have been printed in parallel columns and circulated to Hon. Members for convenience of reference. The changes made in the Bill as compared to the provisions in the impugned Act have been indicated in italics. The reasons for important changes have also been indicated in a separate column. Except those provisions of the 1949 Act which have been held by the Madras High Court to be invalid, namely, provisions relating to the appointment of accredited representative by the Government and the basis for determination of compensation for local authority undertakings, and a very few other modifications to the Act which have been found essential in the application of the Act and which would be essential for purposes of validation of the proceedings already taken by the Government in respect of undertakings already acquired under that Act, the Bill before the House incorporates precisely the same provisions as in the impugned Act passed by this Legislature after due deliberation. No discriminatory treatment between local authority and private licensees has been made in the Bill in the matter of assessment of compensation, etc. No doubt there is some extra financial commitment to Government on account of the deletion of the discriminatory treatment, but the money goes to local bodies. I may mention in this connection that long before the appeals to the Supreme Court were heard by that Court and the 1949 Act was declared void by it, the Government have decided and the approval of the Legislature had also been obtained, to make an *ex gratia* payment amounting to

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 15th May 1954.

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

THE MADRAS ELECTRICITY UNDERTAKINGS (ACQUISITION) BILL, 1954.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Mr. Speaker, Sir, I beg to introduce the Madras Electricity Undertakings (Acquisition) Bill^a, 1954, and move—

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

The need for this legislation has been briefly explained in the Statement of Objects and Reasons published along with the Bill. The Madras Electricity Supply Undertakings Acquisition Act, 1949, was passed by the Provincial Legislature after mature consideration and was brought into force on 24th January 1950. For the reasons explained in the Statement of Objects and Reasons, the Supreme Court has held that the Act was *ultra vires* of the Provincial Legislature.

"In the Governor's address to the Joint Session of the Legislature in February last and in the Finance Minister's speech introducing the Budget for 1954-55, reference was made to the intention of Government to re-enact suitably the provisions of

^a Published in the Fort St. George Gazette Extraordinary, dated 3rd May 1954.

[Raja Sri Shanmuga Rajeswara Sethupathi] [15th May 1954]

about Rs. 16 lakhs to the local authorities over and above the compensation already paid for or was payable for their undertakings under the provisions of the 1949 Act. And this *ex gratia* payment would have been disbursed already but for certain local authorities having taken up the matter to the High Court. The net extra commitment is expected to be about Rs. 45 lakhs and it will not be difficult to provide this amount as and when necessary. I would request Hon. Members to pass this Bill."

(At this stage the Deputy Speaker occupied the Chair.)

SRI N. K. PALANISAMI :—"On a point of order, Sir, இந்த Act 1949-ம் வருஷத்தில் பாஸ் செய்யப்பட்டது. அதாவது பப்ளிக் செய்தது 1950-ம் வருஷம் ஏப்ரல் மாதம் 24-ம் தேதி. பழைய சட்டப் பிரகாரம் இதை உடனடியாக அமுலுக்குக் கொண்டுவரவேண்டும் என்று இப்பொழுது நிர்ணயித்து இருக்கிறது. 1951-ம் வருஷம் ஜனவரி மாதம் 1-ம் தேதி புதிய சட்டம் என்று சொல்லி இருக்கிறது. இது முன்னுக்கு பின் முரணாக இருக்கிறது. இது செல்லாது என்று குறிப்பிடுகிறேன்."

THE HON. SRI C. SUBRAMANIAM :—"It is not a point of order, Sir."

DEPUTY SPEAKER :—"It is not a point of order. I shall take up the main motion. Motion moved—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, be taken into consideration at once.'

"I want to know whether the hon. Member Sri D. K. Raju is moving his amendment for the reference of this Bill to a Select Committee or whether he is moving the amendment for circulating this Bill for eliciting public opinion."

SRI M. KALYANASUNDRAM :—"சர்க்கார் கட்சித் தலைவரும் ஒப்புக் கொள்கிறார். எதிர்க் கட்சி தலைவரும் ஒப்புக் கொள்கிறார். D. K. ராஜு அவர்களும் ஒப்புக்கொள்கிறார்கள். Circular என்பதை செலக்ட் கமிட்டி என்று நீங்கள் அனுமதி தந்தால் மாற்றிவிடலாம் என்று சொல்லுகிறேன்."

DEPUTY SPEAKER :—"All right. The hon. Member Mr. D. K. Raju may now move his amendment for referring this Bill to a Select Committee. He need not move the second amendment for circulating the Bill to elicit public opinion."

SRI D. K. RAJU :—"In view of the legal implications involved in this piece of legislation, I move—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, be referred to a Select Committee.'

The amendment was duly seconded.

DEPUTY SPEAKER :—"Motion moved—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, be referred to a Select Committee.'

15th May 1954]

[Deputy Speaker]

"The main motion as well as the amendment are before the House for discussion. The hon. Member Sri D. K. Raju may now speak."

SRI D. K. RAJU :—"Mr. Deputy Speaker, Sir, as I have already said inasmuch as the present Bill contains many legal complications I think we would be doing the right thing if we refer the same to a Select Committee. The Statement of Objects and Reasons states that the same Bill was enacted in 1949. Because the Courts have declared the previous Act null and void, this Bill has now been brought forth. They have given the Bill in a convenient form by opening three columns. The first column contains the clauses of the previous Bill, the second column contains the changes in those clauses of the previous Bill which are now incorporated in this Bill, and the third column contains the reasons for such changes. Because the original Bill was defective, the Courts have declared the previous enactment null and void. Two reasons had been given for invalidating the previous Act. One reason was that the previous Act discriminated between the company licensee and the local body licensee. That is how the High Court declared the Act *ultra vires* and when the matter was taken in appeal to the Supreme Court, the Supreme Court invalidated the Act on other grounds, namely, that it was wrongly assented to by the President and so on. There are many points in the previous Act which contain many legal defects. Even in the present Bill the same defects are there. Even though the comparative statement shows the changes now effected in the previous Act, yet I find that no substantial changes have been made. It is just like the same old devil appearing under new veils. When the old Act was passed it was pointed out to Government then that fundamental rights were not rightly looked into. But now even when they have failed in Courts, the Government have not tried to correct the original error. The High Court has said that, the discrimination between the municipal licensee and the company licensee is improper. In Schedule I there are two parts (A) and (B) on page 24. If there is again discrimination between the municipal licensee and company licensee, even though it is differently worded, I am afraid when challenged in Courts this Bill also will be thrown out once again. When the 1949 Bill was under discussion, the then Minister for Public Works gave an assurance on the floor of the House that only mismanaged concerns, unremunerative concerns and the like would be acquired in the first batch. He also gave an assurance that those undertakings whose licence period would be expiring would be acquired at once. But I find that the Government not only failed to acquire such undertakings in the first batch, but they also withdrew the notice of termination served on some of the licensees under the Act of 1910. For instance, the licence for the Kumbakonam Electric Supply Corporation expired just about the time of the passing of the 1949 Act and notice of termination of licence was also given to it. In spite of that, the notice of termination was withdrawn and

[Sri D. K. Raju]

[15th May 1954]

on the top of it lakhs of rupees have been given to it by way of loan. I do not know why such discrimination is made between one licensee and another. With due respects to the person concerned, Sir, I may say that Sri Rajam Ramaswami, a member of this House, is the licensee for the Kumbakonam Electric Supply Corporation. To be frank, the only explanation that I could find for this discrimination is that the acquisition of the undertakings was given up because the licensees concerned were attached to the Congress Party. There are other licensees also to whom notice of termination of licence was given but whose undertakings were not acquired.

"In the last paragraph of the Statement of Objects and Reasons appended to the Bill, it is said that the subject of acquisition of property falls under entry 36 of the State List and that the Government are in order in acquiring electricity undertakings. I would like to say that no licensee is opposed to this Electricity Undertakings (Acquisition) Bill. The licensees are business people and if their electricity undertakings are acquired, they will find some other business.

"Then, Sir, it is said that the electricity undertakings are acquired in the interest of the public. What is the public interest that suffered when the licensees were catering electricity and what is the benefit that will accrue to the people when the Government undertake the supply of electricity? In the licence, there are several saving clauses. One of them gives power to the Government to revoke a licence if the licensee is undesirable, is not doing his duties properly or is doing something detrimental to the interests of the public. Government can take action under that clause of revocation, instead of acquiring the undertakings. Before proving how the licensees were doing things detrimental to the interests of the public, the Government acquired their undertakings.

"The compensation provided in the Bill is arbitrary. Article 31 of the Constitution of India says that 'just compensation' should be paid to the owner for acquiring any private property. The idea of acquiring electricity undertakings occurred to the mind of the Government only when they took over the Madras Electric Supply Corporation. The present Minister for Agriculture was then the Minister for Public Works, and we all remember the huge compensation he paid to that Corporation from Government funds. Then they thought of circumventing the law under which the licence was granted and passed the Electricity Supply Undertakings (Acquisition) Act of 1949. Since that Act of 1949 was declared invalid, the Government have now brought forward this Bill. They want to snatch away the hard labour of licensees who have been doing public service of a particular kind. They want to pay the licensees much less than the compensation provided for in the Fundamental Rights of our Constitution. That is the reason why the Government have brought forward this Bill.

15th May 1954]

[Sri D. K. Raju]

"As the High Court and the Supreme Court have declared invalid the previous Act on this subject, the Government should have taken more expert legal advice and framed this Bill without any flaw. I do not know how the same old Act with a few changes here and there to rectify the loopholes will be acceptable to the Court. There is a general impression among most of the Members of this House and the public of this State that the Government Bills are perfect and without any flaw. On simple grounds the Electricity Undertakings (Acquisition) Act of 1949 was rejected twice, once by the High Court and then by the Supreme Court. The public may know how hurriedly the last Bill of 1949 was prepared. Even in this Bill they did not care to eliminate those flaws. If this Bill is passed as it is, there is every chance of the Act being declared invalid by a Court of law, and I will not be surprised if it is declared invalid once again. So I stress that the Bill must be scrutinized thoroughly before it is passed into law, and request the Treasury Bench to refer this Bill to a Select Committee to rectify the defective portions of it.

"The most important thing is the payment of just compensation in accordance with the provisions of Article 31 of the Constitution. If the Government want to take over a private undertaking, there are many formalities to be observed in order to safeguard the interests of the industry. So, I request that this Bill may be referred to a Select Committee consisting of members who have studied Law and members who know something about the industry concerned."

SRI N. K. PALANISAMI :—"கனம் சபாநாயகர் அவர்களே, இப்பொழுது கொண்டுவரப்பட்ட மசோதாவை ஆராய்ந்து பார்த்தால் இது அநேகமாக ஒரு செத்த மசோதா என்று தான் சொல்லவேண்டும். ஹைகோர்ட் பழைய மசோதாவின் செக்ஷன் 51 செல்லாது என்று தீர்ப்பளித்துள்ளது. அதை யெல்லாம் திருத்துவதற்காக இங்கு இந்த புதிய மசோதா கொண்டுவரப்பட்டிருக்கிறது. இப்பொழுதும் இதிலே அதிக ஓட்டை உடைசல் இருக்கின்றன. இதை மறுபடியும் ஹைகோர்ட்டுக்கு கொண்டு சென்றாலும் 'செல்லாது' என்ற அதே தீர்ப்புதான் இதற்கும் அளிக்கப்படும். பொதுவாக 1949-ம் வருஷத்தில் தனிப்பட்ட கம்பெனிகள், முனிசிபாலிட்டிகள், தனிப்பட்டவர்களுக்கு மின்சார வசதி செய்து வந்ததை அரசாங்கத்தார் எடுத்துக்கொள்ள வேண்டுமென்று திட்டமிடப்பட்டது. இதை முனிசிபாலிட்டிகளே நடத்தி வந்த காலத்தில் ஓரளவு லாபம் கிடைத்து வந்தது. இதை இப்பொழுது அரசாங்கம் எடுத்துக்கொள்வதற்கு சட்டப்பிரகாரம் எல்லோரும் இதை ஆதரிக்கக்கூடிய முறையாக இல்லை. இதில் ஏற்றத்தாழ்வுகள் இருக்கின்றன. உண்மையில் நஷ்ட ஈடு பிரச்சனை தீர்ப்பதிலும் அதற்காக பணம் கொடுப்பதிலும் முனிசிபாலிட்டிக்கு பெரும் நஷ்டமாகவேதான் இருக்கிறது. சேஷசாயி போன்ற கம்பெனிகள் பொது மக்களிடமிருந்து கொள்ளை லாபம் அடித்துக்கொண்டிருக்கிறார்கள். இம் மாதிரி பெரிய கம்பெனிகள் கொள்ளை லாபம் அடித்துக்கொண்டுவிடுகிறார்கள். முனிசிபாலிட்டிகள் பொது மக்களுக்கு சேவை செய்துகொண்டு ஓரளவு லாபம் சம்பாதித்து வருகிறார்கள். ஆக்ட் 14 பிரகாரம் முனிசிபாலிட்டிக்கு நஷ்ட ஈடு கொடுக்கும் செக்ஷன் 'discrimination' என்று ஹைகோர்ட்டில் தள்ளப்பட்டது. அது மட்டுமல்ல. முனிசிபாலிட்டிகள் குறைந்த வருமானம் பெற்று, பொது மக்களுக்கு அதிக செலாகரியங்கள் செய்து கொடுத்து வருகிறார்கள். சில சமயங்களில் ஓரளவு நஷ்டமும் அடைந்து இருக்கிறார்கள். இன்னும் போக்கு வரத்து போன்ற செலாகரியங்களையும் முனிசிபாலிட்டிகள் செய்

[Sri N. K. Palanisami] [15th May 1954]

கின்றன. இப்படிப்பட்ட முனிசிபாலிட்டிகள் நடத்தும் மின்சார ஸ்தாபனங்களின் அரசாங்கத்தார் எடுத்துக்கொள்ளக்கூடாது. இந்த நஷ்டஈடு விஷயம் பற்றி ஹைகோர்ட் இரண்டு விதமான தீர்ப்புகளை வழங்கியிருக்கிறது. முதலாவதாக நஷ்ட ஈடு விஷயத்தில் ஒரு ஸ்தாபனத்திற்கும் மற்றொரு ஸ்தாபனத்திற்கும் வித்தியாசம் இருக்கிறதென்றும், இரண்டாவதாக இந்த விஷயத்தை நிர்ணயிக்க சர்க்காருக்கு அதிகாரம் இல்லை என்றும் தீர்ப்பளிக்கப்பட்டது. அப்படியிருந்தும் இதை திருத்தியமைத்து சட்டமாக்குவதற்காக இப்பொழுது மறுபடியும் இந்த மசோதா கொண்டுவரப்பட்டுள்ளது, பொதுவாக இந்தச் சட்டம் 1949-ம் வருஷத்தில் கொண்டுவரப்பட்டது. இது பப்ளிஷ் ஆன தேதி 1950-ம் வருஷம் 24-ம் தேதி ஜனவரி மாதம். ஆனால் இப்போது சர்க்கார் இங்கே என்ன குறிப்பிட்டிருக்கிறார்கள். 1950-ம் வருஷத்தில் என்று குறிப்பிட்டு இருக்கக்கூடியது, 1951-ம் வருஷம் ஜனவரி மாதம் 16-ம் தேதி என்று மாற்றியிருக்கிறது. ஆகவே இந்தச் சர்க்காரில் இம்மாதிரியான காரியங்களும் நடந்து வருகின்றன. இதற்கு என்ன காரணமென்பதை கனம் மந்திரி அவர்கள் கூறவேண்டும். ஒரு வருஷத்தில் இங்கு நடந்த 'discrimination' பேரித்தான் ஹைகோர்ட்டில் விரோதமாக தீர்ப்பு அளிக்கப்பட்டது. இன்றைக்கு A, B, C என்று மூன்று பிரிவுகளாக பிரித்திருக்கிறார்கள். அப்பிரிவிலும் அது Public Body-க்கு ஒத்த வகையில் பிரித்திருக்கிறதா என்று பார்க்கவேண்டும். A, B, C, என்ற பிரிவு இருந்தாலும் கொடுக்கவேண்டிய நஷ்ட ஈடு ஒரே தொகையாக, ஒரே மாதிரியாக இருக்கவேண்டும். இதை நன்கு கவனிக்கவேண்டும். அப்படி இல்லாவிடில் மறுபடியும் ஹைகோர்ட்டில் இந்த சட்டம் செல்லாது என்று தீர்ப்பு அளிக்கப்படும். 24-வது கிளாசிலே சில நடவடிக்கைகளை validate செய்யப்பட்டிருக்கிறது. ஒன்றுக்கொன்று ஏற்றத் தாழ்வுகள் இருப்பது சரியல்ல. ஆதலால்தான் இதைத் திருத்துவதற்கு இந்த மசோதாவை சர்க்கார் கொண்டுவந்திருக்கிறார்கள். இது மாதிரி ஏற்கனவே சொன்னதை மறுபடியும் நாங்கள் எப்படி ஏற்றுக்கொள்ளமுடியும்? ஆதலால் இது மாதிரியான திருத்தங்கள் கொண்டுவந்து Valid செய்வதற்கு இந்த மசோதாவை ஒரு செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று கேட்டுக்கொள்கிறேன்."

SRI T. K. RAMA :—"கனம் சபாநாயகர் அவர்களே, இப்போதுகொண்டு வந்திருக்கின்ற இந்த மசோதாவானது மூன் செய்திருக்கின்ற சட்டத்தை சென்னை ஹைகோர்ட்டும், சப்ரீம் கோர்ட்டும் செல்லத்தக்கவை அல்ல என்று கூறியதினால், அதைத் திருத்தக் கொண்டு வந்திருப்பதாகச் சொல்லப்படுகிறது. ஹைகோர்ட்டும், சப்ரீம் கோர்ட்டும் எடுத்துக்காட்டியிருக்கிற சட்டத்திற்கு புறம்பான விஷயம் இப்பொழுதாவது திருத்தப்பட்டிருக்கிறதா என்று பார்க்க வேண்டியது நம்முடைய வேலையாகும். சென்னை ஹைகோர்ட்டார் ஒரு ஸ்தாபனத்திற்கும், இன்னொரு ஸ்தாபனத்திற்கும் நஷ்ட ஈடு கொடுப்பதில் பாரபட்சம் செய்யப்பட்டிருப்பதை எடுத்துக்காட்டி இச் சட்டம் செல்லத்தக்க இல்லை என்று கூறியிருக்கிறார்கள். சப்ரீம் கோர்ட்டில் இச் சட்டம் செய்வதற்கு சென்னை சட்டசபைக்கு அதிகாரம் இல்லையென்று கூறி இருக்கிறார்கள். இப்போது கொண்டு வந்திருக்கிற மசோதாவில்கூட நஷ்ட ஈடு கொடுப்பது சம்பந்தமாய் பாரபட்சம் காட்டியிருப்பதாகவே நான் நினைக்கிறேன். முனிசிபல் ஸ்தாபனங்களில் லாபம் என்று கூறப்படும் தொகை, சர்க்கார் அபிப்பிராயப்படியே எடுத்துக் கொண்டாலும் ஒரு நகரசபைக்கும், இன்னொரு நகரசபைக்கும் வித்தியாசமாக இருக்கின்றது. மதுரை, கோயமுத்தூர் நகரசபைகள் தங்களுக்கு கிடைக்கும் மொத்த லாபத்தில் பாதித் தொகையை பொதுக் கணக்கிற்கு கொண்டு போகிறார்கள். இத் தொகை லாபம் என்று கருதப்படுகிறது. ஆனால் வேறு சில நகரசபைகளுக்கு இது மாதிரி பாதி லாபத் தொகையை பொதுக் கணக்கிற்கு மாற்றிக்கொள்ள சர்க்கார் அனுமதி அளிக்கவில்லை. அவர்களுடைய மொத்த லாபத்தில் சில சதவிகிதம் மட்டும் பொதுக் கணக்கிற்கு கொண்டுபோகப்படுகிறது. ஆகையினாலே அந்த சிறு சதவிகிதம் அவர்களுடைய லாபமாக கருதப்பட்டு, அதன் பிரகாரம் பி நமூனா அல்லது அவர்கள் விரும்பும் மற்ற திட்டப்படி நஷ்ட ஈடு கொடுக்க வகை செய்யப்பட்டிருக்கிறது. எனவே இந்த சட்டத்

[15th May 1954] [Sri T. K. Rama]

திலும் பாரபட்சம் இருக்கின்றதாகையால், இதை நன்றாக பரிசீலனை செய்ய ஒரு செலக்ட் கமிட்டிக்கு அனுப்பி, கோர்ட்டார் எடுத்துக் காட்டியிருக்கின்ற தவறுகள் முற்றிலும் நீக்கப்பட்டிருக்கிறதா என்பதை பார்க்கவேண்டும்.

"நியாய விலையும் நஷ்ட ஈடும் கொடுக்கப்பட வேண்டியது அத்தியாவசியமாகும். ஒரு சொத்தை சர்க்கார் ஆர்ஜிதம் செய்யும்போது, ஒரு நிலமாக இருந்தால், அதனுடைய தற்கால மதிப்பு விலையைக் கொடுத்துதான் அவர்கள் வாங்கிக் கொள்ள முடியும் ஒழிய, விலையை அவர்கள் இஷ்டம் போல் நிர்ணயித்து வாங்கிக் கொள்ள முடியாது. அதுபோலவே ஒரு சொத்தையும் தொழிலையும் எடுத்துக் கொள்ள வேண்டுமென்றாலும், அந்த சொத்தின் மதிப்பையும், அந்த ஸ்தாபனத்தை எடுத்துக்கொள்வதால் ஏற்படும் நஷ்டத்தையும் ஈடு செய்ய வேண்டும். குறிப்பாக எனக்கு முன்பு பேசியவர்கள் சில வருடங்களுக்குமுன் சென்னை மின்சார ஸ்தாபனத்தை ராஜ்ய சர்க்கார் எடுத்துக்கொள்ள அவர்களுக்கு எந்த அடிப்படையில் சர்க்கார் நஷ்டஈடு கொடுத்தார்களோ அதே அடிப்படையில் இப்பொழுதும் நியாயமான விலையும் நஷ்ட ஈடும் கொடுக்கவேண்டுமென்று கூறினார்கள். நான் அதை முற்றிலும் ஆதரிக்கிறேன். ஒரு ஸ்தாபனத்தில் கிடைக்கிற லாபத்தைமட்டும் அடிப்படையாகக் கொண்டு நஷ்டஈடு நிர்ணயிப்பது சரியான முறையாகாது. பிரஸ்தாப சட்டத்தில் இருக்கிற ஷெட்யூல்களில் கூறப்பட்டிருக்கும் விபரங்களைப்பார்த்தால், பொதுப்படையாக வாங்குபவர் விற்பனை செய்பவர்களுக்கு நிபந்தனை கூறியிருப்பதுபோல் இருக்கிறது. சாதாரணமாக ஒரு சொத்தை வாங்க வேண்டுமென்றால் விற்பவர்கள் தான் தங்கள் விலையைக் கூற வேண்டும். வாங்குபவர் வேண்டுமென்றால் பேரம் பேசி, அல்லது அதற்குரிய வர்க்கிடம் கலந்து, தொகையை நிர்ணயித்து அந்த சொத்தை வாங்கிக் கொள்ளவேண்டும். அப்படிச் செய்வதே நியாய விலையைக் கொடுப்பதாகும். இங்கு அதற்கு முற்றிலும் மாறாக இருக்கிறது. ஒரு சொத்தின் தற்கால விலையை கவனிக்காமல் வாங்கிய விலையிலிருந்து தேய்மானத்தை வாங்குபவரே நிர்ணயித்து கழித்து இன்னென்ன சொத்துக்கு இந்த விலை தான் கொடுக்கப்படும் என்று கூறி வாங்கிக் கொள்வது அவர்களுடைய சொத்தை பறிமுதல செய்து கொண்டது போலாகுமே ஒழிய, நியாய விலையும், நியாயமான நஷ்ட ஈடும் செய்தது போலாகாது. ஆகையால் இந்த சட்டத்தை சென்னை ராஜ்யத்திலுள்ள மின்சார ஸ்தாபனங்களை எடுத்துக்கொள்வதற்கு சர்க்காருக்கு அதிகாரம் அளிப்பதுடன் தனித்தனியே ஒவ்வொரு மின்சார ஸ்தாபனங்களுடன் விலை பேசி முறையான வழியில் எடுத்துக் கொள்ளும்படியாக மாற்றி அமைக்கவேண்டும்.

"பொது நலத்திற்காக மின்சார ஸ்தாபனங்களை எடுத்துக் கொள்வதாக சர்க்கார் சொல்லுகிறார்கள். நகரசபைகள் சர்க்காரைப்போல சில வேலைகளை செய்வதற்காக இருக்கின்றன. சர்க்கார் ஒரு மாகாணத்திலே பல வேலைகளை பெரிய அளவில் செய்கிறது. அதேபோல நகரசபை தங்களுக்கு என்று குறிப்பிட்டிருக்கிற நகர எல்லைக்குள் சில காரியங்களை செய்து வருகிறது. நகரசபை வேறு; சர்க்கார் வேறு அல்ல. நகரசபைகள் சர்க்காரின் கால்கைகள் போல இருந்து வேலை செய்கின்றன. இதை இன்றைக்கு யாரும் மறுக்க முடியாது. நகரசபையார் ஒரு மின்சார விநியோக வலியை விஸ்தரிக்க வேண்டுமென்றால் அந்த குறிப்பிட்ட விஸ்தரிப்பின் மூலம் போதிய வருவாய் கிடைக்குமா என்று பார்ப்பதில்லை. தவிர, ஏழைகள் வசிக்கும் பிரதேசத்தில் விஸ்தரிப்பு செய்யும்போது தெரு விளக்குகள் போட்டுக் கொடுக்க வேண்டுமென்ற காரணத்திற்காக கூட வலியை நீட்டிக்கொண்டு விளக்கு வசதிகள் செய்து கொடுப்பார்கள். லாபத்தை மட்டும் கணக்கிட மாட்டார்கள். ஆனால் சர்க்காருடைய மின்சார ஸ்தாபனமாக இருந்தால், ஒவ்வொரு விஸ்தரிப்பிற்கும் போதிய வரும்படி கிடைக்குமா என்று கணக்கு பார்த்து மின்சார சக்தியை எடுத்துக் கொள்ளுகிறவர்கள் 10 சதவிகித வரும்படிக்கு உத்தரவாதம் அளித்த பின் தான் விஸ்தரிப்பை செய்வார்களா. நகரசபைகளின் மின்சார ஸ்தாபனங்களை சர்க்கார், இச்சட்டத்தின்படி எடுத்துக் கொண்ட பின் என்ன நிலைமை ஏற்படுமென்று சிறிது சிந்தித்துப் பார்க்கவேண்டும்; நகரசபையார் சர்க்கார் மின்சார ஸ்தாபனத்திற்கு எழுதி, ஒவ்வொரு அபிவிருத்தியும் செய்வதற்கு வெகு காலதாமதம் ஆகும். நகர தெருக்

[Sri T. K. Rama]

[15th May 1954]

களுக்கு விளக்கு போடும் வேலையை, நகரசபையாரிடமிருந்து சர்க்கார் எடுத்துக் கொள்வது மக்களுக்கு உதவி செய்வதாகாது. நகரசபையைக் கொண்டே தெருவிளக்குகள் போடும் வேலை செய்யப்பட்டுவருவதெனும். ஆகையால் நகரசபைகளின் மின்சார ஸ்தாபனங்களை எடுத்துக் கொள்வது சம்பந்தமாயுள்ள வார்த்தைகளையும் ஷரத்துகளையும் இந்த சட்டத்திலிருந்து நீக்கி விடவேண்டும். தனிப்பட்டவர்களின் மின்சார ஸ்தாபனங்களை எடுத்துக் கொள்வது நலமாக இருக்கும். தனிப்பட்டவர்கள் லாபத்தையே கருதி இத் தொழிலை நடத்துகிறார்கள். லாபம் கிடைக்கிற சந்தர்ப்பத்தை பொறுத்தே விஸ்தரிப்பு வேலைகளை அபிவிருத்தி செய்வதற்கும் முன் வருவார்கள். கிராமப் பகுதிகளில் விஸ்தரிப்பு செய்வதால் தங்கள் வருவாய் குறையலாம் என்று கருதலாம். தங்களுக்கு கொடுத்திருக்கின்ற பிரதேசத்துடன் கிராமப் பகுதிகளையும் எடுத்துக்கொண்டு மின்சார விநியோகத்தை விஸ்தரிப்பதாக மதுரை நகரசபை தீர்மானம்செய்து அனுப்பியிருக்கிறது. இப் பொறுப்பை ஏற்றுக்கொண்டு நடத்தினால் இப்போது கிடைத்துவரும் லாபம் அவர்களுக்கு கிடைக்காமல் போகலாம். மின்சார ஸ்தாபனங்களை மூலம் சர்க்காருக்கு தங்கள் முதலீடுக்கு கிடைக்கும் லாபத்தைவிட சில நகரசபையாருக்கு ஒரு அளவில் அதிக சதவிகிதம் லாபம் கிடைக்கிறது என்பதற்காக, சர்க்கார் நகரசபைகளின் மின்சார ஸ்தாபனங்களை எடுத்துக் கொள்வது நியாயமாகாது, வேண்டுமென்றால் அவர்கள் அதிக லாபம் சம்பாதிக்காத முறையில், அவர்களுடைய விஸ்தரிப்பை அதிகப்படுத்தி கிராமப் பகுதிகளிலும் வேலைகளை விஸ்தரித்து, அவர்களுடைய வரும்படி குறையும்படி சர்க்கார் செய்யலாம். அதுபோன்ற நோக்கம்தான் இருக்கவேண்டுமே யொழிய, நகரசபைகள் நடத்துகின்ற மின்சார ஸ்தாபனங்களை எடுத்துக் கொள்ளக்கூடாது என்று நான் கேட்டுக்கொள்ளுகிறேன். அதற்காக செல்க்ட் கமிட்டிக்கு விட்டு, மசோதாவை திருத்த வேண்டுமென்று நினைக்கிறேன். இந்திய எலெக்டிரிசிட்டி சட்டத்தையும் எலெக்டிரிசிட்டி சபினை சட்டத்தையும் படித்துப் பார்த்தால், நகரசபைகள்தான் மின்சார உற்பத்தி விநியோகம் செய்யத் தகுதியான ஸ்தாபனமாக கருதப்பட்டு பல அனுகூலமான சந்தர்ப்பங்கள் அளிக்கப்பட்டிருக்கிறது தெரியவரும். இந்தியாவில் பல தொழில்கள் தேசிய மயமாக்கப்பட வேண்டுமென்று அவசரப்பட்டு சொல்லப்படுகிறது. ஆனால் இப்போது ஆண்டு கொண்டிருக்க சர்க்கார் தேசிய மயமாக்கும் வேலை அவ்வளவு சீக்கிரமாக செய்யக் கூடிய காரியமல்ல என்று கூறி இருக்கிறார்கள். தனிப்பட்ட நபர்கள் முதல் போட்டு பெரிய தொழில்கள் ஆரம்பிப்பதற்கு இன்று தயங்குகிறார்கள். இப்போது சென்னையில் பஸ் போக்குவரத்து சர்க்காரால் நடத்தப்படுகிறது. சர்க்கார் அதிக லாபம் வரக்கூடியது என்று கருதி எடுத்துக்கொண்டார்கள். சர்க்காருக்கு அதை ஏற்று நடத்தக்கூடிய அனுபவம் இல்லை. எதிர்பார்த்த லாபம் கிடைக்கவில்லை. மின்சார ஸ்தாபனங்களையும், பஸ் போக்குவரத்தையும் தனிப்பட்டவர்கள் முதலீடு போட்டு நடத்திவருவதை இன்னும் கொஞ்ச காலத்திற்கு நீடிக்க செய்யலாம். பல ஐந்தாண்டு திட்டங்கள் நடத்த சர்க்காருக்கு பல கோடிக்கணக்கான ரூபாய் தேவையாக இருப்பதால் தேசிய மயமாக்கும் வேலையை தள்ளி வைக்கலாம் என்று நினைக்கிறேன்.

“தவிர மத்திய சர்க்காரின் இந்தியன் கம்பெனி சட்டத்தின்கீழ் நிறுவப்பட்டு தனிப்பட்ட நபர்கள் பணம் போட்டு நடத்திவருகிற ஒரு வியாபார அல்லது தொழில் ஸ்தாபனத்தை இந்திய யூனியன் சட்டத்தினால் தான் கலைக்க அல்லது ஒழிக்க அல்லது நடத்தப்படாமல் செய்ய முடியுமென தவிர ஒரு ராஜ்ய சர்க்காரின் சட்டத்தின் மூலம் நிர்ப்பந்தமாக கலைக்கப்பட்டு அந்த ஸ்தாபனத்தை ஆர்ஜித மூலம் எடுத்துக்கொள்வது முடியாத காரியம் என்று வாதிக்கப்படுகிறது. ஆகவே இந்த மசோதாவை சட்ட நிபுணர்களின் பரிசீலனைக்கு விட வேண்டியது ரொம்பவும் அவசியமாகும். இதை சர்க்காரும் நன்றாகப் பரிசீலனை செய்யவேண்டும். ஆகையால் இந்த மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு விட வேண்டுமென்ற தீர்மானத்தை சர்க்கார் ஒப்புக்கொள்ள வேண்டுமென்றும் கேட்டுக் கொள்ளுகிறேன்.”

[15th May 1954]

SRI P. B. K. RAJA CHIDAMBARAM :—“மன்றத் துணைத்தலைவர் அவர்களே, இந்த மசோதாவைக் கொண்டு வந்திருப்பதற்கு இரண்டு வகையான காரணங்கள் கூறப்பட்டிருக்கின்றன. ஒன்று சென்னை மாநிலத்திலே மின்சார வசதி மக்களுக்கு நல்ல முறையில் விநியோகப்படுத்துவதற்காக, அரசியலார் இந்தத் திட்டத்தை மேற்கொள்ள வேண்டியிருக்கிறது என்பதாகும். மற்றொன்று இதற்காக 1949-ம் ஆண்டில் செய்யப்பட்ட சட்டமானது உயர் நீதி மன்றத்தால் செல்லுபடியாகாதென்று தீர்ப்பளிக்கப்பட்டுவிட்டதன் காரணத்தால் இப்பொழுது இது மீண்டும் சபையின் ஆலோசனைக்குக் கொண்டுவரப்பட்டிருப்பதாகச் சொல்லப்படுகிறது. நாட்டின் நீதிமன்றம் கூறிய தீர்ப்பையும், சட்ட நிபுணர்கள் சொல்லும் வார்த்தையும் ஒரு புறமிருத்தி மக்களின் நலனுக்காக அரசாங்கம் இந்த மின்சார சபினை ஸ்தாபனங்களை எடுத்துக் கொள்ளும் நடவடிக்கையை மேற்கொண்டே தீரும் என்று அரசியலார் சொல்லும்போது எந்தக் காரணத்திற்காக இந்த மசோதா கொண்டுவரப்படுகிறதோ அந்தக் காரணம் இந்த மசோதாவினால் கை கூடுகிறதா என்கின்ற தகவலையும் சபைக்கு முன்பாக சமர்ப்பித்திருந்தால் மிகவும் நன்றாக இருந்திருக்குமென்று நான் சொல்ல விரும்புகிறேன்.

“எனக்கு முன்பாக பேசியவர்களில் ஒருவர் சொந்த முறையிலேயே இந்த ஸ்தாபனங்களை வைத்து நடத்துகிறவர், மற்றொருவர் நகராட்சியின் சார்பாக இந்த ஸ்தாபனத்தை நடத்துகிறவர். இவர்கள் இருவருமே அரசாங்கம் இந்தப் பொறுப்பை ஏற்றுக் கொள்ளக் கூடாதென்பதற்காக பல வாதங்களைச் சொன்னார்கள். அவைகளை நான் ஒப்புக்கொள்ளவேயில்லை.

“அதோடு பொதுவாக ஒரு தனி மனிதன் எந்தத் தொழிலைச் செய்ய விரும்பினாலும் அதில் சிறிது லாபத்தையாவது எதிர்பார்ப்பது வழக்கம் தான். நான் இதைத் தவறு என்றும் சொல்லவில்லை. நகராட்சி ஸ்தாபனங்கள் ஓரளவு இதன் மூலம் தங்கள் வருவாயை அதிகரித்துக் கொண்டிருக்கின்றன என்பதையும் பார்க்கிறோம். ஆனால் நாட்டில் இன்று மக்களுக்கு இருக்கும் மின்சாரத் தேவையின் அவசியத்தைக் கணக்கெடுத்துப் பார்க்கும்போது இவ்விதம் லாபத்தை மட்டும் எதிர்பார்த்துக் கொண்டு எந்த ஸ்தாபனம் நடந்தாலும் அதைக் கண்டிக்க வேண்டியது அவசியமாகும். ஆகவே நாட்டிலுள்ள எல்லா மக்களுக்கும் மின்சார வசதி கிடைக்கச் செய்யவேண்டுமென்ற உயரிய நோக்கத்துடன் தான் சர்க்கார் இந்த ஸ்தாபனங்களையெல்லாம் தேசியமயமாக்க முன் வந்திருக்கிறார்கள் என்று சொல்வதைக் கேட்க நான் சந்தோஷப்படுகிறேன்.

“ஆனால் ஒன்று. இவர்கள் எடுக்கப் போகின்ற நடவடிக்கைகளால் இந்த எண்ணம் ஈடேறுமா வென்பதை கனம் அமைச்சர் அவர்கள் இந்த மசோதாவைப் பிரேரிக்கும் போது சற்று விரிவாகச் சொல்லி யிருந்தால் நன்றாக இருந்திருக்கும். குறிப்பாக இந்த மாநிலம் முழுவதிலுமுள்ள ஸ்தாபனங்கள் எல்லாவற்றையும் எடுத்துக் கொள்வதென்றால் எவ்வளவு பணம் வேண்டும்? அவைகள் எல்லாவற்றையும் எவ்வளவு நாட்களுக்குள் எடுத்துக்கொண்டு விடலாம்? எடுத்துக் கொள்ளும்போது இவைகள் எல்லாவற்றிற்கும் நஷ்ட ஈடு கொடுப்பது என்றால் எவ்வளவு செலவாகும்? என்ற தகவல்கள் எல்லாம் அரசியலாரிடம் இருக்கலாம். நான் எதற்காக இந்தத் தகவலைக் கேட்கிறேன் என்றால் சில ஆண்டுகளுக்கு முன்பே அரசியலார் மில் ஸ்தாபனங்களிடமிருந்து இந்த மின்சாரக் கம்பெனிகளை எல்லாம் எடுத்துக்கொண்டு நடத்தினார்கள். இதனால் பலவிதமான அனுகூலங்கள் ஏற்பட்டும் இருக்கலாம். ஏற்படாமலும் இருக்கலாம். ஆனால் அந்த மாதிரியாக எடுத்துக்கொண்டது சரியல்ல என்பதாக உயர் நீதிமன்றம் தீர்ப்பு வழங்கியிருக்கிறது. நான் இந்த ஸ்தாபனங்களை எடுத்துக் கொள்வதன் நோக்கம் இனிமேலாவது ஈடேறுமா என்பதைப்பற்றி அப்பொழுது இருந்த மின்சார இலாகா மந்திரி அவர்களிடம் முன்பே கேட்டிருக்கின்றேன். அவர் சரியான பதிலைக் கொடுக்க முடியாமல் இருந்தான்.”

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இந்த மசோதா சட்டமானவுடன் 4 மாதங்களுக்கு எல்லாம் எல்லா மின்சார ஸ்தாபனங்களையும் தனது மேற்பார்வையில் எடுத்துக் கொள்ளக்கூடிய அதிகாரத்தை அரசியலாருக்கு இது கொடுக்கிறது. இப்படிப்பட்ட அதிகாரத்தைக் கொடுக்கின்ற காரணத்தால் அரசியலார் இந்த மசோதா சட்டமானவுடனேயே இந்த மாநிலம் முழுவதிலுமுள்ள மின்சார ஸ்தாபனங்களையெல்லாம் எடுத்துக் கொள்ளப் போகின்றார்களா? அல்லது ஒரு அட்டவணைப்படி இந்தெந்த ஆண்டுகளில் இந்தெந்த ஸ்தாபனங்களை எடுத்துக்கொள்ளப் போகிறோம் என்று திட்ட வட்டமாகவாவது அறிவிப்பார்களா. என்று நான் அறிய விரும்புகிறேன். நான் ஏன் இதைக் கேட்கிறேன் என்று அறிய அரசியலாரும் விரும்பலாம்.

“நான் வசிக்கும் மாவட்டமாகிய திருச்சியில் நீண்ட காலமாகவே ஒரு தனிப்பட்ட கம்பெனியார் மின்சார சப்ளை செய்து கொண்டிருக்கிறார்கள். அந்த ஸ்தாபனம் நல்ல முறையில் முன்பெல்லாம் பணியாற்றிவந்தது. ஆனால் இப்பொழுதெல்லாம் நல்ல வேலை எதையும் செய்யத் தயங்குகிறார்கள். அவர்களோடு நேரில் பேசி காரணம் என்னவென்று கேட்டதற்கு, ‘எந்தச் சமயத்தில் இதை அரசியலார் எடுத்துக்கொள்வார்களோ என்று நாங்கள் எதிர்பார்த்துக் கொண்டிருக்கிறோம். அப்படியிருக்கும்போது எந்த நம்பி இதில் மூலதனம் போடுவது? நீங்கள் வேண்டுமானால் உங்கள் அரசியலாரிடம் சொல்லி இவ்வளவு ஆண்டுகள் வரையில் இந்த ஸ்தாபனத்தை சர்க்கார் எடுத்துக்கொள்ளாது என்ற உத்திரவாதத்தை அளிக்கச் செய்தால் நாங்கள் அவையையெல்லாம் எடுத்துச் செய்கிறோம்’, என்று சொன்னார்கள். இந்த உத்திரவாதத்தை சர்க்கார் அளிக்கத் தயாரானால் அவர்கள் இன்னும் அதிக மூலதனம் போட்டு கிராமங்களுக்கு எல்லாம் மின்சார வசதியைச் செய்து கொடுக்கத் தயாராக இருக்கிறார்கள்.

“நான் சென்ற வரவு செலவுத் திட்ட விவாதத்தின் போதே கனம் மின்சார அமைச்சர் அவர்களிடம் சொன்னேன். ஒன்று அந்த ஸ்தாபனங்களையெல்லாம் உடனடியாக எடுத்துக் கொள்ளுங்கள், இல்லாவிட்டால் பத்து ஆண்டுகள் வரை அவைகள் எடுத்துக் கொள்ளப்படமாட்டாது என்று உறுதி மொழியாவது அளியுங்கள் என்று நான் கேட்டேன். அதற்கு இன்றைக்கு எங்களிடம் அவைகளை எடுத்துக் கொள்வதற்குப் பணமில்லை. ஆனால் பத்து ஆண்டுகள் வரை அவைகளை எடுத்துக்கொள்ளாமல் இருக்க முடியுமென்ற உறுதி மொழியை அளிக்க முடியாதென்று சொல்லி விட்டார்கள். இதனால் சர்க்கார் கிராம மக்களுக்கு எல்லாம் மின்சாரத்தை அளிக்கவே இதைக் கொண்டு வருகிறோம் என்று சொல்லும் நோக்கம் தான் பூர்த்தியாகவில்லை யென்பதைப் பார்க்கவேண்டும். தனிப்பட்ட மின்சார ஸ்தாபனங்களும் தங்களது ஸ்திரமற்ற தன்மையினால் சொந்த முறையில் போட்டு வேலை செய்ய முன் வர மறுக்கிறார்கள். இந்தெந்த ஆண்டுகளில் இந்தெந்த ஸ்தாபனங்களை எடுத்துக் கொள்ளப் போகிறோம் என்ற உறுதி மொழியையாவது சர்க்கார் கொடுத்தால் ரொம்பவும் நன்மையாக இருக்குமென்று சொல்ல விரும்புகிறேன். மின்சாரக் கம்பெனிகளுக்கு உதவி செய்வதற்காகப் பணம் ஒதுக்கப்பட்டிருந்த போதிலும் அவைகள் அவர்களுக்குக் கொடுக்கப்படவில்லையென்பதை நண்டர் டி. கே. ராஜா அவர்கள் புகார் செய்திருக்கிறார்கள். இதற்காகப் பத்து லட்சம் ரூபாய் ஒதுக்கப்பட்டிருக்கிறது. அந்தப் பணத்திலிருந்தாவது திருச்சி மின்சார சப்ளை கம்பெனிக்கு சிறிது பணம் ஒதுக்கி உதவி செய்யவேண்டுமென்று நானும் கேட்டுக் கொண்டேன். இவ்வாண்டு சில கம்பெனிகளுக்கு உதவி அளித்திருக்கிறோம் என்றும், அடுத்த ஆண்டு இன்னும் சில கம்பெனிகளுக்கு அளிப்போம், அப்பொழுது இதையும் கவனிப்பதாகச் சொன்னார்கள். இந்த ஆண்டும் உதவி செய்வதற்கில்லை யென்று சொல்லி விட்டார்கள். இதனால் ஆயிரக்கணக்கான விவசாயிகளுக்கு மின்சார வசதியை அவர்களால் விஸ்தரித்துக் கொடுக்க முடியாமல் இருக்கிறது. இந்தச் சட்டம் கொண்டுவருவதினால் எந்தவிதமாகவும் நிலைமை அபிவிருத்தி அடைந்துவிடப் போவதில்லை யென்றே நான் கருதுகிறேன். இது மாதிரியாக பொதுப்படையாக; ஆண்டுகள் எதுவும் குறிப்பிடாமல், நாங்களே

[15th May 1954] [Sri P. B. K. Raja Chidambaram]

மின்சாரக் கம்பெனிகளை எடுத்து நடத்தப் போகிறோம் என்று சொல்வதன் காரணமாக திறமையாக நடந்துவரும் ஸ்தாபனங்கள் கூட புது மூலதனம் போட்டு நல்ல முறையில் நடத்த, கிராமங்களுக்கு மின்சாரத்தை விஸ்தரிக்க முன்வர மறுக்கிறார்கள்.

“ஆகவே சர்க்கார் திட்டவட்டமாக இந்தெந்த வருஷங்களில் இந்தெந்த ஜில்லாவிலுள்ள கம்பெனிகளை எடுத்துக்கொள்ளப் போகிறோம் என்று அறிவித்தாக வேண்டும். அல்லது உடனடியாக எல்லாவற்றையும் எடுத்துக் கொள்வதற்காவது தக்க நடவடிக்கை எடுத்துக் கொண்டாகவேண்டும். அப்பொழுதுதான் சர்க்காரின் நோக்கம் ஈடேரும். அவர்கள் எண்ணம் வெற்றிபெறும். இவைகளையெல்லாம் சர்க்கார் நன்கு விளக்கமாக தெரியப் படுத்த வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன் தவிர இந்தச் சட்டத்தை நிபுணர்களின் பரிசீலனைக்கு விடவேண்டுமென்று நான் சொல்ல விரும்பவில்லை. கனம் அமைச்சர் அவர்கள் பதில் சொல்லும்போது இதைப்பற்றி விரிவாகப் பதில் சொல்லுவார்கள் என்ற நம்பிக்கையுடன் நான் அமருகிறேன்.”

SRI C. RAJAM RAMASAMY:—“Mr. Deputy Speaker, Sir, I have no hesitation in supporting this Bill. I oppose the move for referring this Bill to a Select Committee for the very simple reason that this is only a revalidating measure. This Bill was discussed threadbare in 1949 when it became law. On some technical grounds the law has been declared *ultra vires* of the State Legislature by the Supreme Court of India. I do not know whether the Government have carefully read through the judgment of the Supreme Court and incorporated in this Bill all the suggestions that have been made therein. For instance, I wonder whether the provision in clause 14 of this Bill relating to the termination of Managing Agency is in order. Managing Agents are appointed by the shareholders under the Indian Companies Act, which is a Central piece of legislation. Whether a State Legislature has a right to terminate a contractual relationship between the shareholders and the company based on a law passed by the Centre is a debatable point. I think a reference on this subject was made to the High Court here and some decision was given. I wonder whether the Government have studied this decision and whether they have come to any conclusion as to the propriety of including in this Bill the provision relating to termination of Managing Agency. As far as the Government are concerned, they have every right to acquire any undertaking and do away with the licensee. But I consider they have not any power to terminate the relationship between the shareholders and the Managing Agents or Managing Directors of these companies. I request the Hon. Minister to kindly go through the provisions and satisfy himself that the Constitution gives him this power and he is perfectly within his bounds to include this clause in the Bill. As I have already said, licensees will be only too glad to hand over all their undertakings to the Government. There is not a single licensee in this State who is anxious to continue. As the Hon. Member Sri Raja Chidambaram rightly pointed out, no licensee is anxious to retain his licence. He only wants an assurance from Government as to how long he will

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be allowed to continue, and to know the date by which his undertaking will be taken over. Once this is done, all licensees will do their best and help in a quick and rapid promotion of rural and urban electrification of their areas.

“ The hon. Member, Sri D. K. Raju, when he was speaking on this Bill a short while ago, made some remarks which, I think, were mischievous. I believe he did it purposely. He must have had some other motive when he made those remarks. I am not responsible for any frustration which this hon. Member suffers from. The hon. Member has obviously spoken out of frustration and his personal quarrels with the then Chief Minister. The then Chief Minister and the hon. Member should know the reason why the latter's concern was acquired. I can say without any fear of contradiction that the licensee referred to by him has not taken a copper from the Government as loan and to say that lakhs of rupees have been given as loan is nothing but blasphemy. The hon. Member also stated that some lapsed licences had been extended by Government. I do not know whether the hon. Member has cared to read Section 3 of the Act where a provision has been made for the withdrawal of notices issued under the Indian Electricity Act, 1910. The object of making such a provision in the Act was explained by the then Minister for Public Works; the Minister said that the policy of the Government was not to acquire undertakings which are working efficiently, and only those undertakings which were inefficiently managed will be taken over first. I hope, the hon. Member would at least now understand why certain concerns were taken over first. I am sure, the hon. Member is aware of the fact that I was not even a Member of the Legislature when this Bill was considered. In fact, I am a strong believer in public ownership of public utilities. Therefore, to level a charge that the Government are favouring their own party members is mischievous and unwarranted.

“ The hon. Member Sri Raja Chidambaram laid very great emphasis on the hardships felt by private licensees in carrying out electricity extension schemes and furthering the development programmes in view of the threat of impending nationalization. It will be better for licensees to be told when their undertakings will be taken over. If that is not possible, an assurance may be given that their concerns will not be touched for five years or ten years to come so that they can easily raise capital. As we all know, capital is very shy and raising money in the open market is difficult. As it is, a sum of about Rs. 75 lakhs is being borrowed or raised annually by private licensees in the open market to electrify their areas. If the Government are serious that licensees should do their bit in the rapid electrification of rural areas, they should give an assurance to these licensees as to the period of time after which their undertakings will be taken over. Unless such an assurance is given, it will be very difficult for licensees to raise money. No doubt Government are coming forward with the grant of small loans, but it will not be sufficient.

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As I have said before, a sum of about Rs. 75 lakhs is the annual capital expenditure incurred by the different licensees in this State, and once Government tell them the date by which their undertakings will be taken over, they will be able to raise their own capital and rapidly extend electrification to the rural areas.

“ The hon. Member, Sri Raja Chidambaram also raised another pertinent point, viz., that no mention was made by the Hon. Minister in his speech about the total amount of compensation that would become payable to these licensees, and how the Government were going to find the money. It was roughly estimated at the time the original Bill was introduced that anything between three to four crores of rupees would be required to take over these undertakings and that even if they are to be taken over in batches, it would involve payment of a crore of rupees every year. Therefore, it will be for the Government to decide the balance of advantage between taking over these undertakings immediately or after some years, and utilizing whatever money they are able to raise by way of loans in the open market for augmenting or increasing the generating capacity in our State. As hon. Members are fully aware, we are constantly threatened by power shortage, staggering of loads, power cuts and so on and so forth. Unless the power potential of this State is increased by another 300,000 kilowatts, there is no hope of either rapid industrialization or agricultural development. Therefore, it is obvious that Government should utilize all the financial resources at their command to immediately increase the power potential of the State. I would say the retail distribution of electricity is a minor matter. The most important thing is to increase the power potential of this State so that the needs of a very large number of people who are still waiting for the supply of electricity can be satisfied. Government have a very large area of their own where they have to extend electricity. I was just looking through the Administration Report for the year 1952-53. The Government have extended their lines to only 182 villages during the year. It is not very much compared to the area of supply under their control. If the Department is really anxious to serve the people and show marked progress in the field of rural electrification, they should extend their lines to at least 500 new villages every year. Every village with a population of thousand and more should be electrified. The small extensions that have been carried out are not enough or sufficient; greater emphasis should be laid on village electrification by private licensees also.

“ The results of the working of the Electricity Department have not been very satisfactory and I would like to bring a few salient points to the notice of the hon. Members. If only they would refer to the Budget Memorandum presented to this House in March this year, they would find that the gross receipts estimated from all electrical undertakings of this Government amount to Rs. 5.25 crores while the working expenses including interest

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on capital outlay amount to about Rs. 5.71 crores; there is an excess expenditure of about Rs. 45 to 46 lakhs for which money is being drawn from the General Exchequer. Is it right for a commercial department to draw money from the General Exchequer? The department should be self-supporting and should not draw upon the general revenues of the State. It should try to balance its own budget. Instead, it has been estimated to draw about Rs. 46 lakhs from out of the general revenues to keep this department going. Is it right to tax the tax-payer by way of electricity surcharges and again draw about Rs. 46 lakhs from the general revenues for feeding this department? If an Electricity Board had been established, probably they would have become self-sufficient, they would have understood the canons of commercial enterprise, they would have probably regulated their tariff structure, their income and expenditure would have been balanced, and there would have been no inroads on the general revenues of the State.

"In regard to the tariffs, inasmuch as Government were the sole generators and distributors, they should have put forward an integrated tariff structure; but what is the position to-day. We have three different Hydro Electric Systems, viz., Mettur, Papanasam and the Pykara, with three different tariffs, and the Madras Thermal System, with another tariff. Is it not right for a consumer living in any part of the State to expect one standard tariff applicable for all areas? Is it fair for a consumer in Mettur to pay less, and a consumer in Papanasam to pay more? Of course, a small surcharge can be added on to the integrated tariff in thermal areas as thermal generation is costly. If people are to really derive the benefit from Government owning, generating and distributing electricity in this State, a unified and integrated tariff structure is absolutely necessary.

"There is a general expectation that electricity will be supplied at low rates under Government ownership, and therefore it is absolutely necessary to integrate the tariffs and lower the rates. Instead what is happening now? A surcharge of 20 per cent is being levied on all consumers, and in spite of the surcharge, there is still a deficit of Rs. 46 lakhs and the general tax-payer is made to pay to feed this department. The Electricity Department is overcrowded with staff and the establishment charges are so heavy that they eat away all the income the department is earning. Unless an Electricity Board is formed in the near future and the entire administration conducted on a commercial basis, more and more money will be lost and more and more surcharges will be levied on the consumer. Therefore, I appeal to the Hon. Minister to consider the advisability of establishing an Electricity Board. Practically all the other States in the North have agreed to the constitution of Electricity Boards and I hope this Government also will consider seriously the matter of constituting Statutory

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Electricity Boards with full powers not only to generate and distribute electricity, but also to acquire private undertakings and do all that is necessary for the rapid development of rural electrification.

"There is no need to refer the Bill to a Select Committee. The clauses in the Bill have been discussed threadbare in 1949, when the Bill was brought forward then and passed into Law. I therefore oppose the move to refer the Bill to a Select Committee.

"There is one clause in the Bill about which I wish to say a few words and that is about the staff. There is some doubt in the minds of the staff employed by the different licensee undertakings that when those undertakings are taken over by Government they will not be taken in service. Every Member of the staff employed by these undertakings, irrespective of his qualification or scale of pay, should be absorbed by the Government. In order to do this smoothly and easily, I suggest to the Government the institution of an inquiry into the working conditions, salaries and other allowances drawn by the different grades of staff employed to see how they compare with the scales of pay and other working conditions enjoyed by similar categories of staff in Government Electricity Department. It may even be advisable to persuade every licensee to give the same scales of pay to his employees. If this is done, when the change-over comes it will be easy and smooth. It will not then be difficult to absorb all the employees into the Government Electricity Department. Government should come forward to institute this inquiry at an early date. This is the only way in which the Government can satisfy the staff working in the various undertakings. Somehow or other, the Government must absorb all the employees. They should not use the provision relating to giving 'three-months' notice' to the staff freely. I once again repeat that there is no need to refer the Bill to a Select Committee. We may straightaway proceed with the consideration of this Bill and finish it as quickly as possible.

"With these few words, I resume my seat."

SRI M. NARAYANA KURUP :—"Mr. Deputy Speaker, Sir, I rise to support the motion for referring the Bill to a Select Committee. It will generally be agreed that electricity undertakings and other similar undertakings which are public utility services should not be allowed to be carried on by individuals. But, that the Government should take over these undertakings is one thing and that they should be administered by them departmentally is a different thing altogether. In this connexion I cordially endorse the suggestion made by the previous speaker, viz., that the administration of this department should not only be under a Board, but under a Corporation. In other words, I lay emphasis on socialization of such undertakings rather than on nationalization. It is a well-known fact that whenever an undertaking is

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taken over by the Government and administered by them departmentally, it becomes less efficient and more costly than an undertaking administered by a private individual. Then again, it is said that the Government were taking over such important public utility services for the benefit of the State or the country as a whole. It has been pointed out that as a result of the progress that we have so far made, the poor people of the rural areas, who ought to get a greater consideration, have not benefited to the extent they deserve. Why is it so? It is because the department is administered by the Government, where the influence of capitalists and the people of the urban area is predominant. We know that 50 per cent of the electricity produced in India is consumed by the citizens of Bombay and Calcutta which form one per cent of the population. Even in our State, if I remember right, only about 11 per cent of the electricity generated here goes to the benefit of the rural people. Therefore to administer such an important public utility service, a Corporation must be established in which representation should be given not only to the Government but to the people who will benefit by such undertakings and also to the workers employed in such industries. The previous speaker referred to the discontent of the workers employed in this department and the complaint that rural areas did not receive due consideration at the hands of the Government. If a statutory Corporation is established consisting of the various interests, the Government, the consumers and the workmen employed in the department, I believe there will be a more harmonious combination of every element in society and the real object of this enactment will be achieved.

"It is necessary that this Bill should go before a Select Committee as it deserves very careful consideration. In the matter of payment of compensation, I believe one of the grounds on which the Act was declared void was due to the fact that there was discrimination. Even in this Bill, the basis of compensation is different. It is classified under three heads (A), (B) and (C) and each one has its own special divisions. Of course, a certain amount of classification, if it is equitable, is permissible under the Constitution. But, it requires very careful and serious scrutiny as to whether the classification that is resorted to in this Act conforms to the requirements of the Constitution. This is a very important matter. Of course, the Government would say that this point has been examined by their experts. But the continuous decisions of the Courts have made us believe that the Government cannot have the monopoly of wisdom in drafting and our faith in their efficiency in drafting has been shaken if not shattered, by such decisions of the courts. So, a Committee consisting of eminent lawyers and experts may be appointed to go into this Bill. (Interruption.) I suppose there are lawyers and experts here as well as in the Council. At this stage, I wish to make one point clear. When points are discussed and other people put forth their own opinion in a Committee however eminent an expert might be, he will come to a decision which will be

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different from the one which he will arrive at if he sat alone and took a decision in his individual capacity. Therefore I think the appointment of a Select Committee to consider this Bill is essential. Then with regard to compensation: It has been stated that this would involve a large amount. I would request the Government to see whether it is possible to pay part of the compensation in cash and part in bonds. Sir, the liabilities of the Government will be considerably reduced if they pay a part in Bonds.

"Sir, a simple statement that this is practically a reproduction of the previous Bill, does not necessarily mean that this Bill should not go before a Select Committee, because we are now functioning under entirely different circumstances. The Constitution of India has imposed many restrictions on such enactments and what could have been done normally before the Indian Constitution came into force in 1950, cannot be done now. Therefore, though the clauses might have been in the previous Act, they require a careful scrutiny and it can only be done by sending this Bill to a Select Committee."

SRI M. PALANIYANDI :—"கனம் சபாநாயகர் அவர்களே! இந்த மின்சார தேசிய அமைப்புத் திட்டங்களைப் பற்றி பல அங்கத்தினர்கள் பேசியிருக்கிறார்கள். இருந்தாலும் நானும் சில விஷயங்கள் சொல்ல ஆசைப்படுகிறேன். இம் மசோதா கொண்டுவருவதை யாரும் எதிர்ப்பதாக இல்லை. அதில் சொல்லப்படுவது என்ன? பொது மக்களின் நன்மைக்காகவும், ஊழியர்களின் நன்மைக்காகவும் தேசியமயமாக்குகிறார்கள் என்பதுதானே கருத்து. அப்படி தேசியமயமாக்கினால் பொது மக்களுக்கு நன்மை பயக்குமா? சென்னையில் மின்சார கம்பெனியை சர்க்கார் எடுத்துக்கொண்டதினால் இதுவரை நன்மை ஏற்பட்டதா என்றால் இல்லை என்றுதான் சொல்லவேண்டும். எங்கும் 'சிகப்பு நாடார்' (Red Tapism) தன்மைதான் நிலவுகிறது. உண்மையில் சென்னையில் மின்சார கம்பெனியிடமிருந்து சர்க்கார் மின்சாரத்தை எடுத்துக்கொண்டார்கள். ஆனால் எடுத்துக்கொண்ட பிறகு இதை முன்னுக்குக் கொண்டுவருவதற்கும் பல மாதகாலம் ஆயிற்று. இதை தேசியமயம் ஆக்குகிறோம் என்று சொல்லும்போது லாபத்தை அடிப்படையாகக் கொண்டு சர்க்கார் கருதக்கூடாது. இதைப்பற்றி சட்டசபையில் கேள்வி கேட்டால் லாபகரமாக இல்லை என்று சொல்லப்படுகிறது. மக்களின் நன்மையைக் கருதி இதை நடத்தவேண்டும். அப்படி கருதாது லாபகரமாகவே கருதினால் ஒரு முதலாளி கையிலிருந்து இன்னொரு முதலாளிகளுக்குப் போவது போலாகும். மக்களின் நன்மைகளையும் உத்தேசித்து தொழிலாளர்களுக்கும் ஊழியர்களுக்கும் நன்மை பயக்கும்படி நடவடிக்கைகள் எடுத்துக்கொள்ளவேண்டும். இம் மூன்று கொள்கைகளை அடிப்படையாகக் கொண்டு இருக்கவேண்டும். ஆனால் இந்த அடிப்படையில் கொண்டு வரவில்லை. உதாரணமாக Bus Transport-ஐ எடுத்துக்கொள்வோம். குறிப்பாக 1948-ம் ஆண்டில் சர்க்காரால் வெளியிடப்பட்ட G.O. 1954-ம் ஆண்டில் நிறைவேற்றப்பட்டது. இன்னும் பல ரூபங்களாக மாறிக் கொண்டே போகின்றன. அப்பொழுது போட்ட மின்சாரச் சட்டம் இப்பொழுது பல ரூபங்களாக மாறிக்கொண்டே போகிறது.

"சேஷசாயி போன்ற கம்பெனிகள் கொள்ளையடித்துக் கொண்டிருக்கிறார்கள். இன்று முனிசிபாலிட்டியில் இந்த மின்சார விநியோகம் சரியாக நடைபெறுவது இல்லை. ஊழல்கள் அதிகமாக இருக்கின்றன. சரியானபடி நிர்வாகம் நடைபெற்றால் இந்தச் சட்டம் போடவேண்டிய அவசியமே இல்லை. பார்லிமெண்டில் அரசியல் சட்டம் மாற்றப்பட வேண்டுமென்று பேசப்படுவது கிறது. இந்த அரசாங்கமும் சரியென்று சிபார்சு செய்தால்கூடபோதும், Committee-யிலும் நஷ்ட ஈடு கொடுக்கவேண்டுமென்று சொல்லப்படுகிறது.

[Sri M. Palaniyandi]

[15th May 1954]

“சென்னையில் மின்சாரக் கம்பெனியிடமிருந்து சர்க்கார் எடுத்துக் கொண்டபோது நஷ்ட ஈடாக ஒரு பெருந் தொகை கொடுத்தார்கள். அப் பொழுது கனம் பக்தவத்சலம் பொது மராமத்து மந்திரியாக இருந்தார். இவர் மந்திரியாக இருக்கும்பொழுது Compensation-ஆக 3 கோடி ரூபாய் ஒரே செக்கில் ரொக்கமாக அந்த வெள்ளை முதலாளிகளுக்குக் கையெழுத்து இட்டு கொடுத்தார். அந்த முதலாளிகளுக்கு உடனடியாகப் பணத்தைக் கொடுக்கவேண்டும் என்பதற்காக அவசர அவசரமாக சட்டசபையில் ஒரு Bill கொண்டுவரப்பட்டது. அரசியல் சட்டத்திலும் ஒரு மாற்றம் கொண்டுவரப்பட்டது. ஆனால் இப்பொழுது கொடுக்கவேண்டிய நஷ்ட ஈட்டுத் தொகை இன்னும் நிர்ணயிக்கப்படாதாகத் தெரியவில்லை. இப்பொழுது இருக்கும் தனிப்பட்ட மின்சாரக் கம்பெனிகளில், Share-holder-கள் நிறைய பணம் போட்டிருக்கிறார்கள். South Arcot கார்ப்பரேஷன் என்ற ஒரு மின்சாரக் கம்பெனி இருக்கிறது. பல பங்குதாரர்கள் இருக்கிறார்கள். இன்னும் Jameel என்ற கம்பெனி பல ஆண்டுகளாகப் பொதுப் பணத்தைக் கொள்ளையடித்துக் கொண்டிருக்கிறது. இவர்களுக்கு நஷ்ட ஈடு தொகையை உடனே கொடுப்பதற்குப் பதிலாக சில வருஷங்களுக்குப் பிறகு கொடுக்க தள்ளிப்போடலாம். பணம் படைத்தவர்கள்தான் ஷேர் வைத்துள்ளார்கள். மெம்பர்கள் எல்லோரும் பணம் படைத்தவர்கள்தான். இவர்கள் இன்னும் பணம் கேட்டால் கொடுக்கவும் தயாராக இருப்பார்கள். ஆனால் நடுத்தர மக்களுக்குத் திருப்பிக் கொடுத்துவிடவேண்டியதுதான். இவர்களுக்குக் கொடுக்கும்பொழுது 4% வட்டியாகக் கொடுத்து மழுப்ப வேண்டிய நிலைமையில்தான் இருக்கிறது. பெரிய பணக்காரர்கள் இருக்கிறார்கள். இவர்களுக்குக் காலம் தாழ்த்திக் கொடுக்கலாம். நடுத்தரக் காரர்களுக்கு உடனடியாகக் கொடுத்துவிடவேண்டியதுதான். நஷ்ட ஈடு கொடுத்துக்கொண்டே மக்களிடம் வாங்கும் வரியிலிருந்து அவர்களுக்கும் நல்ல dividend கொடுக்கலாம். இந்த கையால் வாங்கி அந்த கையால் கொடுப்பதற்கு 3½ அணு கொடுக்கவேண்டும். கமிஷன் ஏஜெண்டுகள்தான் கொள்ளையடிக்கப்போகிறார்கள். ஆகையால் இப்பொழுது கொடுப்பதைத் தள்ளிப்போட்டால் நலமாயிருக்கும். இதைத் தள்ளிப்போட அரசாங்கம் முன்வரவேண்டும். மேலும் நண்பர் ராமசாமி அவர்கள் சொத்து வாங்க வேண்டிய கட்டணங்கள் மாறுபட்டிருக்கிறது என்று சொன்னார். சாதாரணமாக சர்க்கார் எடுத்துக்கொண்ட பிறகு மக்களுக்கு ஏதாவது சார்ஜ் குறைந்து இருக்கிறதா என்று கேட்கிறேன். என்ன பயன் பெற்றார்கள் மக்கள்? எதிர் பார்த்த அளவுக்கு மக்களுக்குப் பயன் ஏற்படவில்லை. குறைந்த கட்டணத்தில் அதிகமான மின்சாரம் எல்லோருக்கும் வழங்கினால்தான் தேசியமயமாக்குவதில் முழுப்பயன் கிடும். திருச்சி, ராமநாதபுரம், தஞ்சாவூர் ஜில்லாக்களை ஒன்றாக எடுத்துக் கொள்ளலாம். அப்படி எடுத்துக்கொண்டால் அவர்கள் நமக்குக் கடன் கொடுத்தால் 4½% வட்டி கொடுக்கவேண்டும். ஆனால் அரசாங்கம் வட்டி கொடுத்தால் 3% தான் கிடைக்கும். தனிப்பட்டவர்கள் 4½% கொடுக்கிறார்கள். சாதாரணமாக ஏழை மக்கள் அதிகமான வட்டியைத்தான் எதிர் பார்ப்பார்கள். கிராமங்களுக்கு மின்சாரம் முக்கிய தேவையாக இருக்கிறது. இப்போது நடவடிக்கை எடுத்துக்கொண்டாலும் அமுலுக்கு வருவதற்கு இன்னும் மூன்று ஆண்டுகள் ஆகும். இதற்கெல்லாம் 10 லக்ஷம் ரூபாய் வேண்டியதாயிருக்கும். பல கிராம மக்கள் மின்சாரம் வேண்டுமென்று கேட்டுக்கொண்டிருக்கிறார்கள். இந்த நிலைமையில் கிராமங்களுக்கு மின்சாரத்தை விஸ்தரிப்பதற்கு பல லக்ஷம் ரூபாய் தேவையாயிருக்கும்.

“நண்பர் சி. ஆர். ராமசாமி அவர்கள் ‘ஆயிரத்திற்கு மேற்பட்ட ஜனத் தொகையுள்ள கிராமங்களுக்கு மின்சார வசதி செய்துத்தர சர்க்கார் நடவடிக்கை எடுக்கவேண்டும் என்று சொன்னார்கள். வருஷத்திற்கு 1,000 கிராமங்கள் என்று எடுக்கவேண்டும். மேலும் இப்பொழுது சென்னை மின்சார இலாகா லாப கரமாகவே வேலை செய்வதில்லை. போதுமான வரியினங்களிலிருந்தே செலவு படுகிறது’ என்று சொன்னார். மின்சார இலாகாவில் இருந்து லாபத்தை எதிர்பார்க்கக்கூடாது. மக்களுக்கு இந்த இலாகாவிலுள்ள நல்ல பயன் ஏற்படுகிறதா என்று பார்க்கவேண்டும். ஒரு கம்பெனியை சர்க்கார் எடுத்து நடத்தவேண்டுமென்றால் அந்த கம்பெனியிலுள்ள தொழிலாளர்களின்

15th May 1954]

[Sri M. Palaniyandi]

நலத்தை சர்க்கார் முக்கியமாகக் கவனிக்கவேண்டும். அந்தக் கம்பெனியைச் சர்க்கார் எடுத்து நடத்தும்போது அந்தக் கம்பெனியிலுள்ள ஊழியர்களை அப்படியே சர்க்கார் எடுத்துக்கொள்ளவேண்டும். அவர்களுக்கு மூன்று மாத நோட்டீஸ் கொடுத்து அனுப்பிவிடக்கூடாது. மேலும் ஊழியர்களின் அடிப்படை நலன்கள் பாதுகாக்கப்படவேண்டும். ஆதலால் இதை எல்லாம் தீர ஆலோசிப்பதற்கு இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விட வேண்டும் என்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக்கொள்கிறேன்.”

SRI R. KRISHNASWAMI NAIDU :—“கனம் உதவி சபாநாயகர் அவர்களே, சர்க்கார் கொண்டுவந்திருக்கும் இந்த மசோதாவை நான் ஒரு விவசாயி என்ற முறையிலும், கிராமவாசி என்கின்ற முறையிலும் மனப் பூர்வமாக ஆதரிக்கிறேன். விவசாயிகளுக்கு இந்தச் சட்டத்தின்மூலம், தனிப்பட்ட கம்பெனிகள் மூலம் கிடைக்கும் அனுசூலத்தைவிட அதிக அனுசூலங்கள் இருக்கின்றன என்பதை என்னுடைய பிரத்யேக அனுபவத்தால் கண்டு, உண்மையில் இதை மனப்பூர்வமாக ஆதரிக்க முன்வந்திருக்கிறேன். 1949-ம் வருஷத்திய சட்டத்தில் குறைகள் இருப்பதாக ஹை கோர்ட்டிலும், சப்ரீம் கோர்ட்டிலும் தீர்ப்புக் கூறப்பட்டதாகவும், அத்தவறை நிவர்த்தி செய்ய இந்தச் சட்டம் கொண்டுவந்திருப்பதாகவும், இன்னும் குறைகள் அதில் மலிந்திருப்பதாகவும் ஒரு சில அங்கத்தினர்கள் குறிப்பிட்டார்கள். எப்போதும் சட்டமென்றால் இப்படிப்பட்ட குறைகள் தோன்றிக்கொண்டுதான் இருக்கும். அதை நிவர்த்திக்கும் முறையில் ஒரு நிர்ணயமான சட்டம் கொண்டுவருவது கடினம். குறைகள் இருந்தால் அறிவாளிகள் நிவர்த்திக்கவேண்டியது அவசியம். இது சட்டசபைக்கு வரவேண்டிய அவசிய மிருந்தாலும், ஏதாவது காரணம் காட்டி காலம் தாழ்த்த வேண்டுமென்று இதை செலக்ட் கமிட்டிக்கு விடவேண்டுமென்று கூறுவது நன்றாக இல்லை. இந்தச் சட்டத்தில்கூட பாரபட்சம் காட்டப்படுவதாகவும், கம்பெனிகளும், ஸ்தல ஸ்தாபனங்களுக்கும் பாதிக்கப்படுவதாகவும், இன்னும் அவர்கள் ஒரு கம்பெனியை சொந்தமாக எடுத்துக்கொள்ளும்போது நியாய நஷ்ட ஈடு கொடுக்கப்படவேண்டுமென்ற எண்ணமே இல்லாத முறையில் இதில் தலையிட்டிருப்பதாகவும் கூறப்படுகிறது. இங்கு இந்தச் சட்டத்தில் லாபத்தை அடிப்படையாகக்கொண்டு இதுவரையும் தனிப்பட்ட முதலாளிகள் ஸ்தாபனத்தில் லாபம் கணக்கிடப்படுகிறது. அந்த அளவுக்கு கூடாது. என்னென்றால் மூலபங்கின் அடிப்படையைக் கொண்டோ, லாபத்தை ஆதாரமாகக்கொண்டோ கணக்கிடப்படவேண்டும். இதை அனுசரித்து கம்பெனிகளின் யுக்தம்போல் செய்ய, இதில் சில சலுகைகள் அளிக்கப்பட்டிருப்பதாகச் சொல்லப்படுகிறது. அந்தமாதிரி பாரபட்சம் ஏதுவும் இருப்பதாக நான் கருதவில்லை. இந்தச் சட்டத்தை செலக்ட் கமிட்டிக்கு அனுப்பாமல், சீக்கிரம் சர்க்கார் நிர்வாகத்தில் வைக்கப்படுமென்று நினைக்கிறேன்.

“சர்க்கார் லாபத்தைக் கருதுகிறது என்று சிலர் சொன்னார்கள். தனிப்பட்ட கம்பெனிகள், அவர்கள் போட்ட முதலீட்டை ஒரு கணக்காகக் கொண்டு, குறைந்தபட்சம் நம்முடைய பங்கிற்கு நியாயமாக இவ்வளவு தொகை கிடைக்க வேண்டுமென்றும், அதற்கு மேலும் இவ்வளவு தொகை சேர்க்க வேண்டுமென்றும் நினைப்பார்கள். இந்த நோக்கத்தை நான் சொல்லி பிறர் அறிந்துகொள்ள வேண்டியதில்லை. இதுதான் உண்மை. ஆகவே சர்க்கார் லாபம் அதிகமாக வேண்டுமென்று எதிர்பார்ப்பதற்கில்லை. இப்போது கம்பெனிகள் நிர்வாகத்திற்கு விட்டால், ஒரு எரியாவிலே நிறுவும் போது கிராமங்களுக்கு ஒரு திட்டத்தை விஸ்தரிப்பதற்கு அங்கு எவ்வளவு செலவாகும், அதன் பேரில் 100-க்கு எத்தனை சதவிகிதம் லாபம் கிடைக்கும் என்றெல்லாம் அவர்கள் எஸ்டிமேட் தருவார்கள். ஆனால் சர்க்கார் தங்களுடைய நிர்வாகத்தினதீழ் எடுத்துக்கொண்டதற்குப்பின், கம்பெனிகள் கூறிவந்த ஆட்சேபணைகளை எல்லாம் கைவிட்டு விட்டு, விவசாயிகள் சம்பந்தப்பட்டவரை லாபத்தை அடிப்படையாகக் கருதாமல் பல இடங்களில் மின்சார விஸ்தரிப்புத் திட்டத்தை ஏற்படுத்தியுள்ளதை நாம் பார்த்து வருகிறோம். அதாவது 1947-48 வருஷத்திலிருந்து விவசாயத்திற்கு உதவிச் செய்ய வேண்டுமென்ற பிரதான நோக்கத்தோடு எல்லா இடங்களிலும் இத்

[Sri R. Krishnaswami Nayudu] [15th May 1954]

திட்டத்தை விஸ்தரிப்பதை பல வருஷ அனுபவத்தில் நாம் கண்டுகொண்டிருக்கின்றோம். ஆகவே சர்க்கார் லாபத்தை நோக்கமாகக்கொண்டு இந்தத் திட்டத்தை எடுத்துக்கொள்ளவில்லை; சர்க்கார் லாபத்தை கருதவில்லை. மின்சாரத்தை விஸ்தரிக்க வேண்டுமென்ற நோக்கத்தோடே இத் திட்டம் சர்க்காரால் நிறைவேற்றப்பட்டது.

“முனிசிபாலிடி சம்பந்தமாக ஒரு நபர் ஆட்சேபணை சொன்னார். அதாவது இம்மாதிரியான மின்சார விஸ்தரிப்புத் திட்டத்தை யெல்லாம் முனிசிபாலிட்யாரே பொறுப்பெடுத்து நடத்த வேண்டுமென்றார். இப்போது பல பெரிய மின்சாரத் திட்டங்களை சர்க்கார் பொறுப்பெடுத்து நடத்தப்போவதாக நினைக்கிறேன். அப்படிப்பட்ட திட்டங்களை கார்ப்பொரேஷனாக இருந்தாலும், முனிசிபாலிட்யாக இருந்தாலும் அம்மாதிரியான பெரிய ஸ்கீம்களை செய்வதற்கு அவர்களிடத்திலே உள்ள பொருளாதார நிலைமை இடம் தராது. ஆகவே இதையெல்லாம் அரசாங்கம்தான் செய்தாக வேண்டும். இதிலே பொதுஜனங்களிலிருந்து விவசாயிகளாவரை எல்லோருக்கும் உதவி செய்வதால், இதை ஒரு ஸ்தல-ஸ்தாபனம்தான் செய்ய வேண்டுமென்ற ஆட்சேபணை இருக்க அவசியமில்லை என்று நினைக்கிறேன். சர்க்காருக்கே எல்லா இடங்களும் நிர்வாகத்தில் இருந்தால், எந்தெந்த பகுதிகளில் முதலில் கஷ்டத்தை உடனடியாக போக்க வேண்டுமென்று அறிந்து, அதற்கான உபாயங்கள் செய்யமுடியும். சில இடங்கள் ஸ்தல-ஸ்தாபனத்தில் சேராமல் வசதியற்று தனியாக ஸ்டப்ப்டிருக்கும். ஆகவே எல்லா இடங்களையும் சர்க்கார் எடுத்துக்கொள்வது மிகவும் அவசியமாகும்.

“அப்படிச் சர்க்கார் கம்பெனிகளை எடுத்துக் கொள்வதினால் அந்த கம்பெனிகளிலுள்ள ஊழியர்கள் பாதிக்கப்படுகிறார்கள் என்று சிலர் கூறினார்கள். ஊழியர்களுக்கு முக்கியமான வழிவகை செய்யவேண்டியது அவசியமே. எங்கள் பகுதியில் கம்பெனியை சர்க்கார் நிர்வாகத்தில் எடுத்துக்கொள்ளும்போது, அந்த கம்பெனியில் ஊழியர்கள் அத்தனை பேரும் சர்க்கார் நிர்வாகத்திலேயே எடுத்துக்கொள்ளப்பட்டார்கள். யாரும் பாதிக்கப்படவில்லை என்பது எனக்குத் தெரியும். அந்த கம்பெனியில் இருந்து வந்த அத்தனை பேரையும் சர்க்கார் தங்கள் நிர்வாகத்தில் எடுத்துக் கொண்டதால், எல்லா ஊழியர்களும் சர்க்கார் தங்களுக்கு இது ஒரு வரப்பிரசாதம் வழங்கியதாக சந்தோஷப்பட்டுக்கொண்டார்கள் என்பதை தெரிவித்துக்கொள்ளுகிறேன். அவர்கள் கூறியதுபோல் அப்படிப்பட்ட கஷ்டமே ஒன்றும் ஏற்படவில்லை. சட்டப்படி தாங்கள் ஒரு வரையறைக்குக் கட்டுப்பட்டுவிடக்கூடாது என்ற காரணத்திற்காக சர்க்கார் உறுதிமொழி கொடுக்காவிட்டாலும், கம்பெனிகளை எடுத்துக்கொள்ளும்போது, அதிலுள்ள ஊழியர்களையும் எடுத்துக்கொள்வதாக ஒப்புக்கொண்டிருப்பதே போதும். அதனாலேயே ஊழியர்கள் யாரும் பாதிக்கப்பட மாட்டார்களென்று நினைக்கிறேன்.

“நண்பர் ராஜா சிதம்பரம் அவர்கள் கம்பெனிகளை எடுத்துக்கொள்வதில் அவர்களுக்கு ஒரு திட்டமான பதில் கொடுக்கவேண்டுமென்று கூறினார்கள். அதாவது இத்தனை வருஷ காலத்திற்குள் நாங்கள் எடுத்துக்கொள்ளப்போகிறோம் என்று உறுதியாகச் சொல்லவேண்டும். இல்லாவிட்டால் அந்தந்த கம்பெனி எரியாவில் இருக்கும் விவசாயிகளும், மற்றும் மின்சாரம் உபயோகிப்பவர்களும் பாதிக்கப்படுவார்கள். சர்க்கார் இப்போது அதிகமாக நஷ்டஈடு கொடுத்து கம்பெனிகளை எடுத்துக்கொள்ளும் நிலைமையில் இல்லை என்று கூறினார்கள். அது முற்றிலும் உண்மை. அனுபவத்திலும் நாம் காண்கிறோம். ஆனால் நண்பர் ராஜம் ராமசாமி அவர்கள் கூறியதிலிருந்து இந்தக் கம்பெனிகளை சர்க்கார் விரைவில் எடுத்துக்கொள்வதற்கான நிலைமை ஏற்பட்டிருப்பதாகவும், அதற்கான பொருளாதார வசதியும், ஈடுசெய்து கொள்ளமுடியும் என்ற நிலைமையில் சில திட்டங்கள் இருப்பதாகவும் தெரியவருகிறது. அந்த மாதிரி வேறு விதமாக நஷ்டஈடு கடன் எழுப்பும் முறையை சர்க்கார் கையாண்டு, அதன் நிர்வாகத்திற்குமீம் கொண்டுவரப்பட வேண்டுமென்பதை நானும் தெரிவித்துக்கொள்ளுகிறேன்.

[Sri R. Krishnaswami Nayudu] [15th May 1954]

“இப்போது இந்தக் கம்பெனிகளை சர்க்கார் எடுத்துக் கொள்வதன் மூலம் தேசிய மயமாக்கும் ஒரு விசேஷத்தையும் செய்ததாகக் காட்டப்படுகிறது.

“தேசிய மயமாக்கும் விஷயத்திலே ஒரு சில பெரிய தொழில்களை அவ்வாறு சேர்த்துக்கொள்வதில் மத்திய சர்க்காருக்கு கஷ்டங்கள் இருந்தாலும்கூட, நம் மாகாணம் சம்பந்தப்பட்ட மட்டிலுமுள்ள மின்சாரக் கம்பெனிகளை எடுத்துக்கொள்வது ஒரு பெரிய பிரமாதமான காரியமரக நமகுத்தோன்றவில்லை. விவசாயிகள் மிகவும் நன்றாக இருக்கவேண்டுமென்றால், தனிப்பட்டவர்களுடைய நிர்வாகத்தை சர்க்கார் சீக்கிரமாக எடுத்துக்கொள்ள வேண்டும். அதற்கு ஒரு குறிப்பிட்ட காலவரை தெரிவித்து, இத்தனை காலத்திற்குள் சர்க்கார் கம்பெனிகளின் உரிமைகளை எடுத்துக்கொள்ளுமென்று தெரிவிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். அப்படி செய்யாவிட்டால் கிராமப் பிரதேசங்களில் தேசிய விஸ்தரிப்புத் திட்டம், பொதுநல சமுதாயத் திட்டம் போன்றவை கொண்டு வரப்போகும் இடங்களில் கம்பெனிக்கு சொந்தமாக இருக்கக்கூடிய மின்சார விஸ்தரிப்பு எரியாவில் அவைகளை அமுலுக்கு கொண்டுவருவதால் என்ன செய்ய முடியுமென்று பார்க்கவேண்டும். கம்பெனி நிர்வாகத்திலுள்ள இலாகாவில் செய்யக்கூடிய எரியாவிலும், பிரிக்கா டெவலப்மென்ட் ஸ்கீம் அமுலுக்கு வரும்போது சர்க்கார் அங்கு மின்சார விஸ்தரிப்பை பிரயோஜிக்க, கம்பெனிகளின் உதவியை நாடுவதைக் காண்கிறோம். சர்க்காருக்கு குறுகிய அளவு பொருளாதார வசதியிருக்கும். ஆகையினாலே சர்க்கார் எதிர்பார்க்கும் கால அளவுக்குள் இந்த மின்சார விஸ்தரிப்புத் திட்டத்தை செய்வதற்கான வசதிகளை உண்டு பண்ணினாலும், குறுகிய காலவரைக்குள் பரந்த நோக்கத்தோடு அவைகளை கம்பெனிகள் உடனடியாக செய்ய முடியாது.

“ஆகவே இந்தத் திட்டங்களை எல்லாம் சர்க்காரே எடுத்துக்கொண்டு நல்ல முறையில் எல்லாக் கிராமங்களுக்கும் மின்சாரத்தை விஸ்தரிக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இதைப் பல நிபுணர்கள் ஏற்கெனவே ஆராய்ச்சி செய்திருக்கிறார்கள். இதை மறுபடியும் பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டிய அவசியம் என்னவென்று தெரியவில்லை. ஆகவே இதை இன்னமும் காலதாமதம் செய்யாமல் உடனடியாக சட்டமாக்க வேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.”

SRI P. RANGASWAMI REDDIAR :—“Mr. Deputy Speaker, Sir, the main object of the Bill is to remove certain defects pointed out by the High Court and the Supreme Court in the working of this Act, certain provisions of which have been held to be *ultra vires* of the Constitution of India because of some invidious distinction shown between the Local Authorities and private companies. The decision of the Supreme Court is of far-reaching of consequence.

“The Preamble says that ‘it is expedient in the public interests that the business and service of the generation and supply of electricity be carried on by the State of Madras to the complete exclusion of all other persons inclusive of citizens and local authorities’. But the provisions of the Bill do not aim at taking over the management of the electricity undertakings at an early stage. One reason put forward by the Government is want of finance or funds to take over all these undertakings at once. Of course it is true. But paragraph 2 of the letter, dated 1st May 1954, addressed by the Secretary, Planning Commission, Government of India, to all Development Commissioners of State Governments, states ‘For suitable schemes requiring Thermal sets of 500 KW. or 2,500 KW. and distribution lines from existing

[Sri P. Rangaswami Reddiar] [15th May 1954]

sources of supply, the Planning Commission is prepared to recommend the grant of loans by the Central Government'. The Planning Commission says that it has already recommended Rs. 11 crores to the Central Government to be granted to the several State Governments. I understand that this letter is most encouraging and if the State Government take steps in proper directions and prevail upon the Central Government, the Central Government would be too ready and willing to grant the necessary funds for acquiring the electricity undertakings.

"The State Government should bear one point in mind. There have been schemes and schemes regarding rural electrification. For instance, in Tiruchirappalli district in a particular area, Thathaiengarpet Firka, schemes were submitted by private licensees some five or six years back. But every time when villagers make applications it is said the schemes are under investigation. Even this year no scheme for extension to that area either under the National Extension Service or the Rural Development Scheme, has been included. It has not been possible to include the extension of electricity to that firka for want of finance. This year about 10 to 11 lakhs of rupees had been allotted to be advanced to private licensees. On 12th May 1954 in the chamber of the Hon. Minister for Public Works in the presence of the Hon. Minister for Agriculture, the main problem discussed was financing of the licensees. The difficulty is the licensees do not have funds and they say that they are not able to raise loans from the public because, the public have no confidence in these private undertakings in view of the impending legislation for nationalization of these undertakings. So, the public do not come forward to subscribe any more to the shares of these private undertakings. Therefore, the only alternative left for the private licensees is to approach the State Government for loans. So, if any rural electrification should be taken up, the private licensees have to be given some loans by the Government for undertaking the venture and the private licensees point out that rural electrification schemes would not work on a profitable basis so far as the licensees are concerned. Therefore, the Hon. Minister for Agriculture rightly pointed out to the licensees' representatives present that if the Government has to advance loans to private licensees for extension of electricity in rural areas, the Government itself might very well work the undertaking. It is quite right. But the only question is that after this announcement, unless the Government make a clear statement, that the private undertakings would be taken over by the Government only by a particular date or by a particular year, giving a table or list of such companies, these companies would not have any more enthusiasm either to take up the rural electrification schemes or to extend electricity to undeveloped areas. Therefore, the private licensees may require an assurance from the Government that either their undertakings should not be taken over by the Government for a certain fixed period or they should be given all possible help by way of loan, etc., by the Government. The Bill before us does not make this clear.

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"In one clause, I think it is clause 6, it is said that Government even after notification may decline to take over a management and even after sending notice to the party, it is not obligatory on the part of the Government to take over the management. Therefore, if the intention of the Government to give extension of electricity to rural areas is genuine, the private companies should be given all possible assistance or they should be given an assurance that their undertakings would not be taken over by the Government for some years to come. My own personal view is that instead of trying to help these private undertakings by loans, etc., if the Government have a *bona fide* intention in the matter of extension of electricity to rural areas, mainly for agricultural operations, the Government should find the ways and means. If necessary, they should even raise loans from the public and take over all the managements in the State, simultaneously paying adequate compensation to the private undertakings and try to work out a comprehensive scheme on a State-wide basis within a short period, so that the whole State may be benefited by these electricity schemes and agriculture may develop on proper lines. If necessary, the Central Government may be approached directly or through the Planning Commission for financial assistance, if the object of this Bill as enunciated in the Preamble is to be achieved."

SRI P. VENKATESHA SHOLAGAR :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விடவேண்டுமென்ற திருத்தத்தை ஆதரித்துப் பேசுகின்றேன். தனிப்பட்டவர் களிடத்திலும், முனிசிபாலிட்டிகளிடத்திலும் இருக்கக்கூடிய இந்த மின்சார சப்ளை ஸ்தாபனங்களை சர்க்காரே எடுத்துக்கொண்டுவிட வேண்டுமென்று முன் வரும்போது அவர்களுக்குப் பெரும் நஷ்ட ஈடு கொடுக்கவேண்டிய அவசிய மிருக்கிறது. இன்றைக்குச் சர்க்காரிடம் பல காரியங்களைச் செய்யவேண்டுமென்று கேட்கும்போது பொருளாதார நெருக்கடியின் காரணமாக சர்க்கார் அவைகள் ஒன்றையும் செய்யமுடியாமல் இருப்பதாக ஒவ்வொரு கட்டத்திலும் கூறப்பட்டு வந்திருக்கிறது. கிராமப் புறங்களிலே, குறிப்பாக தஞ்சாவூர் ஜில்லாவிலே, பம்பு செட்டுகள் வைத்து சாகுபடி செய்யவேண்டுமென்று விவசாயிகளுக்குப் பண உதவிகூட செய்யப்பட்டிருக்கிறது. அதனால் பல அனுசூலங்கள் கிடைத்திருக்கின்றன. ஆனால் சிலருக்கு கடனாக அதிகப் பணம் கொடுக்கமுடியாத நிலைமை ஏற்பட்டிருக்கிறது. இந்தமாதிரியான இடங்களில் மின்சாரத்தை விஸ்தரித்தால் அதன் உதவியால் இப்பொழுதாகும் செலவில் அதிகக் குறைவான செலவில் மிகுதியான பம்பு செட்டு ஏற்படுத்தி அதிகத் தண்ணீர் இறைக்கமுடியும். மின்சார ஸ்தாபனங்களை எடுத்துக்கொண்டு அதன் மூலம் நஷ்ட ஈடாகக் கொடுக்கப்போகும் பணத்தைக்கொண்டே இந்தப் பிரதேசங்களுக்கு மின்சாரத்தை விஸ்தரித்தால் மிகவும் உதவிகரமாக இருக்கும். மேலும் சில புதிப தர்மல் ஸ்டேஷன்களையும் ஏற்படுத்தலாம். கிராமப்புறங் களிலுள்ள மக்களுக்கு விவசாயத்திற்கு வேண்டிய மின்சாரமும், ரேடியோ போன்றவைகளும் வைத்துக்கொடுக்கலாம். ஆகவே இந்த மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

SRI N. GOPALA MENON :—“Mr. Deputy Speaker, Sir, the object of this Bill is to nationalize electrical undertakings in the State. It must be remembered that there are two things involved in this question. The first is the generation of electricity and the second is the distribution of supply of electricity to the people. What the Government in my view ought to do primarily

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is to see that electricity is generated on a large scale and that it is distributed by private agencies and local authorities. In many cases the Government may do it themselves and it is all right. But I think they must think several times before they decide on investing large sums of money in purchasing electrical undertakings. It is something like this. A planter who produces say coffee wants to get all the profits for himself and not only that, he wants to do the transport of the coffee himself to the plains and then he wants to have retail shops all over the State so that even that profit which a private dealer might get goes to his pocket. The Government generate electricity and they ought to allow other people, particularly local authorities, to distribute that electricity. Now the Government are impeding and restricting the power particularly of local authorities to distribute electricity because they want to acquire those concerns which the local authorities are now running. The local authorities themselves are under a tremendous handicap because they do not have sufficient funds for running their own administration. They have now this Damocles' sword hanging over them; it hangs over individual licensees also from whom the Government may at any time by an order take over the undertakings. The incentive, therefore, to have more electrical undertakings will be gone because they are not sure of their ground. At any moment, the Government will come in and say that they will take over the undertakings; it will be especially so if these undertakings yield large profits. Then, Sir, what is the amount that the Government will have to invest if they take over these? It is somewhere about three to four crores of rupees. Granting that this sum of money is available, where is the necessity for acquiring the undertakings? The Government can as well invest this money in generating electricity and see that it is made available in every village, and in every nook and corner of the State. That I think would be a more commendable thing. Then, Sir, what about the financial position of the Madras State? I had occasion to calculate some time ago, when Madras remained a composite State, the financial burden of the State and was shocked to find that every day the composite State had to pay somewhere about Rs. 60,000 towards interest and repayment of loans. I do not know what the present position is with regard to our State because I have not calculated it. We have a tremendous financial burden because we have to pay considerable sums of money towards interest and towards repayment of loans. When we have such a big burden on our heads, we want to prevent the agencies and local authorities from doing what they can and take that work on ourselves. Their enthusiasm is curbed. Nationalization is good of course but it is good only to a certain extent in my opinion. It will be proper for the Government if they restrict themselves to generate electricity and spend large sums of money for that purpose alone. Let them not undertake even the supply of electricity. Even in the matter of compensation, they make a distinction between the individual licensees and the local authorities. I think, Sir, that ordinarily local authorities must be encouraged

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because they are a body corporate doing something good for the people. I find that the local authorities are paid a little less than what the individual licensees get. The licensees will get twenty times their annual profit. In my view this discrimination should not be made. There is absolutely no point in saying that a legislation should stand its test in a court of law. That should not be the criterion to decide whether the law is good or not. We must see whether we are morally justified in bringing in such legislation. When we acquire the undertakings on which the local authorities depend so much for their finances we deprive them of the opportunity to give more amenities to the people. If in the hope that we shall be getting more money we acquire these undertakings we shall see sooner or later, that the local authorities fail to fulfil the expectations of the people. It is a dangerous and risky job for the Government to take away these electrical undertakings from them.

“ Sir, I have referred to some discrimination sought to be made in the Bill between individual licensees and the local authorities. If the Act is taken to a court and its validity challenged, I do not know what its fate will be. Here, of course, we have a clause—clause 24, which says that if any difficulty is experienced in giving effect to the provisions of the Act, the Government may do anything which appears to them necessary for the purpose of removing such difficulty. Fortunately, we do not find the ordinary clause that we see in so many other enactments that the Government's action shall not be called in question in a court of law. But what is the meaning of saying that they shall be empowered to do anything? Such a provision ought not to find a place in a proper piece of legislation, which deals with the rights of the individual and also of the Government.

“ As far as the general principles are concerned, I would very strongly urge that this Bill ought to go to a Select Committee. Every clause must be gone into and sifted and all possible defects must be remedied. Let us see that this matter is not again taken to a Court of Law. We have had experience of the previous Act in the High Court and the Supreme Court. It cannot be said that this is a piece of legislation on which the best minds have devoted their attention. On the other hand I think it preferable that this Bill be referred to a Select Committee when members who have had experience in this line may offer their suggestions. I do not think that Government would lose anything by referring this Bill to a Select Committee. After all it may be only a matter of some time. Government may notify that this Act may take effect from a period that may be fixed. It is provided that even if the Government give notice to acquire an undertaking they can take one year to give effect to the purport of that order.

“ The question of compensation, the matter relating to managing agents—all these may be gone into a little more thoroughly b

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some experienced people. That is why I would urge on the Hon. Minister for Public Works to consider the desirability of having this piece of legislation referred to a Select Committee."

SRI S. RAMALINGAM :—"கனம் உதவி சபாநாயகர் அவர்களே, நான் சபை முன்பு கனம் அமைச்சர் அவர்களால் பிரேரிக்கப்பட்டிருக்கும் மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். சர்க்கார் இந்த மசோதாவைக் கொண்டு வந்திருப்பதற்கான காரணத்தைக் கூறும்போது இந்த ராஜ்யம் பூராவும் பொது மக்களுக்கு மின்சார வசதியைச் செய்துகொடுக்கவேண்டுமென்ற கொள்கையை நோக்கமாகக் கொண்டே தனிப்பட்டவர்களிடத்திலும், ஸ்தல-ஸ்தாபனங்களிடத்திலும் இருக்கும் மின்சார ஸ்தாபனங்களை சர்க்காரே எடுத்து நடத்த உத்தேசித்து இதனைக் கொண்டுவந்திருப்பதாகச் சொன்னார்கள். கொடுக்கின்ற காரணம் மிகவும் நியாயமானது. இதற்கு எந்தவிதமான ஆட்சேபமையும் இருக்கமுடியாது. ஆனால் இந்தச் சட்டம் நிறைவேற்றப்பட்டால் மட்டும் எல்லா ஜனங்களுக்கும் மின்சார வசதி செய்து கொடுக்கமுடியுமா என்று பார்க்கவேண்டும். இன்றைக்கும் சில தனிப்பட்ட முதலாளிகளும், ஸ்தல-ஸ்தாபனங்களும் இந்த மின்சாரக் கம்பெனிகளை நடத்திக்கொண்டு வருகிறார்கள். சர்க்காரும் மின்சாரம் விநியோகம் செய்கிறார்கள். அவைகள் என்ன முறையில் நடைபெற்று வருகின்ற தென்று பார்க்கவேண்டும். கோயம்புத்தூரில் மின்சார விநியோகத்தை சர்க்காரே நடத்துகிறார்கள். அங்கேயுள்ள கிராம விவசாயிகள் தங்களுக்குப் போதுமான மின்சார சப்ளை விவசாயத்திற்கு அளிக்கவேண்டுமென்று மனுக்கள் கொடுத்து பல மாதங்கள் ஆன பின்பும் கூட இன்னும் அவர்களுக்குச் சப்ளை செய்யப்படவில்லை. குறைந்த பட்சம் மூன்று மாதங்களுக்காவது எவ்வளவு மின்சாரம் வேண்டுமோ அதன் தொகை முன் கட்டணமாகவே செலுத்தப்படவேண்டுமென்று நிர்ப்பந்தம் செய்யப்படுகிறது. இன்னும் பல கிராமங்களில் பல பகுதிகளில் மின்சாரத்தை விஸ்தரிக்க வேண்டுமென்று கேட்கும்போதெல்லாம் சர்க்கார் தங்கள் நிதி நிலைமை சரியாக இல்லையென்றும் ஆகவே அம்மாதிரி விஸ்தரிக்க இயலாதென்றும் சொல்லி வருகிறார்கள். குறிப்பாக தஞ்சாவூர் ஜில்லாவில் மேட்டுப்பாளங்கான பிரதேசங்களுக்குத் தண்ணீர் இறைப்பதற்காவது மின்சாரத்தைச் சப்ளை செய்ய வேண்டுமென்றால் நிதி நிலைமை சரியில்லாததால் யோசித்துக்கொண்டிருப்பதாகச் சொன்னார்கள். அந்த ஜில்லாவிலுள்ள உளுவூர் பிரிக்கா ரொம்பவும் மோசமானது. இந்தமாதிரியாக எந்தெந்த பிரதேசங்களில் இன்றைக்கு மின்சார விநியோகம் சர்க்காரிடமே இருக்கிறதோ அந்தந்த பிரதேசங்களில் கூட கிராமங்களுக்கு மின்சாரம் சப்ளை செய்யச் சொன்னால் நிதி நிலைமையைக் காட்டி சர்க்கார் அதனைச் செய்யாது மறுத்துவருகிறது.

"அடுத்தபடியாக, தனிப்பட்ட ஸ்தாபனங்களில் வேலைசெய்யும் தொழிலாளிகளுக்கும், முதலாளிகளுக்கும் தகராறு ஏற்பட்டால் தொழிற்சட்டப் பிரகாரம் சர்க்கார் அவைகளை விசாரிக்க தொழில் கோர்ட் அமைக்கிறார்கள். ஆனால் இன்றைக்கு சர்க்காரின்கீழ் இருக்கும் தொழிற்சாலைகளில் வேலை செய்யக் கூடிய தொழிலாளர்களுக்கு எந்தவிதமான கஷ்டம் இருந்தாலும்கூட அவைகள் கவனிக்கப்படுவது கிடையாது. தங்கள் கருத்துக்களை வற்புறுத்த அவர்கள் தடை செய்யப்படுகிறார்கள். அவர்கள் தொழில் கோர்ட்டுக்கு போகவும் முடியாது. இப்படி சர்க்கார் ஸ்தாபனங்களில் வேலை செய்யும் தொழிலாளிகளுக்கு அடிப்படை உரிமைகளே மறுக்கப்படுகின்றன. இம்மாதிரியான பல கஷ்டங்களை சர்க்கார் உண்டாக்குவதன் காரணமாக மின்சார விநியோகத்தை தேசியமாக்குவோம் என்பதைக் கேட்கும்போது, தேசியமாக்கும் திட்டம் சரியானதல்ல என்ற எண்ணத்தை மக்களிடையே உண்டாக்கிவிடுவார்களே என்று பயப்படுகிறேன். தொழிற்சாலைகளை எடுத்துக் கொள்ளும்போது அதன் நிலைமை, நிர்வாகம் எதுவும் பாதிக்காமல் இருப்பதற்கான முயற்சிகளை சர்க்கார் எடுத்துக்கொண்டாக வேண்டும்.

"அதோடு இன்னொரு விஷயம். இந்தத் தொழில்களை சர்க்காரே எடுத்துக்கொள்ளவேண்டுமென்றால் தனிப்பட்ட முதலாளிகளுக்கு சர்க்கார்

[15th May 1954] [Sri S. Raimalingam]

நஷ்ட ஈடு கொடுத்தாக வேண்டியிருக்கிறது. அவர்களுக்கு நஷ்ட ஈடு கொடுக்க முன் வரும்போது நம் ராஜ்யத்தின் நிதி நிலைமை சீர்திருந்திப் போகுமா? போகுமென்று சொல்லிவிட முடியாது. பணமில்லாமையினால் ஏற்கெனவே எடுத்துக்கொண்டு பல திட்டங்கள் வெற்றிகரமாக நடக்காமலிருக்கின்றன. அந்தத் திட்டங்களை எல்லாம் பூர்த்தி செய்வதற்காக நாம் பொது மக்களிடமிருந்து ஏராளமாகக் கடன் வாங்கிக் கொண்டிருக்கிறோம். இந்த நிலைமையில் தனிப்பட்ட முதலாளிகளிடமும், ஸ்தல ஸ்தாபனங்களிடமும் கம்பெனிகளை எடுத்துக்கொண்டு ஏராளமாக அவர்களுக்கு நஷ்ட ஈடு கொடுப்பதற்குப் பதிலாக அந்தப் பணத்தைக்கொண்டு இப்பொழுது சர்க்காரின் கீழ் இருக்கும் ஸ்தாபனங்களையே விரிவான முறையில் நடத்தலாம். அல்லது புதுப்புது தெர்மல் ஸ்டேஷன்களையே ஏற்படுத்தலாம். அதோடு அதே கம்பெனிகளுக்கு இன்னும் கொஞ்சம் கடன் கொடுத்து அவர்களை கிராமங்களுக்கும் மின்சாரத்தை விஸ்தரிக்கவேண்டுமென்று நிர்ப்பந்தம் செய்யலாம். இதைச் சர்க்கார் நன்கு ஆலோசனை செய்யவேண்டும். கடந்த மூன்று ஆண்டுகளாக மின்சார சப்ளைக் குறைவினால் பல தொழிற்சாலைகள் மூடப்பட்டிருக்கின்றன. பாதி நேர வேலையே செய்திருக்கின்றன. இதனால் பாதிக்கப்பட்டவர்கள் தொழிலாளிகளே. இந்த மாதிரியான நிலை இனிமேல் வராமலிருப்பதற்கு சர்க்கார் இந்தக் கம்பெனிகளுக்கு நஷ்ட ஈடு கொடுக்கிறோம் என்று சொல்லுகிறார்களே அந்தப் பணத்தைக்கொண்டே அதிக மின்சாரம் உற்பத்தி செய்வதற்கு வேண்டிய பல தெர்மல் ஸ்டேஷன்களைக் கட்ட ஏன் முன்வரக்கூடாது என்று நான் கேட்கிறேன். நான் மின்சாரக் கம்பெனிகள் எல்லாவற்றையும் தேசியமாக்குவதை ஆட்சேபிக்க வில்லை. ஆனால் நடைமுறையில் அதனால் தீங்குகள் உண்டாகக் கூடாது. ஆகவே இதைப்பற்றி எல்லாம் பரிசீலனை செய்ய இதைப் பொறுக்குக் கமிட்டிக்குவிடவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்."

SRI S. THINAKARASAMY THEVER :—"கனம் உதவி சபாநாயகர் அவர்களே, இப்போது இந்தச் சபையில் விவாதத்திலிருக்கும் இந்த மின்சாரத் திட்டங்களை தேசிய மயமாக்கும் திட்டத்தைப்பற்றி ஒரு சில வார்த்தைகள் சொல்ல எண்ணுகிறேன். இந்தத் திட்டத்தைப் பொறுத்த அளவிலே நமது இந்திய யூனியனில் உள்ள பல மாகாணங்களில் நிலைமை என்னவென்று பார்க்கும்போது நமது சென்னை சர்க்கார் இந்த மின்சார விஸ்தரிப்புத் திட்டத்திலே விசேஷ சாதனை சாதித்திருக்கிறார்கள். இந்த நிலையிலே இந்த சபையில் கொண்டுவந்திருக்கும் இந்த மின்சார தேசிய மயமாக்கும் திட்டம் தனிப்பட்டவர்கள் ஸ்தாபனங்களையும், அவர்களிடத்திலே உள்ள மின்சார கம்பெனிகளையும் சர்க்கார் தேசிய மயமாக்க இப்போது கொண்டுவரப்பட்டிருக்கும் இந்த விஷயமானது மிகவும் போற்றக்கூடியதுதான். ஆனதுபற்றி நம்முடைய சர்க்கார் இந்த விஷயத்திலே முற்போக்கு சாதித்தமைக்கு நான் மிகவும் பாராட்டுகிறேன். அதிலும் இந்தத் திட்டம் எவ்வளவு அத்தியாவசியம் என்று பார்ப்போமேயானால், நமது மாகாணத்திலே பெருவாரியாக பிற்போக்கு சமுதாயத்தினர் வாழும் கிராமப்பகுதிகளிலும் ஏழை விவசாய மக்கள் வாழும் பிரதேசங்களிலும் மிகவும் அத்தியாவசியமான இந்த மின்சாரத் திட்டத்தைக் கொண்டு வந்தால் விசேஷமான முற்போக்கு நிலைமை ஏற்படும். இன்னும் சொல்லப்போனால், இந்த மாகாணத்திலே பிற்போக்கு சமுதாயம் வாழும் பிரதேசம் 100-க்கு 90 பாகங்கள் இருக்கின்றன. இப்போது இந்த முற்போக்கான திட்டத்தை கொண்டுவர வேண்டுமானால், விவசாயிகளுக்கு தாராளமாக இந்த மின்சாரத் திட்டத்தை தேசிய மயமாக்கினால்தான் உதவி செய்ய முடியும். அதிலும் விசேஷமாக இங்கு ஒரு உதாரணம் சொல்லுகின்றேன். மதுரையில் திருமங்கலம் தாலூகாவிலுள்ள 43 கிணறுகளுக்கு 1950-ஆம் வருஷத்திலே இந்த மின்சார வசதி செய்து கொடுக்கப்பட வேண்டுமென்று நானே கேட்டேன்; கொடுக்கப்படவில்லை. காரணம் என்ன? நான் சர்க்காரை குறை கூறவில்லை. கொடுக்கக்கூடாத நிலைமையில் சர்க்கார் இருந்தது. இம்மாதிரி தனிப்பட்ட ஸ்தாபனங்களை சர்க்கார் எடுத்துக்கொள்வதால் இனி இந்த குறை வராது. வெகுவாக நிவர்த்தி செய்யப்படுமென்று நம்புகிறேன்.

[Sri S. Thinakarasaamy Thevar] [15th May 1954]

“உசிலம்பட்டி பிராந்தியம் கடந்த ஆறு ஆண்டுகளாக மிகவும் பிற்போக்கான நிலையில் இருக்கிறது. ஆறு வருஷ காலமாக லட்சக்கணக்கான ஏழை மக்கள் வாழும் அந்தப் பிரதேசத்திற்கு இவ்வசதிகள் கிடைக்கவில்லை. காரணம் என்ன? முன் சொன்ன காரணம்தான். ஆனபடியால் அழகாக அமையும் திட்டம் எதுவோ, அதைக் கொண்டுவந்தமைக்கு விசேஷமாகப் பாராட்டிக் கொள்ளுகிறேன். அதிலும் இந்த கம்பெனிகளுக்கு நஷ்டஈடு பெருமளவிலே கொடுக்கும் விஷயத்தை சர்க்கார் விசேஷமாக கவனிக்க வேண்டும். ஆனால் அவர்களுக்கு ஓரளவு சிறு தொகை கொடுத்தால் போதும். பல தவணைகளாக கொடுத்து, அந்த கம்பெனிகளை யெல்லாம் தேசிய மயமாக்கிக் கொள்ளலாம். பெரிய தொகை கொடுக்கவேண்டுமென்ற அவசியம் இல்லை. இம்மாதிரியான முறையில் பணம் சமர்ப்பிக்கப்பட்டு வரப்படுமேயானால் இந்தத் திட்டங்களை பல இடங்களிலும், மாகாணத்தினுடைய எல்லாப் பாகங்களிலும் ஒரு சில வருஷ காலத்திலேயே விஸ்தரிக்கும்படியான அளவிலே இந்தத் திட்டத்தை நாம் அமுல் நடத்தலாம். ஆகவே அதற்கான வழிகளை உடனே செய்யவேண்டியது அவசியம். ஆனதுபற்றி இந்த நஷ்டஈடு கொடுக்கும் விஷயத்தை அனுசரித்து, பல வருஷங்களில் கொடுக்காமல் குறுகிய காலத்தில் கொடுக்கவேண்டுமென்று சிலர் கூறலாம். இந்தத் தனிப்பட்ட கம்பெனிகள் பெருத்த அளவிலே இருக்கின்றன. ஆகையால் பல வருஷங்களில் கொடுப்பதே சர்க்காருக்கு இயலுமென்பதை தெரிவித்துக் கொள்ளுகிறேன். (At this stage Mr. Speaker occupied the Chair.)

“இந்த கம்பெனிகளில் வேலைபார்ப்போர் எல்லாம் இப்போது நல்ல முறையிலே வேலை செய்துகொண்டு வருகிறார்கள். இந்தக் கம்பெனிகள் தேசிய மயமாக்கப்படுமேயானால், இந்தக் கம்பெனிகளில் ஏற்கனவே வேலை செய்வோரை அப்படியே சர்க்கார் வைத்துக்கொள்ளலாம். ஆனால் சில நண்பர்கள் இந்தக் கம்பெனிகளில் வேலை பார்ப்பவர்களை சர்க்கார் வைத்துக் கொள்வதில்லை என்று சொன்னார்கள். அதனால் அவர்களுக்குத் திடீரே ஏற்படுகிறார்கள். ஆனால் சர்க்கார் அவ்வாறு செய்யப்போவதில்லை. ஆகவே பல கம்பெனிகளில் வேலைபார்க்கும் சிப்பந்திகள் சந்தோஷமாகவே இதை வரவேற்கிறார்கள். சர்க்காரிடம் உத்தியோகம் செய்வதற்கு அவர்கள் தயாராகவே இருக்கிறார்கள். ஆகவே அந்தக் கவலை நம் சர்க்காருக்கு வேண்டியதில்லை. ஏற்கனவே இந்த மாகாணத்திலே இந்த மின்சாரத் திட்டத்தை விசேஷமாக பெருத்த அளவிலே செய்திருக்கின்ற அனுபவம் இருக்கிறது. மற்ற மாகாணங்களும் அவற்றில் விசேஷ பங்கெடுத்துக்கொண்டிருக்கின்றன. ஆனபடியால் அதை செலக் கமிட்டிக்கு விட்டு நேரத்தை வீணாக்காமல், கூடிய சீக்கிரத்தில் அதை அமுல் செய்து, மக்கள் பலனை அனுபவிக்க வழி செய்யுமாறு கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மின்சார அபிவிருத்தி திருத்த சட்டத்தை மந்திரி சபை கொண்டு வந்திருக்கிறது. இந்த மசோதாவானது ஏற்கெனவே இருக்கிற சட்டம். இதிலுள்ள சிக்கல்களை நீக்கும் அவசியத்தை முன்னிட்டு இதைக் கொண்டு வந்திருக்கிறார்கள். மின்சார உற்பத்தியை எப்படி அபிவிருத்தி செய்து மக்களுக்கு உதவிசெய்யவேண்டும் என்ற அடிப்படையை விளக்கவில்லை என்பதை தெரிவித்துக் கொள்கிறேன். இப்படிப்பட்ட காரணத்தினால் ஆழ்ந்து பரிசீலனை செய்ய சரியான மசோதாவை தயாரித்தால் நாட்டுக்கு நன்மை பயக்கக்கூடியதாய் இருக்கும். கோர்ட்டுகளிலிருந்து பாதுகாத்துக் கொள்வதற்கு வசதியாக இருக்கும், என்ற காரணத்திற்காக செலக் கமிட்டிக்கு விடவேண்டும் என்று யோசனை கூறுகிறேன். செலக் கமிட்டிக்கு விரும்புமளவு யோசனையை சர்க்கார் கட்சி மறுத்து அந்த யோசனையை நிராகரித்தால் நாம் சொல்லும் சில விஷயங்களையாவது கவனிக்கவேண்டும் என்று கேட்டுக் கொள்கிறேன். இந்த மின்சார தேசிய மயமாக்கும் திட்டத்தை பொறுப்புடன் ஏற்று நடத்துவது மிகவும் அவசியம். இதை ஜனங்களின் நன்மைக்காக சர்க்கார் அபிவிருத்தி செய்யக் கடமைப்பட்டிருக்கிறார்கள்.”

[Sri M. Kalyanasundram] 15th May 1954]

“இந்த நிர்வாகத்தை எடுத்து நடத்துவதில் ஜாக்கிரதையாக இருக்க வேண்டும். தனிப்பட்டவர்கள் நடத்தும் ஸ்தாபனத்தில் மின்சாரம் விநியோகிக்கும் முறை சரியானபடி இல்லாததினால் தனிப்பட்டவர்களின் நிர்வாகத்தை பூராவும் துரிதமாக சர்க்காரே எடுத்து நடத்தவேண்டும். அப்படி எடுத்துக் கொள்ளும்போது நஷ்டஈடு கொடுப்பது பற்றிய ஆக்கேஷன்கள் பல எழும். நஷ்டஈடு கொடுக்கப்படவேண்டியது மிக மிக அவசியம். இப்பொழுது இருக்கும் கனம் பக்தவத்சலம் மராமத்து மந்திரியாக இருந்த பொழுது எந்த விதமான மனக்கஷ்டமும் இல்லாது 1½ கோடி ரூபாய் நஷ்டஈடு கம்பெனி முதலாளிகளுக்குக் கொடுத்தார்.”

THE HON. SRI M. BHAKTAVATSALAM :—“I would like to inform the hon. Member that the acquisition of the Madras Electricity System had had to be done under the then existing Madras Electricity Supply Act. We had no other alternative. Notice had already been given by the previous Advisers' Regime. If we had not taken action the licence would have been automatically renewed for another term. Under those circumstances we had to acquire and had to pay compensation in accordance with the terms and provisions of the then existing law.”

SRI M. KALYANASUNDRAM :—“அடுத்த சட்டம் வரும் வரைக்கும் அதை நீடித்து பிறகு எடுத்துக் கொள்ளலாம். வெள்ளைக்கார முதலாளிகள் நஷ்டயீட்டை ரொக்கமாகவே வாங்கிக் கொண்டு போய்விட்டார்கள். நஷ்ட ஈட்டைக் கொடுப்பதில் முதலில் ரொக்கமாக கொடுக்கவேண்டுமென்று சொல்லவில்லை. இதைக் கட்டுக வைத்துக் கொண்டு சில வருஷ தவணைகளில் கொடுத்து விடலாம் என்று இந்தச் சந்தர்ப்பத்தில் சொல்ல விரும்புகிறேன். இதையே அங்கீகரிக்கவேண்டும். என்னுடைய வாதப்படி அப்படியே சரி என்று நான் சொல்லவில்லை. என்னுடைய யோசனை சரியானதாக இருந்தால் எடுத்துக் கொள்ளலாம்.”

“முனிசிபாலிட்டியிலிருந்து திடீரென்று சர்க்கார் இந்த மின்சாரத் திட்டத்தை எடுத்துக் கொள்ளவேண்டியதில்லை. அப்படி எடுத்துக்கொண்டு விட்டால் இன்றைய தினம் சர்க்கார் பணத்தைக் கொடுத்து விட்டதான் வேண்டும். ஆனால் இப்பொழுது இருக்கும் நிலைமையில், அதாவது சர்க்காரின் நிதி நிலைமை அபிவிருத்தியடையும் வரைக்கும், ஸ்தல ஸ்தாபனங்களே நிர்வகிப்பதற்கு விட்டு விடலாம்.”

“இன்னும் இரண்டொரு முக்கியமான விஷயங்களைச் சொல்ல விரும்புகிறேன். இப்பொழுது நிர்வாகத் திறமை என்ற பிரச்சனையில் சர்க்காருக்கு அதிக கௌரவம் இருக்கிறது. சர்க்கார் நிர்வாக விஷயத்தில் முக்கியமாக அதிக கவனம் செலுத்தவேண்டும். ஜனங்களிடத்தில் கண்மனமாக நடந்துகொள்ளும் முறையைக் கையாளவேண்டும். தனிப்பட்ட முதலாளிகள் எவ்விதம் நடத்தினார்கள்? அதைப்பற்றி பொது ஜன அபிப்பிராயம் என்ன என்பதை யெல்லாம் மனதில் கொண்டு தகுந்த திட்டங்கள் தீட்டவேண்டும். சாதாரணமாக Engineers, Supervisors முதலியவர்கள் சர்வாதிகாரிகளாக இருக்கிறார்கள். அப்படி இருக்கக்கூடாது. அவர்கள் தொழிலாளர்களிடத்தில் பொறுப்புடன் நடந்து கொள்ளவேண்டும். அதற்காகத்தான் Government Motor Transport-ல் உள்ளதுபோல பொது மக்கள் பிரதிநிதிகள் கொண்ட ஓர் பேர்டை ஏற்படுத்த வேண்டும். இது பொது ஜனங்களின் மேற்பார்வையில் இருப்பது அவசியம். இதற்கு ஒரு பொறுப்பு வேண்டியதாய் இருக்கிறது. இந்த யோசனையைக் குறித்துக் கொள்ள விரும்புகிறேன்.”

“தொழிலாளர்கள் விஷயத்தில் முக்கிய கவனம் செலுத்த வேண்டும். அவர்களை நிரந்தரமாக அமர்த்திக் கொள்வதற்கு ஏற்பாடுகள் செய்ய வேண்டும். அவர்களுக்குச் சம்பளம் சாதாரணமாக ரூ. 100 அல்லது 70-க்கு குறைந்ததாக இருக்கக் கூடாது. அன்றாடம் கூலிகளாக அவர்களை

[Sri M. Kalyanasundram] [15th May 1954]

நடத்தக் கூடாது. முதலில் அவர்களுக்கு வேலை கொடுத்துவிட்டு பிறகு அவர்களை Retrenchment என்று சொல்லி வேலையிலிருந்து நீக்கிவிடக் கூடாது. அப்படி இருந்தால் எப்படி மின்சார அபிவிருத்தி செய்ய முடியும்? தொழிலாளர்களுக்கு ஒரு உற்சாகம் இருந்தால்தான் வேலைகளும் நல்ல முறையில் நடக்கும். ஆதலால் அவர்களின் சம்பள விஷயத்திலும், வேலை நேரத்திலும் மிகவும் பொறுப்புடன் நடந்துக்கொள்ள வேண்டுமென்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ Mr. Speaker, Sir, at the outset many speakers who have spoken here on this Bill have asked that this Bill should be referred to a Select Committee. I do not subscribe to that view because the essential factor that is to be considered in this connection is that this Bill has been brought here to rectify some defects in the previous Act of 1949. The previous Act was considered in all its aspects. It was referred to a Select Committee which held several sittings and completely thrashed out this question. I have got the volumes of the Legislature proceedings wherein the previous Act was discussed. I see from those volumes that all the aspects of this question have been considered in detail. That Act has become defective in only a few respects which I have specified in the Statement of Objects and Reasons in this Bill. In the Supreme Court that Act was held *ultra vires* because of the fact that this subject was not to be found either in the State List or in the Concurrent List and as such the previous approval of the Governor-General of India ought to have been obtained under the Government of India Act of 1935, before that Bill was passed by the Legislature of Madras. It was primarily a technical defect. Now under the present Constitution there is entry in both the lists and as such it is *intra vires* of this Legislature to enact the present measure. The present measure is intended to rectify that technical defect which was committed before.

“ The other thing is about the discriminatory nature of the compensation which has been offered to the local bodies. I may point out that the legislators then had in view the nationalization of electricity in England. They considered that the local authorities were after all a limb of the Government and as such they made provisions in a different way for the municipalities and the Borough Councils there. Taking a hint from that, our previous legislators had that measure enacted differently. But however that has been rightly pointed out by the High Court as a discriminatory piece of legislation. We have now come forward to remove that distinction also. It is again purely a technical question. Only on technical ground the previous Act has been held invalid.

“ I would like to inform the House that even though many members have spoken in favour of referring this Bill to a Select Committee, I am sure that all people are agreed that the nationalization of electricity undertakings is a step which should not be objected to. Of course Mr. T. K. Rama spoke saying that nationalization of electrical undertakings is not the right policy. It is not

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the intention of the eminent politicians of this country to proceed ahead with nationalization too quickly; on the other hand they want to go slow. That does not mean that we should not make a start. This is one in that direction. Mr. Rama spoke about the local authorities. He said that they might be left out and private undertakings acquired. Again he said that this Act itself may be deferred. His speech was full of conflicting ideas and he was blowing hot and cold at the same time, with the result I could not understand head or tail of his speech. One thing I was able to understand from his speech and that was that he was talking on behalf of local authorities and was pleading that they should be given more compensation. His speech reduces itself to that. Beyond that I am not able to see anything purposeful or intelligible enough in it to understand.

“ Mr. D. K. Raju said that this Bill should be referred to a Select Committee. He was saying that because this Bill was defective and contained some legal complications, it might be questioned in a Court of Law and so on and so forth. Well, Sir, I have made it clear that the defect pointed out by the High Court and the Supreme Court were only of a technical nature. That has been removed now. All the other sections of the previous Act are all quite correct. Our legal opinion also is that there are no such defects in this Bill as to make it invalid in a Court of Law. Mr. D. K. Raju was pessimistic and he wanted that this should be referred to expert legal opinion. I cannot subscribe to that view. On the other hand, I would urge Mr. D. K. Raju to come forward with his legal acumen and point out how this Bill is defective. Several things have happened in spite of the best of human efforts. It is but natural that we commit mistakes. There is nothing to feel pessimistic when it is pointed out that we have gone wrong. We have to learn from experience. We have got to go on. That sort of pessimistic attitude will not help anybody to proceed further. Therefore I would request Mr. D. K. Raju to consider this aspect of the question and not be pessimistic about this Bill becoming infructuous when challenged in a Court of Law.

“ There were various other speakers also. A pertinent question was raised by the hon. Member Mr. Rajachidambaram. He has said that by the passing of this Act, the Damocles sword would be left hanging over the head of the private licensee. He asked: ‘What incentive can there be for the licensee to invest more money and spread electricity and thus go to the rescue of the rural population?’ It is a very very pertinent question. He wanted that the feeling of suspense that has been created in the mind of the licensees should have been removed by some assurance in the Statement of Objects and Reasons. The statement that we attach to the Bill is a very brief one. Since the question has been raised on the floor of this House, I can elaborate it and clear the feeling of suspense by saying that it is not our intention to take

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over all the undertakings immediately after this Bill becomes law. We are thinking of proceeding very slowly and it is not our intention to acquire undertakings which have been excellently catering to the needs of the people. At the inception we want to take over undertakings which are incompetent or which are not serving the interests of the public to the best advantage. With regard to other undertakings my idea is that we should get into contact with them and draw up a programme to be executed by them either co-ordinated with Government help or independently by themselves if they could undertake the schemes. A time-limit will be set within which the licensees should satisfactorily complete those schemes. I give the assurance on the floor of this House that they will be made to feel that there is a definite date by which their undertakings would be taken over. I quite agree that unless that is done, it will not be possible for any licensee to launch upon any scheme which is very necessary in the present set-up.

"Then, Sri Rajam Ramaswami expressed a doubt about clause 14 which refers to managing agents. I assure him that all the implications of the clause have been thoroughly examined and I do not expect any difficulty there. He and some other Members also mentioned about the staff in all these licensees' undertakings. It will be the paramount duty of the Government as far as possible and as far as practicable to absorb all the workers in all these undertakings without most probably insisting upon any qualification or other conditions that may apply to Government institutions.

"Mr. Palaniyandi mentioned about my reference often in this House to unremunerative schemes. He is making a misleading statement that I have been after profit. I never tried for profit. I only said that the Government should not be out of pocket in respect of investment on any particular scheme as any loss has ultimately to be borne by the general tax-payers of the State. That has been mistakenly interpreted and he said that I am after profit.

"People and the hon. Members here should understand the reason for acquiring the electricity undertakings of local authorities also. The intention of the Government in acquiring such undertakings is that they should get the profit, which the local authorities have been getting, for utilization on rural electrification. That is the purpose and the purpose is not to make the local authorities get into difficulties. Mr. T. K. Rama himself confessed that local bodies are the limbs of Government. My own hand will not revolt against me and if it revolts, I have got to cut it off. (Sri I. Kalyanasundram: 'Just to save life, the hand can be amputated.') Suppose gangrene sets in, I have got to remove it. If the Government want profit, they want it only for the sake of the people.

"It is one thing to say that the Government are not conducting their electricity department in an efficient way and that there are departmental defects. I do admit that there are defects and it is quite a different thing to say that on that score the Government

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should not acquire the electricity undertakings. Just because of inefficiency and defects, the principle underlying this Bill cannot be given up. That Government are not administering the electricity department efficiently is a charge levelled against the Minister and the department, and the Minister and the department are answerable for it. Some hon. Member pointed out that we were drawing from the general funds also. He himself must suggest some way by which that defect could be remedied. That question can be discussed in the budget session and on various other occasions, and if specific defects are brought to my notice, they could be rectified. But it cannot be correlated to, or mixed up with, this issue. That is a separate problem which has no bearing on this issue. Since the hon. Members have taken this opportunity to refer to that matter, I can only say that I will look into it. But that cannot form a relevant subject to criticise this measure. The principle of the Bill should be accepted. My submission is that there is no case made out for referring this matter to a Select Committee, because it has been considered at length by all the legislators. Some of the speakers like Mr. N. Gopala Menon said that the best minds had not been put on the job. That is a reflection on the previous House. Similar minds have come in now; only another set of minds is assembled in this hall. 'If we call our fathers fools, our wiser sons will call us so.' So I do not accept that kind of argument, that too from a lawyer. (Sri N. Gopala Menon: 'Conditions have changed.') Conditions will still be changing. A time may come when we will be criticised.

"With reference to compensation, we have made a liberal provision. We have allowed a compensation of twenty times the average of the last five years' net annual profit, and there can be no grievance about it. Of course, anybody would like to get as much compensation as possible. Nobody in this world would refuse if more compensation is paid to him. In that way, Mr. Raju, a licensee, could fight, and he fought from a selfish point of view. (Interruption by Sri K. Vinayakam.) I know the hon. Member will not agree. Mr. Raju is in the hon. Member's group and, therefore, he will have to support Mr. Raju's move for referring the Bill to a Select Committee. It is lip-sympathy that is shown."

SRI K. VINAYAKAM:—"The Hon. Minister is questioning the sincerity of hon. Members."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Government cannot be called selfish. Government is not myself or any one person."

(Sri K. Vinayakam rose.)

MR. SPEAKER:—"The Hon. Minister is not yielding."

SRI K. VINAYAKAM:—"I rise on a point of order, Sir. I wish to know whether the Hon. Minister is in order in questioning the sincerity of the speeches made on the floor of this House by the Opposition Members."

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" I did not question the sincerity of the speeches."

SRI K. VINAYAKAM :—" The Hon. Minister was questioning the sincerity of the Members supporting Mr. Raju."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" A Member of the Opposition nodded in assent of my statement. The initiative came from that side. I am very sorry that the hon. Member did not note that."

" Sri S. Ramalingam spoke about the defects in the electricity department and the delay in extending power. He also mentioned about the three months' deposit. I have already given an assurance in this House that I shall leave no stone unturned to see that these things are made cheaper, and my assurance is still there. Even now the file is before me. I am fighting with the department to reduce this three months' deposit and I am going to see to it."

" Mr. M. Kalyanasundaram rightly mentioned about the feeling of suspense created in the mind of the licensees. The same question was raised by Mr. P. B. K. Rajachidambaram. As I mentioned earlier, we will deal with this question and make them secure with reference to their undertaking and further investments."

" Incidentally, he also mentioned that the confidence of the people in the Government administration must be roused. I agree with that statement. If we want to rouse their confidence and more especially when we are launching upon a big scheme like the present one, they should feel that they will be better off when the electricity undertakings are managed by the Government rather than by the licensees, local authorities and others. I entirely agree that it should be our earnest endeavour to rouse the confidence of the public in the Government administration in this respect. We won't spare any effort to achieve this end and ere long we will be able to fulfil the expectations of the people."

" Mention has also been made about the formation of an Electricity Board. There has been a direction from the Centre in this connection and we have got to form a Board at some time or other. It is only our intention to complete all the big schemes which we have under contemplation like the Kundah and Periyar Schemes so that we can make the entire Madras Grid perfect. Then, we will think of integrating the whole thing and forming a separate Electricity Board under which system all these grievances will disappear and there will be uniform administration in the country."

" When the undertakings are taken over, the staff in the concerns will be absorbed in the new service as far as practicable."

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" Sir, I have fairly dealt with all the objections raised here on the floor of the House. I am sure the hon. Member Sri Rajachidambaram is satisfied with what I have stated here. I request the hon. Member Sri D. K. Raju to withdraw his amendment to refer this Bill to a Select Committee and allow the Bill to be proceeded with."

SRI M. PALANIYANDI :—" On a point of personal explanation, Sir. Lip-sympathy அதாவது பேரளவுக்கே அருதாபம் என்றார்கள். ஸ்ரீ ராமா அவர்கள், நஷ்டஈடு கொடுப்பதை பற்றி ஆலோசிக்க இதை செலக்ட் கமிட்டிக்கு விடவேண்டும் என்ற எதிர்க் கட்சி கொண்டுவந்த பிரேரணையை ஆதரித்துப் பேசியிருக்கிறார்கள். அப்படி என்றால் ஸ்ரீ ராமா அவர்கள் ஆதரவும் உதட்டளவு ஆதரவு போலத்தானே ஆகும்."

SRI S. RAMALINGAM :—" On a point of clarification Sir. கனம் மந்திரி அவர்கள்தான் தன் மனச் சாட்சிக்கு விமோதமாக தன் கையெழுந்தாலும் அந்தக்கையை வெட்டி யெறிந்துவிடுவேன் என்று சொன்னார். அவர் கட்சியிலுள்ள ஸ்ரீ கோவிந்தனும் இன்னும் சில அங்கத்தினர்களும் எதிர்க் கட்சியார் கொண்டுவந்துள்ள திருத்தத்தை ஆதரித்துப் பேசி இருக்கிறார்கள். அப்படியானால் அவர்களை காங்கிரஸ் கட்சியிலிருந்தே நீக்கி விடுவார்களா ?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" That is not gangrene. That is a treatable disease."

MR. SPEAKER :—" The question is—
'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, be referred to a Select Committee.'"
The motion was put and lost.

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

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, be taken into consideration at once.'

The motion was put and carried.

Clauses 3 and 4 were then put and carried.

Clause 5.

MR. SPEAKER :—" The motion is—
'That clause 5 do stand part of the Bill.'"

SRI N. K. PALANISAMI :—" Sir, I move the following amendment:—

'For the existing clause, substitute the following:—

" 5. Compensation payable to a licensee.—The compensation payable to a licensee on whom an order has been served under section 4 or whose undertaking has been taken over before the commencement of this Act, shall be an amount equal to twenty times the average net annual profit of the undertaking during a period of five consecutive account years immediately preceding the vesting date." "

The amendment was duly seconded.

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SRI D. K. RAJU :—“ Sir, I move the following amendment :—
*In the Explanation to Basis A, omit the words and letters
 “ Part A or Part B, as the case may be,”.*

*In Basis C, item (ix) (a), after the words “ at fifteen per
 cent on the “ occurring in line 5, insert the word
 “ book ”.*

SRI C. KANDASAMI :—“ I second the amendment, Sir.”

SRI T. K. RAMA :—“ I move the following amendments :—

*In sub-clause (1) (Basis A) after the word “ date ”, add the
 following words “ and such other sum as may be decided
 upon by mutual agreement between the Government and
 the licensee ”.*

*In the Explanation to sub-clause (1) (Basis A), omit the
 words “ or Part B, as the case may be ”.*

*In sub-clause (3) (iv) (Basis C), for the words “ Less depre-
 ciation calculated in accordance with Schedule II ”, sub-
 stitute the words “ such sum as may be decided upon by
 mutual agreement between the Government and the
 licensee ”.*

*In sub-clause (3) (v) (Basis C), for the words “ Less depre-
 ciation calculated in accordance with Schedule II ”, sub-
 stitute the words “ such sum as may be decided upon by
 mutual agreement between the Government and the
 licensee ”.*

*In sub-clause (3) (v) (Basis C), for the words “ Less depre-
 ciation calculated in accordance with Schedule II ”, sub-
 stitute the words “ such sum as may be decided upon by
 mutual agreement between the Government and the
 licensee ”.*

*In the Explanation to sub-clause (3), (Basis C), add the
 following new paragraph at the end :—*

*(3) Such other sum as may be decided upon by mutual
 agreement between the Government and the licensee for
 other considerations not covered by the aforesaid sub-
 clauses.”*

The amendments were duly seconded.

MR. SPEAKER :—“ The clause as well as the amendments
 are before the House for discussion.”

SRI D. K. RAJU :—“ Sir, the Hon. Minister said that the
 previous Bill had been referred to a Select Committee and that he
 was satisfied that the clauses of the present Bill were in order.
 This particular clause, Sir, is entirely opposed to the fundamental
 rights guaranteed in Article 31 of the Constitution. According to
 that provision, if any Government, either the Union Government
 or the State Government, want to acquire a private industrial

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undertaking, it must be proved that such acquisition is in the
 interests of the public. Then, the payment of just compensation
 is stipulated in that Article. Now, whenever a private under-
 taking is acquired by them, the Government will always say that
 it is done in the interests of the public. In this connection, I
 request the Government to state in what way those licensees whose
 undertakings have been taken over have acted against the interests
 of the public. The Government have not proved that either before
 or after they took over those concerns. But, I can assure this
 House that if a plebiscite is taken, it will be found that the licensees
 in those areas have conferred more benefits on the public than the
 Government have done. Whenever any request for fresh electri-
 city connections was made to a licensee, it was attended to
 immediately and the work was executed without any delay and
 red-tapism. But under the management of the Government, if
 anybody wants supply of electricity for agricultural purposes, it
 takes months and months for him to get it and invariably he does
 not get it before the agricultural season is over. Therefore, first of
 all, before any concern is taken over by the Government, it must be
 proved that it is taken over in the interests of the public. Secondly,
 the compensation that will be paid must be just. That is to say,
 it must be proved that the compensation payable under any one
 of the Basis A, B and C specified in clause 5 of the Bill falls
 within the scope of the term ‘ just compensation ’. If there is any
 dispute over this matter, it is for the Court to decide the question.
 The subject of ‘ Eminent Domain ’ has been very well dealt
 with in Article 31 of the Constitution. Professor Wellis while
 dealing with the compensation payable under the provisions of the
 Constitution has given numerous examples, under ‘ Eminent
 Domain ’.

“ He also says that if the State Government want to take over
 any undertaking and when the matter of deciding the compensa-
 tion comes, it is not enough if the Government say that by taking
 that undertaking the financial position of the Government will
 improve. There is a specific ruling there that such undertakings
 should not be taken over, simply because the Government of the
 State are in need of money for carrying on their administration.
 Therefore, under this specific point, I say that the Bill is defective.
 Even in the year 1949 the same was the case. I do not know
 whether this aspect of the matter was brought to the notice of the
 then Treasury Benches. Whatever it is, there was a wild rumour
 that the Act of 1949 was defective mainly on this point. I do not
 think the present Bill, i.e., the so-called changed and amended
 Bill is free from this inherent defect. I think the old defect still
 continues. Therefore I request the Hon. the Minister for Public
 Works to suitably amend this clause so that the same question
 may not be taken to a Court of Law and the Court may not de-
 clare it again as void and there may not be any necessity to bring
 forward another Bill to make the Act valid once again. If only
 we take a little care even now and enact this piece of legislation

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without any defect whatsoever, all these things could be avoided. I hope the Government will agree to accept my amendment which will rectify the defect."

SRI T. K. RAMA :—" கனம் சபாநாயகர் அவர்களே, கனம் மராமத்து இலாக்கா மந்திரி அவர்கள் ஒரு நல்ல உதாரணத்தைக் கொடுத்தார்கள். தவிர என்னுடைய பிரச்சந்தரின் பல பாகங்களை அவர் சரியாகப் புரிந்து கொள்ளாவிட்டாலும் ஓரளவுக்கு சில முக்கிய அம்சங்களைப் புரிந்து கொண்டதற்கு என்னுடைய சந்தோஷத்தைத் தெரிவித்துக் கொள்ளுகிறேன். நகர சபைகளுக்கு அதிக நஷ்ட ஈடு வாங்கித்தர வேண்டுமென்பது என் நோக்கமாக இருப்பதாக அவர் சொல்லுகிறார். அது மட்டும் என்னுடைய நோக்கம் அல்ல. இந்த நஷ்ட ஈடு பற்றிய விஷயம் இந்த மசோதாவில் ஒரே 'வாட்டர் டைட் கம்பார்ட்மென்டைப்' போல இருப்பதைவிட கொஞ்சம் தாராளமான விவரங்களும், வழிகளும் அடங்கியிருக்க வேண்டுமென்பது என் அபிப்பிராயம். அதற்காகத்தான் நான் சில திருத்தங்களைச் கொடுத்திருக்கிறேன்.

"குறிப்பாக 'In sub-clause (1) (Basis A)' after the word 'date' Add the following words 'and such other sum as may be decided upon by mutual agreement between the Government and the licensee' சில லைசென்ஸ்தாரர்கள் மிக விரிவான முறையில் அதிகச் செலவில் பல திட்டங்களை நிறைவேற்றியிருக்கலாம். நஷ்ட ஈடு சம்பந்தமாக விவரித்திருக்கிற விஷயங்களுக்கு புறம்பாகக்கூட பல இனங்கள் இருக்கலாம். ஆகவே அவர்களுக்கு நஷ்ட ஈடு கொடுக்கும்போது அவர்களையும் கலந்து கொண்டு இரு சாராரும் ஒரு முடிவுக்கு வரவேண்டுமென்பதே என் நோக்கம். சர்க்கார் லைசென்ஸ்தாரர்கள் சொல்லும் பணத்தை அப்படியே கொடுக்கவேண்டுமென்பது என் அபிப்பிராயமல்ல. இருவரும் ஒரு சமரச ஒப்பந்தத்திற்கு வரவேண்டுமென்பதே என் நோக்கம். இந்த அடிப்படையை சர்க்கார் ஏற்றுக்கொள்வார்கள் என்றும் நம்புகிறேன்.

"கனம் ராஜா சாகிப் அவர்கள் தனக்கு விரோதமாக தன் கையே இருந்தாலும் அதை வெட்டி விடுவேன் என்று சொல்லுகிறார். அது இயற்கைக்கு விரோதமானது. தன் கை தனக்கே விரோதமாக இருந்தது என்பதற்காக யாரும் கையை வெட்டிக்கொள்ள மாட்டார்கள். வெட்டி விட்டால் அனுகூலம் ஏற்படுவதற்குப் பதிலாக நிரந்தரத் தொந்தரவும், வருத்தமும் உண்டாக்கிக் கொண்டிருக்கும் என்பதும் எல்லோருக்கும் தெரியும். அப்படியே தன் கையை வெட்டிக் கொள்வதைப்போல் நகர சபைகளின் வருவாய் தரக்கூடிய மின்சார ஸ்தாபனங்களை சர்க்கார் எடுத்துக்கொண்டு விட்டால் அவர்களுக்கு இருந்து வரும் நிரந்தர வரும்படி போய்விடுவதால் அவர்கள் அடிக்கடி சர்க்காரையே தொந்தரவு செய்யும்படியாக நேரிடுமென்பதையும் நான் சொல்லிக்கொள்ள விரும்புகிறேன். இப்பொழுது மதுரை நகர சபையாருக்கு மின்சார ஸ்தாபனத்தின் மூலம் சுமார் ஐந்து லட்சம் ரூபாய் லாபமாகக்கிடைக்கிறது. திடீரென்று இந்த ஸ்தாபனத்தை சர்க்கார் எடுத்துக்கொள்வதன் காரணமாக அவர்களுடைய வருமானம் 5 லட்சம் குறையும். அவர்கள் அந்த நஷ்டத்தை ஈடு செய்து கொள்ளமுடியாது. மேற்கொண்டு வரி போட்டு அந்த நஷ்டத்தைச் சரிகட்டிக் கொள்ளலாமென்று நினைப்பதற்குக்கூட சந்தர்ப்பம் கிடையாது. இப்பொழுது இருக்கும் வரிப்பளுவே மிக அதிகமாக இருக்கிறது. ஆகவே இந்த நஷ்டம் முழுவதையும் சர்க்கார்தான் ஈடு செய்து கொடுக்கும்படியாக இருக்கும்.

"டோல் கேட்கள் மூலம் ஸ்தல ஸ்தாபனங்களுக்கு வருவாய் வந்து கொண்டிருந்தது. சர்க்கார் டோல் கேட்டுகளை எடுத்துவிட்டு பெட்ரோல் வரி விதித்தார்கள். ஒவ்வொரு ஸ்தல ஸ்தாபனத்திற்கும் முன்பு கிடைத்து வந்த டோல் கேட் வருமானத்தை ஆண்டுதோறும் சர்க்கார் ஈடு செய்து வருகிறார்கள். அதைப்போலவே இப்பொழுது இந்த மின்சார ஸ்தாபனங்களை சர்க்காரே எடுத்துக்கொண்டால் ஆண்டு தோறும் இவைகளின் மூல

15th May 1954]

[Sri T. K. Rama]

மாக ஸ்தல ஸ்தாபனங்களுக்கு எவ்வளவு வருமானம் வந்து கொண்டிருந்ததோ அத்தொகையை நிரந்தரமாக ஒவ்வொரு ஆண்டும் கொடுத்துக் கொண்டேயிருந்தால்தான் ஸ்தல ஸ்தாபனங்களால் நிர்வாகம் சரிவர செய்யமுடியும். அதைவிட்டு கையை வெட்டிக்கொள்வதைப் போல அவர்களுடைய வருமானத்தை வெட்டிவிட்டால் அதனால் அவர்களுக்கு பற்றாக்குறை நோவு இருந்துகொண்டேதான் இருக்கும். பின்னர் அடிக்கடி சிசிச்சைக்காக சக்காரையே நாடிவந்து தொந்தரவு செய்யும்படியாகவும் இருக்கும். இதை மறந்துவிடக் கூடாது. அதுமாதிரியாக நிரந்தரக் காம்பன்சேஷன் கொடுக்க இந்த மசோதாவில் வகை செய்யப்படவில்லை. சர்க்காருக்கு இவ்விஷயம் தெரியாமலிருக்கலாம் என்பதற்காக அவர்களுடைய கவனத்திற்குக் கொண்டுவரவே இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். இது எந்த வகையிலும் சர்க்காருக்கு விரோதமாக இருக்காது. குறிப்பாக இவ்வளவு தொகை நஷ்ட ஈடாகக் கொடுக்கப்படுவது மென்றும் இதில் வரையறுத்துக் கூறப்படவில்லை.

"Such sum as may be decided upon by mutual agreement between the Government and the licensee." என்று தான் நான் திருத்தம் கொடுத்திருக்கிறேன். இதையே ஏற்றுக்கொண்டாலும் சரி அல்லது இந்தக் கருத்தையே அவர்கள் வேறுவித திருத்தத்தின் மூலம் தாங்களே கொண்டுவந்தாலும் மிகவும் நல்லது என்று சொல்லிக் கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Mr. Speaker, with reference to the amendment moved by the hon. Member Sri D. K. Raju, I wish to state that the compensation that has been provided for under Basis A was applicable to private licensees. It has been accepted by most of the licensees at that time as reasonable. According to the existing provision, the compensation payable under Basis A shall be an amount equal to twenty times the average net annual profit of the undertaking during a period of five consecutive account years immediately preceding the vesting date. This has been liberal enough and this fact was acknowledged by the licensees. Even in 1949, when the original Bill was considered by the then Legislature of the State, this aspect was taken into account and was also acknowledged. Only after the then Legislature considered all aspects relating to this legislation, the present Act, which we are now seeking to amend through the Bill that is just now before the House, had come to stay. We cannot go back from the decision that has already been taken. Moreover, there is no case for amending this clause in the manner suggested by the hon. Member Sri D. K. Raju, which will enhance the quantum of compensation.

"As regards the amendment moved by the hon. Member, Sri T. K. Rama, I only wish to state that if his amendment is agreed to, it will mean the inclusion of a provision in the Act for paying additional compensation, which cannot now be defined precisely. It will not be correct in law to have a provision like 'and such other sum as may be decided upon by mutual agreement between the Government and the licensee' as suggested by the hon. Member. I do not think there is any possibility of a legislation being made to that effect which will be valid in law. With those observations, I oppose all the amendments."

[15th May 1954]

MR. SPEAKER:—"What about the amendment moved by the hon. Member Sri N. K. Palanisami?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Sir, I think it is to the same effect as the one moved by the hon. Member Sri D. K. Raju. So, what I have said with regard to Sri D. K. Raju's amendment will also apply to the hon. Member Sri Palanisami's amendment. I oppose this amendment also."

SRI N. K. PALANISAMI:—"I withdraw my amendment, Sir."

The amendment moved by Sri N. K. Palanisami was, by leave, withdrawn.

MR. SPEAKER:—"Then I will put the amendments of Sri D. K. Raju to the vote of the House. I wish to know whether the hon. Member is withdrawing both the amendments or any one of them."

SRI D. K. RAJU:—"I am withdrawing the following amendment, namely:—

'That in the explanation to Basis A, on it the words and letters "Part A or Part B, as the case may be".'"

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

MR. SPEAKER:—"I wish to know whether the hon. Member is withdrawing the other amendment, namely:—

'That in Basis C, item (ix) (a), after the words, "at fifteen per cent on the" occurring in line 5, insert the word "book".'"

SRI D. K. RAJU:—"I want to speak on this, Sir."

MR. SPEAKER:—"You have already made a speech."

SRI D. K. RAJU:—"No, not on this particular issue . . ."

MR. SPEAKER:—"The hon. Member did make a speech. I wish to know whether he is withdrawing his amendment now or pressing it?"

SRI D. K. RAJU:—"Sir, I am pressing my amendment."

MR. SPEAKER:—"The question is—

'In Basis C, item (ix) (a), after the words, "at fifteen per cent on the" occurring in line 5, insert the word "book".'"

The amendment was put and lost.

The amendments of Sri T. K. Rama were withdrawn with the permission of the House.

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

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Clause 8.

MR. SPEAKER:—"I will now pass on to clause 8. There is an amendment of Sri N. K. Palanisami. I wish to know whether the hon. Member is moving it."

SRI N. K. PALANISAMI:—"Yes, Sir, I am not moving it."

Clause 8 was put and carried.

Clauses 9 and 10 were put and carried.

Clause 11.

MR. SPEAKER:—"I shall pass on to clause 11. There are two Government amendments."

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

'That in sub-clause (3) in the last line, for the words "amount referred to in section 10", substitute the words "amounts referred to in section 10".'"

MR. SPEAKER:—"The question is—

'In sub-clause (3) in the last line, for the words "amount referred to in section 10", substitute the words "amounts referred to in section 10".'"

The amendment was put and carried.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"I move—

'In sub-clause (6) (b) in line 8, for the words "amount referred to in section 10", substitute the words "amounts referred to in section 10".'"

MR. SPEAKER:—"The question is—

'In sub-clause (6) (b) in line 8, for the words "amount referred to in section 10", substitute the words "amounts referred to in section 10".'"

The amendment was put and carried.

Clause 11 as amended was put and carried.

Clauses 12, 13 and 14 were put and carried.

Clause 15.

MR. SPEAKER:—"I pass on to clause 15. The hon. Member Sri Palaniyandi will move his amendments."

SRI M. PALANIYANDI:—"I move—

'Omit item (1) and

'In item (2) of clause 15, for the words "whose services are retained" substitute the words "who are in service".'

[Sri M. Palaniyandi] [15th May 1954]

“கனம் சபாநாயகர் அவர்களே, கனம் மராமத்து இலாகா மந்திரி அவர்கள் இந்த மசோதா மூலம் எல்லா மின்சாரக் கம்பெனிகளையும் தேசியமாக்கப்போகிறார்கள். அப்படிச் செய்யும்போது ஒவ்வொரு விஷயமும் நன்றாக கவனிக்கப்படும் என்று குறிப்பிட்டார். அதோடு ஒரு கம்பெனியை சர்க்காரே எடுத்துக்கொண்டால் அவ்வாறு எடுத்துக்கொள்ளும்போது அதில் வேலை செய்து கொண்டிருக்கும் தொழிலாளர்களில் யாரையும் வேலையை விட்டு நீக்காமல், அவர்களையும் அப்படியே எடுத்துக்கொள்ளவேண்டுமென்று தான் என் கருத்து. ஆகவேதான் ஷரத்து 15-ல், for the words whose services are retained’ என்று இருப்பதற்குப் பதிலாக, ‘Who are in service’ என்று இருக்கவேண்டுமென திருத்தம் கொடுத்திருக்கிறேன். இதை சர்க்கார் ஒப்புக்கொள்ள வேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

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

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“Sir, there are so many difficulties in the way. However, I would certainly bear in mind the wishes of the hon. Member and as far as possible and as far as practicable, the workers will be retained. I can assure that. I have already said so. I therefore request the hon. Member to withdraw the amendments.”

MR. SPEAKER:—“The Hon. Minister is appealing to the hon. Member Sri Palaniyandi to withdraw his amendments. I wish to know whether he is withdrawing them.”

SRI M. PALANIYANDI:—“I am not withdrawing them, Sir.”

MR. SPEAKER:—“The question is—

‘Omit item (1).’”

The amendment was put and lost.

MR. SPEAKER:—“The question is—

‘In item (2) of clause 15, for the words “whose services are retained” substitute the words “who are in service”.’”

The amendment was put and lost.

Clause 15 was put and carried.

Clauses 16, 17, 18, 19, 20, 21, 22 and 23 were put and carried.

Clause 24.

MR. SPEAKER:—“I shall now take up clause 24.”

SRI N. K. PALANISAMI:—“Sir, I move—

‘For the existing clause substitute the following:—

“The compensation paid to a licensee in respect of an undertaking taken over after the coming into force of the Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), and prior to the coming into force of this Act shall be reviewed and paid in accordance with the provisions of this Act only.”

[Sri N. K. Palanisami] [15th May 1954]

“கனம் சபாநாயகர் அவர்களே, இந்த 24-வது ஷரத்தானது ஏற்கெனவே சர்க்கார் எடுத்துக்கொண்டுள்ளவற்றையும் இதன் மூலம் ஒத்துக்கொள்ளுகிறது. இதை எதிர்த்து பலர் ஏற்கெனவே கோர்ட்டுகளில் தாவா போட்டிருக்கிறார்கள். மறுபடியும் அதே முறையில் இதைக் கொண்டுவருவது சரியல்ல. ஆகவே இந்த ஷரத்தை எதிர்க்கிறேன். அதற்காகத்தான்,

“For the existing clause, substitute the following:—

“The compensation paid to a licensee in respect of an undertaking taken over after the coming into force of the Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), and prior to the coming into force of this Act shall be reviewed and paid in accordance with the provisions of this Act only.”

என்ற திருத்தத்தைக் கொடுத்திருக்கிறேன். இதை ஏற்றுக்கொள்ள வேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

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

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“I oppose the amendment, Sir.”

MR. SPEAKER:—“The question is—

‘For the existing clause, substitute the following:—

“The compensation paid to a licensee in respect of an undertaking taken over after the coming into force of the Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), and prior to the coming into force of this Act, shall be reviewed and paid in accordance with the provisions of this Act only.”

The amendment was put and lost.

Clause 24 was put and carried.

Clause 25.

MR. SPEAKER:—“We shall now take up clause 25.”

SRI S. RAMALINGAM:—“Sir, is this clause necessary and should it be incorporated in this Bill, because it has been declared void by the Supreme Court.”

MR. SPEAKER:—“Whatever it is, Government would have taken legal opinion on that.”

Clause 25 was put and carried.

Schedule I was put and carried.

[15th May 1954

SCHEDULE II.

MR. SPEAKER:—"We now pass on to Schedule II. There is a Government amendment."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHU-PATHI :—“ I move—

"In the last sentence in the paragraph, preceding the table, for the words "from any period", substitute "for any period"."

MR. SPEAKER :—“ The question is—

' In the last sentence in the paragraph preceding the table, for the words "from any period", substitute "for any period", "

The amendment was put and carried.

Schedule II as amended was put and carried.

Clause 2.

MR. SPEAKER :—“ We shall now go back to clause 2.”

SRI N. K. PALANISAMI :—“ I move—

'In sub-clause (1), item (1), for the figures, letters and word "1st January 1951", substitute the figures, letters and word "24th January 1950".'

SRI M. PALANIYANDI :—“ I second the amendment, Sir.”

SRI D. K. RAJU :—“ I move—

'In item (1) add at the end the words "including all engineering and development expenses debited to the capital account".'

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

SRI N. K. PALANISAMI :—“ கனம் சபாநாயகர் அவர்களே, கனம் மந்திரி அவர்கள் பதில் சொல்லும்போது இந்த மசோதா 1950-ம் ஆண்டு ஜனவரிமீ 24உ பிரசுரமாயிருந்தாலும்கூட ஒரு வருஷத்திற்குப் பிறகு 1951-ம் ஆண்டு ஜனவரிமீ 1உ முதல் அமுல் செய்வது என்றிருக்கிறது. இந்தச் சட்டம் 1949-ம் ஆண்டுத்தில் கொண்டுவரப்பட்டது. ஆனால், 1950-ம் ஆண்டு ஜனவரிமீ 24உ-யில்தான் பிரசுரிக்கப்பட்டது. இச்சட்டத்தின் முதல் ஷரத்திலேயே இதை உடனடியாக அமுலுக்குக் கொண்டுவரப்படவேண்டுமென்றிருக்கிறது. அப்படியிருக்கும்போது அதற்கு விரோதமாக இந்த 2-வது ஷரத்து இருக்கிறதென்று நான் சொல்லுகிறேன். ஆகவேதான் நான் ‘In sub-clause (1) item (b), for the figures, letters and word “1st January 1951”, substitute the figures, letters and word “24th January 1950”’ என்ற திருத்தத்தை நான் பிரேரேபிக்கிறேன்.”

SRI D. K. RAJU :—" Sir, my amendment seeks to include all engineering and development expenses debited to the capital account while calculating the compensation. In clause 2 there is no provision to this effect. Therefore, I propose this amendment."

15th May 1954]

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ I oppose both the amendments.”

MR. SPEAKER :—" I shall put them to vote. The question is—

‘ In sub-clause (1), item (l) for the figures, letters and word “ 1st January 1951 ”, substitute the figures, letters and word “ 24th January 1950 ”.’ ”

The amendment was put and lost.

MR. SPEAKER :—“ The question is—

' In item (1) *add* at the end the words " including all engineering and development expenses debited to the capital account " ' "

The amendment was put and lost.

Clause 2 was put and carried.

The Preamble and Clause 1 were separately put and carried.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ Sir, I move—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, as amended, be passed into law.' "

SRI M. PALANIYANDI :—“கனம் சபாநாயகர் அவர்களே, கனம் மராமத்து மந்திரி அவர்கள் நான் சொன்ன விஷயங்கள் எதற்கும் நேரிடையாகப் பதில் சொல்லவில்லை. சாதாரண தனிப்பட்ட மின்சார சப்ளை கம்பெனி வினியோகஸ்தர்களுக்கு சர்க்கார் பொருள் உதவி அதிகம் செய்ய வேண்டுமென்பதாக நான் கேட்டுக்கொண்டேன். அதற்கும் எவ்விதமான உறுதியும் அளிக்கப்படவில்லை. அத்தோடு கம்பெனிகளை எடுத்துக் கொள்ளும்போது அங்குள்ள தொழிலாளர்கள் அத்தனைபேரையும் அப்படியே வேலைக்கு எடுத்துக்கொள்ளவேண்டியதும் அவசியமாகும். அதற்காகத்தான் நான் ஷரத்து 15-க்கு ஒரு திருத்தம் காட்டுகிறேன். அதையும் சர்க்கார் ஏற்கவில்லை. இருந்தாலும் நடைமுறையில் அவர்கள் எல்லோரையும் எடுத்துக்கொள்ள சர்க்கார் உறுதியளிக்கவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.”

SRI K. C. GOPALAN UNNI:—“മിസ്റ്റർ സ്പീക്കർ, സാർ, ഈ ബിൽ നിയമമാക്കാൻ പോവുകയാണ്. ഈ അവസരത്തിൽ മലബാറിനെ സംബന്ധിച്ചിടത്തോളം രണ്ടു വാക്കു പറയാനിരിക്കുന്നതു ശരിയല്ലെന്നു എനിക്കു തോന്നുന്നു. എലക്ട്രിസിറ്റി സിറ്റിയെ സംബന്ധിച്ചിടത്തോളം വളരെയധികം അവഗണിക്കപ്പെട്ടിട്ടുള്ള ഒരു പ്രദേശമാണ് മലബാർ. മലബാറിലെ ഭക്ഷ്യക്ഷാമം സാധാരണയായി ഈ അസംബ്ലിയിൽ വാദവിഷയമാകാറുണ്ട്. ജലസേചനത്തിനു സൗകര്യമായ വിധത്തിൽ ധാരാളം പുഴകൾ മലബാറിലുണ്ട്. എല്ലാ താലൂക്കിലും ഏതെങ്കിലും ഒരു പുഴയിൽനിന്നു വെള്ളമെടുക്കാൻ സൗകര്യമുണ്ട്. വിദ്യുച്ഛക്തി മലബാറിലെ ഗ്രാമങ്ങളിലെത്തിക്കുകയാണെങ്കിൽ അവിടുത്തെ ഭക്ഷ്യക്ഷാമം പരിഹരിക്കാൻ സാധിക്കും. ഇന്നു മലബാറിലെ പുഴകളിൽനിന്നു തെയിരുകണക്കിലുള്ള കായിൽ എത്രയിരുകൾ വെച്ചാണ് വെള്ളമെടുത്തു വരുന്നത്. കുന്തിപ്പുഴയിൽകൂടും പത്തു നാഴികക്കുറഞ്ഞിനിടയ്ക്കു 250 ലധികം കായിൽ എത്തിരുകൾ പ്രവർത്തിക്കുന്നുണ്ട്. ആ വഴിക്കു വിദ്യുച്ഛക്തി കൊണ്ടുവരാൻ സാധിക്കുകയാണെങ്കിൽ മലബാറിലെ ഭക്ഷ്യപ്രശ്നം പരിഹരിക്കപ്പെടുമെന്നു മനോരമ്യ ഭക്ഷ്യധാന്യ

[Sri K. C. Gopalan Unni] [15th May 1954]

അർദ്ധ പുറമെ കയററി അയക്കാനും നമുക്കു സാധിക്കുമെന്ന് എനിക്കുറപ്പുണ്ട്. കന്തിപ്പുഴ എലക്ട്രിസിറ്റി പദ്ധതി കഴിഞ്ഞു മുപ്പതു കൊല്ലമായിട്ടു ഗവണ്മെന്റിന്റെ ആലോചനയിലിരിക്കുകയാണ്. കാര്യത്തിലുള്ള പദ്ധതിയും ആലോചനയിലുണ്ട്. മറ്റു പല പദ്ധതികൾക്കും തെക്കെ മലബാറിലെന്നപോലെ വടക്കെ മലബാറിലും സാധ്യതയുണ്ട്. വിദ്യുച്ഛക്തി ഗവണ്മെന്റുതന്നെ നേരിട്ടു ഏറ്റെടുക്കുകയാണെങ്കിൽ ഗ്രാമപ്രദേശങ്ങളിൽ വിദ്യുച്ഛക്തി വിതരണം ചെയ്യാനുള്ള സൗകര്യം കിട്ടുന്നുണ്ട്. അക്കാര്യത്തിൽ ഗവണ്മെന്റ് പ്രത്യേകം ശ്രദ്ധപയ്ക്കണമെന്നു ഈ അവസരത്തിൽ ഞാൻ അപേക്ഷിക്കുന്നു."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I thank hon. Members for their very valuable co-operation and their constructive criticisms in considering this Bill. I may tell Mr. Palaniyandi—although I have not mentioned this earlier—that he need not be sceptical about assistance to licensees. Mr. Raja Chidambaram has also said that the amount set apart by the State Government, viz., 10 lakhs of rupees is not sufficient for even one taluk. Here I may tell him that we are going to get loans from the Government of India to finance these undertakings and I would like to assure the House that until such time as we take over the undertakings, we shall see that the licensees are provided with enough and more funds either by the State Government or the Central Government so that rural development can go on and keep pace with the people's wishes. Then, Sir, Mr. Gopalan Unni, I feel, was pleading for Malabar although I could not understand his speech. Let me in this connexion point out that on all occasions when I spoke of Malabar I always confessed that Malabar was a backward area and let me assure him that Malabar will receive my foremost attention. Let him understand that once the Kundah Scheme is completed, for which we are hoping so much, Malabar will be the richest district in point of supply of electricity. With this assurance to Mr. Gopalan Unni, let me once again acknowledge the co-operation that Members of this House have given to me in getting through the Bill without delay."

Mr. SPEAKER :—" The question is—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954, as amended, be passed into law.' "

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

THE MADRAS ELECTRICITY UNDERTAKINGS
(ACQUISITION) BILL, 1954 (L.A. BILL No. 23 of 1954)

17th May 1954] [Raja Sri Shanmuga Rajeswara Sethupathi]

Sir, in moving this Bill I would like to state briefly the necessity for this measure. The need for the legislation has been explained in the Statement of Objects and Reasons published along with the Bill. The Madras Electricity Supply Undertakings Acquisition Act, 1949, was passed by the Provincial Legislature after mature consideration and was brought into force on the 24th January 1950. For the reasons explained in the Statement of Objects and Reasons, the Supreme Court has held that the Act was *ultra vires* of the Provincial Legislature.

" In the Governor's Address to the joint session of the Legislature in February last and in the Finance Minister's speech introducing the Budget for 1954-55, reference was made to the intention of Government to re-enact suitably the provisions of the impugned Act. The reasons which weighed with the Provincial Legislature for passing the Act in 1949 still hold good. Since the coming into force of the impugned Act, the Government of Madras acquired under the Act, a number of local authority and private electrical undertakings of which 20 local authority and 3 private undertakings are now in the present Madras State. These acquired undertakings have long since been integrated into the concerned power systems of the Government Electricity department and the staff belonging to them have also been merged in suitable service cadres under the departmental set-up. Hon. Members would have readily appreciated the difficult legal position in regard to the electrical undertakings so far acquired by Government and I need not dwell at length on that point. To be brief, the position is that the Government are faced with the possibility of suits being instituted against them for liability to pay compensation for acts which may now be deemed to be illegal or wrongful. The payment of compensation by the Government for the consequences arising from such acts may also be enforced through courts of law. The ambit of the expression 'consequences' may give rise to almost insoluble problems.

" Hon. Members will agree that it might be very embarrassing to leave things as they are and face a crop of litigation and also exorbitant demands in respect of undertakings already taken over and for damages for loss of profits for winding up managing agencies, etc.

" The sections of the impugned Act and the corresponding provisions of the Bill have been printed in parallel columns and circulated to hon. Members for convenience of reference. The changes made in the Bill as compared to the provisions in the impugned Act have been indicated in italics. The reasons for important changes have also been indicated in a separate column. Except those provisions of the 1949 Act which have been held by the Madras High Court to be invalid, namely, provisions relating to the appointment of accredited representative by the Government and the basis for determination of compensation for local authority undertakings, and a very few other modifications to the Act which have been found essential in the application of

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 17th May 1954.

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

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THE MADRAS ELECTRICITY UNDERTAKINGS (ACQUISITION)
BILL, 1954 (L.A. BILL NO. 23 OF 1954).

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

' That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be taken into consideration.'

* Printed as Appendix on pages 29-49 infra.

[Raja Sri Shanmuga Rajeswara Sethupathi] [17th May 1954]

the Act and which would be essential for purposes of validation of the proceedings already taken by the Government in respect of undertakings already acquired under that Act, the Bill before the House incorporates precisely the same provisions as in the impugned Act passed by this Legislature after due deliberation. No discriminatory treatment between local authority and private licensees has been made in the Bill in the matter of assessment of compensation, etc. No doubt there is some extra financial commitment to Government on account of the deletion of the discriminatory treatment, but the money goes to local bodies. I may mention in this connexion that long before the appeals to the Supreme Court were heard by that Court and the 1949 Act was declared void by it, the Government had decided and the approval of the Legislature had also been obtained, to make an *ex-gratia* payment amounting to about Rs. 16 lakhs to the local authorities over and above the compensation already paid for or was payable for their undertakings under the provisions of the 1949 Act. And this *ex-gratia* payment would have been disbursed already but for certain local authorities having taken up the matter to the High Court. The net extra commitment is expected to be about Rs. 45 lakhs and it will not be difficult to provide this amount as and when necessary.

"I would request the hon. Members of the House to pass this Bill."

MR. CHAIRMAN :—"Motion moved—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be taken into consideration.' "

DR. V. K. JOHN :—"Mr. Chairman, Sir, I must compliment the Hon. Minister, who moved the motion, on printing the provisions of the 1949 Act side by side with the provisions of the proposed Bill and also on pointing out the reasons for the changes. So far, he has done very well. Normally I would have moved that this Bill be referred to a Select Committee under rule 109 of the Council Rules, but the proceedings in this House have now become—I say this with due respect of everybody concerned—a *post-mortem* examination of the Bill passed by the Assembly. Rule 109 and other rules which provide for amendment of Bills by this House have all become a dead letter. One might regard, Sir, that you are presiding over a House where up to this time the Government with their majority never allowed an amendment and never referred any matter to a Select Committee.

"This, in my opinion, is a very important Bill and should have been referred to a Select Committee. The Government apparently made a very serious mistake in passing a Bill into an Act in 1949 which had no legal sanction behind it whatsoever.

17th May 1954] [Dr. V. K. John]

Apparently the Government had no competent legal advisers to assist them. Could any Government introduce and enact a measure which under the law they could not introduce and pass into law? That was a great discredit to any Government which had a Legal department and also some legal advisers. What really happened was, a very important Bill was passed into law in 1949 and lakhs and lakhs of rupees were spent in acquiring the undertakings. Later on the enactment was found to be *ultra vires* of this Legislature. Then, what is the position to-day? Are the Government sure that they are now quite competent to introduce this Bill? I do not want to go into technicalities of the provisions of the Bill in this House and argue at length as I would in a court of law that this Legislature has no jurisdiction. However, I would like to mention one or two facts with regard to the provisions of this Bill.

"Sir, Article 248 of the Constitution of India provides that Parliament has exclusive power to make any law with reference to any matter not enumerated in the Concurrent list or State list. Three lists are given in the Seventh Schedule to the Constitution. One is the Union list. The second is the State list. The third is the Concurrent list. This Article 248 of the Constitution assumes that there are other subjects beyond those mentioned in the three lists. Certainly there are subjects beyond those mentioned in the three lists. If there are any such subjects they come under the powers of the Union Parliament.

"Now, this decision of the Supreme Court is reported in the Madras Law Journal, and that explains the position in these words: 'There was no entry in any of the three lists relating to compulsory acquisition of any commercial or industrial undertaking, although section 299 of the Act clearly contemplates a law authorizing compulsory acquisition for public purposes of a commercial or an industrial undertaking. The acquisition of a commercial or an industrial undertaking not being the subject-matter of any entry in any of the three lists, neither the Federal Legislature nor the Provincial Legislature can enact a law with respect to compulsory acquisition of a commercial or industrial undertaking'. Now there is no mention in any of these three lists which refer to the acquisition of commercial or industrial undertakings. No doubt item 36 in the State list (Schedule VII to the Constitution) refers to property but not to commercial or industrial undertakings as explained by the Supreme Court. Can the Government interpret the word 'property'—they do not use even the word 'property'—as including a commercial undertaking? (Interruption.) The Government presume that they can put that interpretation. I say the Government have jurisdiction only if that is specifically mentioned in list No. II, which is the State list. If it is not specifically mentioned, the Government are governed by Article 248 according to which this must go before the Union Legislature. I ask, have the Government obtained in writing an opinion from any competent legal authority

[Dr. V. K. John]

[17th May 1954]

What the word 'property' can be interpreted as meaning 'commercial and industrial undertakings'? I say, it does not mean that. Even the Constitution makes a distinction between the two, and this will be evident on a reading of Article 31 (2) which says:

No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law . . . , etc. When the Article of the Constitution itself uses the words 'including commercial or industrial undertaking', it shows that the word 'property' cannot include 'commercial or industrial undertakings'. The Government took the risk of interpreting the word 'property' to include 'commercial or industrial undertaking' and without competent legal advice passed an enactment in 1949 and spent lakhs and lakhs of rupees on the acquisition of these undertakings. In 1954 the Government have been told that they did it without jurisdiction.

"There is an Article in the Constitution which assumes that there may be items which are not covered by any of the three lists in Schedule VII, namely, the Union List, the State list and the Concurrent list. Otherwise, what is the reason for having included Article 248 in the Constitution? The Supreme Court has said that the Government did not have this power to acquire commercial and industrial undertakings, at the time the original Act was passed under any of the Legislative lists of the Government of India Act, 1935, and that to-day this power is not mentioned in any of the lists of the Seventh Schedule to the Constitution of India. Therefore, are we not taking a very great legal risk in having this measure passed into law without sufficient examination? In the other House the Government were asked to refer this Bill to a Select Committee but they would not do it. The Government want an important legislation involving lakhs of rupees and also property belonging to individuals and to local bodies to be rushed through and passed into an Act. Perhaps, five years later, when a new Ministry is in office, the Supreme Court of India will say that the Government have not looked into their previous decision. They have specifically used the words

There was no entry in any of the three lists relating to compulsory acquisition of any commercial or industrial undertaking'. Although clause (2) of Article 31 of the Constitution contemplates a law for authorizing the compulsory acquisition for public purposes of any commercial or industrial undertaking, the Supreme Court has clearly stated that there is nothing in any of the three lists of Schedule VII which relates to acquisition of property. They have particularly used the words 'there is not in the list an item which refers to industrial or commercial undertakings'. Therefore, it is doubtful whether you have the jurisdiction to introduce and pass this legislation. Article 248 (1) of the Constitution says that 'Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent list or State list'. You have therefore undertaken a legislation which may be *ultra vires* of this Legislature. You ought to have

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by way of abundant caution asked Parliament to pass this law. Under Article 248 Parliament has got exclusive power to make any law with respect to any matter not enumerated in the Concurrent list or the State list. When there is this provision in our Constitution why should we take a risk? I need not go to the extent of saying that this is *ultra vires* of this Legislature but it is certainly risky in the face of the wording used by the Supreme Court in its judgment. You should have asked Parliament to enact this legislation, and Parliament would surely have come to your help because you have already spent lakhs and lakhs of rupees in acquiring these undertakings.

"Sir, a request was made in the other House to have this Bill referred to a Select Committee but the Government rushed through this measure and it was passed. I find that on every occasion after this Legislative Council was constituted under the Constitution, without any exception whatsoever, we are treating every discussion here as a post-mortem examination of Bills passed by the other House. Has not Parliament intended that this House should have power to refer Bills to Select Committees and is it not intended that this House can bring in any amendments to Bills passed by the other House? But, however good the amendments may be, you will not accept them and it also ill becomes the dignity of the Opposition to bring in amendments which they know very well will never be accepted. In fact, my hon. Friend, Sri M. P. Govinda Menon, speaking on some other Bill made a reference to-day to this kind of feeling, particularly among Members not belonging to the Congress Party, that this House was not fulfilling a useful function and could do nothing at all here.

"Coming to the Bill under reference, you are taking a very grave risk similar to that which you took in 1949. You should not have taken it. Even now it is not too late. You can refer this Bill not only to your legal advisers but to the legal advisers of the Government of India and other competent men and get a written opinion that this is within the competence of this Legislature. I am sure everybody will say 'Even though it is not absolutely certain that you have no power, it is a risky matter and you need not undertake it and invest any money in pursuance of this legislation.' I therefore submit to the Hon. the Minister for Public Works and the Government not to rush through this legislation without previous consultation and without previously obtaining competent legal opinion. You should not take a very great risk in this matter.

"Having said this, I may point out that in 1949 when this Act was passed the idea was that there must be a plan for nationalising everything and the money required for it must also be found. The idea of nationalisation was prominent in those days. The bus transport in the City was nationalised. Did you give any benefit to the public on account of this nationalisation? You

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never reduced the fares and when you wanted to nationalise the electrical undertakings your idea was to find jobs for your own men."

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, the Hon. the Deputy Leader of the Opposition, Dr. V. K. John, is always addressing you as if you are responsible for all the misdeeds of the Government."

DR. V. K. JOHN :—" I must address the Chair and the procedure is that I must address the House only through the Chair."

MR. CHAIRMAN :—" I think the Hon. the Deputy Leader of the Opposition knows the procedure well."

DR. V. K. JOHN :—" Sir, what is this nationalisation for? It is not meant to benefit the public. The Government say the local bodies have not got a lot of funds to undertake the supply of electricity to people. Why should not the Government help them with the funds required? Again they say the private companies have not got adequate funds and therefore they are acquiring them. The lack of funds is not at all the reason. The Government acquired them because in those days they thought that everything ought to be nationalised. But, how did the Congress Government nationalise the bus transport industry and the electrical undertakings? They did not pay the market value and the people had to go to Courts. One great principle which any civilised Government ought to follow in acquiring other people's property is to give the market value which should be settled by judicial authorities. As provided for in the Land Acquisition Act the Government should also give a solatium of 15 per cent if the acquisition is compulsory. But, have the Government ever followed this principle? In every case where they have tried to acquire land, or other property or other undertakings they have never paid the market value to these people. What has been the result of this attitude? From that time people are fighting shy of investing any money on any business. If there is anything that has frightened the investors and the adventurous people, who venture to start new undertakings, it is the fear that if that undertaking is partly or wholly successful the Government will step in and nationalise that undertaking and would not pay them the market value, let alone the solatium. Is it just and proper that the Government should do so?

" This is the way in which the Government have progressed, and it was in this manner that they passed the 1949 Act. The Government start with the idea of nationalising everything. If they want to acquire these undertakings, let them pay proper compensation, namely, the full market value of the property and a solatium of 15 per cent. When settling the principles of compensation, the Government should see that they do not expropriate private property. I say that the provisions in this Act in

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regard to payment of compensation, that is, the payment of market value and solatium, should be condemned and condemned very strongly. By the 1949 Act and by this Bill the Government are to-day preventing private enterprise and even an enterprise by local bodies. I do not see how local bodies cannot carry on these undertakings. It is the responsibility of the Government to provide cheaper electricity even to those living in the rural parts. But what have this Government done? Are we having cheaper electricity in our State like Mysore and Travancore-Cochin States? No, not at all. Have the people been benefited in any way by the Government acquiring these undertakings under the 1949 Act? Have they extended the facilities or have they made electricity cheaper? The Government should see to it that some benefit is conferred on the public. Another thing I wish to bring to the notice of the Government is that whenever they invest lakhs and crores of rupees on undertakings like this, they must have a sinking fund because the machinery will last only for 30 or 40 years. They must provide for an adequate sinking fund and they must have proper return from the investment."

THE HON. SRI C. SUBRAMANIAM :—" We are already having a sinking fund."

DR. V. K. JOHN :—" That sinking fund is not worth mentioning at all."

THE HON. SRI C. SUBRAMANIAM :—" There is a depreciation fund for electricity undertakings."

DR. V. K. JOHN :—" Clause 24 declares valid all acts or things done previously. Have the Government consulted any legal authority as to whether they could legalize all those things done under an illegal Act? I am not saying that the Government could not but they must take legal opinion in the matter. I cannot support this Bill because I think it is a very risky measure for this Legislature to pass, and the Government have not looked into it whether they have still got the jurisdiction to enact this measure. I am sorry I have to repeat that the Government have not referred such an important measure to a Select Committee either of this House or the other House."

SRI MOHAMED RAZA KHAN :—" Mr. Chairman, Sir, the legal aspect of the whole question has been dealt with by the Deputy Leader of the Opposition and I think it is for the Hon. Minister concerned or for the Hon. the Finance Minister to reply. I do not like to go into it. But the fact remains that in the year 1949 there was general agreement in the House on the principle of nationalisation of the electrical undertakings. I know that the then Minister for Public Works, who had earned so much reputation, did his best to pilot this Bill. If I remember aright, it was pointed out to the then Minister for Public Works that the provision for the appointment of some nominee of the firms in case they do not agree and also the provision for

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paying something more to the local board undertakings were likely to be held *ultra vires* by the High Court. Here I am not trying to exploit this point against the Government. Even with the best of intentions, we may sometimes miss a particular point. But it would not be good if the Acts that we pass here are declared invalid by the High Court or the Supreme Court and adverse decision are given. Therefore, before passing any legislation, the Government would do well to consider all the aspects by referring the Bill to a Select Committee either of this House or of the other House. The Deputy Leader of the Opposition said that the Government should have referred this Bill to a Select Committee. After all this is an Amending Bill. The original Bill was passed in the year 1949 and the very purpose of this Amending Bill is only to meet the various points raised by the decision of the High Court and the Supreme Court. I feel that whenever there is a major Bill of this kind, it is much better to refer it to a Select Committee. In the past, it has been the policy of the Government to refer important Bills to Select Committees. Most probably, in this Session, owing to the hot summer, the Ministers are in a mood to finish their work and disperse themselves. Otherwise they would have referred one or two Bills to Select Committees.

“With regard to payment of compensation, I do not like to argue much. I would say for the information of the Deputy Leader of the Opposition that at the time when the Bill was before the Legislature in 1949, the persons concerned expressed a great deal of satisfaction with regard to the provisions in respect of awarding compensation to the Zamindars, we even thought that the Government would adopt the same policy. But hon. Members who knew the subject and who were themselves concerned in the matter and people outside said that they had no cause for grievance. The Government had done well; more than we expected. Even one or two representatives of this House . . .”

(At this stage the hon. Member Sri A. Gajapathy Nayagar was found passing between the speaker and the Chair.)

MR. CHAIRMAN :—“Order, order. The hon. Member should not cross between the speaker and the Chair. I have drawn the attention of the hon. Members to this matter many times previously.”

SRI MOHAMED RAZA KHAN :—“Now, coming to the subject, even one or two representatives of this House—I could even mention their names—had said that they had no cause for complaint. I therefore do not wish to pursue this point any further.

“I shall refer to one or two aspects—they are about the policy and not about the clauses of the Bill. There seems to be a good deal of opposition from local authorities, at least from such of the municipalities or local bodies as are running the undertakings efficiently. They feel that they will stand to lose a great deal if

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the undertakings are acquired by the Government. I request the Hon. Minister just to state the policy of the Government and what the Government feel in this matter.

“Another thing is that there is no finality in respect of these matters. The Government simply say that they will nationalize the electrical undertakings. They have not stipulated any time-limit. They will take the undertakings according to their own convenience, according to the capacity of their staff to take over and according to their financial resources. The result will be that there will be no progress in acquisition. The complaint everywhere is that new connexions are not given. An electrical undertaking is a paying proposition as evidenced by the Budget speech. The Electricity department has done well. The Government should state that they will acquire all the undertakings within a prescribed period, say, three or four years. Finance should not be the sole consideration.

“I say, Sir, that it is not good on the part of the Government to keep these people in suspense. Instead of there being any progress, there will be a set-back. Dr. John has rightly said that whenever the Government take over an undertaking, the results are not very happy. I may tell him that the question of electricity undertaking stands on a different footing altogether. There is a case for Government to nationalize this electricity industry. I hope better results will accrue if Government take over this industry.

“Sir, if we take into consideration the working of the Madras Electricity System, we will see that the establishment charges have considerably increased. If we compare the present figures with those of some four or five years before, we will see that establishment charges have gone up very high. But how far are the people benefited by this increase in establishment charges? The charge for a unit of electricity supplied is four annas, and added to this charge, there is the war surcharge which is 20 to 25 per cent of the charge for units consumed. It is nine years since the war ended. But still the war surcharge is being levied on the consumers. The Government can as well say that they charge six annas per unit instead of levying four annas per unit and charging an additional two annas or so as war surcharge. The public feel that although the Government have nationalized the electricity undertakings, still they do not have any benefit. It is very difficult for middle class people to get connexions. Electricity is not a luxury, but is a necessity. If people apply for new connexions, they are promptly informed that no new connexions could be given.

“Then, Sir, I have to point out that bills for every month are not sent promptly and people also are not forced to pay their dues promptly. In the case of the Telephones Department, if the dues for a month are not paid, the connexion will immediately be cut off. But the Madras Electricity System goes on accumulating the dues from customers, and when charges due from any one reach the colossal figure of Rs. 300 or Rs. 400, the department

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warns him that the connexion will be cut off. I do not understand why the department should allow so much amount to get into arrears? Why not the department take steps to recover the amounts promptly?

"Sir, there is a good deal of dissatisfaction with the way in which accounting is done by the department. Sometimes duplicate bills are received asking for payment, even though the amounts have already been paid. The amounts paid previously have not obviously been properly adjusted. Of course, these are all small points, and I hope the Hon. the Minister for Public Works will go into these. I approve of the principle of nationalizing all electrical undertakings, because it is the one department in which the Government have done very well. It is for the Government to clarify their policy in regard to the acquisition of undertakings owned by the municipalities."

SRI V. GURUNANDAN ROW :—"Sir, I support this Bill. I am one of those who believe that public utility services like transport and electricity should be nationalized. I do not agree with the Hon. the Deputy Leader of the Opposition when he said that this Act could not be passed. That is an arguable proposition. But I should say that this Bill is perfectly valid, because, after all, we cannot take over an undertaking. We take over only the property of the undertaking. What is the undertaking as such? It is something which has no body or soul. When we take over an undertaking, it means that we really take over the property of the undertaking. Property of the undertaking is there. It is but right that private enterprise must be taken over as they are run only for profit and not for rendering service to the people. Because of the way in which these services are run by the Government, and because of the bureaucratic red-tape that is practised in the department, and also because of the inefficiency and corruption in the department, the popular feeling is against nationalization. These defects must be removed. I have got very good experience of the department. If any one wants a new connexion, it will take a lot of time for him to get it, unless perhaps he knows how to pull the ropes from behind. If any one wants to change his current from AC to DC, there is difficulty again. There is no spirit of service among the people in the department. Once the undertaking becomes a Government department, the idea of bossing over people comes in. But a business concern is there to please people, and therefore it is we get much attention from business people. Therefore I would bring it to the notice of the Government that they should have a business-like approach to the matter. Courtesy must be shown to the people. The department must be efficient. The needs and conveniences of the people must be attended to. Then alone the Government can think of making nationalization popular.

"Sir, there are certain clauses in the Bill which may give rise to litigation. In fact the judgment of the Supreme Court has necessitated the bringing in of this Bill. I have given notice of my

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amendment to clause 7 only to try to help the Government. The Bill was circulated to us only yesterday, and within the time available, I have given notice of some amendments. Clause 7 (1) as it stands reads as follows :—

"7. *Appointment of a sole representative.*—(1) Every licensee may, within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date or, in the case of an undertaking taken over, within three months of the commencement of this Act, appoint an individual who may be the managing agent or a director or an officer of the licensee or any other person to act as his sole and accredited representative . . ."

That is to say, even in respect of an undertaking which the Government are taking over, they are allowing the licensee the right to appoint an accredited representative. The licensee has got the right to appoint an accredited representative within three months from the date of the coming into force of the Act. Sub-clause (3) of clause 7 says—

"(3) Nothing in the foregoing sub-sections shall be deemed to require a licensee of an undertaking taken over, who has appointed an individual as his sole and accredited representative, to make a fresh appointment after the commencement of this Act . . ."

The licensee is not required to make a fresh appointment after the commencement of the Act if he has already appointed one. I think the draftsman of the Act wants that in cases where there is already an accredited representative, that person should be considered the accredited representative and that no fresh appointment of an accredited representative should be made. I understand that this is applicable only to municipalities. It is only in cases where there is no accredited representative appointed before the commencement of this Act that one has to be appointed.

"The Government allow an undertaking taken over to appoint an accredited representative. That means Government invite litigation. Suppose an accredited representative has already been appointed for an undertaking already taken over, and now under this clause the undertaking make a fresh appointment, what are the Government going to do? This is my question. That is why I have given notice of an amendment making it not possible for such persons now to come and say, 'I am going to appoint an accredited representative and thereafter I am going to select whether I am going to come under basis "A", "B" or "C", even though all these things have been gone through in the past. This is one of the aspects of the Bill on which I wanted to say a few words.

"There is another important aspect on which also I would like to say a few words. It is about those employees who have been retained in service after the undertaking was taken over by the Government. Sub-clause (2) of clause 15 says: 'Persons whose services are retained shall be governed by such rules as the Government may, from time to time, make in regard to them'. But what is to happen to people who were working in the undertaking taken over? They should be deemed to be Government servants from the date it was taken over by the Government. There should be no break in their service. Government should make a definite

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statement in the Act that no employee of an undertaking taken over by Government shall lose his appointment or suffer by getting less emoluments because of such acquisition. To give effect to these objects I have given notice of amendments.

“ Then, Sir, I would like to have some explanation from the Hon. Minister as to why two different types of compensations are provided in the Bill. I refer to items (a) and (b) under item (ix) of sub-clause (3) of clause 5. Sub-item (a) says: ‘ in case the licensee is a person licensed under Part II of the Electricity Act, at the rate specified in the licence in respect of compulsory purchase, or where no rate is specified in the licence, at fifteen per cent on the values referred to in sub-clauses (i) and (iv), at the rate of ten per cent on the value referred to in sub-clause (ii), and at the rate of five per cent on the value referred to in sub-clause (iii); ’ This is one type of compensation. Sub-clause (b) provides for another type of compensation and it says: ‘ in case the licensee is a person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy, at the rate of ten per cent on the values referred to in sub-clauses (i) and (iv) and at the rate of five per cent on the values referred to in sub-clauses (ii) and (iii). ’ I want some clarification on this point also from the Hon. the Minister in charge of the Bill.

“ And the last point on which also I want clarification from the Hon. Minister is this: Part B of Schedule I says: ‘ For the purpose of section 5 (1), “ net annual profit ” in respect of any account year of a licensee being a local authority shall be (i) the amount actually appropriated, or (ii) the amount which could have been appropriated, to the general funds of the local authority on account of the undertaking for that account year in accordance with the audited accounts of the undertaking. ’ All that I want to say is that a local authority must not be treated in the same fashion as others. The local authorities must be paid a little better compensation because the profits made by the local authority do not go into the hands of the private people. It goes to the municipality. That means that the profit goes to the people of the municipality. Then again the municipalities do not run these undertakings with a profit motive but more or less on a service basis. If the compensation is worked out on the basis proposed, the municipalities would get less. Therefore, I suggest to the Government that in calculating the profits made by the municipalities, some other liberal method should be adopted so that more compensation is paid to these municipalities. The Schedule should be amended with this aim in view.”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir I do not know what nationalization means. In these days after the attainment of Independence, there is not much meaning in the demand for nationalization. In the pre-1947 days when the Britishers were running our concerns there might have been some meaning. But now, when most of the concerns are run by our own people, and the Government also are expected to be committed to a policy

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of encouraging private enterprise, there is not much meaning in nationalization. We know that laymen as a whole feel that they are sure to get a thing done more easily by the private company than by the Government. Great hardship is felt by a person in drawing even a few rupees due to him from the Government Treasury. It is very easy to remit money into the treasury but to get even a few rupees from the treasury is a great hardship. When such is the case with the working of the Government Treasury, I do not know how we are going to improve other facilities for the public by taking over the electricity undertakings. In theory and on paper it might sound well that the Government should be able to own all the electricity undertakings so that they might be able to provide even the remotest villages with electricity and enable the farmers there to pump out water with the aid of electric power to their fields. When it comes to practice, we find there is a lot of difficulty in approaching the Government and getting things done. So what I would request Government to do in the matter is to have something like a Government Board which is to be run completely on commercial lines and completely free from the shackles of red-tape that usually follows Government business. If the Electricity Board is manned exclusively by experts and run completely on commercial lines, then the difficulty felt by the laymen as a result of the nationalization of electricity undertakings will not be there.

“ Now, Sir, we like to have enlightenment from the Government as to how many electricity undertakings are there in the State, how many are to be taken over by the Government under this scheme, how many of them have already been taken over, how much money was paid by the Government in respect of undertakings already taken over, and how much money would be required to take over the others. If particulars regarding these are furnished to hon. Members, they will be better able to judge the position correctly. Immediately after the attainment of Swaraj, in our enthusiasm we want to have everything done by the Government and that too now itself. We want things that can be done in the course of the next two or three generations to be done now itself. I had occasion to submit to hon. Members of this House that the policy of the Government had been to tax the present generation for the benefit of the future generation. This is like the man hoarding up money without using it himself but allowing that money to be used not by his own son but by his adopted son. We know how members belonging to our future generation are behaving and are going to behave.”

“ Now we want to do everything ourselves. The acquisition of so many electrical undertakings means investment of so much of capital and the Government may therefore go in for a loan tomorrow, or this Government may curtail certain items in the Budget. Some items of capital expenditure may be debited to the revenue account which in turn will mean that the present generation will have to make sacrifices. Of course, it is all for the good

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of the nation. But, is it just and fair to take over all these undertakings in the present generation itself? How many undertakings have been already taken over and, may I also ask, what are the benefits that we have reaped as a result of it? As pointed out by hon. Members who spoke earlier, by undertaking to run certain electrical undertakings in the City and elsewhere themselves, the Government have not lowered the rates for supply of electricity. What then are the benefits for the present generation? Is it not better for us to hasten slowly in regard to this matter?

“With regard to conditions of service of the employees of the undertakings to be taken over, I find that we are going away a little from what we ought to do righteously. We say that anybody's service can be terminated by giving him three months' notice. This notice is to take effect irrespective of anything to the contrary in any contract or agreement that the person might have already entered into with the business concern that has been running the electrical undertaking. How far are we right in making such a provision? One may be a highly paid officer or a poorly paid peon and, may I ask, are these people to be at the mercy of the future Government servants who are to occupy these *gadis* simply because we make a rule that anybody's service can be terminated after giving him three months' notice? After all the intention of the Government, by nationalizing the electricity undertakings, is to provide the best possible facilities to the people in regard to the supply of electricity. Then, why should we threaten these employees who might have put in years of service that their services can be terminated on three months' notice? Are they not our own brethren? Did they not enter the service of these undertakings in the hope that their services would be required for ever? Why should we therefore make a provision in this enactment that anybody's service can be terminated after giving him three months' notice?

“Then, what about the salaries of these employees? I know personally that there are many concerns which pay their employees more than what the State Government do. They are paying them actually at the Central Government rates. What will be the fate of these employees? Will not the State Government say that in their Electricity System, they are paying an Accountant or an Engineer only so much and that the ex-employees of the undertakings taken over should accept only those rates? Why should these employees be asked to work at some disadvantage to themselves? There should be a provision therefore that when an electricity undertaking is to be taken over, no employee would be affected by it. Such an assurance was given when the Pudukkottai State was merged with the Tiruchirappalli district of the Indian Union, viz., that no State employee would be affected to his disadvantage. Therefore nobody in an electricity undertaking should be affected in the matter of his salary, leave rules, pension, gratuities and other privileges when that undertaking is taken

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“Then, as regards the rates charged for the supply of electricity, if the Government will bring them down or at least state that after a few months the rates charged for the supply will be reduced as a result of the nationalisation of these undertakings on a mass scale, then the public will be satisfied to a large extent. Nothing has been indicated so far in regard to this matter. Therefore, if the Hon. the Minister piloting the Bill would enlighten us on this point, before we are just asked to pass this Bill, we would be satisfied.”

SRI K. BHASHYAM :—“Mr. Chairman, Sir, so far as the legal difficulty raised by the Hon. the Deputy Leader of the Opposition is concerned, I would content myself by just reading a few lines from the judgment of His Lordship Sri P. Satyanarayana Rao in the appeal made to the High Court. His Lordship has discussed the law regarding the position under the Government of India Act of 1935 and under the present Constitution. His Lordship has stated: ‘In the present Constitution the matter is made clear. The power of acquisition so far as the Union is concerned is Item 33 in List I of the Seventh Schedule—Acquisition or requisitioning of property for the purposes of the Union. Item 36 of List II of the Seventh Schedule is in regard to ‘Acquisition or requisitioning of property except for the purposes of the Union, subject to the provisions of entry 42 of List III.’ His Lordship says that in all these items the power of acquisition is not restricted to land only nor is there any restriction on the extent of the property. Therefore every kind of property can be acquired subject of course to the provisions of the Constitution—Item 33 of List I of Schedule VII for purposes of the Union and Item 36 of List II of Schedule VII for purposes of the State and the form and the manner in which compensation will have to be paid can also be decided by the State. This exactly answers the point raised by the Hon. the Deputy Leader of the Opposition to the effect that in spite of the new provisions which have been introduced in the New Constitution there is still some inherent constitutional difficulty in the State Legislature undertaking legislation of this kind. I therefore do not think it necessary to dilate further upon this point. I think the Government are justified in proceeding with this legislation without any further delay.

“However, I would like to refer to one point before I finish my speech. This question of nationalisation has come into prominence ever since we have attained Independence. It is certainly a matter of very great importance, but have we got all the money necessary for the purpose of nationalizing all major enterprises? I am for nationalisation but when the Government themselves are in deficit and many of their undertakings which are for the purpose of producing the necessities of life such as irrigation projects, etc., are held up for lack of funds, I do not see any necessity or urgency for utilising the few crores of rupees that we have got on hand for the purpose of buying the electricity undertakings from private persons. It is true that electricity is a national industry and must be nationalised at some date or other. But, what is the urgency for doing it now when the budget is a deficit one, and when more

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urgent projects are pending execution and which are not capable of being executed now for lack of funds? It is from this point of view that I say that this question of nationalisation need not be taken up now. There must be some priority even in respect of projects which are pending before the Government for execution. However, I am glad to know that the Hon. the Minister in charge of Electricity in the previous Ministry and the present Minister for Public Works have both been careful to point out that only in cases where a private undertaking does not work properly and does not serve the public interest in as efficient a way as it ought to serve, will that undertaking be acquired by the Government. To this extent I am glad that the Government have restricted the scope of their activities and thereby spared some moneys for the purpose of carrying out the more urgent works they have on hand.

"Before I finish I would like to draw the attention of the Government and particularly that of the Hon. the Minister for Public Works who is in charge of electricity to certain facts. So far as this State is concerned, what we find after nationalisation of electricity is that the service is not much more efficient than it was before. In fact, when the private company was in charge, any call for help in respect of any difficulty or failure of lights did receive instantaneous attention and we were able to get the man on the spot within a few minutes. Now, there is some slackness and we usually get a reply that 'so and so' is not there or that a man would be coming in half an hour. I think the Government must look into this matter and set it right. After all we are all interested in nationalisation. If the money that goes into the pockets of the private individual goes into the pockets of the Government, the people will be benefited by this nationalisation. If we are to make this nationalisation of electricity popular we must see that the calls for help from the public are really attended to promptly and efficiently. I am making this appeal to the Hon. the Minister in charge that the service should be prompt especially when lights fail on occasions like marriages, etc., I do not think there will be any difficulty in setting this right. I make this complaint not because I want to do so but because I have experienced this difficulty myself.

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

"Even as regards this Bill there have been many improvements since I last spoke on it. I do think that it requires much greater improvement than what has been done. While supporting the Bill, I wish to point out that if the policy of nationalisation is to be really popular with the people, the Government must be more careful and more efficient than they have been hitherto."

SRI K. BALASUBRAMANYA AYYAR:—"Mr. Deputy Chairman, Sir, I also feel that there is power for our State Legislature to pass this Bill. The Supreme Court was concerned with the Lists under the Government of India Act, 1935. There the only provision under the Provincial Legislative List was for compulsory acquisition of land. That was all, and there was no

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other provision, and in the concurrent list there was only the word 'electricity'. Therefore, the Supreme Court held that neither the word 'electricity' nor the words 'compulsory acquisition of land' will give the power to acquire any commercial undertaking because it was not merely land. But, under the present Constitution, there is provision for acquisition or requisitioning of property and the Supreme Court has given a very wide meaning to the word 'property'. Property includes everything including goodwill. As the word 'property' is so widely construed, I think it may well be argued that the State List will include the acquisition of commercial undertakings. Let us therefore proceed on the footing that we have got the power to legislate.

"Sir, so far as nationalization is concerned, as a matter of general principle we may all agree. But all the difficulties come only in the actual working. Nationalization, according to me, should be confined to the compulsory acquisition of undertakings which do not serve the public interests properly. If there are companies which have been distributing electricity properly and if they are doing their work to the satisfaction of the public, I do not see any reason why we should compulsorily acquire such undertakings. I do not know how many undertakings there are still to be compulsorily acquired. Therefore, instead of paying compensation to all the undertakings at a time of difficulty, we shall acquire such undertakings which have not been serving the public interest well.

"So far as the general principle of nationalization is concerned, there is always the difficulty that whenever there is nationalisation concern. A profit-making concern sees to it that it discharges its duties to the satisfaction of its constituents, and it is popular also. In all nationalization schemes the difficulty is that so long as the profit motive is not there and the Government are not interested in earning profits, naturally there is loss of efficiency and there is lack of interest also. I would therefore request the Hon. the Minister for Public Works to see that this Bill is not made applicable to those undertakings which supply electricity properly and at reasonable rates and satisfy the public demands. It can be applied to such undertakings which are not run properly and which do not satisfy the Government. If the Hon. Minister can look to this, we shall accept this Bill."

(At this stage Mr. Chairman resumed the Chair.)

SRI V. V. RAMASWAMI:—"கனம் தலைவர் அவர்களே, இந்த மின்சார விநியோக உரிமைகளை அரசாங்கத்தார் எடுத்துக்கொண்டதைச் சட்டப்படி செல்லாது என்று உயர்தர நீதி மன்றம் தீர்ப்பளித்த பிறகு புதிதாக ஒரு சட்டத்தை சர்க்கார் கொண்டுவந்திருக்கிறார்கள். இந்தச் சட்டத்தை நிறைவேற்றலாமா? அது சரியா? என்பதைப் பற்றி வழக்கறிஞர்கள் இரு தரப்பிலும் எடுத்துச் சொன்னபோதிலும் கூட இந்தச் சட்டம் நிறைவேறத்தான் போகின்றது. ஏனெனில், அமுலில் இருக்கும் அரசியலமைப்பின் படி மேல் சபை என்று ஒரு சபை இவ்விடத்தில் இருக்கின்றபடியினால்தான் இந்த மசோதா இங்கு கொண்டுவரப்பட்டிருக்கிறதே தவிர, மற்றபடி கீழ்ச் சபையிலே இது நிறைவேறிவிட்டது. ஆயினும், இங்கு ஒரு வாய்ப்பு கிடைத்திருக்கிறபடியினால் இந்த மசோதாவிலுள்ள குற்றங்களையோ

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குறைகனையோ எடுத்துச் சொல்லக் கடமை யுள்ளவர்கள் என்ற முறையில் நாங்கள் எடுத்துச் சொல்லுகிறோம். அவைகளில் இருக்கின்ற குறைகளை அரசாங்கத்தார் கவனித்து, திருத்தங்களை எடுத்துக்கொண்டு அதற்கு ஆவன செய்வார்கள் என்று நினைக்கின்றேன்.

“இந்த மின்சார விநியோக உரிமைகளை அரசாங்கத்தார் எடுத்துக் கொள்ளப்போவதாக தெரிவித்த காலத்திலிருந்தே பலத்த எதிர்ப்பு இருந்து வந்திருக்கின்றது. தனி நபராக இந்த விநியோக உரிமைகளை வைத்திருந்தவர்கள் அல்லது கூட்டாக வைத்திருந்தவர்கள் இதைப் பலமாக எதிர்த்தார்கள். அவர்கள் தந்தலம் லாபம் இவைகளை கருதி என்று மக்கள் மனதிலே பதியும்படி அரசாங்கத்தார் பதில் சொல்லிக்கொண்டு வந்தார்கள். ஆனால், நகராட்சி மன்றங்களும், ஸ்தல ஸ்தாபனங்களும் மக்களுடைய நலன்களைக் கவனிப்பதற்கும், உரிமைகளைப் பாதுகாப்பதற்கும் கடமைப்பட்டிருக்கின்றன. மக்களுக்குக் கடமைப் பட்டிருக்கின்ற நகர ஆட்சி மன்றங்களைச் சேர்ந்தவர்களே எதிர்த்தபோது, நல்ல ஈடு கொடுப்போம் என்று அவர்களுக்குத் திருப்தியளித்து இந்தச் சட்டத்தை முன்பு நிறைவேற்றினார்கள்.

“ஆயினும், அந்தக் காலத்திலே நகராட்சி மன்றத்தினர்கள் அனைவரும் ஒன்று கூடி ஒருமுகமாக எதிர்த்திருந்தார்களானால், அவர்கள் சொல்லக் கூடிய நியாயத்தை சரியாக உணர்ந்து, மின்சார விநியோக உரிமைகளை நகராட்சி மன்றங்களிலிருந்து அரசாங்கம் நீக்கியிருக்கமாட்டார்கள். இந்த மசோதாவிலிருந்து நகராட்சி மன்றங்களை நீக்கியிருப்பார்கள். ஆனால், துரதிர்ஷ்ட வசமாக அந்த நகராட்சி மன்றங்களிலே பெரும்பாலும் செல்வாக்குள்ளவர்களும், பொறுப்பை உணர்ந்து அரசாங்கத்திற்குச் சொல்லக்கூடிய உரிமை உள்ளவர்களும் நகரசபையிலுள்ள வர்களெல்லாம் ஆளும் கட்சியைச் சேர்ந்தவர்களாயிருந்தபடியால், தங்கள் உரிமைகளை ஒருவாறு மனச்சாட்சி சொன்னபோதிலுங்கூட, அரசாங்கத்தார் கொண்டுவந்த தீர்மானத்தை ஆதரிக்கும் நிலைமையில் கைவிட்டுவிட்டார்கள் என்று சொல்லவேண்டியிருக்கிறது. ஆயினும், இப்பொழுது நகராட்சி மன்றங்களிலே இருக்கின்றவர்கள் ஏன் இதை ஆதரிக்க மறுக்கிறார்களென்றால், ஒவ்வொரு நகரசபைக்கும் வருமானம் வரக்கூடிய வழிகள் எத்தனையோ இருப்பதாகச் சொல்லியபோதிலுங்கூட, முக்கியமானதும், பெரிதும் கவனமாக நகராட்சி மன்றங்களாலே போற்றி செம்மையாக நிர்வகிக்கப்பட்டு வந்ததும், இந்த மின்சார விநியோக முறை ஒன்றுதான்.

“ஸ்தல சுயாட்சி இலாகாவிலே ஒவ்வொரு நகராட்சி மன்றத்தினுடைய நிர்வாகத்தை பரிசீலித்து வெளியிடும் அறிக்கையிலே, ‘உங்கள் வருமானத்தைப் பெருக்கவேண்டும்; வருமான இனங்களைப் பெருக்கவேண்டும்’, என்ற முறையில் நகராட்சி மன்றங்களை இடித்துக் கூறுவார்கள்.

“நகராட்சி மன்றங்களுக்கு வருமானம் கிடைத்து வந்த இந்த மின்சார விநியோக உரிமையை அரசாங்கம் எடுத்துக்கொண்டதனால், அவர்கள் மிகவும் ஏமாற்றம் அடைந்தார்கள். அரசாங்கம் இந்த உரிமையை அவர்களிடமிருந்து எடுத்துக்கொள்வதற்குக் காரணம் சொல்லும்போது, ‘உங்களிடத்திலே பணம் இல்லை; சுற்றுப்புறம் இருக்கின்ற அனேக கிராமங்களில் தேவையானபடி விநியோகம் செய்வதற்கு உங்களால் முடியாது; அரசாங்கத்தாரால்தான் முடியும்’, என்று சொல்லி எடுத்துக்கொண்ட பிறகு, அப்படி கிராமாதிரங்களுக்கு மின்சார வசதியை கொண்டுபோனார்கள் என்று பார்த்தால், இல்லவே இல்லை. மின்சார வசதி விஸ்தரிக்கப்பட்டிருக்கும் கிராமங்களில்கூட, ‘நீங்கள் கடன் கொடுத்தால், மின்சார சப்ளை தருவதற்கான வசதிகளைச் செய்து கொடுப்போம்’, என்று சொல்லக்கூடிய நிலைமை இருக்கிறது. கடன் கொடுத்தவர்களுக்குக்கூட இன்னும் திருப்தி கரமாக மின்சாரம் கிடைக்கவில்லை.

“மேலும், மின்சார விநியோக உரிமைகள் நகராட்சி மன்றங்களிலிருந்து எடுக்கப்பட்டதனால், அவைகளினுடைய வருமானம் குறைந்ததோடு அல்லாமல், நகராட்சி மன்றத்தின் அன்றாட நிர்வாகத்தில் ஈடு

17th May 1954] [Sri V. V. Ramaswami]

பட்டிருக்கின்ற ஆணையாளரும், மற்ற நகரசபைத் தலைவரும், உறுப்பினர்களும் அந்தந்த நகரங்களிலுள்ள முக்கியமான பல இடங்களுக்கும் விளக்கு போடவேண்டுமென்றே ஒரு இடத்திலிருந்து மற்றொரு இடத்திற்கு மாற்ற வேண்டுமென்றே, ஆற்றலைக் கூட்டவேண்டுமென்றே நினைக்கும்போது, அந்தக் கடமையை நிறைவேற்றுவதற்கு சாத்தியமில்லாதபடி அவர்களிடமிருந்து இந்த முக்கியமான உரிமையானது எடுத்துக்கொள்ளப்பட்டுவிட்டது. ஆகையினால், ஆதியிலிருந்து எதிர்த்து வந்தபடி இந்த ஒரே வருமானம் இருக்கின்ற இந்த உரிமையை மீண்டும் இந்த நகராட்சி மன்றங்களுக்கு அரசாங்கம் பெருந்தன்மையுடன் கொடுக்க வேண்டும். அனேக நகராட்சி மன்றங்கள் வழக்கு தொடுத்திருந்தபோது மற்ற நகராட்சி மன்றங்கள் அப்படிச் செய்யாமல் ஏன் சும்மா இருந்தார்கள் என்றால், பணம் இல்லாதபடியினாலும் முக்கியமாக அரசாங்கத்தின் பெருந்தன்மையை முழுவதும் நம்பியதாலும் விட்டுவிட்டார்கள். தங்களுடைய உரிமைகளுக்காக வழக்குத் தொடர்ந்த நகரசபைகளுக்கு என்ன கதி ஏற்படும், என்பதைக் கவனித்து, அவர்களுக்கு இந்த உரிமையானது திருப்பிக் கிடைத்தால் தங்களுக்கும் திருப்பிக் கிடைத்துவிடும் என்ற நம்பிக்கையுடனே அரசாங்கத்தின்மீது அநேக நகராட்சி மன்றங்கள் வழக்குத் தொடராமல் விட்டார்கள். அரசாங்கத்தின்மீது வைத்த நம்பிக்கையின் காரணமாகவும், அரசாங்கத்தார் பெருந்தன்மையுடன் நடந்துகொள்ளுவார்கள் என்ற நம்பிக்கையாலும் வழக்குத் தொடராமல் இருந்ததை முன்னிட்டாவது, இந்த ஸ்தல சுயாட்சியிலே ஆம்ந்த அனுபவமும், அனுதாபமும் கொண்ட கனம் அமைச்சர் அவர்கள் இந்த நிலையில் இந்த மசோதாவைக் கொண்டுவந்து இந்தமாதிரி பொறுப்பை ஏற்றுக் கொள்ளவேண்டியது மிகவும் வருத்தமாக இருந்தபோதிலும், அவருடைய பரம்பரையான பெருந்தன்மைக்கு ஏற்றபடி நகராட்சி மன்றங்களின் இந்த உரிமைபைத் திருப்பிக் கொடுத்துவிடவேண்டுமென்று மீண்டும் வற்புறுத்திக் கேட்டுக்கொள்ளுகின்றேன். அப்படிச் செய்யாவிட்டால், இந்தச் சட்டமே நல்ல முறையில் கொண்டுவரப்படவில்லை. அற வழியும் அல்ல என்று சொல்லி இதற்கு என்னுடைய எதிர்ப்பைத் தெரிவித்துக்கொண்டு, என்னுடைய உரையை முடித்துக்கொள்ளுகின்றேன்.”

SRI A. GAJAPATHY NAYAGAR :—“மன்றத் தலைவர் அவர்களே, தனி மனிதன் அல்லது நகராண்மைக் கழகங்கள் மின்சார சக்தியை விநியோகிக்கக்கூடாது, மின்சார சக்தி விநியோக வேலையை அரசாங்கமே ஏற்றுக் கொள்ளவேண்டுமென்று இந்த மசோதாவின் முதல் அடியிலேயே சொல்லியிருப்பதை நான் வரவேற்கிறேன். ஏனெனில், நீதிக்கு அடுத்தாற்போல் மக்களுக்கு அத்தியாவசியமாக வேண்டியது மின்சாரம். அதாவது, சிறு சிறு குடிசைத் தொழில்களை நடத்துவதற்குக்கூட நமக்கு மின்சார சக்தி வேண்டியிருக்கிறது. நாடு முன்னேறவேண்டுமானால், அதற்கு மின்சார சக்தி அவசியம் வேண்டும். ஏனென்றால், மின்சார சக்தி இருந்தால்தான் பல கைத்தொழில்கள் விருத்தியடைவதற்கு முடியும். மின்சார விநியோக வேலையை அரசாங்கத்தார் பொறுப்பு எடுத்துக்கொண்டு நடத்தலாம் என்று இந்த மசோதா கூறுகிறது. மற்றவர்கள் இந்த வேலையைச் செய்து வந்த போது அதற்கு எப்போதும் பல காரணங்களினால் தடை ஏற்பட்டுக்கொண்டு வந்தது. நண்பர் ஸ்ரீ பாலசுப்ரமணிய அய்யர் அரசியலமைப்புச் சட்டத்தின் பிரகாரம், ‘சொத்து’ என்ற பதத்தில் இதுவும் அடங்கிவிடும் என்று சொன்னார். இந்த மசோதாவின் தொடக்கத்தில் கூறியிருப்பதாவது—

‘Whereas it is expedient in the public interests that the business and service of the generation and supply of electricity be carried on by the State of Madras to the complete exclusion of all other persons inclusive of citizens and local authorities.’

“இந்த மசோதாவிற்கு சட்டப்படி தடை இருக்கிறதென்று வாதம் செய்தார்கள். இரு தரப்பாலுடைய வாதங்களையும் நான் கேட்டுக்கொண்டிருந்தேன். ஜட்ஜாக இருந்தவன் என்ற ஒரு அனுபவத்தில், ‘இந்த மசோதாவைக் கொண்டுவருவதற்கு சட்டப்படி தடை எதுவும் இல்லை’, என்று

[Sri A. Gajapathy Nayagar] [17th May 1954]

நான் சொல்லுகின்றேன். தடை இல்லாமல் இருக்கும்போது, ஏன் இந்த மசோதாவை சட்டமாக்கக்கூடாது? இதற்கு சட்டத் தடை எதுவும் இல்லை என்று நான் சொல்லுவேன்.

“இரண்டாவதாக, இப்பொழுது இதற்கு வேண்டிய பொறுப்பு எப்படி, வரி விதிக்கவேண்டிய முறை இவைகளெல்லாம் சட்ட பூர்வமாக இதில் சொல்லிவிட்டார். அப்படிச் சொல்வது நலம் என்று நினைக்கிறேன். இதற்கு ஒரு சட்டம் கொண்டுவந்து, அதற்குத் திரும்பவும் ஒரு திருத்த சட்டத்தைக் கொண்டுவர வேண்டுமானால், இது ஒழியாத சட்டமாய்விடும். சட்டபூர்வமாகச் செய்யும்போது, அது மக்களுக்கு எந்த விதத்தில் நன்மையைச் செய்யும், எப்படித் தீமை ஏற்படும், அதை எப்படிப் போக்கவேண்டும் என்று ஆராய்ந்து பார்த்து, நன்மை தீமைகளைக் கவனித்து, முடிவான தீர்ப்புக்கு வந்திருப்பதையும் நான் வரவேற்கின்றேன்.

“மூன்றாவதாக, சட்டம் செய்துவிட்டு பேச்சளவில் நிற்கக்கூடாது. நாம் வரவு செலவுத் திட்டத்தில் மின்சார சக்தி உற்பத்திக்கும் விநியோகத்திற்கும் அனேக லட்ச ரூபாய் ஒதுக்கி வைத்திருக்கின்றோம். பேச்சளவில் நிற்காமல் உடனடியாக மின்சார சக்தி உற்பத்தியைப் பெருக்க செய்ய வேண்டும். ஏனெனில் மின்சாரம் கொடுக்கும் உறுப்பினர்கள் இருக்கிறார்கள். எந்தக் கம்பனியிலே யாருக்கு ஷேர்கள் இருக்கிறதோ அவர்களுக்கு மாத்திரம் வேலை கொடுத்தும், இன்னொரு கம்பனியில் ஷேர் இருந்தால் அவர்களுக்கு மாத்திரம் வேலை என்றும் ஒருவருக்கொருவர் ஏக சச்சரவு இருந்ததை எல்லாம் ஒழித்து, அரசியலார் ஒரு நடுநிலைமையில் செய்வது நல்லது. அப்படிச் செய்யும்போது இப்பொழுது திருந்த வைக்கவேண்டும். நீக்கக்கூடாது. இம்மாதிரி நிர்ப்பந்தம் கூடாது. எந்த வழியில் வேலை செய்தால் நலமாக இருக்குமோ அந்த வழிகளைக் கண்டுபிடித்து ஆவன செய்வார்கள் என்று அரசியலாசை நம்பி இந்த மசோதாவை நான் முழு மனதுடன் ஆதரிக்கிறேன்.”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“Mr. Chairman, Sir, most of the speakers in this House, and especially Dr. John, have been expressing a very grave doubt about the legality of this measure. He has been very scathing in his criticism that even now the Government are running a grave risk in having brought forward this measure. I must confess that I am not a legal pundit. Anyhow, as a Member of this Government, we had our legal opinion. We are advised that under Article 31 (2) of the Constitution, ‘property’ includes interest in a commercial undertaking, and that can be acquired. Under Article 31 (3) the State can make laws for acquiring these undertakings. Apart from this, hon. Members who are also legally proficient—Sri V. Gurunandan Row, Sri K. Bhashyam and Sri K. Balasubramaniya Ayyar—have testified to the fact that it is within the competence of this legislature to acquire such undertakings. So, as one belonging to the legislators in general, I feel that three people have expressed an opinion against one, and that, under the rule of majority even in this House, I am on very safe ground in having brought forward this measure. In the Lower House this Bill was passed, and it had now been brought before this House. Then, Sir, Dr. John went on to say something about compensation and so on. Before I reply to his objections I would quote the hon. Member Sri Raza Khan (he is not here at present) as one who has stated that, even at the time when this was enacted, many

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of the licensees and people who had any interest in these undertakings expressed very great satisfaction with the amount of compensation that was offered. In nationalization, nothing would be possible if we do not change our attitude and if we do not change our outlook with reference to property and its values, as they existed from the Victorian days. (Interruption.) It is well within the competence of the Court to question every proceeding. This also may go to the courts.”

Dr. V. K. JOHN :—“If the amount of compensation, proposed to be paid, was considered to be good, why should these people go to courts?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“Some people went to courts for different reasons. There was no question about the amount of compensation. Perhaps Dr. John may appear on behalf of some concerns. His speech may serve as an advertisement for people to approach him for defending their claims. (Laughter). Anyway, I am not concerned with this. I am now speaking on behalf of the Government. I wanted to quote only his henchman (Mr. Raza Khan) who expressed great satisfaction with the compensation amount. He was in the last Assembly and participated in the proceedings. We are concerned now only with the rectification of certain lacunae that have been pointed out by the High Court and also by the Supreme Court. It is with that object we have brought forward this Bill. In the Lower House, Members wanted that this Bill should be referred to a select committee. I opposed that motion and told them that no useful purpose would be served by referring the Bill to a select committee. I told them that this Bill was considered in great detail before. Then they accepted and passed this measure.

“So there is no point in saying that this Bill should be referred to a Select Committee of this House. After all what is a Select Committee? All the hon. Members who took part in this discussion, the great legal pundits, will be there on the Select Committee. As I have already pointed out this Bill had been considered in very great detail by a Select Committee on which there were able lawyers, and the views expressed now were already considered by that Select Committee and the Bill was then passed by both the Houses. We are now only concerned with one or two sections in the Bill which were declared void by the High Court and we want to validate those sections.

“Sir, the hon. Member Sri Gurunandan Rao expressed some difficulties with reference to certain clauses of the Bill. I shall deal with them when we take up the clause by clause consideration of the Bill. The hon. Member Sri G. Krishnamurthi spoke about this measure and he was pleading very strongly on behalf of the services and things like that. In all these things it would be very difficult to stick to the contract because the company might have entered into a contract with the staff and it would not be possible in all cases to respect all the conditions of the contract. However, it would

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be Government's aim not to disturb the arrangements wherever it is possible and to the extent possible. If we are to respect all the contracts of the concerns to be taken over then nationalization itself will not be possible. We can never make a start at any point.

"Several hon. Members including the Hon. Deputy Leader of the Opposition Dr. John spoke about the tariff and things like that. They said the tariff rates in Mysore and Travancore-Cochin were much cheaper than the tariff rates here. I would like to point out to hon. Members that there the schemes were taken up when prices of materials and cost of labour were very low. Therefore our tariff cannot be compared with the tariff in those places. In any case our tariff is cheaper than the tariff of the licensees. This is a valid point for the hon. the Deputy Leader of the Opposition to note.

"Sir, several people have been saying that the nationalization of electricity is wrong and so on and so forth. But none of them have understood the fact that none of these concerns are generating power. The entire generation of power is done by the Government and it is only the distribution that is done by these licensees. They are more or less agents, like the zamindars who were agents for collecting land revenue for the Government. We have done away with the zamindars. The same analogy holds good in this case also.

"In speaking on this measure, hon. Members were complaining against the inefficiency of the Electricity department and the difficulties experienced by people in getting service connections and all that, and so they said that popular feeling was against nationalization of electricity. I admit that it is very necessary to make the administration of the department more efficient. But I wish to point out here that it has no relevancy to the discussion of this Bill. We are only concerned now with validating certain sections of the Act consequent upon the judgment of the High Court and the Supreme Court. The question of efficiency in the administration of the department and things like that were discussed during the discussion on the Budget and they can again be discussed during the discussion on the Budget for the next year. By saying this I do not suggest that hon. Members of this House shall not have the right to express their views. What I say is that this is not the appropriate occasion. I do feel that that aspect of the matter ought to be looked into and I am sure it will be looked into. Hon. Members Sri Balasubramanya Ayyar and Sri Gajapathy Nayagar also referred to the efficiency of the department. I can assure hon. Members that the department would be managed as efficiently as possible.

"But a very valid point to note in this connection is that some of the licensees might feel that the Damocles' sword of nationalization is hanging over their heads and this will affect their enthusiasm. Licensees will not be prepared to invest their money on any large scheme because any moment the Government might step in and take away the concern. This is a very real point, and this was also

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referred to in the other House. While speaking in the other House I gave an assurance that to start with the Government will take over only such undertakings which are inefficient and which are not serving the interests of the people concerned. As regards the others, I said, Government would draw up a long range programme, and arrange for the taking over of those undertakings in stages, that is, a certain number of undertakings would be taken up during a certain number of years and the others later. Some such workable arrangement will be made with reference to this matter. Again Government will help these undertakings by advancing loans either from the State funds or by getting loans from the Centre. The Centre has got ample provision to lend through our State to these licensees for extension of rural electrification. So we would try to fix up the programme like that so that the licensees may not feel that they are in a state of suspense and that they could not launch upon their legitimate extension programme.

"Then, Sir, the hon. Member Sri V. V. Ramaswami said that if only these local authorities undertakings had fought in one body perhaps they would have been treated well. I may assure him that they did fight and in fact their cause was taken up by some local authorities, and the Chairmen of those local authorities belonged to our party. Let him not commit the mistake of imagining that because they belonged to the Congress Party, they did not raise their voice of protest. Only Congress people took up this. They did not keep quiet. It is they who took the matter to the Supreme Court and the decision of the Supreme Court has necessitated the bringing in of this Bill to validate certain sections of the original Act. Party affiliation is one thing and consideration of public interests is quite another thing. The hon. Member referred also to my association with the local body and said that I should be sympathetic towards these local bodies. I do not attach very much importance to this body or that body. Whatever duty that falls to me, I feel I should carry it out in the best interests of the people whom I am serving. I might have been the President of a District Board. But that does not mean that my attachments are on the one side. I am now in the Government and it is not as if whatever I do should be in favour of the local authority. Whatever I do, it is for the sake of the people. We want to serve the people. After all let me make it clear to hon. Members that the local authority is a limb of the Government. While I was moving the Electricity Demand in the other House some hon. Members of that House criticised and asked: 'What is the use of asking for so much money. The Government are not serving the rural public. They are not extending electricity to rural areas to enable and agriculturists to install pump sets and so on. They are only catering to the needs of the rich people in the towns such as mercury and colour lighting in marriages and other things'. I pointed out to them that this Government particularly after the previous Chief Minister took up office, passed orders raising the tariff to a very sharp level

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especially when the Government granted permission for gala parties and marriages and such other things. I also said in that connexion that if the rich were prepared to pay through their nose, for all these things, the amount would be utilized for rural electrification. The hon. Member Sri V. V. Ramaswami who is a supporter of the cause of the local authorities tried to make out a strong case for them. No doubt a Municipality is a public institution. Let us, however, analyse what sort of service is being rendered by them to the public. Beyond street lighting, how is the energy spent in municipalities? The energy is spent for running mills and cinemas. Electricity is used by rich men. In what way are the municipalities serving the rural population, the poor people, the peasants, I ask? Why should not Government get the profit out of these undertakings? After all it is Government that is generating the power and supplying it to municipalities. And the municipalities are there to help the people. Further they come to Government for grants for many other purposes. They are a limb of the Government.

“That is why even here this trouble arose, namely, the differentiation in the amount of compensation payable between the local authority and the licensee. I was told by my predecessor in office that the original Act was based on the model of the nationalization plan of England. In England they took the view that the Borough Council and the Municipal Council were but limbs of the Government and they could therefore afford to pay a lesser rate of compensation to them. After all when we want to take over the electrical undertakings from municipalities, we want to extend electricity to the rural areas and to the agriculturists. Even if the municipalities make some profit out of these electricity undertakings, it is not swallowed by one individual but the profit goes to supplement the resources of the municipalities concerned. If therefore the Government resolve to acquire these municipal electricity undertakings, it cannot be made out that municipalities should be considered as being greater than the Government themselves. This kind of proposition will never stand. I ask hon. Members here whether any of them could question the validity of this statement.

“I would also earnestly request the hon. Member, Sri V. V. Ramaswami, to understand that he should, because he does not belong to the Congress Party not criticize the Government. But he should think cogently about the matter in question and then make criticisms. Though I am not a legal pundit. I feel I have explained things in a satisfactory manner.

“I would like to mention another thing in this connexion. A charge that is true is that there is no quickness in giving connexions. There are other charges also, namely, that the department is inefficient and there is corruption and so on. There is a direction from the Centre to the effect that, as is the case in England to-day, we should also set up an Electricity Board and make it work like a commercial body. As the hon. Member Sri K. Balasubramanya Ayyar said, private enterprise will be very

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efficient. I would like to point out that the difference between Government management and private enterprise is the difference between an elephant moving and a small dog running away. Government can never be as efficient as private enterprise because in private enterprise there is the profit motive behind it. Private enterprise has to keep its customers satisfied. But in Government management, there is always the red-tape. A man feels he is safer and he is not hard put to go down and do things. These are practical difficulties which I do admit. Electricity is no doubt a commercial enterprise and the Central Government have recognized this fact and have hinted to us to form the Electricity Board which is for the purpose of running the enterprise on a commercial basis. This question is awaiting decision at the hands of the Government. What we are waiting for is to have our very big schemes like the Kundah Project, which is to be constructed at a cost of about Rs. 28 to Rs. 30 crores, capable of generating 1,45,000 k.w.s., the Periyar and several other hydro-electric schemes completed and brought into the State grid when we can launch upon this Electricity Board. By its very nature, the Electricity Board when set up, would answer and satisfy all the points which the hon. Member Sri G. Krishnamurthi raised on the floor of this House. All these things are there and the Government are not trying to take the money of the poor people for their personal benefit. If the Government take money in one form or other through many of the taxation measures which have been criticized, it goes back to the people in some form or other. Some of the defects like inefficiency and over-crowding of the staff, etc., would disappear in no time. They cannot persist for any length of time. I think I have in a way completely satisfied hon. Members who have made very constructive and enlightening criticisms on the floor of this House. I would therefore request them to consider this Bill favourably and pass it.”

Mr. CHAIRMAN :—“The question is—

‘That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried.

Mr. CHAIRMAN :—“The House will now adjourn and meet again tomorrow at 2-30 p.m.”

The House then adjourned to meet again at 2-30 p.m. on Tuesday, the 18th May 1954.

APPENDIX

[Vide item on page 2 supra.]

L. A. BILL No. 23 OF 1954.

(As passed by the Assembly.)

*A Bill to provide for the acquisition of undertakings in the
State of Madras supplying electricity.*

WHEREAS it is expedient in the public interests that the business and service of the generation and supply of electricity be carried on by the State of Madras to the complete exclusion of all other persons inclusive of citizens and local authorities;

AND WHEREAS it is necessary for the said purpose to provide for the acquisition of undertakings in the State of Madras supplying electricity;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Electricity Undertakings (Acquisition) Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

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2. *Definitions and interpretation.*—(1) In this Act, unless the context otherwise requires—

- (a) 'account year' means the licensee's financial year;
- (b) 'accredited representative' means the representative appointed or deemed to have been appointed under section 7;
- (c) 'annual account' means the account of the undertaking rendered to the Government annually under and in accordance with the Electricity Act, or where no such account has to be rendered under that Act, the account of the undertaking normally made up for the account year of the undertaking and audited by a certified auditor.
- (d) 'document' in relation to an undertaking, includes its books, accounts, registers, maps and plans;
- (e) 'Electricity Act' means the Indian Electricity Act, 1910 (Central Act IX of 1910);
- (f) 'Electricity Supply Act' means the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);
- (g) 'fixed assets' includes works, spare parts, stores, tools, motor and other vehicles, office equipment and furniture;
- (h) 'Government' means the State Government;
- (i) 'intangible assets' means any amount paid on account of goodwill, under-writers' commission and such preliminary and promotional expenditure shown as a debit in the capital account of the undertaking, as has fairly arisen in promoting electricity supply;
- (j) 'licensee' means a person, licensed under Part II of Electricity Act to supply electrical energy, or a person who has obtained sanction under section 28 of that Act to engage in the business of supplying electricity and, in relation to an undertaking taken over or an undertaking which has vested in the Government under section 4, the person who was the licensee at the time the undertaking was taken over or vested in the Government, as the case may be, or his successor-in-interest;
- (k) 'prescribed' means prescribed by rules made under this Act;
- (l) 'undertaking taken over' means an undertaking taken over by the Government after the 1st January 1951 and before the commencement of this Act;
- (m) 'vesting date' means, in relation to an undertaking, the date fixed under section 4, sub-section (1), as the date on which the undertaking shall vest in the Government or in the case of an undertaking taken over, the date on which it was taken over;
- (n) 'works' includes electric supply lines and any lands, buildings, machinery or apparatus, required to supply energy and to carry into effect the objects of a licence or sanction for the supply of electricity, granted under the Electricity Act;

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(o) other expressions shall have the meanings respectively assigned to them in the Electricity Act or the rules thereunder.

(2) Any reference in this Act to the vesting of an undertaking in the Government shall, in the case referred to in section 6 (2) (a), be construed as a reference to the vesting in the Government of the property, rights, liabilities and obligations specified in that section.

3. *Application of Act.*—(1) This Act shall apply to all undertakings of licensees including—

- (a) undertakings in respect of which notice for compulsory purchase has been served under section 7 of the Electricity Act, such undertakings not having been taken over before the commencement of this Act; and
- (b) undertakings taken over.

(2) Any notice given under section 7 aforesaid in respect of any undertaking, in pursuance of which notice the undertaking has not been taken over before the commencement of this Act, shall lapse and be of no effect; and save as otherwise provided in section 22, sub-section (1), of this Act, the Electricity Supply Act shall apply to the undertaking, to the same extent as it would have applied if the notice had not been served.

Explanation.—There shall be no obligation on the part of the Government to purchase any undertaking in pursuance of any notice given as aforesaid; nor shall the service of such notice be deemed to prevent the Government from taking any proceeding *de novo* in respect of the undertaking under this Act.

4. *Power of Government to take over any undertaking.*—

(1) The Government may, in respect of any undertaking not taken over by them before the commencement of this Act, by order in writing, declare that it shall vest in them on the date specified therein, such date not being earlier than four months from the date of the declaration:

Provided that the Government may, from time to time, postpone such date, so however that the postponed date shall not be later than one year from the date originally fixed.

(2) Every order under sub-section (1) shall be served on the licensee in the prescribed manner and shall also be published in such manner as the Government think fit.

5. *Compensation payable to a licensee.*—The compensation payable to a licensee, on whom an order has been served under section 4 or whose undertaking has been taken over before the commencement of this Act, shall be determined under any one of the Bases A, B and C specified below, as may be chosen under section 8.

(1) *Basis A.*—(i) The compensation payable under this basis shall be an amount equal to twenty times the average net annual profit of the undertaking during a period of five consecutive account years immediately preceding the vesting date.

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Explanation.—For the purpose of this clause, the net annual profit shall be determined in the manner laid down in Part A or Part B, as the case may be, of Schedule I.

(ii) This basis shall not apply to an undertaking which has not been supplying electricity for five consecutive account years immediately preceding the vesting date.

(2) *Basis B.*—The compensation payable under this basis shall be the aggregate value of all the shares constituting the share capital of the undertaking, reckoned as shown below :—

(a) In the case of shares issued on or before the 31st March 1946, the value of each share shall be reckoned at its average value as arrived at from the quotations for the shares as given in the official list of the Madras Share Market on the 15th day of each month and where such market was closed on that day, the quotations on the next working day, during the period of three years commencing on the 1st April 1946 and ending on the 31st March 1949 :

Provided that this clause shall not apply if any one or more of the different classes of shares constituting the capital of the undertaking were not being regularly quoted in such market during the period of three years aforesaid, or if such quotations during the whole of any one of those three years were not based on actual transactions in such year.

(b) In the case of shares issued on or before the 31st March 1946, if clause (a) does not apply but there have been *bona fide* transfers in each of the different classes of shares in every one of the three years aforesaid, and such transfers have been duly registered in the appropriate books of the licensee, the value of each share of each such class shall be reckoned at one-third of the aggregate of its three annual average values for the three years, the average value for each year being determined from the transactions in that year.

(c) Where the amounts called for in respect of any share referred to in clause (a) or clause (b) are in arrears, the value of such share shall be taken to be a sum which bears to its value as reckoned under clause (a) or clause (b), as the case may be, the same proportion as the amount paid up bears to the full amount payable in respect of the share.

(d) In the case of shares issued after the 31st March 1946, their aggregate value shall be taken to be the amount actually paid in respect thereof (including the premium, if any), together with an additional sum by way of solatium, calculated at the rate of two per cent for every completed year preceding the vesting date on the amount so paid which was in existence during the whole of such year as shown in the licensee's books :

Provided that no part of such amount shall be entitled to a solatium exceeding ten per cent thereof.

Explanation.—This basis shall not apply unless clause (a) or clause (b) is applicable.

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(3) *Basis C.*—The compensation payable under this basis shall be the aggregate value of the amounts specified below :—

(i) the book value of all completed works in beneficial use pertaining to the undertaking and handed over to the Government (excluding works paid for by consumers) less depreciation calculated in accordance with Schedule II;

(ii) the book value of all works in progress handed over to the Government, excluding works paid for by consumers or prospective consumers;

(iii) the book value of all stores including spare parts handed over to the Government and in the case of used stores and spare parts, such sum as may be decided upon by mutual agreement between the Government and the licensee;

(iv) the book value of all other fixed assets in use on the vesting date and handed over to the Government less depreciation calculated in accordance with Schedule II;

(v) the book value of all plant and equipment existing on the vesting date but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee less depreciation calculated in accordance with Schedule II;

(vi) the book value of all intangible assets, to the extent such value has not been written off in the books of the licensee;

(vii) the amount due from consumers in respect of every hire-purchase agreement referred to in section 6 (2) (a) (ii) less a sum which bears to the difference between the total amount of the instalments and the original cost of the material or equipment, the same proportion as the amount due bears to the total amount of the instalments;

(viii) any amount paid actually by the licensee in respect of every contract referred to in section 6 (2) (a) (iii);

(ix) an additional sum by way of solatium—

(a) in case the licensee is a person licensed under Part II of the Electricity Act, at the rate specified in the licence in respect of compulsory purchase, or where no rate is specified in the licence, at fifteen per cent on the values referred to in sub-clauses (i) and (iv), at the rate of ten per cent on the value referred to in sub-clause (ii), and at the rate of five per cent on the value referred to in sub-clause (iii);

(b) in case the licensee is a person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy, at the rate of ten per cent on the values referred to in sub-clauses (i) and (iv) and at the rate of five per cent on the values referred to in sub-clauses (ii) and (iii).

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Explanation.—(1) For the purposes of Basis C, the book value of any fixed asset means its original cost, and shall comprise—

(i) the purchase price paid by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking;

(ii) interest charges on capital expenditure incurred from borrowed money and shown in the books of the undertaking as properly attributable to the asset up to the date of bringing it into beneficial use, at a rate not exceeding six per cent per annum;

(iii) cost of supervision actually incurred, but not exceeding fifteen per cent of the amount referred to in paragraph (i).

(2) Where any asset was acquired after the expiry of the period to which the latest annual account relates, or where no annual account has to be rendered under the Electricity Act, the book value of the asset shall be such sum as may be decided upon by mutual agreement between the Government and the licensee.

6. *Vesting of the undertaking or assets.*—(1) If compensation is payable in respect of an undertaking under Basis A or Basis B, all property belonging to the undertaking including fixed assets, cash, securities, investments, documents and the like and all its rights, liabilities and obligations as on the vesting date, shall vest or shall be deemed to have vested in the Government:

Provided that liabilities and obligations not incurred in a *bona fide* manner shall not vest or be deemed to have vested in the Government—

(i) in so far as they are in excess of the value on the vesting date of the corresponding assets, if any, vesting or deemed to have vested in the Government; or

(ii) where there are no corresponding assets which vest or are deemed to have vested in the Government.

Explanation.—For the purposes of this sub-section “undertaking” includes every business carried on by the licensee, the funds of which form part of the funds of the licensee.

(2) (a) If compensation is payable in respect of an undertaking under Basis C, only the property, rights, liabilities and obligations specified herein shall vest or be deemed to have vested in the Government on the vesting date—

(i) all the fixed assets of the licensee and all the documents relating to the undertaking;

(ii) all the rights, liabilities and obligations of the licensee under hire-purchase agreements, if any, for the supply of materials or equipment made *bona fide* before the vesting date;

(iii) all the rights, liabilities and obligations of the licensee under any other contract entered into *bona fide* before the vesting date not being a contract relating to the borrowing or lending of money.

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(b) All the assets specified in clause (a) (i) shall vest or shall be deemed to have vested in the Government free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking:

Provided that such debts, mortgages or obligations shall attach or shall be deemed to have attached to the compensation payable under this Act for the assets.

(3) In the case of all undertakings which vest or are deemed to have vested in the Government under this Act, the licence granted or the sanction given for the supply of electricity shall be deemed to have been terminated on the vesting date and all the rights, liabilities and obligations of the licensee under any agreement to supply electricity entered into before that date shall devolve or shall be deemed to have devolved on the Government:

Provided that where any such agreement is not in conformity with the rates and conditions of supply approved by the Government and in force on the vesting date, the agreement shall be voidable or shall be deemed to have been voidable at the option of the Government.

(4) In respect of any undertaking to which section 4 applies or any undertaking taken over, it shall be, and shall be deemed always to have been, lawful for the Government, after removing any obstruction that may be or might have been offered, to take possession of the entire undertaking or, as the case may be, of the fixed assets and of all documents relating to the undertaking which the Government may require, or required, for carrying it on.

7. *Appointment of a sole representative.*—(1) Every licensee may, within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date or, in the case of an undertaking taken over, within three months of the commencement of this Act, appoint an individual who may be the managing agent or a director or an officer of the licensee or any other person to act as his sole and accredited representative in connexion with the handing over of the undertaking or the fixed assets, as the case may be, to the Government and performing on behalf of the licensee the functions hereinafter specified.

(2) Where the licensee is a company registered under the Indian Companies Act, 1913 (Central Act VII of 1913), the appointment of the accredited representative shall be made by the shareholders of the company at a meeting specially convened for the purpose.

(3) Nothing in the foregoing sub-sections shall be deemed to require a licensee of an undertaking taken over, who has appointed an individual as his sole and accredited representative, to make a fresh appointment after the commencement of this Act; and the said representative shall be deemed for all purposes to be the accredited representative appointed under the foregoing sub-sections.

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(4) Where the accredited representative resigns or dies or becomes incapable of acting or is in the opinion of the Government, incompetent or dishonest or where the appointment of such representative is set aside or declared void by competent authority, the Government shall call upon the licensee, to appoint within six weeks, another person as his accredited representative.

(5) The remuneration of, and the expenditure incurred by, the accredited representative shall be, and shall be deemed always to have been, payable from the compensation deposited or deemed to have been deposited under this Act and shall have and shall be deemed always to have had priority over all other debts and liabilities.

(6) All assurances conveyed, and all statements made, by such representative (inclusive of a representative whose appointment is subsequently set aside or declared void by competent authority) shall be binding on the licensee.

(7) Where the licensee does not appoint an individual to act as his sole and accredited representative under sub-section (1) or sub-section (4), the functions hereinafter assigned to the accredited representative shall be performed by the licensee; and all references in the rest of this Act to the accredited representative shall be construed as references to the licensee and any reference to a period of time to be reckoned from the date of appointment of the accredited representative shall, in such a case, be reckoned from the last date on which such accredited representative could have been appointed.

8. *Choice of basis of compensation.*—(1) Within one month of his appointment, or such further time as may be granted by the Government, the accredited representative shall intimate to the Government in writing which basis of compensation, A, B or C, shall be adopted in respect of the undertaking.

(2) The choice of the basis of compensation once intimated to the Government shall not be open to revision except with their concurrence.

(3) Where no choice has been intimated on behalf of the undertaking within the time allowed by sub-section (1), the Government shall declare the basis under which compensation will be paid for the undertaking and that basis shall be binding on the licensee as if the choice had been duly made in accordance with the foregoing provisions.

(4) Where in respect of an undertaking taken over, the accredited representative has intimated to the Government which basis of compensation, A, B or C, should be adopted in respect of the undertaking, such intimation shall be deemed to have been made under this section and is hereby declared not open to revision except with the concurrence of the Government.

9. *Effect of transactions not bona fide.*—Where the Government are of opinion that any licensee has on or after the 1st October 1947, disposed of any fixed asset whether by way of sale, exchange, gift, lease or otherwise or incurred capital expenditure,

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otherwise than in the normal course of events with a view to benefit unduly the licensee or some other person and thereby caused loss to the Government as succeeding owners of the undertaking, the Government shall be and shall be deemed always to have been entitled to deduct from the compensation payable to the licensee under this Act, an amount which they consider or considered to be the loss sustained by them:

Provided that notice of the intention to make such deduction shall be or shall have been given to the licensee within one year from the vesting date.

10. *Deductions from the compensation.*—(1) The Government shall be and shall be deemed always to have been entitled to deduct the following sums from the compensation payable under this Act to a licensee:—

(a) the amount, if any, already paid in advance by way of compensation;

(b) the amount, if any, specified in section 9;

(c) the amount due if any from the licensee to the Government for energy supplied by the Government before the vesting date;

(d) all other amounts and arrears of interest, if any, thereon due from the licensee to the Government, except loans and arrears of interest, if any, thereon;

(e) the amount, if any, equivalent to the loss sustained by the Government by reason of any property or rights belonging to the undertaking not having been handed over to the Government, the amount of such loss being deemed to be—

(i) in cases where compensation is payable under Basis A or Basis B, the market value on the vesting date of such property or rights, together with any income which might have been realized by the Government if the property or rights had been handed over on the vesting date; and

(ii) in cases where compensation is payable under Basis C, the amount by which the market value of such property or rights exceeds the compensation payable therefor under this Act, together with any income which might have been realized as aforesaid.

(2) In addition to the deductions specified above, the Government shall also be and be deemed always to have been entitled to make the following deductions:—

(a) in cases where the compensation is payable under Basis A or Basis B, any sum which during a period not exceeding three consecutive account years immediately before the vesting date has been distributed as profits, but is not correctly so distributable;

(b) in cases where the compensation is payable under Basis C—

(i) the amount of all loans due from the licensee to the Government and arrears of interest, if any, thereon;

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(ii) a portion of the amount of solatium bearing the same proportion to the total amount of solatium, as the amount of all loans due to the Government from the licensee on the vesting date bears to the aggregate of—

(a) the paid up share capital of the licensee not being a local authority, or the value of the capital assets as shown in the capital account of the undertaking in the case of a licensee being a local authority,

(b) his debenture capital, and

(c) the amount of all loans due to the Government as aforesaid;

(iii) all sums paid by consumers by way of security deposit and arrears of interest due thereon on the vesting date in so far as they have not been paid over by the licensee to the Government, less the amounts which according to the books of the licensee are due from the consumers to the licensee for energy supplied by him before that date;

(iv) all advances from consumers and prospective consumers, and all sums which have been or ought to be set aside to the credit of the consumers' fund in so far as such advances or sums have not been paid over by the licensee to the Government,

Explanation.—For the purpose of this clause, "consumers' fund" shall, in the case of the undertaking of a licensee being a local authority, mean the amount referred to as such in the bulk supply agreement or, where no such reference has been made in the bulk supply agreement, the net profits of the undertaking remaining after effecting the appropriations to the general funds of the local authority in accordance with the terms of the said agreement. In the case of the undertaking of a licensee other than a local authority, for any account year prior to the date on which the Sixth Schedule to the Electricity Supply Act came into force, it shall mean the amount referred to as such in the bulk supply agreement and, for any account year on and from the said date, it shall mean the amount specified in paragraph II (1) of the said Schedule as the amount to be set apart for distribution to consumers;

(v) all deposits made by, and all sums due to, the staff transferred to the Government on account of Provident Fund or other beneficial schemes, in so far as such deposits or sums have not been paid over by the licensee to the Government, less the amounts which the Government are satisfied are due to the licensee from the members of the staff so transferred:

Provided that no deduction shall be made in pursuance of paragraph (v), in so far as the deposits or sums aforesaid may be in the custody of trustees under a valid deed of trust.

(3) In the case referred to in the foregoing proviso, the Government shall have, and shall be deemed always to have had, power to require the trustees to transfer the funds with them, and

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the securities and other properties, if any, in which the same may have been invested, in so far as they may relate to the staff transferred to the Government; and the trustees shall be completely discharged in respect of all claims to, or enforceable against, the funds, securities and other properties so transferred.

11. *Manner of payment or deposit of compensation.*—(1) The compensation due to a licensee under this Act shall be paid or deposited in cash, as hereinafter provided in this section.

(2) Within four months from the vesting date in the case of an undertaking which vests in the Government in pursuance of an order under section 4, sub-section (1), and as soon as may be after the commencement of this Act in the case of an undertaking taken over, the Government shall estimate roughly the compensation payable to the licensee under this Act.

(3) Three-fourths of the amount as so estimated shall be paid by the Government to the licensee, where it is a local authority after deducting any amount paid, whether before or after the commencement of this Act, as or towards the compensation payable and the amounts referred to in section 10.

(4) In the case of any other licensee, the Government shall deposit in the Reserve Bank of India or any other Bank chosen by the Government for the purpose (which Reserve or other Bank is hereinafter referred to as the Bank) three-fourths of the amount as estimated under sub-section (2), after deducting therefrom the amounts referred to in section 10.

Explanation.—Where the amount to be paid or deposited under sub-section (3) or this sub-section is equal to or less than the amount to be deducted therefrom as aforesaid, no payment or deposit need be made under sub-section (3) or this sub-section.

(5) Nothing in sub-section (2) or sub-section (4) shall require the Government to estimate roughly the compensation payable to a licensee under this Act or to deposit in the Bank three-fourths of the amount as so estimated after deducting therefrom the amounts referred to in section 10, in a case where, in respect of an undertaking taken over, the Government have, before the commencement of this Act, estimated roughly the compensation payable to the licensee and have deposited in the Bank three-fourths of the amount as so estimated after deducting therefrom the amounts referred to in section 10; and the estimate and the deposit made by the Government in any such case shall be deemed for all purposes to be an estimate and a deposit made under sub-section (2) and sub-section (4), respectively.

(6) (a) Within one year from the date on which the compensation was estimated under sub-section (2), the Government shall determine the amount of compensation payable in respect of the undertaking and pay to the licensee or deposit in the Bank

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the balance left from the amount aforesaid after deducting therefrom (a) the amounts referred to in section 10, and (b) the payment or deposit previously made under sub-section (3) or sub-section (4), as the case may be.

(b) Nothing in clause (a) shall require the Government to determine the amount of compensation payable in respect of the undertaking or to make a deposit in a Bank in any case where, in respect of an undertaking taken over, the Government have determined the amount of compensation payable in respect of the undertaking and have deposited in the Bank the balance left from the amounts aforesaid after deducting therefrom the amounts referred to in section 10 and the deposit previously made or deemed to have been made under sub-section (4); and the determination and the deposit shall in such a case be deemed to have been made under clause (a).

(c) Where the accredited representative claims or in the case of an undertaking taken over has claimed that compensation is or was due to the licensee over and above that as determined or deemed to have been determined by the Government under clause (a), the amount, if any, to which it is finally decided in pursuance of this Act that the licensee is entitled, shall be paid to the licensee or deposited in the Bank, as the case may be, within one month from the date on which such final decision is arrived at.

(d) All amounts liable to be paid or deposited in pursuance of clause (a) or clause (c) shall bear interest at three per cent per annum from the date of expiry of four months from the vesting date.

(7) In the case referred to in the Explanation to sub-section (4), that is to say, where no payment or deposit has been previously made, the Government shall pay to the licensee or deposit in the Bank the amount of compensation determined under clause (a) of sub-section (6), after deducting therefrom the amounts referred to in section 10, together with interest on the amount to be paid or deposited, at three per cent per annum from the date of expiry of four months from the vesting date.

(8) The amount of compensation as estimated under sub-section (2) and the amount of compensation as finally determined under sub-section (6) shall be intimated forthwith to the accredited representative and he shall, within two weeks of such intimation or such further time as may be allowed by the Government, state in writing whether the amount as determined by the Government is agreed to by him acting on behalf of the licensee.

(9) Every person claiming any amount deposited in the Bank under the foregoing sub-sections, or any portion thereof, shall apply to the Special Officer appointed by the Government in this behalf, within three months from the date of the deposit or within such further time as the Special Officer may allow.

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(10) (a) The Special Officer shall, as expeditiously as possible, inquire into all claims made under sub-section (9) and determine the persons who, in his opinion, are entitled to the amount deposited and the sum to which each of them is entitled and disburse the same to him.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit in respect of the following matters :—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents; and
- (iii) issuing commissions for the examination of witnesses.

The Special Officer shall also have such further powers as may be prescribed.

(c) Any person deeming himself aggrieved by any decision of the Special Officer under clause (a) may appeal to the High Court, within three months from the date of such decision or within such further time as the High Court may grant.

(11) Where, in respect of an undertaking taken over, the Government have appointed a Special Officer for the purposes stated in sub-section (9), such appointment is hereby declared to have been validly made and is confirmed. The Special Officer so appointed is hereby declared to have and to have always had the jurisdiction, powers and duties conferred and laid on the Special Officer by sub-sections (9) and (10). Applications presented to such Special Officer, and judgments and orders pronounced by him, and action taken by him or by others under his direction or in the course or for the purpose of or in relation to applications presented to him, if they would have been validly presented, pronounced, or taken had sub-sections (9) and (10) been in force when they were presented, pronounced, or taken, are hereby declared to have been validly presented, pronounced or taken.

(12) All acts done, and judgments and orders pronounced, by the High Court in any appeal or other proceeding arising out of any decision of a Special Officer appointed by the Government in relation to an undertaking taken over, are hereby declared to have been validly done or pronounced and any appeal or other proceeding arising out of a decision of such Special Officer may be disposed of by the High Court as an appeal or other proceeding arising out of a decision of such Special Officer appointed by the Government under sub-section (9).

12. *Repayment of debentures, loans, etc.*—Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, all loans, debentures, mortgages and the like outstanding against the licensee on the vesting date

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may be repaid and shall be deemed always to have been repayable by the Government, or the licensee, or the Special Officer, although the time for their repayment may or might not have arrived.

13. *Arbitration.*—(1) Where any dispute arises or is pending between the accredited representative and the Government in respect of any of the matters specified below or such other matter as may be prescribed, it shall be determined by an arbitrator appointed by the Government who shall be a District Judge or a person who is a retired High Court Judge or a retired District Judge :—

(a) The amount of the compensation payable in respect of the undertaking as a whole or any component part thereof;

(b) whether any property belonging, or any right, liability or obligation attaching, to the undertaking vests in the Government;

(c) whether any fixed asset forms part of the undertaking;

(d) whether any contract or hire-purchase agreement or other contract referred to in section 6 (2) (a) (ii) or (iii) has been entered into *bona fide* or not;

(e) whether any agreement to supply electricity entered into by the licensee prior to the vesting date is of the nature referred to in section 6, sub-section (3), proviso;

(f) whether the Government are entitled to deduct any sum under section 9 or section 10.

(2) Subject to the provisions of this section, the provisions of the Arbitration Act, 1940 (Central Act X of 1940), shall apply to all arbitrations under this Act.

(3) The arbitrator may, if he thinks it expedient to do so, call in the aid of one or more qualified assessors and hear the whole or any part of the reference with the aid of such assessor or assessors.

(4) Where, in respect of an undertaking taken over, an award in a dispute of the nature referred to in sub-section (1) has been made by an arbitrator appointed by the Government, such award is hereby declared to have been validly made.

14. *Termination of managing agency.*—(1) Any agreement between the licensee and his managing agent or managing director (by whatever name known) shall, notwithstanding anything to the contrary in such agreement, be deemed to have been terminated on the vesting date in so far as it relates to the undertaking; and the managing agent or managing director shall not be entitled to any remuneration or commission for such period of the agreement as may remain unexpired on the vesting date but shall be entitled only to compensation as determined under sub-section (2).

(2) Where the agreement was in force on the 1st November 1949 and continued to be in force until the vesting date, without having been renewed or replaced by a fresh agreement for a further

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period, the managing agent or managing director shall, for such period of the agreement as may remain unexpired on the vesting date or for a period of two years, whichever is less, be entitled to compensation calculated at the following rate per annum, namely :—

The average annual ordinary remuneration (including purchasing commission and office allowance) to which a managing agent of the licensee would have been entitled under paragraph XIII of the Sixth Schedule to the Electricity Supply Act during a period of two complete account years immediately preceding the vesting date.

(3) Any amount payable to a managing agent or managing director under sub-section (1) shall be payable from the compensation deposited or deemed to have been deposited under this Act.

15. *Provisions for existing staff of licensees.*—Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, the following provisions shall apply and shall be deemed always to have applied in regard to the persons on the staff of the licensee immediately before the vesting date :—

(1) The Government shall have and shall be deemed always to have had power to terminate the services of any such person after giving him three calendar months' notice in writing or paying him three months' pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may, from time to time, make in regard to them.

16. *Inventory of assets and information in regard to documents maintained by the licensee.*—(1) Every licensee shall within three months from the date on which an order under section 4, sub-section (1), is served on him, or such further time as may be allowed by the Government, prepare and hand over to them a complete inventory of all the assets belonging to his undertaking and of its documents.

(2) The licensee shall also write up the accounts of his undertaking up to the vesting date, get them audited, and submit them to the Government within three months from that date or such further time as may be granted by the Government.

(3) The licensee shall also, within such time as may be specified by the Government, furnish to them such information and particulars as may be required by the Government in regard to the documents relating to the undertaking.

(4) The licensee shall not destroy any document relating to the undertaking and shall hand over to the Government on the vesting date all such documents in cases falling under section 6, sub-section (1); and in cases falling under section 6, sub-section (2), all such documents as are necessary for ascertaining the assets of

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the undertaking, the rights, liabilities and obligations attaching thereto or the terms of employment of the staff and for determining the compensation payable for the undertaking under this Act.

(5) Where the documents aforesaid have been taken possession of by the Government, the licensee or any person authorized in this behalf, shall have access to such documents at all reasonable times and shall also be entitled to take copies thereof or extracts therefrom.

17. *Power of entry.*—Any officer or servant of the Government authorized by the Government in this behalf by general or special order may, at any time, after giving the licensee reasonable notice, enter upon any land or premises in his possession and make any survey, examination, or investigation preliminary or incidental to the purposes of this Act.

18. *Penalties.*—(1) Whoever, being required to furnish any information or make any statement under this Act, furnishes any information or makes any statement which he knows to be false, or whoever wilfully fails to hand over to the Government any fixed asset belonging to the undertaking or wilfully suppresses or destroys any document which is to be handed over to the Government under section 16, sub-section (4), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees or with both and in the case of a continuing offence with an additional fine which may extend to five hundred rupees, for every day after the first during which the offence continues.

(2) Whoever fails, without reasonable cause, to comply with any of the provisions of this Act or the rules made thereunder or any directions or order issued in pursuance thereof, shall, if the case be not governed by sub-section (1), be punishable with fine which may extend to twenty thousand rupees and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees, for every day after the first during which the offence continues.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for any Magistrate of the First Class specially empowered by the Government in this behalf or for any salaried Presidency Magistrate, to impose a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1) or (2).

(4) No Court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorized by them in this behalf.

19. *Offences by corporation.*—Where a person committing any offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence.

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20. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against the Government or any officer or servant of the Government or any person acting under the direction of the Government or an officer or servant of the Government or aiding or assisting the Government or an officer or servant of the Government, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder or in respect of anything which was in good faith done or intended to be done in the exercise of the powers or jurisdiction purported to be conferred by the Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), or any rule or order made thereunder.

21. *Power to make rules.*—(1) The Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters required or allowed by this Act to be prescribed;

(b) the manner of service of notices and orders under this Act;

(c) the obtaining of the particulars necessary for assessing the compensation under this Act;

(d) the appointment of auditors and their duties and remuneration;

(e) the inspection, checking and taking over of the assets and documents of an undertaking;

(f) the qualification of, and the remuneration payable to the accredited representative;

(g) the procedure to be followed by the Special Officer under section 11;

(h) the remuneration payable to an arbitrator appointed under section 13;

(i) the manner of obtaining the information and particulars referred to in section 16, sub-section (3).

(3) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

22. *Effect of other laws.*—(1) No provision of the Electricity Act or of the Electricity Supply Act or of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), or of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of the Madras District Boards Act, 1920 (Madras Act XIV of 1920), or of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), or of any rule made under any of those Acts or of any instrument

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having effect by virtue of any of those Acts or any rule made thereunder shall, in so far as it is inconsistent with any of the provisions of this Act, have any effect.

(2) Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the Electricity Act and the Electricity Supply Act.

23. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

A copy of every order passed under this section shall be laid before each House of the State Legislature.

24. *Saving and validation.*—Orders made, decisions or directions given, notifications issued, proceedings taken and acts or things done, in relation to any undertaking taken over, if they would have been validly made, given, issued, taken or done, had the Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), and the rules made thereunder been in force on the date on which the said orders, decisions or directions, notifications, proceedings, acts or things, were made, given, issued, taken or done, are hereby declared to have been validly made, given, issued, taken or done, as the case may be, except to the extent to which the said orders, decisions, directions, notifications, proceedings, acts or things are repugnant to the provisions of this Act.

25. *Repeal of Madras Act XLIII of 1949.*—The Madras Electricity Supply Undertakings (Acquisition) Act, 1949 (Madras Act XLIII of 1949), is hereby repealed.

SCHEDULE I.

[See section 5 (1).]

Part A—Applicable to a licensee not being a local authority.

1. For the purposes of section 5 (1), 'net annual profit' shall, in respect of any account year subsequent to the date on which section 57 of the Electricity Supply Act and the Sixth Schedule thereto came into force, mean the excess of 'income' over 'expenditure' as defined below, less the sums referred to in paragraph 4 or, as the case may be, plus the sums referred to in paragraph 5.

2. For the purposes of foregoing paragraph, 'income' means income derived from—

(i) gross receipts from sale of energy, less discounts applicable thereto;

(ii) rental of meters and others apparatus hired to consumers;

(iii) sale and repair of lamps and apparatus;

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(iv) rents;

(v) transfer fees;

(vi) investments, fixed and call deposits, and bank balances;

(vii) other general receipts accountable in the assessment of Indian Income-tax and arising from and ancillary or incidental to the business of electricity supply.

3. For the purposes of paragraph 1, 'expenditure' means the expenditure incurred on—

(i) generation and purchase of energy;

(ii) distribution and sale of energy;

(iii) rents, rates and taxes, other than all taxes on income and profits;

(iv) interest on loans;

(v) interest on security deposits;

(vi) legal charges;

(vii) bad debts;

(viii) auditor's fees;

(ix) management, including managing agents' remuneration as provided for in paragraph XIII of the Sixth Schedule aforesaid;

(x) depreciation, calculated on a flat rate basis as specified in Schedule II;

(xi) other expenses admissible under the law for the time being in force in the assessment of Indian Income-tax and arising from and ancillary or incidental to the business of electricity supply;

(xii) contributions to Provident Fund, staff pension, gratuity and apprentice and other training schemes.

4. The sums referred to in paragraph 1 as those to be deducted from the excess of 'income' over 'expenditure' are—

(a) the appropriations to the consumers' fund for purposes of distribution to consumers, where such appropriations are necessary by virtue of paragraph II (1) of the Sixth Schedule aforesaid,

(b) the contributions to the Tariffs and Dividend Control Reserve, where such contributions are necessary by virtue of paragraph II (1) aforesaid, and

(c) the taxes paid or payable, in respect of appropriations and contributions aforesaid, as taxes on income and profits.

5. The sums referred to in paragraph 1 as those to be added to the excess of 'income' over 'expenditure' are—

(a) the appropriations from the Tariffs and Dividend Control Reserve to the extent necessary by virtue of paragraph II (2) of the Sixth Schedule aforesaid, and

(b) the taxes paid or payable, in respect of the appropriations aforesaid as taxes on income and profits.

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Part B—Applicable to a licensee being a local authority.

For the purpose of section 5 (1), 'net annual profit' in respect of any account year of a licensee being a local authority shall be (i) the amount actually appropriated, or (ii) the amount which could have been appropriated, to the general funds of the local authority on account of the undertaking for that account year in accordance with the audited accounts of the undertaking.

SCHEDULE II.

[See section 5 (3).]

For purposes of payment of compensation under section 5 (3), the depreciation shall be calculated at annual rates arrived at by dividing ninety per cent of the book-value of each asset by the number of years of life of the asset as specified in the table below. For the account year in which an asset was brought into beneficial use, the depreciation shall be calculated at half the annual rate and for the period after the last account year to the date of taking over, the depreciation shall be calculated *pro rata*. Depreciation shall not be calculated for any period beyond the life of the asset as prescribed herein.

TABLE.

<i>Description of asset.</i>	<i>Number of years or period.</i>
A. Land owned under full title	Infinite.
B. Land held under lease—	
(a) for investment in the land.. .. .	The period of the lease or the period remaining unexpired on the assignment of the lease.
(b) for cost of clearing site	The period of the lease remaining unexpired at the date of clearing this site.
C. Assets purchased new—	
(a) Plant and machinery in generating stations, including plant foundations—	
(i) Hydro-electric	Thirty-five.
(ii) Steam-electric	Twenty-five.
(iii) Diesel-electric	Fifteen.
(b) Cooling towers and circulating water systems ..	Thirty.
(c) Hydraulic works forming part of a hydro-electric system, including—	
(i) dams, spillways, weirs, canals, reinforced concrete flumes and syphons.	One hundred.
(ii) reinforced concrete pipe-lines, and surge tanks, steel pipe-lines, sluice gates, steel surge tanks, hydraulic control valves and other hydraulic works.	Forty.
(d) Buildings and civil engineering works of a permanent character, not mentioned above—	
(i) Offices and show-rooms	Fifty.
(ii) containing thermo-electric generating plant ..	Thirty.

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<i>Description of assets.</i>	<i>Number of years or period.</i>
C. Assets purchased new— <i>cont.</i>	
(iii) containing hydro-electric generating plant ..	Thirty-five.
(iv) temporary erections such as wooden structures.	Five.
(v) Others	Fifty.
(e) Transformer, transformer kiosks, sub-station equipment and other fixed apparatus (including plant foundations)—	
(i) transformers (including foundations) having a rating of 100 kilovolt amperes and over.	Thirty-five.
(ii) others	Twenty-five.
(f) Switchgear, including cable connections	Twenty.
(g) Batteries	Ten.
(h) (i) Underground cables, including joint boxes and disconnecting boxes.	Forty.
(ii) Cable duct system	Sixty.
(i) Overhead lines, including supports—	
(i) lines on steel or reinforced concrete supports operating at nominal voltages higher than 13·2 kilovolts.	Thirty.
(ii) other lines on steel or reinforced concrete supports.	Twenty-five.
(iii) lines on wood supports	Twenty.
(j) Meters	Fifteen.
(k) Self-propelled vehicles	Seven.
(l) Static machine tools	Twenty.
(m) Air-conditioning plant—	
(i) static	Fifteen.
(ii) portable	Seven.
(n) (i) Office furniture and fittings	Twenty.
(ii) Office equipment	Ten.
(o) Apparatus let on hire—	
(i) other than motors	Seven.
(ii) motors	Twenty.
D. Assets purchased second hand and assets not otherwise provided for in this table.	Such reasonable period as the Government determine in each case, having regard to the nature, age and condition of the asset at the time of its acquisition by the Government.

**THE MADRAS PAYMENT OF SALARIES AND REMOVAL
OF DISQUALIFICATIONS (AMENDMENT) BILL, 1954**

17th May 1954] [Sri C. Subramaniam]

“The Act is being amended in order to remove this doubt and there can be no possible objection to this Bill.”

SRI M. KALYANASUNDRAM :—“கனம் சபாநாயகர் அவர்களே, இந்த மசோதாவுக்கு ஆட்சேபணை ஒன்றும் இருக்கமுடியாது. இதே மாதிரியான ஜனநாயக உரிமையைத்தான் நாங்கள், ராணுவத்திலிருக்கக் கூடிய சிப்பந்திகளுக்கும் அரசாங்க சிப்பந்திகளுக்கும் கொடுக்கவேண்டுமென்று சொல்லுகிறோம். இந்த நாட்டில் பிறந்த ஒவ்வொரு பிரஜைக்கும், நாட்டு மக்களின் நலனுக்காக உழைக்க வசதியும் சட்டசபை தேர்தலுக்கு நிற்கக்கூடிய உரிமையும், இருக்கவேண்டுமென்பது எங்கள் நோக்கம். எங்கள் அடிப்படையான நோக்கமே இதுவாகையால், இந்த மசோதாவை ஆட்சேபிப்பதற்கு நாங்கள் தயாராக இல்லை.”

MR. SPEAKER :—“The question is—

‘That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be taken into consideration at once.’”

The motion was put and carried.

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

THE HON. SRI C. SUBRAMANIAM :—“I move—

‘That the Bill be passed into law.’”

MR. SPEAKER :—“The question is—

‘That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954, be passed into law.’”

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

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 17th May 1954.

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

THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF
DISQUALIFICATIONS (AMENDMENT) BILL, 1954.

THE HON. SRI C. SUBRAMANIAM :—“Sir, I beg to introduce the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill*, 1954 and move—

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

This is a simple Bill seeking to amend section 11 of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951, so as to remove the disqualification for being chosen as Members of the State Legislature in respect of persons enrolled in the Territorial Army or the National Cadet Corps. The Government of India have raised this point that it is rather doubtful whether this would stand in the way of legislators participating in the activities of the Territorial Army or the National Cadet Corps.

* Published in the Fort St. George Gazette, dated 6th May 1954.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 17th May 1954.

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

THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT)
BILL, 1953 (L.A. BILL NO. 23 OF 1953).

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

‘ That the Madras Preservation of Private Forests (Amendment) Bill ^a, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be taken into consideration.’

Sir, this is a simple Bill necessitated on account of certain difficulties experienced in the working of this Act. The object of the Bill is to preserve the forest wealth in the district of Malabar. Very valuable forests are owned there by private individuals. The Preservation of Private Forests Act prevented the indiscriminate felling of the trees. The permission of the Collector is necessary in any

[Sri M. A. Manickavelu Naicker] [17th May 1954]

particular case of felling. There is a provision that in blocks of contiguous forest exceeding one hundred acres in extent, there should not be any indiscriminate felling. But several of these forests are owned jointly and severally. Also there are cases of persons owning more than one hundred acres each, but they lease out those forests to others so that they may get over the provisions of the Act. The Act does not interfere with forests of 100 acres and less. Therefore, they manage to get over the provisions of the Act. In order to prevent this escape from the provisions of the Act, the present Bill is brought forward."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly be taken into consideration.' "

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, the Hon. Minister in moving that the Bill be taken into consideration referred to some difficulties which necessitated the amendment of the Act. I know what the difficulty referred to by the Hon. Minister is. Section 1 (2) (i) of the Act was made applicable to Malabar by the words ' to private forests in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres and owned by a single person or by more than one person jointly '. What the Hon. Minister now proposes to do is to omit the words ' and owned by a single person or by more than one person jointly '. Before this Bill was brought forward, there were some prosecutions in Malabar against forest owners for violating the provisions of this Act. It was found that a *janmi* (landlord) in Malabar had in his actual possession only less than 100 acres of forest, and that he had leased out to others, forests which were his, and which were lying contiguous to the forests which were in his actual possession. Under the system of tenure obtaining in Malabar, the *janmi*, who is in actual possession of less than 100 acres of forests, and who has leased out his forests lying contiguous to the forests which are under his own actual possession, cannot sell the trees grown in the forests given on lease or do anything with them. Sir, I had myself the honour of defending an important personage who was prosecuted under the provisions of this Act, and getting him acquitted. He could not be convicted, as the forests in his possession were less than 100 acres in extent. He had no mastery over the forests lying contiguous to his forests and which were leased out. The then District Collector, Mr. Prasad, reported this matter immediately to the Government, and he wanted that this Act should be amended. I have no quarrel over this amendment because the purpose of the amendment is that, whether the landlord is actually in possession of more than one hundred acres or not, or whether his tenants are or are not in possession of other blocks of land lying contiguous to his forests, the forests must be preserved. That is the main purpose of the amendment. It is made clear that the Collector can give permission to alienate the forests or to cut trees in

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the forests. In cases where necessary the parties can apply to the Collector of the District and get his permission to alienate the forests or to allow the felling of trees. Such a power is necessary to be vested in the hands of the executive because during the last few years there has been indiscriminate cutting of trees. Huge forest areas have been denuded in the last few years, perhaps ever since the last Great War began. Now the abundant forest wealth which Malabar had for generations, had been reduced year after year by indiscriminate cutting of trees. It is absolutely necessary to preserve the forests in Malabar. A part of the forests in Malabar is in actual possession of the Government. But a larger and bigger area is still in the possession of private owners. In ancient days there was not much difficulty regarding the private ownership of forests because in those days the private owners were not allowing the indiscriminate cutting and destruction of the forest. They were themselves having large joint families. They were big Rajahs, big Nambudiri families or Nair aristocrats and each of these joint families consisted of nearly 100 to 200 members. The manager of the family was helpful in preserving the forests. Now as a result of the passing of the Marumakkattayam Act and the Namboodiri Act in 1933 the families got divided, and the junior member of the big Rajah's family, when he gets a portion, is not so anxious as the old managers were in preserving the forests. These junior members of families either sold the forests or allowed indiscriminate cutting of trees. So I am glad the Government want to remove the defect in the Act and prevent indiscriminate cutting of trees. In cases where necessary the Collector of the District gives permission to alienate or allow the cutting of trees. To that extent I welcome the amendment. But, Sir, always my complaint against the Government is that they never do the right thing at the proper time. There is no use of small reforms. So far as these things are concerned Government must have a bold policy. Here in the district of Malabar there are big forests. Forests are the national wealth. Therefore, forests must be preserved for the sake of the nation. Why not the Government take the whole forest area under their control and preserve the forest? Even now it is said that our monsoons fail because there are no trees in the forests. Whether it is a scientific proposition or not, I am not prepared to say. I do not want to enter into a domain where I have no authority to enter. Anyway it has been admitted that preservation of the forest wealth of the country is an absolute necessity. It is therefore high time for the Government to consider the proposal to take over the forests in Malabar district and make the forests of Malabar the concern of the Government. There is indiscriminate cutting going on and it cannot be allowed to continue any further. Even the Government of India have realized the necessity for planting more trees. We have what is known as ' Vana Mahotsava ' celebrated once a year. You know, Sir, we know and every body knows what it is. With great respect to the author of the ' Vana Mahotsava ' who adorns the gubernatorial gadi in Uttar Pradesh and to other leaders who are connected with it, I must say it has become a farce. (Interruption.) The Hon. Minister says ' ceremony ' and I shall use that word.

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It has only become an annual ceremony. It has been my fate every year to be caught hold of by the Deputy Tahsildar of my place to plant a tree during the 'Vana Mahotsava' ceremony. But there is one peculiarity that we must note in this ceremony. The pit that was dug last year will be there and only the planting is to be done. Every year the pit need not be dug because no tree comes up. This is only a farce which we as M.L.As. or M.L.Cs. are asked to perform every year. It is a huge waste of money. It has not increased the number of trees in the country. On the other hand if the Government take over all the private forests and preserve them, the national wealth can be preserved. There are a number of elephants in our forests. Malabar forests are famous for elephants. Instead of wasting money on the ceremonial farce as the Hon. Minister puts it, the Government must take over the private forests and manage them themselves.

"Sir, there is another thing which I want to bring to the notice of the Hon. Minister and the Treasury Bench especially. Whatever law the Government may pass, the person who is to carry it out must be above board. My experience, as far as the persons and officers in charge of the enforcement of the provisions of the Private Forests Act is concerned, is not altogether pleasant. I do not want to name people here. It is also not fair to do so on my part. They are very, very below expectations. A large number of trees are being cut in the district of Malabar and this is not brought to the notice of the Collector, because the officials wink at this, and naturally for very good consideration perhaps. Whatever it is, unless Government have a grip on these officers there is no use of passing any number of legislations. The Government may amend this Section or that Section but unless there is a real grip on the officers, no good can come out of all these amendments.

"There is one small flaw in the amendment which I wish to point out to the Government. Of course, I had to study the Act in great detail, because in this connexion I had to take up some cases. There is no decision of the High Court on the matter which I wish to refer to, and because that matter was not taken to the High Court we had to struggle hard to find the interpretation of the Section. In this connexion I would invite the attention of hon. Members, Sri Bhashyam and Sri Balasubramania Ayyar, to this fact. According to section 2 (b) of the original Act, owner includes a mortgagee, lessee or other persons having right of possession and enjoyment thereof. The courts in the mufassal interpret it as to include the owner also. That is to say, if a *janmi* happens to demise on kanam tenure to a party a portion of the forest, the *janmi* also continues to be the owner. Because the Act says 'includes', the courts interpret that the *janmi*, though he is not in actual possession and enjoyment of the trees, is still the owner. Then section 7 of the original Act says: 'Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years or with fine which may extend to

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five thousand rupees or with both'. Section 3 (1) (a) says: 'No owner of any forest shall, without the previous sanction of the District Collector sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.' Sub-section (2) of section 3 says: 'No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of the Madras Preservation of Private Forests Act, 1946, or any other person shall, without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as forest'. If anyone should violate these provisions, he is liable to be prosecuted and also to be imprisoned and fined to the extent of Rs. 5,000. The interpretation given is this. You are an owner. You are in possession of forests less than one hundred acres in extent and a portion thereof is in the possession of the Kanam demisee. You have no right to enter the forest and enjoy the fruits thereof. The Kanam demisee cuts the trees or grants a licence to cut trees. In that case even you, a *janmi*, though not in possession of the forest, and not also in enjoyment of the fruits thereof, may be prosecuted. That is what is taking place now. (Interruption.)

"I do not agree with the Hon. Sri C. Subramaniam. Of course, the District Collector can sanction the cutting of trees but it very often happens that there is some difficulty in getting his sanction. As far as I can see, it is perhaps too late now to make an amendment because no Bill has ever been sent back from this House to the Assembly with an amendment and the Treasury Bench will not also consent to accept any amendment in this House. Of course, there is no 'War of the Houses' here as we have got in Delhi. This House must also be respected. Anyhow, I do not think that it is of any use to bring forward an amendment now. The Government are entitled to make rules under the rule-making powers vested in them and I would request the Hon. the Minister in charge to frame the rules in such a way that, if any tree is cut from a portion of the tenant's property over which the *janmi* has no control, the *janmi* will not be prosecuted."

SRI K. BHASHYAM:—"I do not think the *janmi* is being prosecuted."

SRI M. P. GOVINDA MENON:—"There will be no difficulty if the definition of the owner is more clear. I had to face this difficulty in a court. Of course, I won, but the difficulty is always there that sometimes the courts do interpret the owner to include the *janmi* also. The rules will permit the Collector to sanction the cutting of trees. It will be better if the rules are framed in such a way that the position of the tenant and that the *janmi* is made clear. With these words, Mr. Chairman, I heartily support this Bill which is absolutely essential. I am glad that the Government are taking steps to protect the forests in Malabar or at least intend to protect the forests there. I therefore support the Bill."

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SRI K. BHASHYAM :—“ Mr. Chairman, Sir, I am glad that this is an interval in which we are trying to pass a measure which does not seek to impose any tax upon the people. I am glad about it. We are trying to pass a measure which is a beneficent measure not only to Malabar and the West Coast but to the whole of this State. After all, the forests of Malabar are as necessary for causing rainfall in the plains as in the district of Malabar itself. I am therefore glad that the Government have lost no time in bringing forward this amending Bill.

“ As I am not very familiar with the subject of this legislation, I would like to have some information. The whole difficulty seems to have arisen because the Government have treated the forests in Malabar and South Kanara on a different footing from the private forests elsewhere. In section 1, sub-section 2 (i) of the principal Act it is stated that the Act applies to private forests in the districts of Malabar and South Kanara, and in sub-section 2 (iii) of the same section it is stated that it also applies to private forests situated in other areas in the State of Madras having a contiguous area exceeding 100 square miles which may be declared by the State Government to be forests for purposes of this Act. If only the Government had taken care to see that Malabar and South Kanara were not excluded from the operation of this sub-section, the Government could have easily declared all private forests whether in Malabar and South Kanara or not to come within the provisions of this sub-section. But somehow or other, as is always the case, Malabar and South Kanara have received special treatment.”

SRI M. P. GOVINDA MENON :—“ Yes, except from the Treasury Bench.”

* SRI K. BHASHYAM :—“ Sir, there may be customs peculiar to Malabar, but as regards this matter there can be no peculiar feature and I would like to point out that this amendment would have been unnecessary if only sub-section 2 (i) had not been there. Anyhow, the Government have brought forward this amending Bill, not after consulting me but after consulting their own officers, and I do not mind it so long as the purpose is achieved. However, I would like the Hon. the Minister for Revenue to explain what is exactly meant by the two Explanations which he wants to add to Clause 2 of the Bill before us. The first explanation is—

‘ Nothing in this clause shall be deemed to apply to any land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him.’

The Madras Preservation of Private Forests Act was passed in 1946. If, as a matter of fact, between 1946 and 14th December 1949, when the existing Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), was passed, there had authorisedly or unauthorisedly been fugitive cultivation why should it be recognized now and be exempted from the provisions of this Act? I do not know what exactly will be the effect of it. I am also not able to understand the definition of private forests as having a contiguous area of 100 acres read along with the second

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Explanation which is sought to be added. It is still more difficult for me to understand as I am not very familiar with this subject. It says—

‘ A private forest exceeding 100 acres in extent shall not cease to be such by reason only of the fact that, in a portion thereof, trees or shrubs are felled with or without the permission of the District Collector, or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.’

I do not know what exactly is meant by this. Even if there be some cultivated areas within a forest, the whole area can be declared contiguous in spite of this cultivation. I think this provision ‘ having a contiguous area, exceeding 100 acres ’ was already in the old Act of 1949. There is no necessity for this Explanation, and we shall pass it by.

“ What happens, however, in such cases as unauthorized felling of forest trees, is the difficulty in regard to the person to be punished or the person to be held responsible for such cutting or breach of the law. I think section 7 of the Act of 1949, as it stands, easily leads to the position or circumstances stated by the hon. Member, Sri M. P. Govinda Menon. Section 7 merely says: ‘ Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 . . . shall be punishable . . . ’ The man who contravenes these provisions can be the lessee, that is the kanamdar, or the owner thereof, namely, the *janmi*. If a portion of the forest is felled by the lessee or the kanamdar without the permission of the *janmi* there is no question as to the owner of the forest, the *janmi*, also being liable along with the lessee. To my mind the matter is very clear; it is fairly plain that it is not the owner who contravenes the law and the person really liable is the lessee or the kanamdar. There is therefore no difficulty whatsoever. Still, if there is any difficulty, I agree with the hon. Member, Sri M. P. Govinda Menon that the matter may be cleared beyond doubt in the rules to be made under the rule-making powers of the Government. I therefore fully support this measure which is of a very beneficial nature and hope it will be passed without any opposition.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Mr. Chairman, Sir, I am glad this Bill has had a good reception. My hon. Friend, Sri M. P. Govinda Menon, after successfully advocating the cause of his client and getting him off and thereby doing the material part of his duty, is doing the spiritual part of his duty here by supporting this Bill. I am glad he has kept these two things apart and does not mix them up with his legislative duties. He expressed that there was some doubt as to the question of fixing the responsibility for an offence under this Act and that there was a lacuna which was likely to be misinterpreted.

“ But after hearing the hon. Member Sri K. Bhashyam it is clear no such thing will arise because even the Section says that the term ‘ owner ’ includes lessee also. I prefer to take the advice

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of a senior lawyer Member in this matter, namely, Sri K. Bhashyam. Then, it was asked why the date 14th December 1949 has been put in. Sir, it was put in for a special purpose. There has been illegitimate fugitive cultivation going on. During the discussion in the Select Committee some hon. Members wanted to put the date as even '1954'. We discussed the whole thing and we came to the conclusion that the date of the second amendment of the Bill may be put in because there would not be any hardship thereby. Such unauthorized cultivation as had taken place prior to 14th December 1949 will be recognised. All other unauthorized cultivation arising after that date will not be recognised. That is the idea in putting that date. Then, with regard to the Explanation under Clause 2 (b), very ingenious lawyers have raised the point that the contiguous nature of a forest is lost, if there is some cultivation in a portion thereof or if there is a river or a tank. It is to avoid these difficulties that this Explanation is put in. I hope I have sufficiently explained the matter. As hon. Members are welcoming this Bill, I hope there will be no difficulty in getting it through."

MR. CHAIRMAN :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be taken into consideration.' "

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

Clauses 2, 3, 4, 1 and the Preamble were put and carried.

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

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be passed into law. ' "

MR. CHAIRMAN :—" Motion moved—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be passed into law.' "

SRI M. P. GOVINDA MENON :—" Mr. Chairman, Sir, I just rise to clear the doubts of the hon. Member Sri K. Bhashyam. The Explanation to Clause 2 (a) says : ' Nothing in this clause shall be deemed to apply to any land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him '. Sir, there has been some sort of unauthorized entry and fugitive cultivation. The nature of such fugitive cultivation must be understood. Persons, cut the trees, burn them, clear the forests and make the land fit for this type of cultivation. This is also known as *ponam* cultivation. Whether authorized or unauthorized much labour has been

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put in with a view to raising food-crops in those days of scarcity. That is why the Explanation has been put in. There is sufficient notice to the persons concerned."

SRI K. BHASHYAM :—" I am still in doubt even though what the hon. Member said may be quite correct. I ask why should a person, who has done *ponam* cultivation and who has been allowed to do so, be exempted? There may be some more trees left upon the land in which *ponam* cultivation has taken place. To that extent at least the man must be prevented from felling any more trees. Therefore, I do not understand why exemption should be given in respect of such persons."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, if even the hon. Member coming from Malabar, who has studied the subject and handled cases, is not able to convince the hon. Member Sri K. Bhashyam, I am sorry I cannot."

MR. CHAIRMAN :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be passed into law. ' "

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

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APPENDIX

[Vide item on page supra.]

L.A. BILL No. 23 OF 1953.

(As passed by the Assembly.)

A Bill further to amend the Madras Preservation of Private Forests Act, 1949.

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purposes hereinafter appearing : It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Second Amendment) Act, 1954.

2. *Amendment of section 1 Madras Act XXVII of 1949.*—In section 1, sub-section (2), of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) (hereinafter referred to as the principal Act),—

(a) in clause (i), the words “ and owned by a single person or by more than one person jointly ” shall be omitted; and the following Explanation shall be added at the end, namely :—

“ *Explanation.*—Nothing in this clause shall be deemed to apply to any land which was brought under fugitive or other cultivation prior to the 14th December 1949 by an owner or any person claiming under him ”;

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

“ *Explanation.*—A private forest exceeding 100 acres in extent shall not cease to be such by reason only of the fact that, in a portion thereof, trees or shrubs are felled with or without the permission of the District Collector, or lands are cultivated, or rocks, roads, tanks, rivers, or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.”

3. *Amendment of section 3 of principal Act.*—In section 3, sub-section (1), of the principal Act, for clause (b), the following clause shall be substituted, namely :—

(b) Any alienation in contravention of clause (a) shall be null and void—

(i) if the alienation is of any forest declared by the State Government to be a forest under clause (iii) of section 1 (2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect;

(ii) if the alienation is of any forest in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres [not being a forest owned by a single person or by more than one person jointly before the commencement of the Madras

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Preservation of Private Forests (Second Amendment) Act, 1954], or of any portion of such a forest, and is made on or after the 24th June 1953;

(iii) if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946."

4. *Amendment of section 5 of principal Act.*—In section 5 of the principal Act, to sub-section (1), the following Explanation shall be added, namely:—

" *Explanation.*—Sub-section (1) shall be construed—

(a) in the case of any private forest declared by the State Government to be a forest under clause (iii) of section 1 (2), as if for the words " which may be instituted after such commencement " occurring in that sub-section, the words, brackets and figures ' which are pending on, or may be instituted after, the date on which the declaration under clause (iii) of section 1 (2) takes effect ' had been substituted ; and

(b) in the case of any private forest in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres [not being a forest owned by a single person or by more than one person jointly before the commencement of the Madras Preservation of Private Forests (Second Amendment) Act, 1954], as if for the words ' which may be instituted after such commencement ' occurring in that sub-section, the words, brackets and figures ' which are pending on, or may be instituted after, the commencement of the Madras Preservation of Private Forests (Second Amendment) Act, 1954 ' had been substituted."

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 17th May 1954.

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

THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE AND HEREDITARY VILLAGE OFFICES (AMENDMENT) BILL^a, 1954 (L.A. BILL NO. 22 OF 1954).

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

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill^a, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be taken into consideration.'

Sir, the object of this Bill is to provide for the suspension of village officers during the pendency of an enquiry into their conduct. This is not provided for in the Act. That is why we are introducing this provision conferring the power on officers to suspend a village officer pending enquiry."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be taken into consideration.' "

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, when I looked into the Act I found that the Collector has got the power to suspend or dismiss any village officer. Suspension pending enquiry is also suspension. The law does not require any further amendment for the purpose of suspending a village officer

[Sri K. Balasubramanya Ayyar] [17th May 1954]

pending enquiry. Why should we raise a new point and for that purpose bring in legislation which will create some trouble? After all, when we suspend a person, there is the further difficulty of appointing some other person. If we suspend a village officer pending enquiry, some other person from among the heirs of the particular village officer should be found and he must be appointed for a short time. The power of suspension is already there. Why should we now say 'pending enquiry'? No court has till now decided that we have not got the power to suspend the village officer. Under section 7 of the Act, we have got the power to suspend and dismiss."

THE HON. SRI C. SUBRAMANIAM :—" One form of punishment may be suspension. But, before coming to a decision whether a particular village officer is guilty or not, whether we can place him under suspension, is a doubtful point. That is why we are introducing this Bill."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, suspension pending enquiry is punishment. An officer is suspended only if there is a suspicion against him."

" The Government can dismiss an officer for any reason. The Government can suspend or dismiss an officer. The Act is itself clear, unless the Government want to read something extra into it. Suspension itself is punishment."

THE HON. SRI C. SUBRAMANIAM :—" Sir, on numerous occasions it was not held to be so."

SRI K. BALASUBRAMANYA AYYAR :—" If the Government suspend an officer that itself is punishment. It may not, however, be final punishment. Why should we bring in a Bill for suspending an officer pending enquiry? There is already provision for this in the Act."

SRI G. KRISHNAMURTHI :—" Sir, I should like the Hon. Minister, who is piloting this Bill, to enlighten the House on the following points: (1) Are the village officers full-time servants? (2) Are they Government servants? (3) Are the Government Servants' Conduct Rules applicable to them? (4) Have they any leave registers maintained by their superiors? (5) If they are suspended, are they to be suspended up to the period of leave to their credit? (6) Are they paid any full-time allowance? (7) Considering the fact that we have been able to collect a revenue of more than Rs. 4½ crores at cheap cost, is it advisable on the part of the Government to impose so many stringent regulations on these village officers, when we are not able to pay them full-time salaries? These are the points on which I should like enlightenment."

SRI A. GAJAPATHY NAYAGAR :—" மன்றத் தலைவர் அவர்களே, கிராம முனிசிப்களும், கர்ணங்களும் கிராமங்களில் செய்யும் வேலைகளை

17th May 1954] [Sri A. Gajapathy Nayagar]

யாவரும் அறிவார்கள். அவர்களை, விசாரணை காலத்தில் வேலையிலிருந்து நிறுத்தி வைப்பதற்காக இந்த மசோதாவின் மூலம் கலெக்டருக்கு அதிகாரமளிப்பதானது நல்லதென்றே நான் கருதுகிறேன். ஏனெனில், ஒரு கலெக்டரானவர் ஒரு கர்ணம் மீது ஒரு வழக்குத் தொடுத்து, ஒரு உத்தரவு பிரகாரம் அவரை ஒரு குறிப்பிட்ட குற்றத்திற்காக குறிப்பிட்ட காலத்திற்கு நீக்கிவைத்தால், கணக்குப் புத்தகங்களையும், மற்ற ரிகார்டுகளையும் யாரிடமும் கொடுக்காமல் தானே வைத்துக்கொண்டு குறிப்பிட்ட காலம்வரை கிராம வேலை சரியாக நடக்க முடியாதபடி செய்து விடுகிறார்கள். ஆனால், தற்காலிகமாக அவரை நீக்கவேண்டும். அதாவது வேலையிலிருந்து 'ஸஸ்பெண்டு' பண்ணவேண்டுமென்று சொன்னால், உடனே ரிகார்டுகள் எல்லாவற்றையும் கொடுக்கவேண்டியதாய் விடும். அப்பொழுது வேலை நியாயமாக நடக்கும். ஆகையினால், கர்ணங்களை விசாரணைக் காலத்தில் வேலையிலிருந்து 'ஸஸ்பெண்டு' செய்து வைப்பதற்கு அதிகாரம் இல்லாவிட்டால், விசாரணைக் காலத்தில் அன்றாடம் கிராமங்களில் நடைபெறவேண்டிய வேலைகளை அவர்கள் தடை செய்யக்கூடும்.

" தற்காலிகமாக நீக்குதல் ஒருவிதமான தீர்ப்பு ஆகாது. ஒரு குற்றம் சாட்டி, அந்தக் குற்றத்தை விசாரித்து, 'உன்னை நான் 'ஸஸ்பெண்டு' பண்ணுகின்றேன்', என்று நீக்கினால்தான் அது தீர்ப்பாகும். இடையே ஒரு உத்தரவு போட்டால் அது தீர்ப்பு ஆகாது. தற்காலிக உத்தரவா யிருந்தால், அதைக் குற்றமாகவோ அல்லது தீர்ப்பாகவோ கொள்ள முடியாது. ஆகையால், இம்மாதிரி தற்காலிகமாக ஸஸ்பெண்டு செய்வது தீர்ப்பு அல்ல. அது சாதாரண உத்தரவு ஆகும். அம்மாதிரி உத்தரவு போடுவது நியாயம் என்று சொல்லிக்கொண்டு, இந்த மசோதாவை நான் வரவேற்கின்றேன்."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, as regards the status of the village officers, I may say that it partakes of the nature of full-time service for some purposes and for certain other purposes village officers are not considered full-time servants. This is the existing practice. When we begin to reform the whole question of village offices, I will take the valuable advice of the hon. Member."

" The hon. Member Sri Balasubramanya Ayyar said that there was no necessity for this Bill, and provision for punishment pending enquiry was there already. I say, Sir, it is not there already. The Act expressly gives powers to impose penalties on village officers only after enquiries are made. Now, before we make an enquiry and punish the person or acquit him, we cannot keep the person under suspension. In every department when a serious offence is committed, the officer concerned has to be suspended. Having him in office, we cannot make a proper enquiry. Therefore there is need for suspending him pending enquiry. That is sought to be done by this Bill. If any trouble should arise, Dr. John will say, 'Why did not the Government bring in a small Bill; we could have passed it in five minutes.' Now hon. Members opposite say, 'where is the necessity for this Bill'. I cannot allow difficulties to arise. I do not know why the hon. Member Sri Balasubramanya Ayyar should concentrate so much attention on this Bill, when he has yielded on many other important matters. I would request hon. Members to pass this Bill."

[17th May 1954]

MR. CHAIRMAN :—" The question is—

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried.

The clause by clause consideration of the Bill was then taken up.

Clauses 2, 3, 4 and 1 and the Preamble were put and carried.

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

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—" Motion moved—

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be passed into law.' "

SRI M. P. GOVINDA MENON :—" Sir, in answer to the points raised by the hon. Member Sri G. Krishnamurthi, the Hon. Minister said that the whole system of hereditary village officers would be reformed. In this connexion I am forced to say this. The hereditary system obtaining at present must cease. If a person happens to be a village officer, his son automatically becomes the village officer. Therefore these village offices are held by a particular set of people. In considering measures of reform, the question of abolishing the hereditary system of village officers must be taken up."

MR. CHAIRMAN :—" The question is—

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be passed into law.' "

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

APPENDIX

[17th May 1954]

17th May 1954]

2. *Amendment of section 16, Madras Act II of 1894.*—To subsection (2) of section 16 of the Madras Proprietary Estates' Village Service Act, 1894 (Madras Act II of 1894), the following paragraph shall be added, namely :—

“ Any village officer may be placed under suspension pending inquiry against him by the District Collector or Revenue Officer aforesaid.”

3. *Insertion of new section 8-A in Madras Act III of 1895.*—In the Madras Hereditary Village-offices Act, 1895 (Madras Act III of 1895), after section 8, the following section shall be inserted, namely :—

“ 8-A. *Power to suspend village-officers pending inquiry.*—The holder of a village-office may be placed under suspension pending inquiry against him—

(i) by the Collector, if the inquiry is under section 7, sub-section (1);

(ii) by the proprietor, if the inquiry is under section 8.”

4. *Validation of orders of suspension pending inquiry.*—Every order made before the commencement of this Act placing under suspension pending inquiry any village-officer as defined in section 4 of the Madras Proprietary Estates' Village Service Act, 1894 (Madras Act II of 1894), or the holder of any of the offices forming class (1) or class (3) in section 3 of the Madras Hereditary Village-offices Act, 1895 (Madras Act III of 1895), shall, for all purposes, be deemed to have been validly made.

APPENDIX

[Vide item on page 1supra.]

L.A. BILL No. 22 OF 1954.

(As passed by the Assembly.)

A Bill further to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Madras Hereditary Village-offices Act, 1895.

WHEREAS it is expedient further to amend the Madras Proprietary Estates' Village Service Act, 1894 (Madras Act II of 1894), and the Madras Hereditary Village-offices Act, 1895 (Madras Act III of 1895), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1954.

THE MADRAS ELECTRICITY UNDERTAKINGS
(ACQUISITION) BILL, 1954 (L.A. BILL No. 23 OF 1954)

18th May 1954]

SRI V. GURUNANDAN ROW :—“ Sir, I move the amendment standing in my name, namely,—

‘ In sub-clause (1), delete the words and figures beginning with “ every licensee ” and ending with “ commencement of this Act ” and substitute the following :—

“ Every licensee shall within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date or in the case of an undertaking taken over and where the licensee has not appointed an individual as his sole and accredited representative before the commencement of this Act, within three months of the commencement of this Act.” ’

Sir, I think I should explain how this clause 7 will work in actual practice. First of all when the Government decide to take over an undertaking, they have to issue a notice under clause 4. Within three months of the receipt of this order, the licensee has to appoint an accredited representative to deal with all matters relating to the taking over of the undertaking by the Government. He will have to deal with the question of compensation payable under Basis A, or Basis B, or Basis C. The High Court has stated expressly that the Act as it stands did not allow a local authority to appoint an accredited representative, and therefore the Act was bad. The local authorities also should be allowed to appoint an accredited representative. Again it was held that where an accredited representative was not appointed by the licensee, the Government had the power to appoint their own accredited representative to the undertaking. This was declared bad by the High Court. These are the only two points that have been declared by the High Court to be bad. This Bill now seeks to rectify those defects, and allow the local authorities to appoint accredited representatives, because, the Act originally did not provide for it. To appoint an accredited representative within three months of the commencement of the Act, is no doubt correct. But I say that, as the clause stands at present, it means that even where a licensee has already appointed an accredited representative, he has now a right to appoint another representative, if such a course will be profitable to him. It is to avoid that difficulty I have moved my amendment. It is only to help the Government that I have moved my amendment. No licensee must take advantage of the word ‘ may ’ occurring in the sentence ‘ Every licensee may . . . ’ The clause reads as follows :—

‘ Every licensee may, within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date or, in the case of an undertaking taken over, within three months of the commencement of this Act, appoint an individual . . . ’

This will mean that even where a licensee has already appointed an accredited representative, he may appoint another and also claim compensation under Basis A, or Basis B, or Basis C, whichever is more profitable to him. The intention of the Government, I believe, is to prevent all licensees, who have already appointed

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 18th May 1954.

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

* * * *

THE MADRAS ELECTRICITY UNDERTAKINGS (ACQUISITION) BILL,
1954 (L.A. BILL NO. 23 OF 1954)—*cont.*

MR. CHAIRMAN :—“ We will now take up the clause by clause consideration of the Bill. There are no amendments to clauses 2 to 6. I shall now put them to the vote of the House.”

Clauses 2 to 6 were put and carried.

Clause 7.

MR. CHAIRMAN :—“ The motion is—

‘ That clause 7 do stand part of the Bill.’ ”

[Sri V. Gurunandan Row] [18th May 1954]

accredited representatives, from appointing any more accredited representatives. They should not be given this opportunity to appoint any more. Therefore it is I have moved my amendment.

“ This is what my amendment says—

‘ Every licensee shall within three months of the receipt of an order under section 4, sub-section (1) intimating the vesting date or in the case of an undertaking taken over and where the licensee has not appointed an individual as his sole and accredited representative before the commencement of this Act within three months of the commencement of this Act.’

“ This will mean that the right to appoint an accredited representative is restricted to such of those undertakings that have not appointed an accredited representative. Once they have appointed an accredited representative before the commencement of this Act, they shall not have the power to reappoint an accredited representative. I think, as the Bill stands now, it leaves room for the construction that the licensee has got a right to reappoint.”

The amendment was duly seconded.

MR. CHAIRMAN :—“ Amendment moved—

‘ In sub-clause (1), delete the words and figures beginning with “ Every licensee ” and ending with “ commencement of this Act,” and substitute the following :—

“ Every licensee shall within three months of the receipt of an order under section 4, sub-section (1), intimating the vesting date or in the case of an undertaking taken over and where the licensee has not appointed an individual as his sole and accredited representative before the commencement of this Act, within three months of the commencement of this Act.” ’

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, I think the hon. Member Sri Gurunandan Row is arguing mainly under the impression that the sub-clause which gives the power to the Government to appoint an accredited representative on the failure of the undertaking concerned to appoint one, alone has been held invalid by the Supreme Court. The Supreme Court has held the whole Act void because it is *ultra vires* of the powers of the legislature. Therefore the original Act became an invalid Act and any action taken under that Act cannot be justified. That is why in this Bill we have provided for a saving Clause, namely, Clause 20. Whether an accredited representative is appointed or not, it is open for anybody to go before a court and argue that the Act has been declared void and therefore any action taken under that Act was void and invalid and no notice should be taken of the old Act. Considering the present circumstances, I would like the hon. Member to say what should be the form of the clause. If only that sub-clause alone has been held invalid, then we can have all the other things. But unfortunately the whole Act has been held to be void because the legislature had

[18th May 1954] [Sri C. Subramaniam]

no power to pass such a legislation. As a matter of fact, the acquisitions made already, and all actions already taken under the old Act, can only become valid under the power given to the Government under this enactment and not under the old enactment.

“ Then, the hon. Member asked ‘ why put in the word “ may ”, and why not put in the word “ shall ” ’. Suppose the Government adopt that word ‘ shall ’, then it becomes necessary for the Government to make it mandatory on the part of the undertaking to appoint an accredited representative. If the undertaking does not do it what is the consequence? Government cannot compel any undertaking to appoint an accredited representative so that he may deal with the Government. Therefore option has to be given to the concern to appoint an accredited representative, and we cannot take notice of anything that happened under the provisions of the Act held invalid. That is why we have adopted the word ‘ may ’ and not the word ‘ shall ’, because on the failure of the concern to comply with it, we cannot take action. Even though the Supreme Court did not deal with this sub-clause, the High Court declared this as void. Under these circumstances we wanted to steer clear of the difficulties. Therefore it is that we have dropped the sub-clause, and we are only giving the option to have an accredited representative. If there is no representative the firm as such will have to deal with us and that firm will have to be dealt with in a particular way. Under these circumstances, the insertion of the word ‘ shall ’ will create further difficulties, and the concerned parties will go again to the court and say that the Government cannot compel them to appoint an accredited representative. In order to avoid these difficulties, we have put in the word ‘ may ’. If they choose to appoint a representative, then the negotiations will be made easy.”

SRI B. V. SUBRAHMANYAM :—“ Mr. Chairman, Sir, possibly the doubt which I am raising is a little before its time; but after hearing the hon. Member, Sri Gurunandan Row, and the Hon. Minister for Finance, it seems to me that, if the explanation offered by the Hon. Minister is right, as I think, it is, Clauses 24 and 25 are a little misleading, because Clause 25 wants to repeal an Act which is *ex-facie* invalid, and the explanation of the Hon. Minister bases itself on an invalid Act, and Clause 24 tries to validate certain actions taken by either the undertakings taken over by the Government or by the Government after taking over the undertakings. This leads to certain anomalies and possibly the doubts of the hon. Member, Sri Gurunandan Row, are based upon some of the Clauses which seem to waver between the proposed Act and the invalid Act of 1949. Why repeal an Act when it is not valid at all? And how can that validity come into force with respect to acts that took place before the Constitution of India of 1950 came into force? All sorts of complications will arise under the Clause, which validates previous actions

[Sri B. V. Subrahmanyam] [18th May 1954]

taken, unless there is some clarification, made with respect to the actions taken by the accredited representatives who have been there so far and with respect to the actions to be taken by the accredited representatives to come in hereafter. Therefore, I would like some clarification on clauses 24 and 25 because they seem to lead to some confusion which reflects itself in the amendment which the hon. Member has brought before the House."

SRI V. GURUNANDAN ROW :—" Mr. Chairman, Sir, there is another factor. I would request the Hon. Minister to read sub-clause 4 of Clause 8. It says : ' Where, in respect of an undertaking taken over, the accredited representative has intimated to the Government which basis of compensation, A, B or C, should be adopted in respect of the undertaking, such intimation shall be deemed to have been made under this section and is hereby declared not open to revision except with the concurrence of the Government '. That means that Government are in fact making the accredited representative previously appointed as final. You cannot take him away and appoint another in his place. What is the necessity to appoint another? Then it would be a contradiction and this clause will be inconsistent with the provisions in clause 7. Then the Government will have to bring in another Bill to validate everything. It is now too late in the day for the Hon. Minister to say that the Supreme Court has held the whole Act to be void and therefore such a provision is necessary. Either the Government must validate the appointment of the accredited representative or not validate anything at all."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, with reference to the point made by the hon. Member Sri Subrahmanyam with regard to the necessity for clauses 24 and 25, as a lawyer he should know that there cannot be a judicial pronouncement in respect of every case and each case decides only the particular dispute involved in it. So the Legislature says that it is repealed and it is not applicable to any other case. With reference to actions we have already taken in pursuance of that Act, to that extent we have got power to validate it and we have only done that. That is only a question of validating past actions already taken and it has all along been recognized that the legislature has got the power to validate certain actions which have already been taken even though there was no authority for taking those actions. Under clause 24, only to the extent necessary we have validated actions already taken. We need not go beyond that. That is why in respect of a case where an accredited representative has already been appointed we are saying that it would be deemed as a transaction which has been entered into under this Act. We are entitled to do it and we have the power to do it. Therefore the word ' may ' alone should be there. (Interruption.) If the hon. Member is satisfied with that, it is all right. The date on which the Act is deemed to come into force

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is a date subsequent to the introduction of the Constitution of India, namely, the 26th January 1950. Therefore all the actions taken subsequent to that date are held valid."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Mr. Chairman, Sir, in view of what my Hon. Colleague the Minister for Finance has explained, I accept that the amendment is unnecessary as it would complicate matters. This is the opinion given by the Law Department of the Government also. I therefore oppose the amendment and would request the hon. Member to withdraw it."

MR. CHAIRMAN :—" May I know whether the hon. Member Sri V. Gurunandan Row wants to move the second amendment also."

SRI V. GURUNANDAN ROW :—" Sir, the second amendment though it relates to the same Clause is a consequential amendment to the first one. I would like both to be put together. I have not yet moved the second one. I may be permitted to move and speak on it also."

MR. CHAIRMAN :—" If the second amendment is a consequential one it cannot be moved. I will deal with the first amendment only now. The question is—

' In sub-clause (1), *delete* the words and figures beginning with " Every licensee " and ending with " commencement of this Act " and *substitute* the following :—

" Every licensee shall within three months of the receipt of an order under section 4, sub-section (1) intimating the vesting date or in the case of an undertaking taken over and where the licensee has not appointed an individual as his sole and accredited representative before the commencement of this Act, within three months of the commencement of this Act." "

The amendment was lost.

Clause 7 was put and carried.

Clauses 8 to 14 were put and carried.

Clause 15.

MR. CHAIRMAN :—" The motion is—

' That Clause 15 do stand part of the Bill.' "

SRI V. GURUNANDAN ROW :—" Mr. Chairman, Sir, I beg to move the following amendment :—

' *Delete the existing sub-clause (2) and substitute the following as sub-clause (2) :—*

" *Persons whose services are retained or in the case of undertakings taken over have been retained, shall be*

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governed or deemed to have been governed by such rules as the Government may make or may have made from time to time in regard to them."

In sub-clause (2) add the following proviso:—

" Provided that any such person's total emoluments shall in no way be reduced below the emoluments such person was receiving while on the staff of the licensee." "

SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, I beg to second the amendment."

MR. CHAIRMAN :—" Amendment moved—

' Delete the existing sub-clause (2) and substitute the following as sub-clause (2) :—

" Persons whose services are retained or in the case of undertakings taken over have been retained, shall be governed or deemed to have been governed by such rules as the Government may make or may have made from time to time in regard to them."

In sub-clause (2) add the following proviso :—

" Provided that any such person's total emoluments shall in no way be reduced below the emoluments such person was receiving while on the staff of the licensee." "

SRI V. GURUNANDAN ROW :—" Mr. Chairman, Sir, this amendment has been brought forward with the same object as the amendments to Clause 7, namely, that in respect of undertakings taken over everything is deemed to have been done under this Act. This particular sub-clause (2), as it stands in the Bill, reads—

' Persons whose services are retained shall be governed by such rules as the Government may, from time to time, make in regard to them.'

This does not speak of what happens to those persons whose services have been retained in respect of those undertakings which have been taken over. Under the rules all these people should have been construed as Government servants even from the date of the taking over. So, both as far as the service rules are concerned and as far as their service is concerned, they should be treated as Government servants from the date of taking over and not as if they are being governed by some other set of rules. This is the purpose with which I have brought forward my amendment, namely, that they shall be governed or deemed to have been governed by such rules as the Government may make or may have made from time to time in regard to them. I do not see how any objection could be taken on principle to this amendment.

" My second amendment is a proviso to this sub-clause (2) that any such person's total emoluments shall in no way be reduced

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below the emoluments such person was receiving while on the staff of the licensee. It is only fair that it should be so and this proviso is only a guarantee that such persons will not be browbeaten into accepting something which is less than what they were getting while on the staff of the licensee. These are the reasons why I have proposed this amendment."

SRI G. KRISHNAMURTHI :—" Mr. Chairman, Sir, I heartily support the amendment. Yesterday, the Hon. the Minister who is piloting the Bill was kind enough to explain the intended policy of the Government with regard to the employees who are on the staff of the undertakings that are to be taken over. It was also explained by the Hon. Minister that the compensation paid or payable to these electricity undertakings was perhaps far beyond the expectations of those who were running these undertakings. When such is the case and when it has been explained by the Hon. the Minister in charge himself that the policy of the Government is so liberal in regard to the persons running these undertakings, why should the poor employees alone be hit by the provisions contemplated in this clause? There are electricity undertakings where, as I submitted yesterday, the employees are already being paid over and above the rates applicable to State Government servants. There are also electricity undertakings where a bonus of two or three months' salary is paid and there are also other undertakings where some sort of a gratuity is paid. In all these cases, would it not be better on the part of the Government to just at least declare that, in the case of those who are already in the employ of the licensees, they will not be adversely affected by the Government themselves taking over these undertakings? It will be good and proper to put these posts on a par with those in the State Electricity Department after the present incumbents are discharged in the normal course when they reach the age of retirement. It is not proper on the part of the Government to say to these employees who have entered into a contract with the licensees and who have received some affirmation from the undertakings that they would be retained in service so long as their services are proper and not prejudicial to the interests of the institution, 'Well, we have taken over your undertakings and our rules will apply to you irrespective of any agreement or contract which you may have entered into with the licensees. We have got the power to legislate even with retrospective effect. This catastrophe has overtaken you and you should somehow reconcile yourselves to the new situation.' When it is the policy of this Government to be liberal in regard to the compensation payable to those who are running these undertakings, I would plead with the Government on behalf of these poor employees to see that the present employees are not at all affected by the rules that may be contemplated by the Government for them."

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SRI V. CHAKKARAI CHETTY:—“ Mr. Chairman, Sir, I heartily support this amendment. My point of view is this. Even as it is, some of the employees in the various electrical and other undertakings are not receiving adequate remuneration. We have had a good deal of agitation for increasing their wages. If this is the fact, how is it legitimate on the part of the Government to say that they have a right to cut down the wages, not because the wages are exorbitant but because one is an employee of the old management and the Government have the right to change the order of things and to reduce his wages when we have been contending that even the present wages some of the employees are receiving under the licensees are inadequate to meet the demands of present day living conditions? I therefore heartily support the amendment, and I hope the Government will pay some respect to the contracts already entered into. The Government cannot disown their responsibility for contracts entered into by the licensees. As a matter of fact, I do not know whether the law will permit the Government to disown responsibility for contracts entered into in the past. On these grounds it seems necessary that the Government should treat these employees on liberal terms because this clause is putting them in a position of disadvantage.”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ Mr. Chairman, Sir, as I mentioned yesterday in my reply, it is the intention of the Government to retain all the employees in these undertakings as far as possible and as far as it is practicable. I oppose this amendment because the intention is that once these personnel are absorbed in Government service they will have to be governed by the rules made for regulating the service conditions of other Government servants. This was so even according to the provisions of the impugned Act.

“ As regards the second part of the amendment, it may be said that one of the principles which the Government will have under their consideration in absorbing into Government service the staff of the acquired undertakings is that as far as possible there should be no decrease in the total emoluments earned by them under the licensee. However, there have been cases where the licensees have unduly stepped up the salaries of the employees from Rs. 30 or Rs. 40 per month to Rs. 100 or more per month. There have been cases like that where the pay of some of the employees has been raised unduly high by the licensees either because the employees concerned are their relations or because the Government are going to take over the undertakings. It is the intention of the Government to have power to deal with such situations. A manager is paid Rs. 500, irrespective of his qualifications, because he happens to be the cousin or the nephew of the licensee. Do hon. Members expect the Government to take over those undertakings on the same conditions? ”

SRI V. CHAKKARAI CHETTY:—“ I am not talking about the manager. I am talking of the ordinary working staff.”

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ How can we make a distinction between the ordinary staff and the manager? This clause does not make any distinction between the worker, the manager and anyone else. The Government will try to deal with the situation as fairly as possible and as equitably as possible. I cannot understand why the hon. Member should have doubts in this matter. I have already stated that the Government will not try to make profit out of these things as a private individual would do. If hon. Members concede that, there can be no apprehension that the Government will be unreasonable.”

DR. V. K. JOHN:—“ Have the Government no cousins? ”
(Laughter.)

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ The hon. Member must himself answer that. I do not know whether the Government have got cousins.”

THE HON. SRI C. SUBRAMANIAM (pointing to Dr. V. K. John):—“ You happen to be our cousin! ” (Laughter.)

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ I, therefore, oppose the amendment. I can, however, give the assurance that the Government would try to deal with the employees as fairly as possible.”

SRI V. GURUNANDAN ROW:—“ Mr. Chairman, Sir, the Hon. Minister has now stated that there are cases where the salaries have been stepped up just before the undertakings were taken over. Even if Government have got any doubt that there has been some stepping up which is not justified, there is provision in the Bill that such employees need not be taken over. The Government can retain such of the employees as they desire to have. It is only such of the employees as are retained that should be given the emoluments they were receiving while on the staff of the licensee. The Government have got the power to terminate the services of any person after giving him three months' notice in writing or paying him three months' pay in lieu of such notice. If the Government have got the least doubt that the salary of any particular employee has been stepped up, such an employee need not be retained at all. So it is not an argument for saying that for such of those employees whom the Government are taking over, they should not give a guarantee that their emoluments will not be lessened.”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“ Sir, here is an instance. We gave four months' notice for acquisition, and a few days before taking over the undertaking, one licensee stepped up the salary of an engineer. In the case of the lower grade staff, in many cases we have given more and in no case less. After all, the licensee thinks ' The Government are

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taking over the concern. I am getting some compensation. Let the concern go to dogs. After me the deluge! That seems to be the attitude of some licensees."

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

SRI V. GURUNANDAN ROW:—"Yes, Sir, I am pressing."

MR. CHAIRMAN:—"The question is—

'Delete the existing sub-clause (2) and substitute the following as sub-clause (2):—

"Persons whose services are retained or in the case of undertakings taken over have been retained, shall be governed or deemed to have been governed by such rules as the Government may make or may have made from time to time in regard to them."

In sub-clause (2), add the following proviso:—

"Provided that any such person's total emoluments shall in no way be reduced below the emoluments such person was receiving while on the staff of the licensee." "

The amendment was lost.

Clause 15 was put and carried.

Clauses 16 to 22 were put and carried.

Clause 23.

MR. CHAIRMAN:—"The motion is—

'That clause 23 do stand part of the Bill.' "

SRI V. GURUNANDAN ROW:—"Mr. Chairman, Sir, there has been a slight mistake in typing the amendment. I may be permitted to rectify it. I beg to move—

'Delete the first paragraph of the clause and substitute the following:—

"If any difficulty arises in giving effect to the provisions of this Act, the Government may as occasion requires pass any order not inconsistent with the provisions of the Act or the rules made thereunder, which is necessary for the purposes of removing the difficulty." "

Sir, really I ought to have opposed the clause altogether but since there has been no discussion clause by clause, I am compelled to move this amendment to restrict the wide scope of the clause as it stands. I shall now read to hon. Members the clause as it stands: 'If any difficulty arises in giving effect to the provisions

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of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.' I cannot understand what the words 'do anything' denote. Suppose I create difficulties, can the Government remove me? What is meant by 'do anything'? The Government have to act in some way. Why should not they make it clear? Again and again the Supreme Court has held that the giving of arbitrary power amounts to abdication of legislative functions and that if any provision of law gives any power to do things which are unconstitutional, then the provision itself shall be void. Therefore, in order to make this clause more specific, I have moved my amendment. If the intention of the Government is only to carry out the provisions of the Act, I do not see any reason why the Government should oppose the amendment. Only if they want to act arbitrarily outside the scope of the Bill, such a clause is necessary. I do not see why this amendment should not be accepted. The Government should not do anything inconsistent with the provisions of the Act or the rules made thereunder. I have therefore brought in this amendment to see that an order under this clause is not subsequently challenged."

The amendment was duly seconded.

MR. CHAIRMAN:—"Amendment moved—

'Delete the first paragraph of the clause and substitute the following:—

"If any difficulty arises in giving effect to the provisions of this Act, the Government may as occasion requires pass any order not inconsistent with the provisions of the Act or the rules made thereunder, which is necessary for the purposes of removing the difficulty." "

DR. V. K. JOHN:—"I am bound to say, Sir, that this clause is a stupid clause, stupid in the extreme. What the draftsman should have done is to give power to the Government to make rules to carry out the purposes of this Bill. That is the proper thing to do, and that is what has been done in all the previous Bills passed by the Legislature until the Congress took over. Now instead of giving such a power to Government to make rules to carry out the purposes of this Bill whenever they wish to do so, a clause has been introduced giving power to remove all difficulties in the way. It is meaningless. It is the brain wave of somebody. What is the idea of giving the Government power to remove all difficulties? What are the difficulties which the Government expect? Should they not anticipate these difficulties and then legislate? The object of this clause is to do something behind the Legislature. The Government have not applied their mind to the difficulties. They do not know what they are at present. They cannot imagine what they would be in the future. No civilized Government would come forward with such a Bill asking for power to remove all difficulties. They can ask for power to

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make rules to carry out the purposes of the Bill, and that would be proper. I say that this clause 23 should not find a place in this Bill."

SRI A. GAJAPATHY NAYAGAR :—"மன்றத் தலைவர் அவர்களே, இந்த மசோதாவில் anything என்று எழுதியிருந்தாலும், அது anything ஆகாது. Anything என்றால் anything just and necessary என்பது தான் அர்த்தமாகும். அதைப்பற்றி இவ்வளவு வாதம் செய்வது பொருத்தமில்லை என்று தான் தோன்றுகிறது. இத்துடன் நான் அடங்கின்றேன்."

SRI G. KRISHNAMURTHI :—"Sir, I beg to support this amendment. The amendment is quite reasonable and simple, and it can be accepted by the Government. The hon. Member Sri V. Gurunandan Row's amendment wants the intentions of the Government to be incorporated in the Bill: Of course, the Government intend to do anything only if it is consistent with the provisions of the Act or the rules to be framed thereunder. When that is the case I think the Government can accept the amendment moved by Sri V. Gurunandan Row. The fear in the minds of the public and some of the Members of this House is that the Government do often stick to the exact word and letter of the Act—even the comma in the Act. When that is the case, there is no harm in repeating things. Generally in law we are more prone to repeat things in order to avoid any confusion. Of course, the people who want to interpret the Act—people who adorn the Gadi of the Government at so many reasonable intervals—may interpret it in so many ways. In order to safeguard the future also, we want the thing to be put as plainly as possible, namely, 'to do anything not inconsistent with the provisions of the Act or the rules to be made thereunder'. I hope the Government will accept the amendment."

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—"Sir, I oppose the amendment. As the hon. Member, Sri Gajapathy Nayagar, pointed out already, legal opinion has already been taken. Under the clause, even as it stands, it will not be competent for the Government to do anything beyond the scope of the provisions of the Bill and the rules to be made thereunder. So, I oppose the amendment."

"Further, Sir, the clause itself provides for a copy of every order passed under this clause to be laid before each House of the State Legislature. So, Dr. John's fears that we are trying to act behind the Legislature has no force at all. Dr. John has actually strengthened my hands. He said that in several of the Bills passed previously by the Legislature there were similar provisions. If he can show an instance in which the Government have abused the power given to them, then he is justified in condemning this Bill wholesale. In all cases in which the Government have taken power to do anything to remove difficulties, they have not abused that power. Dr. John has not been able to say that the Government have at any time abused their powers. Therefore, Sir, I strongly oppose the amendment."

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MR. CHAIRMAN :—"The question is—

'Delete the first paragraph of the clause and substitute the following :—

"If any difficulty arises in giving effect to the provisions of this Act, the Government may as occasion requires pass any order not inconsistent with the provisions of the Act or the rules made thereunder, which is necessary for the purposes of removing the difficulty." "

The amendment was lost.

Clause 23 was put and carried.

Clauses 24 and 25 were put and carried.

Schedules I and II were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—"Sir, I beg to move—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—"Motion moved—

'That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be passed into law.' "

DR. V. K. JOHN :—"Sir, I still suggest that it would be advisable for the Government to refer this matter for the opinion of the Attorney-General of India to find out whether it is within the competence of this Legislature to pass this measure, and not to wait until the Courts of Law decide that it is not within the competence of the Legislature. This is a case wherein the Government will be involved in large sums of money, and, therefore, the Government should take particular care to see that they pass a Bill which is not *ultra vires* of this Legislature but *intra vires* of this Legislature. There is a very grave doubt whether this legislation is *intra vires* of this Legislature. I suggest that the opinion of the Attorney-General of India may be taken, even though it can be taken only after this Bill is passed into law. If the opinion of the Attorney-General is that this Bill is *ultra vires* of this Legislature, I suggest that the Central Government may be requested to introduce a Bill in Parliament, which they can do under Article 248."

SRI K. BHASHYAM :—"Sir, after all that has been said on the floor of the House, and after considering the opinion of Mr. Justice Satyanarayana Rao of the Madras High Court that, under the Act as it stands, it is certainly competent for the local legislature to acquire electricity undertakings, the hon. Member, Dr. John, is not quite satisfied. He wants that the Government

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should consult the Attorney-General. The Attorney-General may not charge the Government very much. After all, he is doing this work for the Government. There is no question about that."

DR. V. K. JOHN :—" Sir, I may say that in the Supreme Court judgment they have stated ' this is sufficient to dispose of the appeal ' and that it is not necessary to express any opinion on the other points raised in the Court below. There they have not expressed any opinion or made any observations on the points raised by the High Court. They have said that this piece of legislation is *ultra vires* of the Legislature."

SRI K. BHASHYAM :—" I think, Sir, Dr. John has correctly misunderstood me or has not heard me properly. I never said that the Supreme Court has endorsed the opinion of Mr. Justice Satyanarayana Rao of the Madras High Court. Mr. Justice Satyanarayana Rao in the course of an argument about the Bill before him did deal with the question as to the competence of the local legislature to deal with the acquisition of electricity undertakings under the Act as it stood to-day. Therefore it is I quoted his opinion before the House for the purpose of strengthening my argument that the local legislature is certainly competent to deal with this matter. Apart from this, Sir, even supposing that we take the opinion of the Attorney-General, how far is his opinion binding on the courts? Is not the Attorney-General also a human being liable to commit mistakes? If all our legal officers are liable to err, certainly the Attorney-General is not going to be any better than we are, as far as I know, at any rate. Even if the Attorney-General is a great person and a wiser person, it does not mean that what he says is law. After all, the matter has to go before a Court of Law. He cannot decide the issue. Only the courts can decide the issue. I would rather ask the Government to go ahead with the Bill even at the risk of some litigious person taking the matter in appeal to the Supreme Court for the purpose of saying that this Act is bad. We are committed to the nationalization of electricity undertakings, which is good for the country. Therefore, even if there is anything wrong with this Bill, the Government can go ahead and take the risk. I do not think the risk is so great as Dr. John thinks it to be. From a reading of the legal opinion and also from a reading of the clauses of the Bill, I think, Sir, that we need not be afraid that the courts will be against us and that the Supreme Court will be against us."

SRI T. PURUSHOTHAM :—" Sir, I support the motion moved by the Hon. Minister. I take this opportunity of congratulating the Raja of Ramnad, who is in charge of this Bill, on the able and forcible manner in which he has piloted this Bill in this House and in the other House."

THE HON. RAJA SRI SHANMUGA REJESWARA SETHUPATHI :—" Mr. Chairman, Sir, I thank hon. Members of this House for the very constructive and helpful criticisms they have made on the Bill. I will certainly remember all the requests they

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have made in this connexion and I shall try to implement them to the best of my ability and in the interests of all the people concerned. With the good wishes of hon. Members, I hope the Bill will be passed."

MR. CHAIRMAN :—" The question is—

' That the Madras Electricity Undertakings (Acquisition) Bill, 1954 (L.A. Bill No. 23 of 1954), as passed by the Assembly, be passed into law.' "

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

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 18th May 1954.

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

THE COURTALLAM TOWNSHIP BILL, 1954 (L.C. BILL NO. 8 OF 1954)
(AS PASSED BY THE ASSEMBLY).

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—

“ Mr. Chairman, Sir, I beg to move—

‘ That under rule 102 of the Madras Council Rules, the following amendment which was made by the Legislative Assembly to the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as passed by the Council be taken into consideration.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That under rule 102 of the Madras Council Rules, the following amendment which was made by the Legislative Assembly to the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), as passed by the Council be taken into consideration.’ ”

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

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—

“ Mr. Chairman, Sir, I beg to move the amendment, namely :—

‘ Renumber clause 6 as sub-clause (1) and add the following as sub-clause (2) :—

“ (2) All orders made by the State Government under sub-section (1) shall, as soon as possible after they are made, be laid on the table of both Houses of the Legislature.” ’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ Renumber clause 6 as sub-clause (1) and add the following as sub-clause (2) :—

“ (2) All orders made by the State Government under sub-section (1) shall, as soon as possible after they are made, be laid on the table of both Houses of the Legislature.” ’ ”

SRI T. PURUSHOTHAM :—“ Mr. Chairman, Sir, this Bill was already considered by this House and passed. It is only a short amendment that has been moved by the Hon. Minister, and I am sure hon. Members will have no objection to accept the amendment. On the other hand we should welcome it because the rules to be framed under that Act are to be placed on the table of both Houses of the Legislature.

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“ In this connexion I should like to point out that any improvements carried out in Courtallam should also be carried out in Tenkasi. Tenkasi is only about three miles from Courtallam and as this is a measure intended to improve Courtallam and make it into a sanatorium, every step should be taken to improve Tenkasi also, it being the Railway terminus. I have examined the income and population of the Tenkasi Panchayat and they are sufficient enough to warrant the conversion of Tenkasi Panchayat into a Municipality. As a matter of fact, Government were considering such a measure and wanted to convert that panchayat into a municipality long ago. I do not know why it is being held up. It being a railway junction and the gateway to Courtallam, it should be very soon converted into a municipality. I think the prime need of this place is protected water-supply. Levy of a water tax and provision of protected water-supply would improve the sanitation of that place. Therefore, I request the Government to give their earnest consideration to the question of conversion of the Tenkasi Panchayat into a Municipality from the date from which Courtallam is to be made into a Township. With these few words I support the motion moved by the Hon. the Minister for Local Administration.”

DR. V. K. JOHN :—“ Sir, the amendment has my support.”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, I am glad that provision has been made for placing all orders made by the State Government under sub-section (1) on the table of both Houses of the Legislature. In fact we were complaining, that such a provision was not made in all the measures that came up before this House. In the drafting of certain Bills, provision was made for not placing the orders on the table of the House. I hope Government would take this as a precedent and place all orders passed on the table of this House also.”

MR. CHAIRMAN :—“ The question is—

‘ *Renumber* clause 6 as sub-clause (1) and *add* the following as sub-clause (2) :—

“ (2) All orders made by the State Government under sub-section (1) shall, as soon as possible after they are made, be laid on the table of both Houses of the Legislature.” ”

The motion was carried, and the amendment was passed.

THE MADRAS LEGISLATIVE ASSEMBLY

Tuesday, the 18th May 1954.

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

[18th May 1954]

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 1954.

THE HON. SRI B. PARAMESWARAN :—“ Mr. Speaker, Sir, I beg to introduce the Madras Hindu Religious and Charitable Endowments (Amendment) Bill^a, 1954 and move—

‘ That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 23 Members (15 Members of the Assembly and 8 Members of the Council) to consider the Bill and that the following Members of this House be selected to serve on such a Joint Select Committee.’

I shall give the names after the concurrence of the Council is obtained.

“ In its judgment, dated 13th December 1951, a Division Bench of the Madras High Court allowed a petition presented by the head of the Shirur Math in the South Kanara district under Article 226 of the Constitution and directed the issue of a writ of prohibition against the settlement of the scheme connected with the Math initiated under the Madras Hindu Religious Endowments Act, 1927, subsequently amended and re-enacted as the Madras Hindu Religious and Charitable Endowments Act, 1951. The main contention raised in the petition was that having regard to the fundamental rights guaranteed under the Constitution in matters of religion and religious institutions belonging to particular religious denominations, the law regulating the framing of a scheme interfering with the management of the Math and its affairs by the Madhathipathi conflicted with the provisions of Articles 19 (1) (a) and 26 of the Constitution. On the constitutional issues thus raised in the petition, the High Court pronounced quite a number of sections of the Act to be *ultra vires* by reason of their being in conflict with the fundamental rights guaranteed under Articles 19 (1) (f), 25, 26 and 27 of the Constitution. The matter was taken in appeal on behalf of the Government to the Supreme Court of India. The Supreme Court in its judgment, dated the 16th March 1954, dismissed the appeal and agreeing with the Madras High Court, declared sections 21, 30 (2), 31, 35, 56 and 63 to 69 to be invalid as they are in conflict with the fundamental rights and section 76 (1) of the Act to be void as it is beyond the legislative competence of the Madras State Legislature.

“ The Government bring forward the present Amendment Bill with a view to remedy the situation created by the Supreme Court's judgment and to amend the Act in conformity with the provisions of the Constitution. I shall now proceed to explain briefly the scope of this amending legislation.

^a Published in the *Fort St. George Gazette* Extraordinary, dated 14th May 1954.

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“ Section 21 of the existing Act empowers the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department, Deputy and Assistant Commissioners and other officers authorized by the Commissioner or the Area Committee to enter the premises of any religious institution or place of worship in the discharge of their duties under the Act. The Supreme Court has held that section 21, which confers on officers' unregulated and unrestricted right of entry into any part of religious institutions including the inner sanctuary and that too at all hours irrespective of any interference that might be caused to the due observance of the rights and ceremonies in them and without due notice to the trustees, contravenes Articles 25 and 26 of the Constitution. Clause 3 of the Bill, therefore, following the directions given by the Supreme Court, provides for notice being given to trustee and for the usages and practices of the institution being observed by an officer in making an entry. The amendment incidentally enables the Commissioner to nominate, if necessary, any servant, including an ‘ archaka ’ of a religious institution, to make an entry into any part of a temple or math including the Sanctum Sanctorum.

“ Section 23 of the existing Act imposes a duty upon the trustee to obey all lawful orders under the Act issued by the Commissioner, the Deputy or Assistant Commissioner or the Area Committee. Clause 4 of the Bill makes an addition to this section which requires that the authorities mentioned shall, while exercising their powers of control and superintendence, as far as practicable, observe, the forms and ceremonies or usages appropriate to the religious institution or math concerned.

“ Sub-section (1) of section 30 of the Act declares the right of the trustee of a religious institution to incur expenditure, out of the funds in his charge, for securing the health, safety or convenience of disciples and pilgrims and for the training of archakas, adhyapakas, etc. Sub-section (2) of section 30, however, requires that in incurring the expenditure the trustee shall be guided by any general or special instructions which the Commissioner or the Area Committee may give. The Supreme Court has held that this provision constitutes an unreasonable restriction on the right of the trustee. Clause 5 of the Bill therefore deletes sub-section (2) of section 30.

“ According to the Supreme Court the objection raised in respect of section 30 (2) will apply also to section 31 which enables the trustee to spend the surplus income of the institution for the purposes specified in section 59 (1) with the previous permission of the Deputy Commissioner. The Supreme Court has held that the stipulation that the surplus income can be spent only for the purposes specified in section 59 (1) and that too with the permission of Deputy Commissioner places a burdensome restriction upon the property rights of the trustee sanctioned by usage and has the effect of impairing his dignity and efficiency as the head of the

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institution. The existing section 31 is, therefore, being deleted to meet the objections raised by the Supreme Court and a new section 31 is being substituted by clause 6 of the Bill.

"On the analogy of section 47 of the Orissa Hindu Religious Endowments Act, 1939, which has been held to be valid by the Supreme Court, the new section 31 provides for the cypres application of surplus funds of endowments. Under this section the Commissioner can, after holding the necessary inquiry and after satisfying adequately the purposes of any institution and setting apart a sum sufficient for the repair and renovation of buildings connected with it, authorize the utilization of any surplus funds towards religious, educational or charitable purposes. The Commissioner can also create reserve funds for the institution out of the surplus income. Provision has also been made for the publication of the Commissioner's order under the section and for suit against the order within six months of its publication.

"Clause 7 of the Bill inserts two new sections 31-A and 31-B. New section 31-A provides for the validation of past appropriation of surplus funds made by the trustee under the existing section 31 with the permission of the Deputy Commissioner, and for the filing of a suit by any interested person (within a period of six months from the commencement of the Amendment Act) against any such appropriation made by the trustee. New section 31-B provides for an appeal to the High Court against the order of the lower Court.

"Section 39 (2) of the Act provides that where an institution has both hereditary and non-hereditary trustee, the Commissioner can appoint non-hereditary trustees as and when vacancies occur. Clause 9 of the Bill meets the objection to section 39 (2) by the Madras High Court by providing that the Commissioner shall appoint non-hereditary trustees only in case of mismanagement and that too only after giving due notice to the hereditary trustees and after holding an inquiry.

"Section 52 of the Act specifies the grounds on which a suit can be filed for the removal of the trustee of a math or specific endowment. Clause 10 of the Bill provides for the filing of such suits on certain additional grounds, viz., waste of funds, adoption of devices to convert the income of the institution into pathakanika or leading a life inconsistent with the sanctity of the office.

"Section 55 of the Act has been held *ultra vires* in so far as it obliges heads of maths to maintain accounts of receipts and disbursements of pathakanika and to spend pathakanika on purposes connected with the institution. Clause 11 of the Bill provides for the heads of maths maintaining accounts of receipts of pathakanika (but not of expenditure) and for their spending pathakanika in any manner authorized by the usage of the institution.

[Sri B. Parameswaran] [18th May 1954]

"Both the Madras High Court and the Supreme Court have invalidated section 56 of the Act which empowers the Commissioner to require the trustee to appoint a manager for the administration of the secular affairs of the institution and in case of default to make the appointment himself. Clause 12 of the Bill deletes this section.

"Sections 63 to 69 of the Act provide for the notification by the Commissioner of religious institutions and for the appointment of Executive Officers for the better administration of the endowments of the institutions. The Supreme Court has held that these provisions are extremely drastic in character and has declared these to be void. Clause 13 of the Bill introduces a new section 62-A which makes sections 63 to 69 inapplicable to maths or other religious institutions having hereditary trustees with a beneficial interest in the income of the institution.

"Section 76 (1) of the Act provides for the payment of annual contributions to the Government by institutions not exceeding 5 per cent of their income for the services rendered by the Government. The Supreme Court has held that as these contributions are not earmarked or specified to defray the expenses incurred by the Government in performing the services they have to be treated as tax and not as fee and that consequently section 76 (1) is beyond the legislative competence of the State Legislature. Clause 17 therefore amends this section making the contributions payable to the Commissioner instead of to the Government.

"Clause 18 of the Bill (which introduces three new sections 80, 81 and 82) further provides for the appointment of the Commissioner to be a corporation sole, for the constitution of a fund to be called the Madras Hindu Religious and Charitable Endowments Administration Fund to which the contributions under section 76 (1) shall be credited and for vesting the Fund in the Commissioner. Provision is also made for the validation of contributions already collected by the Government.

"Sir, I have now briefly indicated the main purposes and features of this amending legislation. The judgments of the Madras High Court and the Supreme Court of India have practically rendered the existing Act largely inoperative and I am sure the House will certainly agree that this legislation is extremely important as well as urgent. I accordingly commend the Bill for consideration of the House."

18th May 1954] [Sri M. Narayana Kurup]

employment for their own people. Originally, interference was to this extent, viz., that the endowments were asked to pay contributions at a certain percentage. Gradually, they increased their powers and they armed themselves with powers of notification. Nonetheless, they were functioning as a separate department under the Government. Lately, when the 1950 Act was passed, the Religious Endowments Department was abolished and the Government have directly assumed administration of all the religious endowments. We had hardly time to ascertain how the legislation itself will work. Neither the Government nor the heads of religious institutions, who had only to figure in courts as plaintiffs or defendants, had any time to study the various provisions of the Act. As a result of this, practically the enactment as a whole has been negated. I am afraid that the legislation that is before the House is not free from certain constitutional defects. The Supreme Court has held that the Religious Endowments Act does not affect or could not affect the heads of mutts. Nonetheless, clause 10 of the amending Bill seeks in an indirect way to negative that contention and such arbitrary rules of conduct for the heads of mutts are prescribed that they can be removed at the will and caprice of the Government officials. Therefore, the Government practically retain the abnoxious provisions of the previous legislation. If it is the intention of the Government to amend the Act in the light of the recent decision of the Supreme Court, then one would expect the Government to bring forward a comprehensive legislation covering all the points. But, it has been the practice of the Government to bring forward only piecemeal legislation. Even in such cases, we used to be supplied with the original sections that were sought to be amended and the text of the amended sections and other details. Of course, I did not want to raise this point as a point of order. The Hon. Minister in his speech referred to a number of sections and the most intelligent man present here could not have understood anything about them, as we do not have the material before us to look into those things. A copy of the Bill itself was given to us only yesterday. We have been having a continuous Session. Even if all of us were to go to the library and refer to the original sections in the original Act, it will be almost humanly impossible. It was promised the other day that such Bills will be taken up last only when there was an emergency. We have to stop referring to such matters as we have found the Government incorrigible in that respect. This sort of bringing a piecemeal legislation by adopting one section from the Orissa Act and another section from another Act and tacking them on to the legislation which has already been held void by the Supreme Court is not the proper way of doing things.

“ Sir, reference to regional or area committees was made by the Hon. Minister. I must say that the working of these Committees has been found to be utterly unsatisfactory. The officers appointed by the Government, even the executive officers do not have belief either in God or Religion. They are simply officials.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 1954—*cont.*

MR. SPEAKER :—“ The motion is—

‘ That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 23 Members (15 Members of the Assembly and 8 Members of the Council) to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954.’ ”

The motion is before the House for discussion.

SRI M. NARAYANA KURUP :—“ Mr. Speaker, Sir, I wish to take this opportunity to express my disappointment, or shall I say my disgust at the way in which the problem of Hindu Religious Endowments has been handled by the successive Governments of the State. It is said that we are a secular State. Nonetheless we are armed with powers to legislate in regard to properties owned by religious institutions. One can understand the Government's bringing a measure, a general measure so to say, affecting all the religious institutions. But, it has been the practice of this State to choose, probably with the best of intentions, only Hindu Religious institutions and the progress of legislation with regard to this matter has only been from confusion to confusion. As a result of this, as said by the Hon. Minister, we have today practically no legislation governing the point. We have reached a stage when we have neither religion nor endowments. Sir, the history of legislation relating to religious institutions has been an attempt of the Government to create certain fields of

[Sri M. Narayana Kurup] [18th May 1954]

They do not pay even the salaries of the *archakas* or other people, but collect only so much as to maintain themselves and to meet their own salaries. As a result of this, the temples, places of worship, all over the State have fallen into disrepute and one is ashamed to call himself a Hindu because of the working of this Hindu Religious Endowments Act. The measure should have been brought keeping in view the feelings and views of the people. However, inasmuch as the Bill is going to a Select Committee, I hope the Hon. Minister will not stand on technical grounds. I also hope that certain provisions which have not been working satisfactorily, though they may not be included in the Bill, will be considered by the Committee with the concurrence of all people, and when it emerges from the Select Committee, it will be a legislation for the better administration of endowments in the State."

SRI A. RATNAM :—"கனம் சபாநாயகர் அவர்களே, ஹிந்து மத பரிபாலனச் சட்டமானது இன்றைக்கு ஹிந்து மதத்தால் தாழ்த்தப்பட்டவர்கள் என்று புறக்கணிக்கப்பட்ட, ஹிந்து மதத்தால் தீண்டப்படாதவர்கள் என்று ஒதுக்கவைக்கப்பட்ட, ஹிந்து மத ஆலயங்களின் உள்ளேயே நுழையக்கூடாது என்று தடை விதிக்கப்பட்டிருந்த ஹரிஜன சமூகத்தைச் சேர்ந்த ஒரு மந்திரியின் வசம் ஹிந்துமத பரிபாலன இலாக்கா ஒப்படைக்கப்பட்டு அவரும் இந்த மசோதாவைப் பிரேரித்திருப்பதற்காகப் பாராட்டுகிறேன்; சந்தோஷம் அடைகிறேன்."

"இன்றைக்கு நம் ராஜ்யத்திலுள்ள பல ஆலயங்களுக்கு நிறைய சொத்துக்கள் இருக்கின்றன. அதைப்போலவே மடங்களுக்கும் சொத்துக்கள் இருக்கின்றன. ஆயிரக்கணக்கான ஏக்கரா நிலங்களும் இருக்கின்றன. இவைகளையெல்லாம் தர்மகர்த்தாக்கள் என்று சொல்லிக்கொண்டு வருபவர்கள் கொள்ளையடித்து வருகிறார்கள் என்று நான் சொன்னால் அது மிகை யாகாது. கடவுளின் பெயரால் பலவிடங்களில் கள்ளமாரிக்கெட்டுகள் நடக்கின்றன. கடவுளின் பெயரால், ஏழைகளை சடவுளின் பிரதிநிதிகள் என்பதை ஹிந்துமதம் ஒப்புக்கொண்டாலும் கூட, பல ஏழை எளிய விவசாயிகள் இந்த மடங்களின் நிர்வாகிகளாலும், ஆலயங்களின் தர்மகர்த்தாக்களாலும் பழிவாங்கப்படுகிறார்கள். இந்தக் கோயில் நிர்வாகிகள் ஏழை எளிய மக்களிடமிருந்து கடன் பத்திரம் 50 ரூபாய்க்கு எழுதி கொடுக்கச் சொல்லிவிட்டு 100 ரூபாய் கொடுக்கவேண்டுமென்று அவர்களைக் கள்ளத்தனமாக வற்புறுத்துகிறார்கள். அதேபோல கோயில் நிலங்களைக் குத்தகைக்கு விடும்போதும் 50 கலம் குத்தகை என்று எட்டில் இருக்குமே தவிர அவர்களிடமிருந்து 100 கலம் வசூலிக்கப்படும். இந்த மாதிரியான கள்ளத்தனமான காரியம் பல நடக்கின்றன. திருப்பதிபோன்ற பல கோயில்களுக்கு ஆயிரக்கணக்கான ஏக்கரா நிலங்கள் இருக்கின்றன. இங்கெல்லாம் இதே அக்கிரமம்தான். இந்த மாதிரியாக அறநிலையங்களின் சொத்துக்களை சர்க்கார் எடுத்து நிர்வகிக்கக் கூடாதென்று நீதிமன்றம் தீர்ப்பளித்திருக்கிறது. அதன் காரணமாகத்தான் அவசரமாக அதனால் ஏற்பட்டுள்ள நிலைமையைச் சமாளிக்க இந்த மசோதாவைக் கொண்டு வந்திருப்பதாக கனம் மந்திரி அவர்கள் சொன்னார்கள். அதேசமயத்தில் அவர்கள் இதையும் கவனிக்கவேண்டும். இந்த ஆலயங்கள் மடங்கள் எல்லாவற்றிலும் ஒரு ஜாதியாரே பலவகைப்பட்ட காரியங்களுக்கும் நியமிக்கப்படுகிறார்கள். ஒரு ஜாதியாரே உத்திரவு போட்டாகவேண்டும். ஒரு ஜாதியார் இவைகளை மென்று சர்க்கார் உத்திரவு போட்டாகவேண்டும். ஒரு ஜாதியார் இவைகளை தங்களுக்கு ஏகபோக உரிமையாக வைத்துக்கொண்டு கொள்ளையடிக்க விடக்கூடாது. இந்த ஆலயங்களின் நிர்வாகிகளாகவும் டிரஸ்டிகளாகவும் ஹரிஜனங்களே நியமிக்கப்படவேண்டுமென்பது என் வேண்டுகோள். ஏனென்று கேட்டால் 1947-ம் வருஷத்திலே ஆலயப்பிரவேசச் சட்டம் அமுலுக்கு வந்தது. ஆனால் இன்னும் பல ஆலயங்களுக்குள் ஹரிஜனங்கள் விடப்படாதவந்தது. ஆனால் இன்னும் பல ஆலயங்களுக்குள் ஹரிஜனங்கள் விடப்படாமலிருக்கிறார்கள் என்பது எல்லோருக்கும் தெரியுமென்று எண்ணுகிறேன்."

18th May 1954]

[Sri A. Ratnam]

கோவில் நுழைவுச் சட்டம் வந்ததே தவிர இன்றைக்கும் எந்த ஹரிஜன னாவது கோவிலுக்குள் நுழைந்துவிட்டால் உடனே நிலச்சுவந்தாரின் கண்களில் தீப்பொறி பறக்கின்றது. வார்த்தைகளில் ஆவேசம் துடிக்கின்றது, 'ஆ! நீ கோவிலுக்குள் நுழைந்தாயா? பார் உன்னை என்ன பாடு படுத்துகிறேன்', என்பதாகச் சொல்லிக்கொண்டு அந்த ஹரிஜனனை புரியமரத்தில் கட்டிவைத்து அடிக்கக் கூடிய நிலைமை ஒரு கிராமத்தில் அல்ல, எல்லா கிராமங்களிலும் இருந்து கொண்டிருக்கிறது. எனவே உண்மையாக ஹரிஜன முன்னேற்றத்தில் சர்க்காருக்கு அக்கறை இருப்பதால்தான் ஹிந்துமத பரிபாலன இலாக்காவிற்கு ஹரிஜனனை மந்திரியாக இருக்கவேண்டுமென்ற நோக்கத்தோடுதான் இந்தச் சர்க்கார் புரட்சிகரமாக ஸ்ரீமான் பரமேஸ்வரன் அவர்கள் கையில் இந்த இலாக்காவை ஒப்படைத்திருக்கிறார்களோ என்று கூட நான் எண்ணுகிறேன். இது வருங்காலத்தின் நல்ல அறிஞரியாக இருக்கிறது."

"இதைப் பொறுக்குக் கமிட்டிக்கு அனுப்புவதில் சனம் மந்திரி அவர்கள் அந்தப் பொறுக்குக் கமிட்டியில் ஹரிஜன முன்னேற்றத்தில் அக்கறையுள்ள தாழ்த்தப்பட்ட அங்கத்தினர்களும் அதில் இடம் பெறும்படியாகச் செய்யவேண்டும். அதோடு ஹரிஜன நல இலாகா டைரக்டர் அவர்களையும் இந்தக் கமிட்டியில் போட்டால் நல்லதாக இருக்குமென்று நான் நினைக்கிறேன்."

"இந்த மசோதாவில் ஒன்றிலிருந்து 15 ஷரத்துக்கள் வரை அடியோடு திருத்தப்பட வேண்டுமென்று சொன்னார்கள். அதற்குக் காரணம் ஒரு வழக்கில் எப்பொழுது இந்தச் சட்டத்திற்கு விரோதமாகத் தீர்ப்பு வழங்கப் பட்டுவிட்டதோ அப்பொழுதே இதைத் திருத்த தக்க நடவடிக்கை எடுக்காவிட்டால் ஒவ்வொருவரும் நீதி மன்றத்திற்குச் சென்று விவாதங்கள் என்று சொன்னார்கள். எனக்குத் தெரியும். பல வழக்குகளில் இந்தக் கள்ள மாரிக்கெட்டுகாரர்களின் சார்பாக, அதாவது மடங்கள், ஆலயங்கள் இவற்றின் நிர்வாகிகளின் சார்பாகவே தீர்ப்புகள் வழங்கப்பட்டு வருகின்றன. இதையும் சர்க்கார் கவனித்தாக வேண்டும். இந்த மசோதாவை அவசரமாகக் கொண்டுவரவேண்டுமென்று விரும்புவதாகத் தெரிகிறது. அதற்குக் காரணம் அந்தத்தீர்ப்பில் முப்பது தினங்களுக்குள் அவர்களுக்கு நிவாரணம் அளிக்கப்படவேண்டுமென்று கூறப்பட்டிருப்பதாகத் தெரிகிறது. இதற்குள் சரியான முறையில் இச்சட்டத்தைத் திருத்த சர்க்கார் எல்லா ஏற்பாடுகளையும் செய்வார்கள் என்றே நம்புகிறேன். கோயில் நிர்வாகம் சரியான முறையில் இயங்க இந்தச் சட்டம் நல்லபடியாகவே திருத்தப்படவேண்டும்."

"கோயில்களுக்கும், மடங்களுக்கும் நிறைய நிலங்கள் இருக்கின்றன. இவைகளையெல்லாம் பிடுங்கி ஏழை ஹரிஜனங்களுக்குப் பகிர்ந்து கொடுத்துவிட வேண்டுமென்று நான் சொல்லவில்லை. ஆனால் இவைகள் எல்லாவற்றையும் மொத்தமாக ஒரு ஏஜென்ஸியிடம் விட்டுவிடுவதை விட்டு சிறு சிறு துண்டாக பல ஏழை ஹரிஜன விவசாயிகளுக்கு நேரிடையாகக் குத்தகைக்கு விடவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன். இதற்கு தேவையான ஏற்பாட்டையும் செய்தாக வேண்டும். இவ்விஷயத்தில் கள்ளமாரிக்கெட்டதனம் நடக்க விடாமல், இடைத் தரகர் வந்து இந்த ஏழைகளின் ரத்தத்தை உறிஞ்சாதவாறு பாதுகாக்க வேண்டுமென்பது என் வேண்டுகோள். இந்த மாதிரியான ஏற்பாடுகளைக் கெல்லாம் என்றைக்கும் சர்க்கார் ஐ. லி. எஸ். ஆபீஸர்கள் விரோதமாகவே இருப்பார்கள்."

"இன்றைக்கு பல எரியாக் கமிட்டிகள் அமைக்கப்படுகின்றன. ஆனால் அவைகளுடைய சிபார்சுகள் ஏற்றுக்கொள்ளப்படுவதில்லை. பின்னர் கமிஷனர் ஒரு உத்திரவைப் போட்டு விடுகிறார். இதை யாராலும் மாற்ற முடியாமலும் இருக்கிறது."

"இதை எல்லாம் கவனித்து சரியான முறையில் இந்தச் சட்டம் திருத்தப்பட வேண்டுமென்ற காரணத்திற்காக இதனை பொறுக்குக் கமிட்டிக்கு விடுவதை நான் மனப்பூர்வமாக ஆதரிக்கின்றேன்."

[18th May 1954]

MR. SPEAKER:—“I want hon. Members to be brief. It is now ten minutes to twelve. I want to finish the discussion before 12-30 p.m.”

SRI B. K. NALLASWAMI:—“கனம் சபாநாயகர் அவர்களே, நமது அரசாங்கத்தார் கொண்டு வந்திருக்கக்கூடிய இந்த திருத்தி அமைக்கப்பட்ட மசோதாவை ஆதரித்து, சில வார்த்தைகள் சொல்ல விரும்புகிறேன். நம்முடைய இந்து மதம் நாளுக்கு நாள் க்ஷீணதிசையை அடைந்து வருகிறது என்றுதான் சொல்லவேண்டும். காரணம் மற்ற மதங்களிலெல்லாம் மக்களிடமிருந்து எடுத்துக்கொள்வது மிகக்குறைவு, திருப்பிக் கொடுப்பது அதிகமாக இருக்கும். ஆனால் இந்து மதத்திலோ எங்கு பார்த்தாலும் தட்சிணை, காணிக்கை போன்றவைகளை மடாதிபதிகளும், புரோகிதர்களும் எடுத்துக்கொள்ளும்படியாக செய்வதுதான் அதிகமானதாக இருக்கிறதே ஒழிய, மக்களுக்குத் திருப்பிக் கொடுப்பது என்பது ரொம்ப குறைவாகத்தான் இருக்கிறது. இந்தக் காரணத்தினாலேயே நம் நாட்டிலுள்ள சாதாரண மக்களுக்கு நாளுக்கு நாள் மதத்திலே நம்பிக்கை குறைந்து கொண்டு வருகிறது. இந்த முறையிலே இன்று கோயில், மடங்கள் முதலியவைகளை எடுத்துக்கொண்டால், எந்த இடத்திலிருந்து மக்களுக்கு ஒழுக்கமும், நல்ல செயல்களும் பழகவேண்டுமோ அங்கெல்லாம் ஒழுக்கக் கேடும், லஞ்சமும் தான் மலிந்திருப்பதை நாம் பார்க்கின்றோம். குறிப்பாக பல கோயில்களை எடுத்துக்கொண்டால், அங்கெல்லாம் பரம்பரை டிரஸ்டிகள் பெரும்பாலும் இருப்பதைக் காணலாம். அவர்கள் அந்தக் கோயில்களை பரம்பரை பரம்பரையாக நிர்வகித்துக் கொண்டு வருவதால் அந்தக் கோயில்களில் வருமானம் எவ்வளவு, செலவினங்கள் எவ்வளவு என்பது அவர்களுக்குத் தான் தெரியுமே ஒழிய மற்றவர்கள் யாருக்கும் தெரியவே வழியில்லை. சிறு கோயிலாக இருந்தாலும்கூட வருஷத்திற்கு மூவாயிரம், நாலாயிரம் வருவாய் வந்துகொண்டிருக்கும். அதை வைத்துக்கொண்டு இந்த பரம்பரை டிரஸ்டிகள் நிம்மதியாக காலட்சேபம் புரிந்துகொண்டு வருவார்கள். அவர்களை கேட்பதற்கு யாரும் கிடையாது. இவைகளையெல்லாம் கவனிப்பதற்கு எரியா கமிட்டி அமைப்பு சௌகரியமாக இல்லை. ஒரு மாதத்தில் இரண்டு நாள் அல்லது மூன்று நாள் அவசர அவசரமாக எல்லா அலுவல் முறைகளையும் பார்த்துவிட்டு எதையும் சரியாக கவனிப்பதற்கே நேரமில்லாது போய்விடுகின்றனர். அவர்களுடைய நடைமுறை இந்த அளவில் இருக்கிறது. ஒவ்வொரு பிரதேசத்தையும் பரிசீலனை செய்வதற்கு மூன்று ஜில்லாவிற்கு, இரண்டு ஜில்லாவிற்கு ஒன்றாக எரியா கமிட்டி நியமிக்கப்பட்டிருக்கிறது. இதை இன்னும் குறுக்கி ஜில்லாவிற்கு ஒன்று அல்லது இரண்டாகச் செய்தால் இந்த மாதிரி குறைபாடுகளை நன்றாக கவனித்து வேண்டியன செய்வதற்கு உதவிபடக் இருக்கும். நான் முன்னமே சொன்னேன், நம்முடைய மதத்திலே சொத்தை மக்களிடமிருந்து எடுத்துக் கொள்வது தான் அதிகம், மக்கள் பெருவது குறைவு என்று. இதைத் திருத்துவதற்கு இந்த ஆறுவது கிளாசிலே இருக்கக்கூடிய திருத்தம் நிர்ப்பந்தப்படுத்துகிறது. ஆகையால் கோவிலில் வரக்கூடிய பணத்தை செலவுக்கு போக பாக்கியை கல்வி, சுகாதாரம் போன்ற வசதிகளை மக்களுக்குச் செய்துக் கொடுத்தல் அல்லது மதசம்பந்தமான பிரசாரம் போன்றவைகளுக்கு செலவு செய்யலாம். இதனால் சட்ட பூர்வமாக இவ்வாறு செய்வதற்கு அனுமதி கொடுத்துவிடக்கூடிய நிலைமை ஏற்பட்டிருக்கிறது.”

“அடுத்தபடியாக இன்னொரு முக்கியமான விஷயத்தை கவனிக்க வேண்டும். கோயில்களில் இந்த பரம்பரை டிரஸ்டிகள் யார் எங்கு முக்கியமாக உட்கார்ந்து கொண்டிருக்கிறார்களென்று கவனிக்க வேண்டும். இவர்கள் கோயில் பணத்தை தாராளமாக எடுத்து சொந்தச் செலவுகள் செய்கிறார்கள். இதைப்பற்றிய கணக்கு அவர்களுக்குத்தான் தெரியும். இப்பொழுது வந்துள்ள சட்டத்தால் இவர்களைக் கண்காணிக்க ஒரு இடமுள்ளது. உண்மையான கோயில் செலவுகள் எவ்வளவு என்று பார்க்க இடமிருக்கிறது. பரம்பரை பரம்பரையாகத்தான் கோயில்களுக்கு டிரஸ்டிகளாக இருக்க வேண்டுமென்ற அவசியமும் ஏற்படவில்லை. இதற்குமுன் அவர்கள் கோயி

[18th May 1954] [Sri B. K. Nallaswami]

லுக்கு என்று எந்த விதத்திலே செலவு செய்தாலும் அதைக் கட்டுப்படுத்த முடியவில்லை. இந்த திருத்தத்தின் மூலம் இந்த டிரஸ்டிகளை யெல்லாம் நீக்குவதற்கோ, கவனிப்பதற்கோ வசதியளிப்பதால் நான் இந்த திருத்தத்தை மிகவும் வரவேற்கிறேன். இன்னொரு விஷயம் முக்கியமாக கவனிக்க வேண்டும்.

“மடங்களுக்கு பூமிகள் நிறைய இருக்கின்றன. அவர்கள் அந்நிலங்களை யெல்லாம் குத்தகைக்கு விடுகிறார்கள். இந்த குத்தகைப் பணம் எவ்வளவுக்கு விடுகிறார்கள் என்பதை கணக்குவைப்பதே யில்லை. 500 ரூபாய்க்கு குத்தகைக்கு விட்டு விட்டு, 50 ரூபாய்க்குக்கூட கணக்கு எழுதினாலும் அவர்களைக் கேட்பார்கள் யாருமில்லை. இதற்கெல்லாம் அந்த மடத்திலுள்ள மாணேஜ்மெண்டின் குறை என்றுதான் சொல்ல வேண்டும். அங்கு இந்த மாணேஜ்மெண்டில் ஒரே லஞ்ச ஊழல். ஆனால் இந்த திருத்தத்தாலும், இந்த மசோதாவாலும் அவர்கள் அவ்வாறு தவறான முறையில் நடைபெறாமல் இருப்பதற்கு சில வழிகள் இருப்பதால் நான் இது போன்ற திருத்தங்களை மனமார வரவேற்கிறேன். குத்தகைக்கு விடுவதனால் அவர்கள் குத்தகைக்கு விடுவாரிடமிருந்து எவ்வளவுக்கு விடுகிறார்கள் என்பதற்கு ரசீது வாங்க வேண்டுமென்று இருக்கவேண்டும். அப்படியிருந்தாலும் பலர் பொய்யான ரசீதை வாங்கி வைக்கிறார்கள். ஆகவே இம்மாதிரியான தவறுகளை எல்லாம் கவனிக்க இதில் இடமிருக்கிறது என்பதை அறிய மகிழ்ச்சியடைகிறேன். இதையெல்லாம் தணிக்கை செய்து உண்மையான கணக்கைக் காட்டுவதற்கு ஏற்பாடு செய்தால்தான் இந்த மாதிரி வீணாகையாளப்படும் பணத்தையெல்லாம் கண்டு பிடித்து, அவைகளை கல்வி, சுகாதாரம் போன்ற நல்ல வழிகளில் செலவழிப்பதற்கு வசதியாக இருக்கும். நாமும், நம்முடைய சர்க்காரும், நம் நாட்டிலுள்ள ஏழை மக்களுக்கும், நாட்டிற்கும் நன்மை செய்தவர்களாகவும் முடியும். ஆகவே இதற்கெல்லாம் இந்த திருத்தம் இடம் அளிப்பதால் இதை அனைவரும் வரவேற்கும்படியான நிலைமையில் இருக்கிறோம். இந்த சபையிலும் இதை அனைவரும் வரவேற்பதைக் கண்டு நான் மிகவும் மகிழ்ச்சியடைகிறேன்.”

“கடைசியாக நாம் முக்கியமாக கவனிக்கவேண்டியது ஒன்றிருக்கிறது. அதுதான் கோயில்களில் எக்சிசியூட்டிவ் ஆபீசர்களாக நியமிப்போர்களுடைய நடத்தை. பல கோயில்களில் இந்த எக்சிசியூட்டிவ் ஆபீசர்களுக்கு மதத்தில் நம்பிக்கையே இருப்பதில்லை. எங்கள் ஊரிலே இம்மாதிரியான ஒருவரைத் தான் எக்சிசியூட்டிவ் ஆபீசராக நியமித்திருந்தார்கள். அவரிடம் விபுதி கொடுத்தால் கீழே எறித்து விடுவார் அல்லது ஊதி விடுவார். இந்த மாதிரியான ஆட்களை கோயில்களுக்கு நியமிக்கவே கூடாது. இந்த விஷயங்களில் மட்டும் மத நம்பிக்கை உள்ளவராக இருப்பவரைப் பார்த்துத்தான் இந்தமாதிரியான உத்தியோகங்களுக்கு நியமிக்கப்பட வேண்டும். ஆகவே இனிமேல் எக்சிசியூட்டிவ் ஆபீசர்களாக நியமிப்போரை மதத்தில் நம்பிக்கையுள்ளவர்களாக கவனித்து உத்தியோகத்திற்கு அமர்த்தும்படி கேட்டுக் கொண்டு, இந்த திருத்தத்தை ஆதரித்து என்னுடைய உரையை முடித்துக் கொள்ளுகிறேன்.”

SRI K. T. RAJU:—“கனம் சபாநாயகர் அவர்களே, இந்த எண்டோமெண்ட் பாதுகாப்புத் திருத்த மசோதாவை பொறுக்குக் கமிட்டிக்கு விட்டு, சில விஷயங்களை திருத்தி அமைக்கப் போவதை நான் ஆதரிக்கிறேன். பொதுவாக பேசிய அங்கத்தினர்கள் சிலர் இந்த மடங்கள் சம்பந்தமாகவும், கோயில் சொத்துக்கள் எப்படி நிர்வகிக்கப்படுகிறது என்பது பற்றியும் பொதுவாக கூறியிருக்கிறார்கள். பொதுவாக நாட்டிலே பழங்காலத்தில் பொய் சொல்லக் கூடாது, திருடக்கூடாது, கோயிலுக்குச் சென்றால் தூய்மையாக இருக்க வேண்டும், ஒழுக்கமாக இருக்கவேண்டும் என்பதற்காகத்தான் உண்மையில் அப்போது கோயில்கள் கட்டப்பட்டன. இன்றையதினம் இதற்கான சொத்துக்கள் எல்லாம் நல்ல முறையில் உபயோகிக்கப்படுகிறதா என்று பார்க்கவேண்டும் என்பது உண்மைதான்.

[Sri K. R. Viswanathan] [18th May 1954]

அவைகள் மக்களின் ஒழுக்கத்தைப் பாதிக்கும் வகையில் இயங்கி வருகின்றன. அவைகள் சரியான முறையில் பாதுகாக்கப்படாத காரணத்தால் இன்றைக்கு மதத்திற்கே ஆபத்து வந்திருக்கிறது. எந்த அளவில் அந்த மடங்களையும், ஆலயங்களையும் திருத்தலாம் என்பதைப் பற்றி ஒரு சரியான முடிவுக்கு வந்தபின்னரே சர்க்கார் ஒரு சட்டத்தைத் தயார் செய்தது. ஆனால் இதனை எதிர்ப்பவர்கள் மடாதிபதிகள், கோயில் தர்மகர்த்தாக்கள்தான். அதிலும் பரம்பரை தர்மகர்த்தா என்று இருப்பவர்கள் இதைப் பலமாக எதிர்க்கின்றார்கள். அவர்கள் தான் இந்தச் சட்டம் செல்லுபடியாகாது என்று எதிர்த்து கோர்ட்டில் வழக்குக் கொடுத்தார்கள். நீதி மன்றமும் அரசியல் அமைப்புப்படி இது செல்லுபடியாகாது என்று தீர்ப்பு வழங்கியிருக்கிறது. அதனால் ஏற்பட்டிருக்கும் விளைவுகளைச் சமாளிக்கவே இன்றைக்குச் சர்க்கார் இந்தத் திருத்தத்தைக் கொண்டுவருகிறார்கள்.

“இதிலே முதலாவதாக நாம் எல்லோரும் வரவேற்க வேண்டிய அம்சம் என்னவென்றால் இப்பொழுது நம் மந்திரி சபையிலுள்ள ஹரிஜனப் பிரதிநிதியாகிய திருவாளர் பரமேஸ்வரன் அவர்களிடம் இந்த அறநிலைய பாதுகாப்பு இலாக்கா ஒப்படைக்கப்பட்டிருப்பதுதான். இதவே மிகவும் தீவிரமான, புரட்சிகரமான சீர்திருத்தம் என்று சொல்ல வேண்டியிருக்கிறது. இதேமாதிரியாகப் பல சீர்திருத்தங்களை கோயில்களிலும், மடங்களிலும் கொண்டுவந்தாகவேண்டுமென்று நாங்கள் விரும்புகிறோம். ஒரு வகுப்பைச் சேர்ந்தவர்களே இன்றைக்குக் கோயில்களில் பல பணி புரிந்து வருகிறார்கள். ஹிந்து மதத்தைச் சார்ந்த எந்த ஜாதியாராக இருந்தாலும் சரி, தகுதி உடையவர்களாக இருந்தால் அவர்களை கோயில் வேலைகளுக்கு நியமிக்க வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். அவர்கள் எல்லோரும் கோயில் களில் இடம் பெறுவதற்குத் தக்க வகையில் திருத்தங்கள் கொண்டுவரப்பட வேண்டுமென்பது எனது முக்கியமான அவாவாகும். சர்க்கார் ஓர் உன்னதமான எண்ணத்தை அடிப்படையாகக் கொண்டே இந்த மசோதாவைக் கொண்டு வந்திருப்பதால் இதன் கருத்துக்கு நாம் எல்லோரும் ஆதரவு அளிக்க வேண்டியது ரொம்பவும் அவசியமாகும். நான் முன்பே சொன்னேன், இதை எதிர்ப்பவர்கள் இரண்டே பேர்கள்தான் என்று, முதலாவதாக எதிர்ப்பவர்கள் தர்மகர்த்தாக்கள். தர்மகர்த்தாக்களிலும் இரண்டு வகையிருக்கிறது. பரம்பரை தர்மகர்த்தாக்கள் தான் இதற்கு ரொம்பவும் தீவிரமாக இடையூறு செய்து வருகிறார்கள். அடுத்ததாக மடாதிபதிகளும் இதற்கு எதிராக இருக்கிறார்கள். இன்றைக்கு அவர்கள் தான் இந்த தர்மஸ்தாபனங்களின் பணத்தை துர்விநியோகம் செய்து கொண்டிருப்பவர்கள். அவர்கள் செய்து கொண்டிருக்கும் அக்கிரமம், அட்டேயியமும் கணக்கு வழக்கில்லை. வந்து கொண்டிருக்கும் வருவாயைச் சரியாகக் கணக்கு வைப்பதே கிடையாது. குறிப்பாக அங்கு இருக்கும் அதிகாரிகளையும் தங்களுக்கு உடந்தையாக வைத்துக் கொண்டிருக்கிறார்கள். இதற்கு நான் பல உதாரணங்களைச் சொல்ல முடியும்.

“உடையார்பாளையம் தாலுகாவில் கள்ளக்குறிச்சி என்ற இடத்தில் ஆண்டுதோறும் திருவிழா நடக்கும். அக்கோவிலின் வருமானம் ஆண்டு தோறும் இரண்டு லட்சம் ரூபாய்க்கு மேல் வந்து கொண்டிருந்தது. ஆனால் இன்றைக்கு அங்குள்ள தர்மகர்த்தாக்களும், அதிகாரிகளும் சேர்ந்து கொண்டு வரும் வருவாயை ஒளித்துவிடுகிறார்கள். மொத்த வருமானமே 50 ஆயிரம் ரூபாய் தான் என்று சொல்லுகிறார்கள். ஏன் என்று கேட்டால், ‘மக்களுக்கு நாளுக்கு நாள் தெய்வ பக்தி குறைந்து கொண்டே போகின்றது. தெய்வ வழிபாட்டில் நம்பிக்கையும் குறைந்துவிட்டது. அதனால் தான் வருமானமும் குறைந்துவிட்டது.’ என்று சர்க்காருக்குப் பதில் எழுதி அனுப்பிவிடுகிறார்கள். உண்மையான நிலைமை இதுவல்ல. பணம் வந்து கொண்டே தான் இருக்கின்றது. ஆனால் இவர்கள் தான் அதை ஒளித்து, மறைந்துவிடுகிறார்கள். கணக்குகளைச் சரிவரக் காட்டுவதே கிடையாது. இதைச் சர்க்கார் கவனிக்கவேண்டும். இவர்கள் செய்யும் அக்கிரமம் நாளுக்கு நாள் அதிகரித்துக் கொண்டே போகின்றது. அதிகாரிகளும் இந்த தர்மகர்த்தாக்களுக்கு உடந்தையாக இருக்கிறார்கள். இவர்கள் பேரில் தகுந்த நடவடிக்கை எடுக்கவேண்டும். அதற்கு வேண்டிய திருத்தங்களையும் இந்தச் சட்டத்தில் செய்யவேண்டுமென்று நான் கேட்டுக் கொள்ளுகிறேன்.

[18th May 1954] [Sri K. R. Viswanathan]

“அதற்கடுத்தபடியாக உத்தியோகஸ்தர்களை நியமிக்கும்போது வீழ்வி, நாமம் முதலியன ஹிந்து மதச் சின்னங்களை அணிகிறவர்களையே அதிகாரிகளாகப் போடவேண்டுமென்று ஒரு சிலர் சொன்னார்கள். இப்படி செய்தால் உண்மையில் கடவுள் பக்தியற்றவர்களெல்லாம் இந்த வேஷத்தைப் போட்டுக் கொண்டு எல்லோரையும் ஏமாற்ற முடியும். இன்றைக்கு அதேமாதிரியாகத் தான் பலர் பிறரை ஏமாற்றிக்கொண்டிருக்கிறார்கள். மதத்தின் பெயரால் ஒருவர் மற்றொருவரை ஏமாற்ற நாம் அனுமதிக்கக் கூடாது. பெரும்பாலானவர்கள் வெளியில் தெய்வத்தின் பெயரைச் சொல்லி ஆஷாடபூதி வேஷம் போட்டு பிறரை ஏமாற்றுகிறார்களே தவிர உண்மையில் உள்ளத்தில் அவர்களுக்கு தெய்வத்தினிடம் நம்பிக்கையும் கிடையாது; பக்தியும் கிடையாது. ஆகவே உயர்ந்த ஜாதிகாரர்களைத்தான் நியமிக்கவேண்டுமென்பது இல்லாமல் எல்லோரையும் இதில் நியமிக்கலாமென்றும் சட்டத்தை திருத்த வேண்டுமென்றும் கேட்டுக்கொண்டு, இதைப் பொறுக்குக் கமிட்டிக்கு அனுப்புவதை நான் ஆதரிக்கிறேன்.”

SRI T. C. NARAYANAN NAMBIAR :—“ Mr. Speaker, Sir

MR. SPEAKER :—“ Let the hon. Member be brief. I want to call the Hon. Minister to reply after Mr. Narayanan Nambiar. Let the hon. Member finish his speech in two or three minutes.”

SRI T. C. NARAYANAN NAMBIAR :—“ Within five minutes, I will finish.

“ Mr. Speaker, Sir, I am grateful to you for granting me at least some time to make some observations regarding the present Bill. I want to submit that these temples and matams in our country (I know about these temples and matams in Malabar very intimately) were once places of purity, high thought, art and culture depicting our ancient glory and were the centres of our attention. But now they have become citadels of reaction. It is of course due to the bad management of these temples and matams by the concerned in the past, the Religious Endowments Act has entered into the field. I am not against control of these temples by Government. As a matter of fact I want that there should be some more control by Government. But that is not what is being done. In this connection I want to bring to the attention of the Hon. Minister about certain prominent defects which are prevalent in Malabar in regard to religious institutions. There are various Brahmaswoms and matams. Lakhs and lakhs of rupees are the income of these temples. In former days they were intended to give feasts and give ‘ootu’ or ‘unavu’ in Tamil to the poor. With the introduction of ration system, that system has been completely stopped. The income of these temples are not at all utilized for the feeding of the poor, I would request the Hon. Minister in charge of Religious Endowments to seriously consider what I had stated and see to it that the large incomes from these temples are used for the benefit of the large mass of poor people.

“ There is a matam called the ‘Nayar matam’ in Tellicherry municipality. It has got properties in North Malabar. The matam owns about several estates. Its income ranges over several

[Sri T. C. Narayanan Nambiar] [18th May 1954]

lakhs of rupees. It was an endowment of the Moyon Nayar family. It has been the aim of the founder Nayar that the revenue derived from the properties and estates of this matam should be spent for the advancement of education and to help the poor. Thousands of tenants are working in the estates belonging to the matam. But I am sorry to note that the income derived from the estates and properties of the matam are not spent for the advancement of education or for the uplift of poor. Memoranda and representations have been made to Government in this respect. The people of Cherrukunnu want a hospital to be run with Moyan's endowments.

"There is a temple in Kottakkal in the palace of the Zamorin. Even today non-caste people are not allowed to worship in that temple. In 1949 there was a case about this. But the High Court has held that it is a private temple. Actually it is not so. I know artificial documents have been made to show that the temple is a private one. All these things will have to be looked into. I want the Hon. Minister to look into this. There is the Kottakkal Palace school run with the finances of the temples. Even today I know that not a single depressed class student, Harijan or Thiyya is admitted into that school. That is the sorry state of affairs. When I enquired into the matter last month, I have found the above fact. I would earnestly request the Hon. Minister to look into all these matters and see to it that the temples in our State which were once a place of sacred and high thought and places of art and culture, are properly safeguarded and income derived from these temples used for the benefit of the poor and for the advancement of education. Thank you, Sir."

THE HON. SRI B. PARAMESWARAN :—"I am very glad that almost all the hon. Members who took part in this discussion supported the motion for referring this Bill to a Select Committee. The points referred to by some hon. Members are in fact covered by some clauses of the present Bill. Mr. K. T. Raju of all other hon. Members seem to have worshipped God more. I am reminded in this connection of a saint who attained 'mukthi' by constantly indulging in abuses against God. It is said he attained 'mukthi' because in spite of his abusing God, he was constantly thinking of God. (Laughter.)

"Mr. K. T. Raju made some other suggestions which I think it will be possible for the Select Committee to consider. That apart he indulged in some cheap jibes. That would gradually make him a saint. That is what I believe. He may gradually become a worshipper of God. I am not interested in what manner he should follow or worship God. But if only he gradually takes to worshipping God in the manner he himself has stated, he may become a saint.

"Mr. Narayana Kurup wanted that the Bill should be a comprehensive one covering all the sections besides the ones declared invalid by the High Court and the Supreme Court. Sir, this is

18th May 1954] [Sri B. Parameswaran]

only an emergency measure. This is only to remedy the defects and keep the administration going on, it has been decided by the Government that the Act should be amended in conformity with the provisions of the Constitution.

"Sri K. R. Viswanathan and Sri Nallaswami pointed out certain defects in the administration. I will look into them and the Select Committee also will look into them.

"With regard to the points raised by Sri Ratnam, most of them seem to be impracticable. I shall consider such of those points as are really constructive. But I can give him this assurance that the interests of the Harijans will be sufficiently safeguarded.

"I do not think there is anything else to be said except that all the points raised by the hon. Members will be taken into consideration when the Select Committee sits."

MR. SPEAKER :—"When will the Hon. Minister give the list of names of the Members of this House who will be on the Select Committee? Is it after getting the concurrence of the Legislative Council to this motion?"

THE HON. SRI B. PARAMESWARAN :—"Yes, Sir."

MR. SPEAKER :—"The question is—

"That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 23 members (15 members of the Assembly and eight Members of the Council) to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954, and that the following members of this House be selected to serve on such a Joint Select Committee :—

(List of names to be furnished after the concurrence of the Council is obtained)."

The motion was put and carried.

THE MADRAS PAYMENT OF SALARIES AND REMOV
OF DISQUALIFICATIONS (AMENDMENT) BILL, 1954
(L.A. BILL No. 24 OF 1954)

18th May 1954] [Sri C. Subramaniam]

" This is a very simple Bill. Certain doubts were expressed with reference to persons joining the Territorial Army and the National Cadet Corps in view of certain allowances being paid to them. It has been said that persons joining the Territorial Army and the National Cadet Corps receiving the allowances will become disqualified from being a Member or being chosen as a Member of the Legislature. In order to remove the difficulty and to enable even Members of the Legislature to join the Territorial Force and the National Cadet Corps we have brought forward this measure on the suggestion of the Government of India. I hope it will have the unanimous support of this House including that of the hon. the Deputy Leader of the Opposition, which he has already promised."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954 (L.A. Bill No. 24 of 1954), as passed by the Assembly, be taken into consideration.' "

DR. V. K. JOHN :—" Mr. Chairman, Sir, may I implement my promise to support this Bill? I strongly support this Bill."

SRI G. KRISHNAMURTHI :—" I welcome this Bill but I would like to have some clarification from the Hon. Minister in charge of the Bill. I want to know how exactly the Territorial Army differs from the National Cadet Corps, whether by passing this Bill all the hon. Members of this House will be eligible to join the Territorial Army or the National Cadet Corps, whether there is any medical examination with regard to height, weight and other things, and whether there is any age restriction."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, Sir, with reference to the points raised by the hon. Member Sri G. Krishnamurthi I shall pass on to him the Acts concerning the establishment of the National Cadet Corps and the Territorial Army. I would request him to go through the provisions of those Acts, and I am sure he will get enlightenment there. Sir, I am thankful to the hon. the Deputy Leader of the Opposition, Dr. John, for having given his support at least to this measure. I hope this will be the starting point for his support of many other measures to be brought in by the Government."

DR. V. K. JOHN :—" Sir, I support all good measures."

MR. CHAIRMAN :—" The question is—

' That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954 (L.A. Bill No. 24 of 1954), as passed by the Assembly, be taken into consideration.' "

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

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

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 18th May 1954.

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

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THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1954 L.A. BILL NO. 24 OF 1954)

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

' That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1954 (L.A. Bill No. 24 of 1954), as passed by the Assembly, be taken into consideration.'

[18th May 1954]

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

*'That the Madras Payment of Salaries and Removal of
Disqualifications (Amendment) Bill, 1954 (L.A. Bill No. 24
of 1954), as passed by the Assembly, be passed into law.'*"

MR. CHAIRMAN :—" The question is—

*'That the Madras Payment of Salaries and Removal of
Disqualifications (Amendment) Bill, 1954 (L.A. Bill No. 24 of
1954), as passed by the Assembly, be passed into law.'*"

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

18th May 1954]

APPENDIX.

[Vide item on page 240 supra.]

L.A. BILL No. 24 OF 1954.

(As passed by the Assembly.)

*A Bill further to amend the Madras Payment of Salaries and
Removal of Disqualifications Act, 1951.*

WHEREAS it is expedient further to amend the Madras Payment of Salaries and Removal of Disqualifications Act, 1951 (Madras Act XX of 1951), for the purpose hereinafter appearing :

BE it enacted in the Fifth Year of our Republic as follows :—

1. *Short title.*—This Act may be called the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1954.

2. *Amendment of section 11, Madras Act XX of 1951.*—In section 11 of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951 (Madras Act XX of 1951), for the words " and receives the emoluments in respect thereof ", the following shall be substituted, namely :—

" or that he has been enrolled in the National Cadet Corps constituted under the National Cadet Corps Act, 1948 (Central Act XXXI of 1948), or in the Territorial Army under the provisions of the Territorial Army Act, 1948 (Central Act LVI of 1948), and receives emoluments consequent thereon."

THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 1954
(L.A. BILL No. 27 OF 1954)

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 18th May 1954.

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

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 1954 (L.A. BILL NO. 27 OF 1954).

THE HON. SRI B. PARAMESWARAN :—“ Mr. Chairman, Sir, I beg to move—

That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 23 Members (15 Members of the Assembly and 8 Members of the Council) to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri M. Bhaktavatsalam.
- 2 Sri T. G. Krishnamurthi.
- 3 Sri K. Bhashyam.
- 4 Sri C. Maruthavanam Pillai.
- 5 Sri T. Purushotham.
- 6 Sri K. Balasubramanya Ayyar.
- 7 Sri T. M. Narayanaswamy Pillai.
- 8 Sri M. P. Govinda Menon.’ ”

MR. CHAIRMAN :—“ Motion moved—

That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 23 Members (15 Members of the Assembly and 8 Members of the Council) to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri M. Bhaktavatsalam.
- 2 Sri T. G. Krishnamurthi.
- 3 Sri K. Bhashyam.
- 4 Sri C. Maruthavanam Pillai.
- 5 Sri T. Purushotham.
- 6 Sri K. Balasubramanya Ayyar.
- 7 Sri T. M. Narayanaswamy Pillai.
- 8 Sri M. P. Govinda Menon.’ ”

18th May 1954]

SRI K. BASHYAM :—“ Mr. Chairman, Sir, I may be permitted to say a few words on this Hindu Religious and Charitable Endowments (Amendment) Bill, 1954, which has been placed before this House. I may state, in the first instance, that when the original Act was being considered by the Legislative Assembly, Sri T. Viswanatham and myself raised many a point regarding the constitutionality or otherwise of some of the provisions of that Act. I think we were right in our contention regarding these provisions, because they have now been declared to be unconstitutional. I am glad that the Government have come forward with this measure for the purpose of rectifying these mistakes which they could have rectified on the last occasion itself. Now that they have come forward with this Amendment Bill, I would ask the Government as I did on the last occasion, not to mix up ordinary temples with the mutts which are really governed by a different set of principles and rules. I think it would have been better if a separate legislation had been brought forward for dealing only with mutts. It would be easier for the department concerned also to deal with the mutts. This was my view which I pressed upon the then Government for consideration. Apart from this, there is also the question whether the various provisions in this Amendment Bill do really carry out the intentions of the Supreme Court. Anyhow, I am glad the Government have come forward with this Bill, and we will be going through it very carefully in the Joint Select Committee, and I think we will be able to forge a measure which will be beneficial to the country at large and also avoid the pitfalls of unconstitution-
alism.”

DR. V. K. JOHN :—“ Sir, I support this motion.”

SRI G. KRISHNAMURTHI :—“ Mr. Chairman, Sir, I beg to place the following points for the kind consideration of the Joint Select Committee that is going to be formed. Now, as expressed by the previous speaker, the hon. Member Sri K. Bhashyam, mutts stand on quite a different footing from temples. Temples are places where collections of various kinds are made from the public, perhaps on account of the attraction of the idol or on account of the sanctity attached to those places. Mutts stand on a different footing. They depend more on the personality at the head of the mutt. Now, are we not affecting the feelings of the personality at the head of the mutt, and more so the feelings of the people who have great respect for that personality? This is a matter completely pertaining to a particular religion and somehow or other this secular Government have thought it fit to interfere in this matter. The head of the mutt is just like an Incarnation of God. This legislation goes to the extent of framing sections providing for the removal of the head of the mutt if some of his attitudes are thought questionable. I do not know who are going to question the attitude of these heads of mutts, if they are not the public. So, an ordinary layman is to be vested with this power through a particular section of an Act of the Legislature which is now under contemplation. He is to question the attitude or the policy of the head of a mutt who has been held in esteem all these years

[Sri G. Krishnamurthi] [18th May 1954]

and who has been considered for thousands and thousands of years as God Incarnate. This is just the position under the proposed legislation. Does it not affect the feelings of so many men who attach great weight to the personality at the head of the mutt? "

MR. CHAIRMAN :—" The hon. Member can discuss all these when the Bill actually comes before this House. Let the hon. Member be more brief."

SRI G. KRISHNAMURTHI :—" Sir, I would just like the hon. Members of the Joint Select Committee to go into this question, whether the mutts stand on a par with temples or whether they differ from the temples in that there is a person in flesh and blood at the head of the mutt who is considered as God Incarnate. In the case of a temple it is quite different, because the people may or may not have faith in the idol. Whether by just bringing in a clause whereby we attempt to judge the attitude and policy of the head of a mutt, it will not affect the feelings of so many people who have great personal regard for the head of the mutt, is a point which should be mainly considered by the Joint Select Committee."

MR. CHAIRMAN :—" The question is—

'That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 23 Members (15 Members of the Assembly and 8 Members of the Council) to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri M. Bhaktavatsalam.
- 2 Sri T. G. Krishnamurthi.
- 3 Sri K. Bhashyam.
- 4 Sri C. Maruthavanam Pillai.
- 5 Sri T. Purushotham.
- 6 Sri K. Balasubramanya Ayyar.
- 7 Sri T. M. Narayanaswamy Pillai.
- 8 Sri M. P. Govinda Menon."

The motion was carried.

MR. CHAIRMAN :—" The House will now adjourn *sine die*."

The House then adjourned *sine die*.

